



PRESCRIBED ACCOMMODATION PREMISES INFORMATION GUIDE



Moyne Shire - a safe. vibrant. liveable. and prosperous community



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1. Introduction

The following information has been developed to assist you with the application process, in particular the registration requirements and standards associated with establishing a **prescribed accommodation premises** in Moyne Shire Council.

Owners/proprietors must comply with laws that aim to protect public health and safety. This includes meeting Council's environmental health, building, and planning requirements.

The Environmental Health Unit should be consulted for registration requirements, and health standards e.g. cleanliness, overcrowding, and water supply.

The Building Department should be consulted for requirements regarding any building works to take place and disability requirements. A building permit is required to change the use of any structure not purpose built for such accommodation.

The Planning Department should be consulted for requirements of Council's Planning Scheme, such as change of use permits, signage and car parking provisions.

Please see *Appendix 4* for a registration checklist.

NOTE: In the case of a rooming/boarding house, additional minimum standards are enforced by Consumer Affairs Victoria (see Section 5).

<https://www.consumer.vic.gov.au/minimumstandards>



2. Public Health Requirements

2.1 Registration

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

- Residential accommodation
- Hotels and Motels
- Hostels
- Student Dormitories
- Holiday Camp
- Rooming Houses/Boarding Houses

These premises must be registered with Council where:

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

Once registered, Council conducts a minimum of one annual inspection to ensure requirements are met as set out under the Public Health and Wellbeing Regulations 2009.

2.2 What Constitutes a Prescribed Accommodation Premises?

If you own or manage a dwelling that is likely to **accommodate in excess of five (5) persons at any one time, and if these premises are not the subject of a tenancy agreement, then these premises are required to be registered with Moyne Shire as a Prescribed Accommodation premises.**

Prescribed accommodation premises are generally used for overnight, intermittent and/or holiday accommodation. These would include Bed & Breakfasts, serviced apartments, and/or houses.



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

‘Residential accommodation’ means any house, building, or other structure used as a place of abode where a person or persons can live on payment of consideration 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.

‘Hotels and Motels’ includes a 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*.

‘Hostels’ means any house, building or structure, whether temporary or permanent, which is used primarily for the accommodation of travellers.

‘Student Dormitories’ means any dormitory, student hostel, hall of residence or residential college for the accommodation of students which is controlled by or operated under an arrangement with or affiliated with –

- a) An institution providing educational services for children of compulsory school age within the meaning of section 1.13(1) of the *Education and Training Reform Act 2006*; or
- b) Adult, community and further education services; or
- c) An autonomous college or adult education institution within the meaning of those definitions in section 1.1.3(1) of the *Education and Training Reform Act 2006*.

‘Holiday Camp’ means any house, building or structure, whether temporary or permanent, which is used for the accommodation of student groups, youth groups or family groups for holiday or recreational purposes.

‘Rooming Houses’ means a building in which there is one or more rooms available for occupancy on payment of rent in which the total number of people who may occupy those rooms is not less than four (4).

Before Applying for Registration

If you are considering purchasing and/or constructing a prescribed accommodation premises, it is important that you read this information pack in its entirety at the beginning of the process.



Before any building / structural works commence, you should consult with Council's Planning, Building and Health Departments to obtain all relevant approvals.

To register, you will need to lodge the following with Council:

1. Application to Register Prescribed Accommodation Form;
2. Applicable registration fee; *and*
3. Detailed floor plans of the premises drawn to a scale of not less than 1:100 and showing the proposed use of each room.

In order to transfer the registration of an already established premise, the existing proprietor must apply to transfer the registration to the new proprietor before settlement. This is the responsibility of both parties.



2.2 Standards relating to Prescribed Accommodation

2.2.1 Overcrowding

Rooms are not to be used as bedrooms if they have a floor area of less than 7.5m². The following tables must be used as a guide when establishing room allocation.

Table 1 – Persons who are accommodated in Prescribed Accommodation for more than 31 days

Floor Area of Bedroom	Maximum Number of Persons Permitted to Occupy Bedroom
Between 7.5m ² and 12m ²	1
12m ² or more	2*
*For every additional person thereafter, there must be at least 4m ²	

Table 2 – Persons who are accommodated in Prescribed Accommodation, other than a holiday camp, for 31 days or less

Floor Area of Bedroom	Maximum Number of Persons Permitted to Occupy Bedroom
Between 7.5m ² and 10m ²	2
10m ² or more	3*
*For every additional person thereafter, there must be at least 4m ²	

Rooms for Holiday Camps should not be less than 7.5m² and at least 2m² of floor area in the bedroom for each additional person accommodated for a period of 31 days or less.



2.2.2 Maintenance

All bedrooms, toilets, bathrooms, laundries, kitchens, living rooms, and any common areas provided within the accommodation, must be kept in good working order and state of repair, and in a clean, sanitary and hygienic condition.

2.2.3 Cleanliness

Each bedroom and any toilet or bathroom attached to the bedroom must be cleaned after the bedroom is vacated, and before it is used by another occupier.

All bed linen within the accommodation premises must be changed with clean linen at least weekly, after the accommodation is vacated, and before it is used by another occupier.

If you provide kitchen facilities, any utensils or equipment provided to the occupant for use (cutlery, crockery, toaster etc.), must be thoroughly cleaned after the occupant vacates the accommodation.

2.2.4 Rubbish Storage

An adequate number of vermin proof receptacles are to be provided for collection and storage of all rubbish. Receptacles must be emptied on a weekly basis and regularly cleaned.

2.2.5 Toilet and bathing facilities

At least one (1) toilet, one (1) bath or shower and one (1) wash basin, must be provided for every 10 persons, or fraction of that number of persons occupying the accommodation.

Bathrooms are to be designed to ensure that materials used in the construction are suitable for wet areas, and can be maintained in a clean and hygienic state.

These facilities must be adequately ventilated and constructed in accordance with the **Building Code of Australia**. For information regarding ventilation and construction, please contact Council's Building Surveyor.



2.2.6 Water Supply

A continuous and adequate supply of running water must be provided to all bathroom, toilet, laundry, kitchen, and drinking water facilities. A continuous supply of hot running water must be supplied to bathing, laundry, and kitchen facilities.

2.2.7 Drinking Water

Water intended for drinking must comply with the Australian Drinking Water Standards and be fit for human consumption.

If the drinking water is not obtained from a water supplier but from a private water supply, it is recommended the water is tested by an analyst on an annual basis. For a list of analysts, please contact Council's Environmental Health Unit.

2.2.8 Wastewater Disposal

All sewage and wastewater must be discharged to either a reticulated sewerage system, or an approved septic tank system, permitted under the Environment Protection Act 1970.

2.2.9 Register of Occupants

A register must be kept for a minimum of 12 months and must contain the names and addresses of persons occupying the accommodation plus specifying the dates of their arrival and departure.

2.3 Food

Under the Food Act, the sale of food also includes those businesses that do not charge a fee directly for food, but include a fee indirectly as part of another service, for example a Bed & Breakfast.

In Victoria, you cannot operate a food business unless the business is registered under the Food Act with the relevant local Council. Failure to register your premises is a contravention of the Food Act.

If you would like to provide food as part of your accommodation services, please contact Council's Environmental Health Unit for registration requirements. This includes packaged food or a vending machine.



2.4 Swimming Pool/Spa

If the premises has a swimming pool and/or a spa, it must be operated in accordance with the Public Health and Wellbeing Regulations. The Pool Operators' Handbook is a guide to operating and managing swimming pools and spas. This handbook will specify the cleaning, maintenance, and sampling requirements. Installation of a new pool or spa requires a building permit – see Section 3.

For a copy of this handbook, please contact Council's Environmental Health Unit or visit <http://docs.health.vic.gov.au/docs/doc/Pool-operators-handbook>

Pool barriers must be maintained and should be checked for compliance every 12 months by a Building Surveyor.

3. Building Regulation Requirements

Shared accommodation with a floor area of no more than 300m², and no more than 12 residents, is classified as a Class 1b building by the Building Code of Australia (BCA). When an owner changes the use of their home from Class 1a (a single dwelling) to Class 1b (commercial dwelling), they must obtain a building permit, and ensure that essential safety measures are installed and maintained. See *Appendix 2* for Essential Building Safety Measures.

Any building exceeding these parameters is classified as a Class 3 building under BCA definitions and has to comply with all relevant parts of BCA Volume One applicable to that class. ***For more information regarding fire safety requirements, please contact Councils' Building Surveyor.***

3.1 Fire Safety

Compulsory safety measures include:

- A stand-alone, 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 AS 3786, and be connected to the building's power mains as well as having a battery back-up. All smoke detectors must be interconnected.
- Smoke alarm activated lighting must be installed to assist evacuation of occupants in the event of fire. Such lighting may be incorporated into the smoke alarm units, or be activated by nearby smoke alarms.
- Occupant Fire Equipment must be reliable and effective.



3.2 Disabled Access

In accordance with BCA Volume One, Table D3.1; 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. (See 3.4 for dispensations).

3.3 Energy Efficiency

The 6 Star Standard applies to the thermal performance of a home or alterations, as well as requiring the installation of a solar hot water system, or a rain water tank for toilet flushing. You will be required to have an accredited energy rating consultant undertake an energy assessment to demonstrate compliance with the 6 Star Standard. (See 3.4 for dispensations).

3.5 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 in an efficient condition and kept readily accessible, functional, and clear of obstruction, to ensure safe and fast exiting from the building in the case of an emergency. Deadlocks may be prohibited on required exit doors, check with a building surveyor.

3.6 Unauthorised Conversion of Buildings

Unauthorised conversion of buildings (converting a building from Class 1a to Class 1b) may constitute an offence which can be prosecuted 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

Some exemptions may be granted by the relevant Building Surveyor when assessing compliance issues. Regulation 1011(3) sets out factors to be considered. A formal request needs to be made detailing the matter to be considered and the reasons for seeking partial compliance.



4. Planning Requirements

A planning permit may be required for accommodation dependent on location and zoning of land. For further information, please contact Council's Planning Department.

5. Consumer Affairs Victoria (Rooming/Boarding Houses)

The Residential Tenancies Act 1998 sets out a range of rights and responsibilities for rooming house landlords and tenants. The minimum standards administered by Consumer Affairs Victoria relate to privacy, security, safety and amenity in rooming houses. For a copy of these minimum standards visit www.consumer.vic.gov.au or alternatively contact Council to request a copy.

Rooming houses are also required to be on a state-wide rooming house register. Prior to registration, Council's Environmental Health Unit will refer the premises to Consumer Affairs Victoria to inspect for compliance with minimum standards.

6. Compliance

When Council becomes aware of shared accommodation facilities that breach building, health, or planning laws, Council will coordinate investigation and enforcement activities to achieve compliance. This includes conversions to Class 1b building use without being suitably upgraded, or granted necessary permits or applicable registrations.

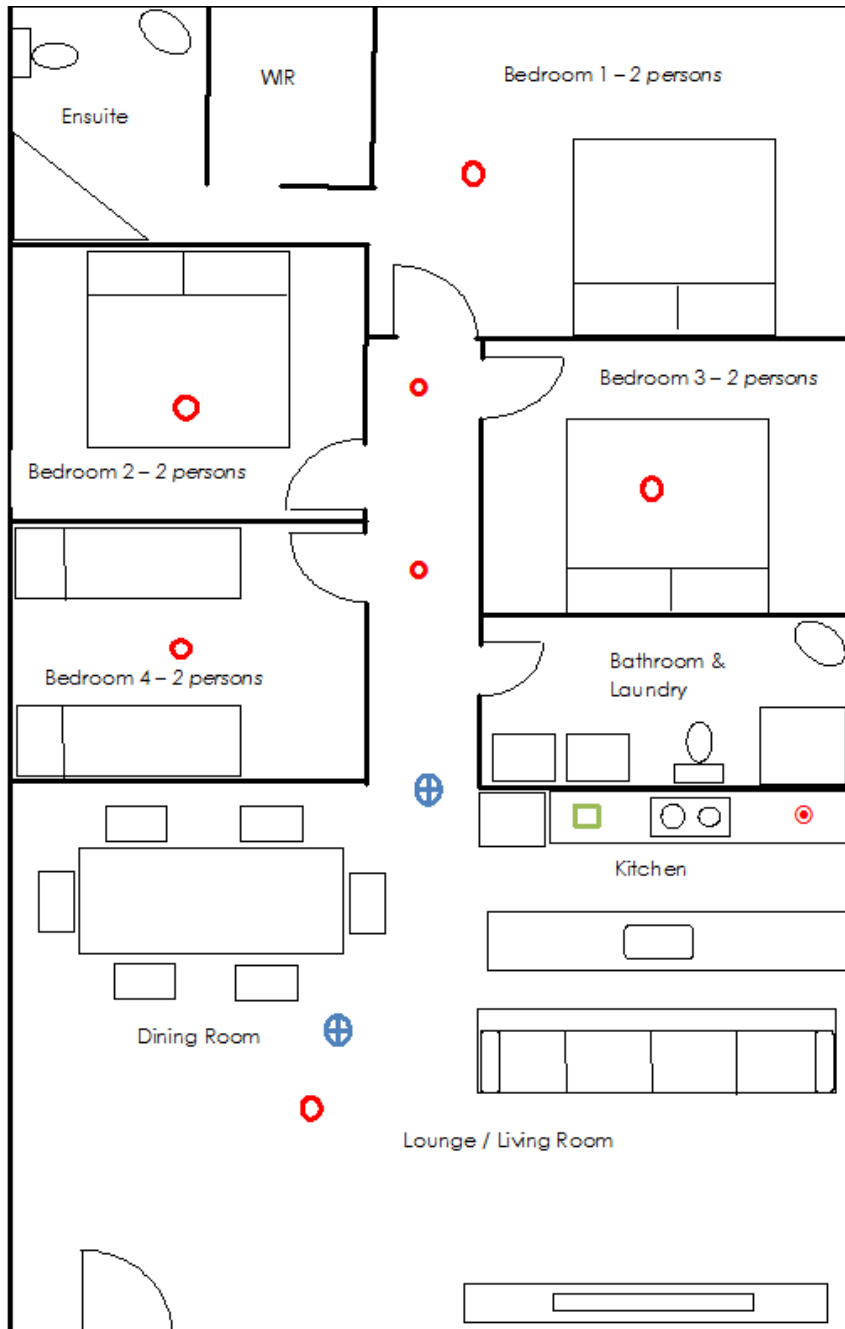
Council would initially seek to work with owners/proprietors to achieve compliance. However, where necessary, Council may use a number of enforcement options available. This includes issuing of orders/notices to upgrade safety measures of the building, prohibit occupation, and remedy any breaches of standards under the Public Health and Wellbeing Regulations and the Planning Scheme. Council may also serve an infringement notice or prosecute for offences, including operating unregistered.

7. Further Information

For further information, contact a member of the Environmental Health Unit, Building Department or Planning Department at Moyne Shire Council.



Appendix 1 – Example Site Plan of Prescribed Accommodation



- House can accommodate a maximum of eight (8) persons at any one time.
- Two (2) toilets, one (1) shower, one (1) shower/spa, and two (2) wash basins.
- ● Smoke Alarm (all located on ceiling).
- ● Fire extinguisher and fire blanket.
- ■ Fire Blanket
- ⊕ Emergency Light



Appendix 2 – Essential Building Safety Measures

Smoke Alarm Installation Requirements

Owners must install a stand-alone, hard-wired smoke alarm in or near the ceiling in every bedroom and every hallway associated with a bedroom. If there is no corridor or hallway, a smoke alarm must be installed in any area between the bedroom and the remainder of the building. The smoke alarms must meet the Australian Standard AS 3786 and AS1670.1. The smoke alarm must be connected to the building's 240-volt power mains as well as having a battery back-up.

Smoke alarms should be installed on or near the ceiling with special care being taken to avoid dead air spaces. A dead air space is an area in which trapped hot air will prevent smoke from reaching the alarm. This space generally occurs at the apex of cathedral ceilings, the corner junction of walls and ceilings, between exposed floor joists etc. In normal ceilings this means locating the smoke alarm at least 300mm from any corner.

Emergency Lighting requirements

Owners must install smoke alarm activated lighting in accordance with BCA Clause 3.7.2.5 to assist evacuation of occupants in the event of fire. The lighting can be incorporated in the smoke alarm units or activated by operation of nearby smoke alarms.

Fire Extinguisher Requirements






It is recommended that owners install an A 2A:20B:E Dry Chemical fire extinguisher in the kitchen, in accordance with AS2444. The fire extinguisher must be placed in an obvious and easy-to reach position, with no obstructions or hazards in the way of occupants. It should be mounted at a height of not more than 1200mm from floor level.

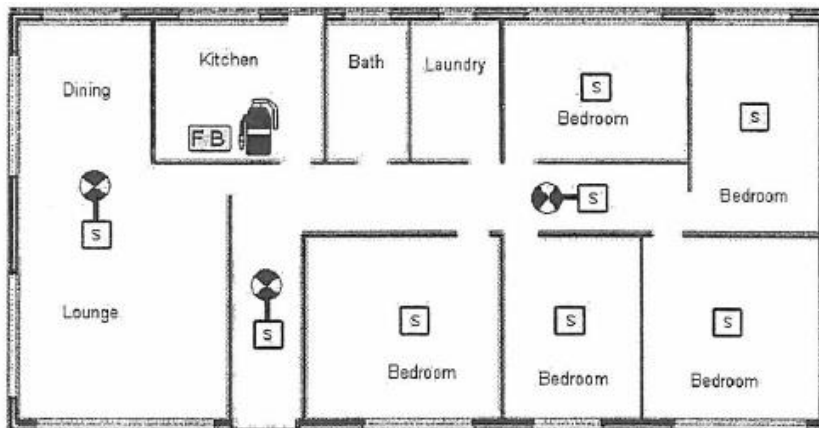
Fire Blanket Requirements

Owners should ensure that a fire blanket is kept in an easy-to-reach location close to the cooking area. Fire blankets are manufactured to AS/NZS 3504 in a rectangular or square shape and are available in sizes between 0.9 m x 0.9 m and 1.8 m x 1.8 m.

Fire safety equipment must be located in appropriate locations with signage, and in accordance with relevant standards, and clearly detailed in building permit drawings.



	2A:20B:E Dry Chemical Fire Extinguisher.
	Fire Blanket 1.2m x 1.2m complying with AS/NZS 3504
	Hard wired smoke alarm with light incorporated within alarm, complying with AS 3786
OR	
	Hard wired smoke alarm connected to emergency light, so that the emergency light activates upon detection of smoke. Emergency light to comply with AS2293
	Hard wired smoke alarm complying with AS 3786



Exit Doors

Exit doors must be maintained and clear of all obstructions at all times. The paths must be maintained in an efficient condition and kept readily accessible, functional, and clear of obstruction, to ensure safe and fast exiting from the building in the case of an emergency. Deadlocks are generally prohibited on required exit doors – check with a building surveyor.



Appendix 3 – Registration Checklist

Registration Checklist

To ensure your application can be processed quickly please check that you have addressed the following issues.

- If you are constructing the premises, ensure you obtain approval from the relevant authority prior to commencing work on the premises e.g. planning and building departments.
- If you are changing the use from a dwelling into a rooming house/boarding house, you must apply for a building permit to alter the use of the building.
- Submit Application to Register a Prescribed Accommodation Form to Council together with site plan and applicable fee.
- If food is to be sold, submit an Application to Register a Food Premises Form to Council.
- Arrange for an on-site assessment of premises with Council's Environmental Health Officer.

For any Environmental Health requirements contact a member of the Environmental Health Unit.

For regulatory advice on the building permit process, contact Council's Building Surveyor.

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Information Guide adapted from existing Warrambool City Council, Glenelg Shire Council, and Victorian Department of Health information. Moyne Shire Council acknowledges these sources.







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