

## Premises and buildings

Under the *Education Act 1990*, the premises and buildings of a registered non-government school must be satisfactory.

The *NSW Registered and Accredited Individual Non-government Schools Manual* (the Manual) details the evidence of compliance required by NESA.

### Who do the requirements apply to and when?

NESA requires all non-government schools to maintain evidence that their school premises and buildings comply with all relevant legislative requirements.

Schools seeking initial registration, or registered schools seeking to move site or open a new campus, need to demonstrate that any proposed premises are satisfactory. The premises are assessed by NESA during the application or notification process.

If there is a dispute about a building's safety or appropriateness, the NCC is used as the reference.

Therefore, proprietors and principals of schools with older buildings should refer to local government requirements to identify and ensure compliance with the relevant sections of the NCC.

The NCC classifications for schools are:

- Class 9b – school buildings
- Class 3 – boarding accommodation.

### What are the requirements?

School premises and buildings must comply with:

- relevant council and government requirements
- work health and safety legislation
- environmental and land use guidelines
- the building standards.

### What evidence does a school need to provide?

NESA may request evidence that includes some or all of the following:

- Development application (DA) approval to use the site as a school
- Complying development certification where appropriate (this can only be carried out within the boundaries of an existing school for a small development)
- Occupation certificates for the premises if the school wishes to use or occupy a new building or there is a change of use. Occupation certificates are issued by the local council or a private certifier. Staged occupation may be permitted.

### What are the building standards?

Buildings must meet the standards in force at the time building approval was granted. Since 1997, this was the Building Code of Australia (BCA), now known as the National Construction Code (NCC). The codes contain technical provisions for the design and construction of buildings and other structures.

## What conditions might there be on land use or school operations?

- Numbers of students/staff on site at any one time
- Hours of operation
- Use as a primary school or secondary school only
- Approval for a trial period only eg 12 months
- Traffic restrictions.

The DA or other approval will clearly state any conditions on the use of the site. Inspectors will review the DA to check compliance with any conditions prior to approving any changes to the operation of the school.

## What other information do schools need to know?

Schools must refer to the [Manual](#) for the registration requirements and evidence of compliance for premises and buildings and for facilities.

These requirements also relate to:

- monitoring the current standard and state of repair of premises, buildings and facilities
- annual Fire Safety Statements
- the requirements of the *Disability Discrimination Act 1992*.

## Which other agencies can schools contact for advice?

Fire Safety Statements must be issued each year and include all the essential fire safety measures for each building. Contact [Service NSW](#) for more information.

The Department of Planning and Environment has information about [Complying Development](#) approval by a Council or an accredited private certifier and the Education State Environment and Planning Policy ([SEPP](#)) process. Schools should contact the Department directly for any planning or approval advice.

The Department of Planning and Environment also has a fact sheet on [Occupation Certificates](#).

## How long might it take for NESA's approval of school sites or site changes?

A school cannot commence using a new site prior to NESA approval.

Schools are required to notify NESA:

- 3 months prior to relocating the school to a new site
- 3 months prior to commencing use of a new campus.

Notifications should only be made once the required approvals from councils or certifiers have been obtained and the documentation can be uploaded to [RANGS Online](#).

NESA cannot register a site if these approvals are not available.

The 3-month period allows time for NESA to inspect the site and make a recommendation to the Committee and the Minister to register the site.

NESA issues a new certificate to the school once the Minister has approved the registration of a site or new campus.