



KIAMA MUNICIPAL COUNCIL
your council. your community

Kiama Development Control Plan 2020

Chapter 10. Visitor Accommodation and Tourism



RESPECT



INNOVATION



INTEGRITY



TEAMWORK



EXCELLENCE

Date approved/adopted	17 March 2020
Resolution No	20/071OC
Date effective	4 April 2020
Date last reviewed	17 March 2021
Next review date	17 March 2022
Department	Environmental Services
Author	Manager Strategic Planning
TRIM reference	SC3392
Supporting documents	Events Toolkit and Guideline

Chapter 10. Visitor Accommodation and Tourism

Purpose of the Chapter -----	2
Application of this Chapter -----	3
Topic 10.1 – Bed and Breakfast Accommodation -----	4
Topic 10.2 – Farm Stay Accommodation -----	10
Topic 10.3 – Serviced Apartments -----	15
Topic 10.4 – Eco-tourism -----	20
Topic 10.5 – Events-----	26

Purpose of the Chapter

Tourism plays an important role within the Kiama Municipality. The Kiama Municipality has evolved into a tourist destination with several major attractions throughout the area. The Municipality's close proximity to Wollongong, Canberra and Sydney enables it to attract a diverse mix of domestic and international visitors. In recent years the Municipality has played host to a number of domestic and international events.

In June 2018 the estimated total value of the tourism sector for the Kiama Municipality was approximately \$146 million. Approximately 19% of the Municipality's total workforce is employed in the tourism sector. It is estimated that for each dollar spent by a tourist in the Municipality, typically \$0.76 is spent on accommodation & food services. Tourist Accommodation plays a vital role in the type of visitors that the Municipality is able to attract and in return the impact on the Municipality's economy. Table 1 below illustrates that a domestic visitor who stays in the area overnight spends, on average, approximately twice more per day than day-trippers.

Table 1: Visitor average expenditure profile

Visitor	Domestic Days	Domestic Overnight	International
Average Stay (nights)		3	6
Average Spend per trip (\$)	\$67	\$378	\$388
Average Spend per night (\$)		\$138	\$63

(Source Remplan 2018)

Tourist Accommodation range from small scale accommodation that occurs within existing dwellings to large scale commercial accommodation. The following forms of [Tourist Accommodation](#) are permissible within the Municipality, noting that permissibility varies across zones:

- Backpackers' Accommodation
- Bed & Breakfast Accommodation
- Camping Grounds
- Caravan Parks
- Eco-Tourist Facilities
- Farm Stay Accommodation
- Hotel & Motel Accommodation
- Serviced Apartments

[Clause 6.10](#) of the *LEP 2011* enables existing residential accommodation (i.e. dwellings etc.) to be used as tourist and visitor accommodation for a short-term without the need to gain development consent.

Camping Grounds and Caravan Parks are regulated by the [Local Government Act 1993](#). The [Local Government Act 1993](#) and associated regulations contain specific development controls for Camping Grounds and Caravan Parks that need to be complied with. This chapter does not contain any additional development controls for Camping Grounds and Caravan Parks.

Backpackers' Accommodation, Hotel & Motel Accommodation and Serviced Apartments are only permissible within the [B1 Neighbourhood Centre](#) and [B2 Local Centre](#) zones of the Municipality. Development within these zones is controlled by other site specific [DCP chapters](#).

This chapter outlines the requirements for certain types of Tourist Accommodation within the Municipality, having regard to the following objectives:

Objectives

- To be sympathetic to the existing and desired future character of the Kiama Municipality;
- Conserve the agricultural potential of the Kiama Municipality
- Conserve and protect areas of native vegetation;
- Protect items of environmental and cultural heritage and promote their restoration and enhancement;
- Preserve the residential amenity of the Municipality and existing scenic qualities of the area;
- Ensure future development is sited, designed and of a scale that is consistent with the desired future character of the area.

Application of this Chapter

This Chapter applies to the following types of development throughout the Municipality:

- Bed & Breakfast Accommodation
- Farm Stay Accommodation
- Serviced Apartments
- Eco-Tourist Facilities
- Events

This chapter should be read in conjunction with the [LEP 2011](#) and other relevant sections of this [DCP](#). Application of this Chapter prevails in the event of an inconsistency with any other Chapter of the [Kiama DCP 2012](#). Topic 10.5 Events should be read in conjunction with the [Events Toolkit and Guideline](#) listed under the *Environmental Heath Guidelines*.

This plan expresses the controls as Acceptable Solutions and/or Performance Criteria (with the exception of the subdivision section). The Acceptable Solutions provide a clear and simple measure by which development may achieve the intent of a particular development control. Where a development does not meet the Acceptable Solutions, outlined below, the applicant must prepare a statement justifying how the development meets the relevant Performance Criteria, and overall objectives of the control. These applications will be assessed on individual merit. This allows for some flexibility and innovation in design and caters for exceptional circumstances where strict compliance with the Acceptable Solution is considered either impractical or unnecessary. The intent of the controls and the aims and objectives of the LEP and DCP must be met whichever path is chosen.

Topic 10.1 - Bed and Breakfast Accommodation

Objectives

- Provide general standards for Bed & Breakfast Accommodation within the Kiama Municipality;
- Protect the amenity of the locality in which the development is situated;
- Ensure Bed & Breakfast Accommodation does not adversely impact upon the privacy of neighbouring residents;
- Achieve well-designed accommodation facilities which attract and meet the needs of visitors to the Municipality;
- Ensure that where additions to existing dwelling-houses are proposed, such additions are designed so that the appearance of the total building is that of a single dwelling, building materials are consistent with the existing dwelling and the total development is sympathetic to neighbouring properties;
- Preserve and complement any natural and/or cultural heritage characteristics of the area; and
- Ensure development in the rural areas:
 - maintains the agricultural potential of land;
 - prevent the fragmentation of agricultural land;
 - ensure that any development is located and designed to minimise bushfire risk;
 - ensure that satisfactory and environmentally acceptable vehicular access is provided without scarring of the landscape;
 - protect existing vegetation;
 - require the assessment of any threatened species which may be affected; and prevent pollution of rivers and streams and sub-surface waters.

Controls

Performance Criteria		Acceptable Solutions	
Siting of Development			
10.1.1	Bed and Breakfast Accommodation facilities are to be sited in order to reduce the impact on adjoining properties in terms of visual and acoustic privacy.	10.1.1a	Bed and Breakfast Accommodation is only to occur within lawfully erected dwellings (including dwellings associated with dual occupancies, manor houses, terraces and residential flat buildings).
		10.1.1b	Where additions to existing dwelling-houses are proposed, such additions are satisfy the relevant building setbacks

Performance Criteria		Acceptable Solutions	
			prescribed by other applicable Chapters of the DCP.
Services/Facilities			
10.1.2	All necessary/appropriate facilities are provided for guests.	10.1.2a	For Bed and Breakfast Accommodation a maximum guest capacity of two (2) persons per bedroom provided for guests of the Bed and Breakfast Accommodation facility.
		10.1.2b	Full domestic laundry facilities must not be provided for guests of a Bed & Breakfast Accommodation facility, however cupboard facilities may be acceptable.
		10.1.2c	Any cooking/eating facilities are not be used to serve paying customers who are not staying on site. Separate development consent for a café or restaurant will be required if serving paying customers not staying on-site.
		10.1.2d	Electrically wired smoke detectors are required to be installed in the bedrooms used as guest accommodation and must be approved by Council.
		10.1.2e	Deadlocks which require internal key release are not to be provided on doors to guest rooms or external doors.
		10.1.2f	In addition to those available to permanent occupants of the dwelling, separate bathroom and toilet facilities are to be provided for guests of the Bed and Breakfast Accommodation facility.
		10.1.2g	The method of effluent disposal, where reticulated sewer is not available, shall be determined having regard to criteria such as the size of the

Performance Criteria		Acceptable Solutions	
			allotment, volume of waste produced, number of people occupying the dwelling, slope, and soil classification.
10.1.3	Private water supplies shall not harm the health of guests of the Bed and Breakfast Accommodation facility.	10.1.3a	Bed and Breakfast Accommodation facilities that have private water supplies (ie not on town water) shall comply with NSW Health's NSW Private Water Supply Guidelines
Parking & Access			
10.1.4	Car parking complies with the requirements of Topic 3.6 of Chapter 3 and is located so as to have minimal impact on the streetscape.	10.1.4a	One (1) car parking space is to be provided per bedroom provided for guests of the Bed and Breakfast Accommodation facility.
		10.1.4b	Car parking spaces for the Bed and Breakfast Accommodation are to be provided in addition to the parking required for the existing dwelling/s on site.
		10.1.4c	Car parking spaces are to be located behind the building line of any road frontage and are not to be located adjacent to sensitive areas in adjoining dwellings, such as bedroom windows and doors.
Operation of Accommodation Facilities			
10.1.5	Bed and Breakfast Accommodation must be operated in such a way so as not to negatively interfere with the amenity of the surrounding neighbourhood.	10.1.5a	Guests and visitors must not create noise which is offensive to neighbours at any time during their occupancy, but especially between the hours midnight and 8 am on any Friday, Saturday or day immediately before a public holiday and 10 pm and 8 am on any other day.
		10.1.5b	All outdoor entertaining areas are to be located behind the building line of any road frontage and are not to be located adjacent to sensitive

Performance Criteria		Acceptable Solutions	
			<p>areas in adjoining dwellings, such as bedroom windows and doors.</p>
		10.1.5c	<p>Signage and/or an information package is to be located within the Bed and Breakfast Accommodation facility, informing guests of their responsibilities and must cover the following information:</p> <ul style="list-style-type: none"> • That guests need to be aware of noise impacts on residential neighbours. Guests and visitors must not create noise which is offensive to neighbours at any time during their occupancy, but between the hours midnight and 8 am on any Friday, Saturday or day immediately before a public holiday and 10 pm and 8 am on any other day. • That offensive noise may result in the local Police and/or Council being contacted. • Council may issue prevention notices and/or noise abatement orders, under the Protection of the Environment Operations Act 1997, for noise related offences from amplified and motorised sources. • That a 24 hour contact/management number may be called if adjoining areas have impacts on amenity. • A copy of the Council's Short-Term Rental Accommodation Policy is to be included as part of any information package

Performance Criteria		Acceptable Solutions	
		10.1.5d	<p>One (1) Business Identification sign, which is legible from the street, should be installed, in accordance with Division 2 of Part of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 in the front of the property indicating the following:</p> <ul style="list-style-type: none"> ▪ That the property is used for Bed and Breakfast Accommodation facility. ▪ In the event of any issues with noise, amenity etc please call the 24 hour contact on – (insert 24 hour contact details). <p>NOTE: this number should connect to a person who is able to respond on-site if necessary within 30 minutes of a call being logged.</p>
10.1.6	Length of stay in Bed and Breakfast Accommodation is limited to avoid use as permanent residential accommodation.	10.1.6a	The maximum length of consecutive stay is 42 days and 200 days in any one calendar year.
		10.1.6b	Permanent residential occupancy of bedrooms, approved for Bed and Breakfast Accommodation, will require separate development consent.
Provision of Food			
10.1.7	Ensure appropriate food safety measures are implemented.	10.1.7a	Any application for Bed and Breakfast Accommodation needs to outline the type of food/meals to be provided to guests.
		10.1.7b	Serving certain types of food may require a Food Safety Supervisor to be nominated and the business to be

Performance Criteria		Acceptable Solutions	
			registered with the NSW Food Authority.
		10.1.7c	Any food prepared for the consumption of guests must be prepared under the relevant provisions Topic 7.2 of Chapter 7 of this DCP.
		10.1.7d	<p>Bed and Breakfast Accommodation must provide the following:</p> <ul style="list-style-type: none"> • Kitchen premises which comply with Topic 7.2 of Chapter 7; • Kitchen facilities and utensils for the storage and/or preparation of food for guests, which are to be kept clean, in good condition, and free from odour, dust, flies, insects and vermin; • Garbage devices kept covered and maintained in a state of clean and good repair; and • All garbage and refuse is to be regularly removed from the premises, and deposited in appropriate pans, receptacles or other garbage devices.
		10.1.7e	An annual inspection of Bed and Breakfast or Farm Stay facilities will be undertaken by Council officers to ensure health and safety standards are being maintained
Bush Fire Requirements			
10.1.8	Adequate bush fire protection measures are to be implemented for Bed and Breakfast Accommodation facilities	10.1.8a	In certain circumstances Bed and Breakfast Accommodation requires approval under section 100B of the Rural Fires Act 1997

Topic 10.2 – Farm Stay Accommodation

Objectives

- Provide general standards for Farm Stay Accommodation facilities within the Kiama Municipality;
- Protect the amenity of the locality in which the development is situated;
- Ensure Farm Stay Accommodation facilities do not adversely impact upon the privacy of neighbouring residents;
- Achieve well-designed accommodation facilities which attract and meet the needs of visitors to the Municipality
- Ensure that where additions to existing dwelling-houses are proposed, such additions are designed so that the appearance of the total building is that of a single dwelling, building materials are consistent with the existing dwelling and the total development is sympathetic to neighbouring properties
- Preserve and complement any natural and/or cultural heritage characteristics of the area; and
- Ensure development in the rural areas:
 - maintains the agricultural potential of land;
 - prevent the fragmentation of agricultural land;
 - ensure that any development is located and designed to minimise bushfire risk;
 - ensure that satisfactory and environmentally acceptable vehicular access is provided without scarring of the landscape;
 - protect existing vegetation;
 - require the assessment of any threatened species which may be affected; and
 - prevent pollution of rivers and streams and sub-surface waters.

Controls

Performance Criteria		Acceptable Solutions	
Siting of Development			
10.2.1	Farm Stay Accommodation facilities are to be sited in order to reduce the impact on adjoining properties in terms of visual and acoustic privacy.	10.2.1a	Farm Stay Accommodation facilities are to be set back a minimum 20m from a public road.
		10.2.1b	Farm Stay Accommodation facilities are to be set back a minimum 20m from a public road.
		10.2.1c	Farm Stay Accommodation facilities are to be set back a minimum 15m from all other boundaries.
		10.2.1d	Farm Stay Accommodation facilities must be located a minimum of 100m

Performance Criteria		Acceptable Solutions	
			from any dwelling located on an adjoining allotment.
		10.2.1e	The Farm Stay Accommodation building, containing a maximum of five (5) bedrooms, is to be clustered around any existing dwelling on site.
Services/Facilities			
10.2.2	All necessary/appropriate facilities are provided for guests.	10.2.2a	For Farm Stay Accommodation a maximum guest capacity of two (2) persons per bedroom provided for guests of the Farm Stay Accommodation facility.
		10.2.2b	Full domestic laundry facilities must not be provided for guests of a Farm Stay Accommodation facility, however cupboard facilities may be acceptable.
		10.2.2c	Electrically wired smoke detectors are required to be installed in the bedrooms used as guest accommodation and must be approved by Council.
		10.2.2d	The method of effluent disposal, where sewer is not available, shall be determined having regard to criteria such as the size of the allotment, volume of waste produced, number of people occupying the dwelling, slope, and soil classification.
Parking & Access			
10.2.3	Car parking complies with the requirements of Topic 3.6 of Chapter 3 and is located so as to have minimal impact on the streetscape.	10.2.3a	One (1) car parking space is to be provided per bedroom provided for guests of the Farm Stay Accommodation facility.
		10.2.2b	Car parking spaces for the Farm Stay Accommodation are to be provided in addition to the parking required for the existing dwelling/s on site.
		10.2.2c	Car parking spaces are to be located behind the building line of any road frontage and are not to be located adjacent to sensitive areas in adjoining dwellings, such as bedroom windows and doors.

Performance Criteria		Acceptable Solutions	
10.2.4	Private water supplies shall not harm the health of guests of the Farm Stay Accommodation	10.2.4a	Farm Stay Accommodation that have private water supplies (ie not on town water) shall comply with NSW Health's NSW Private Water Supply Guidelines
Operation of Accommodation Facility			
10.2.5	Farm Stay Accommodation must be operated in such a way so as not to negatively interfere with the amenity of the surrounding neighbourhood.	10.2.5a	Guests and visitors must not create noise which is offensive to neighbours at any time during their occupancy, but especially between the hours midnight and 8 am on any Friday, Saturday or day immediately before a public holiday and 10 pm and 8 am on any other day.
		10.2.5b	All outdoor entertaining areas are to be located behind the building line of any road frontage and are not to be located adjacent to sensitive areas in adjoining dwellings, such as bedroom windows and doors.
		10.2.5c	Signage and/or an information package is to be located within the Farm Stay Accommodation facility, informing guests of their responsibilities and must cover the following information: <ul style="list-style-type: none"> • That guests need to be aware of noise impacts on residential neighbours. Guests and visitors must not create noise which is offensive to neighbours at any time during their occupancy, but between the hours midnight and 8 am on any Friday, Saturday or day immediately before a public holiday and 10 pm and 8 am on any other day. • That offensive noise may result in the local Police and/or Council being contacted. • Council may issue prevention notices and/or noise abatement orders, under the Protection of the Environment Operations Act 1997, for noise related offences from amplified and motorised sources. • That a 24 hour contact/management number

Performance Criteria		Acceptable Solutions	
			<p>may be called if adjoining areas have impacts on amenity.</p> <p>NOTE: this number should connect to a person who is able to respond on-site if necessary within 30 minutes of a call being logged.</p> <ul style="list-style-type: none"> • A copy of the Council's Short-Term Rental Accommodation Policy is to be included as part of any information package.
		10.2.5d	<p>One (1) Business Identification sign, which is legible from the street, should be installed, in accordance with Division 2 of Part of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 in the front of the property indicating the following:</p> <ul style="list-style-type: none"> ▪ That the property is used for Farm Stay Accommodation facility. ▪ In the event of any issues with noise, amenity etc please call the 24 hour contact on – (insert 24 hour contact details). <p>NOTE: this number should connect to a person who is able to respond on-site if necessary within 30 minutes of a call being logged.</p>
10.2.6	Length of stay in Farm Stay Accommodation is limited to avoid use as permanent residential accommodation.	10.2.6a	The maximum length of consecutive stay is 42 days and 200 days in any one calendar year.
		10.2.6b	Permanent residential occupancy of bedrooms, approved for Farm Stay Accommodation, will require separate development consent.
10.2.7	Farm Stay Accommodation must not adversely impact primary production on the site.	10.2.7a	Documentation outlining the farming activities that take place on the site sufficient to justify primary production as the main business on the land, with the farm stay accommodation as secondary. The primary production plan should include the following information: farm income, stocking rates, types of agriculture and intended

Performance Criteria		Acceptable Solutions	
			involvement of 'guests' in farm activities.
		10.2.7b	The adaptive re-use of existing rural buildings such as barns, silos, stables or dairies is encouraged.
Bush Fire Requirements			
10.2.8	Adequate bush fire protection measures are to be implemented for Farm Stay Accommodation facilities	10.2.8a	When located on bush fire prone land Farm Stay Accommodation requires approval under section 100B of the Rural Fires Act 1997

Topic 10.3 – Serviced Apartments

Introduction

This Topic applies to development applications for **serviced apartments**.

Serviced apartments are defined within the dictionary of the Kiama LEP as the following:

***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.*

Serviced apartments are permissible with consent in in the B2 Local Centre zone in the Kiama Local Environmental Plan 2011.

Council acknowledges the operation of Short Term Rental Accommodation (STRA) within the Municipality. Currently, [Clause 6.10 of Kiama LEP 2011](#) permits the operation of STRA without the need to lodge a development application to gain development consent.

Amendments have been made to the [State Environmental Planning Policy \(Affordable Rental Housing\) 2009](#) and the [Environmental Planning and Assessment Regulation 2000](#) to introduce a new State wide policy framework, including a mandatory [NSW Fair Trading Code of Conduct](#) for STRA, that will take effect on 1 November 2021. From 1 November 2021 STRA will continue to be able to operate without the need to lodge a development application to gain development consent. As such, the following controls are not applicable to STRA.

Objectives

- To ensure that the current amenity of the locality is not adversely affected by serviced apartments.
- That dwellings utilised for serviced apartments provide a high standard of amenity and safety for users.
- To ensure that normal residential privacy standards are maintained
- To ensure that serviced apartments will comply with established amenity levels.

Controls

Dwelling Suitability

- 10.3.1 Serviced apartments must only be conducted in dwellings that meet have been lawfully constructed and comply with Building Code of Australia requirements.
- 10.3.2 The property must be offered in a clean, safe and habitable state of repair.

Maximum Number of Guests and Visitors

- 10.3.3 The maximum number of guests permitted at a serviced apartments must not exceed a maximum of 2 adults per bedroom.
- 10.3.4 Due to overall numbers and activities, guests and their visitors must not impact on amenity and must comply at all times with the terms of this serviced apartments policy.

10.3.5 Visitors are the responsibility of the guest at all times.

Amenity

10.3.6 Serviced apartments must not compromise the amenity of surrounding neighbours. Amenity breaches include (but are not limited to):

- Guests and visitors must not create noise which is offensive to neighbours at any time during their occupancy, but especially between the hours 10 pm and 8 am.
- Exceeding in the number of permissible guests in the serviced apartments.
- An unreasonable number of visitors to the serviced apartments.
- Any activities which may unduly impact on the health and/or safety of adjoining or nearby residences.
- Inappropriate street parking so as to cause traffic hazards, significant or ongoing loss of parking for adjoining or nearby residences.
- Unmanaged waste disposal or littering of the property surrounds.
- The use of outdoor spas, pools and BBQs between the hours of 10 pm and 7am.
- The use of decks/balconies/verandas between the hours of 10 pm and 8 am is subject to ensuring that no offensive noise and/or behaviour is carried out.
- Instances of anti-social behaviour.
- Any issues with the response of the nominated 24 hour contact such as:
 - Failure to be able to make contact with the 24 hour contact within a reasonable timeframe, (this also includes not returning calls),
 - Failure of the 24 hour contact person to act on complaints or refer to the appropriate regulatory authority where required.

Any breaches of amenity by residents or their guests in association with serviced apartments is a noncompliance with this Policy and may result in Penalty Infringement Notices (PIN) being issued under the relevant legislation and a requirement by Council for mandatory signage of the premises. The requirement for mandatory signage will be imposed after two confirmed breaches. Council will also consider Land and Environment Court proceedings if the breaches are ongoing.

Car parking

10.3.7 Car parking must be provided on site at the rate outlined below:

- 1 space for serviced apartments with 1-2 bedrooms, and
- 2 spaces for serviced apartments with 3+ bedrooms.

Council may consider the variation of this clause where it can be demonstrated that there is no car parking associated with the dwelling/unit (ie older style strata units), and there is sufficient street parking.

24 Hour Contact/Management/Information

10.3.8 All serviced apartments must provide 24 hour contact details for a local management agent who can respond on site if required to noise/parking/amenity issues. It should be noted that the appropriate regulatory authority should be contacted if required.

- 10.3.9 The management contact will need to have delegated authority to attend to issues arising. The contact must be appropriately qualified/experienced person to deal with possible amenity issues which may arise. This may include responding on site or following up on contacting regulatory authorities.
- 10.3.10 The management agents must be able to act at the time of the complaint to ensure that ameliorating actions are undertaken. This may include responding on site or following up on contacting regulatory authorities.
- 10.3.15 Serviced apartment operators can choose one (1) of the following two (2) methods to convey contact information:
- a. Provision of Contact Signage
Serviced apartment sites can provide one Business Identification sign no greater than 0.5 m2 in area located in the front garden as near as practicable to the letterbox, or for strata units a small size sign located as near as practical to the letter box and able to be read clearly from the street indicating the following:
 - That (insert address) is used for serviced apartments.
 - In the event of any issues with noise, amenity etc please call the 24 hour contact on – (insert 24 hour contact details).

or
 - b. Information given to adjoining owners
Adjoining property owners or managing agents could be given information detailing:
 - That (insert address) is used for serviced apartments and is under the management of (insert Real Estate/or other contact).
 - In the event of any issues with noise, amenity etc please call the 24 hour contact on – (insert 24 hour contact details).
- All serviced apartments websites must contain contact details.
- 10.3.16 Contact signage/ details must be kept updated with current information. Updated contact information must be redistributed to adjoining property owners / managing agents when changes to contact numbers etc occurs to ensure current information is available.
- 10.3.17 Council will be required to be notified in writing of all complaints within 24 hours by the 24 contact/management person. Council will require the following information: the date, time and type of complaint, and actions taken.

Information for Guests

- 10.3.18 Signage and information located within the Serviced Apartment must cover the following information:
- That the serviced apartment is located in close proximity to dwellings
 - That the serviced apartment is located in a residential neighbourhood and guests will need to abide by the serviced apartment Policy.
 - That guests need to be aware of noise impacts on residential neighbours.
 - That failure to comply with the serviced apartment policy may result in fines and termination of permission to occupy the serviced apartment.
 - That a 24 contact/management number will be called if adjoining areas have impacts on amenity.

- 10.3.19 The serviced apartments Policy or summary thereof shall be given and explained to guests of the serviced apartment with the key pickup.
- 10.3.20 A copy of the serviced apartments Policy shall be posted on a notice board within the serviced apartments.

Waste Management

- 10.3.21 General waste management requirements can be found in [Topic 3.1 of Chapter 3](#) of this DCP. All urban residential zoned properties must pay the appropriate annual Domestic Waste Management Charge outlined in Council's current Revenue Policy as mandated in [Section 496 of the Local Government Act, 1993](#).
- 10.3.22 Bins must be on the kerbside available for each collection day (refer to [Topic 3.1 of Chapter 3](#)).
- 10.3.23 As a minimum requirement, urban residential serviced apartments must be in receipt of (and charged the applicable domestic waste management charge for) the equivalent of the largest size urban residential waste service. This consists of a 240 litre garbage bin, 240 litre recycling bin and 240 litre organics bin. In the case of multi-unit developments with limited storage space, shared garbage, recycling and organics bin may be made available by Council.
- If the waste generated by the serviced apartments exceeds the capacity of this service, the following options are available:
- Order a second urban waste service for the serviced apartments from Council, consisting of an additional garbage, recycling and organics bin and the applicable annual Domestic Waste Management Charge.
 - Engage a waste contractor to remove excess waste from the property as required.

Advertisement for the serviced apartments

- 10.3.24 The serviced apartments must not be offered, described or advertised:
- in a false or misleading manner.
 - for more than the maximum number of guests.

Breaches to this Policy

Breaches of this Policy may result in Penalty Infringement Notices being issued.

Breaches to the policy may result in the termination of permission to occupy the serviced apartments.

Breaches of this policy may also result in the prohibition of the land use.

Best Practice Guidelines

The following provides an overview of best practice strategies that will assist in ensuring that serviced apartments are carried out appropriately with consideration for the ongoing amenity of the existing residential area.

- Dwellings used for serviced apartments should be designed so that potential noise sources do not impact on living or sleeping areas of neighbouring properties.
- Serviced apartments with common areas or decks which overlooking neighbouring living areas or bedrooms have the potential to cause noise impacts for adjoining

owners. This is mainly a problem after 10pm and before 8am. Consideration of potential noise generation from these sources should be undertaken with a view to limiting disturbing noise from these areas after 10pm and before 8am. Signage in the serviced apartments alerting guests to this potential issue.

- Bins should not sit on the kerbside for longer than 1 day after collection.
- A clearly labelled dual bin system should be installed within the kitchen of the serviced apartments for ease of separation of recyclable waste.
- The food organics kitchen caddy supplied by Council is installed in serviced apartments receiving the OK Organics Kiama waste service.
- Compostable liners should be provided by the owner for guests of the serviced apartments suitable for the kitchen organics caddy in OK Organics Kiama zones.

The terms and conditions for property bookings should include expectations on guests with regard to waste. This includes specifying that garbage, recyclables and food organics are to be separated and placed in the correct waste bins. For OK Organics Kiama zones, a requirement that no food is to be disposed of in the garbage bin could be included.

Topic 10.4 – Eco-tourism

Objectives

- Provide general standards for Eco-Tourist Facilities within the Kiama Municipality;
- Protect the amenity of the locality in which the development is situated;
- Ensure Eco-Tourist Facilities do not adversely impact upon the privacy of neighbouring residents;
- Achieve well-designed accommodation facilities which attract and meet the needs of visitors to the Municipality;
- Preserve and complement any natural and/or cultural heritage characteristics of the area; and
- Ensure development in the rural and environmental areas:
 - maintains the agricultural potential of land;
 - prevent the fragmentation of agricultural land;
 - ensure that any development is located and designed to minimise bushfire risk;
 - ensure that satisfactory and environmentally acceptable vehicular access is provided without scarring of the landscape;
 - protect existing vegetation;
 - require the assessment of any threatened species which may be affected; and prevent pollution of rivers and streams and sub-surface waters.

Controls

Performance Criteria		Acceptable Solutions	
Density of Development			
10.4.1	Sufficient area is available for Eco-Tourist Facilities in order to mitigate impacts on adjoining properties. Eco-Tourist Facilities should reflect the rural density of the surrounding area.	10.4.1a	A minimum lot area of ten (10) hectares is required for Eco-Tourist Facilities. The minimum lot area must be calculated from land where Eco-Tourist Facilities are permissible. All other areas of the lot/s must be excluded from the density calculation.
		10.4.1b	The maximum number of guest bedrooms permitted shall be ten (10) hectares for the first two (2) bedrooms and an additional five (5) hectares for each bedroom thereafter.
		10.4.1c	The maximum number of guest bedrooms permitted per lot is not to exceed 10.

Performance Criteria		Acceptable Solutions	
Siting of Development			
10.4.2	Eco-Tourist Facilities are to be sited in order to reduce the impact on adjoining properties in terms of visual and acoustic privacy.	10.4.2a	Eco-Tourist Facilities are to be set back a minimum 20m from a public road.
		10.4.2b	Eco-Tourist Facilities are to be set back a minimum 15m from all other boundaries.
		10.4.2c	Eco-Tourist Facilities must be located a minimum of 100m from any dwelling located on an adjoining allotment.
		10.4.2d	When utilising multiple buildings/structures Eco-Tourist Facilities are to be clustered together.
Services/Facilities			
10.4.3	All necessary/appropriate facilities are provided for guests.	10.4.3a	For Eco-Tourist Facilities a maximum guest capacity of two (2) persons per bedroom provided for guests of the Eco-Tourist Facility.
		10.4.3b	Full domestic laundry facilities must not be provided for guests of an Eco-Tourist Facilities, however cupboard facilities may be acceptable.
		10.4.3c	Electrically wired smoke detectors are required to be installed in the bedrooms used as guest accommodation and must be approved by Council.
		10.4.3d	The method of effluent disposal, where sewer is not available, shall be determined having regard to criteria such as the size of the allotment, volume of waste produced, number of people occupying the dwelling, slope, and soil classification.
10.4.4	Private water supplies shall not harm the health of guests of the Eco-Tourist Facility.	10.4.3a	Eco-Tourist Facilities that have private water supplies (ie not on town water) shall comply with

Performance Criteria		Acceptable Solutions	
			NSW Health's NSW Private Water Supply Guidelines
Parking & Access			
10.4.5	Car parking complies with the requirements of Topic 3.6 and is located so as to have minimal impact on the streetscape.	10.4.5a	One (1) car parking space is to be provided per bedroom provided for guests of the Eco-Tourist Facilities.
		10.4.5b	Car parking spaces for the Eco-Tourist Facilities are to be provided in addition to the parking required for the existing dwelling/s and other approved uses on site.
		10.4.5c	Car parking spaces are to be located behind the building line of any road frontage and are not to be located adjacent to sensitive areas in adjoining dwellings, such as bedroom windows and doors.
Operation of Accommodation Facility			
10.4.6	Eco-Tourist Facilities must be operated in such a way so as not to negatively interfere with the amenity of the surrounding neighbourhood.	10.4.6a	Guests and visitors must not create noise which is offensive to neighbours at any time during their occupancy, but especially between the hours midnight and 8 am on any Friday, Saturday or day immediately before a public holiday and 10 pm and 8 am on any other day.
		10.4.6b	All outdoor entertaining areas are to be located behind the building line of any road frontage and are not to be located adjacent to sensitive areas in adjoining dwellings, such as bedroom windows and doors.

		10.4.6c	<p>Signage and/or an information package is to be located within the Eco-Tourist Facilities, informing guests of their responsibilities and must cover the following information:</p> <ul style="list-style-type: none"> • That guests need to be aware of noise impacts on residential neighbours. Guests and visitors must not create noise which is offensive to neighbours at any time during their occupancy, but between the hours midnight and 8 am on any Friday, Saturday or day immediately before a public holiday and 10 pm and 8 am on any other day. • That offensive noise may result in the local Police and/or Council being contacted. • Council may issue prevention notices and/or noise abatement orders, under the Protection of the Environment Operations Act 1997, for noise related offences from amplified and motorised sources. • That a 24 hour contact/management number may be called if adjoining areas have impacts on amenity. <p>NOTE: this number should connect to a person who is able to respond on-site if necessary within 30 minutes of a call being logged.</p> <ul style="list-style-type: none"> • A copy of the Council's Short-Term Rental Accommodation Policy is to be included as part of any information package.
--	--	---------	--

Performance Criteria		Acceptable Solutions	
		10.4.6d	<p>One (1) Business Identification sign, which is legible from the street, should be installed, in accordance with Division 2 of Part of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 in the front of the property indicating the following:</p> <ul style="list-style-type: none"> ▪ That the property is used for Eco-Tourist facility. ▪ In the event of any issues with noise, amenity etc please call the 24 hour contact on – (insert 24 hour contact details). <p>NOTE: this number should connect to a person who is able to respond on-site if necessary within 30 minutes of a call being logged.</p>
10.4.7	Length of stay in Eco-Tourist Facilities is limited to avoid use as permanent residential accommodation.	10.4.7a	The maximum length of consecutive stay is 42 days and 200 days in any one calendar year.
		10.4.7b	Permanent residential occupancy of bedrooms, approved for Eco-Tourist Facilities, will require separate development consent.
10.4.8	Eco-Tourist Facilities must maintain the environmental and cultural values of the land and must provide for sensitively designed and managed facilities that have minimal impact on the environment.	10.4.8a	<p>An environmental management strategy plan is to be provided with any application for an Eco-Tourist Facility.</p> <p>The environmental management strategy plan is to address the address the following matters:</p> <ul style="list-style-type: none"> • Measures to remove any threat of environmental damage; • The maintenance of habitats; • Efficient and minimal energy and water use and waste output; • Mechanisms for monitoring and reviewing the effect of the development on the natural environment;

Performance Criteria		Acceptable Solutions	
			<ul style="list-style-type: none"> Maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.
		10.4.8b	When provided within a new building Eco-Tourist Facilities are to incorporate the principles of Ecological Sustainable Design through the use of passive heating and cooling, renewable energy sources and water efficient designs.
		10.4.8c	When provided within an existing building Eco-Tourist Facilities are to be retrofitted to incorporate energy and water saving devices.
		10.4.8d	When provided within an existing building Eco-Tourist Facilities are to be provided with a renewable energy source, such as solar or wind power, which is capable of producing a minimum of 19 kW/day.
Bush Fire Requirements			
10.4.9	Adequate bush fire protection measures are to be implemented for Farm Stay Accommodation facilities	10.4.9a	When located on bush fire prone land Eco-Tourist Facilities require approval under section 100B of the Rural Fires Act 1997 .

Topic 10.5 – Events

Introduction

Events are important to our area as they can contribute to a creative and engaged community environment and bring economic development and tourism.

Subdivision 1 of Division 3 of Part 2 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* outlines that temporary uses, such as events, do not require development consent if the use is ancillary to the principle use of the land. Private events, festivals and the like, on private properties are generally not considered to be ancillary to the principle use of the land.

If the event is going to attract a large number of people, such as events that require specific plans for waste, traffic, pedestrian and amenity management, as well as road closures or if large temporary structures need to be built (e.g., concert stages), you must complete a development application (DA).

Clause 2.8 of the *Kiama Local Environmental Plan (LEP) 2011* enables development consent to be issued for temporary uses, such as events, on private properties if the use will not adversely impact on any adjoining land or the amenity of the neighbourhood.

Council has prepared the [Events Toolkit and Guideline](#) listed under the *Environmental Health Guidelines* to assist with this Topic.

Within this Topic, a reference to ‘the Guideline’ is a reference to the Events Guideline. This Guideline outlines essential event management issues and Council’s minimum requirements, which must be incorporated in all proposed developments.

For the purposes of this plan, events include concerts, festivals, functions, exhibitions and the like.

Objectives

- O:10.5.1 Provide general standards for events within the Kiama Municipality;
- O:10.5.2 Protect the amenity of the locality in which the event is situated;
- O:10.5.3 Ensure events do not adversely impact upon the privacy of neighbouring residents;
- O:10.5.4 Facilitate events which attract and meet the needs of visitors to the Municipality;
- O:10.5.5 Preserve and complement any natural and/or cultural heritage characteristics of the area; and
- O:10.5.6 Ensure events in the rural and environmental areas:
 - Maintain the agricultural potential of land;
 - Prevent the fragmentation of agricultural land;
 - Ensure that any development is located and designed to minimise bushfire risk;
 - Ensure that satisfactory and environmentally acceptable vehicular access is provided without scarring of the landscape;
 - Protect existing vegetation;
 - Require the assessment of any threatened species which may be affected; and
 - Prevent pollution of rivers and streams and sub-surface waters.

Controls

Performance Criteria		Acceptable Solutions	
Amenity of Area			
10.5.1	Events do not adversely impact on any adjoining land or the amenity of the neighbourhood.	10.5.1a	Events operate in accordance with the appropriate requirements of the relevant NSW noise guidelines for local government, Industrial Noise Policy and the Sommer and Parnell 2018 paper on 'Setting noise objectives for outdoor music festivals in rural locations'.
		10.5.1b	Events are to operate in accordance with the Kiama Events Guideline.
		10.5.1c	When conducting in rural, environmental or residential zones events are to conclude at 10pm.
		10.5.1.d	A Noise Management Plan is to be submitted to demonstrate noise omitted by an event is not offensive.
Amenities			
10.5.2	Sufficient toilet facilities are to be provided at events	10.5.2a	Toilet facilities are to be provided in accordance with the Kiama Events Guideline.
Parking & Access			
10.5.3	Sufficient car parking facilities are to be provided at events.	10.5.3a	For events with a patron capacity less than 200 car parking is to be provided in accordance with the requirements for a Restaurant (or reception centre) or café as outlined by Topic 3.6 of the DCP.
		10.5.3b	For events with a patron capacity greater than 200 car parking is to be provided in accordance with the requirements for an Entertainment facility as outlined by Topic 3.6 of the DCP.
		10.5.3c	Traffic Management Plans are to be submitted for events with a patron capacity greater than 200.

Performance Criteria		Acceptable Solutions	
Waste Management			
10.5.4	Sufficient waste facilities are to be provided at events.	10.5.4a	Waste facilities are to be provided in accordance with the Kiama Events Guideline.

How to contact Council

Post

General Manager
Kiama Municipal Council
PO Box 75
Kiama NSW 2533

Telephone

+61 (02) 4232 0444

Facsimile

+61 (02) 4232 0555

Online

Email: council@kiama.nsw.gov.au
Website: www.kiama.nsw.gov.au

Office hours

Our Administration Building located at
11 Manning Street Kiama is open 8.45 am to 4.15 pm
Monday to Friday (excluding public holidays)



KIAMA MUNICIPAL COUNCIL
your council, your community