

Schedule 2 Prescribed activities

Part 2 Definitions of prescribed activities

operation of shared facility accommodation means the provision of accommodation occupied or available for occupation by 6 or more residents, in return for payment or valuable consideration, where the residents share 1 or more of the following facilities -

- (a) dormitories or bedrooms;
- (b) toilets;
- (c) bathrooms, showers or other bathing facilities;
- (d) laundries;
- (e) dining facilities;
- (f) cooking facilities;
- (g) recreation facilities.

Schedule 11 Operation of shared facility accommodation

Section 11

1 Prescribed activity

Operation of shared facility accommodation.

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

This schedule does not apply to any accommodation that is fully self-contained, and any premises falling within the scope of the *Residential Tenancies & Rooming Accommodation Act 2008*, the *Residential Services (Accreditation) Act 2002*, or the *Retail Shop Leases Act 1994*.

3 Documents and materials that must accompany applications for approval

(1) A person may apply for an approval by lodging with the local government –

- (a) a completed application on the prescribed form; and
- (b) payment of the prescribed fee; and
- (c) written consent of the owner of the property to the application; and
- (d) copy of a certificate of compliance or other evidence that the application complies with the provisions of the Planning Act¹; and
- (e) a plan of the proposed premises drawn to an approved scale showing:
 - (i) the location of the building on the site including location of vehicle access and parking, areas for clothes drying and open recreation areas (Scale 1:200); and
 - (ii) the internal layout of the building showing all rooms, showers, hand-basins and toilets, the proposed function and use of each room and in the case of the bedrooms and dormitories the maximum number of beds proposed in each room with every bedroom or dormitory to be clearly numbered or otherwise designated. (Scale 1:100); and
 - (iii) the facilities to be provided for the use of the residents, details of emergency exits and fire fighting appliances, and all other details, specifications and information considered relevant to the application; and
- (f) details of shared facilities including-
 - (i) number of toilets;
 - (ii) number of baths, showers and hand-basins;
 - (iii) laundry facilities;
 - (iv) dining facilities;
 - (v) cooking facilities; and
- (g) a report from an appropriately qualified entity that the fire safety provisions of

¹ See the definition of *Planning Act* in the Act, schedule 4.

the *Building Act 1975* or its successor, have been complied with; and

- (h) contact details of the onsite or offsite manager or other responsible person, in the event of an emergency.

- (2) The applicant must, if the local government so requires, furnish any further information or documents that may be required to decide the application.

4 Additional criteria for the granting of approval

- (1) In addition to the general criteria in section 9(1) of *Moreton Bay Regional Council Local Law No.1 (Administration) 2011*, the following criteria are matters about which the local government must be satisfied before granting an approval-
 - (a) the premises can be lawfully used to provide the accommodation under the provisions of the *Planning Act*²; and
 - (b) the premises can be used for providing the accommodation without significant risk to health or safety in accordance with relevant legislation³.
- (2) Any other criteria the local government considers relevant to determine the application.

5 Conditions that must be imposed on approvals

- (1) The conditions that must be imposed on an approval are-
 - (a) the maximum number of persons to be accommodated in the premises, or a specified part of the premises, in accordance with the stamped plan (*the approved plan*), and at no time is any room or other area not designated on the approved plan as a bedroom or dormitory, to be used for sleeping purposes; and
 - (b) the maximum number of beds to be provided in each room of the premises or a specified part of the premises as calculated under the provisions of section 6.1(h) and stated on the approved plan; and
 - (c) the approval holder, an employee or nominated representative must ensure that at no time there are more persons occupying any room than that stated in the approval, and denoted on the approved plan; and
 - (d) the premises including all fittings and fixtures, is to be fully maintained; and
 - (e) the approval holder must obtain approval from the local government prior to undertaking any modifications or maintenance involving building works on the premises. All such work is to be carried out in accordance with the *Building Act 1975*, or its successor; and
 - (f) fire prevention, fire detection and fire suppression and control devices are to be installed and maintained, to ensure compliance with the *Building Act 1975* or its successor; and
 - (g) clearly display an approved and up to date evacuation plan, together with the nominated assembly areas clearly displayed in each bedroom, dormitory and

² See the definition of *Planning Act* in the Act, schedule 4.

³ This would involve, for example, considerations of fire hazards and safety.

common living room; and

- (h) regularly clean all common areas of the premises, on at least a 7 day turnaround, or upon the change of occupancy of any sole occupancy room; and
- (i) conduct an annual fumigation or other treatment of the premises to keep the premises free of vermin, insects and other pests. The work is to be undertaken by a registered pest controller and the relevant certificate is to be maintained on the premises and made available upon the request of an authorised person; and
- (j) the approval holder or an employee, or a nominated representative approved by the local government, must reside on the premises. The name and contact number of the employee, or other representative, is to be supplied to the local government, and updated when and as required. The emergency contact details are to be clearly displayed at the premises at all times; and
- (k) the approval holder must keep specified records, such as an approved accommodation register of all tenants on the premises. The register is to contain at least the following details:
 - (i) the full name of the occupant; and
 - (ii) permanent or usual residential address of the occupant; and
 - (iii) the occupant's signature; and
 - (iv) dates the occupant checked in and out; and
 - (v) room and bed number allocated to the occupant; and
 - (vi) the registration number of any vehicle (if applicable); and
- (l) the approval holder, employee or nominated representative must not allow a bed to be occupied by any person who has failed to have their particulars registered in the accommodation register; and
- (m) the approval holder, employee or nominated representative must ensure that no time, any place listed (i) to (ix) below, is, or is likely to be obstructed so as to hinder the free passage of persons, entering, exiting, occupying or using the premises:
 - (i) doorway;
 - (ii) stairway;
 - (iii) stair landing;
 - (iv) fire escape;
 - (v) path of travel;
 - (vi) window;
 - (vii) passageway;
 - (viii) other area intended for common use;
 - (ix) fire appliance installation.

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on an approval are-

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- (1) In accordance with the provisions of s5(1)(e), the local government may choose to suspend the approval while such works are being undertaken, if it considers the works will create a risk to the health or safety of the occupants; and
 - (2) Bedrooms and dormitories
 - (a) sleeping accommodation and beds are not to be provided in any room or space except those rooms designated as bedrooms or dormitories as denoted on the approved plan; and
 - (b) all doorways to a bedroom or dormitory are to be provided with a properly installed door, fitted with a proper handle and lock; and
 - (c) at no time shall there only be access to one bedroom through another bedroom; and
 - (d) where required, provide clean linen and towels, at least weekly or at the change of occupancy of any room; and
 - (e) every person accommodated on the premises is to be provided with an appropriate bed and clean mattress and mattress protector; and
 - (f) all sleeping accommodation, beds, mattresses and bedding, are to be maintained in a clean and hygienic condition at all times; and
 - (g) each bedroom or dormitory is to have-
 - (i) cupboard space provided at a rate of 0.3 cubic metres together with hanging space of 0.6 linear metres per person; and
 - (ii) one towel rail per person; and
 - (h) each bedroom or dormitory shall have a minimum unencumbered floor area as follows:
 - (i) 7.5 m² for 1 person; or
 - (ii) 11 m² for 2 people; or
 - (iii) 16.5 m² for 3 people; and
 - (iv) a further 5.5 m² for each additional person over 3 to be accommodated; and
 - (i) no beds are to be more than 2 tiers in height and the clearance between the upper and lower beds is to be at least 870 mm with a clearance of 1 metre between the upper bed and the ceiling, and 1200 mm clearance from the extremities of any light fitting or other projection from the ceiling; and
 - (j) if more than 1 bed per room, all beds must have at least 900 mm horizontal separation to another bed, with a minimum 1200 mm separation in the case of bunks; and
 - (3) Kitchen facilities
 - (a) if meals are to be prepared and supplied to residents, the approval holder must hold a current licence issued under the provisions of *Food Act 2006*, or its successor; and
 - (b) no bedroom or ablution facility is to have a direct access to the kitchen; and
 - (c) where food is to be prepared by the occupants, the following apply-

- (i) cooking appliances are to be provided at a rate of at least 4 burners or hotplates and 1 oven for each 15 people (A microwave oven may also be provided); and
 - (ii) refrigeration space to be provided at a rate of 15 litres per person; and
 - (iii) the kitchen is to comply with the current *Food Safety Standards* or their successor; and
 - (iv) adequate crockery, cutlery and cooking utensils are to be provided and maintained in a sound and clean condition; and
 - (v) cupboard space is to be provided at a rate of 0.06 cubic metres per person, and so constructed to prevent contamination of food, and cooking or eating utensils by dirt, dust, flies or the like; and
 - (d) no pets or other animals are permitted to enter the kitchen; and
 - (e) no other business or activity that contravenes the *Food Safety Standards*, or their successor at the time is to take place in the kitchen of the premises; and
- (4) Dining room
- (a) the dining room shall be provided with sufficient table space, of at least 600 mm per person, and chairs to seat, at any one time, at least 50 % of the maximum number of persons residing at the premises; and
 - (b) the dining room is to be located close to the kitchen and distinct from lounge facilities; and
- (5) Common living rooms
- (a) all premises to be provided with one or more common living rooms; and
 - (b) the common living room shall have a floor area of at least 1 square metre per person, which may include the area of the dining room and roofed outdoor areas, but which shall not include:
 - (i) a passage way;
 - (ii) a fire access way; or
 - (iii) a non-habitable room; and
- (6) Toilets and ablution facilities
- (a) the numbers of toilet and ablution facilities is to be provided in accordance with the provisions of the *Queensland Development Code MP 5.7*⁴; and
 - (b) in any accommodation where communal bathroom and toilet facilities are provided, the following matters are to be complied with:
 - (i) toilet facilities shall be in a room separate to the bathroom; and
 - (ii) bathroom and toilet facilities shall be clearly and legibly designated; and
 - (iii) all bathroom and toilets shall be fitted with secure doors and internal latches; and

⁴ *Queensland Development Code MP 5.7 Residential Services Building Standard* 16 November 2007

- (c) all bathroom and toilet facilities are to be cleaned on a daily basis or as otherwise directed by an authorised person; and

(7) Laundry facilities

- (a) access to laundry facilities is to be provided for all residents, at the ratio of 1 washing machine and 1 laundry tub for each 10 residents; and
- (b) 1 mechanical dryer for each 10 residents, or 7.5 linear metres of clothes line for each resident; and

(8) Office

- (a) every premises is to have a designated;
 - (i) office; and
 - (ii) operative public telephone, available to residents at all times; and

(9) Refuse disposal

- (a) refuse is to be stored and disposed of in accordance with the requirements of the *Environmental Protection (Waste Management) Regulation 2000*, or its successor; and
- (b) approved refuse storage is to be provided at the rate of 240 litres per 6 persons or part thereof, or as otherwise determined by the authorised person; and

(10) Storage

- (a) a secure, fire proof safe is to be provided in the office, and accessible to the operator/manager or nominated representative only, for the keeping of any valuables and papers as required by residents; and
- (b) a security lockup for bulky packs and luggage is to be provided which is not accessible other than with the permission of and in company with the operator; and

(11) General

- (a) any playground equipment installed for the use of residents to be installed, sited and maintained in accordance with the relevant Australian Standard; and
- (b) (i) any water supply, other than a reticulated town supply is to comply with the *National Health & Medical Research Council "Guidelines for Drinking Water Quality in Australia" 1987*, or its successor. (ii) The approval holder is to have the water supply sampled and analysed at least once every 6 month period for chemical and bacteriological quality. (iii) A copy of the results of such analysis is to be maintained on the premises and made available upon the request of an authorised person; and (iv) in the event of a sample result failing to meet the required standards, the approval holder must immediately inform the local government of such results; and
- (c) swimming pools and the associated fencing are to be installed in accordance with the *Building Act 1975*, or its successor. The swimming pool shall be approved under the provisions of the *Moreton Bay Regional Council Subordinate Local Law No. 1 (Administration) 2011 – Schedule 16 Operation*

- of public swimming pools; and
- (d) adequate artificial lighting is to be provided to both the interior and exterior of the premises, and maintained in a sound working condition. Safety lighting is to be maintained between dusk and dawn each day in a manner that does not create a nuisance to neighbouring properties; and
 - (e) no pets, birds or other animal shall be permitted to be kept in any bedroom, kitchen or common room of an accommodation premises with shared facilities. All domestic animals are to be otherwise kept and maintained in accordance with the *Moreton Bay Regional Council Local Law No.2 (Animal Management) 2011*; and
 - (f) an authorised person may, at any reasonable time, enter any premises approved under this local law for the purpose of inspecting the premises to ensure compliance with the conditions of approval; and
 - (g) an approval holder who ceases to carry on the business of providing shared facility accommodation to which this local law applies, must notify the local government of that fact within 7 days of ceasing to carry on such business.

7 Term of approval

An approval shall remain in operation for 12 months or part thereof.

8 Term of renewal of approval

The term of renewal of an approval will be for a period of 12 months or as otherwise determined by the local government.

9 Transfer of approval

An approval for this prescribed activity is transferable.

10 Dictionary

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