

Visitor Accommodation Use in Existing Habitable Buildings

Guidance Information - Standard Application Package

The Standard Application Package has been approved by the Minister for Planning to provide a simple pathway for seeking approval for the use of existing homes or habitable buildings for Visitor Accommodation as prescribed below. It comprises an Application for Planning Permit and a Building Self-Assessment Form.

Completed forms must be lodged with the relevant planning/permit authority.

Application for Planning Permit

The Application for Planning Permit form relates to *Planning Directive No.6 – Exemption and Standards for Visitor Accommodation in Planning Schemes*, issued by the Minister for Planning under former sections 13(1)(a) and (4) of the *Land Use Planning and Approvals Act 1993*, and effective from 1 July 2018 and as modified on 1 August 2018.

The Application for Planning Permit form applies to the change of use of an existing habitable building where it is 'Permitted' under Planning Directive No. 6, as set out below:

Planning Scheme	Requirements
Interim planning schemes	<p>Change of use to Visitor Accommodation if:</p> <ul style="list-style-type: none"> located within the General Residential Zone; Inner Residential Zone, Low Density Residential Zone, Rural Living Zone, Environmental Living Zone, or Village Zone; not located within the Battery Point Heritage Precinct (BP1); guests are accommodated within existing habitable buildings; the use occupies not more than 200m² gross floor area per lot; the use is not within a strata scheme¹ that includes another lot, as defined in section 3 of the <i>Strata Titles Act 1998</i>, that is used for Residential use; and all other requirements in the planning scheme are met that are necessary for a 'Permitted' use.
Sullivans Cove Planning Scheme 1997	<p>Change of use to Bed and Breakfast Establishment or Visitor Accommodation if:</p> <ul style="list-style-type: none"> located within Activity Area 1.0 Inner City Residential (Wapping); guests are accommodated within existing habitable buildings; the use occupies not more than 200m² floor area per lot; and all other requirements in the planning scheme are met that are necessary for a 'Permitted' use.

¹ Strata scheme is defined in section 3 of the *Strata Titles Act 1998*.

The Application for Planning Permit form does not apply if:

- the use is exempt from requiring a planning permit under Planning Directive No.6, as set out below:

Planning Scheme	Exempt Qualification	
Interim planning schemes	Visitor Accommodation use in a dwelling (including an ancillary dwelling) if...	(i) it 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 temporarily absent; or (ii) it is used by the owner or occupier as their main place of residence, and visitors are accommodated in not more than 4 bedrooms.
<i>Flinders Planning Scheme 2000</i>	Visitor Accommodation use in a House, House and Ancillary Apartment or Grouped House if...	
<i>Sullivans Cove Planning Scheme 1996</i>	Bed and Breakfast Establishment or Visitor Accommodation uses in a dwelling if...	

- the use requires a 'Discretionary' planning permit under the planning scheme. For example, a change of use to Visitor Accommodation that does meet the requirements for a 'Permitted' use under Planning Directive No. 6, or other provisions in the planning scheme apply requiring discretionary assessment, such as off-street parking, bushfire planning, heritage, or non-residential use standards in zones (e.g. external lighting requirements).

Applicants should use the standard Council planning application form.

- other uses or if any development (not otherwise exempt) is proposed, in addition to the change of use to Visitor Accommodation.

Applicants should use the standard Council planning application form.

Building Self-Assessment Form

The building self-assessment form is mandated under the *Director's Determination – Short or Medium Term Visitor Accommodation*, issued by the Director of Building Control under section 20(1)(e) of the *Building Act 2016*, and effective from 1 July 2018.

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.

The building self-assessment form must be completed in the following situations where the property is used or intended to be used as 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 used for visitor accommodation.

The building self-assessment form requires 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 Determination and the building self-assessment form apply, irrespective of the planning requirements. The planning and building requirements are mutually exclusive. 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, unless the premises is located within Activity Area 1.0 Inner City Residential (Wapping) under the Sullivans Cove Planning Scheme 1997.

APPLICATION FOR PLANNING PERMIT CHANGE OF USE TO VISITOR ACCOMMODATION

Section 58 of Land Use Planning and Approvals Act 1993

To:	Devonport City Council Development Services PO Box 604 DEVONPORT TAS 7310 Email: council@devonport.tas.gov.au	<i>Planning Authority</i>
-----	---	---------------------------

The Proposal:	
----------------------	--

(Must tick one)

Interim Planning Schemes:

Change of use to Visitor Accommodation if:

- guests are accommodated in existing habitable buildings;
- the use has a gross floor area of not more than 200m² per lot;
- the use is not within a strata scheme² that includes another lot, as defined in section 3 of the *Strata Titles Act 1998*, that is used for Residential use; and
- the land is within one of the following zones:
 - General Residential;
 - Inner Residential, excluding land within the Battery Point Heritage Precinct 1 (BP1);
 - Low Density Residential;
 - Rural Living;
 - Environmental Living;
 - Village.

Sullivans Cove Planning Scheme 1997:

Change of use to Bed and Breakfast Establishment or Visitor Accommodation, where guests are accommodated in existing habitable buildings and the use has a floor area of not more than 200m² per lot, and the land is within the Activity Area 1.0 Inner City Residential (Wapping).

Description:	
---------------------	--

Brief description of the proposed change of use, including whether the whole or part of the building(s) are to be used:

² Strata scheme means the complex of lots and common property (together with the system of administration and management) created on the registered strata plan.

Applicant: Who is making the application?

Applicant Name:

Business / Company Name:

Postal Address:

Phone No:

Email address:

The Land: Detail address and title particulars of the land for the proposed change of use

Street Address:

Certificate of Title Reference No.

Describe the way the land is used now:

The Owner: Owner's name and address, if land is not in applicant's ownership

(If more than one owner, all names and addresses must be provided)

Owner Name:

Business / Company Name:

Postal Address:

Phone No:

Email address:

The Applicant: Is the applicant the owner of the land?

(Must tick one)

Yes - please complete Section A below.

No - please complete Section B below, and if relevant Sections C and D.

Section A: Owner's Verification

I/we am/are the owner(s) of the land.

Owner(s):

Section B: Applicant's Verification

I/we, the applicant declare that the owner /each of the owners of the land have been notified of the intention to make this application.

Applicant:

Section C: If the application involves land owned or administered by a council

The consents to the making of this permit application.

General Manager:

Section D: If the application involves land owned or administered by the Crown

The application must be signed by the Minister or relevant delegate responsible for the land and accompanied with written permission.

Declaration (to be completed for all applications)

I declare that the information I have given in this permit application to be true and correct to the best of my knowledge.

Applicant:

Personal Information Protection Statement

As required under the *Personal Information Protection Act 2004*

1. Personal information is managed in accordance with the *Personal Information Protection Act 2004* and may be accessed by the individual to whom it relates, on request to the relevant planning authority.
 2. Information can be used for other purposes permitted by the *Local Government Act 1993* and regulations made by or under that Act, and, if necessary, may be disclosed to other public sector bodies, agents or contractors of the relevant planning authority.
-
-

Planning Application Checklist

The Planning Authority requires the following to assess this Planning Application, with all documentation provided as required by the planning authority:

- (a) Completed Planning Application Form - all relevant sections filled in and signed by land owner (if required) and applicant.
- (b) A copy of the current certificate of title for all land to which the permit sought is to relate (available from Service Tasmania or from www.thelist.tas.gov.au).
- (c) Either:
 - (i) a basic floor plan of the existing habitable building(s) to scale, including identification of the gross floor area for the proposed change of use to visitor accommodation, or
 - (ii) a signed declaration by the applicant confirming the area of the existing habitable building(s) for the proposed change of use to visitor accommodation has a gross floor area³ of not more than 200m²
- (d) Payment of the prescribed fee (up to \$250.00).

Failure to provide the required information may result in your application not being able to be accepted or processed.

³ Or floor area in the case of the Sullivans Cove Planning Scheme 1997.

BUILDING SELF-ASSESSMENT FORM

Director's Determination – Short or Medium Term Visitor Accommodation

Section 20(1)(e) of Building Act 2016

This building self-assessment form must be completed in the following situations where the property is used or intended to be used for visitor accommodation, and a fee is being charged for such use:

- 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 used for visitor accommodation.

The completed form must be lodged with the relevant Permit Authority.

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, unless the premises is located within Activity Area 1.0 Inner City Residential (Wapping) under the Sullivans Cove Planning Scheme 1997.

To:	Devonport City Council	Permit Authority
	PO Box 604	Address
	DEVONPORT TAS	Suburb/postcode
	council@devonport.tas.gov.au	
		7310

Owner / Occupier details:

(Only an owner or occupier may complete this form)

Owner /
Occupier:
*(Delete one not
applicable)*

Postal Address:

Phone
No:

Email address:

Address of Property used or intended to be used for Visitor Accommodation:

Street Address:

Certificate of Title
Reference No.

Owner / Occupier Declaration:	
--------------------------------------	--

I/we, as the owner / occupier of the property, declare that the property meets the following minimum building requirements, as set out below:

Owner/Occupier: <i>(Delete one not applicable)</i>	Name: <i>[print]</i>	Signed	Date
	<input type="text"/>	<input type="text"/>	<input type="text"/>

Occupancy Permit:	
--------------------------	--

(Must tick one)

The owner or occupier is to declare that –

- (a) if an occupancy permit has 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:	
------------------	--

(Must tick (a) or (b) and (c) or (d))

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 the premises that meets the requirements of the *Public Health Act 1997*.

Essential Building Services:	
-------------------------------------	--

(Must tick one)

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 manufacturer's instructions:

- a smoke alarm with a 10-year non-removable lithium battery, or
- a hard wired smoke alarm (and are interconnected where there is more than one alarm fitted);

(a) 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

(b) 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.