




KAIKŌURA
DISTRICT COUNCIL

VISITOR ACCOMMODATION GUIDE FOR PROPERTY OWNERS



Visitor Accommodation - Kaikōura

Tourism and accommodation



*“Did you know
If you own a property and rent
it out as visitor accommodation
you may need a consent and or
a building consent”*

Visitor accommodation is an inherent part of any tourism industry. Tourism can only be successful if there is enough accommodation available to cater for all different needs.

Providing an increase in the range of facilities may encourage visitors throughout the year, reducing the dependence on seasonal peaks.

This has economic benefits for the District. However, accommodation activities can also attract additional visitors, with consequential effects on traffic, infrastructure, noise and any other amenities.

Visitor accommodation activities need to be undertaken in a manner which ensures these effects are avoided, remedied or mitigated.

Of particular concern is the effect of increased short-term populations on services. The Kaikōura District Plan defines visitor accommodation as a "Commercial Activity" to ensure that any adverse effects can be managed.

What is visitor accommodation?

Central Government define visitor accommodation as, the land and/or buildings used for accommodating visitors, subject to a tariff being paid.

Visitor accommodation includes things like renting out your own home (or holiday home) on a regular or irregular basis or renting out a separate building/sleep-out/minor unit on your property for visitor accommodation.

This does not include residential tenancies for longer than 3 months.

Do I need resource consent?

Short-term visitor accommodation is when paying guests are hosted at a property for any period of under 90 days. This includes hosting a property on platforms like Airbnb and Bookabach. Please note: If the same paying guests stay for 90 days or more, they are classed as tenants and the property is classed as a rental.

If you are currently letting, or considering letting your property for short term visitor accommodation (STVA) you need to be aware of rules that affect you.

Short term visitor accommodation means that your property is available for let for short periods and advertised on sites such as Airbnb, Bookabach, etc. With the rapid growth of this type of accommodation, it is likely there are property owners who may be unaware of District Plan and Building Act legislative requirements as they relate to property use.

These rules ensure that accommodation is safe for guests to use. In addition, short term guests have been shown to create more pressure on our district's infrastructure and as such KDC have a rating and consent process in place for all visitor accommodation properties.

Visitor Accommodation - Kaikōura

Rating information for visitor accommodation



Commercial property

All rateable properties in the District;

- Used principally or exclusively for commercial and/or industrial purposes, (not being farmland as defined by Land Information NZ); or
- Used principally for visitor accommodation for commercial reward **for not less than five persons**, and for the avoidance of doubt, including any motel, hotel, motor lodge, bed and breakfast, hostel, or camping ground; or
- Used as licensed premises under the Sale and Supply of Alcohol Act 2012.

Small accommodation property


All rateable properties providing short-term accommodation for commercial reward, but not meeting the criteria of a commercial property.

For the avoidance of doubt, this means (having not met the criteria of a commercial property in the first instance), all rateable properties that provide short-term visitor accommodation, and which are;

- not used principally and exclusively for commercial or industrial purposes (other than for visitor accommodation). Examples may include a residential dwelling where the principal use is residential, but visitor accommodation is also provided on the property (whether within the dwelling or in separate units); or a residential dwelling where the principal use is a holiday home for the owner, which is rented out as a holiday home for commercial reward (including Air B&B style accommodation); or any other property not principally commercial/industrial, but which provides visitor accommodation, or
- if they are used principally for visitor accommodation, the property only provides for **no more than four persons**. This includes any property providing short-term accommodation such as small bed & breakfasts, but not including long-term rental accommodation. These properties are subject to the visitor accommodation charge and may also be subject to separate sewer charges. These rates are applied on a per separately used or inhabited part of a rating unit.

Visitor Accommodation - Kaikōura

Building consent



“Do I need a building consent?”

Building Act (2004) requirements

As permitted by the New Zealand Building Code (NZBC) a domestic dwelling can be used as boarding house type accommodation for **up to five people** (not including members of the residing family) and can be treated as risk group Single Household.

Sections 114 and 115 of the building act require a property owner to give written notice that they intend to change the use of a building. The regulations to the NZBC allocate all buildings a ‘use’.

Accordingly the term ‘change of use’ has a regulated meaning which is *‘to change the use of all or a part of the building from one use (the old use) to another (the new use) and with the result that the requirements for compliance with the building code, in relation to the new use are additional to, or more onerous than, the requirements for compliance with the building code in relation to the old use’.*

The exact configuration of a house and the number of people being accommodated there will likely determine if a change of use has occurred. For example if the owner is simply allowing a guest to use a spare room and that guest is living in the house as if they were a family member, using the family bathroom and kitchen, then it is likely that a change of use has not occurred because they are effectively living as a single household.

Alternatively, if the owner has separated a portion of the house so that the guest(s) has exclusive use of that portion, often providing separate bathroom, cooking and entrance facilities then it is likely that a change of use has occurred because that house is no longer acting as a family or single household.

It is highly likely that property owners do not realise that they may be breaking the law by using their house in this way.

If it is determined that a change of use has occurred then building consent will likely be required to make the building NZBC compliant. The required work cannot be accurately determined however it will often include passive fire protection, fire alarms and access and facilities for people with disabilities. To understand this more, we recommend contacting the building team for more information, building@kaikoura.govt.nz, 03 319 5026.

Definition's of buildings for the purpose of the Building Code

Single Household (SH)

Most domestic dwellings are designed to be used by a single household or family and are usually separated from each other by distance. The official definition is ‘detached dwellings where people live as a single household or family, including attached self-contained spaces such as granny flats when occupied by a member of the same family, and garages (whether detached or part of the same building) if primarily for storage of the occupants’ vehicles, tools, and garden implements’.

Sleeping Residential (SR)

Others that may have more than one purpose are classified as Sleeping Residential. These buildings may be multi-unit dwellings, flats or apartments. The definition for these is ‘attached and multi-unit residential dwellings, including household units attached to spaces or dwellings with the same or other uses, such as caretakers’ flats, and residential accommodation above a shop’.

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Definition's of buildings for the purpose of the Building Code

Sleeping Accommodation (SA)

The last category of STVA buildings are defined as Sleeping Accommodation. These are motels, hotels, hostels, boarding houses, clubs (residential), boarding schools, dormitories, halls or whareniui. The definition for these buildings is 'spaces providing transient accommodation, or where limited assistance or care is provided for people'.

Detached Dwelling

Applies to a building or use where a group of people live as a single household or family. Examples: a holiday cottage, boarding house accommodating fewer than 6 people, dwelling or hut.



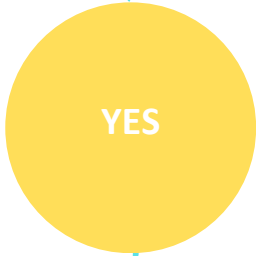
Next Steps

We are here to help, please contact the Kaikōura District Council's regulatory team, they can arrange to get all the paperwork you need sent to you and arrange meetings with the planning and building team if required.

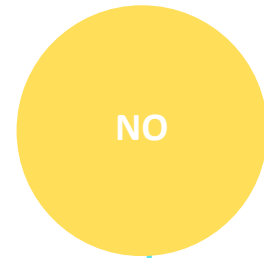
Regulatory Team Kaikōura District
regulatory@kaikoura.govt.nz
03 319 5026 ext 260

1

Do you rent a property for any period on a nightly basis? This includes hosting a property on platforms like Airbnb and Bookabach.



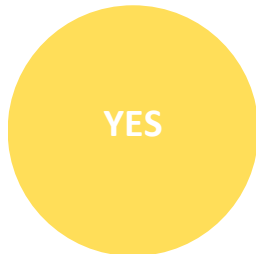
Resource Consent required



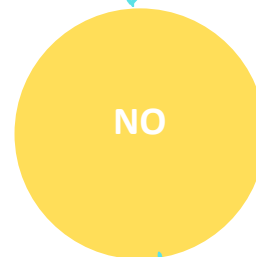
Resource Consent not required

2

Does your property accommodate more than 5 people?



Contact the building team at KDC to find out more about a Building Consent



Proceed with Resource Consent, if you do not live on site you may still need a building consent