

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	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.
Version	Version 1.0 1 July 2017
Application	For the purposes of section 20(1)(e) of the Act, this Determination applies from the date of its approval until its revocation
Date of Director's approval	1 July 2017



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.

“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 relevant to this Determination are:

- smoke alarms (all buildings)
- emergency lighting for occupant evacuation (in multistorey buildings)
- 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.

“occupancy permit” means the assessment and certification of a building stating that it is fit for occupation as a residential building, and sets the maximum number of occupants who may reside there. The permit is issued by a licensed building surveyor.

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

“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 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 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 more than four bookable rooms, or
- investment properties or shacks less than 300m² (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 has been issued, the building is fit for occupation consistent with that permit, and the maximum number of occupants stated on the permit will not exceeded; or
 - (b) an occupancy permit was not required (as it was constructed/ altered before 1994);
- **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.
- (c) the building 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 the premises that meets Australian Drinking Water Guidelines.
- Essential Building Services
 - The owner or occupier is to declare that –
 - (a) Regarding Essential Building Services, 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 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);
 - (a) if any storey of the premises contains a bedroom –
 - (i) 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
 - (b) in any other storey of the premises that does not contain a bedroom.
 - If multistorey buildings are let for visitor accommodation:
 - i. emergency evacuation lighting is provided and

- ii. 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 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 a building for visitor accommodation.