

# Richmond Valley Development Control Plan 2021



## Part E Visitor Accommodation, Caravan Parks and Manufactured Home Estates

This DCP applies to all land within the Richmond Valley Local Government Area.

Date adopted by Council:  
22/06/2021

Effective Date:  
01/08/2021

Amendments:

[Nil](#)

[Effective Date:](#)

This Part primarily contains standards, requirements and considerations for development relating to tourism, short-stay or temporary accommodation within the Richmond Valley Council area. However, it also incorporates additional land uses for caravan parks, camping grounds and manufactured home estates which may also provide for permanent accommodation.

Each of the Chapters listed below relates to development principles and standards specific for that land use type:

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This Part primarily covers the land use terms that together form the 'Group-term' *Tourist and visitor accommodation*, but it also includes other types of land uses involving short-stay accommodation such as *Eco-tourist Facilities, Manufactured Home Estates, Caravan Parks, and Camping Grounds*. This Part has been divided into Chapters with each chapter specifying different development standards and considerations. Each Chapter in turn contains major headings for introduction, objectives, development principles and development standards.

**Part E Tourist and Visitor Accommodation**

This Part and each Chapter does not contain an exhaustive inventory of standards or considerations. Additional information may be required to address issues under section 4.15 of the EP&A Act. It is recommended that preliminary discussions take place at an early planning stage for such developments to identify any specific issues needing consideration.

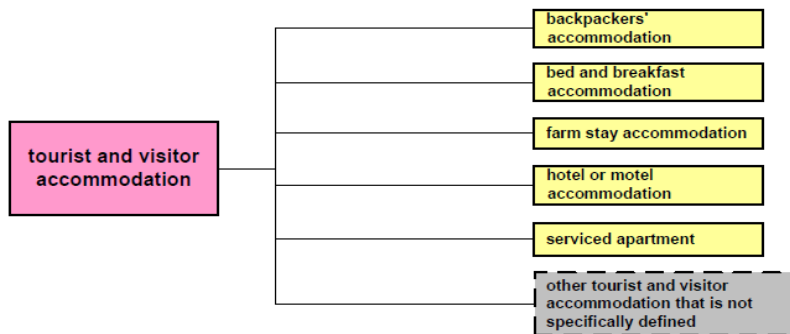
**Undefined Land-use terms**

The Group term for Tourist and visitor accommodation, see structure of term in figure E.1, has scope to incorporate land-uses that have not yet been specifically defined by the Standard Instrument LEP. Such land-uses adopt the permissibility of the “parent” term, in this case Tourist and visitor accommodation. This DCP may not contain a specific Chapter covering such undefined terms. As the case may be, the Chapter for a closely representative term may be used where applicable.

Applicants will be required to undertake formal pre-lodgement consultation with Council under these circumstances. Council reserves the right to provide written guidelines or instructions to an applicant regarding such applications.

**TOURIST AND VISITOR ACCOMMODATION**

**LAND USE terms WITHIN tourist and visitor accommodation group term:**



**LAND USE terms OUTSIDE tourist and visitor accommodation group term**



**Figure E.1 General relationships between land use terms in the Standard Instrument LEP**  
 (Source Department of Planning, [Housing and Infrastructure Practice Note PN11-0034](#))

## Part E Tourist and Visitor Accommodation

### Summary of Land use Permissibilities

Development types captured within this Part have the following permissibilities under the *Richmond Valley Local Environmental Plan 2012*.

**Table E.1 Land use Permissibilities under the *Richmond Valley LEP 2012***

Land Zones	Defined Land-use Terms									
	Eco-tourist facilities	Tourist and visitor accommodation <sup>1</sup>	Bed and breakfast accommodation <sup>2</sup>	Backpackers' accommodation	Farm stay accommodation	Hotel and motel accommodation	Serviced apartments	Manufactured Home Estates	Caravan Parks	Camping Grounds
RU1 Primary Production	Y	X	Y	X	Y	X	X	Y <sup>4</sup>	Y	Y
RU5 Village	Y	Y	Y	Y	X	Y	Y	Y <sup>4</sup>	Y	Y <sup>3</sup>
R1 General Residential	X	Y	Y	Y	X	Y	Y	Y <sup>4</sup>	Y	Y <sup>3</sup>
R5 Large Lot Residential	X	X	Y	X	X	X	X	X	X	X
<del>B1</del> Neighbourhood Centre	<del>X</del>	<del>Y</del>	<del>Y</del>	<del>Y</del>	<del>X</del>	<del>Y</del>	<del>Y</del>	<del>Y<sup>4</sup></del>	<del>Y</del>	<del>Y</del>
<del>B2E1</del> Local Centre	X	Y	Y	Y	Y	Y	Y	Y <sup>4</sup>	Y	Y
<del>B3E2</del> Commercial Core Centre	X	Y	Y	Y	X	Y	Y	Y <sup>4</sup>	Y	Y
RE1 Public Recreation	X	X	X	X	X	X	X	Y <sup>4</sup>	Y	Y <sup>3</sup>
RE2 Private Recreation	X	Y	X	Y	Y	Y	Y	Y <sup>4</sup>	Y	Y <sup>3</sup>
<del>E3C3</del> Environmental Management	Y	X	Y	X	Y	X	X	X	X	Y

**Notes.** <sup>1</sup>This is a defined 'Group-term'.  
<sup>2</sup> B&B Accom. may be undertaken as Complying Development under *Part 4A – General Development Code*, of the Exempt and Complying Development Codes SEPP, within a zone permitting B&Bs, and within an existing dwelling, but excludes Bushfire Prone Land. See the Codes SEPP for all development requirements and standards.  
<sup>3</sup> Caravan Parks may include camping grounds.  
<sup>4</sup> ~~SEPP36~~ [SEPP \(Housing\) 2021](#) generally permits Manufactured Home Estates where ever Caravan Parks are permissible, although there are exceptions contained within Schedule ~~2 of SEPP36~~ [6 of the SEPP \(Housing\) 2021](#)

### Integrated development

The *Rural Fires Act 1997* identifies “Hotel, motel or other tourist accommodation” as being “special fire protection purposes” and therefore requiring a section 100B bush fire safety authority, where located on bush fire prone land. EP&A Act identifies any development requiring a section 100B bush fire safety authority as integrated development (s.4.46). Such applications get referred to the NSW Rural Fire Service for their general terms of approval.

To assist with processing Integrated Development Applications, they must be accompanied with a Statement of Environmental Effects including a report demonstrating compliance with the *Planning for Bushfire Protection 2006–2019* guidelines. Notwithstanding, special exceptions may apply to Bed and breakfast

## Part E Tourist and Visitor Accommodation

accommodation exempting them from requiring a Section 100B. See Chapter E-2 for further information.

# Richmond Valley Development Control Plan 2021



## Part E-1 Eco-tourist facilities

This DCP applies to all land within the Richmond Valley Local Government Area.

Date adopted by  
Council:  
22/06/2021

Effective Date:  
01/08/2021

Amendments:  
Nil

Effective Date:

Eco-tourist facilities are defined within the *Richmond Valley LEP 2012* (the LEP) and relate to the establishment of short-term accommodation that has been sensitively designed to enhance and manage environmental or cultural values of the land. They should not be confused with the generic term “Eco-tourism” which relates holistically to ~~nature-based~~nature-based tourism, including accommodation.

The LEP defines Eco-tourist facilities as a ~~stand-alone~~stand-alone term, outside the Group-term for Tourist and visitor accommodation. This has ~~been~~en done so that such development can be permitted within more sensitive environments.

*Clause 5.13 Eco-tourist facilities* within the LEP, along with the definition of *Eco-tourist facilities*, provide that such development be designed and located so as to minimise bulk, scale, overall physical footprint, as well as any ecological and visual impact.

This Chapter provides an explanation of the LEP provisions and establishes development assessment considerations as well as design standards.

The Department of Planning’s guideline *Tourism Development Near Natural Areas* (1989) has been consulted in the preparation of this Chapter.

## Part E Tourist and Visitor Accommodation

### E-1.1 General Objectives

The general objectives of this Chapter are to:

- (1) compliment the objectives for eco-tourist facilities as provided by the LEP
- (2) promote developments that enhance rather than erode the values of adjacent natural areas
- (3) assist potential developers and landowners in developing appropriate eco-tourist facility projects, taking into account location, scale, site, design, operations and feasibility, and
- (4) provide guidelines for assessing applications.

### E-1.2 Permissibility

#### (1) Richmond Valley Local Environmental Plan 2012

##### (a) Definitions and LEP Provisions

Eco-tourist facilities are defined within the Dictionary attached to the LEP. Critical to the definition is the accommodation must be temporary or short stay, that it be located on or adjacent to an area of special ecological or cultural features, and that it be sensitively designed for the environment hosting the development. Further development considerations are contained within *clause 5.13 Eco-tourist facilities* under the LEP.

The LEP definition and clause 5.13 are reproduced below.

#### Extract from *Richmond Valley Local Environmental Plan 2012*

##### Definition of Eco-tourist Facility

**Eco-tourist facility** means a building or place that:

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale, and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

**Note.** See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

Eco-tourist facilities are not a type of **tourist and visitor accommodation**—see the definition of that term in this dictionary.

##### Clause 5.13 Eco-tourist facilities

- (1) The objectives of this clause are as follows:
  - (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,
  - (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.
- (2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.
- (3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that:
  - (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and
  - (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and

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- (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and
- (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and indigenous flora and fauna will be minimal, and
- (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and
- (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and
- (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours materials and landscaping with local indigenous flora, and
- (h) any infrastructure services to the site will be provided without significant modification to the environment, and
- (i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and
- (j) the development will not adversely affect the agricultural productivity of adjoining land, and
- (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment:
  - (i) measures to remove any threat of serious or irreversible environmental damage,
  - (ii) the maintenance (or regeneration where necessary) of habitats,
  - (iii) efficient and minimal energy and water use and waste output,
  - (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,
  - (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

### (b) Land use Permissibilities

Eco-tourist facilities are permissible with development consent in the following Land Zones under the LEP:

- RU1 Primary Production
- RU5 Village
- ~~E3~~C3 Environmental Management.

## E-1.3 Issues for Eco-tourist facilities

### (1) Conservation Issues

Conservation issues essentially relate to maintenance of environmental and cultural resources within the site and their protection for the long term. They include:

- maintenance of visual character and scenic values.
- maintenance of natural systems for their physical values and for the protection of ecology and biodiversity including rare and endangered species.
- maintenance of natural areas not reserved in the Parks system including ~~SEPP14 Coastal Wetlands~~ [Chapter 2 of SEPP \(Resilience and Hazards\) 2021](#), and other “~~E~~”C” type environmental Land Zonings.
- protection of elements of particular ecological, scientific or visual significance.
- maintenance of recreation settings ranging from a wilderness area to a higher level of development facilities.

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- the provision of information, education and interpretation facilities to increase public awareness of the environmental values of the area.
- maintenance of cultural heritage values, both Aboriginal and Non-Aboriginal.

### (2) Development Issues

These issues relate to the encouragement of appropriate forms of development and balancing the levels of facilities, the intensity of development, and the nature of recreation use with the natural and cultural values of the site. It is important that such development:

- respects the natural character of the site and its surrounds.
- not detract from the natural and cultural values and include appropriate management to safeguard these values.
- provides a return to investors.
- results in direct and indirect economic benefits to the community.

### (3) Planning Issues

The essential planning issues are centred on achieving environmentally sensitive development. The key concept underlying these issues is that of “environmentally sustainable development” which should provide benefits but not decrease the natural values or options available to future generations. They include:

- recognition of the characteristics of acceptable and unacceptable development.
- ~~provide~~ guidelines to assist in preparing appropriate development proposals that are likely to be supported by the consent authority.
- ~~establish~~—development parameters to encourage the concept of sustainability for adjacent natural and cultural areas, and sustainable use of natural resources.

## E-1.4 Design standards/controls

### (1) Location

- The definition of Eco-tourist facilities has a strong emphasis on being located within or adjacent to areas with special ecological or cultural features. These features need to be described with reference to the sites physical, ecological and cultural values and how they will be enhanced by the proposal.
- Development applications for Eco-tourist facilities within Zone RU5 Village must be accompanied by a Social Impact Assessment.
- Critical to this Social Impact Assessment will be an evaluation of potential impacts upon adjacent residential properties and the amenity of the neighbourhood.

### (2) Environmental

- Site restoration works should be incorporated into the development so as to enhance the sites' special ecological or cultural features.

## Part E Tourist and Visitor Accommodation

- Buffering the Eco-tourist facilities to special ecological or cultural features will reduce potential impacts. For example, buildings should be sited within existing clearings.
- Minimise ecological impacts by:
  - reducing the scale of proposals.
  - incorporating the proposal into the environment.
  - clustering the development to reduce the need for multiple asset protection zones.
  - being serviced by a centralised On-site Sewage Management System.
  - Reducing the extent of internal access roads.
- Have regard to the [SEPP \(Resilience and Hazards\) 2021](#) ~~Coastal SEPP~~ and the NSW Coastal Policy in the design and siting of a development.
- Avoid prime agricultural land (State or Regionally significant farmland).

### (3) Hours of Operation – Neighbour Friendly

- Facilities such as swimming pool operation and use to be restricted where there is potential to impact upon neighbours.
- Management will be responsible for inappropriate behaviour of guests in public places surrounding the establishment.

### (4) Access

- Most visitors to the [Area](#) will be travelling by private car. Therefore, the land must be serviced by a road of appropriate standard or upgraded (as a condition of consent) to such a standard. Furthermore, internal access must be appropriate so as to facilitate arrival but also safe evacuation in emergencies. Where a road or internal access is to be upgraded or provided new, the impact of construction and operation must be considered.
- Site access onto a public road must be safe for guests as well as the travelling public. Consideration will be given to speed limits along the road, the design speed for the road, available sight distances along the road, design of the intersection, the volume of traffic to be generated.
- As a general rule, vehicular access to the Pacific Highway/Motorway is prohibited.
- Direct vehicular access to other Classified roads is undesirable, however may be permitted where ~~the Roads and Maritime Services~~ [Transport for NSW](#) agrees to access arrangements.
- Entry and exit to the property must be in a forward direction.

### (5) Hazards

- **Landform and stability**
  - Preference will be given to a stable landform where risk of erosion, subsidence, and landslip are minimised.
  - Siting of developments on slopes having a grade greater than 1 in 4 should be avoided.

- **Bushfire prone land**
  - Where located on Bushfire Prone Land (see Council's Bushfire Prone Land maps) the proposal will be Integrated Development.
  - The proposal must be assessed against the *Planning for Bushfire Protection* guidelines ~~(2006)~~ (2019) either complying with the deemed to satisfy provisions or supplying an alternative solution.
  - Vegetation removal for asset protection needs to be balanced with retention of natural and cultural features of the site. In this regard preference will be given to a concentrated rather than dispersed layout. Council may permit habitat loss where there will be a positive biodiversity off-set established within the development site and where appropriate consents under the ~~Native Vegetation~~ *Biodiversity Conservation Act-2016* can be achieved. Such consents should be investigated prior to lodging the development application.
- **Flood**
  - See Chapter H-1 Flooding.
  - Habitable floors are to be located above the flood planning level, defined as a level 500mm above the 1 in 100 year ARI flood event for the site.
  - Development will not be permitted within an identified high flood hazard area.
- **Climate Change**
  - Development must incorporate adaptive design for climate change.
  - Development should be located beyond the 100 year predicted coastal erosion zone. Where such modelling is unavailable for coastal sites, it must be provided with the Development Application to justify the development layout.
  - Buffers should be naturally enhanced to protect the development from coastal hazards, ~~eg~~ *e.g.* Dune restoration and rehabilitation.
  - An Adaptation Plan must be developed where the development site is adjacent to coastal hazards. Buffering development from such hazards must be the primary focus. Subsequent enhancement of natural protective measures will be encouraged. Engineered solutions to protect development from hazards are considered inconsistent with the principles of Eco-tourism facilities. Planned retreat is considered the ultimate solution to protect development. Therefore, structures should be designed to be readily relocated away from the hazard front. If planned retreat is not an option, then abandoning the development (demolition) may be required.
- **Emergency management plan**
  - For proposals located within hazard areas, an Emergency Management Plan should be prepared and include emergency evacuation procedures for guests.

## Part E Tourist and Visitor Accommodation

### ➤ Natural Resources

- It is more than likely that Eco-tourist facilities will be located within one or more of the mapped Natural Resources identified within the LEP. These include biodiversity (native vegetation, habitat corridors), wetlands, riparian and waterways (key fish habitat), and landslip risk (steep slopes).
- Clauses 6.6, 6.7, 6.8 & 6.10 of the LEP require the assessment of the various Natural Resources as a head of consideration for development applications. See Chapter H-3 Natural Resources (NRS) for further details.

## (6) Design

- Have regard to appropriate design guidelines, [e.g.g.](#) Chapter A of this DCP contains design guidelines for residential accommodation, Coastal Development Guidelines, Eco-tourism guidelines.

### ➤ Design, Scale and Density

- Scale of the development should be in perspective to the site and its special features.
- Emphasis should be given to providing a low-tech environmental experience for guests.
- Minimum land area for Eco-tourist facilities, in Zone RU1, RE1, RE2 or ~~E3~~ C3, shall be 10ha.
- Density
  - Zone R1 and RU5—1 unit/cabin per 200m<sup>2</sup> of land area
  - RU1, RE1 & RE2 —1 unit/cabin per 1 ha of land area
  - ~~E3~~ C3—1 unit/cabin per 2 ha of land area
  - Density for dormitory style accommodation will be a calculated at 1 unit/cabin = 4 persons accommodated.
- Units/cabins will be restricted to a maximum of 2 bedrooms and a capacity to accommodate a maximum of 4 guests at any one time, dormitory style accommodation being excepted.

### ➤ Setbacks

- See Chapter I-3 for front, rear/side boundary building line setbacks and foreshore building lines.
- Adopt the largest development setback from the following table, where multiple standards apply.

Land Zones	Situation	Front Building Line (metres)	Side and Rear Building Line (metres)
RU1, RE1, RE2 and <del>E3</del> C3	Access to a Local Road	15	15
	Access to a Classified Road	50	15
	For Bushfire Prone Land	30	30
All other Zones		6	2

➤ **Height and Overshadowing**

- The LEP – Height of Buildings Map generally adopts an 8.5 metre building height above natural ground.
- Development shall be restricted to single storey. Exceptions may be granted where:
  - topography dictates an alternative (~~ie~~i.e. elevation above flood, justification that structure will not be visible from outside the property boundaries, slope etc.)
  - established development on adjacent land establishes a precedent for additional storeys
  - additional storeys consist of internal mezzanines, attics, or basement storage.
- Development should not protrude above the tree-line or be visible externally from the development site so as to detract from the scenic values of the natural area.
- Development overshadowing adjoining properties should permit a minimum of 2 hours un-interrupted solar access within the living areas of the affected property.

➤ **Parking**

- 1 space to be provided per unit/cabin plus 1 per 3 employees.
- Car parking to be located so as to minimise the impact on scenic amenity of the locality and the streetscape.
- See Chapter I-4.

➤ **Signage**

- As per signage policy (see Part F Signage).
- Signage to be designed in keeping with special ecological or cultural features but would generally be limited to a business identification sign, located on the land, and having a maximum display area of dimension of 2x2 metres with a display area not exceeding ~~8m<sup>2</sup>~~4m<sup>2</sup>.

- **Infrastructure**
  - **Energy Efficiency**
    - Eco-tourist facilities should embrace renewable energy sources
    - Consideration should be given to the nature of renewable energy sources to ensure their impact on the amenity of the locality is not impacted upon (having regard to the type of systems proposed and their potential environmental impacts (visual, noise, alterations to natural systems) and impacts upon neighbours).
    - BASIX energy and resource efficiency principles should be employed in the design of the development.
    - Orientation of buildings should favourably capture local climatic conditions to maximise potential for passive heating and cooling of buildings.
  - Development that cannot be connected to a public reticulated sewage treatment system will need to demonstrate that the development can be serviced with On-site Sewage Management System (OSMS). Refer to Council's OSMS Strategy.
  - **Water efficiency**
    - Water Sensitive Urban Design needs to be incorporated into the design. This includes roof water harvesting and ~~on~~-on-site storage, stormwater detention, erosion/sediment control, AAA rated plumbing and devices.
    - Sites not connected to the mains water supply should provide a minimum of 10,000 litres rainwater tank capacity per unit/cabin and an additional 5,000 litres capacity per unit/cabin dedicated for ~~fire~~-fire-fighting purposes. A reduction in this capacity may be considered where an alternative source of suitable water can be demonstrated.
- **Landscaping**
  - The natural features of the surrounding environment should be drawn into the development precinct as part of landscaping.
  - Landscaping should include a minimum 50m<sup>2</sup> per unit/cabin.
- **Education and experience**
  - Eco-tourism embraces environmental and cultural education. An Educational Strategy should be supplied with the Development Application to demonstrate the types of programs to be employed, and the audience targeted by those programs.
- **Public Health and Food Safety**
  - All public health requirements shall be complied with, in particular, but not limited to, the *Public Health Act* ~~1991~~2010.
  - All proposed bars and food preparation areas shall comply with the NSW Food Standards Code and AS4674-2004 (current at the time of DCP – refer to any succeeding legislative requirements).

### ➤ Refuse Facilities

- Refuse facilities shall be made for the storage and removal of rubbish in accordance with Council Policy and for the suitable screening of the ~~refuge~~refuse storage area.
- Disposal of refuse on-site will not be permitted.

### (7) Temporary or Short-term Accommodation

- No person shall be permitted to reside on the land, other than within Residential Accommodation, for a period exceeding 3 months in any continuous 12 month period.

### (8) Notification and advertising

- See Chapter I-15 for details.
- Tourist and visitor accommodation is identified as Category “B” development, therefore, requiring a published notice and written notice for 14 days.

### (9) No subdivision unless compliant with Lot Size Map

- The subdivision of such developments will not be permitted unless compliant with minimum lot sizes provided on the Lot Size Map for the land.

### (10) Waste Minimisation and Management

- The construction phase of any development must have a plan submitted and approved in accordance with Richmond Valley Council Waste Minimisation and Management Policy.

# Richmond Valley Development Control Plan 2021



## Part E-2

### Bed and Breakfast Accommodation

This DCP applies to all land within the Richmond Valley Local Government Area.

**Date adopted by Council:**  
22/06/2021

**Effective Date:**  
01/08/2021

**Amendments:**

[Nil](#)

[Effective Date:](#)

This Chapter provides guidance for the establishment of bed and breakfast accommodation, a type of Tourist and visitor accommodation, in the Richmond Valley Council area.

## E-2.1 Objectives

The objectives of this Chapter are to:

- (1) describe the permissibility of Bed and breakfast accommodation under the LEP
- (2) ensure that Bed and breakfast accommodation is kept in scale with surrounding development so as to minimise its impacts on the amenity of the neighbourhood
- (3) provide for minimal signage
- (4) ensure that infrastructure and facilities are satisfactory to service the development and needs of guests
- (5) ensure the safety of the occupants having regard to natural hazards, such as bush fire
- (6) describe other legislative considerations.

## E-2.2 Design principles

### (1) Richmond Valley Local Environmental Plan 2012

#### (a) Definition and LEP Provisions

Bed and breakfast accommodation is defined within the Dictionary attached to the LEP. Critical to the definition is that the accommodation must be short stay, be located within a dwelling, and operated on a commercial basis by the permanent residents of the dwelling. Clause 5.4 of the LEP applies additional controls that restrict Bed and breakfast accommodation to a maximum of 3 guest bedrooms.

Extract from *Richmond Valley Local Environmental Plan 2012*

#### Definition of Bed and Breakfast Accommodation

**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.

**Note.** See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation. Bed and breakfast accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

#### (b) Permissibility of Bed and breakfast accommodation

Bed and breakfast accommodation may be undertaken with development consent under the LEP, or as Complying Development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (the Codes SEPP) in the following zones:

- RU1 Primary Production
- RU5 Village #
- R1 General Residential #
- R5 Large Lot Residential

- **B2-E1** Local Centre #
- **E3-C3** Environmental Management

**Note.** # Within this zone B&B Accom. is permitted with development consent within the Group-term Tourist and visitor accommodation.

Clause 5.4(1) of the LEP applies additional controls on Bed and breakfast accommodation restricting such developments to no more than 3 guest bedrooms.

Extract from *Richmond Valley Local Environmental Plan 2012*

Clause 5.4 Controls relating to miscellaneous permissible uses

**(1) Bed and breakfast accommodation**

If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

**Note.** Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

**(2) Complying development**

Bed and breakfast accommodation is specified as complying development under *Part 4A - General Development Code* of the Codes SEPP. To be complying development it must be fully compliant with the requirements and development standards prescribed for that development type in the SEPP. These requirements and standards are:

Extract from *SEPP (Exempt and Complying Development Codes) 2008*

Part 4A General Development Code

**Note 1.** Schedule 3 contains variations to this code.

**Note 2.** In addition to the requirements specified for development under this code, adjoining owners' property rights, the applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply. For example, requirements relevant to development in this code may be contained in the Act, the *Environmental Planning and Assessment Regulation 2000*, various State environmental planning policies, the *Protection of the Environment Operations Act 1997*, the *Roads Act 1993*, the *Swimming Pools Act 1992* and Acts applying to various infrastructure authorities. If the development is in proximity to infrastructure, including water, stormwater and sewer mains, electricity power lines and telecommunications facilities, the relevant infrastructure authority should be contacted before commencing the development.

Division 1 Specified development and development standards under this code

Subdivision 1 Bed and breakfast accommodation

**4A.1 Specified complying development**

Bed and breakfast accommodation is development specified for this code if it is:

- (a) carried out on land in a land use zone where bed and breakfast accommodation is a permissible use, and
- (b) not constructed or installed on bush fire prone land.

**4A.2 Development standards**

The standards specified for that development are that the development must:

- (a) be in an existing dwelling house, and
- (b) consist of not more than 4 guest bedrooms or, if there is a local environmental plan applying to the land that was made under section 33A of the Act, the maximum number of bedrooms specified in clause 5.4 (1) of that plan, and
- (c) have at least 1 guest bathroom, and
- (d) have a fire extinguisher and fire blanket in the kitchen, and
- (e) have at least 1 off-road car parking space per guest bedroom, and
- (f) not display any advertisement on the premises (other than a notice or sign indicating the name and occupation of the resident), and

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- (g) if the dwelling house is subject to the *Strata Schemes Management Act 1996* or the *Community Land Management Act 1989*—have the prior approval of the owners corporation, or the community, precinct or neighbourhood association.

**Note.** The use of a dwelling as bed and breakfast accommodation will result in a change of building class for the dwelling under the *Building Code of Australia*. There will be new fire safety and access requirements.

### Division 2 Conditions applying to complying development certificates under this code

**Note 1.** Complying development must comply with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000* and the conditions listed in this Part.

**Note 2.** A contributions plan setting out the contribution requirements towards the provision or improvement of public amenities or public services may specify that an accredited certifier must, under section 94EC of the Act, impose a condition on a complying development certificate requiring the payment of a monetary contribution in accordance with that plan.

**Note.** For the purposes of Clause 4A.2(b) of the Codes SEPP, the LEP restricts bed and breakfast accommodation to no more than 3 guest bedrooms.

### (3) Adoption of Code SEPP Development Standards by this DCP

The Code SEPP establishes a number of requirements and development standards that must all be met for a development to be granted a Complying Development Certificate. For consistency, these standards shall be adopted by this DCP for consideration when assessing development applications for Bed and breakfast accommodations.

### (4) Integrated development

Development requiring a section 100B authority, under the *Rural Fires Act 1997*, is integrated development under the EP&A Act. A section 100B authority is required in respect of, amongst other things, development of land for special fire protection purposes, which include “tourist accommodation”.

#### (a) Exclusion from requiring a 100B Authority

Bed and breakfast accommodation is excluded from requiring a section 100B authority, and therefore as being integrated development, by clause 45 of the *Rural Fires Regulation 2008*, but only where:

- it uses an existing building, and
- where the building is more than 30 metres from native vegetation.

Extract from *Rural Fires Regulation 2008* 2022

Clause ~~45~~46 Development excluded from requirements for bush fire safety authority

- (1) ~~For the purposes of the Act, section 100B(5)(a1), the following development is excluded from the operation of the Act, section 100B—Pursuant to section 100B (5) (a1) of the Act, the following development is excluded from the operation of section 100B:~~

...

- (g) ~~development for the purposes of bed and breakfast accommodation using an existing building, but only if the building is more than 30 metres from land that is not managed land within the meaning of Planning for Bush Fire Protection, development for the purposes of bed and breakfast accommodation using an existing building, but only if the building is more than 30 metres from native vegetation,~~

...

**Note.** For the purposes of this exception “native vegetation” is taken to exclude native species contained within managed landscaping around the building, but only where fuel loads do not exceed the maximums prescribed for asset protection zones.

### (5) Sale or supply of liquor

The *Liquor Act 2007* contains exemptions for the sale or supply of liquor to guests of Bed and breakfast accommodation. These provisions go beyond the regulatory responsibilities of Richmond Valley Council and have been extracted below for information purposes only.

Extract from <i>Liquor Act 2007</i>	
Section 6	Exemptions from Act
...	
(2)	<b>Exemption for bed and breakfast establishments in certain circumstances</b> This Act does not apply to or in respect of the sale or supply of liquor to the guests of a bed and breakfast establishment ( <b><i>the B&amp;B</i></b> ), but only if the following requirements are complied with: (a) no more than 8 adult guests are staying at the B&B at the one time, (b) the liquor is not supplied to a minor, (c) the liquor has been purchased by the proprietor of the B&B on a retail basis, (d) the sale or supply is ancillary to the provision of accommodation or a meal, (e) any person who sells, supplies or serves liquor to a guest has obtained the same qualifications with respect to responsible service of alcohol as licensees and employees of licensees are required to obtain under this Act, (f) the proprietor of the B&B has notified the Authority, in the form and manner approved by the Authority, that the B&B sells or supplies liquor to guests as provided by this subsection. ...
Section 25	Authorisation conferred by on-premises licence (generally)
...	
(8)	<b>Special provisions relating to licensed accommodation premises</b> An on-premises licence that relates to accommodation premises also authorises the licensee to sell liquor by retail on the licensed premises: (a) for consumption on the licensed premises only—at any time on any day (including a restricted trading day) to a resident (or a guest of a resident while in the resident’s company) or an employee of the licensee, and (b) to a resident at any time for consumption away from the licensed premises, but only if: (i) the sale is ancillary to the provision of a meal for consumption away from the licensed premises, and (ii) the volume of liquor supplied to any such resident on any one day does not exceed 2 litres. ...

**Note.** Council is not the regulator agency for the Liquor Act. The above extract from the Liquor Act is subject to change without notice and should not be relied upon without checking the legislation or with the appropriate authority.

### E-2.3 Design standards/controls

#### (1) Location

- Permissible in any Land Zone where a dwelling-house is permissible.
- Must be located within a dwelling-house and be operated by the permanent residents of that dwelling.

#### (2) Hours of Operation – Neighbour Friendly

- Facilities such as swimming pool operation and use is to be restricted where there is potential to impact upon neighbours.
- Sale of alcohol and entertainment to be restricted to guests of the B&B only.
- Management will be responsible for inappropriate behaviour of guests in public places surrounding the establishment.

### (3) Access

- Most visitors to the Area will be travelling by private car. Therefore, the land must be serviced by a road of appropriate standard or upgraded (as a condition of consent) to such a standard. Furthermore, internal access must be appropriate so as to facilitate arrival but also safe evacuation in emergencies. Where a road or internal access is to be upgraded or provided new, the impact of construction and operation must be considered.
- Site access onto a public road must be safe for guests as well as the travelling public. Consideration will be given to speed limits along the road, the design speed for the road, available sight distances along the road, design of the intersection, the volume of traffic to be generated.

### (4) Hazards

- **Bushfire prone land**
  - Where located on Bushfire Prone Land (see Council's Bushfire Prone Land maps) the proposal will be Integrated Development unless the dwelling is located more than 30 metres from native vegetation. For the purposes of this exception native vegetation is taken to be native vegetation comprising potential bushfire hazard that is outside a maintained asset protection zone around the dwelling. As such it will exclude maintained native gardens.
  - The proposal must be assessed against the *Planning for Bushfire Protection* guidelines (~~2006~~2019) either complying with the deemed to satisfy provisions or supplying an alternative solution.
  - Vegetation removal for asset protection needs to be balanced with retention of natural and cultural features of the site. Council may permit habitat loss where there will be a positive biodiversity off-set established within the development site and where appropriate consents under the ~~Native Vegetation~~Biodiversity Conservation Act can be achieved. Such consents should be investigated prior to lodging the development application.
- **Flood**
  - See Chapter H-1 Flooding.
  - Habitable floors are to be located above the flood planning level, defined as a level 500mm above the 1 in 100 year ARI flood event for the site.
  - Dwelling extensions consisting of habitable floors below the flood planning level may be permitted where:
    - there is existing habitable floors area below the flood planning level.
    - the additional floor area will be <10% of the dwelling's existing ground floor area.
    - It can be demonstrated that the dwelling and additions cannot be practically raised to comply with the standard.

## Part E Tourist and Visitor Accommodation

- Development will not be permitted within an identified high flood hazard area.
- **Emergency management plan**
  - For proposals located within hazard areas, an Emergency Management Plan should be prepared and include emergency evacuation procedures for guests.

### (5) Design

- **Scale Density**
  - Maximum of 3 guest bedrooms may be provided, having the capacity to accommodate a maximum of 8 guests.
- **Parking**
  - 1 off-street car parking space to be provided per guest bedroom plus 1 for residents of the dwelling.
- **Signage**
  - As per signage policy (Part F)
  - A single Business identification sign will be permitted having a maximum display area of 0.75m<sup>2</sup>.
  - The sign may only be ~~erection~~**erected** on the land containing the Bed and breakfast accommodation.
  - Such a sign may be erected as exempt development.
- **Infrastructure**
  - Where the dwelling is serviced by an On-site Sewage Management System (OSMS) the system must be assessed to ensure it is capable of ~~handle~~**handling** the additional effluent loads resulting from the bed and breakfast accommodation. Refer to Council's OSMS Strategy.
  - **Water efficiency**
    - Water Sensitive Urban Design needs to be incorporated into the design. This includes installation of roof water harvesting and ~~on~~**on-site** storage, stormwater detention, erosion/sediment control, AAA rated plumbing and devices.
    - Sites not connected to the mains water supply should provide a minimum of 60,000 litres rainwater tank capacity plus an additional 10,000 litres per guest bedroom, and an additional 10,000 litres capacity dedicated for fire-~~ing~~**fighting** purposes. A reduction in this capacity may be considered where an alternative source of suitable water can be demonstrated.
  - Recommended to have at least one dedicated guest bathroom (separate to domestic bathrooms).
- **Public Health and Food Safety**
  - All public health requirements shall be complied with, in particular, but not limited to, the *Public Health Act* ~~1991~~**2010**.

## Part E Tourist and Visitor Accommodation

- All proposed food preparation areas shall comply with the NSW Food Standards Code and AS4674-2004 (current at the time of DCP – refer to any succeeding legislative requirements).
- Sale of food or beverages shall be restricted to guests being accommodated at the premises.
- Cooking facilities shall not be provided within guest bedrooms.

### (6) Notification and advertising

- See Chapter I-15.
- Tourist and visitor accommodation is identified as Category “B” development, therefore, requiring a published notice and written notice for 14 days.

### (7) Waste Minimisation and Management

- The construction phase of any development must have a plan submitted and approved in accordance with Richmond Valley Council Waste Minimisation and Management Policy.

# Richmond Valley Development Control Plan 2021



## Part E-3 Serviced Apartments

This DCP applies to all land within the Richmond Valley Local Government Area.

**Date adopted by Council:**  
22/06/2021

**Effective Date:**  
01/08/2021

**Amendments:**

**[Nil](#)**

**[Effective Date:](#)**

This Chapter provides guidance for the establishment of Serviced apartments, a type of Tourist and visitor accommodation, in the Richmond Valley Council area.

## Part E Tourist and Visitor Accommodation

### E-3.1 Objectives

The objectives of this Chapter are to:

- (1) describe the permissibility of Serviced apartments under the LEP
- (2) ensure that Serviced apartments are kept in scale with surrounding development so as to minimise its impacts on the amenity of the neighbourhood
- (3) ensure that infrastructure and facilities are satisfactory to service the development and needs of guests
- (4) ensure the safety of the occupants having regard to natural hazards, such as bush fire
- (5) describe other legislative considerations.

### E-3.2 Design principles

#### (1) Richmond Valley Local Environmental Plan 2012

##### (a) Definition

Serviced apartments is a standard definition within the Dictionary attached to the LEP. Critical to the definition is that they provide self-contained, short stay accommodation with regular servicing or cleaning.

Extract from *Richmond Valley Local Environmental Plan 2012*

##### Definition of Serviced Apartments

**serviced apartment** means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

**Note.** Serviced apartments are a **type of tourist and visitor accommodation**—see the definition of that term in this Dictionary.

##### (b) Permissibility of Serviced Apartments

Serviced apartments may be undertaken with development consent under the LEP within these specified zones:

- RU5 Village #
- R1 General Residential #
- ~~B1~~ Neighbourhood Centre
- ~~B2~~ ~~E1~~ Local Centre
- ~~B3~~ ~~E2~~ Commercial ~~Core~~ Centre
- RE2 Private Recreation #

**Note.** # Within this zone Serviced apartments are permitted with development consent within the group term Tourist and visitor accommodation.

### E-3.3 Design standards/controls

#### (1) Location

- Development applications for Tourist and visitor accommodation, other than Bed and breakfast accommodation, within Zone R1 or RU5 must be accompanied by a Social Impact Assessment.

## Part E Tourist and Visitor Accommodation

- Critical to this assessment will be an evaluation of potential impacts upon adjacent residential properties and the amenity of the neighbourhood.

### (2) Hours of Operation – Neighbour Friendly

- Facilities such as swimming pool operation and use to be restricted where there is potential to impact upon neighbours.
- Sale of alcohol and entertainment to be restricted guests only.
- Management will be responsible for inappropriate behaviour of guests in public places surrounding the establishment.

### (3) Access

- Most visitors to the Area will be travelling by private car. Therefore, the land must be serviced by a road of appropriate standard or upgraded (as a condition of consent) to such a standard. Furthermore, internal access must be appropriate so as to facilitate arrival but also safe evacuation in emergencies. Where a road or internal access is to be upgraded or provided new, the impact of construction and operation must be considered.
- Site access onto a public road must be safe for guests as well as the travelling public. Consideration will be given to speed limits along the road, the design speed for the road, available sight distances along the road, design of the intersection, the volume of traffic to be generated.
- Provision is to be made for a minimum 4.5 metre wide crossing from the kerb and channelling to the road frontage of the property in accordance with relevant design standards of Council.
- No vehicular access shall be permitted to any road or laneway having a reserve width <10 metres.
- Where service vehicles are required to enter the site, adequate loading/unloading facilities are to be provided on-site to ensure that vehicles leave the property in a forward direction. Where side loading/unloading is proposed a ~~turn-around~~turnaround bay is to be provided on site.

### (4) Hazards

- **Bushfire prone land**
  - Where located on Bushfire Prone Land (see Council's Bushfire Prone Land maps) the proposal will be Integrated Development.
  - The proposal must be assessed against the *Planning for Bushfire Protection* guidelines (~~2006~~2019) either complying with the deemed to satisfy provisions or supplying an alternative solution.
- **Flood**
  - See Chapter H-1 Flooding.
  - Habitable floors are to be located above the flood planning level, defined as a level 500mm above the 1 in 100 year ARI flood event for the site.

- Development will not be permitted within an identified high flood hazard area.
  - **Climate Change**
    - Development must incorporate adaptive design for climate change.
    - Development should be located beyond the 100 year predicted coastal erosion zone. Where such modelling is unavailable for coastal sites, it must be provided with the Development Application to justify the development layout.
    - An Adaptation Plan must be developed where the development site is adjacent to coastal hazards. Buffering development from such hazards must be the primary focus. Subsequent enhancement of natural protective measures will be encouraged. Planned retreat is considered the ultimate solution to protect development, therefore, structures should be designed to be readily relocated away from the hazard front. If planned retreat is not an option, abandoning the development (demolition) may be required.
  - **Emergency management plan**
    - For proposals located within hazard areas, an Emergency Management Plan should be prepared and include emergency evacuation procedures for guests.
- (5) **Design**
- Have regard to appropriate design guidelines, [e.g.](#) Part A contains design guidelines for residential accommodation, Coastal Development Guidelines.
  - **Scale and Density**
    - The same density, site coverage, floor space ratios, and landscaping requirements as residential flat development shall be applied to Serviced apartments.
    - See Chapter A3.
  - **Privacy and Security**
    - The design consideration of proposed buildings is to maintain the level of privacy enjoyed by adjoining properties.
    - The outlook to public and communal spaces should be maximised whilst maintaining internal privacy within the site.
    - The design is to avoid dark and non-visible areas, provide clear, safe access points and provide suitable open spaces to cater for recreational uses. Appropriate lighting for the location is to be installed and there is to be clear definition between public and private spaces. See CPTED guidelines in Chapter I10.
  - **Built Form**
    - Long building lines are to be stepped, appropriately broken with patios, change in materials or appropriate landscaping.
  - **Heritage**

## Part E Tourist and Visitor Accommodation

- Heritage impact must be minimised by consideration of the Heritage Item and/or Conservation Area's significance in the design.
  - Adaptive reuse of heritage buildings is to be encouraged.
  - See Chapter I-1.
- **Front & side boundary setbacks**
- See Chapter I-3.
  - Setbacks will be as per the following table.

Land Zone	Front setback	Side and Rear boundary Setback	Where
R1, RU5 and RE2	6m	3m setback, then per building height plane	Less than 4 storeys
	6m	3m setback, then per building height plane to 6m setback, then 6m setback for development above that height	>4 storeys
<del>B1</del> , <del>B2</del> <u>E1</u> , <del>B3</del> <u>E2</u>	Zero	Zero	For that part of land setback <20m from front boundary
	na	3m setback, then per building height plane	For that part of land setback >20m from front boundary
	na	3m setback, then per building height plane to 6m setback, then 6m setback for development above that height	>4 storeys

**Note.** the Building Code of Australia should be consulted regarding fire rating of external walls and window openings within prescribed distances from property boundaries.

- **Height and Over Shadowing**
- Height will be determined from a combination of the LEP – Height of Buildings Map, and the building height plane.
  - Occupants within the proposed development and on adjoining sites are to enjoy the optimum extent of winter sun and summer shade.
  - Development overshadowing adjoining properties should permit a minimum of 2 hours un-interrupted solar access within the living areas of the affected property.
- **Building Height Plane**
- See Chapter I-3.
  - The building height plane will apply to all development, excluding that component of any development permitted a zero setback, and that component of development >3 storeys. See Chapter I3 for details of building height planes.

**Note.** The building height plane is defined by projecting it at an angle of 45 degrees over the actual land to be built upon, starting at the boundaries at a height 2 metres above natural ground level.

➤ **Parking**

- The following off-street car parking shall be provided:

Land Use	Parking Rate*
Serviced Apartments	1 per unit (<150 m <sup>2</sup> GFA), and 1.5 per unit (>= 150 m <sup>2</sup> GFA), and 1 visitor space per 10 units
<p><b>Notes.</b></p> <ul style="list-style-type: none"> <li>• Car Parking requirements for other uses shall be determined based upon considering it as a comparable use to those listed, or to be determined on merit.</li> <li>• In all instances a merit consideration may override the rate listed based upon exceptional circumstance and thorough justification.</li> <li>• GFA = Gross Floor Area</li> </ul>	

➤ **Signage**

- As per signage in Part F.

➤ **Infrastructure**

▪ **Energy Efficiency**

- BASIX energy and resource efficiency principles should be employed in the design of the development.
- Orientation of buildings should favourably capture local climatic conditions to maximise potential for passive heating and cooling of buildings.

▪ **Water and Sewerage Infrastructure**

- Clause 6.2 of the LEP prevents consent being granted for any development unless it has been satisfactorily demonstrated that public utility infrastructure is available or that arrangements have been made to make that infrastructure available.
- Development consent for Serviced apartments will only be granted where it will be connected to a public sewerage system. Therefore, use of OSMS will be unacceptable.
- Development consent for Serviced apartments will only be granted where it will be connected to a public water supply system. This water supply may be supplemented by rainwater harvesting or an approved water recycling facility.

▪ **Water efficiency**

- Water Sensitive Urban Design needs to be incorporated into the design. This includes roof water harvesting and ~~on-site~~on-site storage, stormwater detention, erosion/sediment control, AAA rated plumbing and devices.

➤ **Landscaping and Amenity**

## Part E Tourist and Visitor Accommodation

- Landscaping must ensure that landscape design builds on the locations natural features to result in greater aesthetic quality and amenity for both occupants and the community.
  - Council will encourage developments which enhance natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values.
  - The minimum landscaped open space shall be 35% of the site area.
  - Each lower floor dwelling is to have a minimum 25m<sup>2</sup> of private open space with direct connection to indoor living areas.
  - A landscaping and open space plan is to be submitted with the development application.
  - Council will encourage the incorporation of access to sunlight, natural ventilation, visual and acoustic privacy, efficient layouts and outlook in addition to the integration of these design elements with detailed landscape and streetscape plans external to the site.
  - The design and use of building colour, bulk, materials of construction and angle and height of roof line are to be in harmony with the surrounding built and natural environment.
  - Any new development (including additions and alterations to existing buildings) is to allow for the reasonable sharing of views. In areas with significant views (as determined by Council), a view loss assessment should accompany the development application.
- **Public Health and Food Safety**
- All public health requirements shall be complied with, in particular, but not limited to, the *Public Health Act 1991/2010*.
  - All proposed bars and food preparation areas shall comply with the NSW Food Standards Code and AS4674-2004 (current at the time of DCP – refer to any succeeding legislative requirements).
- **Refuse Facilities**
- Refuse facilities shall be made for the storage and removal of rubbish in accordance with Council Policy and for the suitable screening of the refuse storage area.
- (6) Temporary or Short-term Accommodation**
- No person shall be permitted to reside on the land, other than within Residential Accommodation, for a period exceeding 3 months in any continuous 12 month period.
- (7) Notification and advertising**
- See Chapter I-15.
- Tourist and visitor accommodation is identified as Category “B” development, therefore, requiring a published notice and written notice for 14 days.
- (8) Subdivision**

## Part E Tourist and Visitor Accommodation

- Strata subdivision or Community Title subdivision of units may be granted development consent.

### (9) Waste Minimisation and Management

- The construction phase of any development must have a plan submitted and approved in accordance with Richmond Valley Council Waste Minimisation and Management Policy.

# Richmond Valley Development Control Plan 2021



## Part E-4 Hotel and Motel Accommodation

This DCP applies to all land within the Richmond Valley Local Government Area.

**Date adopted by Council:**  
22/06/2021

**Effective Date:**  
01/08/2021

**Amendments:**

[Nil](#)

[Effective Date:](#)

This Chapter provides guidance for the establishment of Hotel and motel accommodation, a type of Tourist and visitor accommodation, in the Richmond Valley Council area.

## Part E Tourist and Visitor Accommodation

### E-4.1 Objectives

The objectives of this Chapter are to:

- (1) describe the permissibility of Hotel and motel accommodation under the LEP.
- (2) ensure that Hotel and motel accommodation are kept in scale with surrounding development so as to minimise its impacts on the amenity of the neighbourhood.
- (3) ensure that infrastructure and facilities are satisfactory to service the development and needs of guests.
- (4) ensure the safety of the occupants having regard to natural hazards, such as bush fire.
- (5) describe other legislative considerations.

### E-4.2 Design principles

#### (1) Richmond Valley Local Environmental Plan 2012

##### (a) Definition

Hotel and motel accommodation is defined within the Dictionary attached to the LEP. Critical to the definition is that the accommodation is for short stay.

Extract from *Richmond Valley Local Environmental Plan 2012*

##### Definition of Hotel or motel accommodation

**hotel or motel accommodation** means a building or place (whether or not licensed premises under the *Liquor Act 2007*) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

**Note.** Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

##### (b) Permissibility of Hotel and Motel Accommodation

Hotel and Motel Accommodation may be undertaken with development consent under the LEP within these specified zones:

- RU5 Village #
- R1 General Residential #
- ~~B1~~ Neighbourhood Centre
- ~~B2~~E1 Local Centre
- ~~B3~~E2 Commercial ~~Core~~Centre
- RE2 Private Recreation #

**Note.** # Within this zone Hotel and Motel Accommodation are permitted with development consent within the group term Tourist and visitor accommodation.

## Part E Tourist and Visitor Accommodation

### E-4.3 Design standards/controls

#### (1) Location

- Development applications for Tourist and visitor accommodation, other than Bed and breakfast accommodation, within Zone R1 or RU5 must be accompanied by a Social Impact Assessment.
- Critical to this assessment will be an evaluation of potential impacts upon adjacent residential properties and the amenity of the neighbourhood.

#### (2) Environmental

- **Hours of Operation – Neighbour Friendly**
  - Facilities such as swimming pool operation and use to be restricted where there is a potential to impact upon neighbours.
  - Sale of alcohol and entertainment to be restricted.
  - Management responsible for inappropriate behaviour of guests in public places surrounding the establishment.

#### (3) Access

- Most visitors to the Area will be travelling by private car. Therefore, the land must be serviced by a road of appropriate standard or upgraded (as a condition of consent) to such a standard. Furthermore, internal access must be appropriate so as to facilitate arrival but also safe evacuation in emergencies. Where a road or internal access is to be upgraded or provided new, the impact of construction and operation must be considered.
- Site access onto a public road must be safe for guests as well as the travelling public. Consideration will be given to speed limits along the road, the design speed for the road, available sight distances along the road, design of the intersection, the volume of traffic to be generated.
- Provision is to be made for a minimum 4.5 metre wide crossing from the kerb and channelling to the road frontage of the property in accordance with relevant design standards of Council.
- The primary vehicular access to the land shall not be permitted to any road or laneway having a reserve width <10 metres.
- Where service vehicles are required to enter the site, adequate loading/unloading facilities are to be provided on-site to ensure that vehicles leave the property in a forward direction. Where side loading/unloading is proposed, a turnaround bay is to be provided on site.

#### (4) Hazards

- Bushfire prone land
  - Where located on Bushfire Prone Land (see Council's Bushfire Prone Land maps), the proposal will be Integrated Development.
  - The proposal must be assessed against the *Planning for Bushfire Protection* guidelines (2006/2019) either complying with the deemed to satisfy provisions or supplying an alternative solution.

## Part E Tourist and Visitor Accommodation

- **Flood**
  - See Chapter H-1 Flooding.
  - Habitable floors are to be located above the flood planning level defined as a level 500mm above the 1 in 100 year ARI flood event for the site.
  - Development will not be permitted within an identified high flood hazard area.
- **Climate Change**
  - Development must incorporate adaptive design for climate change.
  - Development should be located beyond the 100 year predicted coastal erosion zone. Where such modelling is unavailable for coastal sites, it must be provided with the Development Application to justify the development layout.
  - An Adaptation Plan must be developed where the development site is adjacent to coastal hazards. Buffering development from such hazards must be the primary focus. Subsequent enhancement of natural protective measures will be encouraged. Planned retreat is considered the ultimate solution to protect development, therefore, structures should be designed to be readily relocated away from the hazard front. If planned retreat is not an option, abandoning the development (demolition) may be required.
- **Emergency management plan**
  - For proposals located within hazard areas, an Emergency Management Plan should be prepared and include emergency evacuation procedures for guests.

### (5) Design

- Have regard to appropriate design guidelines, e.g. Part A contains design guidelines for residential accommodation, Coastal Development Guidelines.
- **Scale and Density**
  - Where facilities such as kitchens or laundries are incorporated into accommodation units, the site density will be calculated on the basis of a “Serviced apartment” for those units.

Hotel and Motel Accommodation	Site Density (land area required per unit)
1 bedroom	60 m <sup>2</sup>
2 bedroom	80 m <sup>2</sup>

**Note.** Where units include facilities such as kitchens and laundries the density will be calculated on the basis of a Residential Flat Building.

- Minimum site area of 1200m<sup>2</sup> will be required.
- Where the development includes residential accommodation, such as a “Manager’s residence”, the site density for this unit of accommodation shall be calculated as if it were a residential flat building, with the corresponding number of bedrooms.

## Part E Tourist and Visitor Accommodation

### ➤ Privacy and Security

- The design consideration of proposed buildings is to maintain the level of privacy enjoyed by adjoining properties.
- The outlook to public and communal spaces should be maximised whilst maintaining internal privacy within the site.
- The design is to avoid dark and non-visible areas, provide clear, safe access points and provide suitable open spaces to cater for recreational uses. Appropriate lighting for the location is to be installed and there is to be clear definition between public and private spaces. See CEPTED guidelines in Chapter I-10.

### ➤ Setbacks

- See Chapter I-3.
- Setbacks will be as per the following table.

Land Zone	Front setback	Side and Rear boundary Setback	Where
R1, RU5 and RE2	6 metres	3 metre setback, then per building height plane	Less than 4 storeys
	6 metres	3 metre setback, then per building height plane to 6 metres setback, then 6 metres setback for development above that height	>4 storeys
<del>B1</del> , <del>B2</del> <u>E1</u> , <del>B3</del> <u>E2</u>	Zero	Zero	For that part of land setback <20 metres from front boundary
	NA	3 metre setback, then per building height plane	For that part of land setback >20 metres from front boundary
	NA	3 metre setback, then per building height plane to 6 metres setback, then 6 metres setback for development above that height	>4 storeys

**Note.** the Building Code of Australia should be consulted regarding fire rating of external walls and window openings within prescribed distances from property boundaries.

# A Zero Front Building Line will only be supported where architectural relief has been designed in the front facade, and where landscaping has been provided along the frontage to soften the visual impact of the proposal.

### ➤ Built Form

- Long building lines are to be stepped, appropriately broken with patios, change in materials or appropriate landscaping.

### ➤ Heritage

- Heritage impact must be minimised by consideration of the Heritage Item and/or Conservation Areas significance in the design.
- Adaptive reuse of heritage buildings is to be encouraged.

## Part E Tourist and Visitor Accommodation

- See Chapter I-1.
- **Height and Over Shadowing**
  - Height will be determined from a combination of the LEP – Height of Buildings Map, and the building height plane.
  - Occupants within the proposed development and on adjoining sites are to enjoy the optimum extent of winter sun and summer shade.
  - Development overshadowing adjoining properties should permit a minimum of 2 hours un-interrupted solar access within the living areas of the affected property.
- **Building Height Plane**
  - See Chapter I-3.
  - The building height plane will apply to all development, excluding that component of any development permitted a zero setback, and that component of development above 3 storeys. See Chapter I-3 for details of building height planes.

**Note.** The building height plane is defined by projecting it at an angle of 45 degrees over the actual land to be built upon, starting at the boundaries at a height 2 metres above natural ground level.
- **Parking**
  - The following off-street car parking shall be provided:

Land Use	Parking Rate*
Hotel or Motel Accommodation	1 per unit, plus 1 for management, plus 1 visitor space per 20 units, plus parking for a function room/restaurant/bar (if provided)
Pub/Hotel Premises Restaurants or Cafes Function Centres	1 per 30 m <sup>2</sup> of GFA (<=1000m <sup>2</sup> ), or 1 per 40m <sup>2</sup> of GFA (>1000m <sup>2</sup> )
<p><b>Notes.</b></p> <ul style="list-style-type: none"> <li>• Car Parking requirements for other uses shall be determined based upon considering it as a comparable use to those listed, or to be determined on merit.</li> <li>• In all instances a merit consideration may override the rate listed based upon exceptional circumstance and thorough justification.</li> <li>• GFA = Gross Floor Area</li> </ul>	

- **Signage**
  - As per signage in Part F.
- **Infrastructure**
  - **Energy Efficiency**
    - BASIX energy and resource efficiency principles should be employed in the design of the development.

## Part E Tourist and Visitor Accommodation

- Orientation of buildings should favourably capture local climatic conditions to maximise potential for passive heating and cooling of buildings.
- **Water and Sewerage Infrastructure**
  - Clause 6.2 of the LEP prevents development consent being granted for any development unless it has been satisfactorily demonstrated that public utility infrastructure is available or that arrangements have been made to make that infrastructure available.
  - Development consent for Hotel and motel accommodation will only be granted where it will be connected to a public sewerage system. Therefore, use of OSMS will be unacceptable.
  - Development consent for Hotel and motel accommodation will only be granted where it will be connected to a public water supply system. This water supply may be supplemented by rainwater harvesting or an approved water recycling facility.
- **Water efficiency**
  - Water Sensitive Urban Design needs to be incorporated into the design. This includes roof water harvesting and on site storage, stormwater detention, erosion/sediment control, AAA rated plumbing and devices.
- **Landscaping and Amenity**
  - Landscaping must ensure that landscape design builds on the natural features of the location to result in greater aesthetic quality and amenity for both occupants and the community.
  - Council will encourage developments which enhance natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values.
  - The minimum landscaped open space will be determined on merits. A Landscaping Plan must be submitted with the development application.
  - Landscaping will be required to soften the visual impact of the proposal towards the streetscape, especially where a zero front building line is proposed.
  - Council will encourage the incorporation of access to sunlight, natural ventilation, visual and acoustic privacy, efficient layouts and outlook in addition to the integration of these design elements with detailed landscape and streetscape plans external to the site.
  - The design and use of building colour, bulk, materials of construction and angle and height of roof line are to be in harmony with the surrounding built and natural environment.

## Part E Tourist and Visitor Accommodation

- Any new development (including additions and alterations to existing buildings) is to allow for the reasonable sharing of views. In areas with significant views (as determined by Council), a view loss assessment should accompany the development application.
  - **Public Health and Food Safety**
    - All public health requirements shall be complied with, in particular, but not limited to, the *Public Health Act* ~~1991~~2010.
    - All proposed bars and food preparation areas shall comply with the NSW Food Standards Code and AS4674-2004 (current at the time of DCP – refer to any succeeding legislative requirements).
  - **Refuse Facilities**
    - Refuse facilities shall be made for the storage and removal of rubbish in accordance with Council Policy and for the suitable screening of the refuse storage area.
- (6) **Temporary or Short-term Accommodation**
  - No person shall be permitted to reside on the land, other than within Residential Accommodation, for any continuous period exceeding 3 months in any 12 month period.
- (7) **Notification and advertising**
  - See Chapter I-15.
  - Hotel and motel accommodation is identified as Category “B” development, therefore, requiring a published notice and written notice for 14 days.
- (8) **Waste Minimisation and Management**
  - The construction phase of any development must have a plan submitted and approved in accordance with Richmond Valley Council Waste Minimisation and Management Policy.

# Richmond Valley Development Control Plan 2021



## Part E-5 Backpacker's Accommodation

This DCP applies to all land within the Richmond Valley Local Government Area.

**Date adopted by Council:**  
22/06/2021

**Effective Date:**  
01/08/2021

**Amendments:**

Nil

Effective Date:

This Chapter provides guidance for the establishment of Backpacker accommodation, a type of Tourist and visitor accommodation, in the Richmond Valley Council area.

## Part E Tourist and Visitor Accommodation

### E-5.1 Objectives

The objectives of this Chapter are to:

- (1) describe the permissibility of backpacker accommodation under the LEP.
- (2) ensure that Backpacker accommodation are kept in scale with surrounding development.
- (3) ensure that Backpacker accommodation is designed and managed so as to minimise its impacts on the amenity of the neighbourhood.
- (4) ensure that infrastructure and facilities are satisfactory to service the development and needs of guests.
- (5) ensure the safety of the occupants having regard to natural hazards, such as bush fire.
- (6) describe other legislative considerations.

### E-5.2 Design principles

#### (1) Richmond Valley Local Environmental Plan 2012

##### (a) Definition

Backpacker accommodation is a standard definition within the Dictionary attached to the LEP. Critical to the definition is that accommodation is short stay on a per bed basis with shared facilities and amenities.

Extract from *Richmond Valley Local Environmental Plan 2012*

##### Definition of Backpackers' accommodation

**backpackers' accommodation** means a building or place that:

- (a) provides temporary or short-term accommodation on a commercial basis, and
- (b) has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (c) provides accommodation on a bed or dormitory-style basis (rather than by room).

**Note.** Backpackers' accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

##### (b) Permissibility of Backpacker Accommodation

Backpacker Accommodation may be undertaken with development consent under the LEP within these specified zones:

- RU5 Village #
- R1 General Residential #
- ~~B2~~E1 Local Centre
- ~~B3~~E2 Commercial ~~Core~~Centre
- RE2 Private Recreation #

**Note.** # Within this zone Backpacker Accommodation are permitted with development consent within the group term Tourist and visitor accommodation.

## Part E Tourist and Visitor Accommodation

### E-5.3 Design standards/controls

#### (1) Environmental

- Development applications for Tourist and visitor accommodation, other than Bed and breakfast accommodation, within Zone R1 or RU5 must be accompanied by a Social Impact Assessment.
- Critical to this assessment will be an evaluation of potential impacts upon adjacent residential properties and the amenity of the neighbourhood.

#### (2) Environmental

- Hours of Operation – Neighbour Friendly
  - Facilities such as swimming pool operation and use, and laundry facilities to be restricted where there is a potential to impact upon neighbours and guest bedrooms.
  - Sale of alcohol, provision of entertainment, and use of outdoor communal areas are also to be restricted.
  - Restrictions should at least apply during the hours of 10pm to 8am.
  - Management will be responsible for inappropriate behaviour of guests within the establishment and public places surrounding the establishment.

#### (3) Access to Roads, Transport, Services and Facilities

- The land must be serviced by a road of appropriate standard or upgraded (as a condition of consent) to such a standard. Furthermore, internal access must be appropriate so as to facilitate arrival but also safe evacuation in emergencies. Where a road or internal access is to be upgraded or provided new, the impact of construction and operation must be considered.
- Site access onto a public road must be safe for guests as well as the travelling public. Consideration will be given to speed limits along the road, the design speed for the road, available sight distances along the road, design of the intersection, the volume of traffic to be generated.
- Consideration should be given to locating Backpacker accommodation within close proximity to public transport and within easy access to facilities and services.

#### (4) Hazards

- **Landform and stability**
  - Preference will be given to a stable landform where risk of erosion, subsidence, and landslip are minimised.
  - Slopes having a grade greater than 1 in 4 should be avoided.
- **Bushfire prone land**
  - Where located on Bushfire Prone Land (see Council's Bushfire Prone Land maps), the proposal will be Integrated Development.
  - The proposal must be assessed against the *Planning for Bushfire Protection* guidelines (2006/2019) either complying with the deemed to satisfy provisions or supplying an alternative solution.

## Part E Tourist and Visitor Accommodation

- Vegetation removal for asset protection needs to be balanced with retention of natural and cultural features of the site. In this regard, preference will be given to a concentrated rather than dispersed layout. Council may permit habitat loss where there will be a positive biodiversity off-set established within the development site and where appropriate consents under the Native Vegetation Biodiversity Conservation Act can be achieved. Such consents should be investigated prior to lodging the development application.
- **Flood**
  - See Chapter H-1 Flooding.
  - Habitable floors are to be located above the flood planning level defined as a level 500mm above the 1 in 100 year ARI flood event for the site.
  - Development will not be permitted within an identified high flood hazard area.
- **Climate Change**
  - Development must incorporate adaptive design for climate change.
  - Development should be located beyond the 100 year predicted coastal erosion zone. Where such modelling is unavailable for coastal sites it must be provided with the Development Application to justify the development layout.
  - Buffers should be naturally enhanced to protect the development from coastal hazards, eg-e.g. Dune restoration and rehabilitation.
  - An Adaptation Plan must be developed where the development site is adjacent to coastal hazards. Buffering development from such hazards must be the primary focus. Subsequent enhancement of natural protective measures will be encouraged. Planned retreat is considered the ultimate solution to protect development, therefore, structures should be designed to be readily relocated away from the hazard front. If planned retreat is not an option, abandoning the development (demolition) may be required.
- **Emergency management plan**
  - For proposals located within hazard areas, an Emergency Management Plan should be prepared and include emergency evacuation procedures for guests.
- **Natural Resources**
  - It is more than likely that Backpacker accommodation ~~Eco tourist facilities~~ will be located within one or more of the mapped Natural Resources in the LEP. These include biodiversity (native vegetation, habitat corridors), wetlands, riparian and waterways (key fish habitat), and landslip risk (steep slopes).
  - Clauses 6.6, 6.7, 6.8 & 6.10 require the assessment of the various Natural Resources. See Chapter H-4 for further details.

## Part E Tourist and Visitor Accommodation

### (5) Design

- Have regard to appropriate design guidelines, e.g. Part A contains design guidelines for residential accommodation, Coastal Development Guidelines.
- The layout of Backpacker accommodation should be designed and constructed to respect the amenity of immediately adjoining land uses, particularly that of residential accommodation.
- **Design, Scale and Density**
  - **Bedrooms and Occupancy rates**
    - The maximum number of persons accommodated in a guest bedroom, or in a dormitory, is to be determined on the basis of 5m<sup>2</sup> per person.
    - Bedrooms providing shared or dormitory-style accommodation must accommodate no more than 10 guests.
    - Shared bedrooms or dormitory-style accommodation must provide lockable secure storage facilities with a minimum capacity of 0.6m<sup>2</sup> per person to allow guests to individually store baggage and travel items within their sleeping room.
    - Staff accommodation is to be provided separate to that of guest accommodation.
  - **Communal Areas**
    - Communal recreation areas must be provided within the premises at a minimum rate of 2m<sup>2</sup> per person.
    - Communal recreation areas should be provided internal to the building, however, where areas are to be provided outdoors, they may only account for up to a maximum of 20% of the minimum area required.
    - Each area provided (whether internal or external) must have a minimum total area of 30m<sup>2</sup> and a minimum width of 3 metres.
    - Bedrooms, bathrooms, laundries, reception areas, storage, kitchens, car parking, loading docks, driveways, clothes drying areas, corridors, landscaped gardens, and the like are not counted when calculating the area of communal areas. Dining areas may be included as a communal area.
  - **Kitchen**
    - An internal self-catering kitchen with a separate dining room must be provided on site for the use of guests.
    - The kitchen and dining room must allow for 15% of the maximum number of guests to prepare and consume meals at any one time.
    - Kitchen facilities in sleeping rooms will not be permitted.

## Part E Tourist and Visitor Accommodation

- All public health requirements shall be complied with, in particular, but not limited to, the *Public Health Act 1991* ~~2010~~.
  - All proposed bars and food preparation areas shall comply with the NSW Food Standards Code and AS4674-2004 (current at the time of DCP – refer to any succeeding legislative requirements).
  - **Bathrooms**
    - Toilets are to be in a separate compartment to common showers/bathrooms.
    - Provision of toilet and shower facilities shall comply with the BCA Class 3 requirements.
  - **Laundry**
    - A washtub, clothes washing machine and clothes dryer (or clothesline with minimum 20 metres that may be retractable) must be provided for every 30 guests or part thereof.
    - Where provided, outdoor clothes drying facilities are to be open to breezes and receive at least 2 hours solar access between 9am and 3pm on 21 June.
- **Setbacks**
- See Chapter I-3.
  - Setbacks will be as per the following table.

Land Zone	Front setback	Side and Rear boundary Setback	Where
R1, RU5 and RE2	6m	3m setback, then per building height plane	Less than 4 storeys
	6m	3m setback, then per building height plane to 6m setback, then 6m setback for development above that height	>4 storeys
<del>B2E1, B3E2</del>	Zero	Zero	For that part of land setback <20m from front boundary
	na	3m setback, then per building height plane	For that part of land setback >20m from front boundary
	na	3m setback, then per building height plane to 6m setback, then 6m setback for development above that height	>4 storeys

**Note.** the Building Code of Australia should be consulted regarding fire rating of external walls and window openings within prescribed distances from property boundaries.

## Part E Tourist and Visitor Accommodation

# A Zero Front Building Line will only be supported where architectural relief has been designed in the front facade, and where landscaping has been provided along the frontage to soften the visual impact of the proposal.

### ➤ Height and Overshadowing

- The LEP – Height of Buildings Map should be consulted regarding building height above natural ground.
- Development overshadowing adjoining properties should permit a minimum of 2 hours un-interrupted solar access within the living areas of the affected property.

### ➤ Parking

- The following off-street car parking shall be provided:

Land Use	Parking Rate*
Backpackers Accommodation	1 per 3 beds, plus 1 visitor space per 5 beds; or 1 per room, plus 1 visitor space per 5 rooms (Whichever is the greater)
<p><b>Notes.</b></p> <ul style="list-style-type: none"> <li>• Car Parking requirements for other uses shall be determined based upon considering it as a comparable use to those listed, or to be determined on merit.</li> <li>• In all instances a merit consideration may override the rate listed based upon exceptional circumstance and thorough justification.</li> <li>• GFA = Gross Floor Area</li> </ul>	

### ➤ Signage

- As per signage in Part F.

### ➤ Infrastructure

#### ▪ Energy Efficiency

- Should embrace renewable energy sources (having regard to the type of systems proposed and their potential environmental impacts (visual, noise, alterations to natural systems) and impacts upon neighbours).
- BASIX energy and resource efficiency principles should be employed in the design of the development.
- Orientation of buildings should favourably capture local climatic conditions to maximise potential for passive heating and cooling of buildings.

#### ▪ Water and Sewerage Infrastructure

- Clause 6.2 of the LEP prevents development consent being granted for any development unless it has been satisfactorily demonstrated that public utility infrastructure is available or

## Part E Tourist and Visitor Accommodation

that arrangements have been made to make that infrastructure available.

- Development consent for Backpacker accommodation will only be granted where it will be connected to a public sewerage system. Therefore, use of OSMS will be unacceptable.
- Development consent for Backpacker accommodation will only be granted where it will be connected to a public water supply system. This water supply may be supplemented by rainwater harvesting or an approved water recycling facility.
- **Water efficiency**
  - Water Sensitive Urban Design needs to be incorporated into the design. This includes roof water harvesting and ~~on-site~~on-site storage, stormwater detention, erosion/sediment control, AAA rated plumbing and devices.
  - Development must have access to a mains water supply system. This supply may be supplemented by alternative water sources.
- **Landscaping and Amenity**
  - Landscaping must ensure that landscape design builds on the natural features of the location to result in greater aesthetic quality and amenity for both occupants and the community.
  - Council will encourage developments which enhance natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values.
  - The minimum landscaped open space will be determined on merits. A Landscaping Plan must be submitted with the development application.
  - Landscaping will be required to soften the visual impact of the proposal towards the streetscape, especially where a zero front building line is proposed.
  - Council will encourage the incorporation of access to sunlight, natural ventilation, visual and acoustic privacy, efficient layouts and outlook in addition to the integration of these design elements with detailed landscape and streetscape plans external to the site.
  - The external appearance of the building should be designed to complement or improve on the streetscape, particularly in areas of identified and valued character.
  - The design and use of building colour, bulk, materials of construction and angle and height of roof line are to be in harmony with the surrounding built and natural environment.
  - Any new development (including additions and alterations to existing buildings) is to allow for the reasonable sharing of views. In

## Part E Tourist and Visitor Accommodation

areas with significant views (as determined by Council), a view loss assessment should accompany the development application.

### ➤ Refuse Facilities

- Refuse facilities shall be made for the storage and removal of rubbish in accordance with Council Policy and for the suitable screening of the refuse storage area.

### (6) Temporary or Short-term Accommodation

- No person shall be permitted to reside on the land for a period longer than 30 days or for a period exceeding 3 months in any continuous 12 month period, excluding Residential accommodation or staff accommodation provided on site.

### (7) Notification and advertising

- See Chapter I-15.
- Tourist and visitor accommodation is identified as Category “B” development, therefore, requiring a published notice and written notice for 14 days.

### (8) Waste Minimisation and Management

- The construction phase of any development must have a plan submitted and approved in accordance with Richmond Valley Council Waste Minimisation and Management Policy.



# Richmond Valley Development Control Plan 2021



## Part E-6 Farm Stay Accommodation

This DCP applies to all land within the Richmond Valley Local Government Area.

**Date adopted by Council:**  
22/06/2021

**Effective Date:**  
01/08/2021

**Amendments:**

[NH1](#)

[Effective Date:](#)

This Chapter provides guidance for the establishment of Farm stay accommodation, a type of Tourist and visitor accommodation, in the Richmond Valley Council area.

## Part E Tourist and Visitor Accommodation

### E-6.1 Objectives

The objectives of this Chapter are to:

- (1) describe the permissibility of Farm stay accommodation under the LEP
- (2) ensure that Farm stay accommodation is kept in scale with surrounding development
- (3) ensure that Farm stay accommodation is designed and managed so as to minimise its impacts on the amenity of the neighbourhood
- (4) ensure that infrastructure and facilities are satisfactory to service the development and needs of guests
- (5) ensure the safety of the occupants having regard to natural hazards, such as bush fire
- (6) describe other legislative considerations.

### E-6.2 Design principles

#### (1) Richmond Valley Local Environmental Plan 2012

##### (a) Definition and LEP Clauses

Farm stay accommodation is a standard definition within the Dictionary attached to the LEP. Critical to the definition is that accommodation is short stay and that it is ancillary to a working farm.

Clause 5.4(1) of the LEP applies additional controls on Farm stay accommodation restricting such developments to no more than 10 guest bedrooms.

Extract from *Richmond Valley Local Environmental Plan 2012*

##### Definition of Farm stay accommodation

**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.

**Note.** See clause 5.4 for controls relating to the number of bedrooms.

Farm stay accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

##### Clause 5.4 Controls relating to miscellaneous permissible uses

##### (5) Farm stay accommodation

If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 10 bedrooms.

##### (b) Permissibility of Farm Stay Accommodation

Farm Stay Accommodation may be undertaken with development consent under the LEP within these specified zones:

- RU1 Primary Production
- ~~B2~~E1 Local Centre #
- RE2 Private Recreation #
- ~~E3~~C3 Environmental Management

**Note.** # Within this zone Far Stay Accommodation are permitted with development consent within the group term Tourist and visitor accommodation.

## Part E Tourist and Visitor Accommodation

### (2) Integrated development

All development requiring a section 100B authority under the *Rural Fires Act 1997* is integrated development under the EP&A Act. A section 100B authority is required in respect of, amongst other things, development of land for special fire protection purposes, which includes “tourist accommodation”.

### (3) Sale or supply of liquor

The *Liquor Act 2007* contains a number of exemptions for the sale or supply of liquor to guests of accommodation premises. These provisions go beyond the regulatory responsibilities of Richmond Valley Council and have been extracted below for information purposes.

Extract from Liquor Act 2007	
Section 25	Authorisation conferred by on-premises licence (generally)
...	
(8)	<b>Special provisions relating to licensed accommodation premises</b>
	An on-premises licence that relates to accommodation premises also authorises the licensee to sell liquor by retail on the licensed premises:
(a)	for consumption on the licensed premises only—at any time on any day (including a restricted trading day) to a resident (or a guest of a resident while in the resident’s company) or an employee of the licensee, and
(b)	to a resident at any time for consumption away from the licensed premises, but only if:
(i)	the sale is ancillary to the provision of a meal for consumption away from the licensed premises, and
(ii)	the volume of liquor supplied to any such resident on any one day does not exceed 2 litres.
...	

**Note.** Council is not the regulator agency for the Liquor Act. The above extract from the Liquor Act is subject to change without notice and should not be relied upon without checking the legislation or with the appropriate authority.

### E-6.3 Design standards/controls

#### (1) Location

- Permissible in ~~any~~ most rural zones but must be ~~associated with~~ located upon a working farm as a secondary business to primary production.

#### (2) Environmental

- **Hours of Operation – Neighbour Friendly**
  - Facilities such as swimming pool operation and use to be restricted where there is potential to impact upon neighbours.
  - Management is responsible for inappropriate behaviour of guests in public places surrounding the establishment

#### (3) Access

- Most visitors to the Area will be travelling by private car. Therefore, the land must be serviced by a road of appropriate standard or upgraded (as a condition of consent) to such a standard. Furthermore, internal access must be appropriate so as to facilitate arrival but also safe evacuation in emergencies. Where a road or internal access is to be upgraded or

## Part E Tourist and Visitor Accommodation

provided new, the impact of construction and operation must be considered.

- Site access onto a public road must be safe for guests as well as the travelling public. Consideration will be given to speed limits along the road, the design speed for the road, available sight distances along the road, design of the intersection, the volume of traffic to be generated.

### (4) Hazards

- **Bushfire prone land**
  - Where located on Bushfire Prone Land (see Council's Bushfire Prone Land maps) the proposal will be Integrated Development unless the dwelling is located more than 30 metres from native vegetation. In this regard, "native vegetation" is taken to mean naturally occurring bushland.
  - The proposal must be assessed against the *Planning for Bushfire Protection* guidelines (~~2006~~2019) either complying with the deemed to satisfy provisions or supplying an alternative solution.
  - Vegetation removal for asset protection needs to be balanced with retention of natural and cultural features of the site. Council may permit habitat loss where there will be a positive biodiversity off-set established within the development site and where appropriate consents under the Biodiversity Conservation~~Native Vegetation~~ Act can be achieved. Such consents should be investigated prior to lodging the development application.
- **Flood**
  - See Chapter H-1 Flooding.
  - Habitable floors are to be located above the flood planning level. The Flood Planning Level is a height 500mm above the 1 in 100 year ARI flood event for the site.
  - Extensions to an existing dwelling may be permitted at a level below the flood planning level where the additional floor area has an area less than 10% of the dwelling's existing ground floor area.
  - Development will not be permitted within an identified high hazard area.
- **Emergency management plan**
  - The Plan should be developed to include an evacuation plan for guests.

### (5) Design

- Have regard to appropriate design guidelines, e.g. Part A contains design guidelines for residential accommodation, ~~Coastal Development Guidelines~~.
- **Scale and Density**
  - Proposed accommodation shall be restricted to a maximum of 10 guest bedrooms accommodating up to 25 guests.

- **Siting of Accommodation**
  - Any proposed buildings for Farm stay accommodation shall be sited within a 50 metre radius from the principal dwelling-house.
- **Privacy and Security**
  - The design consideration of proposed buildings is to maintain the level of privacy enjoyed by adjoining properties.
  - The outlook to public and communal spaces should be maximised whilst maintaining internal privacy within the site.
- **Parking**
  - 1 off-street car parking space to be provided per guest bedroom (plus 1 for residents of the dwelling).
  - Where the accommodation is provided within dormitory-style accommodation, the rate will be 1 off-street car parking space per 3 guests or part thereof.
- **Signage**
  - As per signage within Part F.
- **Infrastructure**
  - Where the dwelling is serviced by an On-site Sewage Management System (OSMS), the system must be assessed to ensure it can handle additional loads resulting from the Farm stay accommodation. Refer to Council's OSMS Strategy.
  - Water efficiency
    - Water Sensitive Urban Design needs to be incorporated into the design. This includes installation of roof water harvesting and ~~on-site~~on-site storage, stormwater detention, erosion/sediment control, AAA rated plumbing and devices.
    - Sites not connected to the mains water supply should provide a minimum of 10,000 litres rainwater tank capacity per guest bedroom and an additional 10,000 litres capacity dedicated for ~~fire~~fire-fighting purposes. A reduction in this capacity may be considered where an alternative source of suitable water can be demonstrated.
- **Public Health and Food Safety**
  - All public health requirements shall be complied with, in particular, but not limited to, the *Public Health Act 1991*2010.
  - All proposed food preparation areas shall comply with the NSW Food Standards Code and AS4674-2004 (current at the time of DCP – refer to any succeeding legislative requirements).
  - Sale of food or beverages shall be restricted to guests being accommodated at the premises unless consent is granted for Food and drink premises.
  - Cooking facilities shall not be provided within guest bedrooms.

## Part E Tourist and Visitor Accommodation

### ➤ **Refuse Facilities**

- Refuse facilities shall be made for the storage and removal of rubbish in accordance with Council Policy and for the suitable screening of the refuse storage area.
- Disposal of refuse on-site will not be permitted.

### **(6) Notification and advertising**

- See Chapter I-15.
- Tourist and visitor accommodation is identified as Category “B” development, therefore, requiring a published notice and written notice for 14 days.

### **(7) Waste Minimisation and Management**

- The construction phase of any development must have a plan submitted and approved in accordance with Richmond Valley Council Waste Minimisation and Management Policy.

# Richmond Valley Development Control Plan 2021



## Part E-7 Manufactured Home Estates, Caravan Parks and Camping Grounds

This DCP applies to all land within the Richmond Valley Local Government Area.

Date adopted by Council:  
22/06/2021

Effective Date:  
01/08/2021

Amendments:  
[Nil](#)  
[Effective Date:](#)

This Chapter is to provide planning controls for the determination of development applications involving manufactured home estates, caravan parks and camping grounds. The planning controls provide must be read in conjunction with *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*~~2021~~, ~~State Environmental Planning Policy No 21—Caravan Parks (SEPP21)~~, and *State Environmental Planning Policy No 36—Manufactured Home Estates (SEPP36)*~~(Housing) 2021~~.

Terms used within this Chapter have the following meanings:

Extract from *Richmond Valley Local Environmental Plan 2012*

### Definitions of Camping Grounds and Caravan Parks

**camping ground** means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

**caravan park** means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

Extract from *Local Government Act 1993*~~State Environmental Planning Policy No 36—Manufactured Home Estates~~

**manufactured home** means a self-contained dwelling (that is, a dwelling that includes at least 1 kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:

- (a) that comprises 1 or more major sections that are each constructed, and assembled, away from the manufactured home estate and transported to the estate for installation on the estate, and
- (b) that is not capable of being registered under the Traffic Act 1909, and includes any associated structures that form part of the dwelling.

**manufactured home estate** means land on which manufactured homes are, or are to be, erected.

## Part E Tourist and Visitor Accommodation

### E-7.1 Objectives

The objective of this Chapter is to apply local controls over manufactured home estates, caravan parks and camping grounds where there is provision for such controls in applicable Acts, Regulations, or Environmental Planning Instruments.

### E-7.2 Principles & Development Standards

#### (1) Caravan Parks

##### (a) Richmond Valley LEP 2012 permissibility

*Richmond Valley LEP 2012* permits caravan parks, with development consent, on land within:

- Zone RU1 Primary Production
- Zone RU5 Village
- Zone R1 General Residential
- Zone RE1 Public Recreation, and
- Zone RE2 Private Recreation.

##### (b) State Environmental Planning Policy 21(Housing) 2021—Chapter 3 Part 9 Caravan Parks

Clauses 8 & 10 Sections 131 & 133 of the SEPP (Housing) 2021 SEPP21 require a Council to determine a number of things including whether it is particularly suitable for a caravan park to be used for long-term residence and whether there are adequate community facilities and services available, see below.

Extract from State Environmental Planning Policy No 21—Caravan Parks SEPP (Housing) 2021

#### Clause 8 Section 131 Development consent required for caravan parks

- ...
- (2) Before granting development consent to the use of land for the purposes of a caravan park, a Council must determine:
- (a) the number of sites (if any) within that land that the Council considers are suitable for long-term residence, within the meaning of the *Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993*, and
  - (b) the number of sites (if any) within that land that the Council considers are not suitable for long-term residence, but are suitable for short-term residence, within the meaning of that Regulation.
- (3) A Council must not grant development consent to the use of land for the purposes of a caravan park unless it imposes as a condition of that consent a condition specifying the maximum number of sites (if any) within that land that may be used for long-term residence.
- ...

#### Clause 10 Section 133 Matters to be considered by Councils

A Council may grant a development consent required by this Policy only after it has considered the following:

- (a) whether, because of its location or character, the land concerned is particularly suitable for use as a caravan park for tourists or for long-term residence,
- (b) whether there is adequate provision for tourist accommodation in the locality of that land, and whether existing or potential tourist accommodation will be displaced by the use of sites for long-term residence,

(c)	whether there is adequate low-cost housing, or land available for low-cost housing, in that locality,
(d)	whether necessary community facilities and services are available within the caravan park to which the development application relates or in the locality (or both), and whether those facilities and services are reasonably accessible to the occupants of the caravan park,
...	

**(c) Development Standards for Long-term Residents**

**(i) Where may long-term residences be granted consent**

Development consent may only be granted for a caravan park, or extension to an existing caravan park, having a component of long-term residential accommodation, where:

- the land is zoned urban (being in Zone R1 General Residential or Zone RU5 Village)—there are no more than 50% of sites to be used for long-term residences; or
- the land has another zone—long-term residences are prohibited.

~~Notwithstanding, long-term residences may be permitted within other zones that adjoin land zoned urban, where a Site Compatibility Certificate has been obtained from Council. The Site Compatibility Certificate considerations prescribed by SEPP36 will be used by Council.~~

**(ii) Essential Services**

Development consent for a caravan park containing long-term residences may only be granted where:

- it can be demonstrated that reasonable access is available to community facilities and services.
- the park is serviced by reticulated water and sewer systems.
- the land is considered suitable because of flooding.
- the land is not affected to an unacceptable level by an offensive or hazardous industry or any form of pollution.

**(iii) Conditions of consent**

A condition of consent will be required to specify the maximum number of sites (if any) within the land that may be used for long-term residence.

**(iv) Waste Minimisation and Management**

The construction phase of any development must have a plan submitted and approved in accordance with Richmond Valley Council Waste Minimisation and Management Policy.

**(2) Camping grounds**

**(a) Richmond Valley LEP 2012 permissibility**

*Richmond Valley LEP 2012* permits camping grounds, with development consent, on land within:

## Part E Tourist and Visitor Accommodation

- Zone RU1 Primary Production
- Zone ~~E3-C3~~ Environmental Management

The definition of caravan park includes a camping ground. Therefore, camping grounds are also permissible, with development consent, on land within:

- Zone RU5 Village
- Zone R1 General Residential
- Zone RE1 Public Recreation, and
- Zone RE2 Private Recreation.

### (3) Manufactured Home Estates

#### (a) State Environmental Planning Policy ~~36~~(Housing) 2021—Manufactured Home Estates

Manufactured home estates are regulated by ~~SEPP36~~Part 8 of SEPP (Housing) 2021 and are a key alternative type of medium density residential development and affordable housing.

~~SEPP36~~Section 122 of SEPP (Housing) 2021 generally requires that manufactured home estates may be carried out with development consent on any land where development for the purposes of a caravan park may be carried out. However, there are exceptions for categories of land identified within ~~Schedule 2 of SEPP36~~ Schedule 6 of SEPP (Housing) 2021. Furthermore, the estates must be adequately serviced and have access to essential community facilities and services.

#### (b) Excluded lands (Schedule 2)

Manufacture home estates are excluded from the following lands by virtue of ~~Schedule 2 of SEPP36~~ Schedule 6 of SEPP (Housing) 2021:

- land within-
  - Zone RE1 Public Recreation—(open space other than open space (private recreation)).
  - ~~environmental~~Environmental protectionProtection —Zone Zones - ~~E2-C2~~ Environmental Conservation, Zone ~~E3-C3~~ Environmental Management, and Zone W1 Natural Waterways.
  - Zone RU1 Primary Production—where not adjacent to or adjoining land zoned for urban use (Zone R1 General Residential and Zone RU5 Village).
- land identified in *Richmond Valley LEP 2012* as-
  - Terrestrial Biodiversity.
  - Wetlands.
  - Riparian Land and Waterways.
  - a Drinking Water Catchment.

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- land described within an environmental planning instrument or strategy as-
  - an extractive resource.
  - services corridor.
  - airport/industry buffer area.
  - habitat corridor.
  - containing significant remnant vegetation.
  - littoral rainforest.
  - water catchment.
  - wetlands.
- land considered unsuitable for residential development because of flooding.
- land affected to an unacceptable level by an offensive or hazardous industry or any form of pollution.