

Prescribed Accommodation



Last updated: 31/05/2019

The *Public Health and Wellbeing Act 2008* (PHWA 2008) and Public Health and Wellbeing Regulations 2009 (PHWR 2009) aims to prevent overcrowding in prescribed accommodation, ensure reasonable standards of hygiene, sanitation and maintenance, and reduce the risk of spreading communicable diseases. Council regularly inspects Prescribed Accommodation to ensure compliance with the regulations.

This page illustrates legislation and regulation requirements for prescribed accommodation. The list is not exhaustive and should only be used as a guide to achieving compliance. Further information should be sought prior to proceeding with any change of use or building work. You should consult with the Planning and Building department regarding Planning and Building requirements.

Registration - PHWR 2009

• *Prescribed accommodation*

S13 & 14 Division 1 of Part 5 of the PHWR 2009 requires that businesses operating any of the following types of accommodation be registered with local Council:

- Residential accommodation
- Hotels and Motels
- Hostels or student dormitories
- Farmstays or holiday camps
- Rooming houses
- Bed and breakfast accommodating more than five people
- Rooming/shared houses accommodating four or more people
- Guesthouses and boutique hotels

You **DO NOT** require registration if the business operates any of the following:

- A house under the exclusive occupation of the occupier
- A self-contained flat under the exclusive occupation of the occupier; or
- Public Hospitals, nursing home or health services establishments (registered)
- Retirement villages
- Any house, building or structure to which part 4 (Caravan Parks and Movable Dwellings Residency Rights and Duties) of the *Residential Tenancies act 1997* applies
- Any vessel, vehicle, tent or caravan
- Premises in which, other than the family of the proprietor, not more than 5 persons are accommodated and which is not a rooming house
- Temporary crisis accommodation



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• **Registration requirements**

To be approved for this registration :

- The proprietor of prescribed accommodation must submit an application to register that accommodation with the Council. Penalties may apply for operating without a valid registration;
- Attach a plan of the premises with your application, drawn to a scale of not less than 1:100, and showing the proposed use of each room for valid assessment;
- Pay the prescribed fee;
- Once registered, the registration must be renewed with Council by the 31 December each year.

If you prepare food at your accommodation business you may also require registration under the *Food Act 1984*. Planning approval to conduct the business may also be necessary for some circumstances.

• **Ongoing requirements**

Additional registrations, licences or permits may be required depending on the nature of activities conducted in your business (for example registration of food premises, liquor licence, planning permit).

Renewal applications must be lodged with the council on or before 31 December in each year. Registration may be transferred to another person or premises.

Significant ongoing requirements relating to the conditions and upkeep of the accommodation will apply. An annual inspection is carried out by an authorised officer to determine whether the business complies with all requirements. Any business that has not had a satisfactory inspection may be refused registration the following year.

Health Requirements - PHWR 2009

• **Overcrowding – Minimum Room Sizes (S17)**

A proprietor must comply with this regulation in relation to the maximum number of persons permitted to be accommodated in each bedroom in the prescribed accommodation.

- A proprietor must not permit a room in the prescribed accommodation to be used as a bedroom if it has a floor area of less than **7.5 square metres**
- One child under three is not counted as a person, and 2 children under the age of three are counted as one person
- If persons are accommodated **for a period of 31 days or less:**
 - the maximum number of persons permitted to occupy a bedroom with a floor area of **less than 10 square metres** is 2 persons
 - in the case of a bedroom with a floor area of 10 square metres or more, 3 persons
 - an additional person for every 2 square metres of floor area that exceeds 10 square metres
- If persons are accommodated for **a period of more than 31 days:**
 - the maximum number of persons permitted to occupy a bedroom with a floor area of **less than 12 square metres is one person**
 - in the case of a bedroom with a floor area of 12 square metres or more, 2 persons
 - an additional person for every 4 square metres of floor area that exceeds 12 square metres.



- ***Maintenance (S18) & Cleanliness (S19)***

A proprietor of prescribed accommodation must maintain the prescribed accommodation and 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, and
- must ensure all refuse at the accommodation is regularly removed by means of a refuse collection service provided by Council or a private contractor engaged by the proprietor

- ***Water Supply (S20) & Drinking water (S21)***

A continuous and adequate supply of water must be provided to all toilet, bathing, kitchen, laundry and drinking water facilities and hot water to all bathing, laundry and kitchen facilities. Water intended for drinking must be fit for human consumption.

- ***Discharge of sewage and wastewater (S22)***

A 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 (S23 & 24)***

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

- ***Toilet and bathing facilities (S25)***

A proprietor of prescribed accommodation must provide at least **one toilet, one bath or shower and one washbasin for every 10 persons** or fraction of that number of persons occupying the accommodation.

- ***Register of occupants (S26)***

A proprietor must keep a register recording:

- The names and addresses of persons occupying the accommodation; and
- The dates of their arrival and departure, and
- Retain the register for at least 12 months after the date of the last entry in the register.

Information for building owners

Buildings and residences are given classes according to their use. In order for a building owner to change a single-family residence (Class 1a) to a share house (Class 1b) where four or more unrelated people may be residing, the involvement of Council is required.

Information for rooming house tenants

- Check that a Rooming house is registered before you sign an agreement
- Complaints from rooming house residents are often about unclean properties, no smoke alarms and faulty wiring
- Complaints raised by neighbours are often about noise, disposal of waste, too many cars in the street and untidy appearances
- You can contact the Public Health Unit for complaints via customer service on 03 5358 8700



Tenancy Issues

Consumer Affairs Victoria can provide information and advice regarding tenancy issues and disputes like bond lodgements, notice periods, rent increases, goods left behind and more. They can be contacted on 1300 558 181 or consumer@justice.vic.gov.au.

Fees for 2018-2019

[Public health fees and charges page](#)

Forms

- [Business Permit Application Form](#)
- [Request for prescribed accommodation inspection & report form](#)

Legislation & Regulation

- [Public Health and Wellbeing Act \(Vic\) 2008](#)
- [Public Health and Wellbeing Regulations \(Vic\) 2009](#)

Related information

- [Minimum Standards in rooming houses](#)
- [Rooming house operators](#)
- [Consumer Affairs Victoria](#)
- Registered Accommodation Association of Victoria (RAAV) – www.raav.org.au
- Tenants Union of Victoria (TUV) – www.tuv.org.au
- Disputes Settlement Victoria – www.disputes.vic.gov.au

For inquiries about the registration of prescribed accommodation or complaints, please contact Council's Public Health Department on 03 5358 8700

