

## **1. INTRODUCTION**

The City of Rockingham Town Planning Scheme No.2 (TPS2) defines 'Bed and Breakfast' as a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast.

The Local Government recognises the importance of tourism development and seeks to encourage the provision of Bed and Breakfast accommodation. In this regard, Bed and Breakfast provides visitors with low key, home-style, type of accommodation.

The purpose of this Planning Policy is to set out the objectives and policy provisions which the Local Government shall have due regard to in the assessment and determination of applications for Development Approval for the establishment of Bed and Breakfast accommodation.

In this regard, no person shall commence or carry out any development of Bed and Breakfast accommodation without first having applied for and obtained the Development Approval of the Local Government, pursuant to the deemed provisions of TPS2.

## **2. POLICY APPLICATION**

In TPS2, the Zoning Table (Table No.1) indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme Area in the various zones.

The permissibility of the Bed and Breakfast use in TPS2 can be summarised as follows:

- (a) the use is not permitted in the Residential, Development<sup>1</sup> and Rural zones unless the use is 'incidental' to the 'predominant' use of the land as determined by the Local Government;
- (b) the use is not permitted in the Special Rural Zone unless the Local Government has exercised its discretion by granting Development Approval, following a process of community consultation in accordance with clause 4 of the deemed provisions of TPS2;
- (c) the use is not permitted in the Special Residential Zone<sup>2</sup> unless the Local Government has exercised its discretion by granting Development Approval;
- (d) the use is not permitted in the Warnbro Dunes Special Residential Zone and all other zones.

This Planning Policy should be read in conjunction with Planning Procedure 1.1 - Delegated Authority, Planning Procedure 1.3 - Community Consultation, the *Food Act 2008*, the Food Safety Standards and the Building Code of Australia.

## **3. POLICY OBJECTIVES**

The objectives of this Planning Policy are:-

- (a) to promote the orderly and proper development of land by making suitable provisions to guide applicants who wish to establish Bed and Breakfast accommodation from their homes;
- (b) to secure the amenity, health and convenience of both visitors and surrounding residents through appropriate development requirements; and
- (c) to ensure that the Bed and Breakfast accommodation is incidental to the predominate use of the property in order to maintain the amenity of the immediate area.

1. In the Development Zone, the Local Government will have due regard to use class permissibility in accordance with a Structure Plan approved by the Western Australian Planning Commission.
2. Bed and Breakfast is a use not permitted in the Warnbro Dunes Special Residential Zone. Refer to Schedule No.5 of Town Planning Scheme No.2 relating to the Warnbro Dunes Special Residential Zone.

#### **4. POLICY STATEMENT**

##### **4.1 Location**

Applications for Bed and Breakfast accommodation are favoured in locations that present an advantage to visitors to the City, such as proximity to the beach, lakes, parks, high frequency bus routes, retail and restaurant facilities.

The establishment of more than two Bed and Breakfast uses within small residential streets and cul-de-sac may not be supported where, in the opinion of the Local Government, traffic generation will affect the amenity of existing residents.

##### **4.2 Scale of Operation**

The applicant will need to satisfy the Local Government that the space to be used for the provision of Bed and Breakfast accommodation is such that the predominant use will continue to be one of a 'dwelling'.

The Local Government will only consider a maximum of four adult persons or one family and containing not more than two guest bedrooms for any proposal within a 'dwelling'. It will therefore require information concerning the maximum numbers of guests and the floor space to be used.

##### **4.3 Parking**

One carparking bay for Bed and Breakfast accommodation must be provided on-site. If two bedrooms are to be separately let for Bed and Breakfast accommodation via a separate booking at the same time, two carparking bays must be provided on-site. This requirement is in addition to the two on-site carparking bays required for the existing dwelling.

Should the occupant for the Bed and Breakfast accommodation be towing a trailer, caravan, boat or the like, these must also be parked on the land subject of the Development Approval.

##### **4.4 Advertising Signs**

Any proposed advertising sign shall not exceed 0.2m<sup>2</sup> in area and may be illuminated subject to the prior approval of the Local Government.

A Bed and Breakfast sign shall only describe the name of the business and the contact name(s) and telephone numbers.

No more than one sign per lot shall be permitted and the sign shall be erected on the land on which the Bed and Breakfast is being carried out.

Pursuant to the provisions of TPS2 and the Local Government's Signs, Hoardings and Bill Posting Local-Law, a proposed advertising sign which does not exceed 0.2m<sup>2</sup> in area is exempt from the requirement to obtain a Development Approval and a Sign Licence (unless the advertising sign is proposed to be illuminated, in which case a Sign Licence would be required).

##### **4.5 Health Requirements**

The City's Health Services will require the following:

- (a) All Bed and Breakfast accommodation must comply with the provisions of the Health Act 1911, the Food Act 2008 and the Food Safety Standards, to the satisfaction of the Manager, Health Services, including the following:
  - Separate shower, WC and hand basin to be provided where practical;
  - Room sizes in accordance with the Health Act 1911 (14 cubic metres per person);
  - Hygiene standard of premises is to be acceptable before approval given; and

- Food preparation areas to comply with “Guidelines for the Preparation of Foods in Residential Premises” (see Appendix 1).
- (b) Application Form for Registration of a Bed and Breakfast to be completed by the applicant (see Appendix 2);
- (c) Application for Registration/Notification of a Food Business Form (see Appendix 3).
- (d) If the dwelling is serviced by a septic disposal system, upgrading to a new system may be required; and
- (e) If there is a pool or spa on the property, approved from the Executive Director of Public Health at the Department of Health (WA) is required under the Health (Aquatic Facilities) Regulations 2007, before guests are able to utilise these facilities.

Please note that Health Services fees apply. For further information or assistance on this section, contact the City's Health Services on 9528 0315.

#### **4.6 Fire Control and Lighting**

A smoke alarm system and lighting to assist evacuation shall be installed so as to comply with the Building Code of Australia. Fire extinguishers and fire blankets must also be provided to the satisfaction of the Manager, Building Services.

#### **4.7 Refuse Collection/Recycling**

Satisfactory arrangements will need to be made with the Manager, Engineering Services to ensure that measures are put in place to cope with any additional wastes generated, such that nuisance is not created by bins being overloaded. Operations are also actively encouraged to promote recycling.

#### **4.8 Amenity**

The operator of a Bed and Breakfast shall establish ‘house rules’ for residents that would take into consideration the amenity of adjoining and nearby properties, particularly in relation to noise and disturbance.

#### **4.9 Building Approval**

When a Bed and Breakfast accommodation requires the construction of a new building or alterations to an existing building, a Building Permit (Certified) will be required from the Local Government, (in addition to a Development Approval), and must comply with the Building Code of Australia (NCC BCA), Disability (Access to Premises-Building) Standards 2010 and the relevant provisions of AS1428 – Design for Access and Mobility.

Consultation with a Private Building Certified is required and all applications must be certified to ensure compliance with disability access.

#### **4.10 Consultation**

All applications for Development Approval for the establishment of a Bed and Breakfast accommodation will be subject of a process of community consultation in accordance with clause 64 of the deemed provisions of TPS2 and Planning Procedure 1.3 – Community Consultation.

## **5. APPLICATION PROCEDURE**

Applications for Development Approval for the establishment of Bed and Breakfast accommodation shall be made on the form prescribed by the Local Government, and shall be signed by the owner(s), and accompanied by the following information:-

- (a) A written submission describing the proposal, which should include confirmation that the requirements of this Planning Policy can be achieved;
- (b) A detailed house plan indication which bedroom(s) are to be used for the Bed and Breakfast accommodation and not exceeding the requirements of 4.2 'Scale of Operations';
- (c) Such plans and other information that the Local Government may reasonably require to enable the application to be determined, including but not limited to the location, number and layout of all existing and proposed car parking spaces on-site;
- (d) Details of an proposed signage to be erected (to demonstrate that sign does not exceed 0.2m<sup>2</sup>;
- (e) The payment of a Planning Services Fee as detailed in the Local Government's Planning Information Bulletin No.2.2 – Scale of Fees for Planning Services;
- (f) An Application Form for Registration of a Bed and Breakfast (Appendix 2); and
- (g) Application for Registration/Notification of a Food Business Form (Appendix 3).

## **6. AUTHORITY**

This Planning Policy has been adopted by the Local Government under the deemed provisions of TPS2 and whilst it is not part of the Scheme and does not bind the Local Government in respect of any application for Development Approval, the Local Government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

## **7. INTERPRETATIONS**

For the purposes of this Planning Policy, the following terms shall have the same meaning as in Town Planning Scheme No.2 and the State Planning Policy No.3.1; Residential Design Codes (R Codes):-

Local Government: *means the Local Government of the City of Rockingham*

Dwelling: *means a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by:*

- (a) *a single person;*
- (b) *a single family; or*
- (c) *no more than six persons who do not comprise a single family.*

Incidental Use: *means a premises which is ancillary and subordinate to the predominate use.*

Predominate Use: *means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary.*

High Frequency Bus Route: *means a public transit route with timed stops that run a service at least every 15 minutes during week day peak periods (7 to 9am and 5 to 7pm).*

## **8. DELEGATION**

Development Applications which comply in all respects with the objectives and provisions of this Planning Policy will be determined under delegated authority, pursuant to clause 83 of the deemed provisions of TPS2 and the Delegated Authority Register.

In the event that substantiated objections are received following community consultation, the application for Development Approval will be referred to the Local Government for determination.

## **9. ADOPTION**

This Planning Policy was adopted by the Local Government at its ordinary Meeting held on the 27 May 2008.

## **10. AMENDMENT**

This Planning Policy was amended by the Local Government at its ordinary Meeting held on 22 March 2011 and 26 June 2018.

*Minor typographical amendment to clause 4.10 on 19 October 2018.*

## **11. REVOCATION**

This Planning Policy supersedes the Council's Statement of Planning Policy No.2.9 – Bed and Breakfast Accommodation.

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### **Appendices**

1. Guidelines for the Preparation of Foods in Residential Premises.
2. Application Form for Registration of a Bed and Breakfast.
3. Application for Registration/Notification of a Food Business Form.

## **GUIDELINES FOR THE PREPARATION OF FOOD IN RESIDENTIAL PREMISES FOR BED AND BREAKFAST**

The **Food Act 2008** permits 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:**

- Premises shall be kept in good order and repair and shall be maintained in a clean and hygienic condition at all times.
- The food preparation area must be provided with hot and cold water at all times. A double bowl sink must be available for use and stocked with disposable hand towels and liquid soap at all times.
- Adequate refrigeration to be provided and maintained in good order and repair. All potentially hazardous foods (eggs, meat, dairy products etc.) must be stored at or below 5°C.
- Raw and cooked food must be stored and handled separately to prevent cross contamination. Furthermore, all stored foods must be kept covered at all times.
- Frozen foods must not be defrosted at room temperature. The use of the refrigerator or a microwave is recommended.
- Adequate dry storage shall be provided.
- The premises must be fully sealed to control, and be free of, vermin. Vermin includes rodents.
- No domestic animals to have access into the kitchen.
- Preparation only to take place when children under five (5) years and other persons not employed in the food preparation are excluded from the food preparation area.
- Adequate and hygienic rubbish disposal facilities shall be provided and maintained at all times.
- All food handling shall be in accordance with the **Food Act 2008** and the **Food Standards Code**.
- A basic knowledge of safe food handling principles must be demonstrated (e.g. I'm Alert Food Safety Programme).
- 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**



**APPLICATION FORM -  
FOR REGISTRATION OF A BED & BREAKFAST**

To: **Chief Executive Officer  
City of Rockingham**

I, \_\_\_\_\_ hereby make application for the

registration of the premises described hereunder as a bed and breakfast and the entry of my name as the keeper thereof:

Situation of premises: \_\_\_\_\_

Materials of construction: \_\_\_\_\_

Maximum number of lodgers to be accommodated: \_\_\_\_\_

<b>Particulars to be given in Respect of each Room to be used by Lodgers as a Sleeping Apartment</b>	<b>No. of Room</b>	<b>Measurement in Metres, Length, Width, Height</b>	<b>Cubic Capacity in Metres</b>	<b>No. of Boarders</b>

Signature: \_\_\_\_\_

Address: \_\_\_\_\_

Date: \_\_\_\_\_



**Part 1 - FOOD BUSINESS OWNERSHIP DETAILS:-**

(BLOCK letters please)

All correspondence will be sent to this address:-

<b>Proprietor Name</b>			
<b>Postal Address:</b>			
• Suburb		Post Code:	
<b>Contact Details:</b>			
• Business Telephone			
• Mobile Phone:			
• Email:			
Primary Language spoken:			

**Part 2 - BUSINESS LOCATION INFORMATION:-**

ABN / Date of Birth:			
Registered Business Name:			
Trading Name of Business:			
Name of person in charge:			
Title of person in charge:			
Premises Address: (not a P.O. Box)			
Suburb		Post Code:	
Address Type: (Tick one box only)	<input type="checkbox"/>	Street address for the business premises location.	
	<input type="checkbox"/>	Where the Mobile Food Vending / Transport vehicle is normally housed.	
<b>FOOD VEHICLE</b> Registration No:-	(if applicable)		
Make:	Model:	Colour:	Year of Manufacture:
Number of Employees handling food:			
Please provide a short description of the business and its operation:			

1. Is this a **new** food business? Yes  No

If Yes, **two copies of detailed plans** are required with this application. \*

\* Refer to "A Guide to the Construction of a Food Premises" Form to see if a Planning / Building application is required.

2. Is the Premises an **established** food business? Yes  No

• **Previous Premises Name:** \_\_\_\_\_

• Date of Settlement: \_\_\_\_\_

• A Trade Waste Permit (from the Water Corporation) is required with this Application.

3. Charitable / Non-profit Organisation. (Please provide proof of status.) Yes  No

**i.e. Proof of this will allow for a waiver of annual fees.**





**Note:** The food business is required to notify the City of Rockingham of any changes to the information provided below. The new information must be provided to the City before the changes occur. Any changes to the information may affect the **classification** of a food business.

**Part 3 FOOD MANUFACTURING SECTOR -**

My food business does **NOT** manufacture foods? **Go to Part 4.**

Please tick the types of food manufactured by your business:-

**Do you produce or manufacturer any of the following foods?**

- |                          |   |                          |  |
|--------------------------|---|--------------------------|--|
| <input type="checkbox"/> | Bread, pastries or cakes                              | <input type="checkbox"/> | Meat pies, sausage rolls or hotdogs        |
| <input type="checkbox"/> | Cereal and Flour products                             | <input type="checkbox"/> | Prepared salads                            |
| <input type="checkbox"/> | Confectionery, including chocolate products and Honey | <input type="checkbox"/> | Processed meat, poultry or seafood         |
| <input type="checkbox"/> | Dairy products  | <input type="checkbox"/> | Raw meat, poultry or seafood               |
| <input type="checkbox"/> | Edible Oils and Oil products                          | <input type="checkbox"/> | Soft drinks/ juices / non-alcoholic drinks |
| <input type="checkbox"/> | Egg or egg products                                   | <input type="checkbox"/> | Sugar products                             |
| <input type="checkbox"/> | Fermented meat products                               | <input type="checkbox"/> | Raw fruit and vegetables                   |
| <input type="checkbox"/> | Infant or baby foods                                  | <input type="checkbox"/> | Processed fruit and vegetables             |
|                          |   | <input type="checkbox"/> | OTHER:                                     |

- |  | Yes                      | No                       |
|--|--------------------------|--------------------------|
| a. Does your business only manufacture Low risk foods*?  | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Do all foods manufactured by your business have a Pathogen Reduction Step*?   | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Does your business manufacture uncooked fermented comminuted meat Products? (e.g. Salami and similar uncooked meat products.) | <input type="checkbox"/> | <input type="checkbox"/> |

**Part 4 What best describes your BUSINESS TYPE.**

- |                          |                              |                          |  |
|--------------------------|------------------------------|--------------------------|--|
| <input type="checkbox"/> | Bakery                       | <input type="checkbox"/> | Mobile Food Vehicle                            |
| <input type="checkbox"/> | Butcher                      | <input type="checkbox"/> | Pub / Tavern                                   |
| <input type="checkbox"/> | Café / Deli                  | <input type="checkbox"/> | Restaurant                                     |
| <input type="checkbox"/> | Canteen / Kitchen            | <input type="checkbox"/> | Service Station                                |
| <input type="checkbox"/> | Caterer                      | <input type="checkbox"/> | Snack Bar / Kiosk                              |
| <input type="checkbox"/> | Club (including Sports Club) | <input type="checkbox"/> | Supermarket                                    |
| <input type="checkbox"/> | Distributor / Importer       | <input type="checkbox"/> | Takeaway Food Business                         |
| <input type="checkbox"/> | Function Centre              | <input type="checkbox"/> | Temporary Food Premises                        |
| <input type="checkbox"/> | Green grocer / Fruiterer     |                          | <b>Businesses serving at-risk persons:</b>     |
| <input type="checkbox"/> | Hotel / Motel / Guesthouse   | <input type="checkbox"/> | Aged Care facility (e.g. Nursing home, hostel) |
| <input type="checkbox"/> | Liquor Store                 | <input type="checkbox"/> | Childcare Centre                               |
| <input type="checkbox"/> | Manufacturer / Processor     | <input type="checkbox"/> | Hospital                                       |
| <input type="checkbox"/> | Market Stall                 | <input type="checkbox"/> | Meals on Wheels                                |
|                          | OTHER:                       |                          |  |

- |   | Yes                      | No                       |
|---|--------------------------|--------------------------|
| a. Do you sell ready-to-eat* food at a different location from where it is prepared?  | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Does your business only sell low-risk foods* (packaged and unpackaged) or Medium Risk foods* received and sold in the manufacturer Suppliers' original sealed packaging? | <input type="checkbox"/> | <input type="checkbox"/> |



To be answered by **ALL BUSINESSES:**

(Please tick **Yes** or **No** to all boxes that apply)

	Yes	No
a. Are you a small business*?	<input type="checkbox"/>	<input type="checkbox"/>
b. Does the food business utilise any staff food safety program / training? e.g. FoodSafe Program. If 'yes', please explain.	<input type="checkbox"/>	<input type="checkbox"/>

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**Part 5 - Refer to DEFINITIONS below -**

**Low risk food** is a food that is unlikely to contain pathogenic (potentially harmful) micro-organisms and will not normally support their growth due to food characteristics. **Examples** are: grains and cereals, bread, carbonated beverages, sugar-based confectionery, alcohol and fats and oils.

**Medium risk food** is a food that may contain pathogenic (potentially harmful) micro-organisms but will not normally support their growth due to food characteristics; or food that is unlikely to contain pathogenic micro-organisms due to food type or processing but may support formation of toxins or growth of pathogenic micro-organisms. **Examples** are - cut fruit and vegetables, orange juice, canned meats, pasteurised milk, dairy products, ice cream, peanut butter and milk-based confectionery.

**Pathogen reduction step** - is a processing step that significantly reduces the microbial population present in a food material. **Examples** are cooking, pasteurisation, canning or fermentation or any other processing step that is capable of significantly reducing the level of pathogenic organism present.

**Ready to eat food** means food that is ordinarily consumed in the same state as that in which it is sold and does not include nuts totally enclosed in the shell or whole fruit and vegetables intended for further processing by the customer.

**Risk Classification** - Food businesses are classed into:-

- High Risk** e.g. Cafes, Restaurants and Food Catering businesses.
- Medium Risk** e.g. Donut, small coffee and cake premises.
- Low Risk** e.g. Health food and confectionery
- Very Low Risk** e.g. Bottle shops.

**Shelf-stable** means non-perishable food with a shelf life of many months to years.

**Small business** is a business that employs less than fifty (50) people in the 'manufacturing' sector or which employs less than ten (10) people in the food services sector.

\_\_\_\_\_  
**Signature of Applicant**

\_\_\_\_\_  
**Dated**



**Part 5 - Hours of Operation:**

<b>Monday</b>		<b>Friday</b>	
<b>Tuesday</b>		<b>Saturday</b>	
<b>Wednesday</b>		<b>Sunday</b>	
<b>Thursday</b>			

**F E E S**

<b>Registration Certificate fee</b>	=	<b>\$30.00</b>
<b>Registration fee</b>	=	<b>See Registration Fees below</b>
<b>Payment</b> (payable to City of Rockingham) - to be included with this Application		

**REGISTRATION Fees:-**

* High Risk Food Premises	}	\$200.00	(incl. G.S.T.)
* Medium Risk Food Premises			
* Low Risk Food Premises			
* Very Low Risk Food Premises			
* Food Vehicle		\$150.00	(incl. G.S.T.)
* Charitable / Non-profit businesses		Nil	(with proof of charitable status)

**ANNUAL Food Premises Fees:-**

(N.B. Annual fee **invoice** will be forwarded to you when Business is operating)

* High Risk Food Premises	\$400.00	(incl. G.S.T.)
* Medium Risk Food Premises	\$200.00	(incl. G.S.T.)
* Low Risk Food Premises	\$ 75.00	(incl. G.S.T.)
* Very Low Risk Food Premises	Nil	
* Food Vehicle	\$150.00	(incl. G.S.T.)
* Charitable / Non-profit businesses	Nil	(with proof of charitable status)
* Food Businesses / Vehicles with an <b>approved Food Safety Program</b> are entitled to a <b>20% discount</b> on Annual fees.		

All fees should be made payable to the City of Rockingham -

Health Services  
City of Rockingham  
PO Box 2142  
ROCKINGHAM DC WA 6967

Phone: 9528 0315  
Email: [customer@rockingham.wa.gov.au](mailto:customer@rockingham.wa.gov.au)  
Webpage: [www.rockingham.wa.gov.au](http://www.rockingham.wa.gov.au)

FAX: 9592 1705

**NB** Please note that payment of fees can be made via Credit Card over the phone.