

Seasonal Workers' Accommodation

Guide to Council requirements for Rooming House

What is a Rooming House?

A Rooming House is defined in the Swan Hill Planning Scheme as, "land used for a Rooming House as defined in the Residential Tenancies Act 1997."

The Residential Tenancies Act 1997 defines a Rooming House as, "a building, other than Specialist Disability Accommodation 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, or in respect of which a declaration under section 19(2) or (3) is in force."

What are the planning scheme requirements for a Rooming House?

Rooming houses in the Farming Zone are prohibited. Rooming houses should be located in urban areas.

A Planning Permit is generally not required in the General Residential Zone provided the following criteria are met:

- The dwelling must comply with minimum standards set out in the Residential Tenancies Act 1997 and Residential Tenancies (Rooming House Standards) Regulations 2012. These standards relate to privacy, security, safety and amenity in Rooming Houses.
- The total floor area of all buildings on the land, measured from the outside of external walls or the centre of party walls, does not exceed 300 square metres, excluding outbuildings.
- No more than 12 persons are accommodated.
- No more than 9 bedrooms are provided.

If the above can't be complied with, a Planning Permit will be required.

Building Requirements

A Building Permit will be required.

Public Health Requirements

If you are charging your employees, or any other persons, for accommodation then you may be required to register with Council under the Public Health and Wellbeing Act 2008 and Public Health and Wellbeing (Prescribed Accommodation) Regulations 2009.

Registration is required for any accommodation or land in which a person (including employees) are using as a place of temporary or permanent abode for payment of consideration.

Payment of consideration includes:

- Money for rent
- Work/s required in exchange for accommodation
- Any accommodation provided to an employee in accordance with a term of an award governing the employment of the employee, or a term of the employee's contract of service, for use by the employee during that employment or service.

Rental properties vs. Rooming Houses

Rental properties are for persons renting a house with a maximum of three persons. Rental properties can be rented through a real estate agent, or privately by signing private rental agreements with your tenants under the Residential Tenancies Act 1997. See Consumer Affairs Victoria website for more information on renting your property and for private rental agreement templates.

Rooming Houses are for persons renting a house to four or more persons. Rooming Houses must be registered with Council under the Public Health and Wellbeing Act 2008 and Public Health and Wellbeing (Prescribed Accommodation) Regulations 2009.

Rooming House Operators will also require a Rooming House Operators License from Consumer Affairs Victoria.

Further information

For further information, please contact:

Council's Economic Development Department on 50323033 or email ecodev@swanhill.vic.gov.au

Council's Planning Department on 50362352 or email planning@swanhill.vic.gov.au

Council's Building Department on 50362396 or email building@swanhill.vic.gov.au

Council's Public Health Services Department on 5036 2591 or email health@swanhill.vic.gov.au