

Chapter C3 – Bed and Breakfast Accommodation

1.0 Introduction

1.1 Scope of this Chapter

This DCP chapter applies specifically to the following uses:

- a) Bed and Breakfast Accommodation;
- b) Farm Stay Accommodation, where the accommodation component is proposed to operate in a similar manner to Bed and Breakfast Accommodation; and
- c) Eco-tourist Facilities, where the accommodation component is proposed to operate in a similar manner to Bed and Breakfast Accommodation.

These terms are defined in Kempsey LEP 2013.

1.2 Relationship to Other Chapters of this DCP

The provisions of this Chapter override the provisions of any other Chapter of this DCP, to the extent of any inconsistency.

2.0 Chapter Objectives

The Objectives of this chapter are:

- a) To promote the use of dwellings for the purposes of providing tourist accommodation.
- b) To identify the development requirements for the uses within the scope of this chapter.
- c) To provide more specific requirements in relation to Advertising Signs for the uses within the scope of this chapter, in addition to the relevant development requirements for Advertising Signs of [Chapter B18 – Advertising and Tourist Signs](#).

3.0 Development Requirements

Council will exercise discretion when applying the following Desired Outcomes and Development Requirements to uses not specifically defined as Bed and Breakfast Accommodation.

The following Desired Outcomes and Development Requirements apply to Bed and Breakfast Accommodation.

3.1 Restrictions on Use of Bed and Breakfast Accommodation

Desired Outcomes

DO1 - Bed and Breakfast Accommodation is designed and operated in accordance with the definition of the use and Clause 5.4(1) of KLEP2013.

Note – At the time of adoption of the DCP, the KLEP2013 definition for Bed and Breakfast Accommodation is:

***Bed and breakfast accommodation** means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where:*

- (a) Meals are provided for guests only; and*
- (b) Cooking facilities for the preparation of meals are not provided within guest's rooms, and*
- (c) Dormitory-style accommodation is not provided.*

Development Requirements

- a) Must be operated by the permanent residents of the dwelling house.
- b) Must be used for short term guests only. No long term guests or permanent accommodation. The maximum stay for a guest, boarder, and lodger is to be one month.
- c) A maximum of 3 bedrooms are to be used for guest accommodation.
- d) No more than 12 residents (including permanent residents) are to be accommodated at any one time.
- e) Accommodation rooms are restricted to rooms forming part of the dwelling which are not capable of being occupied separately as dwellings.
- f) Whilst facilities such as a sink, refreshment making facilities and ensuites may be included in accommodation rooms, separate kitchens and laundries are not permitted.
- g) Must have at least one guest bedroom.

3.2 Signage

Desired Outcomes

DO1 - The number and size of signs is commensurate with and appropriate to the use of the premises as Bed and Breakfast Accommodation.

DO2 - Any Advertising Signs comply with the relevant requirements of [Chapter B18 – Advertising and Tourist Signs](#).

Development Requirements

- a) Only one advertising sign is permitted, indicating that the house is a Bed and Breakfast Accommodation and the name of the proprietor.
- b) The sign must not exceed 0.75m².

3.3 Car Parking and Access

Desired Outcomes

DO1 - Car parking areas and access arrangements are provided that satisfy the needs of the development, while minimising the impact on the streetscape and character of the area.

DO2 - The design and construction of car parking and access areas comply with the relevant requirements of [Chapter B2 – Parking, Access and Traffic Management](#).

Development Requirements

- a) Car parking will be required at the rate of one space per accommodation room, in addition to the one space required for the dwelling.
- b) Parking is required to be provided wholly within the site in a manner which will not conflict with traffic movements.
- c) No stacked car parking will be permitted.
- d) Parking spaces must be provided to an all weather dust free standard and suitably drained to prevent discharge to an adjoining property.
- e) In the case of proposals in rural areas, access must be provided to 2-wheel drive all weather standard.

3.4 Accessibility for Disabled Persons

Desired Outcomes

DO1 - Development is designed and constructed to comply with the relevant provisions of the Premises Standards and the Building Code of Australia, in relation to disabled access.

Development Requirements

- a) Council will at all times encourage design of premises to provide access and facilities for disabled persons.

3.5 Health and Building

Desired Outcomes

DO1 - Kitchens and food preparation areas comply with the relevant requirements of the *Food Act 2003* and associated regulations, codes and guidelines.

DO2 - The premises are maintained in a hygienic manner.

DO3 - The development complies with the relevant provisions of the Building Code of Australia, in terms of fire safety, the provision of sanitary facilities and safety of swimming pools.

Development Requirements

- a) The establishment must comply with the *Food Act 2003* and the *Food Regulation 2010*, or current equivalent (inclusive of the NSW Food Authority Notification requirements), the Food Safety Standards Code (Standard 3.2.3 – Food Premises and Equipment) and Australian Standard

4674 – 2004 (Construction and Fitout of Food Premises).

Note - Depending on the types of meals proposed to be provided, upgrading 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 provided, and depending on the scale of the development, normal domestic kitchens are satisfactory.

- b) Any swimming pools are to comply with the relevant safety requirements.
- d) The premises and furnishings must be kept clean and free from vermin.
- f) The premises are to comply with the fire safety requirements of the Building Code of Australia.

Note – A fire extinguisher and fire blanket should be provided in the kitchen.

3.6 Landscaping

Desired Outcomes

DO1 - Landscaping complies with the relevant provisions of [Chapter B9 – Landscaping](#).

DO2 - Sufficient landscaping and passive outdoor recreation areas are provided to satisfy the needs of residents and guests.

Development Requirements

- a) In urban areas:
 - (i) a landscape plan complying with the provisions of Section 4.1 of [Chapter B9 – Landscaping](#) is submitted with the application;
 - (ii) landscaping complies with the relevant requirements of [Chapter B9 – Landscaping](#);
 - (iii) suitable screening and planting is to be provided between the car parking area/s and adjoining properties; and
 - (iv) a minimum of 90m² of landscaped private open space area, excluding any area used for vehicle circulation or parking, is to be provided on site.

3.7 Services and Utilities

Desired Outcomes

DO1 - Infrastructure utilities are adequate to service the needs of the Bed and Breakfast Accommodation and, where required, are upgraded to meet the increase in demand generated by the development.

Development Requirements

- a) Where reticulated sewerage is not available, the existing or proposed onsite sewerage disposal system is to be designed to ensure that all effluent can be disposed of onsite having regards to any increase in

expected effluent loadings and capacity of soils to accept wastewater (refer to [Chapter B8 – On-site Sewage and Wastewater Management](#) for further requirements).

- b) Adequate provision is to be made to the satisfaction of Council for the supply of water and the disposal of stormwater, sewage (where available) and garbage/recycling (refer to Chapters B3, B5, B6 and B16 for further requirements).

4.0 Advice

- a) A separate application and approval under Section 68 of the *Local Government Act 1993* may be required for increasing the capacity of onsite sewerage management systems.
- b) Upgrading of the fire safety measures in the building may be required to achieve compliance with the Building Code of Australia.
- c) Toilet and bathroom facilities may need to be extended to achieve compliance with the Building Code of Australia and relevant accessibility provisions.
- d) 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.
- e) The development may be complying development in accordance with Subdivision 1: Bed and Breakfast Accommodation, Part 4A General Development Code of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.