



Bellingen Shire Development Control Plan 2017

Chapter 4 **Tourist Development**

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| Amendment | Date Adopted | Date Commenced |
|--|---------------------|-----------------------|
| Minor review of DCP - DCP 2017 replaces DCP 2010 | 22 November 2017 | 6 December 2017 |
| | | |

4.1 Aims

The aims of this chapter are to:

- a) To ensure that certain tourist development is not subject to unacceptable hazards from bushfire, flooding or poor access by virtue of their isolation
- b) To ensure that clearing and other environmental impacts are minimised by appropriate means such as requiring the clustering of buildings associated with any tourist development
- c) To ensure that tourist development is compatible with the character and amenity of the locality
- d) To ensure that tourist development is designed and operated in accordance with industry standards including energy efficiency and accessibility
- e) To ensure that adequate and appropriate services are available for tourist development; and
- f) To ensure that appropriate health and fire safety standards are satisfied and maintained.

4.2 Where This Chapter Applies

This chapter applies to all land within Bellingen Shire where “tourist and visitor accommodation” is permitted under the provisions of Bellingen Local Environmental Plan 2010, unless any site specific development controls included in later chapters of this DCP nominate alternative requirements. In this case, the provisions of the site specific development controls shall prevail.

4.3 When This Chapter Applies

This chapter applies when any Development Application is received by Council for new tourist and visitor accommodation or for alterations or additions to an existing facility that requires Development Consent.

It does not apply when the proposed development can be considered as “exempt” or “complying” development under the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or any other Environmental Planning Instrument applying to the land.

4.4 Variations

Council may consider variations to the standards required of development in this chapter when the overall aims of this chapter and any specific aims that may be detailed for that particular standard can be achieved.

4.5 Definitions

Definitions of terms used within this chapter are the same as those contained within Bellingen Local Environmental Plan 2010.

Note: For the purposes of interpretation, self-contained or serviced tourist cabins are considered to fall within the group term definition of tourist and visitor accommodation rather than any specifically defined form of tourist and visitor accommodation and shall be permitted or prohibited accordingly with reference to the land use tables for particular zones.

4.6 Development Criteria

4.6.1 Accommodation

Criteria

General requirements

- 1) With the exception of serviced apartments and hotel or motel accommodation, the proprietor / operator of the tourist facility must be a permanent resident of the property;
- 2) Tourist accommodation must be for overnight and temporary accommodation, and shall not be utilised or let for long-term or permanent accommodation. Guests shall not be accommodated for more than 42 consecutive days with an interval of at least 14 days between occupancies, or for more than 100 days in any 12 month period; and
- 3) An accommodation register shall be maintained with details of guest names and addresses, dates of arrival and departure, receipt number for daily and/or weekly accommodation, and be made available for inspection when required by Council.

Additional requirements for tourist facilities (e.g. cabins, permanent tent structures):

- 1) Accommodation units should be clustered and located, generally, in the vicinity of the main dwelling so as to minimize the cumulative environmental impact the development may have on the site, and
- 2) May consist of self-contained accommodation units with facilities suitable for the preparation of meals by guests;

Additional requirements for bed and breakfast establishments:

- 1) Bed and breakfast establishments are to be contained within an approved dwelling;
- 2) Bed and breakfast establishments are not permitted to operate in a multiple dwelling development;
- 3) Not more than one (1) bed and breakfast establishment per allotment; and

- 4) Guest bedrooms in a bed and breakfast establishment shall accommodate a maximum of two (2) persons per room (excluding children under 5 years of age);

4.6.2 *Guest Rooms*

Criteria

Guest rooms must be designed to:

- 1) Provide adequate space and facilities for occupants to store clothes and travel gear;
- 2) Allow adequate natural light and ventilation into rooms;
- 3) Provide bedding and flooring which are easily cleaned and maintained;
- 4) Allow occupants to exit the room quickly and easily in emergencies, having regard to the configuration of beds and exit doors (no key locks for exit doors);
- 5) Ensure appropriate sound insulation from potential noise generating sources (e.g. kitchens, bathrooms, laundries, bedrooms, driveways and external appliances); and
- 6) Protect the occupants from internal and external entry and theft.

4.6.3 *Toilet and bathroom facilities*

Aim

The provision of an adequate number of toilets and bathrooms is a basic requirement for health and comfort of occupants, whether as en-suite or shared facilities. The construction and location of shared facilities must be convenient to the location of all guest bedrooms for which the facilities are provided.

Criteria

- 1) Bed and breakfast establishments must provide a minimum of two toilets and two bathrooms in total within the dwelling;
- 2) Toilets and bathrooms used by permanent residents shall be separate from those used by guests; and
- 3) Toilets and bathrooms shall be situated so as to maintain privacy (without the need to enter through another bedroom).

4.6.4 *Kitchen and food handling facilities*

Aim

To minimise risk of guests contracting food borne illnesses from food prepared or served on-site.

Criteria

- 1) All food preparation areas within the kitchen that is used by operators to prepare meals for guests are to comply with the Food Standards Australia New Zealand Food Standards Code, AS 4674 - 2004 and the *Food Act 2003*.

- 2) Those preparing meals for guests must have demonstrated skills and competencies in food hygiene. For new operations this will involve obtaining a Food Safety Supervisors Certificate from the NSW Food Authority.

4.6.5 Access for people with disabilities

Criteria

Access for people with disabilities must be provided in accordance with the Disability (Access to Premises – Buildings) Standards 2010, the Building Code of Australia (BCA) and Australian Standards AS 1428.1 – 2009, AS 1428.2 – 1992 and AS 2890.6 – 2009.

4.6.6 Access and parking

Aim

- a) Access to tourist facilities and associated on-site parking is to be designed to be convenient for visitors without adversely affecting adjoining properties or other road users.
- b) Entering and leaving the premises should also be safe for visitors, other road users and pedestrians who may be unfamiliar with the establishment.

Criteria

Off-street parking and access should be designed in accordance with Chapter 5– Parking and Access Requirements for Development.

4.6.7 Visual and acoustic privacy

Aim

Tourist facilities should be designed and operated in a manner which maintains the existing amenity of the locality. Potential for overlooking of adjoining properties and generation of excessive noise (e.g. from outdoor recreational areas) should be minimised. Measures to reduce such impacts can involve a combination of management / operational practices and site layout / design.

Criteria

- 1) Visitor common areas must not overlook the living areas of neighbours;
- 2) Physical works such as tree planting or structural screening shall be required to reduce potential impacts on visual privacy;
- 3) Potential noise generating sources must be located away from neighbour's living rooms and bedrooms, or appropriately sound insulated;
- 4) Where an existing building is being converted for use as tourist and visitor accommodation, Council may require that sound insulation measures are installed to preserve acoustic privacy; and
- 5) Where guest accommodation is proposed in a new dwelling or in attached cabins, sound transmission reduction must be provided in accordance with the requirements of the BCA.

4.6.8 Outdoor recreational facilities

Criteria

Outdoor recreational facilities associated with tourist facilities may include a pool, tennis court, BBQ area, outdoor deck, children's playground area or the like. Such items should be located and used during hours that will not detrimentally affect the amenity of neighboring properties.

- 1) The design and location of recreational facilities should have regard to preserving the amenity of surrounding lands and the locality generally
- 2) Details of proposed recreational facilities are to be submitted to Council as part of the Development Application; and
- 3) The use of recreational facilities should be limited to times that will not cause nuisance to adjoining properties. Council may impose conditions of consent to ensure that hours of use are appropriate to the situation.

4.6.9 Heritage

Criteria

Tourist facilities located on, or adjacent to the site of a heritage item, heritage conservation area or archaeological site must be designed to ensure that the development does not impact on, or detract from, the heritage significance of the item of significance.

Note: Clause 5.10 (Heritage Conservation) of BLEP 2010 provides the principal statutory control regarding heritage. Chapter 15 – Heritage of the DCP provides development objectives and criteria for development or works involving a Heritage Item, within the vicinity of a Heritage Item and within the Bellinghen Conservation Area.

4.6.10 Signage

Criteria

Signage shall be in accordance with the provisions of Chapter 7 – Advertising Signage.

Note: Council will not permit the erection of advertising signs on any land other than that on which the tourist facility is located, unless temporarily in accordance with BLEP 2010, or in accordance with Council's Policy for the erection of Fingerboard signage.

4.6.11 Fire safety within buildings

Aim

To ensure, that clear emergency evacuation procedures are in place and fire-fighting equipment is provided to safeguard against a fire spreading, given that guests of a tourist facility will be staying in generally unfamiliar surroundings.

Criteria

Fire safety measures must be provided in accordance with the BCA for all new tourist and visitor accommodation. Developments involving use or adaptation of existing buildings may also require fire safety measures to be installed.

4.6.12 Landscaping and vegetation

Criteria

Where additional landscaping is proposed, a landscaping plan must be submitted to Council as part of the Development Application and in accordance with the provisions of Chapter 9 – Landscaping.

4.6.13 Buffers to adjoining land uses, areas of environmental constraint or risk

Criteria

- 1) Where the development site adjoins or contains;
 - a) Landuses that may have an adverse impact on the amenity of the future occupants (eg: agricultural operations, forestry operations, dairies, busy roads and railways),
 - b) Areas of environmental constraint (eg: Threatened Ecological Communities), or
 - c) Key fish habitat, or
 - d) Areas of bushfire risk.

the Applicant will need to demonstrate that sufficient buffer zones, or mitigating measures, will be incorporated into the development site to avoid adverse impact.

Note: For the purposes of determining appropriate setbacks and means to address issues of landuse conflict, Council will have principal regard to the publication titled *Living and Working in Rural Areas – A handbook for managing land use conflict issues on the NSW North Coast*, ISBN 978-0-646-48527-0, as published by the NSW Department of Primary Industries, 2007.

For the purpose of determining appropriate buffers to key fish habitats, Council will have principal regard to the publication titled *Policy and guidelines for fish habitat conservation and management (Update 2013)*, as published by the NSW Department of Primary Industries, 2013.

Development Applications for tourist and visitor accommodation on bush fire prone land are normally defined as a 'special fire protection purpose' under Section 100B of the *Rural Fires Act*, 1997. Such applications are classified as 'integrated development' under Section 91 of the *Environmental Planning and Assessment Act 1979*, and must be referred by Council to the NSW Rural Fire Service for consideration and the issuing of a Bush Fire Safety Authority, prior to the issuing of Development Consent. Matters to be considered as part of this process are contained in the publication titled *Planning for Bushfire Protection*, ISBN 0 9585987 8 9, as produced by the NSW Rural Fire Service.

For properties adjoining Rail Corridors and Busy Roads, Council will have principal regard to the publication titled *Development Near Rail Corridors and Busy Roads - Interim Guideline*, ISBN 978-0-7347-5504-9, as published by The State Government of NSW through the Department of Planning, 2008.

4.6.14 Land suitability

Aim

To provide appropriate levels of protection for environmentally sensitive or constrained areas of land from development pressure.

Criteria

Watercourses

- 1) Further to the provisions of Clause 7.4 - Water of BLEP 2010, tourist and visitor accommodation developments shall avoid creating multiple crossings of watercourses for access purposes where possible.

Steep Lands

- 2) Development shall be sited to avoid land with slopes in excess of 25%.
- 3) Driveways and parking areas shall be located to ensure that the need for excessive cut and fill to facilitate construction is minimised.

Flood liable land

- 4) The filling of flood liable land to create suitable opportunities for tourist and visitor accommodation shall be avoided. Council may consider minor amounts of filling where the essential features of the landscape are not significantly altered and compliance with the provisions of Chapter 8 – Flooding and Riverine Processes is demonstrated.

Vegetated Land

- 5) Further to the provisions of Clause 7.5 - Biodiversity of BLEP 2010, development layouts shall be designed to minimise disturbance to existing areas of native vegetation. The degree of clearing necessary to develop accommodation includes that necessary for the construction of roads, the installation of infrastructure (eg: electricity supply) and clearing necessary for construction and bushfire Asset Protection Zones (APZ's).

Ridgelines

- 6) The development shall be designed to avoid building on prominent ridgelines..

Access

- 7) Further to the provisions of Clause 7.8 - Tourism Development in Rural and Environmental Zones of BLEP 2010 –access roads servicing the development must or will be adequate for the scale of the development. .

Aboriginal Cultural Heritage

- 8) If the site is in a rural area and an Aboriginal Heritage Impact Permit (AHIP) has not been obtained for the proposed development and lodged with the development application, applicants must demonstrate to Council that due diligence has been followed in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (2010) produced by the NSW Department of Environment, Climate Change and Water. This

information must be lodged as part of the supporting documentation for the development application.

4.6.15 *Domestic facilities*

Aim

To ensure that tourist and visitor accommodation developments are adequately serviced.

Criteria

Effluent Disposal

- 1) Tourist facilities must be connected to Council's reticulated sewerage system where available; and
- 2) Where connection to Council's reticulated sewerage system is not available, on-site effluent disposal requirements shall be determined having regard to the provisions of Chapter 10 – On Site Sewage Management.

Garbage Disposal

- 3) A proposed method for garbage collection from the site must be detailed in the application having regard to the requirements of Chapter 14 – Site Waste Minimisation & Management.

Water Supply

- 4) In urban areas tourist and visitor accommodation developments must connect to the reticulated water supply where available.
- 5) In rural areas, a potable water supply or rainwater tank will be necessary. The size of the tank will depend on the number of occupants, what the water will be used for and likely consumption rates. A water supply for fire fighting purposes, as well as domestic purposes, must also be available in rural areas.

Telephone

- 6) Telephone services must be available to at least the principal dwelling in the case of an emergency.

Appendices

There are no Appendices for this Chapter