

Subordinate Local Law No. 1.17 (Rental Accommodation Other Than Excluded Accommodation) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.17 (Rental Accommodation Other Than Excluded 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 Rental accommodation other than excluded accommodation

Section 5

1. Prescribed activity

The operation of rental accommodation other than excluded accommodation.

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

No activities 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) particulars of the proposed use of each room located within the rental accommodation; and
- (d) 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.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

- (1) The conditions of an approval may—
 - (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 that specified modifications, or other specified building work related to the premises be carried out within a specified period; and
 - (d) require the regular maintenance of the premises (including internal and external paintwork); and
 - (e) require that specific provision be made for electrical and fire safety; and
 - (f) require the provision and maintenance of specified facilities, including waste collection facilities; and
 - (g) require the provision and maintenance of specified furniture and equipment; and
 - (h) require the regular cleaning of the premises; and
 - (i) require fumigation or other treatment of the premises to keep the premises free of pests; and
 - (j) if relevant to the type of accommodation provided—require the regular provision of clean linen and towels; and
 - (k) require the provision of services of specified kinds (for example, the safe custody of valuables) for the persons using the accommodation; and

- (l) require that the approval holder or a representative of the approval holder approved by the local government reside at the premises; and
 - (m) require the approval holder to keep specified records; and
 - (n) specify requirements about the use of specific rooms; and
 - (o) make provision about the use and maintenance of kitchen, clothes washing, clothes drying, bathroom, shower and toilet facilities; and
 - (p) make provision about the use and maintenance of furniture, fittings, equipment and chattels; and
 - (q) make provision about the use and maintenance of shared or communal areas and facilities.
- (2) If a room at the premises is to be used as a bedroom—the walls of the room must be constructed as to ensure the privacy of the occupants of the room.
 - (3) Each wall or partition wall at the premises must be of a proper and workmanlike construction.
 - (4) A bedroom must not be used as sleeping accommodation by more than 1 person unless the dimensions of the room are such that, after—
 - (a) disregarding the space occupied by bulky furniture; and
 - (b) disregarding the space more than 2.4m above floor level,the room contains at least 12m³ of space for each person occupying the room.
 - (5) A bedroom must not be used as sleeping accommodation unless the room contains at least 5m² of floor space for each person occupying the room.
 - (6) The number of beds in a bedroom must not exceed the maximum number of persons who use the room as sleeping accommodation (having regard to subsections (4) and (5)).
 - (7) The floor and the ground surface below the floor of a room which is intended to be used for accommodation purposes must be kept free of dampness.
 - (8) 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.
 - (9) The premises must be either—
 - (a) connected to a reticulated water supply system; or
 - (b) provided with an adequate water supply which complies with all relevant legislation relating to the minimum standards for drinking

water.

- (10) 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.
- (11) 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.
- (12) 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.
- (13) 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.

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

excluded accommodation has the meaning given in *Local Law No. 8 (Rental Accommodation Other than Shared Facility Accommodation) 2011*.

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.

premises has the meaning given in *Local Law No. 8 (Rental Accommodation Other Than Shared Facility Accommodation) 2011*.

rental accommodation has the meaning given in *Local Law No. 8 (Rental Accommodation Other Than Shared Facility Accommodation) 2011*.

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

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.

waste has the meaning given in the *Environmental Protection Act 1994*.

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

This and the preceding 8 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.17 (Rental Accommodation Other Than Excluded Accommodation) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Mackay Regional Council by resolution dated the _____ day of _____ (*insert the date of the relevant resolution of Council*) 2011.

.....
Chief Executive Officer