

ADVISORY NOTICE BUILDING

04/10

Advisory Notices are issued to assist in the interpretation of the Development Act 1993

August 2010

ADMINISTRATION:

Child Care Centres

This Notice provides information about how to classify houses which are used for child-minding activities

DISCUSSION

It is becoming increasingly common for people to offer a child minding service from their home. This then raises a question about the appropriate classification under the BCA.

In the BCA an *assembly building* includes an *early childhood centre* which in turn includes a child-minding centre. So, it can be argued that a house that is used as a child minding centre could be classified as a class 9b and be subject to considerably more stringent fire safety requirements.

It can also be argued that if the activity occupies less than 10% of the house then the classification remains class 1. The difficulty then is how to differentiate between a genuine home-based activity and a large scale child care centre. A couple of states have variations that cover this situation:

New South Wales has a variation that includes in the definition of *early childhood centre* a provision "...for the care or training of more than 5 children".

Victoria has a definition that amends the definition of *early childhood centre* to mean a *children's service*, which is then defined to apply to a service providing for the care of 5 or more children under the age of 6 years.

In **South Australia** the *Children's Services Act 1985* sets a limit that not more than 4 young children, or a total of 7 including the person's own children, can be cared for on a non-residential basis in approved but non-licensed family day care. A licensed child care centre run by a licensed family day care agency on the other hand has no such limitations. Accordingly, it would be appropriate to take these requirements as the basis for determining whether a house should be classified as a class 1 or class 9b building.

Further information

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