

Providing Short Term Accommodation

Who should read this guide?

Any owner or commercial operator who is considering using all or part of a dwelling for short term accommodation for paying guests.

When might a Development Application not be required?

In March 2016, the South Australian Government published *Advisory Notice Building 04/16* which advised that the short-term letting of residential buildings does not change the definition of a 'dwelling' or trigger *National Construction Code* (formerly the *Building Code of Australia*) compliance requirements.

The Advisory Notice's position is that a 'dwelling' will remain a 'dwelling' if it is occupied sporadically, let out during holiday periods to short-term occupants, let for short-term use, or if the owner lives overseas or interstate and uses it occasionally and then for relatively short periods.

The other trigger is whether changes are required to be made to the building. Unless development is undertaken to physically alter the dwelling such that it is no longer a 'dwelling', it remains a 'dwelling'.

On the basis of that advice, the Council's position is that a development application is **not** required if:

- the owner remains in the dwelling during the guests' stay

OR

- the dwelling is not permanently available for short-term accommodation use

AND

- no changes are required to be made to the dwelling to suit the short-term accommodation use.

When the land use changes permanently and/or the building needs to be modified, the land use is considered to have changed to become a form of short-term or tourist accommodation. It is not defined as a dwelling anymore.

When is a Development Application required?

If the land use changes permanently or modifications are required, the owner or commercial operator must lodge a development application with Council for:

- the change of land use from dwelling to a form of short-term or tourist accommodation (which may also fall under the description of a 'serviced apartment' in some cases)

AND/OR

- any building works that are necessary for the change of land use.

Some home-based land uses are not defined as 'development' and hence do not need approval. Schedule 1 of the *Development Regulations 2008* specifies the conditions that allow an activity or business to operate from a person's home without the requirement of an approval. Refer to the 'Home Activity' development information guide.

Next Steps

It is recommended that you contact Council for information on whether short-term or tourist accommodation is an anticipated land use in the *Adelaide (City) Development Plan* at your specific location.

Different land uses have different requirements and requirements can be more onerous than others.

Therefore, it is recommended that you speak to Council's Development Assessment team to discuss your specific situation on **08 8203 7185** prior to lodging an application, purchasing a site, or entering into a lease based on changing the land use to short-term or tourist accommodation.

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Development Application Requirements

Lodge your Development Application online at: cityofadelaide.com.au/da with the following:

- A Lodgement fee is required at the time of lodging your application online. Council will invoice you for any other required fees. A completed Development Application form.
- Signed Powerlines Declaration Form (where necessary)
- Application Fees (Council will issue you an invoice, and assessment will not begin until fees are paid in full)
- A copy of the Certificate of Title
- Description of the way in which the site will be managed including the following:
 - The contact details of the manager
 - Details of the maximum number of guests permitted on site at any one time
 - Hours that visitors are permitted on site
 - Whether functions or parties will be permitted on the premises
- Detailed floor plan(s), showing the use of each portion of the building and any building works necessary
- Depending on your site, additional information may be required.

Further Information

For further information or to discuss your specific requirements, please contact Council's Development Assessment team on **08 8203 7185** or d.planner@cityofadelaide.com.au.

Council encourages all short-term accommodation providers to join an organisation that represents the industry.