

Application for concurrence

Made under provisions of the State Environmental Planning Policy (Education Establishments and Childcare Facilities) 2017.

Note: Services will still have to apply separately to the NSW Department of Education for service approval after the facility has been constructed.

Purpose

This document is designed to guide council officers on the information and documents required by the Department of Education when assessing concurrence applications.

Scope

The concurrence process allows the Department of Education to provide input on the design and plans of DA applications which do not comply with regulation 107 and/or regulation 108 of the Education and Care Services National Regulations. While the concurrence scope is regulation 107 and 108, other regulations and matters (e.g. natural light and ventilation, fencing, supervision) will have an effect on the use of these spaces and whether they are suitable.

Required information

Name of the service:

Address of the service:

Proposed maximum number of children:

DA reference number:

Council contact name/s and number/s:

Application type:

Fee required:

Statement confirming reason for concurrence:

Document checklist

- Architectural Plans indicating:**
 - The total indoor and outdoor unencumbered spaces on a site plan.
 - Location and total unencumbered area of Simulated Play Space areas (if proposed).
 - If simulated play area is proposed, the materials of the fencing, ceilings (skylights), walls, floors and types of windows (louvres, fixed etc.).
 - Elevations showing windows and building openings.
- Marked up plans from Council indicating the areas of space that are in dispute.**
- Landscape plans showing plantings and all other landscaping features.**
- A statement of environmental effects.**

Specific details required

Requirement	Supporting documentation/information	Complies Yes/No	Provide the required details and describe how the proposed development meets, or does not meet, the requirement
<p>1. Exceptional Circumstances</p> <p>The proposed development will only be approved with simulated space in place of the required indoor or outdoor calculations under exceptional circumstances.</p> <p><i>Note: The simulated area can only be counted once, as either indoor OR outdoor space.</i></p>	<p>Please indicate the reason for exceptional circumstances, e.g. CBD Location, heritage listed site etc.</p> <div style="border: 1px solid black; height: 100px; width: 100%;"></div>	<input type="checkbox"/>	<div style="border: 1px solid black; height: 100%; width: 100%;"></div>
<p>2. Unencumbered indoor space</p> <p>The proposed development includes at least 3.25 square meters of unencumbered indoor space for each child.</p> <p><i>Refer to regulation 107 of the Education and Care Services National Regulations for further information.</i></p>	<p>The following information needs to be provided:</p> <p>Number of children:</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <p>Required area (sqm):</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <p>Provided area (sqm):</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<input type="checkbox"/>	<div style="border: 1px solid black; height: 100%; width: 100%;"></div>

3. Unencumbered outdoor space

The proposed development includes at least 7.0 square meters of unencumbered outdoor space for each child.

Refer to regulation 108 of the Education and Care Services National Regulation for further information on calculating outdoor space, and for different requirements for out of school hours care services.

The following information needs to be provided:

Number of children:

Required area (sqm):

Provided area (sqm):

4. Ventilation and natural light

The proposed development includes indoor spaces to be used by children that:

- a) will be well ventilated; and
- b) will have adequate natural light; and
- c) will be maintained at a temperature that ensures the safety and wellbeing of children.

Plans and elevations must show how natural ventilation and lighting is achieved. E.g. aircon, windows, louvres. Also, indicate the materials of roof, walls and voids where there is simulated outdoor space.

5. Simulated space

The proposed development includes suitable environments for both indoor and outdoor experiences. Suitable simulated outdoor spaces that will allow children to explore and experience the natural environment and develop gross motor skills. Suitable indoor spaces that adequately protect children from the elements and support them to engage in suitable indoor activities.

Indicate the simulated area on the plans. Provide a list of any relevant natural features such as sandpit, plants, trees, bark, wooden climbing feature, ladder. Provide details of the room materials and fixtures such as skylights, ceilings, wall materials, louvres, blinds, flooring, windows.

Required outdoor area (sqm):

Provided actual outdoor area (sqm):

Provided simulated outdoor area (sqm):

Required indoor area (sqm):

Provided actual indoor area (sqm):

Provided simulated indoor area (sqm):

6. Fencing or barriers, including those that enclose the outdoor space

Outdoor space that will be used by children will be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.

Note: This clause does not apply to a centre-based service primarily for children over preschool age or a family day care residence or venue for over preschool age.

Plans show the height, material and style of the fencing or barrier.

7. Outdoor space - shade

The proposed development includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.

Indicate shade on landscape plans.

E.g. shaded areas from trees, shade sails, undercover areas.

8. Premises designed to facilitate supervision

The proposed development (including toilets and nappy change facilities) are designed in a way that facilitates supervision of children at all times, having regard to the need to maintain the right and dignity of children.

Indicate on floor plans.

9. Landscape details

Plans showing planting and other landscape features.

Indicate on landscape plans.

10. Areas of dispute

Include any information where the Council disputes aspects of the submitted plans, such as calculations of unencumbered space.

Indicate areas on the floor and/or landscape plans.

Please outline any areas of dispute below:

National Regulation 107 Space requirements - indoor space

1. This regulation does not apply in respect of a family day care residence.
2. The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 3.25 square metres of unencumbered indoor space.
Penalty: \$2000.
3. In calculating the area of unencumbered indoor space--
 - (a) the following areas are to be excluded--
 - (i) any passageway or thoroughfare (including door swings);
 - (ii) any toilet and hygiene facilities;
 - (iii) any nappy changing area or area for preparing bottles;
 - (iv) any area permanently set aside for the use or storage of cots;
 - (v) any area permanently set aside for storage;
 - (vi) any area or room for staff or administration;
 - (vii) any other space that is not suitable for children;
 - (b) the area of a kitchen is to be excluded, unless the kitchen is primarily to be used by children as part of an educational program provided by the service.
4. The area of a verandah may be included in calculating the area of indoor space only with the written approval of the Regulatory Authority.
5. A verandah that is included in calculating the area of outdoor space cannot be included in calculating the area of indoor space.
6. In this regulation a reference to a child does not include--
 - (a) a child being educated or cared for in an emergency in the circumstances set out in regulation 123(5); or
 - (b) an additional child being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6).

National Regulation 108 Space requirements - outdoor space

1. This regulation does not apply in respect of a family day care residence.
2. The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 7 square metres of unencumbered outdoor space.
Penalty: \$2000.
3. In calculating the area of unencumbered outdoor space required, the following areas are to be excluded--
 - (a) any pathway or thoroughfare, except where used by children as part of the education and care program;
 - (b) any car parking area;
 - (c) any storage shed or other storage area;
 - (d) any other space that is not suitable for children.
4. A verandah that is included in calculating the area of indoor space cannot be included in calculating the area of outdoor space.
5. An area of unencumbered indoor space may be included in calculating the outdoor space of a service that provides education and care to children over preschool age if--
 - (a) the Regulatory Authority has given written approval; and
 - (b) that indoor space has not been included in calculating the indoor space under regulation 107.
6. In this regulation a reference to a child does not include--
 - (a) a child being educated or cared for in an emergency in the circumstances set out in regulation 123(5); or
 - (b) an additional child being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6).