

# **PART G – “TOURISM”**

## **G.1 CITATION**

This plan may be cited as “Development Control Plan 2001 Part G “Tourism”.

### **G.1.1 Introduction**

Council's objective with regard to tourist accommodation within Oberon is to enable the development of a diverse tourism industry, which complements the Oberon and Black Spring villages the rural area, the national parks, the Jenolan Caves precinct and the Oberon area in general so as to strengthen the economic base. Council encourages development that supports low rise, family oriented low-key development that is in harmony with the surrounding environment. Council will encourage appropriate development for tourism purposes, which meets these objectives.

Particular consideration will be given to the appropriateness of the scale of any proposed tourism development to ensure that such development makes a positive contribution to the locality in visual, social and environmental terms.

### **G1.2 Tourism Development**

Where tourism development is proposed in the form of a residential flat building or a group dwelling development, applicants should refer to the general sections of this plan and to Section C.8 - Medium Density, in particular. For other forms of tourism development such as motels, hostels, cabins, caravan parks and camping grounds, the provisions of Sections C of this DCP apply. In the rural zones SEPP 15 should be referred to. For **proposed Bed and Breakfast establishments &/ or single dwelling tourist accommodation** reference should be made to criteria in the relevant section of the Council Exempt Development DCP as the proposed use may be “exempt development”.

## **G.2 AIMS and OBJECTIVES**

### **G.2.1 The Aims Of This Plan Are:**

- a) recognise that Bed & Breakfast accommodation is in a home environment as guests of the host and may be exempt development;
- b) recognise that Tourism development can be an economic benefit to the area and tourist industry in the Oberon Shire;
- c) provide for an alternative form of tourist accommodation within the Oberon Council Area by encouraging the establishment of small scale “Bed and breakfast establishments and Farmstay establishments”,
- d) to ensure that the standard of accommodation is attractive to visitors, and maintains an adequate standard of service.

### **G.2.2 The Objectives Of This Plan Are:**

- A. maintain the residential amenity of the property and locality where a tourism establishment is situated. In order to do so designer of the development and Council shall consider the following matters:-
  1. the location and number of tourism establishments within any given urban or rural neighbourhood;

2. within rural area serviced by an on-site waste water disposal system, that the capacity and efficiency is adequate.
- B. maintain a satisfactory standard of management and service; and
  - C. ensure that the premises meet acceptable community health and fire safety standards.

### **G.3 LAND TO WHICH THIS PLAN APPLIES**

This plan applies to the whole of the Oberon Council Area.

### **G.4 BED AND BREAKFAST AND SINGLE DWELLING TOURIST ACCOMMODATION**

For proposed Bed and Breakfast establishments &/ or single dwelling tourist accommodation reference should be made to criteria in the relevant section of the Council Exempt Development DCP as the proposed use may be “exempt development”.

Bed and breakfast accommodation establishments, in existence at the commencement of this policy are permitted a period of (12) months in which to comply with the terms of the policy

### **G.5 DEFINITIONS**

A Bed & Breakfast or Farmstay establishment, that is not “exempt development”, is either a “Boarding House” or a “Motel”. In no circumstance may an establishment be permitted as a Bed & Breakfast or Farmstay development if it also is defined as “Residential Flat Building”.

The above terms are defined under the 1980 Environmental Planning & Assessment Model Provisions as follows:

“boarding-house” includes a house let in lodgings or a hostel but does not include a motel;

“motel” means a building or buildings (other than a hotel, boarding house or residential flat building) substantially used for the overnight accommodation of travellers and the vehicles used by them whether or not the building or buildings are also in the provision of meals to those travellers or the general public;

“residential flat building” means a building containing 2 or more dwellings;

### **G.6 DEVELOPMENT CONSIDERATIONS**

Consideration will be given to the following matters:

- a) The proposed tourism development is to have some element of building design, location or feature of appeal to tourists and visitors; i.e. heritage architecture, streetscape amenity, rural ambience.
- b) For urban sites, off-street car parking is to be provided at the rate of 1 space for resident parking and 1 space for each two guest rooms. Care is to be taken with the siting of car park areas, so as to retain the residential character of the area, and to reduce noise impact upon neighbouring properties. The stack parking of vehicles is acceptable.
- c) Meals are to be able to be provided for guests. Approval to operate a tourist accommodation does not incorporate approval to operate refreshment rooms. Such use will need to register with the Council as food premises.

## G.7 HEALTH STANDARDS

Consideration will be given to the following matters:

- A. Unless otherwise approved by Council toilet and bathroom facilities for guests and residents shall be provided at the rate of 1 toilet and bathroom for each 3 bedrooms within the establishment.
- B. For guest bedrooms, a minimum of 5.5 m<sup>2</sup>, (approx. 1.5 m x 3.6 m) of floor area is required for each person excluding children under the age of five (5) years.
- C. The tourist establishment shall be operated in a manner which has regard to the amenity of the neighbourhood. It is expected that noise levels generated by the development proceeding shall be in keeping with those normally experienced in the locality.
- D. On-site waste water disposal system. The capacity and efficiency of existing or proposed septic tank/waste water disposal system is to be adequate for the approved occupancy rate
- E. Sound transmission. To minimise disturbance, walls separating guest rooms from other habitable rooms should have a Sound Transmission Class of 45. Walls separating bedrooms from either a bathroom, water closet, kitchen or laundry, other than an ensuite bathroom attached to and opening only to the guest bathroom, should have a sound transmission class of 50.
- F. Kitchen. Where a kitchen provides for a maximum occupancy rate of 10 persons in the establishment the kitchen should be upgraded or constructed to comply with the following minimum requirements:
  - Ø Voids such as kitchen cupboard kickboards to be eliminated. A variety of methods of are available and should be detailed on the plans and specifications by the designer.
  - Ø Refrigerator to be on wheels to facilitate easy cleaning.
  - Ø Hand basin must be provided with a towel and liquid soap dispenser within reasonable proximity of the kitchen and eating areas.
  - Ø Double bowl sink or dishwasher to be provided.
  - Ø Floor covering to be smooth and impervious – such as a commercial grade vinyl or equivalent with welded joints, or glazed ceramic tiles or slate and terracotta sealed with commercial sealant are acceptable alternatives. A variety of methods of are available and should be detailed on the plans and specifications by the designer.
  - Ø Ceiling and walls to be rigid smooth faced non-absorbent material and painted with a washable paint of light colour.
  - Ø Provide 450 mm tiles to wall above bench tops.
  - Ø Fly proofing to kitchen external openings.
  - Ø Benches, draining boards, table tops etc., are to be of rigid smooth faces non-absorbent durable material, free of cracks, crevices or cavities, such as stainless steel or other approved material. Joints in Laminex or Formica are permitted.
  - Ø Thermometers shall be provided to dishwashers, bowl sinks, and all hot or cold food storage equipment. **NB:** The water temperature of the dishwasher rinsing cycle is

not to be less than 70 deg C, and double bowl sinks with one bowl not less than 44 deg C with the rinsing bowl 75 deg C.

Where an establishment provides for the accommodation of more than 10 people (residents and visitors) the building is classified differently under the Building Code of Australia and will require full compliance with the Food Act and Council's Food Premises Code. The building designer must demonstrate full compliance in the submitted plans and specifications.

## **G.8 FIRE SAFETY**

The building must comply with the Building Code of Australia. If it is an existing building it needs to be upgraded to comply with the BCA or a BCA audit completed and any deficiencies reasonably addressed to ensure the objectives of the building code have been adequately addressed.

Kitchen. A 1.2 x 1.2.m fire blanket and a 2.0kg ABE dry power Portable Extinguisher are to be suitably wall mounted within the kitchen area, with clear instructions for use of each item.

Smoke Detectors. Approved single-station smoke detector alarms (connected to a permanent 240 volt electricity supply with a battery operated backup device) are to be installed in all bedrooms and associated hallways. (This is a requirement of the Building Code of Australia.)

## **G.9 SUBMISSION OF A DEVELOPMENT APPLICATION**

A development application will be required for Council's consideration if the use is not considered to be 'Exempt Development'. If the use is 'exempt development' a notification form must be issued and submitted to the Council.

Development Application forms may be obtained from Council. Each application will be treated on its merits. Construction Certification may also be required for developments that require renovations, extensions or new buildings. Further inquiry should be made to Council to determine requirements in these instances.

## **G.10 ADVERTISING SIGNS**

The S.E.P.P. 64 may permit one building/business identification sign for the tourist establishment which may include the name of the property and / or the name of the proprietor. Any such sign shall be designed to reflect the character / style of the dwelling, and be limited in size to a maximum of 1m<sup>2</sup> in area.

## **G.11 INSPECTIONS**

The premises should be inspected annually to verify minimum fire safety and health requirements are adhered to.

## **G.12 EARLY DISCUSSION**

It is recommended that persons interested in undertaking a tourism development business contact Council's Development Department at the earliest opportunity to discuss the development proposal, and to ascertain the requirements for each individual development and / or application. It may also be of benefit to discuss the proposal with the Oberon Council's Promotions Officer.

### **G12.1 Other Information For Applicants**

**Home Hosting for Rural Tourist Accommodation**, Accommodating the "Country Holiday Experience", NSW Farm & Country Holiday Association Inc., 1997.

Guidelines on Government Approvals for B & B's, Farmstays and Other Tourist Accommodation provided within the home..

**Purpose Built Rural Tourist Accommodation**, Accommodating the "Country Holiday Experience:"  
NSW Farm & Country Holiday Association inc., 1997  
Guidelines on Government Approvals for Farm Holiday Resorts, Rural Retreats, Guesthouses, Cabins  
and Other Purpose Built Rural Tourist Accommodation.

# ROAD SIDE STALLS

## **G.13 DEVELOPMENT CONSIDERATIONS**

The Building or place used for the Roadside Sales must form an integral part of the holding from which the produce originates and must be comprised wholly within its boundaries.

The intent of the planning provision for Roadside Stalls is to allow produce grown locally to be marketed locally on agricultural holdings associated with produce growing.

### Size of Stall

The size of the stall should be kept to a minimum.

### Building Design

The building used for the Roadside Stall should complement the character of the locality.

### Health Requirements

Premises must be kept clean and tidy at all times to comply with the Food Act and Council's satisfaction.

### Access and Car Parking

- The access to the property from a Roadway should be sited in a manner that gives motorists clear direction to allow safe turning in or out of the property.
- Car Parking should be provided for sufficient spaces to meet demand wholly within the property.
- A minimum of 4 car parking spaces is to be provided.

### Advertising Signs

- To maintain the Rural Character of the area proposed signage should be kept to a minimum and approval sought under the provisions of S.E.P.P. 64. A single well designed advertising sign within the property is deemed to provide effective identification of the Roadside Stall.
- Advertising signs in road reserves are **not** permitted.

### Other Approvals

Building works that are not exempt development require Council development consent and must comply with the Building Code of Australia Standards.

### Public Notification of Proposals

Council shall give notice of applications to establish Roadside Stalls and will consider any submissions received as consequences of the public notices. Notification fees may apply.

## **G.14 SUBMISSION OF A DEVELOPMENT APPLICATION**

A development consent for any roadside stall within Oberon Council Area. The following information to be submitted in conjunction with the lodgement of the development application:

1. Type and quantity of produce / good for sale
2. Hours of operation of the development.
3. Detailed diagram of proposed site layout with dimensions, indicating access / egress, parking provisions, location of any proposed advertising structures.
4. Detail of size and content of advertising structure.
5. Detail of proposed buildings including plan and elevation drawings and proposed construction materials.
6. Reasons for proposing to establish.
7. Hours of operation and length of time proposed (eg. Two month seasonal stall only)

The fee for a Development Application for Roadside Stall should be verified with Council and each application will be treated on its merits.

## G.15 EARLY DISCUSSIONS

It is recommended that persons interested in undertaking a Roadside Stall Business contact Council at the earliest opportunity to discuss the development proposal.

## G.16 RTA GUIDELINES

- Ø The stall is to be located outside the road reserve;
- Ø All parking associated with the development is to be located outside the road reserve;
- Ø A barrier is to be provided between the development and the road reserve;
- Ø Ingress and egress to and from the site is to be clearly signposted;
- Ø All advertising associated with the development is to be located outside the road reserve;
- Ø The minimum requirements for the turnout from the development should align with Council's requirements for rural property access. Within the requirements should be the provision of pavement seal for a minimum of 6 metres when the turnout connects to a bitumen roadway;
- Ø The location of the turnout to the development should be such that maximum sight distance is available to vehicles travelling along the through road to slow and turn into the development as well as permitting those vehicles leaving the site to have maximum visibility for gap acceptance. As a guide for cars to reduce speed to enter a property at a turn speed of 5km/h from 100km/h travel speed at a distance of some 180 metres is required;
- Ø The provision of signposting warning approaching motorists of encountering possible slowing, stopping and turning manoeuvres should also be out in place. Within the Australian Standards provision has been made for warning approaching motorists with signs which have the legend "Entering Traffic" and / or "Concealed Driveways" etc;
- Ø Any works associated with the design and / or construction of turnout to this type of development is to be carried out to the approval of but at no costs to the Authority in respect of classified roads.