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PUBLIC HEALTH AND WELLBEING ACT 2008 PREMISES - PRESCRIBED ACCOMMODATION

This information is to be used by people who propose to establish or purchase a prescribed accommodation business. It should be read in conjunction with the *Public Health and Wellbeing (PHWB) Act 2008* and the *Public Health and Wellbeing Regulations 2009*.

What is Prescribed Accommodation?

- Prescribed accommodations are premises that include any of the following classes of accommodation:
- Residential Accommodation: Any house or building where a person can live on payment to the proprietor, but does not include rooming houses, hotels and motels, hostels, student dormitories or holiday camps.
- Rooming Houses: A building where there is one or more rooms available for rent, where the total number of occupants is not less than 4.
- Hotels and Motels: Residential hotel or residential premises where an on-premises license is granted under the Liquor Control Reform Act 1998 and/or short term accommodation is provided.
- Student Dormitory: Accommodation for students, which is controlled by or operated under agreement with a school or tertiary institution.
- Holiday Camps: A house, building or structure used for accommodation of groups for recreational and holiday purposes.

The following accommodation is **exempt** from the requirement to be registered under the PHWB Act 2008.

- A house under the exclusive occupation of the occupier,
- Self contained flats under the exclusive occupation of the occupier,
- Temporary crisis accommodation,
- Health and residential services,
- Nursing homes,
- Retirement villages,
- Any vessel, tent or caravan; and
- Premises in which, not more than 5 people who are not family members of the proprietor are accommodated, which is premises that is not a rooming house.

The above list is not exhaustive and the PHWB Regulations should be referred to for more information.

Opening a business

If you are planning to establish a prescribed accommodation premises there are a number of legislative requirements which must be met.

1. Your first step should be to contact Councils' Planning Department to determine whether you will require a planning permit. If it is your intention to obtain a liquor license you should also discuss this in your dealings at the planning stage.
2. Contact Councils Building Department to discuss building requirements including change of use requirements. The Building Department can also advise on Essential Safety Measure requirements for commercial premises. *Note: Before Council's Environmental Health Unit can approve a Prescribed Accommodation application a copy of an approved building permit and plan, issued by Council's Building Department or a private building surveyor must accompany the application.*
3. Having contacted the Planning and Building Departments you should contact Council's Environmental Health Unit to determine whether registration is necessary. Registration may be required for the provision of accommodation and/or the provision of food. Environmental Health and Building will have different requirements and therefore both departments should be consulted before final plans are drawn or building works commence.
4. Having determined whether you need a development approval you should contact Council's Environmental Health Unit to determine whether registration with Council is necessary, registration may be required for the provision of **accommodation** and/or the provision of **food**.

Submit Plans for approval

The Environmental Health Unit recommends that before any final plans are drawn a copy of the proposed floor plan be submitted for approval.

The floor plan should be drawn to a scale of not less than 1:100. The plan must clearly indicate:

- The proposed use of each room, including the location of bedrooms, kitchen, showers, laundry etc.
- The maximum number of persons to be accommodated in each room and the size of the floor area measured in square metres.

Please refer to the PHWB Regulations for minimum floor areas and provision of toilet and bathing facilities.

Plans will be processed within 14 working days. If the plans are approved an endorsed copy will be forwarded to the applicant.

An Environmental Health Officer will be available to undertake a progress inspection of the construction phase of your premises.

A final inspection of the premises is required prior to rooms being leased or occupied.

Applying for Registration

Application forms for registration under the Public Health and Wellbeing Act 2008 and the Food Act 1984 together with details of applicable fees, can be obtained from Councils Environmental Health Unit on 5471 1700. Please note a copy of the Building Permit and plan must accompany the application.

Once the above has been received and the Environmental Health Officer is satisfied that the construction of the premises complies with the requirements of the PHWB Act registration will be granted.

Food Act 1984 Registration

If your business provides food you are required to comply with the Food Act 1984. Premises that supply low risk packaged foods will be required to lodge a once off notification form. All other premises that supply food are required to be registered in accordance with the requirements of the Food Act 1984. Depending on the types of foods offered, and level of food preparation, registration requirements vary. Please contact the Environmental Health Unit to discuss requirements under the Food Act.

Registration Period

Registration of the premises is required annually. The registration period is from 1 January to 31 December each year. An application for renewal will be sent out at the end of each year and subject to the Environmental Health Officer being satisfied that the premises complies with safety measures and the requirements under the PHWB Act the premises will be granted registration for a further 12 months and a registration certificate sent out.

Additional requirements

Liquor licensing – To sell or serve liquor you may require a liquor license. Contact Consumer Affairs and Council's Planning Department for more details.

Prevention of overcrowding – Details of bedroom floor areas can be found in the PHWB Regulations.

Toilet and bathing facilities – Please refer to the PHWB Regulations for more information.

Water supply – Proprietors must ensure an adequate supply of hot and cold water to all facilities, and ensure that water intended for drinking is fit for human consumption.

General record keeping, cleanliness and maintenance requirements can also be found in the PHWB Regulations.

Buying an established prescribed accommodation premises.

Before you purchase a prescribed accommodation business you should check with Council's Environmental Health Unit to determine if the business has current registration.

It is also advisable to request a pre-transfer inspection of the business. The pre-transfer inspection will ensure that the premises comply with the requirements of the PHWB Act. The building department should also be contacted and an inspection arranged to determine any building requirements.

Transfer of registration

Once the business has been purchased a transfer application form must be completed and returned to Council's Environmental Health Unit with the appropriate fee. A copy of the building surveyors report should accompany the application.

Upon receipt of the application if the Environmental Health Officer is satisfied that the premises complies with the requirements of the PHWB Act registration will be granted.

Please note: Any outstanding works that have been identified by the Environmental Health Unit or the Building Department will become the responsibility of the new owner once transfer has occurred.

Undertaking alterations to an existing prescribed accommodation premises

Prior to undertaking alterations to an existing prescribed accommodation premises the following steps should be undertaken:

1. Consult with Council's Environmental Health Unit to discuss the proposal.
2. Consult with Council's Building Department to discuss the proposal and determine building requirements.
3. Submit detailed plans of the proposed layout to the Environmental Health Unit.
4. Obtain approval from the Environmental Health Unit prior to works commencing.
5. Obtain approval from the Environmental Health Unit once works are completed and prior to the rooms being occupied.

Useful contacts.

Unit	Organisation Reason
Planning Department (03) 54711700	Town planning advice including parking and signage
Building Department (03) 54711700	Building permits and toilet requirements
Local laws (03) 54711700	Permits and advice particularly relating to signage on footpaths
Economic Development Officer (03) 5471 1700	Business advice
Tourism Services (03) 5471 1700	Business advice and links to tourism
Consumer Affairs 1300 588 181	For advice on business registration, liquor licensing etc.
Coliban Water 1300 363 200	Advice on water supply, trade waste agreements and grease traps