

# **Building Act 2016**

## **DRAFT 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.

<b>Determination title</b>	<b>Short or Medium Term Visitor Accommodation</b>
<b>Description</b>	For the purposes of section 20(1)(e) of the <i>Building Act 2016</i> (the Act), 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.
<b>Version</b>	Version 0.B 20 June 2016
<b>Application</b>	For the purposes of section 20(1)(e) of the Act, this Determination applies from the date of its approval until its revocation
<b>Date of Director's approval</b>	<b>2017</b>

**DRAFT**

Dale Webster

**Director of Building Control**

## 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*.

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

**“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.

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

**“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*.

**“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 premise 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 four or less bookable rooms.

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 Access to Premises Standard requirements; and
- if the property is in a bushfire prone area there may be a need to create/review the Bushfire Management Hazard Plan for the property.

## 4. Building Self-assessment

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

- Owner occupiers of dwellings or residential premises of over four bookable rooms, or
- investment properties or shacks less than 300m<sup>2</sup> (not occupied by the owner).

The Building Self-assessment is required for the owner to declare that the property meets the following minimum building requirements:

- **Occupancy Permit**  
The owner or occupier is to declare that –
  - (a) an occupancy Permit is not required; or
  - (b) an occupancy Permit has been issued, and the maximum number of occupants stated on the permit is not exceeded.
- **Plumbing**  
The owner or occupier is to declare that –
  - (a) the building is connected to a reticulated sewerage system; or
  - (b) the building 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
      - 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.
      - the building is connected to a reticulated drinking water supply system; or
      - a private drinking water supply (including from a tank, well, dam, etc.) is provided for the premises that meets Australian Drinking Water Guidelines.
- **Essential Building Services**  
The owner or occupier is to declare that –

- (a) the building has an approved essential maintenance schedule, and fire safety features are maintained in accordance with Part 7 (regulations 72 to 78) of the *Building Regulations 2016*; or
- (b) the building is not required to have an approved essential maintenance schedule, but the following fire safety features are maintained in accordance with the manufacturer’s instructions:
  - hardwired smoke alarms, that are interconnected where there is more than one alarm, or a smoke alarm with a sealed 10-year battery;
  - smoke alarms fitted as per the National Construction Code, in any hallways outside bedrooms, at least one smoke alarm on each storey and on the lowest point of the ceiling;
  - properties within multistorey buildings have exits that are clearly marked and mapped for the visitor.

## **5. Visitor Accommodation - Other Issues**

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

Owners or occupiers of dwellings or residential premises used or intended to be used for visitor accommodation, may need to review their insurance policies – owners should seek their own independent advice on this issue