Rooming accommodation in existing dwellings

This factsheet has been developed to help owners and providers of rooming accommodation to understand the planning and building requirements of the *Brisbane City Plan 2014* (City Plan 2014) and *Building Act 1975.* Rooming accommodation includes off-site student accommodation, boarding houses and hostels.

# What is rooming accommodation?

The City Plan 2014 defines rooming accommodation as a use of premises for the accommodation of one or more households where each resident:

* has their own tenancy agreement
* has a right to occupy one or more rooms
* does not have a right to occupy the whole of the premises in which the rooms are situated
* may be provided with separate facilities for private use
* may share communal facilities or communal space with one or more of the other residents.

The use may include:

* rooms not in the same building
* provision of food or other services
* on-site management or staff and associated accommodation.

# When does a house become rooming accommodation?

A premises leased by several people, each under a rooming accommodation agreement, is considered to be several discrete households under City Plan 2014 and the *Residential Tenancies and Rooming Accommodation Act 2008*. A dwelling house can only be occupied by one household. This means a house occupied by several tenants under rooming accommodation agreements cannot be defined as a dwelling house, and must be approved for rooming accommodation use.

# What do the requirements in the Rooming accommodation code mean for me?

The Rooming accommodation code sets minimum building, health, safety and amenity criteria to ensure this type of accommodation is consistent with the amenity and residential density expectations of residential neighbourhoods. City Plan 2014 allows rooming accommodation to occur in Low density residential and Character residential zones for five or less individuals under separate tenancy agreements without development approval, provided it meets the acceptable outcomes (AO) for self assessment in Section A of the Rooming accommodation code. Rooming accommodation that does not meet all the acceptable outcomes will need a development approval from Council.

To find out if you need to lodge a development application for rooming accommodation, you can assess your property against the criteria outlined in the Rooming accommodation code. The AO’s for Section A are listed below. It should be noted that while you may not need a development approval from Council, you may need to engage the services of a private building certifier.

# Acceptable outcomes for self assessment of rooming accommodation

To comply with the self-assessment requirements of City Plan 2014 Rooming accommodation code, you need to satisfy AO1-6. These are listed below.

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| **Rooming accommodation code – Section A – Acceptable outcomes for self-assessment** |
| **AO1**Development accommodates not more than 5 persons in a dwelling at any one time.Note—The total of 5 persons includes persons residing in a dwelling house and any secondary dwelling on the same lot.  |
| **AO2**Development involving a Class 1a building or a building that would be so defined if not for the rooming accommodation use, provides no more than:1. 1 meter box;
2. 1 letter box;
3. 3 bins.

Note—Building classifications are defined in the National Construction Code. A Class 1a building is a dwelling house, townhouse, row house or similar. Rooming accommodation of less than 300m2 gross floor area is defined as a Class 1b building.  |
| **AO3**Development provides a minimum of 2 on-site parking spaces.Note—Vehicle parking may be provided in tandem. Note—This car parking rate is for development that accommodates 5 persons or less where in a zone in the residential zones category. Car parking rates for rooming accommodation in other circumstances are included in the [Transport, access, parking and servicing planning scheme policy](http://eplan.brisbane.qld.gov.au/CP/TransportAccessParkingPSP). |

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| **Rooming accommodation code – Section A** |
| **AO4**Development provides storage for 3 bins:1. located under or behind a structure or a building; or
2. if located forward of the building line, within a storage space with a minimum dimension of 1.8m width and 0.7m depth;
3. screened from view of adjacent streets or public spaces by a 1.5m high permanent screen.

Note—Screening must be permanently fixed and durable and incorporate solid or translucent sheeting, perforated or slatted panels or fixed louvres that have a maximum of 25% openings, with a maximum opening dimension of 50mm. |
| **AO5.1**Development provides:1. hygienic and adequately sized and configured kitchen, dining, sanitary and laundry facilities;
2. adequately sized common areas and bedrooms;
3. storage facilities;
4. vermin control;
5. adequate ventilation to habitable rooms;
6. emergency telephone access.

Note—Compliance with this acceptable outcome can be achieved by satisfying the requirements of MP 5.7 - Residential Services Building Standard of the Queensland Development Code. These requirements are applicable to all rooming accommodation including otherwise exempted services. |
| **AO5.2**Development provides:1. an early warning system;
2. emergency lighting;
3. safe and secure paths of travel to exits;
4. emergency escape exits;
5. protected exit paths;
6. exit signage;
7. portable fire extinguishers;
8. fire hose reels;
9. fire-fighting water supply;
10. smoke hazard management;
11. sprinkler systems.

Note—Compliance with this acceptable outcome can be achieved by satisfying the requirements of MP 2.1 - Fire Safety in Budget Accommodation Buildings of the Queensland Development Code. These requirements will vary depending on the proposed gross floor area. |
| **AO6**Development including associated site works such as retaining walls, filling and excavation ensures that if a surface or roof-water drainage system connection is required to be made through an adjoining property, the owner of the adjoining property has provided a written permission for the connection. |

# How do I comply with AO5.1?

You can comply with this AO5.1 by meeting the building requirements in Mandatory Part (MP) 5.7 of the Queensland Development Code (QDC). These requirements will ensure a premises used for rooming accommodation provides a suitable standard of health, safety and amenity for residents.

The below table identifies the key elements from MP5.7 that need to be met to comply with AO5.1. This is based on a building less than 300 m² and with no more than five residents. For more detailed requirements, MP5.7 can be viewed in full by visiting the Queensland Government’s Department of Housing and Public Works website at [www.hpw.qld.gov.au](http://www.hpw.qld.gov.au)

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| **Minimum requirements to meet AO5.1** | **Minimum specifications** |
| **Kitchen** | Minimum floor area of kitchen area | 0.65 m² per person |
| Or where combined with dining room | 1 m² per person |
| Food storage facilities and cupboards | 0.06 m³ per person |
| Fridge and freezer | 250 L fridge,30 L freezer |
| Sink with reticulated hot and cold water | 1 sink |
| Oven and stove | 4 burner stove 50 cm oven |
| **Laundry** | Fully automatic washing machine with hot and cold water reticulation | 7 kg washing machine |
| Permanent exterior clothes line | 7.5 m clothes line per person |
| Wash trough with cold water reticulation | 1 trough |

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| **Minimum requirements to meet AO5.1** | **Minimum specifications** |
| **Sanitary facilities (where private facilities are not provided)** | Shower and bathtub with hot and cold water reticulation | 1 shower and 1 bathtub |
| Basin with hot and cold water reticulation | 1 basin |
| Toilet | 1 toilet |
| **Common areas** | Minimum floor area of common area for general relaxation and socialisation (may include outdoor areas if they are roofed or covered) | 3 m² per person |
| **Bedrooms**  | Room size | 7.5 m² for 1 person, or 11 m² for a couple |
| Each bedroom must be separately accessible without passing through any other bedroom |  |
| Each habitable room is naturally ventilated by permanent openings that open to a courtyard, the sky, an open veranda, carport, or the like | Opening of a size not less than 5% of the floor area of the room its located within |
| Each bedroom is provided with general purpose storage | 300 mm wide and 450 mm deep and 900 mm high |
| Protected hanging space | 0.6 m |
| Double power point per person | Double power point per person |
| **Storage facilities** | Adequate storage facilities for cleaning chemicals and equipment are provided in the kitchen, laundry or external storage facility |  |
| **Vermin control** | Holes or openings in every floor, wall, partition, ceiling or roof and in every ancillary fitting of each building or other structure is constructed to prevent the undetected entry of vermin and is securely covered with vermin-proof material |  |
| **Emergency telephone access** | Telephone access to ring emergency services in the event of an emergency | 1 landline telephone(cannot be a cordless phone) |

# How do I comply with AO5.2?

You can comply with this acceptable outcome by meeting the fire safety standard in MP2.1 of the QDC. These requirements will ensure premises used for rooming accommodation provide for the safe evacuation of occupants.

Here is a guide for meeting AO5.2 for various size dwellings with no more than five people. Please note the requirements outlined below are considered assessable building work and need to be approved and certified by a private building certifier. Council recommends you seek the services of a private building certifier to comply with AO5.2.

For more detailed requirements, MP2.1 can be viewed in full by visiting the Queensland Government’s Department of Housing and Public Works website at [www.hpw.qld.gov.au](http://www.hpw.qld.gov.au).

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| **Minimum requirements to meet AO5.2** | **Gross Floor Area** |
| **<300 m²** | **301-500 m²** | **>500 m²** |
| **An early warning system** | **✓** | **✓** | **✓** |
| **Emergency lighting** | **✓** | **✓** | **✓** |
| **Safe and secure paths of travel to exits** | **✓** | **✓** | **✓** |
| **Emergency escape exits** | **✓** | **✓** | **✓** |
| **Protected exit paths** |  | **✓** | **✓** |
| **Exit signage** |  | **✓** | **✓** |
| **Portable fire extinguishers** |  | **✓** | **✓** |
| **Fire hose reels** |  |  | **✓** |
| **Fire-fighting water supply** |  |  | **✓** |
| **Smoke hazard management** |  |  | **✓** |
| **Sprinkler systems** |  |  | **✓** |

# Do I need development approval?

If your proposal does not meet the AO’s for self assessment in the Rooming accommodation code, you will need to lodge a development application with Council. New development proposals accommodating six or more people or more requires development approval and is encouraged in the Medium and High density residential zones, all Centre zones, Specialised centre (Major education) zone precinct and the Mixed use zone.

Council may give a concession that allows six tenants where it can demonstrated that the building accommodated six tenants prior to 25 September 2009 and has been maintained since. Concessions will only be considered for properties that are registered with Council. Please note you will still need to comply with all other aspects of the Rooming accommodation code. Please contact Council on (07) 3403 8888 for further information.

# Do I need a building approval to use an existing building for rooming accommodation?

The *Building Act 1975* governs the design and construction of all buildings in Queensland. It also lists requirements for the use of existing buildings to ensure they comply with all relevant building code requirements in accordance with the Building Code of Australia (BCA) and, where Queensland-specific provisions apply, the QDC. The BCA categorises buildings on the basis of their use.

Where a house is not used for the purpose it was originally designed and constructed for, this can put the health, safety and amenity of its occupants at risk. If you are currently using an existing house (Class 1a building) to provide rooming accommodation, you will need to have the building assessed and approved by a private building certifier to ensure it meets the requirements for a Class 1b building, or a Class 3 building if the floor area exceeds 300 m².

If a private building certifier is satisfied that the building complies, you will be issued with a certificate of classification. The certifier must also provide a copy of the certificate to Council.

# What is a certificate of classification?

A certificate of classification is a document that specifies a building’s classification and describes the way it can be used. It contains important information about the use of the building, ongoing maintenance requirements, fire safety and other special requirements. A certificate of classification is required for all Class 1b and Class 3 buildings. The certificate must be displayed at all times in a conspicuous position as near as practicable to the main entrance to the building.

Owners of rooming accommodation must not use or occupy a building without a certificate of classification. However, Council may allow the use to continue while owners are actively seeking to obtain the correct building approvals and certificates for a Class 1b building, provided the property is registered with Council.

# Amenity expectations

Rooming accommodation must be consistent with the amenity and residential density expectations of the relevant zone and must minimise impacts on neighbouring dwellings and other sensitive uses. The property owner, or nominated responsible person, is responsible for keeping rooming accommodation premises free from objects, materials or vegetation which are unsightly or not in accordance with the amenity of the area.

# Compliance and enforcement

Council has powers to monitor and enforce these requirements as part of its administration of Queensland development, building laws, and local laws. Should Council become aware that an existing dwelling is being used in contravention of the Rooming accommodation code or has been changed without a building approval, it may take such action considered necessary to ensure the health, safety and amenity of occupants is not compromised. It should be noted that Council considers the safety of occupants as serious and will apply a zero tolerance approach when dealing with non-compliance with any fire safety requirement.

Council may also take action under its *Health, Safety and Amenity Local Law 2009*, to ensure the use does not unreasonably interfere with, or adversely impact the amenity of the surrounding area. The local law can be found on Council’s website at [www.brisbane.qld.gov.au](http://www.brisbane.qld.gov.au).

# What if I am providing rooming accommodation for students?

Council has implemented a registration system for properties that are providing off-site rooming accommodation for students. This free registration system will support owners and providers who supply good-quality student accommodation. Property owners that register with Council are indicating their commitment to providing good-quality and best-practice accommodation to students. Council wants to establish an active partnership with student rooming accommodation providers to seek their input in decision-making processes that affect the industry.

Council acknowledges that there may be existing rooming accommodation uses in residential areas that have not been assessed or approved by a private building certifier for compliance with the relevant building codes. Council is prepared to accept the registration of these properties on the basis that property owners are willing and committed to obtaining the relevant approvals in a reasonable and practical timeframe. By registering, Council will provide support and work with you while you arrange for this to be carried out.

To complete the registration form, you need to nominate a person who is responsible for the day-to-day maintenance and operation of the property. Property owners may nominate themselves or any other person, such as a property manager. The partnership between property owners, providers and the nominated responsible person will help achieve timely resolutions to minor non-compliance and nuisance issues and minimise formal Council intervention.

To register, please visit Council’s website at [www.brisbane.qld.gov.au](http://www.brisbane.qld.gov.au) and complete the online registration form. Otherwise, the form at the end of this factsheet can be completed and posted or emailed to Council.

# What if I am providing rooming accommodation for individuals who are not students?

If you are providing or offering rooming accommodation to individuals who are not students, Council recommends you contact the Queensland Government Department of Housing and Public Works (Residential Services Unit) as you may need to be registered and accredited as a service provider under the *Residential Services (Accreditation) Act 2002*. You can contact the department on (07) 3008 5824 or visit [www.hpw.qld.gov.au](http://www.hpw.qld.gov.au).

Student Rooming Accommodation Registration System

The personal information collected on this form will be used by Brisbane City Council for the purpose of maintaining a register of all known student rooming accommodation premises. It will help partner with property owners and providers of student rooming accommodation to achieve timely resolution of minor non-compliance issues. The personal information you provide in this registration will be protected in accordance with our obligations under the *Information Privacy Act 2009*. Your personal information will not be disclosed to any third party without your consent unless required or permitted to do so by law.

# I want to:

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| --- |
| □ Register a property – complete all parts |
| □ Update details of a previously registered property – complete part 1 and 2, plus 3 and 4 if appropriate |
| □ Deregister a property – complete part 1 and 2 |

# Part 1 – Property owner details:

***Please note that you must be the owner of the property in order to register a property with Council.***

|  |  |
| --- | --- |
| First name: |  |
| Last name: |  |
| Contact number: |  |
| Street number and name: |  |
| Suburb, state and postcode: |  |
| Email address: |  |

# Part 2 – Address of property to be registered:

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| --- | --- |
| Street number and name: |  |
| Suburb, state and postcode: |  |

# Part 3 – Details of property to be registered:

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| --- | --- |
| Number of tenants: |  |
| Number of bedrooms: |  |
| Number of off-street car parking spaces:  |  |
| □ I confirm that I am providing accommodation primarily to students within a dwelling under separate leasing agreements (tick to confirm) |
| □ I confirm that I am committed to meeting the requirements of the Rooming accommodation code and obtaining any relevant approvals (tick to confirm) |

# Part 4 – Responsible person details (if not the owner):

***This is the person who is responsible for the day-to-day maintenance and operation of the property.***

|  |  |
| --- | --- |
| First name: |  |
| Last name: |  |
| Contact number: |  |
| Postal address: |  |
| Email address: |  |
| The responsible person is the: | □ Property owner  | □ Property manager | □ Real estate agent |
| □ Other, please specify: |  |  |

**Please post completed form to: Student Rooming Accommodation Register,**

**Brisbane City Council, GPO Box 1434, Brisbane QLD 4001**

**Or scan and email to:** StudentRAR@brisbane.qld.gov.au