

Bass Coast Shire Council
Delegated Committee Meeting Agenda

Thursday 24 November 2022

Council Chamber
Bass Coast Civic Centre
Baillieu Street East
Wonthaggi
Commencing at 2.00pm

BASS COAST



Community Vision 2041

Vision Statement

From its flowing hills to its wild unspoiled coastlines, the Bass Coast is a source of celebration for all who live in and visit the region.

Our townships are vibrant, rich with culture and full of life, each with its own distinct character. Drawing on our creativity, innovation and resilience we've created a thriving and diverse economy that supports sustainable agriculture and industry.

We live proudly on Bunurong Country, and build on learnings from our First Peoples and their knowledge. We coexist in harmony with our environment, and are prepared for future challenges and changes.

We are the people of the Bass Coast. Experience our cultures and history, and contribute to our story.

Notice of Meeting

Notice is hereby given that a **Delegated Committee Meeting** of the Bass Coast Shire Council will be held at the Council Chamber Bass Coast Civic Centre Baillieu Street East Wonthaggi on 24 November 2022 at **2.00pm**

Date of Notice - 18 November 2022
Ali Wastie
CEO

Agenda

Livestreaming

In accordance with the Bass Coast Shire Council Meeting Livestreaming Policy 2020 adopted 15 April 2020 this Meeting will be livestreamed and the video and audio recording of the Meeting will be made publicly available for viewing on Council's webpage.

Mobile Telephone Reminder

Please turn off all mobile telephones or in the case of an emergency, please advise the Chair and switch to silent mode.

Statement of Acknowledgement

Bass Coast Shire Council acknowledge the Bunurong as the Traditional Owners and Custodians of the lands and waters, and pays respect to their Elders past, present and emerging, for they hold the memories, the traditions, the culture and Lore.

Bass Coast Shire Council celebrates the opportunity to embrace and empower the Aboriginal and/or Torres Strait Island Communities in their diversity.

Bass Coast Shire Council will create opportunities for future recognition and respectful partnerships that will honour the Traditional Owners and Custodians, and Aboriginal and/or Torres Strait Islander Peoples.

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A Present and Apologies

B Declarations of Interest

Reports Requiring a Decision

C Reports Requiring a Decision

C.1 Short Stay Rental Accommodation – Proposed registration fee; and amendments to Fees and Charges 2022/2023

File No:	**CM22/694**
Division:	**Resilient Communities**
Council Plan Strategic Objective:	**Healthy Community** An inclusive community that embraces its lifestyle and supports health and wellbeing

Declaration

The author has no direct or indirect interests in relation to this report.

Summary

Council sets the fees and charges for the coming year as part of its annual budget process. Occasionally fees and charges need to be amended throughout the year to accommodate unforeseen needs, including changes to legislation or administrative errors.

The purpose of this report is to introduce a new fee structure for Short Stay Rental Accommodation effective1 July 2023; and introduce two amendments to the current fees and charges schedule.

These include:

1. Setting a registration fee for Short Stay Rental Accommodation (SSRA) to allow Council to regulate SSRA properties under Bass Coast Councils Local Law No 1 Neighbourhood Amenity 2022.
2. Inclusion of horse riding permits in the current 22/23 fees and charges schedule
3. Inclusion of a new fee for 3A Accommodation Getaway Providers in 22/23 fees and charges schedule

Bass Coast Council Local Law No 1 Neighbourhood Amenity 2022 defines SSRA as accommodation provided by the owner of a property, for fee or reward, to another person, for no more than 30 consecutive days on that property but does not include any property that is required to be registered under any other Act or regulation.

Council Officers recommend that a $300 flat fee (with CPI) is adopted and renewed annually for the registration of SSRA in the municipality.

Council Officers identified that horse riding permit fees were not included in the fees and charges schedule that was adopted by Council this financial year due to an administrative error.

Council Officers have also identified a new fee which is required due to recent changes to the Food Act. Officers recommend introducing a new 3A Accommodation Getaway Fee of $200 for the 22/23 financial year.

Background

At the 16 November 2022 Council Meeting Cr Michael Whelan, Cr Ron Bauer, Cr Les Larke and Cr David Rooks declared a conflict of Interest in agenda item D.11 Short Stay Rental Accommodation – Proposed registration fee; and amendments to Fees and Charges 2022/2023. With Cr Brett Tessari on a leave of absence, Council was left without a quorum to determine this matter.

Section 67 of the Local Government Act 2020 requires Council to consider whether the matter can be dealt with in an alternative manner such as splitting the recommendation or making a prior determination on the component parts. A prior determination was not an option and splitting the recommendation would not prevent the loss of a quorum. The setting of fees and charges is not something that can be delegated.

Section 67(4) of the Act states that if Council cannot determine the matter in an alternative manner, then Council must decide to establish a delegated committee to make the decision. The delegated committee must consist of all available Councillors without a conflict and any other persons that the Council considers suitable.

Council resolved at the 16 November Council Meeting:

That:

1. Council establish a delegated committee for the purpose of considering the report listed in the 16 November 2022 Council agenda titled Short Stay Accommodation – Proposed registration fee, and amendments to Fees and Charges 2022/2023.
2. The following Councillors and Council officers be appointed to the delegated Committee:
    a. Cr Halstead (Chair)
    b. Cr Kent
    c. Cr Laing
    d. Cr Le Serve
    e. General Manager Resilient Communities
    f. General Manager Business Transformation
3. The delegated committee meeting be held on Thursday 24 November in the Bass Coast Civic Centre Council Chamber, Baillieu Street East, Wonthaggi commencing at 2.00pm.

Short Stay Rental Accommodation (SSRA)

SSRA was previously regulated under the *Public Health and Wellbeing Act 2008* (PHWA). Short stay registration should not be confused with bed and breakfast properties that are registered as prescribed accommodation under the PHWA. These properties differ as they generally serve food, and the owner/manager of the property will live onsite. Visitors to the property do not have exclusive use of the dwelling or land, and share certain parts of the property with others.

Where a property allows for the accommodation of five or more guests where they do not have exclusive rights to the land, the PHWA applies.

Under the newly adopted Local Law, Council is required to register and enforce amenity issues in relation to SSRA.
As such, Council is required to develop a process for registering SSRA, and an associated fee structure.

SSRA fees will increase annually, in line with CPI. Setting a fee for SSRA will also allow Council to continue to support tourism events and programs across the Shire.

3A Fees and Charges

The recent changes to the Food Act created an additional class of food premises, Class 3A.

Class 3A now also includes Accommodation Getaway Providers that serve food to guests (bacon and eggs etc.)

Council Officers propose an additional fee category be created for Food Act Class 3A Accommodation Getaway Providers of $200.

Strategic Basis

Council Plan Strategic Objective:

Healthy Community - *An inclusive community that embraces its lifestyle and supports health and wellbeing*

Governing Documents

Bass Coast Shire Councils Local Law No 1 Neighbourhood Amenity 2022.

Discussion

When considering a fees structure for SSRA's, the following factors are to be considered:

- Cost and time taken to establish and implement the registration process
- Time and resources related to reviewing applications and Waste Management Plans
- Developing and resourcing Waste Management Packs
- Additional resourcing to investigate complaints
- Enforcement of non- compliance
- Benchmarking against other council fees

Sustainability Implications

There are no sustainability implications associated with this report.

Finances

There are no financial implications associated with this report.

Stakeholders

- Destination Phillip Island
- Destination Gippsland

- Short Stay Homeowners
- Bass Coast Shire Council
- Bass Coast Shire Council residents and ratepayers
- Property Managers

Conclusion

1. The Delegated Committee should adopt, a $300 flat fee for SSRA its municipality, to be increased annually in line with CPI.
2. The Delegated Committee should include horse permit fees and charges to the fees and charges schedule as referred to in the attachments.
3. Inclusion of a new fee for 3A Accommodation Getaway Providers in 22/23 fees and charges schedule

Recommendation

That the Delegated Committee:

1. **Adopt a flat fee of $300 renewed annually for SSRA, to be increased annually in line with CPI**
2. **Include Horse Riding Permit Fees in the fee schedule 2022/2023**
3. **Adopt a new fee of $200 for 3A Accommodation Getaway Providers in the 22/23 fees and charges schedules**

Attachments

AT-1	Short Stay Rental Accommodation Fees and Charges 2022/2023 Amendments	1 Page
AT-2	Community Safety Horse Access Permit Fees 2022/2023	1 Page

Short Stay Rental Accommodation Fees and Charges Amendments

INCLUDE

Short Stay Rental Accommodation	Statutory / User Fee	Unit Charge Rate	GST %	2021/2022 Fee Per Unit	2022/2023 Fee per Unit	Effective Date
New registration Short Stay Rental Accommodation	User Fee	Per Year	N/A	N/A	$300	1-Jan-23
*Renewal Short Stay Rental Accommodation	User Fee	Per Year				1-July-24

*This allows a 6 month grace period for SSRA owners to register their houses, all must be registered by 30 June 2023, with renewals in line with financial year

Other Fees	Statutory/User Fees	Unit Charge Rate	GST %	2021/2022 Fee per unit (inc. GST if applicable)	2022/2023 Fee per unit (inc. GST if applicable)	Effective Date
Pony Clubs that reside in Bass Coast Shire (maximum 5 riders at on time)	C	Per Year	10%	$0.00	$0.00	1-Dec-22
Pony Clubs that don't reside in Bass Coast Shire (maximum 5 riders at on time)	C	Per Year	10%	$1,030.00	$1,054.00	1-Dec-22
Recreational riders residing in Bass Coast Shire	C	Per Year	10%	$0.00	$0.00	1-Dec-22
Recreational riders not residing in Bass Coast Shire	C	Per Year	10%	$77.00	$79.00	1-Dec-22
Professional trainers residing in Bass Coast Shire and registered with Racing Victoria	C	Per Year	10%	$515.00	$527.00	1-Dec-22
Professional trainers not residing in Bass Coast Shire and registered with Racing Victoria	C	Per Year	10%	$2,575.00	$2,633.00	1-Dec-22

Meeting closed

That the meeting be closed