Subordinate Local Law No. 1.11 (Operation of Shared Facility Accommodation) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.11 (Operation of Shared Facility Accommodation) 2011*.

2 Purpose and how it is to be achieved

(1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.

(2) The purpose is to be achieved by providing for—

(a) various matters regarding the granting of approvals for prescribed activities; and

(b) further specification of the definitions relevant to various prescribed activities.

(3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the ***authorising local law***).

4 Definitions

(1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

(2) The dictionary in schedule 3 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

(1) Schedule 1—

(a) names a prescribed activity in section 1; and

(b) prescribes the matters specified in this section for the prescribed activity.

(2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

(3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.

(4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.

(5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.

(6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.

(7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.

(8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.

(9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.

(10) For section 12 of the authorising local law, in Table 1 of schedule 1—

(a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and

(b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and

(c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

6 Approvals that are non-transferable—Authorising local law, s 15(2)

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 2 are non-transferable.

Schedule 1 Operation of shared facility accommodation

Section 5

1. Prescribed activity

Operation of shared facility accommodation.

2. Activities that do not require an approval under the authorising local law

No activity stated.

3. Documents and materials that must accompany an application for an approval

(1) A plan to scale and specifications of the operation of the prescribed activity including—

(a) a site plan; and

(b) a floor plan; and

(c) the location and area of each access way; and

(d) particulars of the proposed use of each room and the maximum number of persons to be accommodated in each bedroom; and

(e) particulars of—

(i) all lighting and ventilation; and

(ii) all sanitary facilities; and

(iii) all fire safety installations; and

(iv) shared facilities; and

(v) all water supply facilities; and

(vi) all on-site sewerage facilities.

(2) If the applicant is not the owner of the premises for which the approval is sought—the written consent of the owner to the application.

(3) An electrical safety certificate of compliance.

4. Additional criteria for the granting of an approval

(1) The use of the premises for the prescribed activity must—

(a) be lawful; and

(b) not cause significant risk to health or safety.

(2) The premises and all fixtures and fittings proposed to be used for the purposes

of the prescribed activity must be—

(a) in good working order and condition; and

(b) in a good state of repair; and

(c) in a clean and sanitary condition; and

(d) free of pests.

(3) Any room which is to be used as a bedroom must—

(a) be accessible without passing through any other bedroom or room used for the private occupation of another person, except when folding beds are used for sleeping on a temporary or short term basis; and

(b) ensure the privacy of the occupants of the room.

5. Conditions that must be imposed on an approval

The conditions of an approval must—

(a) limit the number of persons for whom accommodation may be provided at the premises, or a specified part of the premises; and

(b) make provision about the number of beds that may be placed, and the number of persons who may sleep—

(i) in a specified room at the premises; or

(ii) in the premises as a whole; and

(c) require the approval holder to—

(i) clearly number or otherwise identify each room at the premises which is to be used as a bedroom; and

(ii) display, in the manner, and at the locations specified by the local government, a plan of the premises which—

(A) identifies each bedroom at the premises; and

(B) specifies the maximum number of persons who may be accommodated in each bedroom at the premises.

6. Conditions that will ordinarily be imposed on an approval

(1) The conditions of an approval may—

(a) require that specified modifications, or other specified building work related to the premises be carried out within a specified period; and

(b) require the regular maintenance of the premises (including internal and external paintwork); and

(c) require that specific provision be made for electrical and fire safety; and

(d) require the provision and maintenance of specified facilities, for example, pool water testing and grease trap maintenance; and

(e) require the provision and maintenance of specified furniture and equipment; and

(f) require the regular cleaning of the premises; and

(g) require fumigation or other treatment of the premises to keep the premises free of pests; and

(h) if relevant to the type of accommodation provided—require the regular provision of clean linen and towels; and

(i) require the provision of services of specified kinds (for example, the safe custody of valuables) for the persons using the accommodation; and

(j) require that the approval holder or a representative of the approval holder approved by the local government reside at the premises; and

(k) require the approval holder to keep specified records; and

(l) specify requirements about the use of specific rooms; and

(m) make provision about the use and maintenance of kitchen, clothes washing, clothes drying, bathroom, shower and toilet facilities; and

(n) make provision about the use and maintenance of furniture, fittings, equipment and chattels; and

(o) make provision about the use and maintenance of shared or communal areas and facilities; and

(p) specify a minimum width for a path or area which is used for access or egress purposes; and

(q) require the approval holder to ensure compliance by each person accommodated at the premises with rules prescribed by the local government governing the use of the premises, for example, rules about the hanging of washing at a place at the premises where the washing is visible from a road or other public place.

(2) The walls of each bedroom at the premises must be so constructed as to ensure privacy for the occupants of the room.

(3) Each wall or partition wall at the premises must be of a proper and workmanlike construction.

(4) A room at the premises must not be used as a bedroom unless each occupant of the room can obtain access to it without passing through any other bedroom or

other room in the private occupation of another person.

(5) Every common use room at the premises must be so situated that any resident of the premises can obtain access to it without passing through any bedroom or other room which is not a common use room.

(6) The number of beds in a bedroom must not exceed the maximum number of persons who use the room as sleeping accommodation.

(7) The floor and the ground surface below the floor of a bedroom must be kept free of dampness.

(8) If a bedroom is or becomes affected by dampness so as to interfere with the comfort or health of a person accommodated in the room, the room must not be further used as a bedroom until the floor or ground surface has been damp-proofed in accordance with the written directions of an authorised person.

(9) Where the provision of accommodation includes the supply of bedding and linen, the approval holder must ensure that—

(a) all bedding and linen is clean; and

(b) linen provided to a person accommodated has been washed since it was last used.

(10) The premises must be either—

(a) connected to a reticulated water supply system; or

(b) provided with an adequate water supply which complies with—

(i) all relevant legislation relating to the minimum standards for drinking water; and

(ii) the Australian Drinking Water Guidelines.

(11) An adequate and continuous supply of potable hot and cold water must be reticulated to all showers, baths, hand basins, kitchen sinks and laundry facilities.

(12) The premises must be configured so that every person accommodated has convenient access to at least 1 bath or shower and at least 1 water closet and hand basin without having to pass through any bedroom or any other room which is not a common use room.

(13) For single dwelling accommodation (that is, accommodation which does not involve shared laundry facilities), the premises must be equipped (at least) with—

(a) electrical and drainage facilities to accommodate a washing machine; and

(b) a clothes line or hoist with not less than 10 m of line or, alternatively, 1 electric heat operated clothes dryer.

(14) For accommodation which involves shared laundry facilities, not being short term or tourist accommodation, the premises must be equipped (at least) with—

(a) a laundry of adequate size containing—

(i) a laundry tub with reticulated hot and cold water; and

(ii) 1 washing machine for each 4 bedrooms; and

(b) an external clothes line in the ratio of 7.5 m of clothes line for each bedroom or, alternatively, 1 electric heat operated clothes dryer for each 4 dwelling units.

(15) The approval holder must keep the premises free from—

(a) vermin, insects, nesting birds and lice; and

(b) any other pests of a generally similar class specified in a written notice given by an authorised person to the approval holder.

(16) The approval holder must, if required by written notice given by an authorised person—

(a) obtain an inspection report in relation to the safety of electrical wiring and other electrical fittings in the premises; and

(b) give a copy of the report to the local government; and

(c) repair or remedy any defects specified in the report within—

(i) 30 days after the date of the report; or

(ii) any longer period which may be specified by written notice given to the approval holder by an authorised person.

(17) The approval holder must maintain a register of the residents of the premises.

7. Term of an approval

One year from the date the approval is granted.

8. Term of renewal of an approval

A further term equal to the current term of the approval.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirement stated.		

Schedule 2 Categories of approval that are non-transferable

Section 6

Each approval for the prescribed activity named in schedule 1, section 1 is transferable.

Schedule 3 Dictionary

Section 4

bed includes—

(a) a bunk; and

(b) a fold-up bed or lounge used as a bed.

bedroom means a room or dormitory intended for the primary purpose of sleeping but does not include a room or place to which persons who ordinarily reside at the premises may have access as part of the use of the premises for ordinary shared facility accommodation purposes.

building work has the meaning given in the *Sustainable Planning Act 2009*.

common use room means any room which a resident of the premises may need to access as part of ordinary shared living in the premises including, without limitation, a bathroom, washroom, sanitary convenience, kitchen, lounge room, tv room and laundry.

fire safety installation has the meaning given in the *Building Act 1975*.

local government public health risk has the meaning given in the *Public Health Act 2005*.

on-site sewerage facility has the meaning given in the *Plumbing and Drainage Act 2002*.

pest includes vermin and insects.

potable water means water which complies with the Australian Drinking Water Guidelines.

premises means premises used for the operation of shared facility accommodation.

sanitary convenience has the meaning given in the *Environmental Protection Act 1994*.

temporary, use of folding beds for sleeping, means use of the folding beds for sleeping for 1 or 2 nights.

vermin means—

(a) reptiles, bed bugs, lice, fleas, parasites and cockroaches; and

(b) guinea pigs and other rodents capable of carrying or transmitting a notifiable disease; but

(c) does not include—

(i) a protected animal within the meaning of the *Nature Conservation Act 1992*; or

(ii) a local government public health risk.

water supply system has the meaning given in the *Standard Plumbing and Drainage Regulation 2003*.

This and the preceding 9 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.11 (Operation of Shared Facility Accommodation) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the13th day of December 2011.

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Chief Executive Officer

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