

Brisbane City Council

Short Stay Accommodation Local Law 2025

This local law was made by Council on {date to be inserted}
Commencement date - {date to be inserted}



Dedicated to a better Brisbane

Short Stay Accommodation Local Law 2025

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Chapter 1 Short stay accommodation

Part 1 Preliminary

1 Short title

This local law may be cited as the *Short Stay Accommodation Local Law 2025*.

2 Commencement

This local law commences on 1 July 2026.

3 Object

The objects of this local law are to—

- (a) ensure that short stay accommodation is regulated; and
- (b) safeguard the amenity of residents in the vicinity of short stay accommodation.

4 Definitions

The dictionary in Schedule 1 defines particular words used in this local law.

Part 2 Requirement to hold Permit

5 Permit required

A person must not advertise, or operate or hold out to be operated, or accept a booking for, short stay accommodation unless a permit to operate short stay accommodation at that particular premises has been issued to that person by Council under this local law and remains in force.

Maximum penalty—

- (a) for a first offence—50 penalty units;
- (b) for a second offence—200 penalty units;
- (c) for a third offence and any following offence—850 penalty units.

6 Application for Permit

- (1) An applicant must apply for a permit for short stay accommodation in accordance with this section 6 and the short stay accommodation rule.
- (2) An application for a permit for short stay accommodation must be made in the approved form.

- (3) An application under subsection (2) must be accompanied by—
 - (a) if the applicant is not the owner of the premises, the written consent of all owners;
 - (b) if the premises is a lot under a community titles Act, a copy of a letter notifying the body corporate of the applicant's intention to lodge an application for a short stay accommodation permit;
 - (c) if any approval is required under any other law, confirmation that the approval has been obtained;
 - (d) details of a **contact person** who must, in respect of any issues arising in relation to the short stay accommodation—
 - (i) be contactable 24 hours a day, 7 days a week; and
 - (ii) acknowledge the receipt of any complaint received from Council within 60 minutes of being notified; and
 - (iii) inform Council in writing of any and all action taken to resolve any complaint within 24 hours of receiving a notification of a complaint; and
 - (e) the prescribed fee.
- (4) An application that complies with this section 6 is a **properly made application**.
- (5) Without limiting subsection (2), an applicant must, if requested by Council, within 10 business days of the request being made or any further period agreed by Council, provide any further information or documents that may assist Council to decide the application.
- (6) Council may waive any requirement, or any part of any requirement, under this section 6 in its absolute discretion.
- (7) Only 1 permit is permitted for a premises.

7 Withdrawal of application

At any time prior to a decision being made in accordance with section 8, an applicant may withdraw their application for a permit.

8 Deciding applications

- (1) Council must, within 30 business days, or such other period agreed with the applicant, in relation to a properly made application for a permit—
 - (a) approve the application, with or without conditions; or
 - (b) refuse the application.
- (2) If Council approves the application, under subsection (1)(a), Council must issue a permit and, if applicable, advise the applicant in writing of the

applicant's right to a review of that decision to impose any conditions under section 28.

- (3) If Council refuses the application, under subsection (1)(b), Council must advise the applicant in writing of—
 - (a) the grounds for the refusal; and
 - (b) the applicant's right to a review of that decision under section 28.
- (4) Any application not decided by Council in accordance with subsection (1) is deemed to be refused.

9 Criteria to be considered

- (1) In considering a properly made application for a permit, Council may have regard to—
 - (a) if the applicant has previously undertaken any short stay accommodation activity—
 - (i) any complaints received in relation to that activity;
 - (ii) any non-compliance with conditions of any permit or approval that may have been issued for the activity;
 - (iii) the applicant's general conduct and undertaking of the activity.
 - (b) whether the operation of short stay accommodation may unreasonably detract from the amenity of the vicinity in which the short stay accommodation is being operated;
 - (c) any applicable Commonwealth, State or local government standards or requirements;
 - (d) the public interest; and
 - (e) any other factor or matter considered relevant by Council.
- (2) In considering the matters under subsection (1) Council may consult with—
 - (a) the owners and occupiers of buildings or land that Council considers may be affected by the activity;
 - (b) if applicable, the body corporate; and
 - (c) other regulatory authorities.

10 Term of permit

A permit is valid for a period of 12 months from the date of issue, or such longer period as Council decides, unless revoked earlier.

11 Compliance with conditions of permit

- (1) A permit holder must comply, and take all reasonable steps to ensure others comply, with every condition of the permit.

Maximum penalty—50 penalty units

- (2) A permit holder must not contravene a condition of the permit, unless the permit holder has a reasonable excuse.

Maximum penalty—50 penalty units

12 Amendment of conditions of permit by Council

- (1) Council may, by notice in writing to a permit holder, add, amend or remove 1 or more permit conditions as set out in the short stay accommodation rule if Council considers it necessary or appropriate.

- (2) A notice under subsection (1), must provide the permit holder with no less than 5 business days to make written submissions to Council about the proposed addition, amendment, or removal of 1 or more permit conditions.

- (3) Council must consider any written submissions made under subsection (2).

- (4) After considering any written submissions, Council must decide to—

- (a) add, amend or remove 1 or more permit conditions; or
- (b) take no further action.

- (5) Council must give the permit holder a notice (a **condition decision notice**) advising of—

- (a) its decision under subsection (4); and
- (b) the permit holder's right to a review of that decision under section 28.

- (6) Any addition, amendment or removal of 1 or more permit conditions takes effect from the time specified in the condition decision notice.

13 Amendment of conditions of permit by permit holder

- (1) Subject to subsection (2), a permit holder may apply to Council to amend a permit issued under this local law (an **amendment application**).

- (2) An amendment application under subsection (1) must be—

- (a) in writing and state—
 - (i) the proposed amendment; and
 - (ii) the reason/s why the amendment is sought; and

- (b) accompanied by the prescribed fee.
- (3) Council may—
 - (a) approve 1 or more of the amendments; or
 - (b) refuse 1 or more of the amendments.
- (4) If Council approves the amendment application, in whole or in part, under subsection (3)(a), it must issue an amended permit.
- (5) If Council refuses the amendment application, in whole or in part, under subsection (3)(b), it must advise the applicant in writing of the grounds for refusal.
- (6) A decision under this section is not open to an application for review under section 28.

14 Renewal of permit

- (1) Subject to subsection (2) and subsection (3), a permit holder may apply to Council for a renewal of a permit issued under this local law (a **renewal application**).
- (2) A renewal application must be lodged in the approved form and be accompanied by the prescribed fee at least 30 business days prior to the expiry of the current permit.
- (3) A person may only make a renewal application if the circumstances, upon which the current permit was issued, have not changed.
- (4) Council must, in relation to a renewal application—
 - (a) approve the renewal application, with or without conditions; or
 - (b) refuse the renewal application.
- (5) If Council approves the renewal application under subsection (4)(a), it must issue a permit and, if applicable, advise the applicant in writing of the applicant's right to a review of that decision to impose any conditions under section 28.
- (6) If Council refuses the renewal application under subsection (4)(b), it must advise the applicant in writing of the grounds for refusal and the applicant's right to a review of that decision under section 28.

15 No transfer of permit

A permit holder cannot transfer a permit under this local law to any other person, unless Council decides, in its absolute discretion, that extenuating circumstances exist.

16 Surrender of permit

A permit holder, may at any time prior to its expiry, surrender a permit by written notice to Council.

17 Suspension or revocation of permit

- (1) Council may, at any time, suspend a permit for any reason, in its absolute discretion, by written notice to the permit holder (a **suspension notice**).
- (2) Any suspension made under subsection (1) takes effect from the time specified in the suspension notice.
- (3) Subject to subsection (5), Council may, at any time, revoke a permit for any reason, in its absolute discretion.
- (4) Without limiting subsection (1) or subsection (3), Council may suspend or revoke a permit upon any 1 or more of the following grounds—
 - (a) the permit holder has—
 - (i) not complied with a requirement of this local law including any condition of a permit;
 - (ii) been in receipt of 1 or more compliance notices given under this local law;
 - (iii) provided false or misleading information in the permit application process; or
 - (iv) been convicted of an offence against this local law; or
 - (b) any permit or approval issued by a Commonwealth, State or local government, required under section 6(3)(c) of this local law has lapsed or been refused, cancelled, suspended or otherwise revoked.
- (5) Before revoking a permit, Council must—
 - (a) give written notice to the permit holder of the proposed revocation (a **proposed revocation notice**);
 - (b) allow the permit holder at least 10 business days from the date the notice is given to make written submissions to Council about the proposed revocation; and
 - (c) consider any written submission made by the permit holder in response to the proposed revocation notice.
- (6) After considering any submissions, Council must decide to—
 - (a) revoke the permit; or
 - (b) take no further action.

- (7) After considering any submissions by the permit holder, Council must give the permit holder a notice (a **revocation decision notice**) advising of—
 - (a) its decision under subsection (6); and
 - (b) if Council revokes the permit under subsection (6)(a), the permit holder's right to a review of that decision under section 28.
- (8) Any revocation takes effect from the time specified in the revocation decision notice.
- (9) Where Council has given a revocation decision notice advising of its decision to revoke a permit pursuant to subsection (6)(a), the permit holder must not undertake, or continue to undertake, the operation of the short stay accommodation that is the subject of that revocation decision notice.

Maximum penalty—850 penalty units.

Chapter 2 General

Part 1 Offences

18 Power to require information

- (1) For monitoring or enforcing compliance with this local law, an authorised person may, subject to subsection (2), request any person to give the authorised person information to help the authorised person ascertain whether the local law is being complied with.
- (2) When making a request under subsection (1), the authorised person must warn the person it is an offence to fail to comply with the request, unless the person has a reasonable excuse.

19 Failure to give information

- (1) A person of whom a request is made under section 18 must comply with the request, unless the person has a reasonable excuse.

Maximum penalty for subsection (1)—50 penalty units.

- (2) It is not a reasonable excuse for a person to fail to give the information because giving the information might tend to incriminate the person.
- (3) However, if the person is a natural person, evidence of, or evidence directly or indirectly derived from, the information that might tend to incriminate the person is not admissible in evidence against the person in a civil or criminal proceeding, other than a proceeding for an offence about the falsity of the information.

20 False or misleading information

A person must not provide information in, or in connection with, this local law that the person knows, or ought reasonably to know, is false or misleading.

Maximum penalty—50 penalty units.

21 Obstructing an authorised person

A person must not obstruct an authorised person, or any person assisting an authorised person, in the exercise of powers under this local law, unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

Part 2 Enforcement

22 Inspection

- (1) An authorised person may attend and inspect a premises to investigate whether—
 - (a) the conditions of the permit issued under this local law are being, or have been, complied with;
 - (b) the requirements of this local law including any subordinate local law or rules and guidelines made under this local law are being, or have been, complied with;
 - (c) an oral compliance direction or a compliance notice is being, or has been, complied with; or
 - (d) work that is the subject of, or was carried out under, an oral compliance direction or a compliance notice is being, or has been, completed as required by the oral compliance direction or the compliance notice.
- (2) For the purposes of subsection (1), an authorised person may enter the premises—
 - (a) at any reasonable time during the day; or
 - (b) at night, with the consent of the occupier of the property.

23 Oral compliance directions

- (1) If a person engages in conduct that an authorised person considers is, or is preparatory to, a contravention of this local law, without reasonable excuse, an authorised person may give that person an oral compliance direction to do either or both of the following—
 - (a) immediately stop the conduct; or

- (b) take specified action to remedy the contravention.
- (2) An oral compliance direction may be given under this section 23 in addition to any other enforcement action prescribed by this local law.
- (3) A person must comply with an oral compliance direction given under this section 23 unless the person has a reasonable excuse.

Maximum penalty for subsection (3)—50 penalty units.

24 Compliance notices

- (1) An authorised person may give a notice (a **compliance notice**) to a person if an authorised person is satisfied on reasonable grounds that—
 - (a) the person—
 - (i) is contravening this local law; or
 - (ii) has contravened this local law in circumstances that make it likely that the contravention will continue or be repeated; and
 - (b) the person is able to remedy the contravention; and
 - (c) it is appropriate to give the person an opportunity to remedy the contravention.
- (2) A compliance notice must—
 - (a) be in writing; and
 - (b) state—
 - (i) the particular provision of this local law that an authorised person considers is being, or has been, contravened;
 - (ii) how it is considered on reasonable grounds that the provision of this local law is being, or has been, contravened;
 - (iii) if the contravention is of a continuing or recurrent nature—that the person must stop the contravention;
 - (iv) any specified action required to be taken by the person;
 - (v) the time by which the person must comply with the compliance notice; and
 - (vi) the prescribed fee to be paid by the person for reinspection, if applicable.
- (3) The time stated under subsection (2)(b)(v) must be reasonable having regard to—
 - (a) the action required to remedy the contravention; and
 - (b) any risk posed by the contravention—
 - (i) to public health and safety;

- (ii) of damage to premises; or
 - (iii) of loss of amenity.
- (4) Council may charge a re-inspection fee to ensure that a compliance notice has been complied with.
- (5) A compliance notice may be given under this section 24 in addition to any other enforcement action prescribed by this local law.
- (6) A person who is given a compliance notice must comply with that compliance notice.

Maximum penalty for subsection (6)—

- (a) for a first offence—200 penalty units;
- (b) for a second offence and any following offence for the same or similar matter during the term of the permit—500 penalty units.

25 Council's power to have work carried out

If a person fails to comply with a compliance notice, an authorised person may take all necessary action to ensure compliance with the compliance notice.

26 Recovery of cost of work

- (1) A person who does not comply with a compliance notice is liable to Council for—
 - (a) any loss, damage or expense incurred by Council through the failure of the person to comply with this local law;
 - (b) any expense associated with inspections conducted to gain or confirm compliance with this local law or a compliance notice given under it; and
 - (c) all other amounts, for which the omission to pay was an element in, or was in any way related to, such failure to comply with this local law.
- (2) Council must give the person to whom the compliance notice is given a written notice setting out the amount for which the person is liable under subsection (1).
- (3) If the amount is not paid on or before the payment date stated in the written notice, Council may recover the amount from the person as a debt due and payable to Council.
- (4) A certificate given by an authorised person and stating any of the following matters is evidence of the matter—
 - (a) the carrying out of the work or actions by Council;

- (b) any loss, damage or expenses incurred by Council;
 - (c) the cost of the work;
 - (d) the delivery of the written notice setting out the amount in accordance with subsection (2); or
 - (e) the amount of any costs and fees unpaid at the date of the certificate.
- (5) The procedure for recovery of costs and expenses in this section 26 does not derogate from any right to costs or compensation available to Council under any other law.

27 Summary cessation to prevent serious risk or public nuisance

- (1) If an authorised person reasonably considers it is necessary to immediately order that a short stay accommodation cease to operate—
- (a) because of a serious risk to health or safety; or
 - (b) to abate a serious public nuisance,
- the authorised person may, by written notice or oral direction to the permit holder, or the current occupant, order the cessation of the operation of a short stay accommodation.
- (2) If a permit is in force, a notice or oral direction given under this section 27 immediately revokes that permit and section 17 does not apply.
- (3) A person must not undertake, or continue to undertake, the operation of a short stay accommodation where a notice or oral direction under this section 27 has been given.

Maximum penalty for subsection (3)—500 penalty units.

Part 3 Review of decisions

28 Application for review

- (1) A person who is given a notice about a decision under—
- (a) section 8(1) (permit decision);
 - (b) section 12(4) (condition decision);
 - (c) section 14(4) (renewal decision); or
 - (d) section 17(6) (revocation decision),
- (each an **original decision**), may make an application to Council for a review of that original decision under this section.

- (2) The application (a **review application**) must be made within 20 business days from the date that the person is given notice of the original decision or such longer period as Council may allow in its absolute discretion.
- (3) A review application must be in writing and be—
 - (a) accompanied by a statement of the grounds on which the person seeks the review of the original decision; and
 - (b) supported by sufficient information to enable Council to decide the review application.
- (4) A review application that complies with subsection (3) is a **properly made review application**.
- (5) A properly made review application stays the original decision.

29 Review process

- (1) A properly made review application must be dealt with by—
 - (a) a person other than the person who made the original decision; and
 - (b) a person holding no less senior office than the person who made the original decision.
- (2) Council must, within 15 business days after receiving a properly made review application, make a decision (a **review decision**) to—
 - (a) confirm the original decision;
 - (b) revoke the original decision; or
 - (c) vary the original decision in a way Council considers appropriate.
- (3) Within 3 business days after making a review decision, Council must give written notice of the review decision to the applicant.
- (4) The notice must include the reasons for the review decision.

Part 4 Miscellaneous

30 Power to make subordinate local law and rules and guidelines

- (1) Council may make subordinate local laws under this local law to provide for the detailed implementation of the broader principles contained in this local law.
- (2) Without limiting subsection (1), Council may make a subordinate local law about any 1 or more of the following—
 - (a) processes and procedures in relation to making an application for a permit;

- (b) conditions that may be imposed on any permit; or
 - (c) evaluation criteria for approving a permit.
- (3) Subject to subsection (4), Council may, by resolution, make rules and guidelines under this local law in relation to—
 - (a) general conditions that may be imposed on a permit; and
 - (b) technical matters relating to conditions or standards to be applied to a permit.
- (4) Before Council makes a resolution under subsection (3), Council must undertake public consultation for a period of 20 business days about the proposed rules or guidelines.
- (5) Without limiting subsection (3), Council may make rules or guidelines relating to the general conditions and conduct of short stay accommodation to protect health, safety and amenity of occupiers of short stay accommodation and the residents in the vicinity of the short stay accommodation.
- (6) A person who is granted a permit must comply with any subordinate local law made by Council under subsection (2) and any rules or guidelines made by Council under subsection (3).

31 Obligations joint and several

- (1) If this local law imposes an obligation on—
 - (a) a permit holder, the obligation is imposed jointly and severally on each person who is the permit holder; and
 - (b) a person or 2 or more persons jointly engaged in an activity to which the obligation relates, the obligation is imposed jointly and severally on each of those persons.
- (2) If an oral direction or a notice is given to a permit holder, the oral direction or notice applies jointly and severally to each person who is the permit holder.
- (3) Proceedings for an offence may be taken against any 1 or more of the persons who fail to comply with an obligation, an oral direction or a notice referred to in subsections (1) or (2).
- (4) It is no defence to proceedings for a breach of sections 23, 24 or 27 that the person was an employee or agent of another person when the direction was given or the compliance notice was given.
- (5) If a permit under this local law is held by more than 1 person, each person may be separately convicted of the same offence.

- (6) A person who is not the permit holder and the permit holder may be separately convicted of the same offence.
- (7) Council may, by a single action or successive actions, recover amounts payable under this local law from any 1 or more of the persons who fail to comply with this local law or a permit issued under this local law.
- (8) Council may, by a single action or successive actions, recover costs under this local law from any 1 or more of the persons referred to in subsection (3), but the total amount recovered must not exceed the amount of Council's costs and the interest to which it is entitled.

32 Giving of notice

- (1) Whenever this local law requires written notice to be given the notice may be given personally, by post, or electronically.
- (2) If a person makes an application or submission to Council electronically, that person is deemed to have given consent to Council to give that person any information or notice about their application or submission by electronic means.
- (3) If the notice is given by post, sections 39 and 39A of the *Acts Interpretation Act 1954* will apply to the giving of the notice.
- (4) If the notice is given electronically, the provisions of the *Electronic Transactions (Queensland) Act 2001* will apply to the time and place of dispatch and receipt.

33 Evidence of matters alleged

In any prosecution for a breach of the provisions of this local law every allegation or averment contained in the complaint will be prima facie evidence of the matter so alleged or averred.

34 No right to compensation

Except as provided by the *City of Brisbane Act 2010*, the exercise by Council in good faith and without negligence of any authority conferred upon it by this local law does not give rise to a claim for compensation by any person.

35 Protection from liability

Council or an authorised person is not civilly liable for an act done under this local law, or an omission made under this local law, if acting in good faith and without negligence.

36 Natural justice

An obligation to consider criteria when making a decision under this local law (including an obligation to consult with any person), and any impact of that decision, does not, by necessary implication or otherwise, create an interest in favour of a person, (other than the applicant) sufficient to give rise to a duty to afford natural justice to that person.

Schedule 1 Dictionary

amenity, when assessing the impact of short stay accommodation on the vicinity in which the short stay accommodation operates, includes consideration of all or any of the following—

- (a) noise;
- (b) odour;
- (c) parking and traffic;
- (d) lighting; and
- (e) use and enjoyment of land.

approved form means a form approved by Council for the purposes of this local law.

authorised person means an appropriately qualified person appointed under the *City of Brisbane Act 2010*.

building has the meaning given to it in the *Building Act 1975*.

community titles Act means the—

- (a) *Body Corporate and Community Management Act 1997*; or
- (b) *Building Units and Group Titles Act 1980*; or
- (c) *Integrated Resort Development Act 1987*; or
- (d) *Mixed Use Development Act 1993*.

compliance notice has the meaning given to it in section 24(1).

contact person has the meaning given to it in section 6(3)(d).

Council means the Brisbane City Council established under the *City of Brisbane Act 2010*.

Development Approval means the approval of an application for the use of the land as short stay accommodation made in accordance with the Planning Act.

home-hosted accommodation means a premises used as a private residence by the owner/occupier and advertised and operated for accommodation purposes for paying guests where—

- (a) only part of the premises is used by the paying guests; and
- (b) the owner/occupier of the premises resides at the premises as host during the paying guests' stay.

occupant means a person who occupies or uses the premises, including a visitor to the premises.

owner means each registered proprietor of the premises.

permit means a permit issued in writing under this local law for operating short stay accommodation.

Planning Act means the *Planning Act 2016* and associated legislative instruments.

permit holder means the person to whom a permit has been issued under this local law.

premises means the lot or lots on which short stay accommodation is operated and where it is a lot under a community titles Act, that part of the location that is operated as the short stay accommodation.

properly made application has the meaning given to it in section 6.

review application has the meaning given to it in section 28.

serviced apartment means a premises that forms part of a letting pool that is operated under a centralised management arrangement with an onsite property manager:

- (a) who is contracted as the primary contact for the building and is responsible for addressing amenity issues arising from the letting pool 24 hours a day; and
- (b) whose contact details are clearly displayed at the premises and published online in a manner that is publicly accessible at all times enabling any person to directly report amenity issues.

short stay accommodation means accommodation that is made available for letting purposes for one or more periods of less than 90 consecutive days but excludes:

- (a) the following as defined in Brisbane City Plan 2014:
 - (i) Community residence
 - (ii) Hotel
 - (iii) Nature based tourism
 - (iv) Residential care facility
 - (v) Resort complex
 - (vi) Retirement facility
 - (vii) Rural workers' accommodation
 - (viii) Tourist park; and
 - (ix) Workforce accommodation; and
- (b) emergency housing or accommodation and not-for-profit crisis accommodation such as youth shelters, domestic and family violence refuges;
- (c) serviced apartments as defined in this local law; and
- (d) home-hosted accommodation as defined in this local law.

short stay accommodation rule means the rule made in accordance with section 30 in relation to short stay accommodation.