



Redland Shire Council

**Subordinate Local Law No. 12
(Rental Accommodation With Shared
Facilities) 2006**



REDLAND SHIRE COUNCIL
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With Shared Facilities) 2006

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 12 (Rental Accommodation with Shared Facilities) 2006*.

2 Object

- (1) The object of this subordinate local law is to supplement *Local Law No. 12 (Rental Accommodation with Shared Facilities) 2006* to establish a comprehensive legislative scheme.
- (2) The object of the legislative scheme is to ensure that rental accommodation provided on a basis involving sharing of facilities complies with adequate standards of health, safety and amenity.

3 Definitions—the dictionary

The dictionary in the schedule defines particular words used in this subordinate local law.

Part 2 Control of shared facility accommodation

4 Information to accompany application for licence—Local Law, s6(1)(d)

An application for a licence must include or be accompanied by—

- (a) a site plan of the premises (minimum scale 1:200); and
- (b) a floor plan of the premises (minimum scale 1:100); and
- (c) the prescribed fee; and
- (d) if the premises are not a budget accommodation building—evidence of compliance with the requirements of the Queensland Development Code, Part 20 — Residential services building standard¹; and

Example—

An application for a licence must include or be accompanied by evidence of compliance with the requirements of the Queensland Development Code, Part 20 — performance criteria item P3 Common Areas – adequate common areas and facilities must be provided for general relaxation and socialisation and may be a mix of indoor and outdoor areas. The applicant may satisfy the requirement for compliance by producing evidence that—

- (a) common areas are provided with a floor area of at least 0.5m² per resident; and
- (b) external common areas are roofed or covered.

¹ See section 5(3).

- (e) if the premises are a budget accommodation building²—evidence of compliance with the requirements of the Queensland Development Code, Part 20 — Residential services building standard other than—
 - (i) performance criteria item P10 Early Warning System; and
 - (ii) performance criteria item P11 Emergency Lighting.

5 Grant of licence—Local Law, s7(2)

- (1) This section specifies the requirements with which the holder of a licence must comply.
- (2) The applicant for a licence must—
 - (a) if the premises are not a budget accommodation building — comply with the requirements of the Queensland Development Code, Part 20 — Residential services building standard; and
 - (b) if the premises are a budget accommodation building — comply with the requirements of the Queensland Development Code, Part 20 — Residential services building standard other than—
 - (i) performance criteria item P10 Early Warning System; and
 - (ii) performance criteria item P11 Emergency Lighting.
- (3) For the avoidance of doubt—
 - (a) section 28 of the *Residential Services (Accreditation) Act 2002* relevantly provides that a regulation may provide for requirements (the **prescribed building requirements**), for premises in which a residential service is being, or is proposed to be, conducted, for ensuring the premises are safe and suitable for use in providing accommodation in the course of the residential service;
 - (b) section 4 of the *Residential Services (Accreditation) Regulation 2002* relevantly provides that the prescribed building requirements are the requirements stated in the Queensland Development Code, Part 20;
 - (c) a person who carries on the business of providing accommodation to which the local law applies at premises within the area must, to the extent specified in subsection (2), comply with the requirements of the Queensland Development Code, Part 20 — Residential services building standard, regardless of whether the premises are premises in which a residential service is being, or is proposed to be, conducted or not.³

6 Term of licence—Local Law, s8(3)

- (1) The term for which a licence is granted or renewed will ordinarily be 12 months.

² Section 12C of the *Building Act 1975* relevantly provides that a regulation may prescribe a standard (the **fire safety standard**) for ensuring that all the occupants of a budget accommodation building may be safely evacuated in the event of a fire in the building. Section 83A of the *Standard Building Regulation 1993* relevantly provides that Queensland Development Code, Part 14 – Fire safety in budget accommodation buildings is prescribed as the fire safety standard for section 12C of the *Building Act 1975*.

³ See section 4(2)(a) of the local law. The local law does not apply to accommodation in premises used to provide residential services, as defined in the *Residential Services (Accreditation) Act 2002*.

- (2) However, the local government may fix some other term for a licence if it is desirable to do so—
 - (a) to provide common expiry dates for licences; or
 - (b) for some other reason.

7 Prescribed conditions—Local Law, s9(5)

- (1) The conditions that will ordinarily be imposed in a licence are—
 - (a) all bedding and linen provided with the accommodation must be kept clean and have been washed prior to its use and reuse; and
 - (b) every mattress and pillow provided with the accommodation must be kept clean and be free of vermin, lice and insects; and
 - (c) the premises must be maintained at all times in a clean, sanitary condition and in a reasonable state of repair including all drainage, plumbing and electrical fittings; and
 - (d) the premises must be kept free of vermin, insects, birds and lice and any other animal considered to be either a nuisance or health risk to the occupants, visitors or neighbours of the premises; and
 - (e) the premises must be kept safe and free from refuse, waste, odours or any other matter which would directly or indirectly affect the health of the occupants, visitors or neighbours of the premises; and
 - (f) require the operator to keep a written record of—
 - (i) the name and address of each person who occupies the accommodation; and
 - (ii) the number of beds or bedrooms occupied; and
 - (iii) the date of commencement and expiry of the accommodation; and
 - (g) require the operator to produce, after receipt of a request from an authorised person, the records maintained by the operator under paragraph (f); and
 - (h) if the premises are not a budget accommodation building—the operator must comply with the requirements of the Queensland Development Code, Part 20 — Residential services building standard; and

Example—

The operator may comply with the requirement of the Queensland Development Code, Part 20, performance criteria item P12 Emergency Telephone Access by providing a landline telephone.

- (i) if the premises are a budget accommodation building — the operator must comply with the requirements of the Queensland Development Code, Part 20 — Residential services building standard other than—
 - (i) performance criteria item P10 Early Warning System; and
 - (ii) performance criteria item P11 Emergency Lighting.
- (2) For the avoidance of doubt, a person who carries on the business of providing accommodation to which the local law applies at premises within the area must, to the extent specified in subsection (1)(h) and (i), comply with the requirements of the Queensland Development Code, Part 20 — Residential services building standard, regardless of whether the premises are premises in which a residential

service is being, or is proposed to be, conducted or not.

Schedule Dictionary

section 3

budget accommodation building has the meaning given in section 12B of the *Building Act 1975*.

fire safety standard see section 4(e).

local law means *Local Law No. 12 (Rental Accommodation with Shared Facilities) 2006*.

prescribed building requirements see section 5(3)(a).

prescribed fee means the fee determined by the local government for the matter in respect of which the term is used.

Queensland Development Code has the meaning given in the *Standard Building Regulation 1993*.

residential service has the meaning given in section 4 of the *Residential Services (Accreditation) Act 2002*.

CERTIFICATION

This and the preceding 5 pages bearing my initials is a certified copy of *Subordinate Local Law No. 12 (Rental Accommodation with Shared Facilities) 2006*, made in accordance with the provisions of the *Local Government Act 1993*, by Redland Shire Council by resolution dated 1st February 2006.

Susan Rankin
Chief Executive Officer
Redland Shire Council