

## VISITOR ACCOMMODATION –USE OF EXISTING HOMES, SHACKS AND INVESTMENT PROPERTIES

### Introduction

If you plan to use your existing home, shack or investment property for visitor accommodation, the Government has announced that new arrangements and exemptions in relation to planning and building requirements, supported by simpler processes, will take effect statewide from 1 July 2017.

Planning and building requirements will vary, depending which of the following categories the property being used for visitor accommodation falls into:

- dwellings used by their owner or occupier as their main place of residence; or
- dwellings not occupied by their owner and other buildings such as investment properties, and shacks up to 300m<sup>2</sup> in floor area.

### Interim Planning Directive

The planning changes will be given effect through a new Interim Planning Directive to take effect in all planning schemes from 1 July 2017, in accordance with the *Land Use Planning and Approvals Act 1993* (LUPAA).

The Interim Planning Directive aligns with the regulations for visitor accommodation in the recently made State Planning Provisions (SPPs), which form part of the Tasmanian Planning Scheme (TPS). However, because the SPPs will not come into effect consistently across the State until all Local Provisions Schedules (LPS) for each municipal area have been approved, the Interim Planning Directive provides the mechanism to implement the changes to the planning requirements in current planning schemes.

The Interim Planning Directive will provide:

- an exemption (from requiring a planning permit) for Visitor Accommodation use in a dwelling, if:
  - (a) the dwelling is used by the owner or occupier as their main place of residence, and only let while the owner or occupier is on vacation or otherwise temporarily absent; or
  - (b) the dwelling is used by the owner or occupier as their main place of residence, and visitors are accommodated in not more than four bedrooms.

This exemption will apply anywhere (i.e. both city and rural locations), irrespective of zoning across the State. Currently, the use of your own home for visitor accommodation anywhere in the State requires a planning permit.

- Visitor Accommodation use to be 'permitted' in the Use Tables of the General Residential, Inner Residential, Low Density Residential, Rural Living, Environmental Living and Village zones in interim planning schemes, and Activity Area I.0 Inner City Residential (Wapping) in the *Sullivans Cove Planning Scheme 1996*. This will not apply to the *Flinders Planning Scheme 2000*.

In addition, a prevailing use standard will apply in the above zones/activity area, providing an acceptable solution ('permitted pathway') for Visitor Accommodation use in an existing building with a gross floor area up to 300m<sup>2</sup>. This may include use of a home (more than 4 bedrooms), shack or investment property.

Currently, the use of an existing dwelling for visitor accommodation might be permitted, discretionary or prohibited across the State depending on the various planning schemes.

The reforms are not limited to cities. The Inner Residential, General Residential, Low Density Residential, Village, Rural Living and Environmental Living zones cover large areas of the State. In fact, all cities and towns in Tasmania have a residential zone and many fringe areas are zoned Low Density Residential and Rural Living. Other areas in bushland settings on large lots are zoned as Environmental Living.

In many interim planning schemes, Visitor Accommodation use is 'discretionary' in the Rural Resource and Significant Agriculture zones, but there is a use standard with an acceptable solution allowing the use if within buildings with a floor area up to 250m<sup>2</sup> or even less in the case of Significant Agriculture zones up to 160m<sup>2</sup>. In the SPPs, the Rural Zone provides a permitted status in the Use Table for Visitor Accommodation use in any existing building.

It should be noted that some planning schemes may require additional provisions to be complied with for a change of use to Visitor Accommodation (where not exempt). These may include adequate off-street parking, bushfire planning, heritage provisions and other non-residential use standards such as external lighting requirements. The Interim Planning Directive will not change these requirements, they will still apply.

## Director's Determination

The Director of Building Control will issue a *Director's Determination – Short or Medium Term Visitor Accommodation*, under section 20(1)(e) of the *Building Act 2016*, which will come into effect on 1 July 2017 to coincide with the introduction of the Interim Planning Directive.

The Determination will apply only to existing dwellings or residential properties where a fee is being charged for the use of short or medium term visitor accommodation. It does not apply to 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.

The Determination will require a Building Self-assessment Form to be completed by the owner or occupier to declare that the property meets the minimum building standards with respect to an Occupancy Permit, plumbing, and essential building services.

The Building Self-assessment Form must be completed in the following situations where existing dwellings or residential premises are used or intended to be used as visitor accommodation, and a fee is being charged:

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

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.

While the changes to the building requirements set out in the Director's Determination align with approach in the Interim Planning Directive, they are mutually exclusive processes and do not rely on each other for effect.

## Standard Form

A standard application package comprising a Planning Application form and a Building Self-assessment Form has been prepared to streamline the approval process where the proposal is not exempt.

Aligning with the approach set out in the Interim Planning Directive, the Planning Application Form only applies to 'permitted' planning applications where the following applies:

- interim planning schemes – change of use to Visitor Accommodation, where guests are accommodated in existing buildings, the gross floor area is not more than 300m<sup>2</sup> and the land is zoned either General Residential, Inner Residential, Low Density Residential, Rural Living, Environmental Living or Village; or
- *Sullivans Cove Planning Scheme 1996* – change of use to Bed and Breakfast Establishment or Visitor Accommodation, where guests are accommodated in existing buildings, the gross floor area is not more than 300m<sup>2</sup> and the land is located within the Activity Area 1.0 Inner City Residential (Wapping).

The Planning Application Form will be applicable for planning applications for a change of use to Visitor Accommodation that is 'permitted' (as set out above) only. It will not apply if:

- the use requires a ‘discretionary’ planning permit under the planning scheme, such as a change of use to Visitor Accommodation in an existing building with a gross floor area greater than 300m<sup>2</sup>;
- any development is proposed, such as the construction of a new building or an extension to an existing building; or
- other provisions that apply requiring a discretionary assessment such as off-street parking, bush fire planning or heritage provisions, or other non-residential use standards (e.g. external lighting requirements).

The Building Self-assessment Form will apply in the following situations where the property is used or intended to be used for Visitor Accommodation:

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

Further guidance on the standard form will be available to local councils shortly.

## Capped Fee

A capped fee of \$250 will apply for a ‘permitted’ change of use to visitor accommodation, where the following applies:

- interim planning schemes – change of use only to Visitor Accommodation, where guests are accommodated in existing buildings, the gross floor area is not more than 300m<sup>2</sup>, and the land is zoned either General Residential, Inner Residential, Low Density Residential, Rural Living, Environmental Living or Village; or
- *Sullivans Cove Planning Scheme 1996* – change of use only to Bed and Breakfast Establishment or Visitor Accommodation, where guests are accommodated in existing buildings, the gross floor area is not more than 300m<sup>2</sup> and the land is located within the Activity Area 1.0 Inner City Residential (Wapping).

Local councils may determine the application fee up to a maximum of \$250.00.

This will be mandated through an amendment to the *Land Use Planning and Approvals Regulations 2014*.

Further guidance on the capped fee will be available to local councils.

## Information Package

As part of the reforms, an information package will be available to support the Government’s announced policy on the visitor accommodation reforms.

This information will be available from 1 July 2017 and distributed to local councils and key stakeholders prior to the introduction of the reforms.

It will provide advice on the planning and building reforms, the standard form and capped fee, as well as guidance on matters such as insurance, land tax, council rates and electricity tariffs.

## Where can I get more information?

The Department of Justice is coordinating the implementation of the above new arrangements.

The following websites will be updated shortly with further information:

- Planning Policy Unit - [justice.tas.gov.au/tasmanian\\_planning\\_reform](https://justice.tas.gov.au/tasmanian_planning_reform)
- Building Services - [justice.tas.gov.au/building](https://justice.tas.gov.au/building)

General enquiries may be directed to:

Planning Policy Unit  
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