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GLEN EIRA CITY COUNCIL

Guidelines for new and transferring prescribed accommodation businesses

Published by:

Glen Eira City Council
Public Health Unit
August 2016

This publication is available online at
www.gleneira.vic.gov.au

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Contents

Introduction	3
Setting up a new prescribed accommodation premises	4
Other requirements for prescribed accommodation premises	6
Buying an existing prescribed accommodation premises	8
Appendix one — Council departments and Consumer Affairs	9
Appendix two — Plans Submission Form	12

Introduction

The following classes of accommodation are all required to be registered under the *Public Health and Wellbeing Act 2008*:

- Residential accommodation
- Hotels and motels
- Hostels
- Student dormitories
- Holiday camps
- Rooming houses/boarding houses

These premises must be registered with Council if:

- there are four or more occupants in the case of rooming/boarding houses; or
- six or more occupants in the case of other listed accommodation premises.

The Public Health and Wellbeing Regulations 2009 outline the specific requirements that prescribed accommodation premises must meet.

The objectives of these regulations are to:

- prevent overcrowding;
- ensure a reasonable standard of hygiene, sanitation and safety in prescribed accommodation; and
- minimise the risk of airborne and other communicable diseases among people living in prescribed accommodation.

These guidelines relate specifically to your requirements under the *Public Health and Wellbeing Act 2008*. There are further requirements that are outlined within consumer affairs, town planning and building legislation that prescribed accommodation operators must meet. Please see appendix one, Council departments and Consumer Affairs for further information.

Note: if the business you intend to purchase is not registered with Council, registration can be obtained by applying for a new business registration as outlined within these guidelines. Operating a prescribed accommodation business without registration is an offence under the *Public Health and Wellbeing Act 2008* and a person found guilty of the offence is liable to a fine of up to \$9,300 or \$46,600 in the case of a body corporate.

Setting up a new prescribed accommodation premises

To ensure that your proposed prescribed accommodation premises complies with the *Public Health and Wellbeing Act 2008*, the following process should be followed:

It is best to discuss your proposal with an environmental health officer. They are able to provide you with accurate information relating to the public health requirements of new prescribed accommodation premises. You are also advised to speak to Council's planning and building departments to ensure all fire and safety regulations are met.

Plans Submission Form

A Plans Submission Form is required to be completed and accompanied by floor plans for a proposed prescribed accommodation premises

The submission form requests the location of the prescribed accommodation premises, contact details for the applicant, the class of the prescribed accommodation and details of when any works are scheduled to commence.

Floor plan

Detailed floor plans, drawn to scale (1:100), must be submitted to Council prior to obtaining registration. The plans must clearly indicate the proposed use of each room in the accommodation. This includes stating the location of any beds, toilets, baths, showers or washbasins.

In the rooms where people will be sleeping, you must also indicate the maximum number of persons who will be residing in each room and provide the floor area in square metres.

Approval of floor plans

An environmental health officer will assess the submitted plans against the *Public Health and Wellbeing Act 2008* and *Public Health and Wellbeing Regulations 2009*. This process usually takes 10 working days to complete.

Council will then advise you in writing of the approval or of the need for any additional requirements that have not been shown on the plans.

Final inspection

Once construction is complete, an inspection must be arranged with an environmental health officer to verify all works have been completed in accordance with the *Public Health and Wellbeing Act 2008* and *Public Health and Wellbeing Regulations 2009*.

An Application for Inspection Form must be obtained from the Public Health Unit and is to be completed and returned to Council prior to the inspection.

Setting up a new prescribed accommodation premises

Registration of your prescribed accommodation business

Once the environmental health officer has confirmed that the prescribed accommodation premises meets all the requirements for registration and the final inspection has been completed, you will be issued with an application for registration form. The application for registration form must then be submitted to Council with the prescribed fee.

The registration period for Glen Eira under the *Public Health and Wellbeing Act 2008*, is 1 January to 31 December. You will be required to annually renew this registration if you wish to continue to operate. Upon granting registration, the business will be supplied with a certificate of registration. This certification must remain at the premises at all times.

Other requirements for prescribed accommodation premises

Food

All businesses that sell, handle, store or prepare food intended for sale must be registered with Council under the provisions of the *Food Act 1984*.

If you intend to sell food at your prescribed accommodation business, you will need to obtain *Food Act 1984* registration. Please notify the Public Health Unit and an environmental health officer will guide you through the application process.

Please note: operating a food business without registration is an offence under the *Food Act* and any person found guilty can be fined up to \$18,650.

Overcrowding

Please note: under the Public Health and Wellbeing Regulations 2009, the number of persons that can be accommodated is determined by the floor area rooms where people are sleeping the number of toilet and bathing facilities. The number of persons accommodated also varies depending on the length of stay.

Under these regulations:

- Each bedroom must have a minimum floor space of 7.5 square metres.
- One child under three is not counted as a person.
- Two children under the age of three are counted as one person.
- Floor area includes the area occupied by any cupboard or other built-in furniture, fixture or fitting but does not include any area occupied by any bathroom or toilet in, or attached to, the bedroom.

Table one — Applicable for stays longer than 31 days

Floor area of bedroom	Maximum numbers of persons permitted to occupy bedroom
7.5–12 square metres	1
12 square metres	2
12 square metres plus four square metres for each additional person	>2

Table two — Applicable for stays 31 days or less

Floor area of bedroom	Maximum number of persons permitted to occupy bedroom
7.5–10 square metres	2
10 square metres	3
10 square metres plus two square metres for each additional person	>3

Other requirements for prescribed accommodation premises

Maintenance

The proprietor must maintain all bedrooms, toilets, bathrooms, laundries, kitchens and living rooms and any common area provided within the accommodation in:

- good working order;
- clean, sanitary and hygienic condition; and
- a good state of repair.

Cleanliness

The proprietor must:

- ensure that all rooms are thoroughly cleaned once vacated and before reuse; and
- all bed linen (if provided) is changed with clean linen at least weekly and after the accommodation is vacated and before its reuse by another occupier.

Water supply

The proprietor must:

- supply an adequate and continuous supply of water to all toilet, bathing, laundry and drinking water facilities; and
- supply an adequate and continuous supply of hot water to all bathing, laundry and kitchen facilities.

Drinking water

Water intended for drinking must be fit for human consumption.

Discharge of sewage and waste water

The proprietor must ensure that all sewage and waste water is discharged into a reticulated sewage system or an approved septic tank system.

Refuse receptacles and refuse disposal

The proprietor must provide vermin proof receptacles for the collection and storage of all rubbish and ensure these receptacles are regularly emptied and cleaned.

Toilet and bathing facilities

The proprietor must provide at least one toilet, one bath or shower and one hand washbasin for every 10 persons or fraction of that number of persons occupying the premises. All facilities are to be maintained in a clean and hygienic condition and in a good state of repair.

Registration of occupants

The proprietor must keep a register with the following information for a period of 12 months:

- names and addresses of occupants; and
- dates of arrival and departure of occupants.

Buying an existing prescribed accommodation premises

In order to legally operate the prescribed accommodation, business registration must be transferred from the name of the existing licensee to the name of the proposed purchaser.

Before you purchase a prescribed accommodation business you should:

1. Check with Council's Public Health Unit to determine if the premises is registered.
2. Request a pre-transfer inspection of the business.

Pre-transfer inspection

A pre-transfer inspection of an existing prescribed accommodation premises will ensure that the premises complies with the requirements of the *Public Health and Wellbeing Act 2008*.

Once an environmental health officer has conducted the inspection, they will issue you with a report that will identify any works required to ensure that the business complies with applicable regulations.

A pre-transfer inspection form must be completed and returned to Council with the prescribed fee prior to the inspection.

Transfer of registration

Once the business has been purchased, a transfer application form must be completed and returned to the Public Health Unit.

Upon receipt Council shall issue a Certificate of Registration in the name of the purchaser.

Operating a prescribed accommodation premises without registration is an offence under the *Public Health and Wellbeing Act 2008* and a person found guilty of an offence is liable to a fine of up to approximately \$9,300 or \$46,600 for a body corporate.

The current proprietor and purchaser can negotiate who will take responsibility for undertaking any necessary works.

Glen Eira City Council Public Health Unit

Further information and consultation can be provided in relation to:

- *Public Health and Wellbeing Act 2008*;
- *Public Health and Wellbeing Regulations 2009*; and
- *Food Act 1984*.

Contact:

Glen Eira City Council Public Health Unit
Phone: 9524 3333

Glen Eira City Council Building Department

Building Regulation Requirements for a Class 1b building — shared accommodation

Shared accommodation with a floor area of no more than 300 square metres, and no more than 12 residents is classified as a Class 1b building as per the National Construction Code — *Building Code of Australia (BCA)*. When an owner/occupier changes the use of a dwelling from a Class 1a (a single dwelling) to Class 1b (shared accommodation), they must obtain a building permit for the new use and ensure that essential safety measures are installed and maintained.

Any building exceeding these parameters is classified as a Class 3 building and has to comply with all relevant parts of *BCA* volume one applicable to that class.

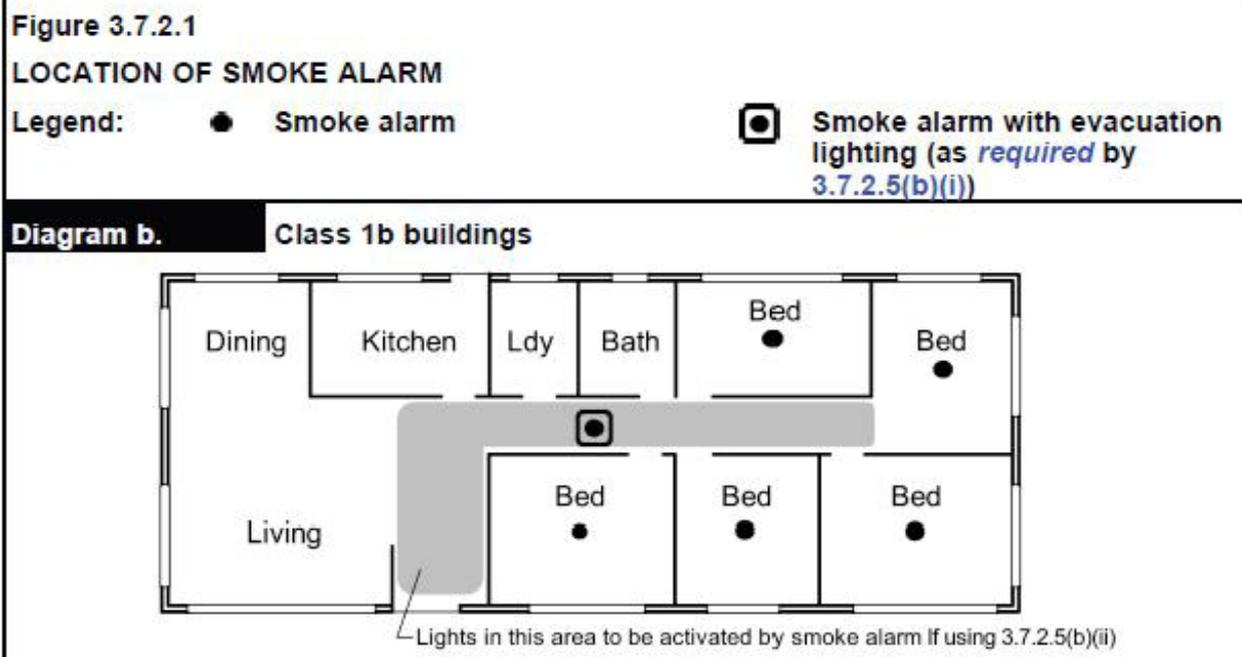
Once a building permit has been issued by a building surveyor for the new use, works can commence to change the building applicable to the new use. Furthermore, the building is not to be occupied as shared accommodation until such time that an occupancy permit is issued by the relevant building surveyor for the new use.

Fire safety

Compulsory safety measures for a Class 1b (shared accommodation) include:

- Hard wired smoke alarm in every bedroom and every corridor or hallway associated with a bedroom, or, if there is no corridor or hallway, in any area between the bedrooms and the remainder of the building. The smoke alarms must meet the Australian Standard 3786 and be connected to the building's power mains as well as having a battery back-up. All smoke detectors are to be interconnected.
- Evacuation lighting to assist evacuation of occupants in the event of fire. Such lighting may be incorporated in the smoke alarm units or be activated by nearby smoke alarms.

Appendix one — Council and external departments



Disabled access

In accordance with the National Construction Code — *Building Code of Australia (BCA)*, access for people with a disability must be provided to and within one bedroom and associated sanitary facilities and not less than one of each type of room or space for use in common by the residents.

Maintenance of exits

Owners and occupiers are both responsible for the maintenance of exits and paths of travel to exits. The paths must be maintained and kept readily accessible, functional and clear of obstruction to ensure safe and fast exiting from the building in the case of an emergency.

Any door used for entry to or exit from a residents room must be fitted with a lock that is operated by a key from the outside, and can be unlocked from the inside of the building/bedroom without the use of a key.

Unauthorised conversion of buildings

Unauthorised conversion of buildings (converting a building from Class 1a to Class 1b) may constitute an offence which can lead to building enforcement / prosecution by Council. It may also lead to danger to residents due to inadequate fire protection and/or fire warning systems or sub-standard conditions.

Dispensation — change of use

The relevant building surveyor has powers to issue dispensations regarding compliance associated with the new use in accordance with Regulation 1011 of the Building Regulations 2006 if deemed appropriate. A formal request needs to be made to the relevant building surveyor detailing the matter to be considered and the reasons for seeking partial compliance.

Contact:

Glen Eira City Council Building Department
Phone: 9524 3333

Appendix one — Council and external departments

Glen Eira City Council Planning Department

A Planning Permit to operate your prescribed accommodation business may be required. Please contact Council's Town Planning Department for further information and consultation in regard to:

- if the site is not in an area or zone which is used mainly for housing;
- if it does not provide self-contained accommodation;
- if it has more than 10 habitable rooms;
- the construction of a building or the construction or carrying out of works and demolition;
- the sale and consumption of food, depending on the zoning;
- signage (apart from A-frame signs on the footpath); and
- obtaining a permit for a proposed use of building/area.

Contact:

Glen Eira City Council Planning Department

Phone: 9524 3333

Consumer Affairs Victoria

Rooming house operators must comply with minimum standards set out in the Residential Tenancies (Rooming House Standards) Regulations 2012. These standards relate to privacy, security, safety and amenity in rooming houses.

The minimum standards apply to a rooming house and its rooms, irrespective of whether the resident is on a rooming house agreement or individual tenancy agreement.

Contact:

Consumer Affairs Victoria

Phone: 1300 55 81 81

Appendix two — Plans Submission Form

Prescribed accommodation premises

Street address: _____

Suburb: _____

Postcode: _____

Applicant details

Applicant name: _____

Mailing address: _____

Suburb: _____ Postcode: _____

Telephone number: _____ Mobile: _____

Proposed proprietor details (write as above if applicant above is the proposed proprietor)

Proprietor name: _____

Mailing address: _____

Suburb: _____ Postcode: _____

Telephone number: _____ Mobile: _____

Type of accommodation

Please tick the appropriate box to identify what type of accommodation will be provided at your premises.

Rooming/boarded house

Hotel/motel

Hostel

Student dormitory

Holiday camp

Residential accommodation

Other (please specify): _____

Appendix two — Plans Submission Form

Will food be provided at this premises? Yes No

If yes, please specify: _____

Length of stay: < 31 days > 31 days

Building and town planning permits

Have you applied for a town planning permit? Yes No NA

Have you applied for a building permit? Yes No NA

Floor plans (please see attached)

Two copies of detailed floor plans, drawn to scale of not less than 1:100

Floor plans must clearly show the following:

proposed use of each room beds toilets
 baths showers washbasins

Rooms which people will be sleeping in must all include:

maximum number of people residing in each room; and

floor area in square metres for each room.

Please fill out the table below.

Number of bedrooms		Number of showers	
Maximum number of occupants		Number of baths	
Number of toilets		Number of washbasins	

Appendix two — Plans Submission Form

Works program

When will works commence? _____

Estimated completion date? _____

I have completed each page of the Plans Submission Form and have attached two copies of detailed floor plans showing the information requested above.

Signature of applicant: _____

Date: _____