

Gold Coast City Council



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Subordinate Local Law No. 8
(Rental Accommodation)

Consolidated Version

Gold Coast City Council Subordinate Local Law No. 8 (Rental Accommodation)

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Part 1 Preliminary

Short title

1. This subordinate local law may be cited as *Subordinate Local Law No. 8 (Rental Accommodation)*.

Authorising local law

2. This subordinate local law is made pursuant to *Local Law No. 8 (Rental Accommodation)*.

Part 2 Application of Local Law

Purpose of Part:

The purpose of Part 2 of this subordinate local law is to prescribe particular classes of rental accommodation to which *Local Law No. 8 (Rental Accommodation)* does not apply.

Authorising provision of Local Law:

Section 4(2)

Policy: 1

The following classes of rental accommodation are excluded from the application of *Local Law No. 8 (Rental Accommodation)*:-

1. Provision of accommodation for immediate family members in exchange for a board payment.

Examples: teenage or young adult children paying board to parents; aged parents living with their adult children and paying board to them.

2. Accommodation at premises where professional health, welfare care, or education, is provided or where community organisations provide sports training or recreation facilities.

Examples: hospitals; nursing homes; convalescent homes; retirement homes; institutions providing treatment or facilities for persons with any kind of disability; secondary boarding schools; universities; surf clubs or scouting venues.

3. Home-stay accommodation at premises used as a residential dwelling which is occupied and continues to be occupied as the principal place of residence of at least one person, and in which that person(s) provides accommodation for up to four guests.
4. Accommodation at premises whether in cabins, caravans or mobile homes in Local Government approved caravan or mobile home parks and camping grounds.

Part 3 Applications for registration

Purpose of Part:

The purpose of Part 3 of this subordinate local law is to prescribe the information and documents which must accompany an application for registration.

Authorising provisions of Local Law:

Section 7(1)

Policy: 2

All premises

1. An application for registration must be in the form prescribed by the local government from time to time and must, unless otherwise determined by an authorised person in a particular case, include or be accompanied by the following information and documents:
 - (a) a statement that, to the best of the applicant's knowledge, the premises have not been substantially altered since the carrying out of the final building inspection and, where relevant, issue of the certificate of classification in respect of -
 - (i) the construction of the premises; or
 - (ii) where applicable, the most recent building work carried out in respect of the premises for which approval was obtained under the *Integrated Planning Act 1997*;
 - (b) a statement as to the number of sleeping rooms in the premises, and information to identify which rooms are the sleeping rooms;
 - (c) a statement that, to the best of the applicant's knowledge after having undertaken reasonable inquiries and investigations, the premises are structurally sound and in a state of good repair; and
 - (d) a statement that, to the best of the applicant's knowledge after having undertaken reasonable inquiries and investigations, the premises are clean and free from vermin and insects. The local government may require that the statements in (c) and (d) be made by way of completion of a pre-printed form incorporating a check-list of relevant matters for inquiry or investigation by the applicant.

2. All information included in or accompanying the application must be certified by the applicant (by signature of the form of certificate on the application form) as being accurate, complete and correct to the best of applicant's knowledge and belief.

Additional Requirements for Hostel Accommodation

3. In addition, where the application relates to hostel accommodation (as defined in the local government's planning scheme), the application must be accompanied by a site plan and internal fit-out plan, drawn at a scale of 1:100 showing layout of sleeping rooms, common rooms, kitchen, bathrooms, sanitary conveniences and laundry and clothes drying facilities.

Part 4 Required standards generally

Purpose of Part:

The purpose of Part 4 of this subordinate local law is to prescribe standards of fit out and operation with which premises, operators and persons on premises must comply.

Authorising provision of Local Law:

Section 9(a)

Policy: 3

Division 1 Sleeping rooms

1. A room in premises must not be used as a sleeping room unless an occupant can obtain access to it without passing through any other sleeping room or other room in the private occupation of another person.
2. The preceding section 1 of Division 1 of this subordinate local law does not apply to the provision of folding or fold up beds used for sleeping accommodation on a temporary or short term basis.
3. (a) Every common use room in premises must be so situated that any occupant can obtain access to it without passing through any sleeping room or other room which is not a common use room.
(b) In this section, and elsewhere in this Part, "**common use room**" means any room which residents at any premises may need to access as part of ordinary shared living in the accommodation including, without limitation, a bathroom, washroom, sanitary convenience, kitchen, lounge room, TV room and laundry.
4. The number of beds in a sleeping room must not exceed the maximum number of persons who may use the room as sleeping accommodation.

5. Where the provision of accommodation includes the supply of bedding and linen by the operator:
 - (a) the operator must ensure that all bedding and linen is clean; and
 - (b) linen provided to a person accommodated must have been washed since its last use.

Division 2 Essential services

6. Premises must be either:
 - (a) connected to the local government's reticulated water supply system; or
 - (b) provided with an adequate water supply which complies with the National Health and Medical Research Council guidelines for drinking water.
7. 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.
8. Premises must be configured so that every person accommodated has convenient access to at least one bath or shower and at least one water closet and hand basin without having to pass through any sleeping room or any other room which is not a common use room.

Division 3 Laundry and Clothes Drying Facilities

9. 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 metres of line or, alternately, 1 electrical or gas heat operated clothes dryer.
10. For accommodation which involves shared laundry facilities, not being a motel or similar 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 dwelling units; and
 - (b) external clothes lines in the ratio of 7.5 metres of clothes line for each dwelling unit or, alternately, one electrical or gas heat operated clothes dryer for each 4 dwelling units.

Division 4 Cleanliness, maintenance and repair

11. The premises must be maintained at all times in a clean and sanitary condition.
12. The operator must maintain the premises in a reasonable state of repair.

Examples of contravention of this requirement:

- (a) *dirty, extensively marked, weathered, flaked or mouldy paintwork or other wall finishing (internal or external);*
 - (b) *moisture penetration into habitable areas, including dampness of floor areas or ground surfaces, moisture penetration through walls and roof leaks;*
 - (c) *essential fixtures or appliances such as lighting, stove, refrigerator or washing machine in poor operating condition, dangerous or inoperative;*
 - (d) *doors, windows or furniture broken or otherwise needing repair to restore normal operation;*
 - (e) *floor coverings extensively worn or damaged;*
 - (f) *drainage or plumbing fitting and fixtures leaking or otherwise wholly or partly inoperative;*
 - (g) *existence of non-structural building defects such as damaged, defective or excessively deteriorated wall sheeting, ceilings, balustrades, steps, guttering or roofing.*
13. The operator must keep the premises free from:
 - (a) rats, mice, fleas, cockroaches, termites, nesting birds and lice; and
 - (b) any other pests of a generally similar class (that is, capable of posing a threat to health of persons or to the safety of the premises) specified in a written notice given by an authorised person to the operator.
 14. The operator must, if required by written notice given by an authorised person:
 - (a) obtain from SEQEB (or any successor as regulatory electricity supply authority) an inspection report in that entity's usual form in relation to the safety of electrical wiring and other electrical fittings in the premises; and
 - (b) give a copy of that report to the local government; and
 - (c) repair or remedy any defects specified in that 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 operator by an authorised officer.

15. It is also a required standard under *Local Law No. 8 (Rental Accommodation)* that the premises must comply with all relevant provisions of Part 17 - Vermin Control of the *Health Regulation 1996*¹.

Division 5 Particular requirements for Hostel Accommodation

16. (a) The provisions of this division apply to all premises used as Hostel Accommodation (as defined in the local government's planning scheme).

(b) Other relevant provisions of *Local Law No. 8 (Rental Accommodation)* and this subordinate local law apply to Hostel Accommodation, but in the event of any inconsistency, the specific provisions in this division prevail over other more general provisions dealing with a similar subject matter to the extent of any inconsistency.

17. For the purposes of this division, “**guest**” means a person who receives accommodation by way of lodging or by way of board and lodging at the Hostel Accommodation and is not:

(a) an operator;

(b) a member of the family of an operator; or

(c) an employee of an operator.

18. The specific requirements of this division are as follows:

Residency of operator

(a) Where:

(i) an operator does not reside at the premises; or

(ii) an operator does ordinarily reside at the premises but intends to be absent overnight or continuously for more than 2 days,

the operator must appoint a fit and proper person:

(iii) in a case to which paragraph (i) applies, to reside continuously at the premises; or

(iv) in a case to which paragraph (ii) applies, to reside at the premises behalf during the operator's absence².

¹ In particular, s 184 of that Regulation which requires the occupier of premises to ensure that no vegetation or other thing growing or kept on the premises creates a shelter or attraction for vermin.

Office

- (b) The premises must have a clearly designated and adequately signed office.

Information to be displayed

- (c) The operator must at all times:
- (i) display, on a conspicuous place within a common use area on the interior of the premises, the certificate of registration for the premises; and
 - (ii) display, on a conspicuous place on the exterior of the premises, a notice in legible characters not less than 75 millimetres high containing the words “REGISTERED HOSTEL ACCOMMODATION” and the registration number on the certificate of registration for the premises.

Accommodation register

- (d) The operator must keep and maintain or cause to be kept and maintained a hard covered, firmly bound, durable book to be known as “**the Accommodation Register**” in which must be entered the following particulars in relation to every guest:
- (i) the full name, usual place of abode, a current driver’s licence number or passport number or a record of the means by which positive identification of the guest was procured;
 - (ii) the actual times and dates on which occupation by the guest commenced and terminated; and
 - (iii) the number of the bed and room let to the guest.

The entry in the Accommodation Register must be acknowledged by the personal signature of the guest.

- (e) The Accommodation Register must be kept in the designated office and must be:
- (i) entered up to date; and
 - (ii) available for inspection at any time by an authorised person.

Sleeping rooms

² A person appointed under this provision becomes an “operator” for the purposes of *Local Law No. 8 (Rental Accommodation)* and this subordinate local law – see paragraph (d) of the definition of “operator” in section 3 of *Local Law No. 8 (Rental Accommodation)*.

- (f) A sleeping room must not contain more beds than the maximum number of persons who may use the room as sleeping accommodation.
- (g) There must be marked in legible and durable characters:
- (i) on the exterior; or
 - (ii) immediately external to the entrance door,
- of every sleeping room used for the accommodation of guests an identification letter, and immediately below such letter a figure indicating the maximum number of guests that may be accommodated in such sleeping room.
- In the event that there are more than 26 sleeping rooms a simple alpha-numerical method of designation may be used.
- (h) Subject to paragraph (f), each sleeping room must be equipped with clean, sound and comfortable bed(s).
- (i) (i) The distance between the top of the lower bed and the underside of the upper bed in a 2 tier configuration must not be less than 870 millimetres.
- (ii) The distance between the top of the upper bed and the underside of the ceiling, light fitting or other projection from such ceiling must not be less than 1 metre.
- (iii) Beds must be so positioned that there are horizontal separation distances of:-
- (A) 1 metre between the external side rails of each bed; and
 - (B) 750 millimetres between bed ends.
- (j) (i) The operator must provide each bed with a clean and sound mattress fitted with a clean mattress cover, clean pillow and two clean blankets.
- (ii) Each guest must use a clean bed sheet (envelope type) or a pair of clean single or double sheets and a clean pillowcase. Where the guest is not in possession of these items, the operator must provide them and ensure that they are used in the correct manner.
- (iii) A person must not place a sleeping bag on a bed unless the bed is made up with clean sheeting and a clean pillowcase.
- (k) Every sleeping room must be provided with the following minimum equipment and furniture or equivalent as approved in writing by an authorised person:
- (i) 1 shelf per bed;
 - (ii) 1 hanging rail per bed;

- (iii) 1 double robe hook per bed;
- (iv) a separate access ladder for each upper bunk;
- (v) direct electric lighting for reading purposes for each upper and lower bunk and for each bed;
- (vi) 1 litter container;
- (vii) 1 chair for each double bunk; and
- (viii) 1 mirror.

Ablution and toilet facilities

- (l) (i) The premises must be provided with baths or showers, water closets, and wash basins as required by the Building Code of Australia.
- (ii) Each bath, shower and water closet must be in a separate cubicle and each cubicle must be provided with a privacy lock.
- (iii) Each shower must be in a separate cubicle from the water closet.
- (m) Despite paragraph (l), where the local government is of the opinion that special circumstances exist in a particular case, the local government may permit:
 - (i) the shower to be provided over a bath; or
 - (ii) an ensuite containing a shower, hand basin and water closet, where such facilities are to cater for an individual dormitory or sleeping room that accommodates a maximum of four persons.
- (n) Ablution and toilet areas must be constructed and provided with the following facilities:
 - (i) each shower and shower recess must be separately drained into an approved floor grate;
 - (ii) each shower must be constructed having minimum dimensions of 900 x 900 millimetres;
 - (iii) walls of each shower must be provided with tiles or other approved material to a minimum height of 1800 millimetres;
 - (iv) each shower recess must be provided with an approved soap holder;
 - (v) each shower recess must be provided with an approved shower rose;
 - (vi) each shower recess must be provided with an adjacent drying area having minimum dimensions of 900 x 900 millimetres;

- (vii) each shower drying area must be well graded and drained to a floor waste in such drying area or beneath the partition wall serving two drying area cubicles;
- (viii) each shower cubicle must be provided with 2 double clothes hanging hooks;
- (ix) a bench seat constructed of arris edged 50 x 25 millimetres hardwood slats, or other approved material, 600 millimetres long, when required, must be provided in each shower recess;
- (x) walls behind wash hand basins must be provided with an approved impervious “splashback” to a minimum height of 300 millimetres;
- (xi) each wash hand basin must be provided with a vanity unit or a shelf surmounted by a wall mounted mirror;
- (xii) each wash hand basin must be provided with a wall mounted double clothes hook or towel rail;
- (xiii) the floor must be well graded and drained to a floor waste; and
- (xiv) doors to shower cubicles and water closet compartments must be constructed to open outwards or be provided with hinges of a design that allows easy removal of the doors.

Laundry facilities

- (o) Premises must include a laundry of adequate size which must contain:
 - (i) 1 commercial automatic washing machine;
 - (ii) 1 commercial electric or gas clothes dryer;
 - (iii) 1 set of twin tubs;
 - (iv) 2 power outlets; and
 - (v) 1 ironing board,for every 50 beds (with a fraction counted as an additional 50 beds).
- (p) An external clothes line must be provided in the ratio of 1500 millimetres of clothes line for each bed.

Kitchen and cooking facilities

- (q) Where meals are provided for guests or cooking facilities are provided for use by guests, a service kitchen must be provided.

- (r) A service kitchen must comply with all relevant requirements of the provisions of the *Food Hygiene Regulation 1989*.
- (s) Exhaust canopies must be provided over all cooking facilities in accordance with the provisions of the Australian Standard 1668 Part I and Part II.

Dining room

- (t) Any dining room available for use by guests must be provided with a floor surface which is:
 - (i) sufficiently smooth to render it easily capable of being cleaned; and
 - (ii) durable, non-slip and free from cracks, crevices and other defects.
- (u) Sufficient seating must be provided to accommodate at the one time at least half of the number of guests which the premises may lawfully accommodate.

Water reticulation

- (v) There must be an adequate and continuous supply of potable hot and cold water reticulated to all showers, baths, wash hand basins, kitchen sinks and laundry facilities.

Smoking

- (w) A person must not smoke in a sleeping room, dormitory, dining room or kitchen.

Keeping of animals

- (x) Animals must not be kept within any area ordinarily used by guests or allowed to enter or be upon any area ordinarily used by guests.

Part 5 Expiration of registration

Purpose of Part:

The purpose of Part 5 of this subordinate local law is to prescribe the expiration date for registration, including a date for early expiration of existing registrations (under a previous local law) continued in force upon commencement of *Local Law No. 8 (Rental Accommodation)*.

Authorising provision of Local Law:

Section 11(1)

Policy: 4

1. Registration granted under *Local Law No. 8 (Rental Accommodation)* expires on 31st August in each year, regardless of the date of initial grant of registration.

Part 6 Closure notices

Purpose of Part:

The purpose of Part 6 of this subordinate local law is to prescribe the form of notice to be affixed to premises which are closed by the local government under *Local Law No. 8 (Rental Accommodation)*.

Authorising provision of Local Law:

Section 22(1)

Policy: 5

1. A Notice affixed to premises under section 22(1) of *Local Law No. 8 (Rental Accommodation)* must be written in letters not less than 50 millimetres in height and contain the words following (or words to like effect):



Part 7 Criteria for registration

Purpose of Part:

The purpose of Part 7 of this subordinate local law is to prescribe criteria (apart from the prescriptive standards referred to in Part 3) to which the local government will have regard in determining whether or not to grant registration or renewal of registration.

Authorising provision of Local Law:

Sections 8(1)(b), 13(3)(a) and 14(3)(a)

Policy: 6

1. In determining whether or not to grant registration or to renew registration, the local government will take into account whether, on the basis of information submitted with the application and information otherwise actually known to the local government—
 - (a) the premises appear to be structurally sound and well maintained;
 - (b) the premises appear to be capable of operation as rental accommodation in a manner which complies with all relevant requirements of *Local Law No. 8 (Rental Accommodation)* and this subordinate local law;
 - (c) the premises appear to be clean, safe and free from refuse, waste, insects and vermin;
 - (d) the premises appear to be free from odours or any other matter which would adversely affect comfortable and convenient residential living; and
 - (e) sanitary, plumbing and electrical or gas fittings on the premises appear to be operational and well maintained.
2. These matters are not exhaustive and regard will be had in all cases to other matters relating to the premises which are relevant to the object of *Local Law No. 8 (Rental Accommodation)*.