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**SHIRE OF GINGIN**  
**LOCAL PLANNING SCHEME NO. 9**  
**LOCAL PLANNING POLICY STATEMENT NO – 1.11**  
**BED AND BREAKFAST ACCOMMODATION**

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**1. POLICY STATEMENT**

The Shire of Gingin's Local Planning Scheme No. 9 (LPS No. 9) defines 'Bed and Breakfast' accommodation as a *dwelling, used by a resident of a dwelling, to provide accommodation for persons away from their normal place of residence on a short-term basis and includes the provision of breakfast.*

**2. POLICY OBJECTIVES**

The purpose of this Policy is:

- a) To provide assistance to landholders interested in establishing Bed and Breakfast accommodation, and to ensure that the standard of accommodation is attractive to visitors which will enhance the reputation of the Shire of Gingin as a Tourist venue;
- b) To provide guidelines for the establishment and conduct of Bed and Breakfast accommodation; and
- c) To ensure a satisfactory standard of management and service to ensure that the premises meet acceptable Planning, Health, Building and Fire Safety standards.

**3. POLICY AREA**

This Policy applies to "Residential", "Tourism", "Town Centre", "General Rural", "Rural Living", and "Conservation" zoned land.

**3.1 PERMITTED USE TABLE**

Table 1 below, shows Bed and Breakfast accommodation as a permitted use, or use permitted with Council discretion in various zones in the Shire.

Table 1

Zone	Permissibility
Residential	A
Tourism	P
Town Centre	P
General Rural	P
Rural Living	D
Conservation	A

A – means that the Council may, at its discretion, permit the use in the zone, subject to Public Notice.

P – means that the use is permitted in the zone provided the relevant standards and requirements set out in the Scheme are complied with.

D - means that Council may, at its discretion permit the use in the zone.

## 3.2 DEVELOPMENT STANDARDS

### Dwelling provisions

- A maximum of six guests, excluding the permanent occupiers of the Dwelling, are permitted at any one time.
- The use of the Bed and Breakfast accommodation shall be incidental to the predominant use and nature of the dwelling with guest rooms remaining in the Dwelling. The appearance of the Dwelling shall remain Residential and shall not impact adversely on surrounding properties.
- There shall be no more than four bedrooms of the dwelling dedicated for guests.
- Guest Rooms are to be kept clean at all times and supplied with clean linen.
- Guest Rooms to be supplied with a lockable door.
- The dedicated guest bedrooms are for guest purposes only.
- Bathrooms are to be either a shared facility for guests only, or a private ensuite facility off the guest bedrooms, or a combination of both. Where a bathroom is a shared facility, it must be equipped with a lockable door.
- For Bed and Breakfast accommodation located in areas not connected to a reticulated water supply, evidence of sufficient drinkable standard water storage facilities, including the provision of hot water, shall be provided at all times.
- Preparation of breakfast is to be the responsibility of the permanent occupiers of the Dwelling and self-service cooking by guests is not permitted. The preparation of tea and coffee and the like by guests is permitted.
- Council's preference is for the inclusion of a guest lounge room within the Dwelling.
- Communal areas shall be located in an area that does not directly abut neighbouring houses.

### Car Parking provisions

- One Car Parking bay is to be provided per bedroom for hire, in addition to the two Car Parking bays required by the permanent occupiers of the Dwelling. The bays should be close to the guest rooms and on-street parking will not be permitted.

### Compliance with other Legislation

The Bed and Breakfast accommodation must comply with the *Health Act 1911* and any relevant regulations such as the Health (Food Hygiene) Regulations 1993 and the Sewerage (Lighting, Ventilation & Construction) Regulations 1971. Applicants are advised that an assessment will be undertaken prior to commencement of the business to determine whether the premises comply with the applicable parts of these Regulations.

To ensure that food hygiene is addressed within the premises, proprietors of Bed and Breakfast accommodation are expected to follow the Shire's "Guidelines for Preparation of Food in Bed and Breakfast Accommodation", a copy of which is attached to this Policy for your information. Annual assessments will be undertaken by the Shire's Principal Environmental Health Officer to ensure that these standards are maintained.

The Shire's Health Department will require the following:

- (a) Application for Approval of Certain Food Handling Activities in Residential Premises – Form 2 to be completed by Applicant.
- (b) Form for Application for Registration as a Bed and Breakfast – Form 2A to be completed by Applicants.

All Bed and Breakfasts shall comply with the provisions of the *Health Act* 1911 and the Health (Food Hygiene) Regulations 1993, which includes the following:

- Room sizes in accordance with the *Health Act* 1911 (i.e. 14m<sup>3</sup> per person);
- Hygiene standard of premises to be acceptable before approval given; and
- Food preparation areas to comply with "Guidelines for the Preparation of Foods in Residential Premises."

If the dwelling is serviced by a septic tank disposal system, upgrading to current standards may be required.

### 3.3 APPLICATION FOR PLANNING CONSENT

An Application for Planning Consent is required for all Bed and Breakfast accommodation proposals.

#### 3.3.1 Application Requirements

- Two copies of a Location Plan showing the location of the subject Lot in relation to surrounding Lots and/or roads;
- Two copies of a Site Plan showing all Lot boundaries, existing and proposed development including access to and from the site and Car Parking facilities;
- Two copies of a Floor Plan of the Dwelling showing rooms proposed to be used for the Bed & Breakfast accommodation, dining facilities, bathrooms and guest lounge room; and
- Written submission describing the proposal and confirming its compliance with standards of this Policy.

#### 3.3.2 Application Process

- 3.3.2.1 The Shire's Principal Environmental Health Officer will conduct an initial inspection of all Bed and Breakfast accommodation and further inspections will be conducted on a random basis.
- 3.3.2.2 All Applications where the permissibility is either 'D' or 'A' will be referred to neighbours potentially affected by the proposal for a period of 21 days.
- 3.3.2.3 All Applications where the permissibility is 'P' may be referred to neighbours potentially affected by the proposal for a period of 21 days.
- 3.3.2.4 All Applications, with the exception of those within the "Residential" zone, where the Bed and Breakfast accommodation complies with the standards within this Policy and the provisions of LPS No. 9, and no adverse public submissions have been received, may be determined under Delegated Authority.
- 3.3.2.5 All Applications within the "Residential" zone, or where adverse submissions are received, will be referred to Council for determination.

#### 4.0 STANDARD CONDITIONS OF APPROVAL

Bed and Breakfast Accommodation may be approved subject, but not limited to, the following conditions:

1. This approval permits the use of [insert no.-(max of 4)] bedrooms of the dwelling for the purpose of Bed and Breakfast.
2. The Bed and Breakfast shall not have more than six guests and one family (immediate) at any one time.
3. The term of this Planning Approval is for one year from the date of this notice.
4. The Bed and Breakfast shall not be used as a lodging house or for permanent accommodation.
5. Car parking is to be marked and signposted to provide a minimum of one car bay for each bedroom used for the Bed and Breakfast guest accommodation.
6. Guest bedrooms and bathrooms are to be used by guests only.
7. Hot water shall be provided at all times.
8. Suitable facilities for the hygienic preparation, storage and cooling of food shall be provided to cater for the maximum number of guests to be accommodated.
9. Preparation of meals is the responsibility of the domestic residents and self-service cooking by guests is not permitted with the exception of tea and coffee preparation by guests.
10. The Owner/Manager of the Bed and Breakfast is required to reside on-site.
11. Noise is limited to levels in volume and duration deemed reasonable and generally experienced in Residential neighbourhoods.

#### **Advice Note:**

1. The Applicant is advised to make a new Application for Planning Consent prior to expiry of the current approval, whereby Council may consider an extended period for Planning Approval.
2. All signage shall be the subject of a separate Application being lodged and approved by Council.
3. The Bed and Breakfast is to comply with requirements of the Building Code of Australia, in particular access for people with mobility and visual impairment.
4. Smoke alarms that are hard wired to mains power must be installed in the rooms and associated hallways and, if applicable, each floor level reached by stairs, in accordance with the Building Code of Australia.

[Adopted 15 January 2013]

**SHIRE OF GINGIN  
HEALTH DEPARTMENT**



**GUIDELINES FOR THE PREPARATION OF FOODS FOR MANUFACTURE IN  
RESIDENTIAL PREMISES FOR BED AND BREAKFAST**

The Health (Food Hygiene) Regulations 1993 permit the preparation of foods from Residential premises for personal gain or reward under certain conditions. The following guidelines have been adopted to ensure that all such activities are treated in a similar manner and to ensure that minimum standards necessary for the protection of public health are maintained.

The minimum conditions applicable in Residential premises for the preparation of food for sale are:

1. Premises shall be kept in good order and repair, and shall be maintained in a clean and hygienic condition at all times.
2. An adequate supply of hot and cold water shall be provided.
3. Adequate sinks (preferably a double bowl) shall be provided.
4. Easy access to a wash hand basin shall be maintained during the food handling activity. Disposable towels and soap to be provided at the wash hand basin.
5. Adequate refrigeration to be provided and maintained in good order and repair.
6. Adequate dry storage shall be provided.
7. Fixtures, fittings and appliances shall be clean and hygienic.
8. The premises must be fully sealed to control, and be free of, vermin. Vermin includes rodents.
9. No domestic animals to have access into the house.
10. Preparation, only, to take place when children under 5 years and other persons not undertaking food preparation must be excluded from the food preparation area.
11. Adequate and hygienic rubbish disposal facilities shall be provided and maintained at all times.
12. All food handling shall be in accordance with the Health (Food Hygiene) Regulations 1993.
13. Adequate food storage facilities for prepared products shall be provided to prevent contamination and spoilage of food.
14. A basic knowledge of safe food handling principles must be demonstrated.
15. Permission must be given for an Environmental Health Officer to inspect the premises used for food preparation at any reasonable time.

**REMEMBER - FOOD SAFETY IS IN YOUR HANDS!**