

Farmstay accommodation

Guideline for farmstay operators

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Background

A farmstay provides accommodation to guests on a working farm. Farmstay accommodation is a popular form of tourist accommodation in Queensland.

In response to a fatality at a farmstay in 2011, a coronial inquiry made recommendations about safety issues, including fire safety, in these types of accommodation. This guideline forms part of the Government's response to the coronial recommendations, and reflects the results of an industry survey about safety issues at farmstays that was conducted in early 2016. This guideline is intended to assist farmstay operators to understand and comply with their obligations.

A farmstay generally provides accommodation for guests such as holidaymakers, although in some cases work may be performed on a voluntary basis by guests of the farmstay. The same farmstay building may also be used for both farmstay and employee accommodation at different times.

Scope and application

This guideline provides general information about some of the obligations that farmstay operators need to be aware of, with a particular focus on those that ensure the safety of farmstay guests. This guideline does not seek to cover all possible considerations or legislative requirements that may apply to any particular farmstay operation and provides only general advice.

Much of the information provided in this guideline is also relevant where worker or volunteer accommodation is provided, however operators should be aware that in these cases additional requirements relating to employees are likely to apply. These are not covered in this guideline and further specific advice should be sought on obligations relating to employees.

Information for farmstay operators

Planning requirements

The planning assessment of farmstay operations may be regulated under local government planning schemes and the use may require development approval depending on the specific planning scheme operating for your property. Local governments have the ability, through their local planning schemes, to regulate the level of assessment they deem appropriate to reflect the local communities' interest. In some cases a local government, after consultation with its community, will decide to require a development approval be issued before a new use, or an intensification of an existing use, can be undertaken.

In Queensland, a local government's planning scheme must use standard definitions for use types identified in a statutory instrument, currently known as the Queensland Planning Provisions (QPPs).

A farmstay falls under the use definition of short-term accommodation as defined in the QPPs as:

premises used to provide short-term accommodation for tourists or travellers for a temporary period of time (typically not exceeding three consecutive months) and may be self-contained. The use may include a manager's residence and office and the provision of recreation facilities for the exclusive use of visitors.

A prospective operator of a farmstay should contact their relevant local government in order to determine whether they are required to lodge a development application for approval. If the local government does require development approval for a farmstay the local government can also advise and assist in determining the relevant criteria and information the application will be assessed against.

Building regulations and building fire safety

The building regulations applicable for farmstay buildings differ depending on the classification of the building. The subsections below provide general advice about commonly encountered classifications and regulations for this type of accommodation building. The advice of a licensed building certifier (either a private certifier or local government certifier) is recommended in order to obtain specific advice about individual properties.

What classification is a farmstay building under the National Construction Code?

The classification of a building under the National Construction Code (NCC) is determined in accordance with the building's use. Some relevant classifications that may apply to buildings used for farmstay accommodation are as follows:

- **Class 1a**—Class 1a dwellings are private homes occupied by a single family/household group. Class 1a dwellings may not be located above or below another class of building with the exception of a class 10a private garage.
- **Class 1b**—Class 1b buildings may be either of the following:
 - four or more single dwellings located on an allotment and rented for short-term holiday accommodation
 - a boarding house, hostel, guest house or similar (including bed and breakfast establishments) with a total floor area not exceeding 300 metres squared and which does not accommodate more than 12 persons.
- **Class 3**—A building providing long term or transient living for unrelated persons. This includes hotels, motels, boarding houses, staff or employee accommodation, guest houses and backpackers' accommodation.

If an accommodation facility such as a boarding house, guest house or the like exceeds either 300 metres squared floor area or an accommodation capacity of 12 persons, then it will be a class 3 building and not a class 1b building.

If your farmstay premises involves renting out rooms within your own home for paying guests, the relevant classification will usually be class 1b, unless your home is greater than 300 metres squared or accommodates more than 12 people (including both your family and all guests).

If your farmstay accommodation is provided in a separate building, and provides accommodation for different guests, the building will normally be either class 1b or class 3 depending on its size and the number of people accommodated.

For bed and breakfast style accommodation, existing houses are frequently adapted in order to provide paying accommodation for guests. An existing house is normally a Class 1a building, and consequently the letting out of different rooms for different paying guests constitutes a BCA classification or use change (refer to the *Building Act 1975* sections 109-110).

Guide to building regulatory requirements

Different fire safety, amenity and accessibility requirements often apply for different classifications. These may include for example:

- fire separation (e.g. distances from boundaries and other buildings)
- smoke alarms (providing early warning to enable evacuation)
- egress (providing opportunity for people to escape from the building)

- occupancy levels (ensuring that overcrowding does not impede the ability to safely evacuate)
- emergency and exit lighting
- fire safety equipment (for example, fire extinguishers)
- evacuation plans and signage
- access for persons with disabilities.

Additional fire safety requirements for Budget Accommodation Buildings

Under section 216 of the Building Act, a Budget Accommodation Building includes a farmstay building with shared bathroom facilities (other than a class 1a house) in which six or more persons are accommodated.

Budget Accommodation Buildings are subject to additional fire safety requirements under the Queensland Development Code (QDC). This code is designed to improve fire safety for the occupants (guests) in the building and was introduced in response to the 2000 Palace Backpackers fire in Childers, in which 15 people lost their lives. The code is aimed at ensuring minimum levels of safety in the areas of early warning (smoke alarms), lighting and signage to assist evacuation, maximum occupant densities and clear egress paths, suitable exits and provision for escape in a fire emergency.

A copy of the code which outlines the fire safety requirements for budget accommodation buildings can be downloaded at www.hpw.qld.gov.au/SiteCollectionDocuments/mp-2-1-fire-safety-accommodation.pdf.

A fire safety management plan is also a requirement under the Building Act and *Fire and Emergency Services Act 1990*.

Do I need a building approval?

Under the Building Act, building owners have certain obligations in relation to the compliance of the building with the Act, for example:

Example of obligation	Reference to section
An owner must not make a BCA classification or use change unless a building certifier has approved the change.	Sections 110-111
An owner must ensure that a building that requires a Certificate of Classification is not occupied if the Certificate has not been granted.	Section 114
A person must not occupy or use a building if the building does not comply with the relevant building assessment provisions.	Section 115

If a building classification change is being made, a formal approval is required from a building certifier in order to re-classify an existing house into a building of the appropriate classification for shared farmstay accommodation. This may be done by either a private building certifier or through the local council.

In order to approve the classification change, the building certifier may require that certain works be completed to ensure that the building complies with the relevant building requirements for the new classification.

A building development approval is also required if you construct a new building, an extension to a building or make significant alterations to an existing building (refer to the *Building Regulation 2006*).

Accessibility for people with disabilities

In addition to building codes that are called up by the Building Act (including the NCC and the QDC), Commonwealth anti-discrimination legislation also applies under the *Disability Discrimination Act 1992* (Cth). Building owners have an obligation not to discriminate against members of the community on the basis of many factors, including whether they have a disability.

In 2010, the *Disability (Access to Premises—Buildings) Standards* were enacted. These Standards cover the physical attributes of buildings that are required to provide access to buildings for people who may have a disability. The Standards can be found online at: www.humanrights.gov.au/our-work/disability-rights/disability-standards.

The requirements of the Premises Standards relating to how buildings are designed and constructed are generally reflected in the NCC. When new building work (such as a major renovation or extension) is carried out in a building other than Class 1a, the new work and the path from the main public entry to the area of new work must comply with the Access to Premises Standard, as reflected in the NCC provisions, so that access for persons with a disability is provided to the extent required by law.

Fire safety

The advice in this section has been developed in relation to ‘farmstay’ buildings where the use of the building does not trigger the provisions of the fire safety requirements for Budget Accommodation Buildings (refer section 216 of the Building Act), or is not defined as a class 3 building as defined in the Building Code of Australia.

Note: Where the use of the building meets either of the aforementioned requirements, then the applicable prescribed fire safety requirements must be met. Some advice on Budget Accommodation Buildings is contained in the previous section.

The advice below should be considered as the minimum applicable level of safety.

Accommodation buildings

The Queensland Fire and Emergency Services (QFES) recommend that in all buildings used to provide accommodation for guests (paid or otherwise) are provided with:

- a photoelectric smoke alarm in every bedroom (or sleeping area);
- a photoelectric smoke alarm in corridors incorporating a light activated by smoke alarms;
- photoelectric smoke alarms on every level of the building;
- smoke alarms that are all interconnected;
- smoke alarms that are all hardwired or have a long-life 10 year Lithium battery;
- an evacuation diagram securely attached to or adjacent to the main exit of the building, that clearly identifies the evacuation routes from the building and clearly identifies the address or location information required by emergency services to respond to an incident at the building;
- single downward lever type door hardware to each exit as identified upon the evacuation diagram be fitted to assist occupants in evacuating the building in the event of fire;
- a fire extinguisher installed relevant to the class of hazard within the building; and
- a fire blanket installed in or adjacent any cooking area.

Obligations of owners

For buildings other than class 1a dwellings, the building occupier/owner has an obligation under the Fire and Emergency Services Act to have a fire and evacuation plan and to provide general evacuation instructions. Evacuation diagrams must also be displayed in evacuation routes if the building is larger than 300 metres squared. More general information can be found at www.qfes.qld.gov.au/buildingsafety/owner-occupier.asp.

If the building is a budget accommodation building under chapter 7 of the *Building Act 1975*, the building owner must have a fire safety management plan as required under the Act. The QFES have additional information available for owners of budget accommodation buildings at www.qfes.qld.gov.au/buildingsafety/budget.asp.

Bushfire safety

Bushfire safety is a key consideration for rural properties, including farmstays. The QFES make a range of resources available to help owners prepare for bushfires, which can be found at www.ruralfire.qld.gov.au/Fire_Safety_and_You/. Hard copies of brochures can be obtained from local rural fire brigades.

Outbuildings/sheds

Combustible fuels are to be stored in accordance with manufacturer's instructions.

Plant and equipment

Operation of all plant and equipment should be restricted to competent persons who have received appropriate instruction in safe operation. All warnings and information provided should be in accordance with the manufacturer's instructions.

Any combustion engine powered equipment should be positioned in well-lit and ventilated locations.

Electrical and gas safety

Electrical safety

Ensuring electrical safety is an important part of managing the risks associated with running a farmstay. To reduce the risk of workers or guests being exposed to electrical shock, farmstay operators should:

- always use a licensed electrical contractor to do any electrical work
- protect people from electric shock by using safety switches
- ensure that safety switches are tested regularly
- make sure that any damaged or unsafe electrical equipment is disconnected and removed from use until it can be disposed of or repaired.

In particular, the use of generators needs to be carefully managed, and manufacturer's instructions for safe operation of the generator should always be followed.

To avoid creating a fire hazard when using generators:

- fuel for generators should be stored in properly labelled non-glass safety containers away from the accommodation and away from fuel-burning appliances such as natural gas water heaters

- ensure that requirements for placement and adequate ventilation of the generator are followed
- before refuelling the generator, turn it off and let it cool down. Fuel spilt on hot engine parts could ignite
- smoking should not be permitted in the vicinity of a generator.

For more information on:

- generators: www.worksafe.qld.gov.au/injury-prevention-safety/electricity/homeowners-and-consumers/using-generators
- electrical safety: www.worksafe.qld.gov.au or by calling 1300 362 128.

Gas safety

Gas sources and LPG sources are a fire and explosion risk when used incorrectly. Persons or companies running farmstay operations that use gas as a fuel source (e.g. for heating or farm equipment) should take all steps possible to ensure the safe operation of gas equipment, including the use of LPG cylinders at all times.

This includes, but is not limited to the following:

- Where guests may use the equipment—providing clear instructions (operating instructions) on the use of the gas device, including any requirements for minimum ventilation.

Note: Consideration should be given to display alternative foreign languages if there is a likelihood that persons staying may not speak English as a first language.

- All equipment should be installed and maintained by a licenced gas installer.
- As for many types of equipment, maintenance of gas equipment is important for safety. An annual service of all gas equipment by a licenced Qld gas fitter is strongly recommended, and service records should be maintained. More information can be found at www.business.qld.gov.au/industry/mining/safety-health/petroleum-gas/small-gas-appliance-safety.
- Decanting of LPG from a large in situ cylinder should only be undertaken by an appropriately trained person. Records should be kept. Training is usually provided by the gas supplier.
- All LPG cylinder storage must be in accordance with AS/NZ 1596:2014.
- All fixed gas installations must be installed in accordance with AS/NZ 5601.1:2013
- If guests arriving at the property are provided with an induction process, a gas awareness section be covered during this process.
- All firefighting equipment on site should also be tested in accordance with relevant Australian standards.
- All manufacturers' instructions relating to gas equipment are to be adhered to.

It is critically important to read and follow the manufacturer's recommendations for gas appliances. Incidents have occurred when outdoor appliances have been taken indoors (such as outdoor mushroom heaters). These appliances are designed and approved for outdoor applications and may not have the safety devices that an indoor appliance has. Use of these items in an indoor environment may result in death or injury.

Key safety instructions for owners of gas equipment as well as links to videos detailing the storage and handling of LPG cylinders, maintenance etc. can be found at www.qld.gov.au/emergency/safety/gas/gas-safety-videos.html.

Emergency contacts for gas related emergencies can be found at www.business.qld.gov.au/industry/mining/safety-health/petroleum-gas/gas-leaks-emergencies.

Workplace health and safety

Farm stay operations can take many different forms and activities undertaken by both workers and guests can involve inherent health and safety risks. Some risks may be commonly associated with work on farms however some, like recreational or adventure activities, involve risks outside those usually encountered through farm work.

When a farm stay is operated by a person conducting a business or undertaking (PCBU), work health and safety laws apply and the PCBU must ensure, so far as is reasonably practicable:

- the health and safety of workers at the workplace
- that work carried out as part of the business does not expose guests or others (e.g. visitors) to risk
- plant and structures are safe
- the work environment is without potential risks to health and safety systems of work are safe.

In doing what is reasonably practicable, the PCBU must meet the standard of behaviour expected of a reasonable person in their position who is required to comply with the same duty. This means committing to the highest level of protection for people against risks to their health and safety and being proactive in taking steps to protect the health and safety of people.

Workers at a farm stay, guests and others also have a duty to take reasonable care of their own health and safety and take reasonable care that they do not adversely affect the health and safety of others and comply with reasonable instructions given by the PCBU.

Farm stay PCBUs have a duty to manage potential risks to the health of safety of workers, guests and others from farm equipment including generators, tractors and quad bikes, activities involving the handling of farm animals or horse riding or adventure activities such as rock climbing, kayaking or rafting.

Farm stay operators need to anticipate the likelihood that persons will be exposed to risks to their health and safety and respond by providing reasonably practicable safeguards. These can include inspecting and maintaining farm equipment, increasing supervision, providing information and signage and providing barriers and/or signage restricting entry to certain areas or activities.

Farm stay PCBUs also need to consider the adequacy and accessibility of first aid and emergency equipment including fire extinguishers and ensure an emergency plan is in place and up to date.

Further information about work health and safety is available at www.worksafe.qld.gov.au, or by calling 1300 362 128.

Child safety on farms

Farms are great places for children to grow and develop. However, the safety for children on farms is a major concern, in particular:

- drownings in dams, irrigation channels and rivers/creeks

- quad bike accidents
- machinery and vehicle accidents
- injuries from livestock.

More information and resources on safety for children on farms can be found at www.worksafe.qld.gov.au/agriculture/health-and-wellbeing-at-work/child-safety.

Running a farmstay business

There are many elements to successfully running your business. The Queensland Government's Business and Industry portal (www.business.qld.gov.au) provides a range of information and links that can assist your farmstay business, and contains material and tools that can help you start, run and grow your business. For example information related to:

- employee rights, awards and entitlements
- payroll tax
- work health and safety laws in Queensland
- customer service
- making and managing money.

The Business and Industry portal also has a section specifically for the tourism industry. For example the *Starting a tourism business guide* available at www.business.qld.gov.au/industry/tourism/starting-a-tourism-business/starting-a-tourism-business explains how to start a tourism business in Queensland. It will help you understand the importance of market research before you enter the tourism industry. There are also tools, quizzes and services to assess your business idea.

Tourism licences and permits

Tourism industry regulations are designed to protect businesses, visitors and the community by enforcing safe and responsible practices. Before you start a business, make sure that you have all the necessary licences and permits, or you could face fines or prosecution.

The permits and licences you need to run a tourism business in Queensland will depend on the services you offer.


For example, some specific licences for tourism businesses may apply to travel agents and tour operators. If you serve alcohol you will need a liquor licence.

Many other licences or permits may apply to your tourism business. For example, you may require licences or permits for activities such as charter fishing, operating in protected areas or operating certain types of equipment (e.g. a recreational boat).

Because all three levels of government handle different registrations, licences and permits, finding out your requirements may seem confusing. Check the Australian Business Licence and Information Service's website (ABLIS) (ablis.business.gov.au/pages/home.aspx) to find out what licences and permits your business needs and how to apply.

Industry associations

For industry support and assistance, the Queensland Tourism Industry Council (QTIC) is the peak industry body for tourism in Queensland. A private sector, membership-based organisation, QTIC



represents the interests of the tourism and hospitality industry across the state. For more information go to www.qtic.com.au.

The Bed and Breakfast and Farmstay Queensland (BBFQ) as a sub-committee under the QTIC Board also meets several times a year to provide support and advice on sector-specific matters.

Queensland's Regional Tourism Organisations are membership based organisations responsible for facilitating partnerships, promoting sustainable tourism development and marketing the States 13 regional destinations. In conjunction with QTIC they can provide a range of support services to operators. To learn more about the State's 13 destinations visit the Tourism and Events Queensland website: teq.queensland.com/en-AU/Destinations.

Useful links and contact information

Topics	Useful links and contact information
Small business information	Queensland Government Business and Industry portal: www.business.qld.gov.au or 13 QGOV (13 74 68)
Farmstay industry information	Queensland Tourism Industry Council (QTIC): www.qtic.com.au Queensland—Bed & Breakfast and Farmstay: www.bbfq.com.au/
Workplace health and safety	General: www.worksafe.qld.gov.au or 1300 362 128
Electrical safety	Generator safety: www.worksafe.qld.gov.au/injury-prevention-safety/electricity/homeowners-and-consumers/using-generators
Gas safety	Gas safety videos and information: www.qld.gov.au/emergency/safety/gas/gas-safety-videos.html Emergency contacts for gas related emergencies: www.business.qld.gov.au/industry/mining/safety-health/petroleum-gas/gas-leaks-emergencies
Advice about business registration, licences and permits	Australian Business Licence and Information Service: ablis.business.gov.au/pages/home.aspx
Advice on successfully running your business	Queensland Government Business and Industry portal: <ul style="list-style-type: none"> • General: www.business.qld.gov.au • Starting a tourism business: www.business.qld.gov.au/industry/tourism/starting-a-tourism-business/starting-a-tourism-business
Fire safety obligations for building owners	<ul style="list-style-type: none"> • General: www.qfes.qld.gov.au/buildingsafety/owner-occupier.asp • Budget Accommodation Buildings: www.qfes.qld.gov.au/buildingsafety/budget.asp • Fire Safety Standard for Budget Accommodation Buildings: www.hpw.qld.gov.au/SiteCollectionDocuments/mp-2-1-fire-safety-accommodation.pdf
Rural fire safety	Rural Fire Safety Queensland: www.ruralfire.qld.gov.au/Fire_Safety_and_You/
Legislation	Legislation Queensland: www.legislation.qld.gov.au/OQPChome.htm
Building codes	Department of Housing and Public Works: www.hpw.qld.gov.au/construction/BuildingPlumbing/Building/BuildingLawsCodes/Pages/default.aspx