



**MORNINGTON
PENINSULA**
Shire

**SHORT STAY RENTAL
ACCOMMODATION LOCAL LAW 2018**

This Local Law was amended by the Short Stay Rental Accommodation (Amendment)
Local Law of 2022, made by resolution of Council on 23 August 2022

TABLE OF CONTENTS

PART 1 INTRODUCTORY

1.1	Title	Page 1
1.2	Objectives of this Local Law	Page 1
1.3	Authorising provision	Page 1
1.4	Operational date	Page 1
1.5	Revocation date	Page 1
1.6	Application of this Local Law	Page 1
1.7	Definitions	Page 2

PART 2 REGISTRATION

2.1	Registration required	Page 4
2.2	Application of registration	Page 4
2.3	Application details	Page 4
2.4	Determining an application	Page 4
2.5	Conditions of registration	Page 4
2.6	Cancellation	Page 5
2.7	Rights of appeal	Page 5

PART 3 STANDARD OF MANAGEMENT AND PRESENTATION

3.1	Standard of management	Page 6
-----	------------------------	--------

PART 4 ENFORCEMENT

4.1	Offences	Page 7
4.2	Notices to comply	Page 7
4.3	Compliance with directions	Page 7
4.4	Infringement notices	Page 7

SCHEDULE 1

	Specific Penalties for Infringement Notice Purposes	Page 8
--	---	--------

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;
- (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 May 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> and/or <i>Local Government Act 2020</i>
Advertise or advertised	Means — (a) any words, whether written or spoken; or (b) any pictorial representation or design; or (c) any other representation by any means at all— used or apparently used to indicate that the dwelling is to be used as a Short Stay Rental Accommodation
Authorised Officer	Means any person appointed under Section 224 of the <i>Local Government Act 1989</i>
Code of Conduct	Means the Short Stay Rental Accommodation Code of Conduct adopted by Council on 24 April 2018 as may be amended from time to time by Council resolution and which is applied by 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>
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
Substantiated complaint	Means a breach of this Local Law or Code of Conduct that has been investigated by Council or an Authorised Officer and Council or an Authorised Officer is of the opinion that there are reasonable grounds for suspecting that an offence has been committed

PART 2
REGISTRATION

2.1 Registration required

- 2.1.1 The owner of any dwelling must not use, or allow to be used, or advertise, or accept a rental booking for 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.
- 2.1.3 Registration will not be granted where the dwelling breaches any legislation that has an impact on the safety of the owner or occupants.
- 2.1.4 Registration will not be granted for tents, caravans, campervans, moveable structures or similar facilities to be used as Short Stay Rental Accommodation.

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 registration 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; and
 - (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; and
- (d) Display the registration number on all online platforms that advertise the property for Short Stay Rental Accommodation.

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; or
- (d) An owner has been found guilty in a Court of any offence under this Local Law or Code of Conduct; or
- (e) There is a breach of other legislation that has an impact on the safety of the owner or occupants.

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 refusal, cancelling or issuing of a Short Stay Rental Accommodation registration may lodge an appeal in writing to Council or an Authorised Officer against the decision of Council or an Authorised Officer to refuse, cancel or issue a registration within 28 days of being notified of the decision.

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

3.1 Standard of management

- 3.1.1 The owner must ensure that the use of the dwelling complies with the Code of Conduct.
- 3.1.2 The owner must ensure that the use of the dwelling does not impact on the peace expected to be enjoyed by surrounding residents.
- 3.1.3 The owner must 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).
- 3.1.4 The owner must notify Council in writing within 14 days of any change to the details submitted with the application referred to in Clause 2.2.
- 3.1.5 The owner must ensure that the designated person of the Short Stay Rental Accommodation responds within 2 hours of being notified of any matter or complaint relating to the dwelling.
- 3.1.6 The owner must comply with all conditions of registration applicable to the registration of the Short Stay Rental Accommodation.

PART 4

ENFORCEMENT

4.1 Offences

A person who contravenes or fails to comply with this Local Law or the Code of Conduct or contravenes or fails to comply with any condition of registration 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 during which the contravention continues after a finding of guilt by a court of law for an offence.

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 or Code of Conduct 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

4.3.1 A person must comply with a direction or a notice to comply issued by an Authorised Officer or a member of Victoria Police.

4.3.2 A person who fails to comply with a direction or a notice to comply issued by an Authorised Officer or a member of the Victoria Police is guilty of an offence under this Local Law.

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	6 units
Clause 3.1.1	3 units
Clause 3.1.2	3 units
Clause 3.1.3	3 units
Clause 3.1.4	3 units
Clause 3.1.5	3 units
Clause 3.1.6	3 units
Clause 4.3.2	5 units