

# Development Control Plan **29**



## **BED & BREAKFAST ACCOMMODATION**



KEMPSEY SHIRE COUNCIL

## DEVELOPMENT CONTROL PLAN NO 29 BED AND BREAKFAST ACCOMMODATION

### Objective

To promote the use of dwellings for the purposes of providing tourist accommodation in conformity with Council's statutory controls.

### Scope of this Plan

This Plan is restricted to situations where occupants of existing or proposed dwellings intend letting part of their dwelling for the purposes of short term accommodation, generally on an overnight basis.

This Plan also incorporates Council's requirements in respect to the erection of advertising signs in conjunction with the proposed facilities.

### Purpose of this Plan

This Plan seeks to describe the relevant statutory requirements for this type of home-based tourist accommodation and the matters Council will have in regard to determining applications and Council's likely requirements.

### Statutory Requirements

- 1 Home-based accommodation, bed and breakfasts, farmstays and the like are defined as either "tourist facilities", "rural tourist facilities" or "boarding houses" under the provisions of Kempsey Local Environmental Plan 1987. *Schedule 1* is a matrix indicating the permissibility of such uses in the various landuse zones throughout the Shire.
- 2 Where such uses are permissible, it will be necessary to submit a Development Application for Council's consideration.
- 3 Where applications are made in rural areas as "tourist facilities" or "rural tourist facilities", it will be necessary to provide information with Development Applications indicating the nature of the rural or recreational activities proposed to be offered in conjunction with the proposal.
- 4 Where applications are made in residential areas as "boarding houses", the use of the building is restricted to a maximum potential of 12 persons inclusive of permanent residents. Depending on the circumstances of the case, this number may be further restricted in order to protect the residential amenity fo the neighbourhood.
- 5 Accommodation is restricted to rooms forming part of dwellings which are not capable of being occupied separately as dwellings.

Whilst facilities such as a sink, refreshment making facilities and ensuites may be included in accommodation rooms, separate kitchens and laundries are not permitted.

- 6 Smoke detectors will be required to be fitted to each room in accordance with the Building Code of Australia.
- 7 Depending on the types of meals proposed to be provided, ungrading of kitchens to commercial standard may be required. This may also require provision of additional fire safety equipment. In general, where minor snacks and continental breakfasts only are to be provided, and depending on the scale of the development, normal domestic kitchens as satisfactory.

Specific requirements for each premises will be provided upon application being made or upon written request accompanied by an inspection fee as outlined in Council's Management Plan.

- 8 Carparking will be required at the rate of one space per accommodation room and one space per dwelling. Parking is required to be provided wholly within the site in a manner which will not conflict with traffic movements. No stack parking will be permitted.

Parking must be provided to an all weather dust free standard and suitably drained to prevent discharge to any adjoining property.

- 9 In the case of proposals in rural areas, access must be provided to 2-wheeled all weather standard.
- 10 Signage associated with developments may be erected on the land on which the facility is located in a manner which will not adversely impact on the visual amenity of the area. Signs greater than 0.75m<sup>2</sup> will require development consent which can be incorporated in the required Development Application for accommodation.

Signage may also be erected to direct tourists to developments which will require separate applications to be made. Applications will need to comply with Council's Advertising Signs Code which may be obtained from Council.

- 11 Council will at all times encourage design of premises to provide access and facilities for disabled persons.
- 12 Potential applicants are encouraged to discuss proposals with Council at the earliest opportunity when formulating proposals to assist in identifying Council's requirements and any site specific issues.
- 13 Where reticulated sewerage system is not available, Council will require any existing or proposed onsite disposal system to be designed so as to ensure that all effluent can be disposed of onsite having regard to any increase in expected effluent loadings and the capacity of soils to accept wastewater.
- 14 Areas proposed to provide accommodation will need to comply with the requirements of the Building Code of Australia specifically in respect to the requirements for light, ventilation and damp-proofing.

- 15 Where swimming pools are provided, it will be necessary to provide or obtain a certificate of compliance.
- 16 In assessing applications, Council will have regard to all matters related to potential environmental impacts in each individual circumstances, including the views of any adjoining persons likely to be affected by proposals.

SCHEDULE 1

LANDUSE ZONE	BOARDING HOUSE	RURAL TOURIST FACILITY	TOURIST FACILITY
Rural "A1"		*	*
Rural "A3"		*	*
Rural "C"		*	*
Rural "D"			
Rural "E"			
Rural "F"			
Rural "G"		*	*
Residential "A"	*		
Residential "B1"	*		
Residential "B2"	*		*
Residential "C"	*		*
Residential "D"	*	*	*
Village	*	*	*
Business "A"			
Business "B"			
Business "C"			
Business "V"			
Industrial "A"			
Industrial "B"			
Industrial "E"			
Special Uses "A"			
Special Uses "B"			
Open Space "A"			
Open Space "B"			*
Wetlands Protection			*
Scenic Protection			*
Coastal Protection			*
Coastal Acquisition			
Historic Protection			
Existing National Park			
Proposed National Park			

\* DENOTES PERMISSIBLE LANDUSE  
(with Consent)