

Are you proposing to convert an existing building into a Rooming/Boarding house within the Manningham City Council? If so, there are a number of statutory obligations that you must meet prior to commencing.

The following information sheet is designed as a guide to assist in understanding the minimum statutory obligations that must be met prior to converting and commencing the operation of a Rooming/Boarding House.

What is a Rooming/Boarding House?

The Residential Tenancies Act 1997 describes a Rooming House as a building where:

- One or more rooms are available for rent; and
- The total number of people who may occupy those rooms is four or more; and
- Each resident pays rent.

What do I have to do before commencing a Rooming/Boarding house?

Before commencing a Rooming/Boarding House you need to meet legal requirements associated with the Council Statutory Planning, Statutory Building and Environmental Health Departments. This may include obtaining a Planning Permit, Building Permit, Occupancy Permit and registering as "Prescribed Accommodation". Refer to the individual sections titled Planning, Building and Health Requirements for further information.

The process generally consists of obtaining approval from each area commencing with Planning, followed by Building and concluding with the Health Department.

Planning Requirements:

Land use and development within the Manningham Municipality is controlled and regulated under the various provisions of the Manningham Planning Scheme (the scheme).

All parcels of land sit within a specific planning zone. Within each planning zone there is a "Table of Uses" that determines if a particular land use can be conducted on the land with or without a planning permit or is a prohibited land use.

Defined land use "Shared Housing":

A planning 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 (including people with intellectual disabilities) if the building meets the following requirements:

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

A habitable room is defined as:

- 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.

Defined land use "Boarding House"?

A boarding house is a land use that is defined as "Accommodation" under the definitions contained in the scheme. A boarding house is a land use which does not meet the requirements specified for "Shared Housing".

In some planning zones in Manningham a boarding house is a prohibited land use and cannot be conducted.

In areas where a boarding house is not a prohibited land use, a planning permit must be issued to use the land for this purpose.

To obtain more specific details in respect to planning permit requirements you should contact the Statutory Planning Unit on 9840 9495 during normal business hours.

Building Requirements:

A Rooming/Boarding House within the Building Code of Australia may fall into one of two classes of building. The building classes are described below:

- Class 1B – A Boarding House
 - Total floor area not exceeding 300sqm when measured over the enclosing walls of the building; and
 - No more than 12 persons would ordinarily be resident; and
 - Cannot be located above or below another dwelling or another class of building other than a private garage.
- Class 3 – A Residential building, other than a building of Class 1 or 2, which is a common place of long term or transient living for a number of unrelated persons including a Boarding House, Guest House, Hostel, Lodging House or backpackers accommodation.

To allow for the lawful use of the building as a Rooming/ Boarding House in one of the class of buildings the owner of the building must have an Occupancy Permit suitable for the use of the Building.

How do I obtain an Occupancy Permit to use the building as a Rooming/Boarding house?

You need to obtain a Building Permit from a Registered Building Surveyor to allow the conversion of the use of an existing building to either a Class 1B or 3 building.

What is a Building Permit?

A Building Permit is a legal document issued by a Registered Building Surveyor that allows for certain building work to be lawfully undertaken. An approved Building Permit contains detailed construction drawings and technical documents to allow the building work to be constructed in accordance with the Building Act, Building Regulations, Building Code of Australia and associated standards.

Throughout the building work mandatory inspections are undertaken as part of the building permit process. A final inspection is also undertaken on completion of all building work.

On the satisfactory completion of the building work an Occupancy permit or Certificate of Final Inspection is issued by the Relevant Building Surveyor.

Why do you need a Building Permit to use a building as a Rooming/Boarding House?

There are a number of reasons why you need a building Permit to change the use of a building to a class 1B or 3 Rooming/ Boarding House including:

- The Building regulations do not exempt such building works from the requirements of a Building Permit. Illegal building work may result in significant penalties in excess of \$50000 in the case of a natural person or \$250000 in the case of an owners corporation.

- To ensure building occupants are provided with life/safety essential services such as hard wired interlinked smoke alarms, emergency lighting, etc.
- Allows an Occupancy permit to be issued for the intended use.

Health Requirements

Under the Public Health and Wellbeing Act 2008 a Rooming House must register with Council as a "Prescribed Accommodation" and comply with the Public Health and Wellbeing Regulations 2009. For example:

- At least 1 toilet for every 10 persons in the building;
- At least one fixed bath or shower and washbasin for every 10 persons in the building;
- Continuous and adequate supply of hot and cold water to all bathing, laundry and kitchen facilities;
- Working smoke alarms fitted throughout the premises;
- Rooms and communal areas in clean condition and well maintained.
- Minimum room sizes.

Rooms must be well maintained, structurally sound, contain lighting, be ventilated and have floor coverings that are free of major rips and raised edges and are appropriately fixed.

Prior to becoming registered with the Health Department you must have satisfied both building and planning requirements including obtaining the appropriate Occupancy permit.

Once registered Council's Health Department will undertake annual inspections of the property to ensure standards within the rooming house are being appropriately maintained.

The following table summarises the Council Services that apply to a proposal to convert an existing dwelling within a residential zone depending on the number of occupants proposed:-

CONVERSION OF AN EXISTING DWELLING INTO A ROOMING/BOARDING HOUSE

| WHAT APPROVALS DO I NEED PRIOR TO COMMENCING A ROOMING / BOARDING HOUSE? | | | |
|-----------------------------------------------------------------------------|----------|----------|--------|
| Number of Occupants Proposed | PLANNING | BUILDING | HEALTH |
| Building will accommodate less than 4 persons | N/A | 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 | ✓ | ✓ | ✓ |

Notes:

N/A No Approval Required

✓ Approval may be required. (Seek further advice from the relevant council department).

* A planning permit may be required for a project that is not within a residential zone or is contained within an overlay that triggers planning permit requirements.

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