

South Australia

Housing Improvement (Prescribed Minimum Housing Standards) Variation Regulations 2018

under the *Housing Improvement Act 2016*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Housing Improvement (Prescribed Minimum Housing Standards) Variation Regulations 2018*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Housing Improvement Regulations 2017*

4—Variation of regulation 3—Interpretation

- (1) Regulation 3—after the definition of *approval* insert:

bedroom means a room used, intended to be used, or reasonably capable of being used, as a bedroom;

- (2) Regulation 3, definition of *habitable room*—delete "or intended to be used," and substitute:

intended to be used, or reasonably capable of being used,

5—Substitution of regulation 9

Regulation 9—delete the regulation and substitute:

9—General standards

The following general standards apply to residential premises:

- (a) the residential premises and any fixtures, fittings or other facilities provided with the residential premises must not present a health or safety hazard;
- (b) the fixtures, fittings and facilities prescribed as minimum housing standards under this Part 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—Variation of regulation 10—Toilet, bathroom, kitchen and laundry areas

Regulation 10(a)(i)—delete "handbasin" and substitute:

hand basin

7—Variation of regulation 11—Water supply and sewerage

- (1) Regulation 11(a)(i)—delete "handbasin, kitchen sink, laundry wash trough or basin and washing machine water supply outlets" and substitute:

hand basin, kitchen sink and laundry wash trough or basin

- (2) Regulation 11(a)(ii)—after "toilet" insert:

and washing machine water supply outlet

- (3) Regulation 11(c)—delete "handbasin" and substitute:

hand basin

8—Substitution of regulation 13

Regulation 13—delete regulation 13 and substitute:

13—Fire safety

- (1) The following fire safety standards apply to residential premises:

- (a) the residential premises must be maintained so as not to present a fire hazard;
- (b) in the case of residential premises comprising a Class 1 or Class 2 building—the premises must be fitted with smoke alarms in accordance with regulation 76B of the *Development Regulations 2008*;

- (c) in the case of residential premises other than a Class 1 or Class 2 building—1 or more smoke alarms must be installed in accordance with the requirements of regulation 76B of the *Development Regulations 2008* (including the requirements applying on transfer of title of land) as if the residential premises were a Class 1 or Class 2 building.
- (2) In this regulation—
- Class 1 building*** has the same meaning as in regulation 76B of the *Development Regulations 2008*;
- Class 2 building*** has the same meaning as in regulation 76B of the *Development Regulations 2008*.

14—Hazardous materials

- (1) Residential premises must be free from materials or substances that pose a material or serious risk of harm to the health of occupants.

Examples—

- 1 Disturbed or damaged asbestos.
 - 2 Flaking lead paint.
 - 3 Lead dust.
 - 4 Chemical residues or vapours.
- (2) In this regulation—
- material or serious risk of harm*** means a risk of harm that is not trivial or negligible.

15—Miscellaneous

The following miscellaneous standards apply to residential premises:

- (a) each internal wall and ceiling in the residential premises must be constructed of rigid material and form a regular and durable surface;
- (b) the floor to ceiling height in each room in the residential premises must be not less than the minimum floor to ceiling height that, in the opinion of the Minister, 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 residential premises must—
 - (i) if the construction of the stairs was the subject of a readily ascertainable approval under the *Building Act 1971*, the *Development Act 1993* 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 Minister, applied in respect of such construction under the law in force at the time of the construction (whether the *Building Act 1971*, the *Development Act 1993* or a corresponding previous enactment);
- (d) each habitable room in the residential premises and each room containing toilet, bathroom or laundry facilities—
 - (i) must be adequately ventilated; and
 - (ii) must be able to be adequately lit;
- (e) each external door in the residential premises must be fitted with a lock that is able to be operated from the outside with a key and unlocked from the inside without a key;
- (f) each external window in the residential premises that is able to be opened must be fitted with a latch;
- (g) in order for occupants of the residential premises to safely screen visitors, the residential premises must be provided with the following items at the main point of entry to the residential premises:
 - (i) a suitably placed window, lockable screen door, peep-hole, security chain or intercom system;
 - (ii) an external light fitting;
- (h) the footings must provide effective structural support to the residential premises;
- (i) the residential premises must be reasonably draught proof and weatherproof;
- (j) the residential premises must be reasonably free from mould or other irritants, structural disrepair or other adverse effects caused, or contributed to, by moisture or damp;
- (k) the grounds of the residential premises must be effectively drained;
- (l) the residential premises must provide reasonably free and unimpeded access to and from the premises so that, in the event of an emergency—
 - (i) occupants are able to escape from the premises; and
 - (ii) persons are able to enter the premises to provide medical or other emergency services;
- (m) the residential premises and its grounds must be maintained to prevent—
 - (i) the accumulation of rubbish; and
 - (ii) infestation by vermin;

- (n) any swimming pool on the grounds of the residential premises must comply with the requirements relating to swimming pool safety features under section 71AA of the *Development Act 1993*.

16—Additional provisions relating to rooming houses

- (1) The following standards apply to residential premises occupied under a rooming house agreement within the meaning of the *Residential Tenancies Act 1995*:
 - (a) each bedroom in the premises must—
 - (i) have a minimum floor space of 7.5m²; and
 - (ii) be fitted with a locking device that is able to be operated from the outside with a key and unlocked from the inside without a key; and
 - (iii) have at least 2 electrical power points;
 - (b) each bedroom window in the premises must have a curtain or blind that can be opened and closed by the resident for privacy;
 - (c) the door to each shared toilet or bathroom facility in the premises must be fitted with a locking device enabling the door to be locked and unlocked from the inside only without a key;
 - (d) each of the following must be provided for use in the premises per maximum of 10 residents:
 - (i) a toilet;
 - (ii) a hand basin;
 - (iii) a bath or shower;
 - (iv) kitchen facilities (in accordance with the requirements of regulation 10);
 - (iv) laundry facilities (in accordance with the requirements of regulation 10).
- (2) This regulation applies in addition to any other provision of this Part, however, in the case of any inconsistency between this regulation and any other provision of this Part, this regulation prevails to the extent of the inconsistency.

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

with the advice and consent of the Executive Council
on 20 December 2018

No 256 of 2018

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