

## **Report to Council, 4 October 2023**

A report will be presented to Council at its 4 October 2023 Ordinary Meeting which contains information about short stay accommodation in Port Phillip and provides options for Council to consider for the regulation and management of amenity impacts caused by some short stay accommodation premises.

A copy of the Council report is available via Council's website.

### **Recommendations in the Council report are:**

That Council:

- 3.1 Notes that the concept of short stay accommodation has evolved significantly since its inception, and that some short stay accommodation premises can cause adverse amenity impacts upon neighbouring residents when not well managed.
- 3.2 Thanks the petitioners for their petition to Council on 4 April 2023 seeking advocacy for a State Government response to Short Stay Accommodation.
- 3.3 Thanks the petitioners for their petition to Council on 6 September 2023 requesting Council utilise Clause 59 of the Local Law to address amenity concerns arising from short stay accommodation.
- 3.4 Implements Option 1: Utilise existing legislation and its Local Law, including Clause 59 to address amenity concerns arising from short stay accommodation.
- 3.5 Approves the following guidelines for inclusion into the Local Law Procedures and Protocols Manual.

"In considering whether to take enforcement action in response to a complaint about commercial premises being used for short-term or other accommodation for commercial gain, an authorised officer must consider the following guidelines:

- a) The severity of the impact of the conduct complained of on the amenity of the surrounding properties, including history of complaints, number of complainants and the extent of the alleged impacts.
- b) The prospects of any enforcement action succeeding, including the:
  - (i) Nature and reliability of the evidence available; and
  - (ii) Level of engagement of the complainant in any enforcement action.
- c) The resources required to investigate and/or pursue enforcement action in respect of the conduct complained of.
- d) Any mitigating circumstances, including factors such as the steps taken by the owner/occupier of the property to minimise the amenity impacts.
- e) Whether there are other more suitable avenues to address the amenity impacts, including:
  - (i) Whether action has been taken by an Owners Corporation under the Owners Corporations Act 2006 (OCA) in respect of the conduct complained of, or any similar conduct; and whether it was successful; and

(ii) Other relevant legislation.

f) Any other matter with the authorised officer considers to be relevant to the particular complaint.”

- 3.6 Continues its advocacy to State Government for introduction of a consistent, State-wide approach to regulating Short Stay Accommodation.
- 3.7 Notes that Officers will brief Councillors after 12 months’ on how and when clause 59 has been applied in relation to SSA, the actions undertaken and whether its use has been effective.

**The Council Meeting details are as follows:**

Date: 4 October 2023

Where: Watch the meeting online or attend in person at St Kilda Town Hall

When: Meeting commences at 6.30 pm

**You can request to speak at the Council meeting on 4 October 2023.**

Online registrations to speak at Council close 4 pm on 4 October 2023. Alternatively, if you are attending the meeting in person, manual registration forms will be provided when you arrive at the Town Hall. Ask a Governance Officer if you need assistance to complete the form.

**Find out more information on speaking at the Council Meeting via Council’s [website](#).**