

Local councils' role in establishing new ECEC services

When planning or developing an early childhood education and care (ECEC) service, approved providers must meet the requirements of both the National Quality Framework (NQF) and local government.

Local councils are responsible under the applicable local government planning scheme for approving planning and development applications for ECEC services, including how an existing building or area of land is used.

Service approvals – local planning and development considerations

When applying to the Early Childhood Regulatory Authority (Regulatory Authority) for a service approval to operate a centre-based ECEC service, approved providers must provide:

- a copy of the planning permit (from the local council) for the proposed ECEC service
- a statement from a building practitioner that the building is suitable for providing education and care, and complies with the Building Code of Australia (BCA) Class 9b building or a certificate of classification stating the premises complies with the BCA for a Class 9b building.

Services that provide education and care primarily to school aged children in outside school hours settings are specifically excluded from the requirements for 'early childhood centres' under the Building Code of Australia.

Visit ACECQA's website for more about the requirements of the [National Quality Standard](#), in particular, Quality Area 2 Children's health and safety, and Quality area 3 Physical environment.

Information sharing

Approved providers and the Regulatory Authority may request information and documentation from local councils about proposed or operating ECEC services. This may occur when:

- the approved provider has applied to increase a service's maximum number of children and the Regulatory Authority requires written evidence that the proposed increase will meet local planning and development requirements
- the Regulatory Authority requires clarity or has concerns about the building and planning development approval — for example, matters relating to town planning laws, car parking, traffic, general safety, fire egress or noise, for a proposed or existing service
- the Regulatory Authority has concerns about a building's compliance and safety.

Regulatory Authority considerations and the National Law

Regardless of whether the local council has approved the proposed site and development, the Regulatory Authority may refuse to grant a service approval if the service's location or design poses an unacceptable risk to children's safety, health



and wellbeing (National Law section 49(1)(a)).

Examples of this include if:

- there is evidence of high noise levels and traffic pollution, such as fumes or road dust; potential danger from projectiles in the outdoor play area; or the potential for vehicles to crash through or over barriers into an outdoor play area or into the service
- a material change of use approval may result in potential adverse impacts on children, such as petrol fumes, noise levels, or ignition of flammable liquids or explosions the Regulatory Authority has concerns about a building's compliance and safety.

The approved provider must satisfy the Regulatory Authority that the service can adequately manage or address any potential risk to children's safety, health, and wellbeing. This will help ensure the service meets operational requirements ([Chapter 4](#) of the National Regulations), including protecting children from harm and hazard ([National Law section 167](#)).

More information

- www.earlychildhood.qld.gov.au/regulation
- Email the Regulatory Authority at ecis@qed.qld.gov.au