



Part C – Specific Land Use Controls

Chapter C2: Bed and Breakfast Accommodation

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1 INTRODUCTION

1. This chapter of the DCP provides Council's guidelines for the establishment and operation of Bed and Breakfast style accommodation.
2. This chapter should also be read in conjunction with the relevant LEP applying to the site, in respect to the zoning and permissibility of bed and breakfast accommodation.

2 OBJECTIVES

1. The objectives of this chapter of the DCP are:
 - (a) To maintain the amenity of the subject property and the surrounding neighbourhood; and
 - (b) To provide guidelines for the establishment and conduct of Bed and Breakfast establishments to ensure the maintenance of a satisfactory standard of management and service.

3 DEFINITIONS

"Bed and Breakfast accommodation" means tourist and visitor accommodation comprising of a dwelling (and any ancillary buildings and parking) where the accommodation is provided by the permanent residents of the dwelling and:

- (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.

4 DEVELOPMENT CONTROLS

1. A Development Application is required to be lodged with and approved by Council to operate a "Bed and Breakfast establishment", except where the proposal complies with the "exempt development" provisions under State Environmental Planning Policy (Exempt and Complying Development) 2008.

4.1 General Requirements

1. The Bed and Breakfast establishment must be operated by the permanent resident(s) of the dwelling-house but this need not be the owner(s) of the property. Where the property owner is not the applicant, the consent of the property owner must be made to the making of the Development Application.
2. The maximum number of bedrooms to be used for the purpose of the Bed and Breakfast must not exceed three (3).
3. A maximum of twelve (12) occupants are permitted at any one time for the Bed and Breakfast Accommodation, including the permanent occupants of the dwelling. This will effectively ensure developments remain as a Class 1 building under the Building Code of Australia 1996.
4. Self contained facilities (e.g. tea and coffee making facilities, bar fridge, sink, oven/hot plate) may be provided.

5. Bed and Breakfast accommodation is designed as short term tourist accommodation and is not considered as long- term permanent accommodation. Therefore a maximum period of stay is set at three (3) months.
6. Ideally, the dwelling-house should be connected to sewer. However, effluent disposal methods will be determined according to site criteria e.g. availability of sewer, size of allotment, volume of waste etc.
7. Any proposed Bed and Breakfast establishment should provide at least one bedroom within the facility that has suitable access for all people including people with a disability, in accordance with AS 1428.1.
9. Bed and Breakfast establishments are not “restaurants” or “cafes” open to the general public. Meals may be provided to resident guests only and not the general public.

4.2 Car Parking

1. Parking should be accessible for guests without inconveniencing neighbours, or causing safety problems.
2. A minimum of two (2) on-site parking spaces are to be provided on the basis of one (1) car parking space per guest room in addition to at least one (1) car parking space for residents / owners.
3. Stack parking of up to two (2) vehicles in the driveway may be permitted for permanent residents/ owners of the facility.
4. Conversion of the front garden into a car park will not be permitted.
5. Parking is to be designed to maintain the amenity and character of the locality. Off street parking should be constructed so as to reduce, as far as possible, the noise of vehicles entering and leaving the property.

4.3 Noise Mitigation

1. The operation of any Bed and Breakfast needs to be carefully managed in order to maintain the amenity and privacy of neighbouring properties. Attention should be paid to minimising the disturbance to neighbours of late night arrivals and early morning departure of visitors.
2. Any new building should be designed to ensure that all walls separating guest bedrooms from other habitable rooms must have a Sound Transmission Class of 45. Walls separating guest bedrooms from either a bathroom, kitchen, laundry or toilet must have a Sound Transmission Class of 50. (NOTE: this does not apply to a wall separating an ensuite from the guest bedroom concerned). Council approval is necessary for any such work.

4.4 Signage

1. One (1) business identification sign is permitted on the property to indicate that the dwelling is a Bed and Breakfast establishment, and may include the name and telephone number of the proprietor.
2. The sign must not exceed 0.36m² in area and be in a style in keeping with the scenic environmental quality or streetscape character of the locality of the area (not illuminated).

4.5 Building Code of Australia (BCA) Requirements

1. The conversion of a dwelling-house to a Bed and Breakfast establishment will require a change of classification under the Building Code of Australia (BCA) from Class 1a to 1b. A Class 1b building is defined as “a boarding house, guest house, hostel or the like with a total floor area not exceeding 300m² and in which not more than twelve (12) persons would ordinarily be resident, which is located above or below another class of building other than a private garage”. Should the floor area of the building be greater than 300m², the classification of the building may change to a Class 3 under the BCA, which may result in additional fire safety measures being required and compliance with disabled access provisions and facilities.
2. The premises and furnishings are to be kept clean and free from vermin.
3. No animals are allowed in a guest room, dining room or kitchen. However, guide dogs for the visually impaired are acceptable within a dining room or guest room only.
4. Toilet and bathroom facilities are required for guests, separate from those used by the permanent residents of the house, and without the need to enter a separate bedroom. Bathroom carpet is not permitted.
5. For guest bedrooms, a minimum 5.5m² of bedroom floor area per person is required. Children under 5 years of age are not included in the calculation.
6. The kitchen used for the preparation or storage of guest food must be clean, hygienic, in a serviceable condition and well maintained. Under the Food Act 2006 it is a requirement that the setup and operation of a food premises complies with Food Safety Australia New Zealand (FSANZ) *Food Safety Standards* (FSS) and relevant Australian Standards. Relevant standards include: FSS 3.2.2 “Food Safety Practices and General Requirements”; FSS 3.2.3 “Food Premises and Equipment”; and AS4674-2004. Private kitchen facilities may be provided for guests. This may include tea/coffee making facilities, bar fridge, sink and small hotplate/oven.

4.6 Fire Safety

1. Approved single station smoke detection alarms must be installed in all bedrooms and all associated corridors, passageways or hallways, in accordance with the Building Code of Australia and complying with Australian Standard AS 3786 (connected to a permanent 240 volt supply with a battery operated backup power source) and AS 3000.
2. Deadlocks requiring an internal key release **MUST NOT** be provided on doors to guest rooms or external doors. Locks provided to guest rooms and external doors must be opened from the inside by a single handed action without the need for a key. There must be no bars or restrictions to egress from the windows. Instructions for action in the event of a fire must be placed in each guest room.
3. A 1.2m x 1.2m fire blanket and 3.5kg carbon dioxide portable fire extinguisher must be suitably wall mounted within the kitchen in accordance with AS 2444, with clear instructions for use.

4.7 Registration

1. A register of approved Bed and Breakfast establishments will be maintained by Council. The premises will be registered with Council and will be inspected annually and the operator will be required to pay an annual registration fee.

The owner(s) or proprietor(s) of the Bed and Breakfast establishments must keep a register, and record the following details with regard to every guest:

Names and addresses; and

Actual dates of arrival and departure.

This register must be available for inspection by an authorised Officer of Council at any time upon request.