



**MORNINGTON
PENINSULA**
Shire

**SHORT STAY RENTAL
ACCOMMODATION LOCAL LAW 2018**

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PART 1
INTRODUCTORY

1.1 Title

This Local Law is the Short Stay Rental Accommodation Local Law of the Mornington Peninsula Shire.

1.2 Objectives of this Local Law are to:

- (a) Regulate and control the use of short stay rental accommodation within the Municipal District of the Mornington Peninsula Shire Council;
- (b) Ensure an appropriate standard of management and presentation of such accommodation;
- (c) Minimise the risk of such accommodation affecting the peace of neighbours;
- (d) Implement a registration requirement; and
- (e) Provide for a Code of Conduct under the Local Law.

1.3 Authorising provision

This Local Law is made under section 111 of the *Local Government Act 1989*.

1.4 Operational date

This Local Law comes into operation on 17 May 2018.

1.5 Revocation date

This Local Law ceases to operate on 17 Monday 2028, unless sooner revoked by Council.

1.6 Application of this Local Law

This Local Law applies and has operation throughout the whole of the Municipal District.

1.7 Definitions

Unless the contrary intention appears in this Local Law, the following words are defined to mean:

WORDS	MEANING
The Act	Means the <i>Local Government Act 1989</i>
Authorised Officer	Means any Person appointed under Section 224 and 224A (Members of Victoria Police) of the Act
Code of Conduct	Means a Code issued by Council for the purposes of this Local Law
Council	Means the Mornington Peninsula Shire Council
Dwelling	Any building or portion of a building which is used, intended, adapted or designed for use for living
Infringements Act	Means the <i>Infringements Act 2006</i>

WORDS	MEANING
Material Change	Any change in the terms of the application details that affects the obligations of the parties is material
Motor Vehicle	Has the same meaning as in the <i>Road Safety Act 1986</i>
Municipal District	Means the Municipal District of Council
Notice to Comply	A notice served under clause 4.2
Occupant	Means a person who occupies short stay rental accommodation for short stay purposes
Owner	Means the owner of the dwelling or appointed agent/property manager
Peace	Means freedom from disturbance; the state of not being annoyed by noise or unwanted actions
Penalty Unit	Has the same meaning as the <i>Sentencing Act 1991</i>
Registered Short Stay Rental Accommodation	Short Stay Rental Accommodation registered under this Local Law
Registration	Means registration under and for the purposes of this Local Law
Registration Fee	Means the fee for registration that is imposed by the Council under the Council's fees and charges at the time
Short Stay Rental Accommodation	Means accommodation for no more than 30 consecutive days or 1 month in a dwelling for commercial gain, excluding other accommodation premises required to be registered under alternate legislation

PART 2

REGISTRATION

2.1 Registration required

2.1.1 The owner of any dwelling must not use, or allow to be used, the dwelling for short stay rental accommodation:

(a) Unless the dwelling is registered under this Local Law; and

(b) Other than in accordance with

(i) the conditions of registration; and

(ii) the provisions of this Local Law.

2.1.2 Registration does not affect the requirement of a dwelling owner or appointed agent/property manager or any other person to comply with any relevant law.

2.2 Application for registration

An application for registration in respect of a Short Stay Rental Accommodation dwelling must:

- (a) Be in writing and/or online;
- (b) Be made by the owner of the Short Stay Rental Accommodation dwelling;
- (c) Contain the details specified and required in Council's application form; and
- (d) Be forwarded with the application fee to Council.

2.3 Application details

The details referred to in clause 2.2(c) must be completed in full before the application will be accepted by Council for consideration.

2.4 Determining an application

2.4.1 If an application for registration of a Short Stay Rental Accommodation complies with the requirements of clause 2.2; and

2.4.2 The applicant pays the applicable fee

the Council may issue to the applicant a certificate of registration and number in the prescribed form.

2.5 Conditions of registration

2.5.1 The conditions of registration are that the owner must at all times:

- (a) Comply with the Code of Conduct;
- (b) Ensure the owner has provided Council with the contact details for a designated person(s) for the dwelling who can be contacted at any time of the day or night and that person must respond within 2 hours to any matter relating to the dwelling; and
- (c) Inform Council in writing of any change that would affect the currency of the details submitted with the application for the registration.

2.5.2 Registration is valid for a period of 12 months unless it is cancelled under this Local Law.

2.5.3 Registration cannot be transferred to another owner.

2.6 Cancellation

2.6.1 Registration may be cancelled when:

- (a) Any material change occurs to the application details, provided under clause 2.2(c) on the basis of which the certificate of registration was issued; or
- (b) Council receives no less than three substantiated complaints concerning the activities taking place at the dwelling from residents located within the proximity of the dwelling over a rolling period of 12 months; or
- (c) A substantiated complaint is of such severity that immediate cancellation is warranted.

- 2.6.2 Subclause 2.6.1(a) does not apply where there is a change of appointed agent/property manager, the details of which are given to Council within 14 days.
- 2.6.3 Council is not required to refund any part of the registration fee paid by the applicant in respect of cancelled registration.

2.7 Rights of appeal

- 2.7.1 An applicant or an objector to the issuing or cancelling of a Short Stay Rental Accommodation registration may lodge an appeal in writing to Council against the decision of an authorised officer to grant or refuse a registration within 28 days of being notified of the decision to grant or deny a registration.
- 2.7.2 The Council will appoint a committee to consider any written appeal lodged with it.
- 2.7.3 A person may make written and/or oral representations to the committee.
- 2.7.4 The committee will inform all parties to an appeal of its decision in writing.
- 2.7.5 The decision of the committee is final and binding on all parties.

PART 3

STANDARD OF MANAGEMENT AND PRESENTATION

3.1 Standard of management

- 3.1.1 The use of the dwelling must comply with the Code of Conduct applicable to this Local Law.
- 3.1.2 The use of the dwelling is not to impact on the peace expected to be enjoyed by surrounding residents.
- 3.1.3 The owner is to provide adjoining neighbours on all boundaries and neighbours immediately across the road from the dwelling with the current contact details of the designated person required in Clause 2.5.1(b).

3.2 Presentation required

The owner of a Short Stay Rental Accommodation dwelling must maintain any land connected to the dwelling in good condition.

PART 4

ENFORCEMENT

4.1 Offences

A person who:

- 4.1.1 Does not do anything required to be done or does anything forbidden to be done by or under this Local Law or the associated Code of Conduct; or
- 4.1.2 Fails to comply with a notice to comply; or
- 4.1.3 Accepts a rental booking for a short stay rental accommodation not registered within the requirements of this Local Law; or
- 4.1.4 Causes or permits any act or omission which is a contravention of this Local Law or the associated Code of Conduct

is guilty of an offence and liable to a penalty not exceeding 20 penalty units and in the case of a continuing offence is liable to a penalty not exceeding 2 penalty units for each day after a finding of guilt by a court of law for an offence during which the contravention continues.

4.2 Notices to comply

Where there is a breach of this Local Law an Authorised Officer may serve a notice to comply on the person who is in breach of the Local Law by either:

- (a) ordinary post; or
- (b) in person, or leaving the notice with a person at the dwelling who appears to be over the age of 16; or
- (c) email; or
- (d) leaving the notice in the dwellings letterbox; or
- (e) inserting the notice into or under the front door of the dwelling.

4.3 Compliance with directions

A person must comply with any reasonable direction of an Authorised Officer or a member of the Victoria Police when requested to do so.

4.4 Infringement notices

- 4.4.1 Where an Authorised Officer has reason to believe that a person is guilty of an offence or offences for which an infringement notice may be issued under this Local Law, the Authorised Officer may serve on that person an infringement notice.
- 4.4.2 The penalty fixed for an infringement notice is the fixed penalty stated in Schedule 1 of the Local Law.
- 4.2.3 Infringement notices are to be served as per the provisions of the *Infringements Act 2006*.

Schedule 1
Specific Penalties for Infringement Notice Purposes

Infringements	Penalty
Clause 2.1.1	10 units
Clause 3.1.1	5 units
Clause 3.1.2	6 units
Clause 3.1.3	6 units
Clause 3.2	6 units
Clause 4.1.1	6 units
Clause 4.1.2	6 units
Clause 4.1.3	10 units
Clause 4.1.4	5 units
Clause 4.3	5 units