

# Prescribed Accommodation

Guidelines for setting up and registering





# PRESCRIBED ACCOMMODATION CONSTRUCTION, REGISTRATION AND OPERATIONAL RESPONSIBILITIES

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## Purpose of this Guide

To ensure each Department of Council that may require input into your Application is notified, an electronic form requesting Small Business Permit Assistance must be completed as the first step in your application process. <https://www.banyule.vic.gov.au/For-business/Getting-into-business/Small-business-permit-assistance>

When starting a prescribed accommodation business you need to consider all the relevant permits and certificates required. This includes registration under the Public Health and Wellbeing Act, Planning Permit (if required), a Building Occupancy Permit, legal, tax and insurance obligations and associated costs. It is important to note that it is your responsibility to determine and meet all the requirements and obtain all the necessary permits.

Additionally you must be able to meet Consumer Affairs Victoria Licensing and registration requirements <https://www.consumer.vic.gov.au/licensing-and-registration/rooming-house-operators>

Banyule Council has a dedicated Economic Development Team that provide a range of small business support services to assist your business to establish and grow in our municipality. For further information on this support visit [www.banyulebusiness.com.au](http://www.banyulebusiness.com.au).

A good beginning for anyone wanting to set up a small business can be found through the Business Victoria website [www.business.vic.gov.au](http://www.business.vic.gov.au).

## Do I need to register with Council?

Under the *Public Health and Wellbeing Act 2008 (the Act)*, all businesses that involve **prescribed accommodation** must register their premises with Council. Registration must be obtained from Council's Public Health Protection prior to commencing operation of your business or if you take over an existing premises, you need to transfer the registration into your Company, partnership or individual name (proprietor) before you start operating. Operating a **prescribed accommodation** business without the required Council registration is an offence and penalties may be applied. Before registering a business, Council must be satisfied that all the requirements for registration have been met.

## What is a Prescribed Accommodation premises?

Prescribed Accommodation premises include any of the following classes of accommodation:

- (a) **residential accommodation** – all or part of any house or building where a person can live on payment to the proprietor but does not include a hotel or motel or a hostel or a student dormitory or a holiday camp or a rooming house.
- (b) **hotels and motels** – Residential hotel and any residential premises in respect of which a general licence or on-premises licence is granted under the Liquor Control Reform Act 1998.
- (c) **hostels** – any house, building or structure which is used primarily for the accommodation of travellers.
- (d) **student dormitories**– Accommodation for students, which is controlled by or operated under an arrangement with or affiliated with a school or tertiary institution.
- (e) **holiday camps** – Any house, building or structure which is used for the accommodation of student groups, youth groups or family groups for holiday or recreational purposes.

- (f) **rooming houses** – A building where there is one or more rooms available for occupancy on payment of rent where the total number of people who may occupy those rooms is not less than 4 (*i.e. where at least 4 people may rent those rooms*).
- (g) **labour hire accommodation** – Any house, building, structure or site (including any shared facilities on a site) whether or not that worker pays for the accommodation in which the total number of workers who may occupy the accommodation is not less than 4 (*i.e. where at least 4 workers occupy an accommodation under or in connection with a labour hire arrangement*).

When setting up a new Prescribed Accommodation premises or taking over an existing premises or making alterations to an existing premises, there are a number of things that must be addressed in order to satisfy the *Public Health and Wellbeing Act 2008* and the *Public Health and Wellbeing (Prescribed Accommodation) Regulations 2020*. Prescribed accommodation providers are required to meet hygiene, maintenance and other standards.

If your Prescribed Accommodation is a **Rooming House**, **Consumer Affairs Victoria (CAV)** has additional requirements:

- a) Apply for a Rooming House Operator Licence. Review licensing requirements at [Consumer Affairs Victoria](#)

Link: [consumer.vic.gov.au/licensing-and-registration/rooming-house-operators/licensing/rooming-house-operators-licensing-scheme](http://consumer.vic.gov.au/licensing-and-registration/rooming-house-operators/licensing/rooming-house-operators-licensing-scheme)

CAV Minimum standards including good practice guidance:

Rooming house operators must comply with minimum standards relating to privacy, security, safety and amenity. Review requirements at [Consumer Affairs Victoria](#).

Link: [consumer.vic.gov.au/minimumstandards](http://consumer.vic.gov.au/minimumstandards)

**Note:** Refer to the *Public Health and Wellbeing (Prescribed Accommodation) Regulations 2020* for legal definitions and exemptions to the Regulations. These regulations can be viewed at <http://www.legislation.vic.gov.au/>

**Please read the section (1, 2 or 3) below, which applies to you.**

## **1. STARTING UP A PRESCRIBED ACCOMMODATION**

Prior to setting up a Prescribed Accommodation premises, there are a number of things that you should attend to and include:

- o To ensure the relevant Departments of Council are notified of your proposal and then able to provide guidance on the types of permits and registrations you may need, an electronic form requesting [Small Business Permit Assistance](#) must be completed as the first step in your pre-application process. Link: [banyule.vic.gov.au/For-business/Small-business-permit-assistance](http://banyule.vic.gov.au/For-business/Small-business-permit-assistance)
- o Prepare and submit detailed plans of the interior layout of the proposed premises to Council's Public Health Protection unit for review and endorsement. (*See Plans & Specifications*).
- o Request progress inspections as works are undertaken, as required.
- o Once works are completed contact Public Health Protection unit to organise a Registration Inspection.

**Note:** Before Council's Public Health Protection will approve a Prescribed Accommodation application for a Rooming House, a copy of an Occupancy Permit issued by a registered building surveyor must be supplied, specifying the premises has undergone conversion from a residential Class 1a dwelling to a Class 1b boarding house.

## **2. TAKING OVER AN EXISTING PRESCRIBED ACCOMMODATION**

Prior to taking over a Prescribed Accommodation premises, there are a number of matters that you should attend to and include:

- a) Consult with Council's Public Health Protection **9457 9965** to establish whether the premises has current registration.
- b) It is recommended to organise a 'Pre-purchase Inspection' of the premises with Council's Environmental Health officer prior to purchase to ensure any non-conformances with the *Public Health and Wellbeing (Prescribed Accommodation) Regulations 2020* are identified.
- c) Request an Application to Transfer the registration and submit together with payment before taking over its operation.

## **3. UNDERTAKING ALTERATIONS TO AN EXISTING PRESCRIBED ACCOMMODATION**

Prior to undertaking alterations to an existing Prescribed Accommodation premises:

- a) Consult with Council's Public Health Protection unit and discuss the proposal.
- b) Consult with Council's Building Department and discuss the proposal.
- c) Submit detailed plans of the proposed layout to Council's Public Health Protection unit. (*See below, Plans and Specifications*).
- d) Obtain plans endorsement from Council's Public Health Protection (and a licensed building surveyor, if necessary) before commencing any alteration works.
- e) Once works are complete contact the Environmental Health Officer to organise an inspection prior to recommencing operation.

## **PLANS AND SPECIFICATIONS**

The plans need to demonstrate compliance with the 'Structural Requirements' listed below and be accompanied by a completed *Plans Submission for Prescribed Accommodation Premises* form (attached to the back of this document), along with the prescribed fee nominated on the form.

Ensure plans are:

- o Drawn accurately to a scale of not less than 1:100.
- o Show the proposed use of each room, including the location of fixtures in the bedroom(s), kitchen, laundry, toilet(s), bath(s)/shower(s) and hand basin(s).
- o Identify each bedroom with a number.

## **STRUCTURAL REQUIREMENTS**

The following structural requirements must be adhered to when undertaking works at a Prescribed Accommodation premises.

## **CONSTRUCTION AND FINISH**

The entire accommodation, including all rooms, fixtures and fittings such as floors, walls, ceilings and any furnishings shall be:

- o Capable of being readily cleaned.
- o Unable to provide harbourage for pests.
- o In good working order.
- o In a good state of repair.

## BEDROOM DESIGN AND OCCUPANCY

The minimum floor area permitted for a bedroom is 7.5 square metres.

*Note: Floor area includes the area occupied by a 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.*

The maximum number of persons permitted to occupy a bedroom for a period of **more than 31 days** is as follows:

- |                                |   |
|--------------------------------|---|
| (a) Less than 12 square metres | - 1 person  |
| (b) 12 square metres or more   | - 2 people and an additional person for every 4 square metres of floor area that exceeds 12 square metres |

The maximum number of persons permitted to occupy a bedroom for a period of **31 days or less** is as follows:

- |                                |  |
|--------------------------------|--|
| (a) Less than 10 square metres | - 2 people   |
| (b) 10 square metres or more   | - 3 people and an additional person for every 2 square metres of floor area that exceeds 10 square metres. |

A proprietor of a holiday camp must ensure each room is not less than 7.5 square metres and provide at least 2 square metres of floor area in a bedroom for each person who is accommodated for a period of **31 days or less**.

*Note: A single child under 3 years is not counted as a person, whereas 2 children under 3 years are counted as one person.*

## FACILITIES TO OCCUPANTS RATIO

For every ten people (or fraction of that number of people) occupying the accommodation, the following minimum number of facilities must be provided:

- One toilet; and
- One bath or shower, supplied with a continuous supply of hot and cold water; and
- One wash basin, supplied with a continuous supply of hot and cold water.

## REFUSE RECEPTACLES

An adequate number of vermin-proof receptacles must be provided for the collection and storage of all rubbish.

## SEWAGE AND WASTEWATER DISPOSAL

- All sewage and wastewater must be discharged:  
to a reticulated sewerage system; or
- to a waste water treatment system permitted under the *Environment Protection Act 2017*.

## WATER SUPPLY

A continuous and adequate supply of water must be provided to all toilet, bathing, kitchen, laundry and drinking water facilities. Furthermore, a continuous and adequate supply of hot water must also be provided to all bathing, kitchen, and laundry facilities.

**Note:** *Water intended for drinking purposes must be fit for human consumption (safe for drinking).*

## OPERATIONAL REQUIREMENTS

### MAINTENANCE & CLEANLINESS

The entire accommodation including all bedrooms, toilets, bathrooms, laundries, kitchens, living rooms and any common areas provided with the accommodation must be maintained:

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

**Note:** *Each bedroom, and any toilet or bathroom attached to the bedroom, must be cleaned after the bedroom is vacated and before its re-use by another occupier. It is also a requirement that all bed linen provided with the accommodation is changed with clean linen:*

- At least weekly; and
- After the accommodation is vacated and before its re-use by another occupier.

### REFUSE RECEPTACLES & REFUSE DISPOSAL

There must be sufficient vermin-proof receptacles for the collection and storage of all rubbish and ensure refuse receptacles are regularly cleaned.

Refuse generated at the accommodation premises must be regularly removed using either services provided by Council, or a private contractor engaged by the proprietor.

### REGISTER OF OCCUPANTS

The proprietor of the accommodation must keep a register for the recording of names and addresses of people occupying the accommodation and the dates of their arrival and departure.

**Note:** *Any register must be retained by the proprietor for at least 12 months after the date of the last entry in the register. The proprietor must take all reasonable steps to protect the information in the register.*

### ADVERTISING

Any advertising, notice or sign relating to the prescribed accommodation must not be inconsistent with the class of accommodation that it was originally registered or approved for.

## FOOD ACT REGISTRATION AND LIQUOR LICENCE

To sell and serve food (*including liquor*) as a part of your business, you must apply for registration under the *Food Act 1984*. For details about *Food Act 1984* registration requirements, contact Council's Public Health Protection.

**Note:** *To sell liquor you will also be required to apply for a Liquor Licence. For further information about a Liquor Licence, contact [Victorian Gambling and Casino Control Commission](#) (VGCCC) and Council's Planning Department.*

Link: <https://www.vgccc.vic.gov.au/>