

## **Attachment 1 Summary of Benchmarking Findings Victoria and Interstate**

# **Options for Regulating Short Stay Accommodation in Port Phillip**

ELT Briefing – for discussion

19 June 2023



# Benchmarking – Victoria



Council	SSA regulation type	Summary approach
Stonnington	No specific regulations	<ul style="list-style-type: none"> <li>Local laws are enforced to address amenity concerns generally.</li> <li>No plans to regulate as very few complaints; see benefits to tourism and local business as outweighing any problems.</li> </ul>
Alpine Shire Glenelg Shire Colac-Otway Shire Queenscliffe	Differential rates apply to SSA properties	<ul style="list-style-type: none"> <li>No registration requirement.</li> <li>Depending on Shire, SSA properties are rated as commercial/industrial, holiday rentals or tourist accommodation.</li> <li>Driver is revenue to support tourism services and infrastructure rather than amenity concerns.</li> <li>Differential rating managed by rates teams.</li> <li>Local laws are used to address amenity concerns generally.</li> <li>Complaints received are not specifically recorded as SSA.</li> </ul>
Yarra Ranges	A single local law clause specific to SSA amenity concerns, introduced in 2020	<ul style="list-style-type: none"> <li>No registration requirement.</li> <li>Local Law makes SSA owners guilty of an offence if, over 12 months 3 substantiated complaints are received, where persons have caused a nuisance, demonstrated anti-social behaviour that has unduly interfered with use and enjoyment of another residential premises.</li> <li>10 penalty units (\$1,850) for breaches under the local law.</li> <li>23 complaints about 16 properties in 2022.</li> <li>Nil additional resourcing to enforce, absorbed by community safety.</li> <li>Learnings: '3 strikes in 12 months' resets. Removing 'reset' may encourage owners to monitor guest behaviour.</li> </ul>

# Benchmarking – Victoria



Councils	SSA regulation type	Summary approach
Frankston	Detailed local law provisions to address amenity (requiring registration)	<ul style="list-style-type: none"> <li>• Compulsory annual registration with \$150 fee.</li> <li>• Includes standards of management and code of conduct.</li> <li>• 5 penalty units (\$925) for breaches under the local law.</li> <li>• After hours complaints addressed by VicPol.</li> <li>• Approx 200 SSA registered, 16 complaints received in 2022.</li> <li>• Nil additional resourcing applied.</li> </ul>
Mornington Peninsula Shire	Detailed local law provisions to address amenity (requiring registration)	<ul style="list-style-type: none"> <li>• Compulsory annual registration with \$311 fee (to be reviewed in 2023).</li> <li>• Includes standards of management and code of conduct.</li> <li>• 3-6 penalty units for breaches under the local law.</li> <li>• After hours complaints addressed by VicPol.</li> <li>• 2,964 SSA registered, although estimate that there are 5,000 in Shire.</li> <li>• 385 complaints received in 2022. Popular holiday destination.</li> <li>• Additional resourcing = 1 FTE compliance &amp; safety officer for investigation &amp; enforcement. 0.6 FTE administration.</li> </ul>

# Benchmarking – Victoria



Councils	SSA regulation type	Summary approach
Warrnambool	Detailed local law provisions to address amenity (requiring registration)	<ul style="list-style-type: none"> <li>• New – implemented March 2023.</li> <li>• Compulsory annual registration with \$400 fee.</li> <li>• 6-month grace period applies for non-registration (new local law).</li> <li>• Includes standards of management and code of conduct.</li> <li>• 2 penalty units (\$ xx ) for breaches of the local law.</li> <li>• After hours complaints addressed by VicPol.</li> <li>• Approx 100 SSA registered, minimal complaints are received about amenity, majority have been owners objecting to paying a registration fee.</li> <li>• Workload impost in registration and follow up. Regret not resourcing up, particularly for implementation phase.</li> <li>• Learnings: <ul style="list-style-type: none"> <li>- Seen as 'money grabbing' by some, important to get messaging right.</li> <li>- Applicable to all SSA properties (even if only rented out 1 day per year).</li> </ul> </li> </ul>
Wyndham	<p>A single local law clause requiring owners of SSA properties to have a permit</p> <p>(not yet implemented – Local Law is in draft)</p>	<ul style="list-style-type: none"> <li>• Requires owners of properties used for short stay accommodation to have a permit.</li> <li>• Short stay accommodation refers to stays of less than 30 days.</li> <li>• Information on standards of management / codes of conduct not available.</li> <li>• Estimates 19 entire homes and 61 rooms for short stay rent in municipality.</li> <li>• In 2022, there were 61 complaints (noise, parking, waste).</li> <li>• 5 penalty units (= \$xx) apply for non-registration of properties.</li> <li>• Amenity issues to be addressed via existing local laws and legislation.</li> <li>• Estimate \$43,000 cost per year to administer and enforce.</li> </ul>

# Benchmarking – Interstate



Councils	SSA regulation type	Summary approach
Noosa QLD	<p>Town Planning approval required.</p> <p>Local Law with provisions addressing amenity and requiring registration.</p> <p>Charge differential rates</p>	<ul style="list-style-type: none"> <li>• Premier holiday destination attracting both domestic and international visitors.</li> <li>• Introduced to address high volume SSA in Shire and amenity complaints.</li> <li>• Planning assessments done by local laws (determine lawful use of property).</li> <li>• Difficult ones referred to a planner. Once approved, may apply for registration.</li> <li>• Compulsory registration with scaled application fee \$240-\$950 (property type).</li> <li>• Annual registration renewal zero fee \$0.</li> <li>• Includes standards of management and code of conduct.</li> <li>• Up to 50 penalty units for breaches under the local law. (\$7,188)</li> <li>• Complaints via 24/7 hotline with Council after hours service provided.</li> <li>• 3,000 SSA registered, 5,000 transitional awaiting planning approval.</li> <li>• Estimate 10,000 in Shire.</li> <li>• 800 amenity related complaints received Feb 2022-Apr 2023. 94 Notices to Comply (NTC) issued. 1 infringement only. All NTC reviewed by solicitor as Council is under scrutiny.</li> <li>• Additional resourcing = 2 FTE local laws officers for investigation &amp; enforcement. 1.5 FTE administration. 2 additional FTE recently approved by Council.</li> <li>• Workload impact not fully understood before implementation. A big issue, with very high backlog.</li> </ul>

# Benchmarking – Interstate



Councils	SSA regulation type	Summary approach
Byron Shire NSW	NSW state government legislation regulates all elements of SSA	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Housing) 2021.</li> <li>• Provides a consistent approach to SSA regulation across NSW through state legislation. In response to concerns with housing affordability etc.</li> <li>• Sets obligations, minimum standards of behaviour and requirements for all industry participants (ie. booking platforms, hosts, letting agents and guests)</li> <li>• All hosts must register their STRA property on the State Government-run Short-term Rental Accommodation Register. Registration is compulsory.</li> <li>• Register assists Councils with monitoring and compliance of SSA. Council monitors compliance of registered STRA properties (including lawful use from a planning perspective, fire safety standards and amenity). Amenity complaints can be lodged with Council via CRM. After hours via Police.</li> <li>• Recent media reports indicate that Byron Shire is considering introducing a 60 day cap on SSA as a response to rental housing affordability and availability concerns.</li> </ul>