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CITY COUNCIL

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## GLEN EIRA CITY COUNCIL

# GUIDELINES FOR NEW OR TRANSFERRING PRESCRIBED ACCOMMODATION BUSINESSES



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[www.gleneira.vic.gov.au](http://www.gleneira.vic.gov.au)

Contact Council's Public Health team on  
[publichealth@gleneira.vic.gov.au](mailto:publichealth@gleneira.vic.gov.au) for more information.

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# INTRODUCTION

A proprietor of prescribed accommodation must register the accommodation with Council in accordance with the *Public Health and Wellbeing Act 2008*.

The following types of accommodation are considered prescribed accommodation:

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

The *Public Health and Wellbeing (Prescribed Accommodation) Regulations 2020* outline the specific requirements that prescribed accommodation premises must meet including room size, toilet and bathing facilities and maintenance and cleanliness.

The objective of these *Regulations* is to:

- prevent overcrowding;
- ensure a 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 additional requirements under planning and building legislation that prescribed accommodation proprietors must meet and for some types of accommodation legislative requirements that are enforced by Consumer Affairs Victoria. Please refer to the relevant sections in these Guidelines for further information.

# STARTING A NEW PRESCRIBED ACCOMMODATION PREMISES

## OVERCROWDING

Under the *Public Health and Wellbeing (Prescribed Accommodation) Regulations 2020*, the number of people that can be accommodated is determined by the floor area of rooms where people are sleeping, and the number of toilet and bathing facilities provided. The number of people 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.
- The 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.
- One child under the age of 3 years is not counted as a person.
- Two children under the age of 3 years are counted as one person.

**TABLE ONE — APPLICABLE FOR STAYS LONGER THAN 31 DAYS**

FLOOR AREA OF BEDROOM	MAXIMUM NUMBER OF PEOPLE PERMITTED TO OCCUPY A BEDROOM
Less than 12 square metres	1
12 square metres	2
Every four-square metres of floor area that exceeds 12 square metres	1 additional person

**TABLE TWO — APPLICABLE FOR STAYS 31 DAYS OR LESS**

FLOOR AREA OF BEDROOM	MAXIMUM NUMBER OF PEOPLE PERMITTED TO OCCUPY A BEDROOM
Less than 10 square metres	2
10 square metres	3
Every four-square metres of floor area that exceeds 10 square metres	1 additional person

# STARTING A NEW PRESCRIBED ACCOMMODATION PREMISES

## MAINTENANCE

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

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

## CLEANLINESS

The proprietor must ensure that each bedroom and any toilet or bathroom attached to the bedroom is cleaned after the bedroom is vacated and before reuse by another occupant. The proprietor must also change any bed linen (if provided) with clean linen at least weekly and after the accommodation is vacated and before reuse by another occupant.

## 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.

Additionally, any water intended for drinking must be fit for human consumption.

## DISCHARGE OF SEWAGE AND WASTEWATER

The proprietor must ensure that all sewage and wastewater 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 wash basin for every 10 people or fraction of that number of people occupying the premises.

## REGISTER OF OCCUPANTS

The proprietor must keep a register and retain the register for at least 12 months after the date of the last entry that includes the following information:

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



# ROOMING HOUSES





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# ROOMING HOUSES

The *Public Health and Wellbeing (Prescribed Accommodation) Regulations 2020* define a rooming house to mean a building in which there is one or more rooms available for occupancy on payment of rent —

- (a) in which the total number of people who may occupy those rooms is not less than 4; or
- (b) in respect of which a declaration under section 19(2) or (3) of the Residential Tenancies Act 1997 is in force.

Rooming houses play an important role in the housing market by providing accommodation to a significant number of Victorians, particularly given the decline in housing affordability and shortage of affordable rental options.

However, rooming houses can also be a source of neighbourhood concerns especially where neighbouring residents experience noise, rubbish and anti-social behaviour.

## OPERATING BETTER ROOMING HOUSES

Operating an effective and safe rooming house requires operators to have a sound understanding of the various regulations, standards and guidelines that apply to rooming houses.

In addition to this, we encourage rooming house operators to implement best practice standards which can improve the image of the property, improve the health and wellbeing of the rooming house residents and create good relationships with neighbours.

The Registered Accommodation Association of Victoria (RAAV) produced *Running a better rooming house: A best practice handbook for operators*. This handbook is an important resource for rooming house operators that explains best practice standards and how they can be implemented effectively. The handbook is available at [www.raav.org.au](http://www.raav.org.au)

# ROOMING HOUSES

## CONSUMER AFFAIRS VICTORIA AND ROOMING HOUSES

In accordance with the *Rooming House Operators Act 2016 (Act)*, the proprietor of a rooming house must be licensed to operate. To be eligible to obtain a licence, operators must be a 'fit and proper person' within the meaning of the Act. Licence applications will be determined by the Business Licensing Authority.

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

The minimum standards apply to a rooming house and its rooms whether the resident has a rooming house agreement or an individual rental agreement.

Consumer Affairs Victoria also encourage rooming house operators to implement good practices in relation to safety and security.

In residents' rooms:

- The two working power outlets can be one double or two single power outlets, but not double adaptors or powerboards.
- Power outlets should not be inside cupboards.
- Window coverings should be substantial enough to prevent anyone seeing into the room from the outside, including at night.

In bathrooms:

- A privacy latch should be strong enough to not break easily.

In kitchens:

- Cooking and preparation facilities should be located together.
- Sinks should only be provided in bedrooms if kitchenette facilities are also provided; otherwise, a sink should be in the kitchen.
- Cooking facilities in bedrooms must be assessed for any fire safety risk.
- All refrigerators should have a freezer compartment.
- Lockable cupboards should be separately keyed, and each resident should have their own key.

In the rooming house generally:

- Rooms should either have windows that open to allow enough air into the room, or an exhaust fan installed in the ceiling or wall, so there is adequate ventilation.
- Adequate lighting for internal rooms generally means a person should be able to comfortably read a newspaper or magazine in the room.
- Adequate lighting for corridors and hallways generally means people should be able to navigate these areas safely.
- The main entry should have enough external lighting to light the area outside the door, so residents can see who is knocking or ringing the doorbell.

Further information about the requirements enforced by Consumer Affairs Victoria can be found on their website at <https://www.consumer.vic.gov.au/licensing-and-registration/rooming-house-operators> or contact 1300 55 81 81.



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## OTHER COUNCIL DEPARTMENTS

### TOWN PLANNING DEPARTMENT

A planning permit for the use and/or building and works may be required in order to operate a prescribed accommodation premises. Some of the key matters that Town Planning consider includes:

- zoning of the land;
- total floor area provided;
- number of persons accommodated;
- number of bedrooms provided;
- access arrangements within the building;
- garden area requirements; and
- shared facilities.

To determine if a planning permit is required, the Town Planning department will need to undertake an assessment. You can register for this service by submitting your request along with your plans drawn to scale using the following link <https://www.gleneira.vic.gov.au/services/planning-and-building/planning/applying-for-a-planning-permit/before-i-apply-for-a-permit/planning-information-or-copy-of-documents>

You can contact the Town Planning department on 9524 3333 to discuss your requirements.

### BUILDING DEPARTMENT

#### BUILDING LEGISLATION AND BUILDING USAGE

Building legalisation does not utilise the term ‘prescribed accommodation’ to describe a buildings use, however a prescribed accommodation building as defined under the *Public Health and Wellbeing (Prescribed Accommodation) Regulations 2020* would typically constitute a Class 1b or 3 building in accordance with the National Construction Code — Building Code of Australia (BCA).

#### BUILDING REGULATION REQUIREMENTS FOR A CLASS 1B OR 3 BUILDING

A boarding house, guest house, hostel or similar with a floor area of no more than 300 square metres (measured over the enclosing walls of the building or buildings), and no more than 12 residents is classified as a Class 1b building in accordance with the BCA.

Any building exceeding these parameters is classified as a Class 3 building (shared accommodation) and must comply with all relevant parts of the BCA that are applicable to that class including, in certain instances, an automatic fire sprinkler system and a higher degree of accessibility among other things.

When an owner or agent of the owner seeks to change the use of a dwelling from a Class 1a (a single dwelling) to a Class 1b usage, they must first obtain a building and occupancy permit for the new use and ensure that required essential safety measures are installed and maintained.

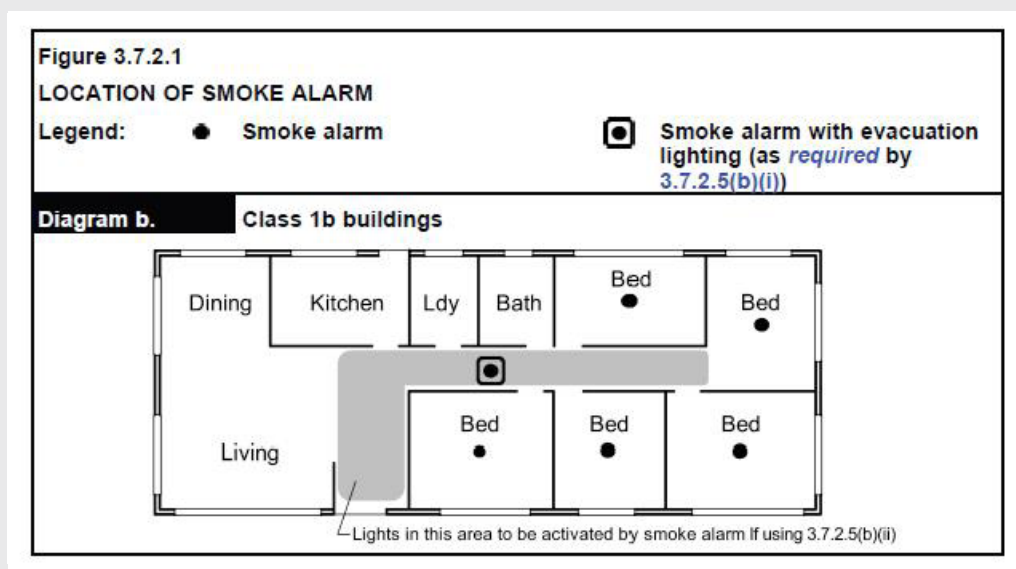
Until an occupancy permit is issued by the relevant building surveyor for the new use, the building cannot be occupied as a Class 1b or 3 building as appropriate. To do so would constitute an offence, potentially leading to fines and prosecution.

# OTHER COUNCIL DEPARTMENTS

## REQUIRED FIRE SAFETY SYSTEMS FOR A CLASS 1B

Fire safety systems for a Class 1b (boarding house etc) include:

- Hard wired smoke alarm within 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 satisfy Australian Standard 3786 and be connected to the building's power mains as well as having a battery back-up. All smoke alarms are to be interconnected.
- Lighting to assist evacuation of occupants in the event of fire. This lighting may be incorporated in the smoke alarm units or be activated by nearby smoke alarms.



**Figure 1** — BCA Extract illustrating the location of smoke alarms and lighting to assist evacuation requirements for a Class 1b usage.

## ACCESS FOR PEOPLE WITH A DISABILITY – CLASS 1B

In accordance with the Commonwealth Premises Standards 2010 and the 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 for a Class 1b building.

## UNAUTHORISED CONVERSION OF BUILDINGS (CHANGE OF USE)

Unauthorised conversion of buildings (converting a building from Class 1a to Class 1b or 3) may constitute an offence which can lead to further enforcement action by Council officers. It may also present a serious risk to occupant health, safety, and amenity due to inadequate fire safety systems or sub-standard conditions.

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## OTHER COUNCIL DEPARTMENTS

### CHANGE OF USE – EXEMPTIONS

The relevant building surveyor has powers to grant exemptions regarding compliance with the new use in accordance with Regulation 229 of the Building Regulations 2018 (Vic) if deemed appropriate. As part of the building permit application process, a formal request needs to be made to the relevant building surveyor detailing the matter to be considered and the reasons for seeking an exemption.

### MAINTENANCE OF EXITS

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

### MAINTENANCE OF ESSENTIAL SAFETY MEASURES

Owners must ensure that they have in place a regime for the maintenance, testing and inspection of essential safety measures in accordance with a buildings Occupancy Permit and or Maintenance Determination.

Owners must also each year prepare a document titled 'Annual Essential Safety Measures Report' (AESMR) within 28 days of the anniversary date of a building Occupancy Permits date of issue or for buildings completed prior to 1994, by 13 June each year.

It is an offence to not maintain a building's required essential safety measures and have in force a current AESMR, to do so may lead to fines and prosecution.

If you want to know more about essential safety measure requirements visit the Victorian Building Authority (VBA) webpage at <https://www.vba.vic.gov.au/consumers/guides/essential-safety-measures> or contact the VBA technical team on 1300 815 127.

You can also contact Council's Building department on 9524 3333 to discuss your requirements.

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## APPLICATION FOR REGISTRATION

An application to register prescribed accommodation must include a plan of the premises drawn to scale of not less than 1:100, show the proposed use of each room and be accompanied with the application form and fee determined by Council.

To apply to register a new prescribed accommodation premises, please complete the application form found on page 13.



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# BUYING AN EXISTING PRESCRIBED ACCOMMODATION BUSINESS

If you are considering operating an existing prescribed accommodation business, the *Public Health and Wellbeing Act* registration for the premises must be transferred from the name of the current proprietor to your name before you take over its operation.

## APPLICATION FOR TRANSFER OF REGISTRATION

Contact Council Public Health Unit on 9524 3333 to obtain an Application to transfer Public Health and Wellbeing registration. Complete and return the Application to Council's Public Health Unit by emailing [publichealth@gleneira.vic.gov.au](mailto:publichealth@gleneira.vic.gov.au).

You will be contacted by an environmental health officer to discuss your registration requirements. You will be required to pay a transfer of registration fee and the officer may request to complete an inspection of the premises.

Once Council has granted the transfer of registration, you will be issued with a Certificate of registration and you may commence operating.



GLEN EIRA  
CITY COUNCIL

PF04

Glen Eira City Council

# Application for registration of prescribed accommodation Section 71 Public Health and Wellbeing Act 2008

Glen Eira City Council  
PO Box 42 Caulfield South 3162  
Phone: 9524 3333  
ABN: 65 952 882 314

## 1. Proprietor details

Proprietor type: ☐ Company ☐ Individual ☐ Partnership

If the proprietor is a company, specify the name of the person completing the application and authority (eg. Director of company).

Proprietor 1: Title: \_\_\_\_\_ Given name(s): \_\_\_\_\_ Surname: \_\_\_\_\_

Proprietor 2: Title: \_\_\_\_\_ Given name(s): \_\_\_\_\_ Surname: \_\_\_\_\_

Company name (if applicable): \_\_\_\_\_

Authority (eg. Director): \_\_\_\_\_ ABN or ACN: \_\_\_\_\_

If the proprietor is an individual provide date of birth: \_\_\_\_\_

Telephone number: \_\_\_\_\_ Mobile number: \_\_\_\_\_

Email address: \_\_\_\_\_

Proprietor address: \_\_\_\_\_

Suburb: \_\_\_\_\_ Postcode: \_\_\_\_\_

### Contact person (if not the proprietor)

Title: \_\_\_\_\_ Given name(s): \_\_\_\_\_ Surname: \_\_\_\_\_

Email Address: \_\_\_\_\_

Business phone number: \_\_\_\_\_ Mobile number: \_\_\_\_\_

## 2. Accommodation Details

Prescribed accommodation trading name: \_\_\_\_\_

Prescribed accommodation address: \_\_\_\_\_

Suburb: \_\_\_\_\_ Postcode: \_\_\_\_\_

### Type of accommodation provided (please tick one):

- ☐ Rooming House ☐ Residential Accommodation ☐ Hostel ☐ Student Dormitory  
☐ Holiday Camp ☐ Hotel or Motel ☐ Other (please specify) \_\_\_\_\_

☐ Attach a plan of the premises drawn to scale of not less than 1:100 and clearly showing the following:

- ☐ proposed use of each room ☐ beds ☐ toilets ☐ showers  
☐ washbasins ☐ baths ☐ fire safety systems ☐ disability access

Complete the following:

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

Floor area of the building: ☐ less than 300m<sup>2</sup> ☐ more than 300m<sup>2</sup>  
What is the length of stay: ☐ less than 31 days ☐ more than 31 days

- ☐ If you have obtained a building permit, please attach a copy.  
☐ If available, please attach a copy of the building's current occupancy permit.  
Will the business provide food to guests, occupants or the public? ☐ Yes ☐ No

### 3. Declaration

If the proprietor is an individual or a partnership, the proprietor(s) must sign and print name(s).

If the proprietor is a company — the person with the authority on behalf of that body must sign and print their name.

I understand and acknowledge that:

- ☐ The information provided in this application is true and complete to the best of my knowledge.  
☐ This application forms a legal document and penalties exist for providing false or misleading information.

Proprietor signature: \_\_\_\_\_ Proprietor signature: \_\_\_\_\_  
Print name: \_\_\_\_\_ Print name: \_\_\_\_\_  
Date of application: \_\_\_\_\_ Date of application: \_\_\_\_\_

**Total amount due:** Fee to be determined by Council

Payment method	Payment type	Instructions
In person	Cash, EFTPOS, credit card or cheque	Present application form and pay at Council's Service Centre (corner Glen Eira and Hawthorn Roads, Caulfield)
Mail	Cheque	Make cheques payable to 'Glen Eira City Council' and send with application form to Glen Eira City Council, P.O Box 42, Caulfield South 3162
Phone	Credit card	<ul style="list-style-type: none"><li>• Contact Council's Customer Service Centre on (03) 9524 3333</li><li>• Advise that you are paying your Public Health and Wellbeing Act registration fee</li><li>• Provide your trading name, premises address and registration number</li><li>• Provide payment amount and credit card details</li></ul>

### Privacy Statement

Glen Eira City Council manages your personal information in accordance with its Privacy Policy and the *Privacy and Data Protection Act 2014*. This information is collected for the administration and enforcement of the *Public Health and Wellbeing Act 2008*. It may be provided to the Victorian Department of Health or Consumer Affairs Victoria for the same purposes, and for statistical purposes related to the application of the Act. For further information about how Council manages and uses your personal information you can view Council's Privacy Policy on our website at [www.gleneira.vic.gov.au](http://www.gleneira.vic.gov.au) or contact Council's privacy officer on [privacy@gleneira.vic.gov.au](mailto:privacy@gleneira.vic.gov.au)

#### **COUNCIL USE ONLY**

Date final inspection completed: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Debtor Number: \_\_\_\_\_

Registration Number: \_\_\_\_\_

Area: \_\_\_\_\_

Date of registration: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Renewal due: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Responsible EHO: \_\_\_\_\_

EHO Signature: \_\_\_\_\_

**Please do not process any form of payment until an EHO signature has been provided.**

Post admin entry Health Manager review completed by EHO: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

If a rooming house — date added to CAV rooming house register: \_\_\_\_ / \_\_\_\_ / \_\_\_\_





GLEN EIRA  
CITY COUNCIL

## Glen Eira City Council

Corner Glen Eira and Hawthorn Roads, Caulfield

Mail address: PO Box 42

Caulfield South, 3162

Phone: (03) 9524 3333

Fax: (03) 9523 0339

[mail@gleneira.vic.gov.au](mailto:mail@gleneira.vic.gov.au)

[www.gleneira.vic.gov.au](http://www.gleneira.vic.gov.au)

### National Relay Service

If you are deaf, hearing-impaired, or speech-impaired, we ask that you call us via the National Relay Service and then ask for (03) 9524 3333.

Online: <https://internet-relay.nrscall.gov.au>

Teletypewriter (TTY): 13 36 77

Speak and Listen: 1300 555 727

### Social media

#### Glen Eira City Council:

[www.facebook.com/GlenEiraCityCouncil](https://www.facebook.com/GlenEiraCityCouncil)

#### @cityofgleneira:

[www.instagram.com/cityofgleneira](https://www.instagram.com/cityofgleneira)

#### Glen Eira arts, gallery and events:

[www.facebook.com/gleneiraarts](https://www.facebook.com/gleneiraarts)

#### Glen Eira Leisure:

[www.facebook.com/GESACOnline](https://www.facebook.com/GESACOnline)

<https://www.instagram.com/gleneiraleisure>

[www.twitter.com/GESACOnline](https://www.twitter.com/GESACOnline)

#### Glen Eira Libraries and Learning Centres:

[www.facebook.com/GlenEiraLibraries](https://www.facebook.com/GlenEiraLibraries)

<https://www.instagram.com/gleneiralibraries>

#### Glen Eira Youth Services:

[www.facebook.com/GlenEiraYouthServices](https://www.facebook.com/GlenEiraYouthServices)

[www.instagram.com/gleneirayouthservices](https://www.instagram.com/gleneirayouthservices)

#### Glen Eira sustainable living:

[www.facebook.com/sustainablelivinggleneira](https://www.facebook.com/sustainablelivinggleneira)