

CHAPTER 9 BED AND BREAKFAST ACCOMMODATION AND FARM STAY ACCOMMODATION

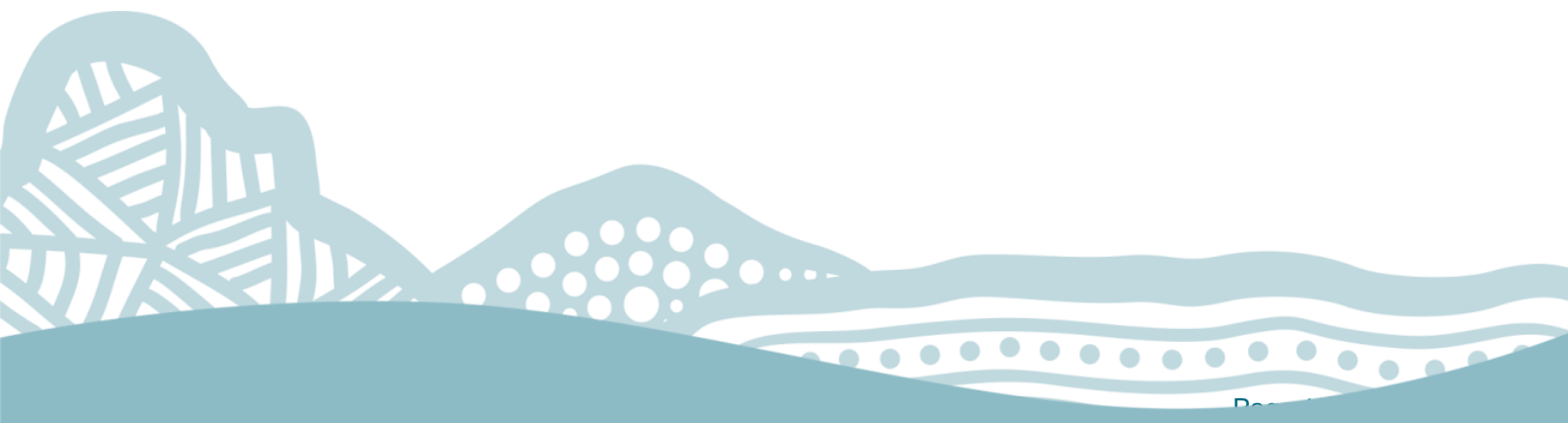


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1 INTRODUCTION

1.1 Application

This Chapter applies in preparing and assessing applications for development of **Bed and breakfast accommodation** and **Farm stay accommodation** in any Zone where the development is permitted with consent under the Kyogle Local Environmental Plan 2012 (Kyogle LEP 2012).

1.2 Aims of Chapter 9

- a) To provide development guidelines to assist the design of development proposals and preparation of development applications and the assessment of those applications.
- b) To facilitate small scale development opportunities to grow and diversify the local economy.
- c) To increase the variety and availability of accommodation options for visitors and tourists to the Kyogle Council area.

2 BED AND BREAKFAST ACCOMMODATION

2.1 Application

This section applies to development for the purposes of **bed and breakfast accommodation**. Clause 5.4(1) of the Kyogle LEP 2012 also contains provisions regarding the maximum number of rooms permitted to be provided to guests.

The Dictionary of the Kyogle LEP 2012 states that '**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 guests' rooms and
- c) Dormitory style accommodation is not provided.'

Temporary or short term accommodation is generally considered to comprise accommodation that;

1. Is advertised to the general public; and
2. Involves the making of a booking for guests and involves a payment for bed and breakfast accommodation services and facilities; and
3. Is only short term and temporary for any guest – i.e. the duration is irregular or intermittent and is generally less than a 1 month period

2.2 Complying Development

Certain bed and breakfast development is permitted as Complying Development (minor development which does not require development consent, but can be certified by Council or a private certifier). Reference should be made to any relevant State Environmental Planning Policy.

2.3 Objectives

- a) To facilitate the development of Bed and breakfast accommodation and Farm stay accommodation that is consistent with the applicable zone objectives.
- b) To ensure that bed and breakfast accommodation does not impact adversely on the amenity of surrounding properties.
- c) To ensure that guests of bed and breakfast accommodation are not exposed to unacceptable risk from natural hazards.
- d) To ensure that bed and breakfast accommodation meets building, health and fire safety standards.
- e) To ensure that bed and breakfast accommodation has appropriate vehicular access and is adequately serviced.
- f) To ensure bed and breakfast accommodation in rural locations is not likely to create land use conflict.

2.4 Development Guidelines

Note: the Acceptable Solutions in the table below represent one way to meet the corresponding Performance Criteria. Applicants that choose not to, or that cannot, meet an Acceptable Solution must demonstrate how they meet the corresponding Performance Criteria.

Performance criteria	Acceptable solution
Scale and operation of the development	
P1 Development is operated as part of the household	A1 Bed and breakfast accommodation is operated by a permanent resident of the dwelling house
P2 The principal function of the building is a dwelling house for use by a single household group	<p>A2.1 Accommodation for guests is located within an existing dwelling house – this can include attached or separated rooms provided that such rooms are attached to a central common dwelling area with weatherproof access</p> <p>A2.2 Development provides a maximum 5 bedrooms accommodation of guests</p> <p>A2.3 Bedrooms may include spas and ensuite facilities but do not include facilities for the cooking of any meals – all meals on the premises are to be solely provided within common eating areas</p> <p>A2.4 Development provides for no more than 12 guests</p>
P3 Operation of the bed and breakfast does not impact on the amenity of surrounding properties	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
Effluent management	
P4 The development makes suitable provision for treatment and disposal of effluent that does not create public health impacts or adversely impact quality of surface and ground waters	<p>A4.1 The development is serviced by an approved on-site sewage management system</p> <p>A4.2 The on-site sewage management system has capacity to cope with additional effluent load</p> <p>OR</p> <p>A4.3 The development is connected to a reticulated sewerage system</p>

Performance criteria	Acceptable solution
Solid waste management	
P5 The development must make satisfactory arrangements for the storage and disposal of solid waste	A5 Solid waste is removed from site and disposed at an approved facility
Transport and Access	
P6 Development must make satisfactory arrangements for vehicular access and parking	<p>A6.1 Internal access roads and parking areas are all weather design and construction</p> <p>A6.2 Vehicles are able to enter and leave the site in a forward direction</p> <p>A6.3 Bed and breakfast accommodation and the associated dwelling utilise the same driveway and vehicular access</p> <p>A6.4 Car parking is provided in accordance with Chapter 8 Off-street car parking</p> <p>A6.5 Vehicular access, parking and manoeuvring areas are in accordance with standards in the Northern Rivers Local Government Development & Design and Construction Manuals and Council's Property Access and Addressing Management Plan</p>
P7 Public roads servicing the site are a suitable standard to cater for traffic generated by the development	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
Land use conflict avoidance	
<p>P8 Bed and breakfast accommodation will not create risk of land use conflict*</p> <p><i>* Achievement of P8 will generally require submission of a land use conflict risk assessment (LUCRA) prepared in accordance with the Department of Primary Industries 'Living and Working in Rural Areas' guidelines (2007)</i></p>	A8.1 Development achieves buffers specified in Table C9.1 in Appendix C9
Natural hazards	
P9 Buildings, structures and persons on the development site are not exposed to unacceptable risk from bushfire	A9.1 Development is not on a lot that is mapped as bushfire prone land

Performance criteria	Acceptable solution
	<p>OR</p> <p>A9.2 A report prepared by a Certified Bushfire Practitioner is provided that demonstrates the dwelling can achieve the requirements of the Rural Fire Service publication 'Planning for Bushfire Protection' 2006 or any superseding guideline</p>
<p>P10 Buildings, structures and persons on the development site are not exposed to unacceptable risk from flooding</p>	<p>A10.1 The development site is not prone to flooding from inundation or overland flow</p> <p>OR</p> <p>Where the development is on land that is mapped as or known to be prone to flooding:</p> <p>A10.2 A report is submitted by a suitably qualified person that demonstrates the floor level of the development achieves a height of at least the level of a 100 year ARI flood event plus 0.5 metres freeboard</p> <p>OR</p> <p>Where development is proposed on a lot within the Flood Planning Area shown on the Flood Planning Map in the LEP:</p> <p>A10.3 The development complies with the provisions of the Development Control Plan in the Kyogle Council Floodplain Risk Management Plan 2009</p>
<p>P11 Buildings, structures and persons on the development site are not exposed to unacceptable risk from landslip or mass movement</p>	<p>A11.1 The development site does not display evidence of landslip or mass movement</p> <p>OR</p> <p>A11.2 A report is submitted by suitably qualified geotechnical engineer that demonstrates the site is stable and suitable to accommodate the development</p>
Disabled access	
<p>P12 The development is accessible by disabled persons where practical</p>	<p>No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria</p>
Fire safety	
<p>P13 The development makes suitable provisions for fire prevention, management and evacuation</p>	<p>A13 A Fire Prevention and Management Plan for the development is prepared</p>

Performance criteria	Acceptable solution
Signage	
P14 Signage is suitable to signify the location of the accommodation and does not create adverse impacts on the amenity or character of the area	A14 Signage identifying the business comprises no more than two signs each sign with a maximum area of 1.5 m ² and complies with Chapter 4 Signage
Additional guidelines for development where accommodation is in a detached building	
P15 The design and siting, servicing and infrastructure arrangements, visual impact and environmental impact of the building is in accordance with guidelines for detached additions or extensions to dwellings in Chapter 3	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
Water Supply	
P16 The development must provide safe drinking water to its guests	A16.1 The development is connected to reticulated water supply OR A16.2 The development has a self-sufficient water supply that meets the requirements of the Public Health Act

2.5 Mandatory Provisions

The following development standards are mandatory and relate to standards in the Building Code of Australia, Australian Standards and food safety legislation. The application must demonstrate how the proposal meets the following standards:

Building Design and Accommodation Standards
MP1 Development meets the requirements of the Building Code of Australia for: <ol style="list-style-type: none"> 1. Minimum height of ceilings; Part 3.8.2 2. Sound transmission; Part 3.8.6 3. Light and ventilation; Part 3.8.4 and 3.8.5
Fire Safety
MP2 Development meets fire safety provisions of the Building Code of Australia for; <ol style="list-style-type: none"> 4. Provision for escape and egress; Part 3.9 5. Smoke detectors; Part 3.7.9
Food preparation
MP3 Food storage, preparation and service is in accordance with the following: <ol style="list-style-type: none"> 6. Kitchen facilities meet standards of the NSW <i>Food Act 2003</i> and <i>Food Regulation 2010</i> 7. Food preparation is carried out by persons who have a current food safety supervisor certificate issued by the NSW Food Authority

3 Farm Stay Accommodation

3.1 Application

This section applies to development for the purposes of **farm stay accommodation**. Clause 5.4(5) of the Kyogle LEP 2012 also contains provisions regarding the maximum number of rooms permitted to be provided to guests.

The Dictionary of the Kyogle LEP 2012 states that '**farm stay accommodation** means a building or place that provides temporary or short term accommodation to paying guests on a working farm as a secondary business to primary production'.

Temporary or short term accommodation is generally considered to comprise accommodation that;

1. Is advertised to the general public; and
2. Involves the making of a booking for guests and involves a payment for bed and breakfast accommodation services and facilities; and
3. Is only short term and temporary for any guest – i.e. the duration is irregular or intermittent and is generally less than a 1 month period

3.2 Objectives

- a) To facilitate the development of a variety of farm stay accommodation options in order to provide additional accommodation for tourists and visitors in the Kyogle local government area.
- b) To facilitate the development of farm stay accommodation in order to provide additional income generating potential for farms and to encourage an appreciation of the value of agriculture and the role of farming.
- c) To ensure that farm stay accommodation does not impact adversely on the amenity of surrounding properties.
- d) To ensure that guests of farm stay accommodation are not exposed to unacceptable risk from natural hazards.
- e) To ensure that farm stay accommodation meets minimum building, health and fire safety standards.
- f) To ensure that farm stay accommodation has appropriate vehicular access and is adequately serviced.
- g) To ensure that farm stay accommodation is not likely to create land use conflict.

3.3 Development Guidelines

Note: the Acceptable Solutions in the table below represent one way to meet the corresponding Performance Criteria. Applicants that choose not to, or that cannot, meet an Acceptable Solution must demonstrate how they meet the corresponding Performance Criteria.

Performance criteria	Acceptable solution
Scale and operation of the development	
<p>P1 The farm stay accommodation business is, at all times, to be operated in conjunction with an agricultural enterprise on the property that forms the intended dominant use of the land</p>	<p>A1.1 Guest accommodation consists of:</p> <ul style="list-style-type: none"> a) No more than 5 bedrooms where forming part of the principal farm dwelling house; or b) No more than 1 separate cabin or chalet-style unit for each 10 hectares of the total land area of the allotment on which the development is to be located, with no more than 12 bedrooms in total; and c) An overall total of no more than Subject to compliance with all other relevant requirements of the LEP” <p>A1.2 Guest accommodation within the principal dwelling consists of:</p> <ul style="list-style-type: none"> a) No more than 5 bedrooms – this can include attached or separated rooms provided that such rooms are attached to a central common dwelling area with weatherproof access; and <p>A1.3 No more than 1 separate cabin or chalet-style unit for each 10 hectares of the total land area of the allotment on which the development is to be located, and</p> <p>A1.4 The overall development for guest accommodation, including that which is part of the principal dwelling or separate cabins or chalets, has no more than 12 bedrooms in total; and</p> <p>A1.5 Bedrooms may include spas and ensuites facilities but do not include facilities for the cooking of any meals – all meals on the premises are to be solely provided within common eating areas</p>
Land use conflict avoidance	
<p>P2 Farm stay accommodation will not create risk of land use conflict*</p> <p><i>* Achievement of P2 will generally require submission of a land use conflict risk assessment (LUCRA) prepared in accordance with the</i></p>	<p>A2.1 Development achieves buffers specified in Table C9.1 in Appendix C9</p>

Performance criteria	Acceptable solution
<i>Department of Primary Industries 'Living and Working in Rural Areas' guidelines (2007)</i>	
Design and siting of buildings	
P3 Site layout and building design seeks to utilise natural grades of the land and minimises cut and fill	<p>A3.1 Buildings and structures are not located on land with a gradient that exceeds 15%</p> <p>A3.2 Cut or fill does not exceed 1 metre in height and a total height of 2 metres</p>
P4 The setback of buildings and structures from the primary road frontage is consistent with the surrounding area	<p>A4.1 Buildings and structures are set back a minimum of 20 metres from the front boundary</p> <p>OR</p> <p>Where site has frontage to a classified road:</p> <p>A4.2 Buildings and structures are set back from front boundary a minimum of:</p> <ul style="list-style-type: none"> • Where in Zones RU1 or RU2:- 50 metres • Where in Zone RU4:- 30 metres
P5 The setback of buildings and structures from side and rear property boundaries does not impact on the amenity of adjoining properties	<p>A5.1 Buildings and structures are set back a minimum of 10 metres from side boundary</p> <p>A5.2 Buildings and structures are set back at least 10 metres from rear boundary</p> <p>OR</p> <p>Where side or rear boundary has frontage to a public road:</p> <p>A5.3 Buildings and structures are set back at least 20 metres from property boundary</p>
Environmental impact	
P6 The siting of buildings and structures does not impact on ecological or hydrological values of watercourses, water bodies and wetlands	<p>A6.1 Buildings and structures are set back a minimum of 100 metres from the top of bank of permanent watercourses (Order 3 Stream or greater) or water bodies and 40 metres from the top of bank of an Order 1 or 2 Stream</p> <p>A6.2 Buildings, structures and operational areas are set back a minimum of 100 metres from the edge of wetland</p>

Performance criteria	Acceptable solution
P7 Development does not create unacceptable impact on ecological functions or biodiversity values	<p>A7.1 Siting of buildings, structures and driveways does not require the clearing of native vegetation</p> <p>A7.2 Buildings and structures are not located within a mapped ecological corridor</p>
Visual impact	
P8 Buildings and structures do not impact adversely on significant views or rural and/or natural landscape character and do not reflect light on surrounding properties	<p>A8.1 Buildings and structures are not located on prominent ridgelines or hilltops or in prominent locations when viewed from significant public vantage points</p> <p>OR</p> <p>A8.2 Landscaping is used to screen views of the development from significant vantage points</p> <p>AND</p> <p>A8.3 External walls and roofs are clad in non-reflective materials and colours are muted</p>
Effluent management	
P9 The development makes suitable provision for treatment and disposal of effluent that does not create public health impacts or adversely impact quality of surface and ground waters	<p>A9.1 Accommodation units for guests are serviced by an on-site sewage management system that is additional to the system servicing the dwelling</p> <p>OR</p> <p>A9.2 The development is serviced by an existing approved on-site sewage management system and the system has capacity to cope with additional effluent load</p>
Solid waste management	
P10 The development must make satisfactory arrangements for the storage and disposal of solid waste	A10 Solid waste is disposed at an approved facility
Water Supply	
P11 The development must provide safe drinking water to its guests	<p>A11.1 The development is connected to reticulated water supply</p> <p>OR</p> <p>A11.2 The development has a self-sufficient water supply that meets the requirements of the Public Health Act</p>

Performance criteria	Acceptable solution
Transport and Access	
P12 Development must make satisfactory arrangements for vehicular access and parking	<p>A12.1 Internal access roads and parking areas are all weather design and construction</p> <p>A12.2 Vehicles are able to enter and leave the site in a forward direction</p> <p>A12.3 Farm stay accommodation and the main dwelling utilise the same vehicular access</p> <p>A12.4 Car parking is provided in accordance with Chapter 8 Off-street car parking</p> <p>A12.5 Vehicular access, parking and manoeuvring areas are in accordance with standards in the Northern Rivers Local Government Development & Design and Construction Manuals and Council's Property Access and Addressing Management Plan</p>
P13 Public roads servicing the site are a suitable standard to cater for traffic generated by the development	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
Protection of amenity of surrounding properties	
P14 Development is not likely to impact on amenity of adjoining properties	A14.1 Accommodation buildings and vehicular access, parking and manoeuvring areas are not located within 100 metres of a dwelling on an adjoining property
Natural hazards	
P15 Buildings, structures and persons on the development site are not exposed to unacceptable risk from bushfire	<p>A15.1 Development is proposed on land that is mapped as bushfire prone land</p> <p>OR</p> <p>A15.2 A report prepared by a Certified Bushfire Practitioner is provided that demonstrates the dwelling can achieve the requirements of the Rural Fire Service publication 'Planning for Bushfire Protection' 2006 or any superseding guideline</p>
P16 Buildings, structures and persons on the development site are not exposed to unacceptable risk from flooding	A16.1 The development site is not prone to flooding from inundation or overland flow

Performance criteria	Acceptable solution
	OR Where the development is on land that is mapped as or known to be prone to flooding: A16.2 A report is submitted by a suitably qualified person that demonstrates the floor level of the development achieves a height of at least the level of a 100 year ARI flood event plus 0.5 metres freeboard
P17 Buildings, structures and persons on the development site are not exposed to unacceptable risk from landslip or mass movement	A17.1 The development site does not display evidence of landslip or mass movement OR A17.2 A report is submitted by suitably qualified geotechnical engineer that demonstrates the site is stable and suitable to accommodate the development
Contaminated land	
P18 Guests are not exposed to unacceptable risk from contamination	A18.1 Development is not on a site that is listed as contaminated A18.2 Accommodation buildings are not located within 200 metres of a cattle dip OR A18.3 A report prepared by a suitably qualified person is submitted that demonstrates the site is suitable to accommodate the proposed use
Disabled access	
P19 The development is accessible by disabled persons where practical	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
Signage	
P20 Signage is suitable to signify the location of the accommodation and does not create adverse impacts on the amenity or character of the area	A20.1 Signage identifying the business comprises no more than two signs each sign with a maximum area of 1.5 m ² and in accordance with Chapter 4 Signage
Retailing of farm produce and convenience goods	
P21 Retail is limited to sale of convenience goods and products produced on the farm to guests only	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria

APPENDIX C9

Table C9.1 Recommended minimum buffer distances between accommodation buildings and other land uses on adjoining or surrounding land not associated with proposal

Existing land use	Minimum distance to accommodation buildings (metres)
Piggeries- Housing and waste storage	500
Piggeries- Waste utilisation area	250
Feedlots- Yards and waste storage	500
Feedlots- Waste utilisation area	250
Poultry Farms- Sheds and waste storage	500
Poultry Farms- Waste utilisation area	250
Dairies- Sheds and waste storage	250
Dairies- Waste utilisation area	250
Other Intensive Livestock Operations	300
Extensive Horticulture	200
Greenhouse & Controlled Environment Horticulture	200
Macadamia De-husking	300
Bananas	150
Turf Farms	200
Animal boarding and training establishments	500
Rural Industries	500
Abattoirs	1000
Extractive Industries that does not involve blasting	500
Extractive Industry that involves blasting	1000
Waste disposal facility (dump)	1000
Grazing of stock	50
Stock yards including cattle yards	200

Source: Department of Primary Industries; Living and Working in Rural Areas (2007)