

# REQUIREMENTS FOR SHARED ACCOMMODATION

Building, Public Health & Town Planning



This document has been produced to enable owners to determine Council's requirements for shared accommodation. The list is not exhaustive and should only be used as a guide to achieve compliance. Further information should be sought prior to proceeding with any change of use or building work.

## BUILDING REQUIREMENTS

**Building Act 1993; Building Regulations 2018; Building Code of Australia (BCA)** Building

Regulations classify this type of accommodation as a **Class 1b** building:

a boarding house, guest house, hostel **or the like** –

- with a total area of all floors not exceeding 300 m<sup>2</sup> measured over the enclosing walls; and
- in which not more than 12 persons would ordinarily be resident; or
- 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.

If the building exceeds the above requirements it will be classified as a **Class 3** “*shared accommodation building*”, where the fire safety requirements are much more stringent and sprinklers will be required. A planning permit is also required for a Class 3 building **before** any building permit can be issued.

Council is concerned for the use of buildings in terms of health, safety and amenity, and where the occupants do not share a common lease. If four or more unrelated people occupy the premises, then the building will be regarded as a Class 1b. An owner/occupier and immediate children will be counted as one, with **more than 2** additional people paying rent causing the building to be classified as a Class 1b.

### Change of Use

Regulation 229 of the *Building Regulations 2018* states that a person must not change the use of a building unless it complies with the requirements of the regulations applicable to the new use.

A single dwelling is generally classified as a Class 1a building, and requires smoke alarms in the hallway outside the bedrooms and in any other storey.

A higher level of fire safety is required for **Class 1b** accommodation in that hard wired smoke alarms are required **in every bedroom** and hallway as well as **lighting to assist evacuation in the hallways**. This change of use requires a new Occupancy Permit or Maintenance Determination for the Class 1b and will list the maintenance of essential safety measures requirements.

When determining the number of people deemed accommodated for the purpose of issuing an Occupancy Permit, reference is made to the *Public Health and Wellbeing Regulations 2009* for minimum room sizes, as they are no longer listed in the Building Code of Australia.

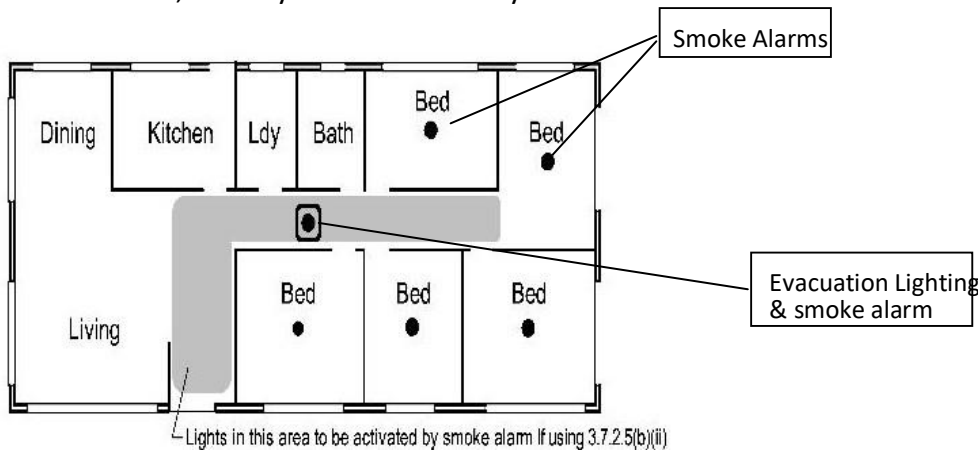
If the dwelling is reverted back to family use then no action is required as the higher level of fire safety is in place.

**Smoke alarms** installed in a Class 1b building must:

- comply with AS 3786, and
- be connected to the consumer mains power supply, and be installed:
  - (a) on or near the ceiling in every bedroom; and
  - (b) 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
  - (c) on each storey of the dwelling, and
  - (d) must be hard wired so that the activation of one smoke alarm triggers the activation of all smoke alarms on the premises.

**Evacuation Lighting:** A system of lighting must be installed to assist evacuation of occupants in the event of a fire, and must:

- be activated by the required smoke alarm; and
- consist of a light incorporated within the smoke alarm or of existing or new lighting located in the corridor, hallway or area served by the smoke alarm.



Sample plan showing typical layout of smoke alarms and emergency evacuation lighting.

## Access for People with a Disability Class 1b

As from 1 May 2011, there were major changes to the *Building Regulations 2006* and BCA in regard to the access requirements for Class 1b's.

### Regulation 236: Access requirements BCA Volume One

- (1) If an existing building is to contain a new part (alterations or extensions) that must comply with an access provision, any affected part (principal pedestrian entrance, accessible path of travel) must be brought into conformity with that access provision.
- (2) An access provision does **not** apply to:
  - (a) a new part of a **Class 1b** building **if** the Class 1b building:
  - (b) has fewer than 4 bedrooms that are used for rental accommodation; and
  - (c) was constructed, or an application for a building permit for construction, was made before 1 May 2011.

### Building Code of Australia (BCA) Volume One Performance Requirement - DP1

Access must be provided to enable people to approach the building from the road and any accessible car park.

### Table D3.1 – Access for People with a Disability Class 1b 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 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 ramp complying with AS1428.1 (2009) or a passenger lift is provided.

### Car Parking Spaces for People with a Disability

Accessible car parking spaces need not be designated where there is a total of not more than five car parking spaces.

Table D3.5 Class 1b - Number of accessible car parking spaces required is to be calculated by multiplying the total number of car parking spaces by the percentage of accessible bedrooms to the total number of bedrooms (taken to the next whole figure) generally being one space.

## Sanitary Facilities for People with a Disability

Table F2.4(a) Accessible Unisex Sanitary Compartments Class 1b to AS 1428.1 (2009)

- a) not less than one; and
- b) where private accessible unisex sanitary compartments are provided for every accessible bedroom, common accessible unisex sanitary compartments need not be provided.
- c) not less than one; and
- d) where private accessible unisex showers are provided for every accessible bedroom, common accessible unisex sanitary compartments need not be provided.

## Unjustifiable Hardship

A new Section 160B has been inserted into the *Building Act* 1993, which allows for an application to be made to the Building Appeals Board (BAB) seeking a determination that an access provision does not apply, or applies with specified modifications or variations, to a building or land. An application under Section 160B can only be made on the grounds of unjustifiable hardship.

**Display of Occupancy Permit at approved location:** For a Class 1b building constructed 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 is displayed and kept displayed at an approved location within the building (this location will be noted on the occupancy permit).

**Owner to make permit available for inspection:** For a Class 1b building constructed on or after 1 July 1994, an owner must 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 after 24 hours notice.

**Maintenance of exits by occupiers of building:** The occupier of a Class 1b building must ensure all required exits and any paths of travel to exits and the road are maintained in an efficient condition and kept readily accessible, functional and clear of obstruction so that egress from the building or place is maintained. Internal deadlocks are prohibited on doors from bedrooms and exit doors from the building.

## Building Permit

A building permit is required to install essential safety measures such as smoke detectors and evacuation lighting and application form BLD0335 should be completed and signed. Evidence of ownership such as a copy of title, 3 copies of plans showing location of the dwelling, room dimensions and use, window sizes for light and ventilation, and the location of hard wired smoke detectors and evacuation lighting should be submitted along with the required fee.

After installation of essential safety measures and provision of a certificate of electrical safety from the electrician, an application for Occupancy Permit BLD0306 is required to be submitted, and subsequently a final inspection will be carried out and an Occupancy Permit issued for the change of use to Class 1b.

## PUBLIC 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

An application to register prescribed accommodation must 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 be accompanied by the application form and fee determined by the Council.

### Regulations

#### Register of occupants:

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.

#### Overcrowding – Minimum Room Sizes

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 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** and

in the case of a bedroom with a floor area of **12 square metres or more, 2 persons** and an **additional person** for every 4 square metres of floor area that exceeds 12 square metres. However, 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 and in the case of a bedroom with a floor area of 10 square metres or more, 3 persons and an additional person for every 2 square metres of floor area that exceeds 10 square metres.

### **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.

### **Maintenance & Cleanliness**

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-

- 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.

## **CONSUMER AFFAIRS VICTORIA – MINIMUM STANDARDS**

Please see the link below for the current minimum standards in rooming houses required by Consumer Affairs Victoria.

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

## TOWN PLANNING REQUIREMENTS

### *Planning & Environment Act 1987; Monash Planning Scheme*

#### ROOMING HOUSE

##### Definition

A 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 those rooms is not less than 4. In some instances the Minister may declare a building to be a rooming house.

##### Planning permits

A planning permit is required for the use and construction of rooming house in the General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone and Residential Growth Zone unless all of the following requirements are met:

##### Use exemption

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

##### Buildings and works exemption

- No more than 9 bedrooms are developed on the land.
- Bedrooms can only be accessed from within the building.
- The total floor area of all buildings on the land does not exceed 300 square metres, excluding outbuildings.
- 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.
- Shared entry facilities and common areas, including a kitchen and living area, are provided.

For a proposed rooming house in any other zone please contact Council or obtain independent planning advice.

If you have any further queries, please contact Monash City Council on (03) 9518 3555 or via email at [mail@monash.vic.gov.au](mailto:mail@monash.vic.gov.au)