

Enquiries to: Gavin Chow  
Contact Phone: 6568 0220  
Our Ref: DA 2018/254

13 February 2019

Mr P J Webber  
16 Short Street  
NAMBUCCA HEADS NSW 2448

## NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

(Issued under Section 4.18(1)(a) of the Environmental Planning and Assessment Act 1979)

**Development Application No:** 2018/254  
**Applicant:** Mr P J Webber  
**Subject Land:** Lot: 1 Sec: 56 DP: 758749, 16 Short Street Nambucca Heads  
**Development Proposal:** Continued Use of Bed & Breakfast Accommodation

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### DETERMINATION

**Determination:** The development application has been determined by Nambucca Shire Council by way of granting of consent subject to conditions described below.

**Made on:** 13 February 2019

**Consent to operate from:** 13 February 2019

**Consent to lapse, unless the development has commenced in accordance with the provisions of Section 4.53 of the Act:** 13 February 2024

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### REVIEW OF DETERMINATION

An applicant may request a review of this decision under Section 8.3 of the Environmental Planning and Assessment Act 1979. A request for a review must be made within six (6) months after the date on which you receive this notice and must be accompanied with the prescribed fee.

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### RIGHT OF APPEAL

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

## **DETAILS OF CONDITIONS**

### **GENERAL CONDITIONS OF THIS CONSENT**

#### **Development is to be in accordance with approved plans**

1. The development is to be implemented in accordance with the plan(s) endorsed with the Council stamp, dated 13 February 2019 and set out in the following table except where modified by any conditions of this consent.

<b>Plan Title/Description</b>	<b>Dwg. No</b>	<b>Prepared by</b>	<b>Dated</b>
Ground Floor Plan	-	Mr PJ Webber	Not dated
First Floor Plan	-	Mr PJ Webber	Not dated

In the event of any inconsistency between conditions of this development consent and the plan(s) referred to above, the conditions of this development consent prevail.

#### **Upgrade of Existing Building**

2. In accordance with Clause 93 and 94 of the Environmental Planning & Assessment Regulation 2000, Council requires the existing building to be brought into compliance and maintained in perpetuity with the provisions of the NCC Building Code of Australia (2016) Volume 2 Part 3.7.2 Smoke Alarms, in respect to the following:

- i. (Section 4) Location of Smoke Alarms - Class 1b Building
- ii. (Section 5) Lighting to assist evacuation - Class 1b Building

For compliance with section 4.14 of the Environmental Planning and Assessment Act 1979, and in accordance with section 6 (BAL19) of Australian Standard AS3959-2009 'Construction of Buildings in Bushfire Prone Areas', Council requires the following upgrade to the building to improve ember protection:

- iii. (Section 6.5.1A) Screens for Windows

#### **Tourist and Visitor Accommodation**

3. The use of the development is limited to tourist and visitor accommodation. No one person may occupy any of the guest rooms for more than:
- 42 consecutive days with an interval of at least 14 days between occupancies; and/or
  - 100 days in any 12 month period.

#### **Separate application required for advertising structures**

4. A separate application is to be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures, other than those permitted without consent by Council.

#### **Operational requirements for Bed and Breakfast Establishments**

5. The bed and breakfast establishment must be operated at all times in accordance with the following parameters:
- i. The operators of the bed and breakfast establishment must be the permanent residents of the dwelling,

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- ii. The establishment must not be used, in whole or part for the permanent or long-term accommodation of any person other than the person or persons who operate and manage the establishment and who normally reside in the dwelling,
- iii. Only 2 bedrooms within the dwelling are to be used as guest bedrooms,
- iv. The bed and breakfast establishment is to accommodate a total of no more than 6 guests,
- v. Meals within the bed and breakfast establishment may be provided to overnight guests only. The establishment is not to operate as a restaurant,
- vi. Operators involved in food preparation for the proposed bed and breakfast must maintain contemporary training in food safety and hygiene acceptable to Council,
- vii. An appropriate fire extinguisher and fire blanket must be located and maintained in every kitchen. An effective evacuation plan must be developed and displayed to ensure the safe escape of patrons from all areas of the building. Safe exit from the guest rooms must be available at all times without encountering keyed locks on the exit doors,
- viii. Bedrooms must provide a safe, healthy, clean and functional area for the sleeping, storage and amenity of guests. Adequate lighting and ventilation must be in accordance with the standards applied by the Building Code of Australia, and
- ix. Authorised Council Officers must be permitted access to the property to during normal business hours for the purpose of ensuring compliance with consent conditions

**Onsite Car Parking**

- 6. A total of four (4) on-site car parking spaces are to be maintained for the use of the permanent residents of the dwelling house and guests of the bed and breakfast establishment.

**THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH WITHIN 45 DAYS FROM THE DATE OF THIS CONSENT**

**Upgrade of Existing Building**

- 7. The following works must be undertaken within 45 days from the date of this development consent to ensure the development is fit and safe for its intended use:
  - i. **Fire Safety** - Location and number of smoke alarms - Part 3.7.2.4 (Class 1B Building)
  - ii. **Fire Safety** – Emergency Lighting system to assist evacuation - Part 3.7.2.5 (Class 1B Building)
  - iii. **Ember Protection** – non-corrosive metal screen mesh with a maximum aperture of 2mm fitted to openable windows.

Evidence of compliance with these conditions and/or that these works have been completed, including any necessary certification documentation, must be provided to the satisfaction of Council within 45 days from the date of this development consent.

**Contribution to be paid towards provision or improvement of amenities or services**

- 8. Contributions set out in the following Schedule are to be paid to Council. The following contributions are current at the date of this consent. The contributions payable will be adjusted in accordance with the relevant plan and the **amount payable will be calculated on the basis of the contribution**

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**rates that are applicable at the time of payment.** The contribution rates for specific dates are available from Council offices during office hours. **Payments will only be accepted by cash or bank cheque.**

Public amenity or service	Contribution Calculation	Contribution Levied	Date until which Contribution Rate is applicable
Community Facilities and Open Spaces	Tourist per bed = \$225.00 2 beds = 2 x 225 = <b>\$450.00</b>	\$450.00	30 June 2019
Administration	@10% of total contributions = 10% x 450 = <b>\$ 45.00</b>	\$45.00	30 June 2019
<b>Total</b>		<b>\$495.00</b>	30 June 2019

**Contributions and Certificate of Compliance (Water, Sewer and Drainage)**

9. Contributions set out in the following table are to be paid to Council.

The contributions payable will be adjusted in accordance with relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment. The Certificate of Compliance under Section 306 of the Water Management Act 2000, identifying payment of the contributions, is to be provided to the Principal Certifying Authority.

Public service	Number of Equivalent Tenements (ET)	Contribution Rate per ET	Contribution Levied	Date until which Contribution Rate is applicable
Water Supply	2ET x 0.30	\$13,221.00	\$ 7,932.60	30 June 2019
Sewerage	2ET x 0.45	9,988.00	\$ 8,989.20	30 June 2019
<b>Total</b>			<b>\$16,921.80</b>	30 June 2019

**REASONS FOR CONDITIONS**

- To ensure that the proposed development:
  - (a) achieves the objectives of the *Environmental Planning and Assessment Act 1979*;
  - (b) complies with the provisions of all relevant Environmental Planning Instruments;
  - (c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
- To meet the increased demand for public amenities and services attributable to the development in accordance with Section 7.11 of the *Environmental Planning and Assessment Act 1979* and Section 64 of the *Local Government Act 1993*.
- To ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
- To minimise any potential adverse environmental, social or economic impacts of the proposed development.
- To ensure that all traffic, car parking and access requirements arising from the development are addressed.
- To ensure the development does not conflict with the public interest.

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**OTHER APPROVALS**

**The following Section 68 Approvals  
have been issued with this consent:**      NIL

**Integrated Development:**                      NO

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**Signed on behalf of Consent Authority**



Signature: .....

**Name:**                      Gavin Chow  
                                    DESIGN ADVISOR AND BUILDING SURVEYOR

**Date:**                      13 February 2019

**Consent Authority:**      Nambucca Shire Council