

Short Stay enforcement process by Council?

In the first instance all complaints are directed to the contact person to remedy. If a complaint is elevated to Council then the following process is undertaken.

STEP 1

Council investigation

Council investigates the substantiated complaint and any breaches against the conditions of approval under the local law.

The investigation may include contacting the complainant, neighbours, contact person /approval holder, review of security evidence provided and attendance at the property.

The investigation will assess whether the contact person acted in accordance with the requirements of the local law when determining if a breach was made.

STEP 2

Compliance notice

Under section 26 of Administration Local Law No. 1, Council may issue a compliance notice to the approval holder outlining the contravention against the local law or condition of approval.

The notice will outline a timeframe for remedying the contravention and a maximum penalty for failing to comply. If the approval holder does not comply with the notice a fine will be issued with a maximum penalty of 5 units.

Note: Fines may also be issued without issuing a compliance notice where circumstances warrant.

STEP 3

Show Cause Notice

In extreme circumstances, under section 17 of Administration Local Law No. 1, Council may take action to amend, suspend or cancel an approval for short stay letting, including if the approval holder has not complied with the conditions of approval.



Before taking action, Council will issue the approval holder with a written notice stating the proposed action and the grounds, facts and circumstances of the proposed action, and if a suspension of the approval – the proposed suspension period.

STEP 4

Approval holder submission

The approval holder may make a written submission to Council within 21 days of being issued the notice detailing why the proposed action should not be taken by Council. Council will consider any submission made by the approval holder before deciding whether to amend, suspend or cancel the approval. A written notice will be issued to the approval holder of Council's decision.

STEP 5

Council decision to immediately amend, suspend or cancel approval

Under section 19 of Administration Local Law No.1 Council may immediately suspend an approval if there is an urgent and serious threat to public safety or urgent and serious risk of environmental harm, property damage or loss of amenity.

Council will issue a notice to the approval holder about the decision to immediately suspend the approval.

Note: Approval renewal

The approval for short stay letting is renewed annually by the approval holder. In considering the renewal, the applicant's history in the operation of short stay letting or home hosted accommodation at the premises or other premises and any suspensions or cancellations will be considered.