

South Australia

Housing Improvement (Standards) Regulations 2007

under the *Housing Improvement Act 1940*

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1—Short title

These regulations may be cited as the *Housing Improvement (Standards) Regulations 2007*.

2—Commencement

- (1) Subject to subregulation (2), these regulations will come into operation on 1 September 2007.
- (2) Regulation 9(1) comes into operation on the day on which section 29 of the *Development (Assessment Procedures) Amendment Act 2007* comes into operation.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Housing Improvement Act 1940*;

approval includes consent, permission or authorisation;

construction includes alteration;

grounds means the land on which the house is situated or usually enjoyed with the house;

habitable room means a room used, or intended to be used, as a bedroom, kitchen or dining or living area;

waste control system has the same meaning as in the *Public and Environmental Health Act 1987*;

undertaking has the same meaning as in the *Sewerage Act 1929*.

4—Purpose of regulations

A house that does not comply with the standards prescribed by these regulations may be declared to be undesirable for human habitation or unfit for human habitation under the Act.

5—General standards

The following general standards are prescribed for a house:

- (a) the house, its grounds, fixtures and fittings and any other facilities provided with the house—
 - (i) must be in a sound condition and in good repair; and
 - (ii) must not present a health hazard;
- (b) the fixtures, fittings and facilities must be—
 - (i) properly installed; and
 - (ii) fit for the purpose for which those fixtures, fittings or facilities are intended or ordinarily used; and
 - (iii) in good working order.

6—Toilet, bathroom, kitchen and laundry areas

The following standards relating to toilet, bathroom, kitchen and laundry areas are prescribed for a house:

- (a) the house must be provided with the following items as reasonably required for domestic purposes:
 - (i) a toilet, bath or shower, handbasin, kitchen sink and laundry wash trough or basin;
 - (ii) space, and designated water supply outlets within immediate proximity of the space, for a washing machine;
 - (iii) a waste water discharge pipe for a washing machine;
 - (iv) an oven and cooktop;
 - (v) adequate kitchen bench space for food preparation;
 - (vi) a food storage cupboard in or within reasonable proximity of the kitchen;
- (b) each room in the house containing toilet, bathroom, kitchen or laundry facilities must be of such a size, and its facilities so configured, as to allow for ease of movement around, and reasonable access to, the facilities;
- (c) each room containing toilet or bathroom facilities must afford adequate privacy to the user;

- (d) each room containing a toilet must not open directly into a room used or intended to be used for the storage, preparation, cooking or consumption of food unless ventilated by means of an exhaust fan or similar device;
- (e) the construction of each room in the house containing toilet, bathroom, kitchen or laundry facilities must comply with the following requirements in respect of waterproofing of walls and floors in such a room:
 - (i) if, in the opinion of the housing authority, the construction of the room occurred before the repeal of the *Building Act 1971*, the construction must comply with the waterproofing requirements that, in the opinion of the housing authority, applied in respect of such construction under that Act immediately before its repeal; or
 - (ii) if, in the opinion of the housing authority, the construction occurred after the repeal of the *Building Act 1971*—
 - (A) if the construction was the subject of a readily ascertainable approval under the *Development Act 1993*—the construction must comply with the waterproofing requirements under that approval; or
 - (B) in any other case—the construction must comply with the waterproofing requirements that, in the opinion of the housing authority, applied in respect of such construction under the *Development Act 1993* at the time of construction.

7—Water supply and sewerage

The following standards relating to water supply and sewerage are prescribed for a house:

- (a) the house must have a sufficient and continuously available supply of—
 - (i) hot and cold water plumbed to each bath, shower, handbasin, kitchen sink, laundry wash trough or basin and washing machine water supply outlets; and
 - (ii) cold water plumbed to each toilet;
- (b) the water must be of a suitable quality for its intended purpose and, in the case of water plumbed to a kitchen sink, must be suitable for drinking;
- (c) each toilet, bath, shower, handbasin, kitchen sink, laundry wash trough or basin and washing machine waste water discharge pipe in the house must be plumbed to a drainage system that is capable of disposing of all sewage and waste water from those facilities into—
 - (i) the undertaking in accordance with requirements of the *Sewerage Act 1929*; or
 - (ii) a waste control system in accordance with the requirements of the *Public and Environmental Health Act 1987*.

8—Electricity and gas

The following standards relating to electricity and gas are prescribed for a house:

- (a) the house must have a sufficient and continuously available supply of electricity;
- (b) each habitable room in the house and each room containing toilet, bathroom or laundry facilities must have at least 1 electric light fixture and a sufficient number of electrical power points as reasonably required for domestic purposes;
- (c) each electrical installation in the house must comply with the law in force at the time of such installation (whether the *Electricity Act 1996* or a corresponding previous enactment);
- (d) each alteration to, or relocation, repair or maintenance of, an electrical installation must comply with the law in force at the time of such alteration, relocation, repair or maintenance (whether the *Electricity Act 1996* or a corresponding previous enactment);
- (e) each gas installation in the house must comply with the law in force at the time of such installation (whether the *Gas Act 1997* or a corresponding previous enactment);
- (f) each alteration to, or relocation, repair or maintenance of, a gas installation must comply with the law in force at the time of such alteration, relocation, repair or maintenance (whether the *Gas Act 1997* or a corresponding previous enactment).

9—Miscellaneous

The following additional standards are prescribed for a house:

- (a) each internal wall and ceiling in a house must be constructed of rigid material and form a regular and durable surface;
- (b) the floor to ceiling height in each room in the house must be not less than the minimum floor to ceiling height that, in the opinion of the housing authority, applied in respect of such a room under the *Building Act 1971* immediately before its repeal;
- (c) any stairs (including the risers and goings and any landings, balustrades and handrails) in the house must—
 - (i) if the construction of the stairs was the subject of a readily ascertainable approval under the *Development Act 1993*, the *Building Act 1971* or a corresponding previous enactment—comply with the building requirements under that approval; or
 - (ii) in any other case—comply with the building requirements that, in the opinion of the housing authority, applied in respect of such construction under the law in force at the time of the construction (whether the *Development Act 1993*, the *Building Act 1971* or a corresponding previous enactment);

- (d) each room in the house must be adequately ventilated and lit and, in the case of a habitable room, must be able to be adequately lit by natural light during daylight hours;
- (e) each external door in the house must be fitted with a lock;
- (f) the door to any bedroom in the house occupied under a rooming house agreement within the meaning of the *Residential Tenancies Act 1995* must be fitted with a lock;
- (g) each external window in the house that is able to be opened or is fixed open must be fitted with a flyscreen;
- (h) each external window in the house that is able to be opened must be fitted with a latch;
- (i) in order for occupants of the house to safely screen visitors, the house must be provided with the following items at the main point of entry to the house:
 - (i) a suitably placed window, lockable screen door, peep-hole, security chain, or intercom system;
 - (ii) an external light fitting;
- (j) the house must have a clothesline, clothes dryer or some other clothes drying facility;
- (k) the house must be fitted with smoke alarms in accordance with regulation 76B of the *Development Regulations 1993*;
- (l) any swimming pool on the grounds of the house must comply with the requirements relating to swimming pool safety features under section 71AA of the *Development Act 1993*;
- (m) the footings must provide effective structural support to the house;
- (n) the house must be reasonably draught proof and weatherproof;
- (o) the house must be reasonably free from moisture and damp (whether caused by ground moisture, rain or other precipitation or defective plumbing or drainage);
- (p) the grounds of the house must be effectively drained;
- (q) the house and its grounds must be maintained to prevent—
 - (i) accumulation of rubbish; and
 - (ii) fire hazard; and
 - (iii) infestation by vermin;
- (r) the house must be safely accessible to pedestrians from a public road.

Schedule 1—Revocation and transitional provision

Part 1—Revocation

1—Revocation of *Housing Improvement (Standards) Regulations 1992*

The *Housing Improvement (Standards) Regulations 1992* are revoked.

Part 2—Transitional provision

2—Swimming pools—prescribed standards applying before commencement of section 29 of *Development (Assessment Procedures) Amendment Act 2007*

The following standards are prescribed in respect of any swimming pool on the grounds of a house:

- (a) regulation 83B of the *Development Regulations 1993* must be complied with in the case of a pool completed after the commencement of that regulation;
- (b) in any other case, the provisions of the *Swimming Pools (Safety) Act 1972* must be complied with.

3—Expiry of Part 2

Part 2 expires on the day on which section 29 of the *Development (Assessment Procedures) Amendment Act 2007* comes into operation.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

on the recommendation of the South Australian Housing Trust and with the advice and consent of the Executive Council
on 5 July 2007

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