

City of Greater Dandenong SHARED ACCOMODATION FACT SHEET



Building, Health & Town Planning Requirements

This document has been produced to enable owners to determine Council's statutory requirements for shared accommodation. Further information should be sought prior to proceeding with a share accommodation house.

Building Regulation Requirements

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

- (a) with a total area of all floors not exceeding 300 m² measured over the enclosing walls of the Class 1b; and in which not more than 12 persons would ordinarily be resident; or
- (b) 4 or more single dwellings located on one allotment and used for short-term holiday accommodation.

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

Note: If it does not comply with the above than it will be classified as a Class 3 building and must meet all the requirements for that classification.

Change of use: A building permit is required for the change of use of a building to share accommodation.

Access requirements for people with a disability

To and within-

1 bedroom and associated sanitary facilities; and not less than 1 of each type of 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; and

rooms or spaces for use in common by all residents on a floor to which access by way of a ramp complying with AS1428.1 or a passenger lift is provided.

Smoke alarms in Class 1b buildings

Smoke alarms must be installed and:

- (a) be located in accordance with Part 3.7.2.4 and 3.7.2.5 of the BCA; and
- (b) comply with AS 3786 or AS 1670.1 as required with Part 3.7.2.2 of the BCA; and
- (c) be connected to the consumer mains power where consumer power is supplied to the building; and
- (d) be interconnected.

Smoke alarms must be installed on or near the ceiling











- in every bedroom; and in 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. Smoke alarms must be installed not less than 300mm from walls/partitions.

Lighting to assist in evacuation

- A system of lighting must be installed to assist in evacuation of occupants in the event of a fire, and be activated by a smoke alarm; consisting of a light incorporated within the smoke alarm; or activate lighting located in the corridor, hallway or area served by the smoke alarm.

Display of Occupancy Permit in approved location and be available for inspection

- An owner of a building must take all reasonable steps to ensure that a copy of any current occupancy permit in respect of that building is displayed and kept displayed at an approved location within the building for inspection by the Municipal Building Surveyor or Chief Officer.

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 Fax 8571 5196	 TIS: 13 14 50	greaterdandenong.com
 council@cgd.vic.gov.au		   

Maintenance of Essential Safety Measures and Annual Essential Safety Measures Report

An owner of a building must ensure that an Essential Safety Measures report and records of maintenance checks and any service or repair work carried out to any Essential Safety Measure are available at the building for inspection by the Municipal Building Surveyor or Chief Officer at any time on request after 24 hours notice.

Maintenance of exits by occupiers of building

The occupier of a Class 1b/3 building 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 are maintained in an efficient condition and kept readily accessible, functional and clear of obstruction so that egress from the building is maintained.

Health Regulation Requirements

Definitions of Prescribed Accommodation:

"**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.

"**Rooming house**" means a building in which there is one or more rooms available for occupancy on payment of rent—

- (a) in which the total number of people who may occupy those rooms is not less than 4; or
- (b) in respect of which a declaration under section 19 is in force;

Application for Registration

An application for registration of *prescribed accommodation* must-

- (a) be in the form of Form 1 in the Schedule; and
- (b) include a plan of the premises drawn to a scale of not less than 1:100 and showing the proposed use of each room; and
- (c) be accompanied by the fee determined by the council.

Register of occupants

- (1) A proprietor must keep a register recording-
 - (a) the names and addresses of persons occupying the accommodation; and
 - (b) the dates of their arrival and departure.

(2) A proprietor is exempted from compliance with sub-regulation (1), if the proprietor is required under any other Act or Regulation to keep a similar register.

(3) The proprietor must retain the register referred to in sub-regulation (1) or (2) for at least 12 months after the date of the last entry in the register.

Overcrowding

(1) 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 7.5m².

If persons are accommodated for a **period of more than 31 days**, the maximum number of persons permitted to occupy a bedroom in respect of the period after the thirty-first day is-

- (a) in the case of a bedroom with a floor area of less than 12m²-one person;
- (b) in the case of a bedroom with a floor area of 12 or more-2 persons and an additional person for every 4m² of floor area that exceeds 12m².

If persons are accommodated for a **period of 31 days or less**, the maximum number of persons permitted to occupy a bedroom is-

- (a) in the case of a bedroom with a floor area of less than 10m²-2 persons;
- (b) in the case of a bedroom with a floor area of 10m² or more-3 persons and an additional person for every 2m² of floor area that exceeds 10m².

In this regulation-

- (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 of *prescribed accommodation* 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.

Town Planning Requirements

“Rooming house” means land used for a rooming house as defined in the *Residential Tenancies Act 1997*.

No Planning permit required:

The following exemptions apply to rooming houses pursuant to Clause 52.23 of the Greater Dandenong Planning Scheme:

(1) Use:

Any requirement in the Activity Centre Zone, Capital City Zone, Commercial 1 Zone, General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone to obtain a permit to use land for a rooming house does not apply if all of the following requirements are met:

- (a) Any condition opposite the use ‘rooming house’ in the table of uses in the zone or schedule to the zone is met.
- (b) The total floor area of all buildings on the land does not exceed 300 square metres, excluding outbuildings.
- (c) No more than 12 persons are accommodated.
- (d) No more than 9 bedrooms are provided.

(2) Buildings and works:

Any requirement in the General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone to obtain a permit to construct a building or construct or carry out works for a rooming house does not apply if all of the following requirements are met:

- (a) No more than 9 bedrooms are developed on the land.
- (b) Bedrooms can only be accessed from within the building.
- (c) The total floor area of all buildings on the land does not exceed 300 square metres, excluding outbuildings.
- (d) If the development is in the General Residential Zone or Neighbourhood Residential Zone, a garden area is provided in accordance with the minimum garden area requirement specified in the zone.
- (e) Shared entry facilities and common areas, including a kitchen and living area, are provided.

Planning Permit required:

If the use or buildings and works do not meet the above requirements a Planning Permit is required.

Note:

Car parking must be provided in accordance with Clause 52.06 of the Planning Scheme (1 space per four bedrooms). A Planning Permit is required to reduce or waive car parking requirements.

Enforcement and Penalties

Council has enforcement power for non-compliance with above requirements and owner(s) may receive an infringement notice and / or be prosecuted under relevant Acts and Regulations.

Heavy Penalties apply for any non-compliance with Building, Health and Town Planning requirements.

Consumer Affairs Victoria Requirements

Consumer Affairs Victoria also requires and enforces minimum standards for rooming houses, these can be accessed at:

www.consumer.vic.gov.au/minimumstandards

For further clarification, contact:

Building Services on	8571 1515
Health Services on	8571 1479
Town Planning on	8571 1575
Consumer Affairs Victoria on	1300 55 81 81