

Scenic Rim Planning Scheme 2020

Renting your House to Tenants or Travellers - 22 December 2022

If you are thinking about renting out your house (*dwelling* or *secondary dwelling*) to long term tenants or travellers, this fact sheet provides guidance on the types of accommodation options and how they are regulated in the *Scenic Rim Planning Scheme 2020* (planning scheme).

What are my options?

The planning scheme provides different options when renting out all or part of a house to tenants or travellers. The below table summaries your options and provides the corresponding definition used in the planning scheme.

Option	Planning scheme definition
Residing in the dwelling and renting out part of a <i>dwelling</i> to up to three long term tenants	<i>Domestic boarding (Home based business)</i>
Renting out a granny flat	<i>Secondary dwelling (Dwelling house)</i>
Renting out the entire <i>dwelling</i> to travellers	<i>Holiday home (Short-term accommodation)</i>
Renting out part of a <i>dwelling</i> to travellers or tourists	<i>Bed & breakfast (Home based business)</i>
Renting out a <i>dwelling</i> for parties, wedding receptions etc	<i>Party House</i>

Domestic boarding (Home based business)

Renting out part of a *dwelling* to up to three tenants is defined as a *Home based business (domestic boarding)* under the planning scheme. Domestic boarding means the use of premises for residential accommodation, which:

1. is conducted within a self-contained *dwelling*;
2. is conducted by a permanent resident of the *dwelling*; and
3. accommodates up to three individual boarders.

Secondary dwelling (Dwelling house)

Renting out a granny flat to a tenant is defined under the planning scheme as *Dwelling house (secondary dwelling)* under the planning scheme. A *secondary dwelling* means a *dwelling* on a lot, that is used in conjunction with, but subordinate to, another *dwelling* on the lot, whether or not the *dwelling* is:

1. attached to the other *dwelling*; or
2. occupied by individuals who are related to, or associated with, the household of the other *dwelling*.

Holiday home (Short-term accommodation)

Renting out the entire *dwelling* to travellers is defined as *Short-term accommodation (holiday home)* under the planning scheme. *Short-term accommodation* means providing accommodation of less than 3 consecutive months to tourists or travellers.

A *holiday home* means a *Short-term accommodation* use:

1. which accommodates an individual or a single group of persons;
2. is conducted within an existing self-contained *dwelling*;
3. visitors have the right to occupy the whole of the *dwelling*; and
4. does not involve any shared facilities.

Bed & Breakfast (Home based business)

Renting out part of a *dwelling* (bed and breakfast) to travellers is defined as a *Home based business* under the planning scheme. A *Home based business* means the use of a *dwelling* on premises for a business activity that is subordinate to the residential use of the premises.

A permanent resident of the *dwelling* may rent out:

1. up to 3 bedrooms of the *dwelling*; and
2. to up to 6 people in total;

This can include separate sections of the *dwelling* such as the bottom or top level of a *dwelling*.

Party House

Under the planning scheme, a *Party house* means premises containing a *dwelling* that is used to provide, for a fee, accommodation or facilities for guests if—

1. guests regularly use all or part of the premises for parties (bucks parties, hens parties, raves, or wedding receptions, for example); and
2. the accommodation or facilities are provided for a period of less than 10 days; and
3. the owner of the premises does not occupy the premises during that period.

Party houses are not consistent development anywhere within the Scenic Rim region.

Do I need planning approval?

In some cases, development approval is required to rent out a *dwelling* to tenants or travellers, and this depends upon your proposed use of the premises and where you are located.

Development that is identified as **Accepted development (subject to requirements)** under the planning scheme does not require planning approval, provided that **all** acceptable outcomes under the relevant codes are met. Planning approval may also be required if an Overlay applies to the property (refer to the 'What if an Overlay Applies to my Property' section in this fact sheet).

The following table outlines whether an approval may be required in each of our residential and rural zones. To find out the zoning of your property,

access Council's [Online Mapping Tool](#). The below table **does not include** instances where an overlay may affect your property and your proposal (refer to the 'What if an Overlay Applies to my Property' section of this fact sheet).

Use definition	For property not affected by an overlay and located in:
	<ul style="list-style-type: none"> • Low density residential zone* • Low-medium density residential zone • Rural residential zone* • Rural zone*# • Township zone*
Domestic boarding (Home based business)	<p>Accepted development (subject to requirements) - All acceptable outcomes in section 9.03.08 Home Based Business Code in the planning scheme must be met. Where they cannot be met, a Development Application is required.</p> <p>For further information on a <i>Home based business</i> refer to our <i>Home Based Business Fact Sheet</i>.</p>
Secondary dwelling (Dwelling house) #	<p>Accepted development (subject to requirements) - All acceptable outcomes in section 9.03.05 Dwelling House Code in the planning scheme must be met. Where they cannot be met, a Development Application is required.</p> <p>For further information on a <i>second dwelling</i>, refer to our <i>Dwelling houses and second dwellings Fact Sheet</i>.</p>
Holiday home (Short-term Accommodation)	<p>Accepted development - No planning approval required.</p>
Bed and breakfast (Home based business)	<p>Accepted development (subject to requirements) - All acceptable outcomes in section 9.03.08 Home Based Business Code in the planning scheme must be met. Where they cannot be met, a Development Application is required.</p> <p>For further information on a <i>Home based business</i> refer to our <i>Home Based Business Fact Sheet</i>.</p>
Party House	<p>Impact assessable - Inconsistent development (Development Application is required).</p>

*Applies to all precincts and where no precinct applies

For development located in the Rural Zone (and including all precincts), the dwelling house must be obtaining access from a constructed road in order to be **Accepted development (subject to requirements)**.

What happens if I do not meet all the acceptable outcomes of the Code?

Where involving a *Home based business* and a *secondary dwelling*, if the proposal does not meet the relevant acceptable outcomes of the code (Home Based Business Code or Dwelling House Code), a planning application (i.e. **Code Assessable** application) is required and only those matters that the proposed *Home based business* or *secondary dwelling* did not comply with need to be addressed. It is recommended that you talk to Council's Planning team for more information.

What happens if I am Impact Assessable - Inconsistent development?

Impact Assessable - Inconsistent development is generally not supported, however it does not prevent anyone from making an application. An application made for this use would require assessment against the entire planning scheme, as well as public notification. It is recommended that you talk to a Planning Consultant or Council's Planning team for more information.

What if an Overlay applies to my property?

An Overlay in the planning scheme may also influence whether planning approval is required for your proposal. An Overlay may increase the category of assessment from **Accepted development (subject to requirements)** to **Assessable development**. For example, if you are proposing a *Short-term accommodation (holiday home)* or *Home based business* (bed and breakfast) in an area affected by the Bushfire Hazard Overlay, a **Code assessable** development application is required.

The best way to check whether a property is affected by an Overlay is to view the planning scheme overlay mapping online at: [Online Mapping – Scenic Rim Regional Council](#) or talk to Council's Planning team. If your property is affected by an Overlay, please refer to section **5.10 Categories of Development and Assessment - Overlays** which will help determine whether the Overlay means planning approval is required.

What other approvals may be required?

Depending on the proposal, a number of other approvals may be required including:

- A food business licence for preparing or manufacturing food for sale;
- Approval for operating a shared accommodation facility e.g. B&Bs;
- Reclassification of a building, or part of a building that is to be used for the use;
- Building and/or plumbing approval for any structural changes or extensions made; and
- Local law licences.



Common mistakes

Although renting a house (or part thereof) to tenants and travellers may provide great income opportunities, accommodation needs to be established legally to reduce health and safety risks for visitors and residents who use the site. The below list provides examples of what not to do when providing accommodation to tenants and travellers:

- Erecting buildings or undertaking building extensions on the property without adequate building or plumbing permits;
- Converting shipping containers into accommodation without adequate building and plumbing permits;
- Converting a shed into accommodation without adequate building and plumbing approvals;
- Not obtaining a Certificate of Reclassification for converted buildings;
- Using caravans / mobile homes for permanent accommodation;

- Not complying with Smoke Alarm legislation and annual maintenance requirements;
- Not reviewing or taking out additional insurances to cover travellers, tenants and/or landlords;
- Not complying with pool safety standards.

It is recommended that you talk to Council's Regulatory Services team on 07 5540 5111 for more information on any of the above issues, and for assistance in obtaining the correct approvals.



Disclaimer

This fact sheet provides general information and is intended as a guide only. It may not be comprehensive in detail and as such, customers are encouraged to view the relevant sections of the *Scenic Rim Planning Scheme 2020* or talk to a planner. Fact sheets are prepared to assist the community in understanding parts of the planning scheme.

Infrastructure charges may apply

Payment towards the extra demand generated by your new development on the trunk infrastructure network may be required. The infrastructure charges are levied in accordance with the Adopted Infrastructure Charges Resolution which can be found at: [Infrastructure Charges – Scenic Rim Regional Council](#). Further information about Infrastructure Charges is available in the *Infrastructure Charging Fact Sheet*.

Related information

The following related fact sheets can be found here: [Fact Sheets – Scenic Rim Regional Council](#)

- *Home based business*
- *Dwelling houses and secondary dwellings*
- *Tourist accommodation*
- *Approvals required for Tourist accommodation*
- *Dual occupancy*
- *Tiny houses*