



**Armidale Dumaresq**

**Development Control Plan 2012**

**Section 5      Commercial and Industrial Development Controls**

**Chapter 5.3      Bed and Breakfast and Farmstay Accommodation**

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## Table of Contents

Part 1	General provisions .....	1
	1.1 Introduction.....	1
	1.2 Objectives .....	1
	1.3 Addressing the guidelines in this chapter .....	1
	1.4 Land to which this chapter applies.....	1
Part 2	General matters .....	1
	2.1 Class of building.....	1
	2.2 Access for People with Disabilities and Use of Adaptable Housing Principles .....	2
	2.3 Ancillary use only.....	2
	2.4 Number of guests .....	2
	2.5 Number of guest rooms .....	2
	2.6 Design of sleeping rooms .....	2
Part 3	Vehicle Parking and Access.....	3
Part 4	Fire safety .....	3
Part 5	Kitchen and food handling.....	3
Part 6	Toilets and bathrooms.....	4
Part 7	Utility services.....	4
	7.1 Water supply .....	4
	7.2 Sewerage systems .....	5
	7.3 Electricity supply.....	6
Part 8	Stormwater management.....	6
Part 9	Signage.....	6
Part 10	Definitions.....	6

## Part 1 General provisions

### 1.1 Introduction

This chapter provides information about the development and operation of Bed and Breakfast and Farmstay Accommodation in the Armidale Dumaresq local government area.

### 1.2 Objectives

The objectives of this chapter are:

- O.1 To outline Council's requirements for proposed bed and breakfast and farm stay accommodation for both new and existing dwellings.
- O.2 To ensure that bed and breakfast and farm stay accommodation provides safe, healthy, clean and functional areas to cater for the requirements of visitors.
- O.3 To ensure that such businesses are compatible with the established character of the locality in which they are situated.

### 1.3 Addressing the guidelines in this chapter

The guidelines for Bed and Breakfast and Farmstay Accommodation are set out in this chapter. These are expressed in the form of objectives that need to be addressed for each development proposal. For each objective (O), 'acceptable solutions' (S) are provided which, if met, will ensure compliance. Alternative approaches may be proposed, provided these adequately address the relevant objectives and comply with legislation.

### 1.4 Land to which this chapter applies

This chapter applies to development in the following zones:

#### Bed and Breakfast Accommodation

R1	General Residential	RU1	Primary Production
R2	Low Density Residential	RU4	Primary Production Small Lots
R5	Large Lot Residential	RU5	Village
B2	Local Centre	E3	Environmental Management
B3	Commercial Core	E4	Environmental Living
B4	Mixed Use		

#### Farm Stay Accommodation

RU1	Primary Production	R5	Large Lot Residential
RU4	Primary Production Small Lots	B2	Local Centre
E3	Environmental Management		

## Part 2 General matters

### 2.1 Class of building

The use of a dwelling as bed and breakfast or farm stay accommodation will result in a change of building class for the dwelling under the *Building Code of Australia (BCA)*. There will be new fire safety and access requirements. The class of building will determine the building standards, and may require buildings to be upgraded to comply with current standards.

## 2.2 Access for People with Disabilities and Use of Adaptable Housing Principles

The provision of equitable access to public buildings is a key principle of the Commonwealth Disability Discrimination legislation. On 1 May 2011 the Commonwealth Disability (Access to Premises – Buildings) Standard 2010 (the Premises Standard) commenced in conjunction with consistent amendments to the *Building Code of Australia* (BCA). The Premises Standards specifies a set of performance requirements to provide non-discriminatory access to, and use of buildings and areas of buildings.

The requirements for providing access for people with disabilities under the Premises Standards and BCA will be apply dependent on the characteristics of the development.

If Premises Standards and BCA requirements for providing access for people with disabilities do not apply, applicants are still encouraged to consider the provision of access opportunities for all disability groups, and, where possible, make reasonable provision for access and circulation throughout the building by people with disabilities.

In particular, bed and breakfast operators are encouraged to consider adaptable housing principles in the design of bed and breakfast and farm stay accommodation. Australian Standard AS 4299 – 1995: Adaptable Housing provides guidelines that can be applied to the planning and design of any residential accommodation.

## 2.3 Ancillary use only

Bed and breakfast and farm stay accommodation is considered ancillary to the primary use of the land on which it is located (eg. as a secondary business to primary production). These types of development should not present predominantly as commercial or other tourist/motel style development or serviced apartments.

## 2.4 Number of guests

The number of guests staying at a property should not be so great as to change the character of the immediate locality, or overtax local facilities and utility services. Guest numbers should not markedly exceed the number of persons that could be accommodated in a single large family home or farm house.

## 2.5 Number of guest rooms

*LEP 2012* Clause 5.4 specifies the maximum number of guest rooms (4) for bed and breakfast and farm stay accommodation.

## 2.6 Design of sleeping rooms

Sleeping rooms must:

- S.1 meet the minimum floor space and design requirements for premises used for sleeping accommodation in the *Public Health Regulation 2012*.
- S.2 provide adequate space and facilities for occupants to store clothes and travel gear.
- S.3 provide adequate security to protect occupants and their belongings.
- S.4 allow the occupants to exit the room quickly and easily in emergencies by taking into consideration location of beds in relation to each other, the height of beds and no keyed locks for existing doors.
- S.5 where the proposal incorporates new construction, sound insulation for separating walls and floors from noise generating sources (eg kitchens, bathrooms, laundries) is required.

### Part 3 Vehicle Parking and Access

#### Objectives

- O.1 To ensure land upon which a development is to be carried out has legal and properly constructed access.
- S.1 An adequate all weather access is to be provided in accordance with Council's Engineering Code.
- S.2 The vehicle access must be flood free.
- S.3 All weather parking areas for visitors and residents must also be provided at the rate of 1 space per residential unit/room plus 1 space for the residents/operators – see Chapter 2.9 Parking.

### Part 4 Fire safety

#### Objectives

- O.1 To ensure that there is adequate protection, early warning and provision for escape from fire for guests, residents, neighbours and fire fighters.
- O.2 To ensure
- O.3 To meet the BCA and relevant legislation and standards for fire safety.
- S.1 Each establishment must have a documented fire prevention and management plan. Operators are required to prepare a documented fire prevention and maintenance program for smoke detector alarms and any other active fire protection elements.
- S.2 An instruction sheet to be followed in the event of a fire emergency is to be placed in each guest room.
- S.3 Smoke detector alarms are to be installed in all bedrooms and hallways and on each other storey of the building not already provided with an alarm. Approved (AS 3786) single station detector systems must be connected to a permanent 240v electricity supply with battery operated back up device.
- S.4 Portable fire extinguisher (3.5kg carbon dioxide) and 1.2m square fire blanket must be mounted on the kitchen wall with clear instructions for use.
- S.5 Bedroom or exit doors must not have deadlocks or other locks/fixtures that require an internal key release.
- S.6 Windows must not have bars or restrictions that prevent egress from windows.
- S.7 Escape paths are to be kept clear at all times.
- S.8 All other legislative fire safety requirements must be met.

### Part 5 Kitchen and food handling

#### Objectives

- O.1 To ensure food storage and meal preparation areas and processes are conducive to the preparation and consumption of food that is safe for guests.

The *NSW Food Act 2003* and *AS 4674 – Design, construction and fit out of food premises*, along with the Australian/New Zealand Food Standards Code contain the relevant standards for kitchen design and food handling for food premises in NSW. Bed and breakfasts are included as food premises and as such the relevant health standards apply.

- S.1 Benches used for food preparation should be finished in a material that is smooth and durable, impervious to moisture and easily cleaned.

- S.2 Provision for hygienic cleaning and sanitising of utensils is required.
- S.3 Hand washing facility – a designated hand wash basin either as a third bowl of the sink or separate facility in or near the kitchen.
- S.4 Refrigerators are to maintain food at or below 5°C and hot food storage equipment to maintain hot food above 60°C. Thermometers (accurate to +/- 1°C) must be provided and located conveniently to allow systematic checking of temperatures.

Arrangements outlining particulars on daily cleaning and hygiene standards, equipment maintenance, check systems for food storage and a program for approved pest control treatment must be documented and displayed.

## Part 6 Toilets and bathrooms

### Objectives

- O.1 To provide an adequate number of toilet and shower facilities to cater for the requirements of the maximum number of occupants.

The following standards should be met for a bed and breakfast establishment:

- S.1 A minimum of two toilets must be available for use within the dwelling.
- S.2 A minimum of two bathrooms must be available within the dwelling.
- S.3 Share facilities must be convenient to the location of the bedrooms for which the facilities are provided
- S.4 Bathrooms used by permanent residents are to be separate from those used by guests.
- S.5 Toilets and bathrooms are to be situated, separated and screened to maintain privacy (without the need to enter through another bedroom).

## Part 7 Utility services

### Objectives

- O.1 To provide adequate utility services/facilities to bed and breakfast and farm stay operations.

### 7.1 Water supply

- S.1 Development on land in the 'Water DSP Development Area' in Council's Development Servicing Plan for Water and Sewerage must connect to Council's reticulated water supply if the land is located within 225 metres of an existing water main.
- S.2 Development on land in the 'Water DSP Development Area' in Council's Development Servicing Plan for Water and Sewerage that is greater than 225 metres from an existing water main must connect to Council's reticulated water supply, except where the applicant can justify, to Council's satisfaction, that a reticulated supply is not required based on the criteria below:
- the type and scale of the development relative to its proximity to the existing reticulated water supply system.
  - the sequence of infrastructure provision identified under the Development Servicing Plan for Water and Sewerage relative to the proposed development.
  - potential future development of nearby land, including type and timing of development(s).
  - the ability of on-site water supply to provide for domestic/commercial demands and a reliable fire fighting reserve.
  - the economic feasibility of connection to a reticulated water supply compared to providing on-site water storage. A cost benefit analysis is to be submitted, including the

total cost to install, run and maintain an on-site water supply system compared to the cost of providing reticulated water supply over a substantial period being 20 years.

- S.3 Where the development will not be connected to Council's reticulated water supply, it will be required to have not less than 70,000 litres of domestic water storage per dwelling. Although not specifically required by Council, it is recommended that landowners consider providing a greater storage capacity.
- S.4 In addition to the minimum quantities of domestic water storage required above, a dedicated reserve for fire fighting purposes of not less than 20,000 litres shall be provided. This may be reduced to 10,000 litres for development in the RU5 zone on land having an area of less than 1 hectare. For development on bush fire prone land as identified on Council's Bush Fire Prone Land Map certified by the Rural Fire Service, additional storage capacity may be required.
- S.5 The dedicated fire fighting water supply tank shall:
- include a 65mm Storz fitting and ball or gate valve, or if the tank is in ground, it shall be fitted with a 200mm x 200mm child proof access hole.
  - provide for fire fighting appliances (i.e. trucks and tankers) to gain access to within 4 metres of the tank.
  - include a minimum 3kW (5hp) petrol, diesel or generator powered pump, including appropriate fittings.
- S.6 Water supply and fire fighting measures for the development will be assessed on its merits in each case having regard to the above objectives.
- S.7 Non reticulated water for drinking and food preparation must comply with the NSW Health Private Water Supply Guidelines and the *Public Health Act 2010*.

## 7.2 Sewerage systems

- S.8 Development on land within the 'Sewer DSP Development Area' in Council's Development Servicing Plan for Water and Sewerage must connect to Council's reticulated sewerage system if the land is located within 75 metres of an existing sewer main.
- S.9 Development on land within the 'Sewer DSP Development Area' in Council's Development Servicing Plan for Water and Sewerage that is greater than 75 metres from an existing sewer main must connect to Council's reticulated sewerage system, except where the applicant can justify, to Council's satisfaction, that connection to Council's sewerage system is not required based on the criteria below:
- The proposed on-site sewerage management system(s) must be able to demonstrate that it can satisfy Council's Policy POL 225 – Regulatory: Local Approvals Policy - On-site Waste Water Systems.
  - The case for on-site waste management is consistent with the type and scale of the development relative to its proximity to the existing reticulated sewerage system.
  - The sequence of infrastructure provision identified under the Servicing Plan relative to the proposed development.
  - The case for on-site waste management considers potential future development of nearby land, including type and timing of development(s).
  - A case for on-site waste management is consistent with and accounts for future development on the subject land with respect to the area of the land parcels, type of development and sensitivity of the environment.
  - The economic feasibility of connection to Council's sewer compared to providing an on-site sewerage management system. A cost benefit analysis is to be submitted, including the total cost to install, run and maintain an on-site system compared to the cost of

connecting to the sewer over a substantial period being 20 years.

- S.10 On all other land, on-site effluent disposal is acceptable subject to satisfying Council's Policy POL 225 – Regulatory: Local Approvals Policy - On-site Waste Water Systems.

### 7.3 Electricity supply

- S.11 Electricity supply requirements are outlined in Chapter 2.1 Site Analysis.

## Part 8 Stormwater management

- S.1 Stormwater drainage systems are to be designed in accordance with Chapter 2.7 Floodplain Protection and Stormwater Drainage.

## Part 9 Signage

### Objectives

- O.1 To provide for signs advertising the property are in keeping with the scale and visual character of the locality.

- S.1 All signage must meet the standards for signage outlined in Chapter 2.10 Signage.

## Part 10 Definitions

**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.

**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.