

Guidelines for new and transferring prescribed accommodation premises



Health Services

Version Two — 2015

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Section 1

Introduction

The Public Health and Wellbeing Act 2008 defines prescribed accommodation as:

Prescribed Accommodation means any of the following which is prescribed, or is of class which is prescribed, to be prescribed accommodation:

- (a) and area of land which a person or persons are frequently, intermittently or seasonally permitted to use for camping on payment of consideration and any facilities provided on the land for the use of that person or those persons;*
- (b) any premises used as a place of abode, whether temporary or permanent, fixed or mobile, where a person or persons can be accommodated on payment of consideration;*
- (c) any accommodation provided to an employee in accordance with a term of an award governing the employment of the employee, or term of the employee's contract of service, for use by the employee during that employment or service.*

Prescribed accommodation premises where six or more residents reside must be registered with Council under the *Public Health and Wellbeing Act 2008* (PHWB Act 2008)

Rooming or boarding houses must also be registered with Council under the provisions of the PHWB Act 2008 where four or more residents are living.

Specific requirements relating to prescribed accommodation premises are the Public Health and Wellbeing Regulations 2009.

The Public Health and Wellbeing Regulations 2009 are designed 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.

Prescribed accommodation premises requiring registration with Council include:

- rooming or boarding houses;
- residential accommodation;
- hotels and motels;
- hostels;
- student dormitories;
- holiday camps; and
- most other forms of accommodation where individual rooms are rented out.

The Public Health and Welling Regulations does not apply to:

- A house under the exclusive occupation of the occupier; or
- A self contained flat under the exclusive occupation of the occupier; or
- 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; or
- Any vessel, vehicle, tent or caravan; or
- Premises in which, other than the family of the proprietor, five persons or fewer are accommodated and which is not a rooming house; or
- Public Hospitals or health services establishments (registered); or
- Retirement villages.

Note: If the business you intend to purchase is not registered with Council, registration can be obtained by applying for a new business registration. Operating a prescribed accommodation business without registration is an offence under the BHWB Act 2008 and a person guilty of the offence is liable to a fine of up to approximately \$7,000 or \$35,000 for a body corporate.

Section 2

Setting up a new prescribed accommodation premises

To ensure your proposed prescribed accommodation premises complies with the PHWB Act 2008; please ensure you read the following information.

Before construction and fit out, it is recommended you discuss your proposal with an Environmental Health Officer. They are able to provide you with accurate information of the requirements of a new prescribed accommodation premises. You are also advised to speak to Council's planning and building departments to ensure all amenity, fire and safety regulations are met.

Application for Registration

As part of the registration of the business under the PHWB Act 2008 you must submit floor plans for proposed prescribed accommodation premises and any alterations that may be occurring to the building..

Floor plan

Floor plans may be submitted to Council for review prior to obtaining registration. The floor plan of the premises are to be submitted to a scale of not less than 1:100 and showing the proposed use of each room. This includes stating the location of any beds, toilets, baths, kitchens, showers or washbasins.

Assessment of floor plans

An Environmental Health Officer will assess the submitted plans against the PHWB Act 2008 and Public Health and Wellbeing Regulations 2009 to determine whether any alteration to the construction of the accommodation is required.

Council will advise you in writing of the if any additional information is required prior to processing the application to register the business.

Final inspection

Once construction and fit-out is complete, an final inspection must be conducted by an Environmental Health Officer to verify all works have been completed in accordance with the Act and Public Health and Wellbeing Regulations 2009.

The Environmental Health Officer will provide an application to register the business, which must be completed and returned to Council with the prescribed fee prior to commencing operation.

Registration of your prescribed accommodation business

The Application to Register must be accompanied with a Certificate of Compliance, issued by a registered building surveyor pursuant to Section 238 of the Building Act 1993, certifying the class 3(a) rooming/boarding house is in compliance with the Building Code of Australia. (This may entail the issue of a building permit for a change of use, occupancy permit and necessitate physical changes in the building)

Registration of your business is renewed annually and the registration period is from 1 January to 31 December each year. Upon granting registration, the business shall be supplied with a certificate of registration. The registration certificate must remain at the premises at all times.

NOTE: YOU MAY ALSO REQUIRE A PLANNING PERMIT FOR THE DEVELOPMENT OF THE ACCOMMODATION BUSINESS.

Section 3

Buying an existing prescribed accommodation premises

Before you purchase a prescribed accommodation business you should:

1. Check with Health Services Team to determine if the business has current registration with Council.
2. Request a pre-transfer inspection of the business.

In order to legally operate a prescribed accommodation business the Public Health and Wellbeing Registration must be transferred from the name of the existing proprietor to the name of the proposed purchaser.

Pre-transfer inspection

A pre-transfer inspection of an existing prescribed accommodation premises will ensure that the premises complies with the requirements of the PHWB Act 2008. The current proprietor will be provided with a Consent to Disclose, which provides Council permission to provide a copy of the transfer inspection report, which outlines any works that have to be addressed along with timeframes for completion of any items identified during the transfer inspection

Transfer of registration

Once the business has been purchased, an application to transfer must be completed and returned to the Health Services Team with payment of the required fee.

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

Operating a prescribed accommodation premises without registration is an offence under the PHWB Act 2008 and a person found guilty of an offence is liable to a fine of up to approximately \$7,000 or approximately \$35,000 for a body corporate.

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

Section 4

Construction Guidelines for prescribed accommodation premises

Overcrowding

Public Health and Wellbeing Regulations 2009 determines the number of persons who can be accommodated in premises by the floor area of the rooms and varies depending on the length of stay.

The Public Health and Wellbeing Regulations state:

- Each bedroom must have a minimum floor space of 7.5 square metres;
- One child under three is not counted as a person; and
- Two children under the age of three are counted as one person.

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 7.5 and 12 m ²	1
12 m ²	2
Plus not less than 4 m ² for each additional person	

Table 2 - Persons who area accommodated in prescribed accommodation for less than 31 days

Floor Area of Bedroom	Maximum Number of persons permitted to occupy bedroom.
Between 7.5 and 10m ²	2
12m ²	3
Plus not less than 3m ² for each additional person	

Maintenance

The proprietor of the prescribed accommodation premises must maintain all bedrooms, toilets, bathrooms, laundries, kitchens and living areas in the accommodation:

- in good working order;
- in clean, sanitary and hygienic condition; and
- in 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 and comply with *Australian Drinking Water Guidelines 2016*.

Discharge of sewage and waste water

The proprietor of the prescribed accommodation premises must ensure all sewage and waste water (black and grey) is connected to the reticulated sewage system or that an approved septic tank system has been installed for the building.

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 an occupant register with the following information for a period of 12 months:

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

3.1 Other requirements for prescribed accommodation premises

Food Act Registration

All businesses that sell, handle, store or prepare food 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 must obtain Food Act registration. Please contact the Health Services Team for assistance with the Food Act registration process.

Note: Operating a food business without registration is an offence under the Food Act and any person found guilty can be fined up to \$5,000 for a first offence and up to \$10,000 for a second or subsequent offence.

Section 5

Council Departments

Latrobe City Health Services Team

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:

Latrobe City Health Team
Phone: 1300 367 700

Latrobe City Building Team

Further information and consultation can be provided in relation to:

Building permits:

A building permit is required when constructing a building and may be required when renovating/altering an existing building. Contact the Building Team to determine what is needed for your situation.

Toilets:

Details on the number of hand wash basins, toilets and urinals

Fire safety:

Details on emergency lighting, emergency exits, number, type and location of fire extinguishers/fire fighting equipment.

Contact:

Phone: 1300 367 700

Latrobe City Planning Team

Further information and consultation can be obtained in regard to:

- signage (apart from A-frame signs on the footpath);
- obtaining a permit for any proposed building works; and
- obtaining a permit for a proposed use of building/area.

Contact:

Phone: 1300 367 700

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Establishment Application Prescribed Accommodation Public Health and Wellbeing Act 2008

Applicant Details:	
Applicant Name:	
Premises Type:	
Proposed Trading Name:	
Proposed Premises Address:	
Suburb:	Postcode:
Applicant Postal Address (If different from above):	
Business Phone:	Mobile:
Home Phone:	Fax:
Email:	

Type of Accommodation (please tick):			
Rooming House		Hotel/Motel	
Hostel		Student Dormitory	
Holiday Camp		Residential Accommodation	
Caravan Park		Other: _____	

Accommodation Details (please complete):			
Will food be provided at the premises?			Yes/No
Length of stay?		Less than 31 days	
		More than 31 days	
Total number of bedrooms		Total number of showers	
Maximum number of occupants		Total number of baths	
Total number of toilets		Total number of washbasins	

Floor Plans

This application must be submitted with floor plans of the proposed accommodation premises in a scale of not less than 1:100. The plan should indicate the type and location of all proposed fittings and fixtures, as well as detailing the finishes to all floors, walls and ceilings.

Premises floor plans should clearly show the following
Premises floor plans should clearly show the following;

- Proposed use of each room;
- Beds;
- Toilets;
- Showers; and
- Washbasins

For rooms used for sleeping:

- Maximum number of people residing in each room; and
- Floor area in square metres for each room.

Council's Environmental Health Officer will provide feedback on the plans to ensure compliance with the Health & Wellbeing Act 2008 and Public Health and Wellbeing Regulations 2009

You may also wish to contact Latrobe City's Health Service to arrange an officer to meet on site to discuss your proposal. Please contact Council's Health Services on 5128 5613 to arrange a time.

I, the undersigned, hereby submit this Establishment Application for consideration.

Signature of proprietor(s): _____

Date: _____

Important information: This information is collected under the requirements of the Public Health and Wellbeing Act 2008 .It may be provided to the Department of Health and Human Services for the same purposes, and for statistical purposes related to the application of the Act. It will be treated in compliance with the Department of Health and Human Services Privacy Principles and the Information Privacy Act.