

# **SHORT STAY ACCOMMODATION CODE OF PRACTICE**

Attachment to Casey  
Community Local Law 2023

CONTENTS

1. Preamble .....3

2. Objective.....3

3. Relationship with Casey Community Local Law 2023 .....3

4. Definitions .....4

5. Short Stay Accommodation Permit .....7

6. Conditions Of A Short Stay Accommodation Permit .....7

7. Cancellation.....8

8. Rights of Appeal .....9

9. Standard Of Management.....10

10. Conditions.....11

11. Offences .....12

12. Notices to Comply.....12

13. Compliance With Directions .....12

## 1. PREAMBLE

The purpose of the ***Short Term Accommodation Code of Practice*** is to apply controls for the private informal and occasional renting or licensing of residential properties for short term accommodation.

## 2. OBJECTIVE

The objective of this ***Short Term Accommodation Code of Practice*** is to regulate the control and use of short stay accommodation to ensure an appropriate standard of management of the accommodation and minimise the risk of such accommodation affecting the peace of neighbours.

## 3. RELATIONSHIP WITH CASEY COMMUNITY LOCAL LAW 2023

3.1 This ***Short Term Accommodation Code of Practice*** has been incorporated by reference into Casey Community Local Law 2023.

3.2 Clause 33(1) of that Casey Community Local Law 2023 provides that:

“(1) An ***owner*** or occupier of ***private land*** must not advertise, use or allow to be used or advertised the ***private land*** for ***Short Stay Accommodation*** unless they:

(a) have been issued with a ***Short Stay Accommodation Permit*** under this ***Local Law***; and

(b) comply with the ***Short Stay Accommodation Code of Practice***.

(2) The ***Short Stay Accommodation Code of Practice*** is a document incorporated into this ***Local Law***.”

3.3 The Code referred to in that clause is this ***Short Stay Accommodation Code of Practice***.

#### 4. DEFINITIONS

|                                  |                                                                                                                                                                                                                                                                                                    |
|----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Advertise or advertised          | Means any:<br><br>(a) words, whether written or spoken; or<br>(b) pictorial representation or design, or<br>(c) other representation by any means at all –<br><br>used or apparently used to give notice that <b><i>private land</i></b> is to be used as a <b><i>Short Stay Accommodation</i></b> |
| appointed agent/property manager | Means a person acting on behalf of a property owner in relation to management of a <b><i>private land</i></b> or <b><i>dwelling</i></b>                                                                                                                                                            |
| Authorised Officer               | Means a person appointed pursuant to Section 224 of the <b><i>Local Government Act 1989</i></b> as                                                                                                                                                                                                 |

|                 |                                                                                                                                                                                |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                 | <p>an Authorised Officer for the purposes of this Local Law.</p> <p>And/ or</p> <p>Means any Person appointed under Section 224A (Members of Victoria Police) of that Act.</p> |
| Council         | Means Casey City Council                                                                                                                                                       |
| Dwelling        | Means any building or portion of a building on <b><i>private land</i></b> which is used, intended, adapted or designed for use for living                                      |
| Land            | Has the same meaning as in the Local Law                                                                                                                                       |
| Local Law       | Means the Casey Community Local Law 2023                                                                                                                                       |
| Material Change | Means any change in the terms of the application details that affects the obligations of the parties                                                                           |
| Motor Vehicle   | Has the same meaning as in the <i>Road Safety Act 1986</i>                                                                                                                     |

|                                 |                                                                                                                                                                                                                    |
|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Occupant                        | Means a person who occupies <b>Short Stay Accommodation</b> for short stay purposes                                                                                                                                |
| Owner                           | Means the person who is registered on the certificate of title as the owner of the <b>land</b> or the person who is or is entitled to exercise any rights of ownership of the <b>land</b> .                        |
| Peace                           | Means freedom from disturbance; the state of not being annoyed by noise or unwanted actions                                                                                                                        |
| Private land                    | Means any <b>land</b> which is not owned or occupied or under the control or management of a public body (including <b>Council</b> ).                                                                              |
| Short Stay Accommodation        | Means accommodation for no more than 30 consecutive days or one month in a <b>dwelling</b> for commercial gain, excluding other accommodation premises regulated required to be registered under other legislation |
| Short Stay Accommodation Permit | Has the same meaning as in the Local Law                                                                                                                                                                           |

|                         |                                                                                                                                                                                                                                         |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Substantiated complaint | Means a breach or reasonably suspected breach of Local Law in relation to failing to comply with conditions set out in this <b>Short Stay Accommodation Code of Practice</b> following an investigation by an <b>Authorised Officer</b> |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

5. SHORT STAY ACCOMMODATION PERMIT

- 5.1 A **Short Stay Accommodation Permit** does not affect the requirement of an **owner** of **private land** or **appointed agent/property manager** or any other person to comply with any relevant law.
- 5.2 A **Short Stay Accommodation Permit** will not be issued in respect of **private land** if the **dwelling** on that **private land** is contrary to the requirements of any legislation and by reason of this may adversely impact on the safety of the **owner** or **occupants**.
- 5.3 A **Short Stay Accommodation Permit** will not be issued for tents, caravans, campervans, moveable structures or similar facilities to be used as **Short Stay Accommodation**.

6. CONDITIONS OF A SHORT STAY ACCOMMODATION PERMIT

- 6.1 The conditions of a **Short Stay Accommodation Permit** are that the **owner** or **appointed agent/property manager** must at all times:

- (a) Comply with this **Short Stay Accommodation Code of Practice**; and
- (b) Ensure that **Council** has been provided with the contact details for a designated person(s) for the **private land** who can be contacted at any time of the day or night, and that this person responds within 2 hours to any matter relating to the **private land**; and
- (c) Inform **Council** in writing of any change that would affect the currency of the details submitted with the application for the **Short Stay Accommodation Permit**; and
- (d) Display the **Short Stay Accommodation Permit** number on all online / hard copy platforms that **advertise** the private land for **Short Stay Accommodation**.

6.2 A **Short Stay Accommodation Permit** is valid for a period of 12 months unless it is cancelled under the **Local Law**.

6.3 A **Short Stay Accommodation Permit** cannot be transferred to another **owner**.

## 7. CANCELLATION

7.1 A **Short Stay Accommodation Permit** may be cancelled when:

- (a) Any **material change** occurs to the application details, on the basis of which the **Short Stay Accommodation Permit** was issued; or

- (b) **Council** receives no less than three **substantiated complaints** concerning the activities taking place in the **dwelling** or on the **private land** more generally from residents located within the proximity of the **dwelling or private land** 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 against the **Local Law**; or
- (e) There is a breach of other legislation that has an impact on the safety of the **owner** or **occupants**.

7.2 Subclause 7.1(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 of the change occurring.

7.3 **Council** is not required to refund any part of the **Short Stay Accommodation Permit** fee paid by the applicant in respect of cancelled a **Short Stay Accommodation Permit**.

## 8. RIGHTS OF APPEAL

8.1 An applicant or an objector to the refusal, cancelling or issuing of a **Short Stay Accommodation Permit** 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 **Short Stay Accommodation Permit** within 28 days of being notified of the decision.

8.2 **Council** will appoint an **Authorised Officer** to consider any written appeal lodged with it.

- 8.3 A person may make written and/or oral representations to the ***Authorised Officer***.
- 8.4 The ***Authorised Officer*** will inform all parties to an appeal of their decision in writing.
- 8.5 The decision of the ***Authorised Officer*** is final and binding on all parties.

## 9. STANDARD OF MANAGEMENT

- 9.1 The ***owner*** or ***appointed agent/property manager*** must ensure that the use of the ***private land*** complies with this ***Short Stay Accommodation Code of Practice***.
- 9.2 The ***owner*** or ***appointed agent/property manager*** must ensure that the use of the ***private land*** does not impact on the ***peace*** expected to be enjoyed by surrounding residents.
- 9.3 The ***owner*** or ***appointed agent/property manager*** must provide adjoining neighbours on all boundaries and neighbours immediately across the road from the ***private land*** with the current contact details of the designated person required in subclause 6.1(b).
- 9.4 The ***owner*** or ***appointed agent/property manager*** must notify ***Council*** in writing within 14 days of any change to the details submitted with the application.
- 9.5 The ***owner*** or ***appointed agent/property manager*** must comply with all conditions applicable to the ***Short Stay Accommodation Permit*** of the ***Short Stay Accommodation***.

## 10. CONDITIONS

- 10.1 The **owner** or **appointed agent/property manager** must display and make this **Short Term Accommodation Code of Practice** available to all **occupants** of and visitors to the **private land**, including availability on their website or any social media used by the **owner** or **appointed agent/property manager** to promote or **advertise** the **Short Stay Accommodation dwelling** or **private land** and must incorporate the **Short Term Accommodation Code of Practice** provisions into rental or licence terms and conditions.
- 10.2 The **owner** or **appointed agent/property manager** must control and will be responsible for the behaviour of **occupants** and residents at the **private land** (including any **dwelling** on it). Unacceptable behaviour includes loud:
- (a) aggressive behaviour;
  - (b) yelling, screaming and arguing; and
  - (c) cheering, clapping and singing.
- 10.3 Off street parking must be provided for all **occupants' motor vehicles**. The **owner** or **appointed agent/property manager** must provide information to **occupants** on parking arrangements prior to arrival.
- 10.4 Additional accommodation is not allowed on site by way of tents, caravans, campervans or similar facilities.
- 10.5 Outdoor areas (including swimming pools, spas, outdoor decking and balconies) are not to be used between 11.00pm to 7.00am.

- 10.6 The **owner** or **appointed agent/property manager** must inform **occupants** of waste disposal arrangements and remove any excess waste left by **occupants**.

## 11. OFFENCES

An **owner** or occupier of **private land** who fails to comply with the **Short Term Accommodation Code of Practice** or contravenes or fails to comply with any condition of the **Short Stay Accommodation Permit** is guilty of an offence against the **Local Law** 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.

## 12. NOTICES TO COMPLY

Where there is a breach of the **Local Law** an **Authorised Officer** may serve a notice to comply on the person(s) who is in breach of the **Local Law**.

## 13. COMPLIANCE WITH DIRECTIONS

- 13.1 A person must comply with a direction given or a notice to comply issued by an **Authorised Officer** or a member of Victoria Police in accordance with the Local Law.
- 13.2 A person who fails to comply with such a direction or a notice to comply is guilty of an offence against the **Local Law**.

**Contact the City of Casey:**

**Web:** [casey.vic.gov.au](http://casey.vic.gov.au)

**Email:** [caseycc@casey.vic.gov.au](mailto:caseycc@casey.vic.gov.au)

**Phone:** 03 9705 5200

**Post:** PO Box 1000, Narre Warren VIC 3805

**NRS:** 133 677 (for the deaf, hearing or  
speech impaired)

**Customer Service Centres:**

**Narre Warren:**

Bunjil Place, Patrick Northeast Drive

**Cranbourne:**

Cranbourne Park Shopping Centre

**ABN:** 43 320 295 742



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