

APPROVAL PATHWAY FOR HOME BASED CHILD CARE (Family Day Care)

What is Home Based Child Care?

Home Based Child Care is defined by Council's Local Environmental Plan 2011 as "a family day care residence (within the meaning of the Children (Education and Care Services) National Law (NSW)) at which the education and care service is provided at any one time to no more than 7 children (including any child of the person providing the service) all of whom are under the age of 13 years and no more than 4 of whom are children who do not ordinarily attend school".

What regulations apply to Home Based Child Care?

Home Based Child Care is regulated by State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (the Education SEPP), this includes Family Day Care. The

[Education SEPP can be accessed online.](#)

How do I get approval to operate my Home Based Child Care?

If you are planning on starting a Home Based Child Care at your property, there are several Planning Approval Pathways for you to consider.

To determine the appropriate Planning Approval Pathway, firstly, you need to find out if your property is on land that is mapped as Bushfire Prone Land and if so, you need to determine the relevant Bushfire Attack Level (BAL).

Note: All Services need to be approved to operate by Council. Please refer to the 'Council approval to operate your Home Based Child Care Service' section below for further information.

How do I find out if my land is Bushfire Prone Land?

To find out if your property is considered Bushfire Prone Land, you can:

- Visit [Check if you're in bushfire prone land](#) and review their online mapping, or
- [Apply for 10.7 Planning Certificate](#)

How do I find out what the Bushfire Attack Level

(BAL) Rating is for my land?

If any part of your property is identified as bushfire prone land, the associated BAL will determine the approval pathway for your Home-Based Child Care.

BAL is a means of measuring the severity of a building's potential exposure to ember attack, radiant heat and direct flame contact.

- **BAL – Low:** There is insufficient risk to warrant specific construction requirements.
- **BAL – 12.5:** Ember attack.
- **BAL – 19:** Increasing levels of ember attack and burning debris ignited by windborne embers, together with increasing heat flux.
- **BAL – 29:** Increasing levels of ember attack and burning debris ignited by windborne embers, together with increasing heat flux.
- **BAL – 40:** Increasing levels of ember attack and burning debris ignited by windborne embers, together with increasing heat flux and with the increased likelihood of exposure to flames.
- **BAL – FZ:** Direct exposure to flames from fire, in addition to heat flux and ember attack.

To accurately find out what the relevant BAL is for your property, you will need to

engage the services of a Registered BPAD Bushfire Consultant. Please refer to the Fire Protection Association Australia website for a [list of suitable Consultants](#)

Pathway 1 – Exempt Development

This pathway applies to properties with a BAL rating of Low

If your property is not considered Bushfire Prone Land, you are able to start a Home Based Child Care without any formal or written Council Planning Approval as “exempt development”.

Importantly, for exempt development, the onus is on the Owner of the Land on which the Home Based Child Care is to be operated, to ensure they comply with all of the relevant Exempt Development Provisions of the State Environmental Planning Policy (Transport and Infrastructure) 2021 as well as any other relevant Legislation and Planning Regulations.

Pathway 2 – Complying Development

This pathway applies to properties with a BAL rating of BAL 29 or less

If your property is on Bushfire Prone Land and the Land and Associated Access Way / Driveway has a BAL Rating of BAL 12.5, BAL 19 and / or BAL 29 (as confirmed in writing by a Registered BPAD Bushfire

Consultant), your Home-Based Child Care may be considered as a Complying Development.

A Complying Development Certificate Approval can be applied for and obtained from Council or a Private Certifier. Please refer to the Points below which detail how to apply for a CDC application with Council.

What do I need for a Complying Development Certificate application?

Council or an accredited private certifier may approve a home-based childcare as complying development. Approval is issued in the form of a Complying Development Certificate and must be obtained prior to the dwelling being used for a Home-Based Child Care.

If you would like to utilise Council to assess your Complying Development Certificate application, the following information is required to be submitted, as a minimum:

- [Owner's Consent Form](#)
 - [Certification Agreement Form](#)
 - Associated Application Fees. Please contact Council's Customer Service Team to obtain a Fee Quote.
- A Site Plan for the proposed Home Based Child Care indicating all existing buildings, all bushfire requirements and emergency evacuation details, etc.
 - A floor plan identifying the proposed area to be used for the Home Based Child Care. Please note: if the proposed area exceeds 10% of the total floor area of the Dwelling House, a National Construction Code Report prepared by a suitably qualified Consultant or Certifier, will be required to detail compliance with the relevant provisions of the National Construction Code in regards to multiple building classifications.
 - A Bushfire Assessment Report prepared by a Registered BPAD Bushfire Consultant identifying that site and that the proposal complies with all of the requirements as listed in Clause 3.31 (3) of the State Environmental Planning Policy (Transport and Infrastructure) 2021.
 - A Bushfire Emergency Evacuation Plan. This can be completed using the NSW RFS template on their website.

What is the process for a Complying Development Certificate?

Once you have submitted your application, it will be assessed by Council's Registered Building Surveyors to ensure it is compliant with the State Environmental Planning Policy (Transport and Infrastructure) 2021, the National Construction Code and all relevant Legislation.

If the application is Approved, you will obtain a Complying Development Certificate which will allow you to start operating a Home-Based Child Care, subject to compliance with all of the requirements listed in the Complying Development Certificate.

Note: the Home Based Child Care cannot start to be used / operated until an Occupation Certificate is issued by the nominated Principal Certifier.

For further information in regards to obtaining Complying Development Certificate Approval from Council, please contact Council's Building Surveyors on 02 4677 1100 or via e-mail at council@wollondilly.nsw.gov.au.

Pathway 3 – Development Application

This pathway applies to properties with a BAL rating of BAL 40 or more

If the Land and / or Associated Access Way / Driveway has a BAL Rating of BAL 40 or BAL FZ, or your proposed Home Based Child Care does not comply with all of the relevant Planning Provisions / Rules in the State Environmental Planning Policy (Transport and Infrastructure) 2021, the National Construction Code and all relevant Legislation, you can lodge a Development Application with Council.

However, please note that there is an element of risk involved in a Home Based Child Care on properties in BAL 40 or BAL FZ and Council must obtain formal agreement from the NSW Rural Fire Service as part of the Development Application process.

It is strongly recommended that you arrange an appointment with Council's Duty Planner via Council's website or by calling Council's Customer Service Team on 02 4677 1100, prior to commencing any plans to lodge a Development Application with Council.

Council approval to operate your Home Based Child Care Service:

This applies to all Home Based Child Care services.

Regardless of the Planning Approval Pathway you are required to undertake, all Home Based Child Care

FACT SHEET

For more
information contact
Wollondilly Shire Council
on **(02) 4677 1100**
or visit Council's website
wollondilly.nsw.gov.au

services must obtain registration and approval from Council's Family Day Care Unit in order to operate.

To initiate the registration process, please get in touch with the Family Day Care Unit as soon as you plan to start your Home Based Child Care service. They will provide guidance on selecting the suitable approval pathway for you.

Council registration process includes:

1. Initial enquiry to the FDC Unit via phone or email.
2. Prospective educators receive an Information Package.
3. Complete an Expression of Interest form to become a registered educator and submit it to the FDC Unit.
4. The FDC Coordinator conducts an initial inspection of the home premises.
5. Submit required documents based on the Prospective Educator Checklist.
6. The FDC Unit conducts a final home safety audit.
7. Receive Council approval to operate in the form of a Registration Certificate.

For further information, please contact the Wollondilly Family Day Care Unit
email:

fdc@wollondilly.nsw.gov.au

phone: 02 4677 8200