

Boarding/ Rooming house requirements - Planning Building and Health



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This document will provide an understanding of your legal obligations when operating a boarding house or rooming house.

A boarding/rooming house is a building in which there is one or more rooms available for occupancy on payment of rent. The residents of a rooming or boarding house will have exclusive rights to their room with shared access to communal facilities, such as kitchens, bathrooms, laundries and living areas.

See table below to understand which permits are required:

WHO DO I NEED TO CONTACT AT COUNCIL			
Number of proposed occupants	Private Building Surveyor*	Planning	Health
Building can accommodate more than 1 person but less than 4	✓	N/A	N/A
Building will accommodate 4 or more persons with 10 or less habitable rooms	✓	N/A	✓
Building will accommodate 4 or more persons with 11 or more habitable rooms	✓	✓	✓

N/A Does not need approval

✓ Approval required, contact the relevant unit.

Please note: The list is not exhaustive and should only be used as a guide. Further information should be sought from the relevant unit prior to proceeding with any change of use.

1. Building Regulation Requirements

Building permits are issued by Registered Private Building Surveyors it is recommended that you refer to the Victorian Building Authority website when engaging a Private Building Surveyor, <https://www.vba.vic.gov.au/consumers/home-renovation-essentials/appointing-building-surveyor>

Classifications: Class 1b is a boarding house, guest house, hostel or the like:

- I. In which not more than 12 persons would ordinarily be accommodated; and
- II. With a total area of all floors not exceeding 300 m² measured over the enclosing walls of the Class 1b building/s.

and which is not located above or below another dwelling or another Class of building other than a private garage.

NOTE: If the use does not comply with the above then it may be classified as a Class 3 building and must meet all the requirements for that classification.

Change of use

A building permit will be required to change the use of the building from any other classification to a Class 1b or 3. An occupancy permit must be obtained for the change of use.

Occupation of Outbuildings as a Class 1b

A private garage, carport, shed or the like must not be occupied as an extension of the house without a building permit for its change of use. In order to change the use of an outbuilding to a habitable building Class 1b, the building is to comply with the same standards of health and safety as a dwelling including but not limited to:

- Installation of smoke alarms to comply with AS 3786 and evacuation lighting as necessary.
- Insulation is being provided in the roof and walls, etc. to meet energy efficiency requirements.
- The building is to comply with structural requirements relating to houses.
- Meet the requirements damp and weather proofing.
- The building being provided with the required minimum levels of natural light and ventilation.
- Fire separation of the building from the boundaries and other buildings.

Requirements for smoke alarms and evacuation lighting for Class 1b buildings

Smoke alarms must be installed in—Class 1b buildings and

- must comply with AS 3786
- must be connected to the consumer mains power where consumer power is supplied to the building
- must be interconnected
- must be linked to evacuation lighting in corridors and hallways.

Smoke alarms must be installed on or near the ceiling in:

- every bedroom; and
- every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building; and on each other storey.

Lighting to assist evacuation A system of lighting must be installed to assist evacuation of occupants in the event of a fire and be activated by the smoke alarm; and consist of a light incorporated within the smoke alarm or the lighting located in the corridor, hallway or area served by the smoke alarm. The lighting may consist of artificial lighting which may already be installed in a corridor, hallway or area, provided that lighting is activated by the smoke alarm. Refer to Figure 4 below:

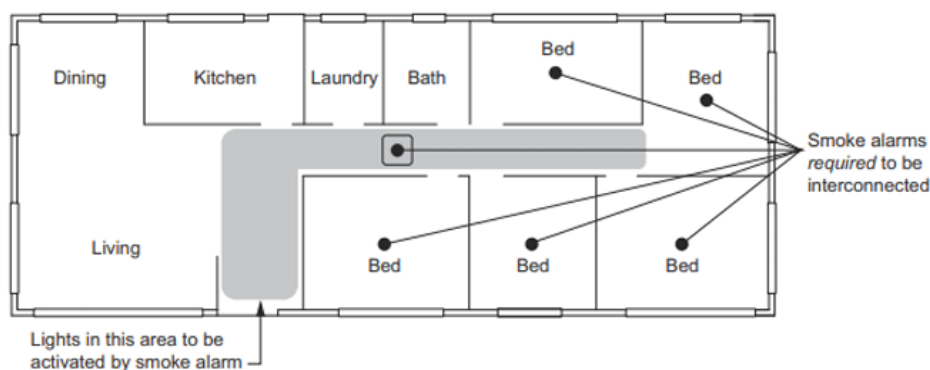


Figure 4 – Class 1b building, location of smoke alarms where multiple bedrooms are served by a hallway is illustrated by the black dots.

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Building access requirements

A building used as a boarding house must have access provided for people with a disability to at least 1 bedroom and associated sanitary facilities; and to each room or space for use in common by the residents or guests, including a cooking facility, sauna, gymnasium, swimming pool, laundry, games room, eating area, or the like, to rooms or spaces for use in common by all residents on a floor to which access by way of a ramp complying with AS 1428.1 is provided.

Access to the building is to be provided—

- (i) from the main points of a pedestrian entry at the allotment boundary; and
- (ii) from another accessible building connected by a pedestrian link; and
- (iii) from any required accessible carparking space on the allotment.

Display of occupancy permit at approved location

Where approval was granted for the construction or use of a Class 1b or 3 on or after 1 July 1994; an owner must take all reasonable steps to ensure that a copy of any current occupancy permit in respect of that building or place is displayed and kept displayed at an approved location within the building or place.

Owner to make permit available for inspection

Where approval was granted for the construction or use of a Class 1b on or after 1 July 1994; an owner must take all reasonable steps to ensure that a copy of any current occupancy permit is available at that building or place for inspection by the Municipal Building Surveyor or Chief Officer at any time on request.

Maintenance of exits by occupiers of building.

The occupier of a Class 1b or 3 must ensure that—

- (a) All exits; and
- (b) Any paths of travel to exits; and
- (c) any paths of travel on the allotment from exits to a road— required to be provided in relation to that building or place.

are readily accessible, functional and kept clear of obstruction to ensure safe egress from the building or place is maintained.

Please Note: Deadlocks are prohibited on exit doors

Building Enquiries:

For further information contact Council's Building Services Unit on telephone (03) 8470 8899

2. Planning Requirements

Shared Housing

A permit is not required to use a building, including outbuildings normal to a dwelling, to house a person, people and any dependants or 2 or more people if the building meets all of the following requirements:

- Is in an area or zone which is used mainly for housing.
- Provides self contained accommodation.
- Does not have more than 10 habitable rooms.

Depending on the zone and the nature of the accommodation a planning permit may be required for other forms of shared accommodation

Habitable room

Any room of a dwelling or residential building other than a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, stair, lobby, photographic darkroom, clothes drying room and other space of a specialised nature occupied neither frequently nor for extended periods.

Please Note: If the building/use does not meet the above requirements a Planning Permit may be required.

Penalties:

- Penalties apply for non-compliance with Building, Health and Planning requirements from between \$1,200 to \$230,772.

Planning Enquiries:

You further information regarding Planning Permit requirements please contact Council's Statutory Planning Unit on telephone (03) 8470 8850.

3. Health Requirements

Public Health & Wellbeing Act 2008; Public Health & Wellbeing Regulations 2009

REGISTRATION

The proprietor of prescribed accommodation must register that accommodation with Council. Fines may apply for non-registration.

Once registered, the registration must be renewed with Council by the 31 December each year. The proprietor of prescribed accommodation must allow access to the premises at all times by an Authorised Officer.

Definitions

"Prescribed accommodation" includes any residential accommodation, hotel, motel, hostel, student dormitory, holiday camp or rooming house.

"Rooming house" 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 that room or those rooms is not less than 4.

Application for registration

When you can have complied with Planning and Building requirements, an application for registration can be made to council's Health Protection Unit, the submission must include:

- Application for Registration,
- A copy of endorsed floor plan drawn to scale not less than 1:100, include:
 - the proposed use and measurements of each room;
 - the locations of toilets;
 - hand basins;
 - bath/shower;
 - number of people to be accommodated;

- any outbuildings on the property; and
- A copy of the Private Building Surveyors permit including occupancy permit.

Please note: Without all relevant permits you will not be granted registration.

Register of occupants

A proprietor of prescribed accommodation must keep a register of occupants, including —

- a) The names and addresses of persons occupying the accommodation; and
- b) The dates of their arrival and departure.

The proprietor must retain the register for a period of at least 12 months after the date of the last entry in the register.

Overcrowding

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.

If persons are accommodated in prescribed accommodation for a period of more than 31 days the following minimum requirements apply:

Room Sizes in square metres	Number of occupants
7.5 to less than 12	1
12 to less than 16	2
16 to less than 20	3
For every additional occupant you required to provide an additional 4 metres squared to the room.	

If persons are accommodated in prescribed accommodation for a period of 31 days or less the following minimum requirements apply:

Room Sizes in square metres	Number of occupants
less than 10	2
10 to less than 12	3
For every additional occupant you required to provide an additional 2 metres squared to the bedroom.	

Please note: The following should be considered where determining room sizes:

- (a) one child under the age of 3 years is not counted as a person; and
- (b) two children under the age of 3 years are counted as one person; and
- (c) 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.

Toilet and Bathing facilities

A proprietor must provide at least one toilet, one bath or shower and one wash basin for every 10 persons or fraction of that number of persons occupying the accommodation. All facilities are to be maintained in a clean and hygienic condition and in a good state of repair.

Maintenance of prescribed accommodation

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—

- a) in good working order; and
- b) in a clean, sanitary and hygienic condition; and
- c) in a good state of repair.

Cleanliness of prescribed accommodation

Each bedroom and any toilet or bathroom attached to the bedroom is cleaned after the bedroom is vacated and before its re-use by another occupier.

All bed linen provided with the accommodation is changed at least weekly or when the room is vacated and before its re-use by another occupier.

Water supplied to prescribed accommodation

A proprietor of prescribed accommodation must provide a continuous and adequate supply of:

- a) water to all toilet, bathing, kitchen, laundry and drinking water facilities;
- b) hot water to all bathing, laundry and kitchen facilities; and
- c) drinking water that is fit for human consumption (within the meaning of section 3 of the Safe Drinking Water Act 2003).

Discharge of sewage and wastewater in prescribed accommodation

A proprietor of prescribed accommodation must ensure that all sewage and wastewater is discharged to a reticulated sewerage system with Yarra Valley Water.

Refuse receptacles and prescribed accommodation

A proprietor of prescribed accommodation must provide sufficient vermin-proof receptacles at the prescribed accommodation for the collection and storage of all rubbish and ensure that the receptacles are regularly emptied and cleaned.

Health Enquiries:

For further information contact Council's Health Protection Unit on telephone (03) 8470 8658

Consumer Affairs Victoria Requirements:

Rooming house operators must be registered with Consumer Affairs Victoria before running a rooming house. The operator must maintain the property to minimum standards, these relate to privacy, security, safety and amenity in rooming houses. Consumer Affairs Victoria requirements for rooming house operators are outlined below:

Licensing -

- <https://www.consumer.vic.gov.au/licensing-and-registration/rooming-house-operators/licensing>

Running your business -

- <https://www.consumer.vic.gov.au/licensing-and-registration/rooming-house-operators/running-your-business>

Minimum standards -

- <https://www.consumer.vic.gov.au/housing/renting/repairs-alterations-safety-and-pets/minimum-standards/rooming-house-minimum-standards>

Closing a rooming house –

<https://www.consumer.vic.gov.au/licensing-and-registration/rooming-house-operators/running-your-business/closing-a-rooming-house>

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