

# 7 THINGS TO KNOW BEFORE LEASING OR RENOVATING A TRAINING FACILITY

SIMPLE TIPS TO SAVE YOUR ORGANISATION  
**\$100,000's** AND **WEEKS** OF WASTED TIME



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# Setting the scene: The special criteria underpinning education/training facility fitouts

In Australia, education and training facilities are required to operate in premises that meet more strict “classification of use” criteria than standard commercial facilities. This special criteria is outlined in a section of the National Construction Code (NCC) known as ‘Class 9b’.

It is important for education providers who are looking to renovate or move premises to become familiar with the basic requirements of 9b, in order to avoid the penalties associated with non-compliance (such as closure of your training facility, or costly compliance upgrades).

As the legislation itself can be a little overwhelming, this guide has been designed to help you familiarise yourself with the basic requirements and implications of 9b, without getting bogged down in the details and technicalities.

Please note that this guide is designed to provide a simplistic, quick-access interpretation of the nuances of Australian building regulations pertaining to education and training facilities. No guarantees are made as to the comprehensiveness or accuracy of the information, and we recommend that you read this in conjunction with the Building Code of Australia and in consultation with an appropriate expert in the field.

## What does Class 9b classification mean?

Class 9b allows for a higher volume of occupants per square metre than the average commercial tenancy (which generally falls under Class 5), as well as a higher number of “visitors” who are unfamiliar with the layout of the premises. It applies to both Education and Entertainment Venues and facilities.

Class 9b’s stringent requirements primarily relate to exit/emergency infrastructure, lighting, fire detection and suppression services and egress from the premises. The criteria are geared towards keeping a high number of occupants and visitors safe whilst on the premises, and efficiently and safely evacuating them in the event of an emergency.

## How is Class 9b enforced?

In most States, the Governing bodies that run both public and private education institutions require copies of a document called an “Occupation Certificate”. This Certificate demonstrates that the fitout in the tenancy is compliant with the BCA and Australian Standards. It also proves that the class of use is correct for an education facility – or in other words, that the fitout complies with Class 9b.

If a copy of the complying Occupational Certificate cannot be provided, the organisation will fail certification and could be forced to cease operations.

Please note that each State and Territory operates slightly differently and may use different terminology. The information in this guide is based on the legislation of one of the more stringent states, New South Wales (NSW).

## Abbreviations (NSW terminology)

DA – Development Agreement  
CC – Construction Certificate  
CDC – Complying Development Certificate  
NCC – National Construction Code  
OC – Occupational Certificate

# 7 things to know before leasing or renovating a training facility

When looking for a new education/ training facility, a basic understanding of the intricacies of premises selection can make a big difference to your bottom line.

Follow these 7 tips and you could save your organisation \$100,000's of dollars and weeks of wasted groundwork.

## 1 Confirm the current 'Class of Use'

Think you've found the ideal premises? Don't go any further without confirming the premises' existing class of use. You can do this by obtaining a copy of the previous tenant's DA/CC/OC, and checking the 'approved use' stated on the first page.

If the current class of use is 9b... Congratulations! You have negotiated a major hurdle in the approval process and saved your organisation a great deal of time and resources.

**IMPORTANT NOTE:** Just because the previous tenant was an education facility, does not mean the current approved use is 9b. For a long time, many education organisations moved into office buildings and undertook fit outs without the correct approvals. Make sure you obtain copies of the previous CC/OC to confirm the current approval. Otherwise, you will need to be prepared to submit a Development Agreement (DA) for "Change of Use" and pay all associated costs.

## 2 DA or CDC

Particularly in NSW, just because you have the correct building classification, does not mean you can undertake the project approval process as a Complying Development Certificate (CDC), which is generally preferable to a DA. There are many restrictions that need to be avoided to qualify as a CDC project such as is it a Heritage Building or is it located near critical habitats, etc. If it is one of these items, it cannot be done as a CDC and will need to be lodged with Council as a DA.

Please note that this differs for each state and needs to be advised on a case-by-case basis.

All these different restrictions can be difficult to confirm, however you can make an application to the local council for what is called a Section 149. Council will then provide you with a document confirming if the building qualifies for a CDC or not. Generally this application can be done on line at a small cost and you will have your answer in a couple of days. So if you have confirmation that your premises are class 9b and you have a section 149 confirming you can do a CDC, you have saved yourself a lot of time and potential costly base building infrastructure upgrades.

### 3 Check the Fire Safety Statement & Standards

When investigating new premises, get your hands on a copy of its Annual Fire Safety Statement (AFSS).

The AFSS is a document that all commercial buildings are required to have on display in a public place i.e. the entry lobby. This document lists all the essential fire services in the building and the standards they were installed to.

A qualified Fire Protection Provider must update the AFSS every year. The provider must perform a full audit of the listed services and confirm they are currently working and compliant with the Code/Standard they were installed to. This is mandatory to ensure the existing services are maintained and continue to provide adequate protection for the building and its occupants.

When undertaking new works, it is important to ensure that your contractors modify the services listed on the AFSS. Listed services must be updated to reflect the new premises layout and infrastructure, and to comply with the BCA and Australian Standards noted on the Statement.

Generally, you are not required to "upgrade" the service to the current standard from the pre-existing standard, unless specifically requested under the DA or if your project involves a "Change of Use". In this case, you are required to install to the current standard but only in the area of the new works.

### 4 Check for Pre-Existing 'Alternative [Fire] Solutions'

The Annual Fire Safety Statement (AFSS) should identify if any 'alternative solutions' are in operation on the premises. If so, you will need to allocate funds to cover a review by the original Fire Engineering Company in order to confirm your plans do not impact on the alternative solution.

If your plans do impact the alternative solution, you will need to cover the additional costs of having the solution re-assessed to suite the new works. It is worthwhile knowing this upfront, so you can factor it into the budget or adjust your plans accordingly.

### 5 Change of use? Raise your standards

If you are submitting a construction works DA that includes a "change of use", it is important to be aware that this could very well trigger a mandatory upgrade of the existing fire safety provisions in the area of works. These would include hydrants, sprinklers, smoke hazard management, etc. – and they would all need to be upgraded in the area of the new fitout in order to meet the latest standards. This is one of the reasons it's so important to get hold of the AFSS early on, to confirm what essential services are installed and to what standard. Your fitout contractor can then provide you with an accurate costing from the outset.

## 6 Watch out for forced upgrades to the entire building

The BCA and Australian Standards are constantly being upgraded. This means that, over a period of time, most buildings become "out of date" and no longer comply with the current standards or measures. This is usually fine, as - under normal circumstances - any new fitout works only need to meet the "installed" standard as identified on the AFSS (as opposed to the current standards). This prevents building owners from having to constantly upgrade.

However, it's important to be aware that council will look for opportunities to force a building owner to update base building services and infrastructure and bring them in-line with the latest standards. Events that can trigger a full building BCA upgrade can include:

- Lodgement of a 'Change of Use' DA.
- Commencement of a new fitout comprising over 50% of the building.
- Commencement of multiple fitouts within a 3-year period, the sum of which comprises over 50% of the building.

If you don't have a lease that is conditional on the DA or a clause that makes any base building upgrade works the building owner's responsibility, not only will you be responsible for your fit out works, but also the upgrade work for the ENTIRE building. This can lead to major unexpected outlays in infrastructure such as sprinklers, fire hydrants, smoke detection, EWIS, disabled access, lifts and accessible toilet facilities, to name only a few.

## 7 Know your student numbers

Student numbers are a vital consideration for education facilities embarking on a premises upgrade or overhaul, particularly when calculating Return on Investment.

Class 9b allows for a considerably higher ratio of occupants per square meter, so it is critical to understand the key factors in determining maximum numbers per floor.

**1) Fire Stairs.** The number and width of the fire stairs in your new building is the first factor in determining numbers per floor. This can be limiting from the outset, as adding new fire stairs is generally very difficult. In a class 9b facility, one fire stair equals a maximum number (for that floor) of only 50 staff and students. The size of the floor does not matter here, i.e. 1 x fire stair = 50 occupants. The good news though, is that with every additional fire stair, occupancy limits increase by 100, i.e. 2 x fire stairs = approx. 200, 3 x fire stairs = approx. 300, etc. This is worth investigating as soon as you find premises for consideration. Please note that travel distances can also have an impact on the number of required exits.

**2) Toilet facilities.** The number of toilets affects the number of occupants allowed per floor. The BCA provides a table listing the occupants allowed, based on the number of pans, hand basins and urinals. It is advisable to confirm the numbers allowed based on the existing conditions, including any disabled facilities etc., to gauge the need for additional amenities as part of the new fitout.

## A last word...

Thank you for your interest in our report "7 Things To Know Before Leasing Or Renovating A Training Facility" and I hope you found it helpful.

With a little extra knowledge, expert advice and planning, specific to the education/training industry, it is possible to streamline the process, therefore saving your organisation hundreds of thousands of dollars and months of time.

Education Interiors is available to assist you with all that and much more, partnering with you through construction to completion of your fitout project.

So, if you've found a premises or have plans to renovate your existing facility, contact us now on:

**+61 2 9906 6523**

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We look forward to working with you to create the ideal learning and working environment for your students and staff.

Chris Green  
CEO – Education Interiors

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