

Building Act 2016

Director's Determination – Short or Medium Term Visitor Accommodation

I, Dale Edward Webster, in my capacity as Director of Building Control, and acting pursuant to section 20(1)(e) of the *Building Act 2016* and regulation 8(l) of the *Building Regulations 2016*, hereby make the following Determination.

Determination title	Short or Medium Term Visitor Accommodation
Description	This Determination specifies the additional requirements and obligations in respect of premises used or intended to be used for short or medium term accommodation for persons away from their normal place of residence
Version	Version 1.1 1 July 2018
Application	For the purposes of section 20(3)(b) of the Act: <ul style="list-style-type: none"> • this Determination applies from the date of its approval until its revocation; and • Version 1.0 of the Short or Medium Term Visitor Accommodation Determination is revoked effective from the Director's approval of Version 1.1
Date of Director's approval	1 July 2018



Dale Edward Webster

Director of Building Control

Consumer, Building and Occupational Services

Department of Justice

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Document Development History

Version	Application date	Reason	Sections amended
1.1	1 July 2018	Amended to reflect changes made to Planning Directive No. 6	4 – Floor area of investment properties and shacks changed to 200m ² ; 5 – Restrictions on Self Assessment where the premises let are part of a Strata Title scheme.
1.0	1 July 2017	Initial release	-

1. Application of Determination

This Determination applies only to existing dwellings or residential premises where a fee is being charged for the use of short or medium term visitor accommodation.

Visitor accommodation for the purposes of this Determination does not include the use of a dwelling or residential premises by family or friends of the owner or occupier, unless a fee is being charged or consideration made.

2. Interpretation

Except as provided below, the terms used in this Determination are the same as those defined in the *Building Act 2016* and the *Building Regulations 2016*.

“Access to Premises Standard” means the Disability (Access to Premises – Buildings) Standards 2010, made under the Commonwealth's Disability Discrimination Act 1992

“bookable room” means a bedroom available as part of visitor accommodation.

“Bushfire Hazard Management Plan” means a plan showing means of protection from bushfires approved by the Tasmania Fire Service.

“consideration” means the price that is asked by the owner of a dwelling or residential premises in exchange for the use of the dwelling or residential premises.

“Essential Building Services” means features of premises that are necessary for the health, safety and amenity of occupants, that are required to be maintained in proper working order by the owner. Examples of Essential Building Services relevant to this Determination are:

- smoke alarms (all premises)
- emergency lighting for occupant evacuation (in multistorey premises)
- on-site wastewater management systems (non-sewered areas only)
- a bushfire hazard management plan (premises in a bushfire hazard area only)

“investment property” means a dwelling or residential premise that is not the owner's principal or normal place of residence.

“lot” means a section of premises in a strata scheme that is owned separately by an individual owner, where there is at least one other lot, and common property shared between the lot owners.

“multistorey” means premises with two or more habitable levels that can be let for accommodation.

“occupancy permit” means the assessment and certification of premises stating that it is fit for occupation, and sets the maximum number of occupants who may occupy it. A licensed building surveyor issues these permits.

“premises” includes a building and the land associated with it.

“**shack**” means a dwelling that is erected on land under a lease or license, in accordance with the definition of “shack” in the *Crown Lands (Shack Sites) Act 1997*.

“**strata title scheme**” means a particular type of development that individually divides a premises into 'lots' and 'common property', and which specifies a system of management.

“**visitor accommodation**” means the use of an existing dwelling or residential premises to provide for short or medium term accommodation for persons away from their normal place of residence, where –

- (a) a fee is being charged or consideration made for the use of the premises; and
- (b) at no time is any person, other than the owner or occupier, to reside in the premises for any period exceeding three months within any 12-month period.

3. Four or less bookable rooms

There are no additional requirements under the *Building Act 2016* for owners or occupiers of a dwelling or residential premises used or intended to be used for short or medium term visitor accommodation, if the property is their main place of residence and it has no more than four bookable rooms that are available to be let to visitors.

However if building work is required as part of converting the dwelling or residential premises to visitor accommodation then:

- the owner may need to take into account the requirements of the Access to Premises Standard; and
- if the premises is in a bushfire prone area, there may be a need to create or review a Bushfire Hazard Management Plan for it.

4. When Building Self-assessment by owner is permitted

A Building Self-assessment form must be completed in the following situations where the property is used or intended to be used for visitor accommodation:

- owner occupiers of residential premises of more than four bookable rooms, or
- investment properties or shacks (not occupied by the owner) that have a gross floor area of not more than 200m² per lot (this area relates to the floor area of the habitable building and not just the part of it intended to be let for visitor accommodation).

Self-assessment criteria:

A Building Self-assessment is required before the owner is able to declare that their property meets the following minimum building requirements:

Occupancy Permit

The owner or occupier is to declare that –

- (a) If an occupancy permit had been issued, the premises is fit for occupation consistent with that permit, and the maximum number of occupants stated on the permit will not be exceeded; or
- (b) an occupancy permit or occupancy certificate was not required (as the premises was constructed/ altered before 1994);

Plumbing

The owner or occupier is to declare that –

- (a) the premises is connected to a reticulated sewerage system; or
- (b) the premises is connected to an on-site wastewater management system that –
 - is in good working order and will be maintained to perform to the same standard as it was designed; and
 - has a land application distribution area designed, installed and in good serviceable condition; and
 - the maximum number of occupants of the premises the system is designed for is not exceeded; and
 - there is a maintenance contract in place for the servicing of the system.
- (c) the premises is connected to a reticulated drinking water supply system; or
- (d) a private drinking water supply (including from a tank, well, dam, etc.) is provided for that meets the requirements of the *Public Health Act 1997*.

Essential Building Services

The owner or occupier is to declare that –

- (a) Regarding Essential Building Services, the premises has an approved schedule of maintenance, and fire safety features are maintained in accordance with Part 7 (regulations 72 to 78) of the *Building Regulations 2016* and the Director's Maintenance of Prescribed Essential Building Services Determination; or
- (b) the premises is not required to have an approved essential maintenance schedule, but the following fire safety features are installed and maintained in accordance with the manufacturer's instructions:
 - a smoke alarm with a 10-year non-removable lithium battery, or
 - a hardwired smoke alarm (and are interconnected where there is more than one alarm fitted);
 - l. if any storey of the premises contains a bedroom –

- (i) installed in every corridor, or hallway, situated in the storey, that is associated with a bedroom; and
 - (ii) if there is no corridor, or hallway, situated in the storey, that is associated with a bedroom, between that part of the premises containing the bedroom and the remainder of the premises; and
- 2. in any other storey of the premises that does not contain a bedroom.
 - If multistorey premises are let for visitor accommodation:
 - (i) emergency evacuation lighting is provided and
 - (ii) exits are provided that are clearly marked and mapped for the visitor.

5. Building Self-Assessment not permitted for strata title lots

If any premises intended to be let for short-term visitor accommodation, is a lot in a strata title scheme, and any other premises in that scheme are occupied as a residence by long term residents, the proponent is not permitted to use the Building Self-Assessment process. Instead, application must be made to the council planning authority for the intended use of the premises, as a discretionary development.

6. Visitor Accommodation - Other Issues

Owners or occupiers of premises used or intended to be used for visitor accommodation in a bushfire prone area should ensure they have a current Bushfire Hazard Management Plan and that the plan is reviewed regularly. An evacuation plan should also be prepared and be readily available to persons staying at the premises.

Owners or occupiers of dwellings or residential premises used or intended to be used for visitor accommodation, may need to review their insurance policies covering personal injury or loss caused to the visitors (commonly known as public liability insurance). Owners should seek their own independent advice on this issue as many domestic insurance policies may not cover the use of premises for visitor accommodation.