

Approvals required for Tourist Accommodation

June 2023

Providing accommodation to members of the travelling public (guests) requires a range of approvals before a use can lawfully commence. The purpose of this factsheet is to provide a list of approvals that may be required for both temporary and permanent land uses involving accommodation. Established businesses also need to ensure all approvals remain valid and up to date where renewal is required.

Council provides this and other Fact Sheets to help navigate the legal and practical steps in starting a new business before committing to a project. At any time, please contact Council for assistance or clarification.

Development Approval (Town Planning)

The Scenic Rim Planning Scheme 2020 regulates the different accommodation types, and includes:

- Home Based Business (e.g. bed and breakfast)
- Nature-based tourism
- Resort complex
- Short-term accommodation (incl. holiday home)
- Short term accommodation (motel, backpackers, cabins, apartments)
- Tourist Park (camping grounds, holiday cabins, motor home, campervan and caravan parks)
- Party House

The type of activity proposed, the zoning of the property and any applicable overlays will determine if a Development Approval (town planning approval) is required. There are different levels of assessment, and to determine your level of assessment and any fees associated with the application, please contact Council. Council recommends consulting a town planner where an application is required.

Development Approval (Operational Works)

- Excavation or filling
- Vegetation removal
- Placing an advertising device on premises
- Car parks
- Where an overlay may apply

The Scenic Rim Planning Scheme 2020 regulates certain Operational Works (which may be needed to support the establishment of your development) and an application may be required even where a Development Approval for a Material Change of Use (outlined above) is not needed. Where development involves excavation or filling (where not directly covered by a Building Permit), vegetation removal, placing an advertising device on the premises (a total face area of 4m² or more) or providing 8 or more car park spaces on a site, an application may be required. If an overlay applies to the property and Operational Works is required for your development, an application under the Planning Scheme may be required.

To determine your level of assessment and any fees associated with the application, please contact Council.

Development Approval (Building Approval)

All buildings and structures used for accommodation must be lawfully constructed, approved and classified for its habitable purpose. You will need to obtain building approval for any new buildings, extensions to existing buildings, and in some instances reclassification of buildings/parts of a building if required by the building regulations.

It is important to note that for the safety of guests, buildings and rooms that are made available to the market need to be classed as habitable and not structures like sheds, garages, caravans parked on premises or unapproved buildings.

For more information on whether any work will require building approval, you can contact a Queensland Building and Construction Commission (QBCC) licenced private builder or building certifier. To check whether the work done is lawful, please contact Council.

Development Approval (Plumbing Approval)

All plumbing (water, greywater, wastewater etc.) and drainage used for the accommodation must be lawfully constructed and approved to ensure the hygiene and health of your guests.

For more information on whether any work will require plumbing approval or to check whether the work done is lawful, please contact a QBCC licenced plumber and/or drainer or Council.

Pool Safety

If the property has a swimming pool a current swimming pool safety certificate is required. The certificate needs to be renewed annually and registered on the QBCC website.

Food Licence

Where involving the preparation or sale of food for guests, a food licence may be required under the *Food Act 2006*. The licence applies to all locations and food business types, whether you are based in commercial premises or a residence.

For more information, see Council's website or contact Council.

Local Law Approvals

- Subordinate Local Law No. 1.6 Operation of Camping Grounds
- Subordinate Local Law No. 1.8 Operation of Caravan Parks
- Subordinate Local Law No. 1.11 Operation of Shared Facility Accommodation

The operation of camping grounds, caravan parks and shared facility accommodation requires an approval under the Local Laws for the health and safety of guests. Approvals are also required to be renewed annually or renewed within the term outlined on the approval notice.

For more information, please contact Council.

Local Law Approval

- Subordinate Local Law No. 1.4 Installation of Advertising Devices

Local Law approval is required where a sign (advertising device) cannot achieve the requirements outlined in the Local Law (see Schedule 3 and 4 of Subordinate Local Law No. 1.4). Approvals are also required to be renewed within the term outlined on the approval notice.

For more information, please contact Council.

Water Supply

Sufficient and reliable water supply needs to be provided on the property. This can be achieved via:

- where available, connection to the town water network (contact Urban Utilities to connect); or
- where connection is not available, having on-site supply, ensuring that there is enough capacity to service the maximum number of people onsite at any time. Water intended for human consumption must be treated to comply with the Australian Drinking Water Guidelines.

Any plumbing works required should be carried out by a QBCC licenced plumber.

Sewerage

Where connection to the sewer network is available, the premises must be connected (contact Urban Utilities to connect). Where located in an unsewered area, an onsite facility that has sufficient capacity to service the maximum number of persons being accommodated is required. If you have an existing system, it is important to check you have sufficient capacity otherwise failure can have serious impact on people's health, your surroundings and the environment.

It is important to note that if you fail to maintain your on-site system, penalties can be applied should your system fail. Please contact the manufacturer or a QBCC licenced service agent to ensure your system has sufficient capacity for your development.

Also, regular inspection and maintenance of on-site systems are required, and the system should be pumped out at least every 3 years.

All works and inspections should be carried out by a QBCC licenced servicing agent.

Fire Safety

Whilst the standards do vary depending upon the type of accommodation being provided, minimum fire safety standards, early warning systems (e.g. smoke alarms) and fire safety management plans need to be implemented and maintained for the safety of guests. The overcrowding of rooms (for example, multiple bunks in a room) can also pose a risk to the lives of guests and needs to comply with the building regulations.

Please consult a licenced fire safety professional for more information and ensure any work carried out is by a licenced electrical contractor.

Other Checks

Payment of Infrastructure Charges

Infrastructure charges may apply to certain developments. An Infrastructure Charge Notice is issued at the time of development approval. Charges are payable upon commencement of use. Council does offer deferred payments for certain development types. For more information, please contact Council.

Body Corporate Requirements

Where applying to your property, check the body corporate rules and regulations applicable to your premises and obtain any approvals required to provide accommodation. For more information, contact your body corporate manager.

Public Liability Insurance

Public liability insurance is designed to provide protection for your business if a member of the public is injured or dies, or the person has their property damaged while using your services. Contact your home insurer to see if your existing policy has public liability insurance (indemnity of not less than \$10,000,000 is recommended) or check whether your online booking platform offers any cover options. Please note: traditional home owners insurance is unlikely to cover rented properties or short term accommodation.

Mortgage Restrictions and Rental Contracts

If your property has a mortgage (or any form of loan), check with the lender to make sure that there aren't restrictions against sub-letting or hosting. If you rent or lease the property where you host guests, check your contract and seek any necessary approvals from your landlord.

ATO

The Australian Taxation Office will require you to declare any income made from accommodation, (regardless of size). Please contact your Accountant for more information.

Neighbour Consideration and Consultation

It is highly recommended to notify your neighbours that you are providing accommodation and give them your contact details should they have any issues. Where your accommodation is set in a residential setting, please ensure guests are made aware that use of the property requires respect for the permanent residential community, including their need for privacy and quiet enjoyment of their homes. Expectations regarding the consideration of surrounding residents in terms of noise, limits on the number of visitors (in addition to paying guests) to the property, parking of vehicles on premises and not on the street, pet management, waste management, hours of use for outdoor areas, pools and spas etc. should be communicated to guests.

What is a Temporary Use?

Where accommodation is temporary, it may be classified as a Temporary Use.

An example of a Temporary Use¹ includes a *Tourist Park (camping ground)*, where the accommodation is:

1. located in the Rural Zone;
2. for no more than 7 camp sites to a maximum of 20 persons;
3. the camp sites are located not less than 200 metres from a dwelling not on the development site; and
4. carried out for no more than 20 days per a calendar year.

Local Law Approval (Operation of Camping Grounds) will apply in all cases.

Please note, Planning Scheme Overlays such as flooding or bushfire still should be seriously considered when siting accommodation that is classified as a Temporary Use.

Contact Council to check if the accommodation you are proposing is a Temporary Use.

1. Example provided from section 1.7.1 Temporary Uses of the Scenic Rim Planning Scheme 2020

Related Information

The following factsheets may further assist and are available on Council's website Fact Sheets - Scenic Rim Regional Council

- *Renting your House to Tenants or Travellers*
- *Home-based business*
- *How do I determine a level of assessment for Material Change of Use*
- *Infrastructure Charges*
- *Overlays*
- *Tourist accommodation*

Doing business in the Scenic Rim

Scenic Rim Regional Council is committed to supporting local business and new entrants to the market.

Our Regional Prosperity team can assist you to navigate the information you need to start a new business, expand your existing business or relocate your business to the Scenic Rim.

We encourage projects and proposals which support a sustainable and prosperous economy and align with both the Scenic Rim Regional Prosperity Strategy 2020-25 and the Planning Scheme.

For more information on how Council can support you to set up or grow your business, contact the Regional Prosperity Team on 07 5540 5111 or email prosperity@scenicrim.qld.gov.au.

Talk to a Planner

Council's Planners are available for confidential discussions to help you navigate the planning scheme and how it affects you. Call 07 5540 5111 or email mail@scenicrim.qld.gov.au to make an appointment.

Free *Concept Meetings* are available on request if you are in the early stages of a development proposal. A formal *Pre-lodgement Meeting* is recommended prior to submitting for formal planning approval. (Refundable fees apply).

Book a meeting using the *Planning And Development Meeting Request Form* available on Council's website.

For more information

The planning scheme and mapping is available to view on Council's website at Scenic Rim Planning Scheme – Scenic Rim Regional Council. Hard copies of the planning scheme and mapping are also available at Council's Customer Service Centres.