

Before and After School Care (BASC) | Existing services application guide

When to use this guide

This guide is intended to assist existing outside of school hours care (OSHC) services, that provide education and care for children over preschool age, apply for the following:

- service waiver from indoor space requirements per regulation 107; and/or;
- increase the maximum number of children that can attend the service at any one time.

Services that do not yet have approval to operate, should use the 'Application for Service Approval - Centre-Based' guide.

The Department of Education's Early Childhood Education Directorate is the Regulatory Authority for early childhood education in New South Wales. The Regulatory Authority is working hard to fulfil its part in the NSW Government's \$120 million commitment to expand access to before and after school care for primary school children.

Applying for an increase to the maximum number of children

An approved provider may apply to the Regulatory Authority for an increase to the maximum number of children the service can educate and care for at any one time. The maximum number of children is determined by the Regulatory Authority by considering the health, safety and wellbeing of children, and the amount of unencumbered indoor and outdoor space available at the service.

Applying for an indoor space waiver

In addition to an application to increase the maximum number of children, services in areas with high demand for additional BASC places may also apply for a waiver to reduce the amount of indoor space required per child. Indoor space requirements are set out in regulation 107, which states that the approved provider 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. A waiver will only be considered in respect to children that are over preschool age.

It is up to the applicant to specify the proposed maximum number of children and to demonstrate how much unencumbered indoor space the service has. The Regulatory Authority will determine if the available indoor area is suitable to cater for the proposed number of children.

Outdoor space requirements

Special consideration may also be given to services that do not have the required amount of outdoor space. Outdoor space requirements are set out in regulation 108, which states that the approved provider 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. Contact the Regulatory Authority to discuss other ways to comply with outdoor space requirements.

Supporting documentation

Applicants must provide the Regulatory Authority with a range of documentation to support their application. Section 295 of the National Law states a person must not give the Regulatory Authority any information or document that the person knows is false or misleading. All information and documentation supplied must be current and accurate. The Regulatory Authority performs searches to verify information that has been provided.

An application must include all of the documentation listed in the table below. The table includes prescribed information set out in regulation 34 of the National Regulations. This list is not exhaustive and the Regulatory Authority may ask an applicant to provide any further information that is reasonably required for the purpose of assessing the application, per section 54 of the National Law.

Document	Notes
SA03 Application for Amendment of Service Approval	This form must be submitted electronically through the National Quality Agenda IT System (NQA ITS) portal . Select 'increase the maximum number of children' as the amendment type.
SA08 Application for Service Waiver	Applicants intending to apply for an indoor waiver must also submit an SA08 form through the NQA ITS portal. Select 'regulation 107' as the requirement to be waived. There is a waiver application fee which is subject to inflation. As at 2019, the waiver fee is \$111.
Unmet demand	If applying for the service waiver, the application must include proof of unmet demand for before and after school care in the local community. Evidence may include copy of the service's waitlist, letters of support from parents and/or the school principal.
Site plans and unencumbered calculations prepared by a building practitioner	The application must include a copy of plans and unencumbered calculations prepared or certified by a building practitioner. For services located within government school sites , plans that have been prepared by the Department's Asset Management Unit (AMU) will also be accepted. The plans must accurately reflect the current layout and structure of the service per regulation 25(1)(b) and the location of the services indoor and outdoor play space must be clearly indicated (include both existing and new areas). The calculations must refer to all unencumbered indoor and outdoor areas as shown on the plans. Both the plans and calculations must contain the building practitioner's full name and licence/registration/accreditation details for verification by the Regulatory Authority. A building practitioner is defined under regulation 4 . Before engaging a building practitioner, applicants should check their registration or accreditation with the appropriate body: <ul style="list-style-type: none"> • Architects – Refer to Architects Accreditation Council of Australia • Landscape architects – Refer to Australian Institute of Landscape Architects • Building designers – Refer to Building Designers Association of Australia • Surveyors (NSW) – Refer to NSW Board of Surveying and Spatial Information • Private certifiers (NSW) – Refer to NSW Building Professionals Board
Letter from principal registered non-government school sites only	If the service is located within a non-government school , the application must include a signed and dated letter from the school principal supporting the proposed increase and listing all indoor and outdoor areas the approved provider has permission to use for the OSHC service.

Additional documents required for non-school sites or renovated services

Services that are located on a non-school site must also provide the below documents. Please note these documents are generally not required for school sites. However, the Regulatory Authority may request this evidence if parts of the school that are occupied by the service have undergone significant structural alterations.

Document	Notes
<p>Development consent (planning permit)</p>	<p>The application must include one of the following:</p> <ul style="list-style-type: none"> • If any structural changes have been made to the service premises; a copy of the development/modification consent that was required under the NSW Environmental Planning and Assessment Act to make these changes OR; if consent was not required to make the changes, a signed and dated letter from the local council confirming this information. • If structural changes have <u>not</u> been made to the service premises; a copy of the original development consent that was required under the NSW Environmental Planning and Assessment Act OR; if consent was not required, a signed and dated letter from the local council confirming this information. <p>If the development consent indicates a maximum number of children for the service, this must match the proposed increase.</p>
<p>Building compliance certification</p>	<p>If development/modification consent was required to make changes to the premises, the Regulatory Authority requires documentation issued or given in respect of the final construction and fit out of the premises per regulation 25(1)(g)(i), being one of the following:</p> <ul style="list-style-type: none"> • A copy of any occupancy permit • Certificate of final inspection • Building certificate • Certificate of classification • Building surveyor’s statement. <p>A final occupation certificate would fulfil this requirement. If engaging a private certifier to issue a final occupation certificate, applicants should check they are accredited by the NSW Building Professionals Board. A construction certificate does not meet this requirement.</p>

Timeframes

If an application is incomplete or the Regulatory Authority requires further information, the contact person for the application will be notified by email. Once an application is deemed complete, the Regulatory Authority has **60 days** to make a decision, however every attempt will be made to fast track the determination. Applicants can track the status of their application by logging into their account on the NQA ITS portal.

Pre-approval visit

A pre-approval visit may be arranged to inspect the service premises as part of the approval process. During the visit, an authorised officer will inspect all indoor and outdoor areas to ensure the plans and calculations submitted with the application are an accurate reflection of the service. At this stage, any service renovations must be completed. If a development/modification consent was required to carry out renovations to the service premises, the Regulatory Authority may require a final occupation certificate before this visit can be arranged. In some circumstances, the visit may be arranged following receipt of an interim occupation certificate. In this instance, a final occupation certificate must still be provided to the Regulatory Authority prior to approval.

More information

For more information about the Department’s BASC commitment, please click [here](#).

For further information about applying for an amendment of service approval and indoor waiver, contact Early Childhood Education, Information and Enquiries on 1800 619 113 or by email at ececd@det.nsw.edu.au.