

Family Day Care BAL Information

Planning requirements for home-based child care is regulated by [State Environmental Planning Policy \(Educational Establishments and Child Care Facilities\) 2017](#) (Education SEPP) and administered by Blue Mountains Family Day Care.

Do I need planning approval?

There are three possible planning approval pathways to undertake home-based child care:

1. Exempt development
2. Complying development
3. Development application

To determine the appropriate planning approval pathway, in the first instance you need to find out if your property is on land that is mapped as bushfire prone, and if so, the bushfire attack level (BAL) of the development.

To determine whether your property is bushfire prone, you can use the [Interactive Maps](#) tool on our website. To determine your BAL, you can obtain a certificate from Council or a recognised bush fire consultant. A BAL is a means of measuring the severity of a building's potential exposure to ember attack, radiant heat and direct flame contact. The BAL will influence the planning approval pathway available to you for home-based child care.



There are six BALs



BAL-LOW

BAL- 12.5

BAL- 19

BAL-29

BAL- 40 Does not comply for FDC

BAL- FZ(flame zone) Does not comply for FDC

1. Exempt development

If your property is not identified as bushfire prone, then your home-based child care may be exempt development if it meets the general requirements contained in [Clause 17](#) and [Clause 29](#) of the Education SEPP. Exempt development does not require written town planning approval or confirmation from Council. The onus is on the person carrying out the home-based child care to ensure they comply with the Education SEPP and any other relevant legislation and regulations.

2. Complying development

If your property is bushfire prone and the development and any associated access way has a BAL rating of BAL 29 or less, then your home-based child care may be complying development. If the BAL is BAL 40 or BAL FZ, home-based child care cannot be undertaken as complying development.

To be complying development it must meet specific standards detailed in [Clause 30](#) of the Education SEPP. Complying development must also comply with the general requirements contained in [Division 5](#) of the Education SEPP. Council or an accredited private certifier may approve a home-based child care 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 this purpose.

3. Development application

Home-based child care that cannot meet the provisions of exempt or complying development requires development consent and a development application (DA) must be lodged with Council. If your property is bushfire prone, Council will refer the development application to the NSW Rural Fire Service (RFS) for their approval. Note that it is unlikely that the RFS can support home-based child care if the BAL of your dwelling and/or any associated access way is BAL 40 or BAL FZ. Prior to preparing a DA, it is recommended that you have a discussion with a town planner via our Development Planning Advisory Line 4780 5499.

This advice is in relation to Planning Approval under the Environmental Planning and Assessment Act only.