



Fact Sheet

What is the *Short Stay Rental Accommodation Local Law*?

Over 1.6 million people stay overnight when visiting the Peninsula each year, making it the third largest short stay rental accommodation destination in Australia. Morningside Peninsula Shire welcomes greater numbers of visitors to the region, but must also ensure that the local communities continue to enjoy the benefits the area has to offer.

In May 2018, Council adopted the *Short Stay Rental Accommodation Local Law*, providing clear guidelines on the required standards for the operation of this type of accommodation. The Local Law places the responsibility for occupant behaviour on the owner of the property.

Short Stay Rental Accommodation is defined under the Local Law as “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”.

Short Stay Accommodation does not include other business types registered under other laws, such as Bed and Breakfast providers, hotels and motels, hostels, student dormitories or holiday camps.

Council recognises that most operators of Short Stay Rental Accommodation act responsibly and manage their property appropriately. However, the extent of community concern identified that controls were considered necessary.

The controls for this type of accommodation are known as the *Short Stay Rental Accommodation Local Law*.

The Local Law objectives are to:

1. Place the responsibility for occupant behaviour on the Owner of the Short Stay Rental Accommodation.
2. Implement a Code of Conduct to ensure an appropriate standard of management of behaviour at the accommodation.

3. Minimise the risk of such accommodation affecting the peace of the neighbours by providing a designated contact person for the property.
4. Regulate and control the use of Short Stay Rental Accommodation by implementing a registration requirement.
5. Enforce the requirements of the Local Law and Code of Conduct in the event of a breach or failure to comply with a notice of direction.

The Code of Conduct creates a standard of management that must be adhered to under the Local Law.

What is the Code of Conduct?

The Local Law establishes a Code of Conduct detailing the requirements for the use of the accommodation. This includes the following:

1. The Owner must control and be responsible for the behaviour of occupants at the dwelling. Unacceptable behaviours include:
 - aggressive behaviour
 - yelling
 - screaming and arguing
 - loud cheering, clapping and singing
2. Off-street parking must be provided for all occupants' motor vehicles. The owner must provide information to occupants on parking arrangements prior to arrival.
3. Additional accommodation is not allowed on site by way of tents, caravans, campervans or similar facilities.
4. Outdoor areas including swimming pools, spas, outdoor decking and balconies are not to be used between 11pm and 7am.
5. The Owner must inform occupants of waste disposal arrangements and remove any excess waste left by occupants. An adequate number of bins must be provided for collection and storage of all rubbish. All rubbish should be regularly removed.



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6. The Owner must display and make the Code of Conduct available to all occupants and visitors to the dwelling including availability on their website or any social media used by the owner to promote the Short Stay Rental Accommodation, and must incorporate the Code of Conduct provisions into rental terms and conditions.
7. The Owner of a Short Stay Rental Accommodation dwelling must maintain any land connected to the dwelling in good condition.

Under the Local Law, a Designated Contact Person is a requirement for Short Stay Rental Accommodation registration. This also forms part of the required standard of management.

What is Designated Contact information?

It is a reality that many Owners of Short Stay Rental Accommodation do not live locally or are not able to attend in person to complaints about occupant behaviour.

The Local Law requires owners to nominate a Designated Contact Person who can respond within two hours (at any time day or night). A contact person could be:

- a security company
- a real estate agent or managing agent
- an individual

The Designated Contact Person detail must be provided, in writing, by the owner, to any adjoining neighbours of a registered Short Stay Rental Accommodation. This includes a neighbouring property directly across from the accommodation.

Please note that Council does not expect any person to be placed in harmful or threatening situations, this includes the designated contact person. In the event of loud music or aggressive behaviour, continue to call Victoria Police on 000.

What does Council suggest to prevent a disturbance of the peace?

You may find the following suggestions helpful in operating your Short Stay Rental Accommodation:

- Employ a security company (as the Designated Contact Person) to be available to attend immediately upon request by a neighbour or yourself.
- Thorough vetting of potential occupiers before accepting a booking.
- Ensure you have mobile phone contact details for incoming occupants. If the Designated Contact Person can contact the occupants of the Short Stay Rental Accommodation by telephone to resolve the issue (rather than attend in person), this may resolve a complaint or matter.
- Send an automated text message or email through an online platform to the occupant on the day they arrive at your accommodation informing them that an agent (or security company) will be actively monitoring accommodation and where there is disturbance of peace they will be asked to leave immediately.
- Where possible enclose balconies, or install blinds and screens to reduce the line of sight and noise spill.
- Introduce yourself and develop a good relationship with neighbours that live near the Short Stay Rental Accommodation

Am I required to register my accommodation?

If you are the Owner of Short Stay Rental Accommodation on the Mornington Peninsula, you are required to register that property with the Shire.

To apply for registration, you will need to complete the online application form and pay the prescribed fee of \$300.00.

To apply please go to:

mornpen.vic.gov.au/ShortStay

and follow the online application process. Registration will be renewed annually subject to the property meeting expected standards.



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What will happen when my registration is about to expire?

Short Stay Rental Accommodation premises registered with the Shire will be sent an invitation to renew annually, prior to the current registration period (12 months) expiry.

Any premises found to be operating without a current registration will be subject to enforcement action.

How do I update my Short Stay Rental Accommodation details?

If you wish to change the postal address, Designated Contact Person information or advise of a managing agent, please complete the change of details form in full and submit to council.

Please note Short Stay Rental Accommodation registration applies to a specific property. In the event the Short Stay Rental Accommodation property is disposed of please advise Council via the Short Stay Rental Accommodation cancellation form.

If a new Owner intends to use the acquired property for Short Stay Rental Accommodation, they too must apply to register the property under their details, prior to accepting occupants at the short stay accommodation.

You can access Short Stay Rental Accommodation forms and resources at mornpen.vic.gov.au/ShortStay.

How much parking is required on site?

Owners must advise occupants of the number of off-street parking spaces available when accepting a booking. It is suggested to include this detail on any property rental advertisements.

Additional accommodation, such as tents, caravans, campervans or similar facilities are not to be allowed on site.

What if my property has a swimming pool, spa, outdoor balcony or decking?

Outdoor areas are not to be used by the occupants of the short stay accommodation between the hours of 11pm to 7am each day.

This includes the use of swimming pools, spas, outdoor decking areas or balconies and any affiliated equipment, such as pumps.

Enforcement information

It is an offence to accept a rental booking for a Short Stay Rental Accommodation not registered within the requirements of the Short Stay Rental Accommodation Local Law.

Registration may be cancelled if Council receives three substantiated complaints concerning the activities taking place at the dwelling, over a rolling 12-month period.

Registration may be cancelled immediately in the event a substantiated complaint is of such severity that immediate cancellation is warranted.

If you require further information please go to mornpen.vic.gov.au/ShortStay