

SHORT-TERM ACCOMMODATION GUIDE

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This Short-term Accommodation Guide provides guidance on the requirements for undertaking short-term accommodation under the regulatory requirements of Noosa Plan 2020. Noosa Plan 2020 is the Planning Scheme for Noosa Shire and regulates land use and development across the whole Shire. Noosa Plan 2020 came into effect on 31 July 2020 and applies to new development and uses, it is not retrospective.

CONTEXT

Holiday houses and holiday units have traditionally been part of the Noosa visitor accommodation landscape.

Some holiday houses were full time holiday let but many were often left vacant until the owner, their family or friends arrived on the weekend or a few times a year.

In the past, holiday houses were generally scattered, mostly along beaches and around Noosa River and the lakes causing little impact on residential amenity and the housing market.

Most holiday units were managed by on-site management or letting agents, whilst others were “locked up” for the use of family and friends only.

The rise of online booking platforms has become a global issue. Many countries, including Australia are now grappling with managing and regulating the rise and creep of ‘commercial’ tourist accommodation into residential neighbourhoods.

Issues associated with housing supply, affordability and impacts on residential amenity, has prompted Council to identify where and what type of short-term accommodation is appropriate in each zone under Noosa Plan 2020, while ensuring sufficient current and future provision for a wide range of tourist accommodation types and accommodation choices.

Noosa Plan 2020 provides for housing for permanent residents as a priority, as well as a wide range of visitor accommodation opportunities where appropriate including:

- an increased number of sites in Noosaville and Noosa Heads included in the Tourist Accommodation zone with 2 significant sites identified for new high end / 5 star visitor accommodation;
- short-term accommodation, in Medium and High Density Residential zones, subject to impact assessment, including meeting the outcomes of the zone being predominantly home to permanent residents ;
- freeing up requirements for home hosted accommodation (traditional B&B style) in the Low Density Residential zone and in the Rural and Rural Residential zones;
- short-term accommodation up to 60 nights per year and no more than 4 times in principal place of residence anywhere in the Shire;
- designated tourist parks and camp grounds; and

- new provisions supporting nature based tourism in the hinterland and rural areas.

Contents

SHORT-TERM ACCOMMODATION GUIDE	1
1. What is short-term accommodation?	5
2. Does short-term accommodation need approval?	5
“Consistent” or “inconsistent” use in the zone	5
Levels of assessment and approval requirements.....	5
2.1 What level of assessment and approval is required for short-term accommodation in my zone?	6
2.2 Can I short-term let my secondary dwelling or granny flat?	6
2.3 Can I house swap my principal place of residence with another household?	7
3. What are Existing Use Rights?	7
3.1 How long did the short-term accommodation use have to be established to have existing use rights?	7
3.2 How do I confirm I have Existing Use Rights?.....	8
3.3 Does my second home / holiday home have existing use rights?.....	8
4. Can I use my house for short-term accommodation if it is in the Low Density Residential zone?	9
4.1 Short-term letting of a permanent resident’s principal place of residence on occasions.....	9
4.2 Short-term letting of an entire dwelling on an ongoing basis	9
4.3 Does my dwelling house have existing use rights for short-term accommodation?	9
5 What type of short-term accommodation can I do in the Medium and High Density Residential zones?.....	11
5.1 Short-term letting of a permanent resident’s principal place of residence on occasions.....	11
5.2 Short-term letting of an entire dwelling on an ongoing basis	11
5.3 Does my dwelling have existing use rights for short-term accommodation?	11
Pre Noosa Plan 2006	11
Post commencement of Noosa Plan 2006.....	12
5.4 Motel and backpacker accommodation	12
6 What type of short-term accommodation can I do in the Tourist Accommodation zone?	13
6.1 Short-term letting of a permanent resident’s principal place of residence on occasions.....	13
6.2 Short-term letting of an entire dwelling on an ongoing basis, motels and backpacker accommodation.....	13
6.3 Does my dwelling in the Tourist Accommodation zone have existing use rights for short-term accommodation? 14	
Pre Noosa Plan 2006	14
Post commencement of Noosa Plan 2006.....	14
6.4 Motel and backpacker accommodation	14
7 What type of short-term accommodation can I do in the Rural Residential zone	15
7.1 Short-term letting of a permanent resident’s principal place of residence on occasions.....	15
7.2 Short-term letting of an entire dwelling on an ongoing basis (including cottages, cabins, permanent tents) ..	15
7.3 Does my dwelling house in the Rural Residential zone have existing use rights for short-term accommodation? 15	
8 What type of short-term accommodation can I do in the Rural zone?	17
8.1 Short-term letting of a permanent resident’s principal place of residence on occasions.....	17
8.2 Short-term letting of an entire dwelling on an ongoing basis (including cottages, cabins, permanent tents) ..	17
8.3 Does my dwelling house in the Rural zone have existing use rights for short-term accommodation?	17
9 Can I allow a house to be used by guests for organised parties and events?	19
10 Short Stay Letting and Home Hosted Accommodation Local Law	19

1. What is short-term accommodation?

The *Planning Regulation 2017* and Noosa Plan 2020 introduce a new definition of *short-term accommodation* for certain types of visitor accommodation.

Short-term accommodation:

- (a) means the use of premises for:
 - (i) providing accommodation of less than three consecutive months to tourists or travellers; or
 - (ii) a manager's residence, office or recreation facilities for the exclusive use of guests, if the use is ancillary to the use in (i); but
- (b) does not include a hotel, nature-based tourism, resort complex or tourist park.

Examples of *short-term accommodation* include:

- the use of an entire dwelling (whether that's a house, duplex, unit or apartment) for short term holiday letting to guests for periods of less than three months;
- motels;
- backpacker or hostel accommodation; and
- farm-stays, cottages, cabins and permanent tents.

Visitor accommodation uses of *hotel, nature-based tourism, resort complex* or *tourist park* are separately defined uses under Noosa Plan 2020.

The definition of *short-term accommodation* does not include bed and breakfast style home hosted visitor accommodation (where a resident of a dwelling hosts guests in part of their home). This form of visitor accommodation is separately defined as a *home-based business*. Refer to **Factsheet 4: Home Hosted Visitor Accommodation** for further information.

Letting a dwelling for more than three months consecutively to the same person(s) is not *short-term accommodation*.

2. Does short-term accommodation need planning approval?

***Short-term accommodation* may require a planning approval** depending on the type of *short-term accommodation* and the zone the property is located in.

Noosa Plan 2020 identifies whether *short-term accommodation* is a consistent or inconsistent use in each zone, whether a planning approval is required and what level of planning application and assessment are needed.

“Consistent” or “inconsistent” use in the zone

Where *short-term accommodation* is identified as “consistent” in the zone, it is generally considered an appropriate use in the zone providing it can operate in a manner that does not adversely impact on its surroundings and the residential amenity enjoyed by permanent residents.

Any use **not** specifically listed as “consistent” is therefore “inconsistent” in the zone. Where *short-term accommodation* is identified as inconsistent (only in the Low Density Residential zone), it is an inappropriate use in the zone and is unlikely to be supported (although an application can be lodged).

Levels of assessment and approval requirements

Each zone identifies the level of planning assessment and approval required for *short-term accommodation* described below.

Accepted development

If *short-term accommodation* is identified as accepted development, no further requirements need to be met and no planning approval is required.

Accepted development subject to requirements

If *short-term accommodation* is identified as accepted development subject to requirements, the nominated acceptable outcomes in the applicable codes in Noosa Plan 2020 must be met, however no planning approval is required.

Code assessment

If *short-term accommodation* is identified as code assessment, a planning approval is required and the requirements in the nominated codes in Noosa Plan 2020 must be met. No public notification is required with a code assessment application process.

Impact assessment

If *short-term accommodation* is identified as impact assessment, a planning approval is required, and the application is assessed against the whole Noosa Plan 2020. Public notification is required with an impact assessment application process, meaning third parties have the right to make submissions about the application.

Note: All existing and future properties undertaking short term accommodation must also gain approval under the Short Stay Letting and Home Hosted Accommodation Local Law. See section 10 of this guide.

2.1 What level of assessment and approval is required for short-term accommodation in my zone?

Different types of *short-term accommodation* uses have different levels of assessment and approval requirements in each zone summarised in Table 1. If you aren't sure what zone you are in check the interactive mapping at www.mapping.noosa.qld.gov.au/noosa-plan-2020.

Table 1 Summary of levels of assessment for short-term accommodation

Zone	Short-term accommodation principal place of residence max 60 days & 4 occurrences per year	Short-term accommodation of dwelling on ongoing or frequent basis	Motels and backpacker accommodation
Low Density Residential	Accepted development subject to requirements	Inconsistent Impact assessment	Inconsistent Impact assessment
Medium & High Density Residential	Accepted development subject to requirements	Consistent Impact assessment	Consistent Impact assessment
Tourist Accommodation	Accepted development	Consistent Code assessment	Consistent Code assessment
Rural Residential	Accepted development subject to requirements	Consistent Impact assessment	Consistent Impact assessment
Rural	Accepted development	Consistent Code assessment	Consistent Impact assessment

Refer to Sections 5-9 of this Guide for more detailed information and requirements on *short-term accommodation* in your zone.

Properties with confirmed existing use rights can continue to operate *short-term accommodation* without a planning approval. Refer to section 3 for further information on existing use rights.

Application fees vary depending on whether *short-term accommodation* is consistent or inconsistent, code or impact assessable and if located in an existing building or not. Refer to Council's Fees and Charges Schedule 2020-21 which is available online at www.noosa.qld.gov.au/planning-development/development-tools-guidelines/planning-development-fees-charges.

2.2 Can I short-term let my secondary dwelling or granny flat?

No, secondary dwellings or granny flats cannot be short term let.

A *secondary dwelling* or granny flat cannot be used for *short term accommodation* or as a *home-based business* (home hosted visitor accommodation) because it is a separate self-contained dwelling.

A self-contained secondary dwelling or granny flat may be constructed as part of a dwelling house but must be small scale and subordinate to the dwelling house. Secondary dwellings are intended for permanent occupation by an extended member or members of the dwelling house household. There must be a connection or relationship between the residents of the secondary dwelling and those of the balance of the dwelling house, (for example grandparents or adult children) with the two dwellings still operating as a single household.

See **Factsheet 3: Secondary Dwellings** and **Fact Sheet 4: Home Hosted Visitor Accommodation** for more information.

2.3 Can I house swap my principal place of residence with another household?

Yes, you can swap your principal place of residence

House swapping your principal place of residence, where there is no commercial fee taken, with another household is not considered *short-term accommodation* and can be undertaken without planning approval.

House swapping time periods are not calculated as part of demonstrating a history of *short-term accommodation* use for the purpose of existing use rights.

3. What are Existing Use Rights?

Many properties already used for *short-term accommodation* may have existing use rights where a history of the use has been lawfully established prior to the commencement of Noosa Plan 2020.

Lawfully established means the property being used for *short-term accommodation*, had approval for visitor accommodation or in the case of a dwelling house, where no approval was required, had commenced being used for *short-term accommodation*.

Where properties have existing use rights, the use of the property for *short-term accommodation* can continue without further planning approval, however a further approval for the ongoing management and operation of the use is also required under *Schedule 21A of Subordinate Local Law (Administration) 2015*. Evidence to show the *short-term accommodation* use or pattern of the dwelling being used or available for use for *short-term accommodation* prior to the commencement of Noosa Plan 2020¹, will need to be provided.

Should the use of the dwelling for *short-term accommodation* cease and be abandoned or change in scale and intensity, then the existing use rights may also cease.

If there is a compliance matter that raises questions regarding the legitimacy of a property being used for *short-term accommodation*, evidence will need to be provided to demonstrate the property has lawful existing use rights.

3.1 How long did the short-term accommodation use have to be established to have existing use rights?

The *short-term accommodation* use must have commenced, and cannot rely on an intention to commence the use. Similarly, a one-off use of a house for short term letting purposes is unlikely to create an existing lawful use right. Such a one-off use would be more in the nature of a temporary use.

A more consistent pattern of conduct involving the house being generally available for short term letting would need to be demonstrated.

Council will assess existing lawful use rights and whether they exist on a case by case basis.

¹ Noosa Plan 2020 commenced 31 July 2020.

Existing use rights as they relate to each dwelling type and zone are further explained in Sections 5-9 of this Guide.

3.2 How do I confirm I have Existing Use Rights?

A property owner wishing to confirm, or who is unsure, if a property has existing use rights can seek written advice from Council by completing and submitting the “**Existing Use Short-Term Accommodation – Written Advice Application Form**” and making payment of \$631 as per the Fees and Charges Schedule.

The application must be accompanied by the required evidence demonstrating the property has a history of *short-term accommodation*. Evidence includes for example, verifiable letter head property management agreements, letter head online booking platform agreements, commencement dates, advertised property listings, booking history etc. The evidence must relate to the property to which existing use is being claimed and include booking dates and duration of stay.

In determining whether or not the property has existing use rights, Council will consider the evidence provided and other sources as required.

Written advice will be issued to the property owner following Council review confirming whether the property has existing use rights.

3.3 Does my second home / holiday home have existing use rights?

A detached house used as a holiday home for yourself, family and friends while you were in residence, prior to the commencement of Noosa Plan 2020, is not considered *short-term accommodation* and does not have existing use rights for *short-term accommodation*.

If your holiday home was short-term let for visitors and travellers, paying or otherwise, including family and friends while you were not in residence, prior to the commencement of Noosa Plan 2020, this is considered *short-term accommodation*.

If there has been a consistent pattern of the house being generally available for *short-term accommodation*, then the property may be considered to have existing use rights. If the use continues substantially in the same form, then it continues to be protected, despite the commencement of Noosa Plan 2020.



4. Can I use my house for short-term accommodation if it is in the Low Density Residential zone?

The Low Density Residential zone is intended for permanent residential living with minimal impact from visitors. The dominant form of development is a single dwelling house per lot. The definition of a *dwelling house* refers to a single household, being one or more resident(s) with the intent of living there together on a long term basis. It is a separate and distinct land use to *short-term accommodation*.

The short-term letting of a dwelling house in the Low Density Residential zone under Noosa Plan 2020 is generally identified as either:

- short-term letting of a permanent resident's principal place of residence on infrequent occasions; or
- short-term letting of an entire house on a regular or ongoing basis.

4.1 Short-term letting of a permanent resident's principal place of residence on occasions

Short-term letting of an entire dwelling house, where the permanent occupant temporarily vacates their home on occasions, is accepted development subject to requirements (and does not require a development approval), where the *short-term accommodation* use is:

- in the applicant's principal place of residence;
- the letting of only one dwelling on site;
- occupied by short term guests on no more than 4 occurrences in any calendar year;
- occupied by short term guests for a total of no more than 60 nights in any calendar year;
- no more than one self-contained dwelling is available for letting at any one time (you cannot let a house to one group and a secondary dwelling to a separate group); and
- no more than five bedrooms are available for letting.

Additional requirements in the Low Density Residential Zone Code and Low Density Housing Code must also be met. If the *short-term accommodation* use does not meet the accepted development requirements, a code assessable development application is required and Council will assess the non-complying element(s) against the relevant performance outcome of the code.

Note: All existing and future properties undertaking short term accommodation must gain approval under the Short Stay Letting and Home Hosted Accommodation Local Law. See section 10 of this guide.

4.2 Short-term letting of an entire dwelling on an ongoing basis

Short-term letting of an entire dwelling for more than 60 days or 4 occurrences in a calendar year is an **inconsistent use** in the Low Density Residential zone and requires an impact assessment planning application.

Because the Low Density Residential zone is intended for permanent residential living, the regular or frequent use of a dwelling house for *short-term accommodation* is not an appropriate or consistent use in the zone.

4.3 Does my dwelling house have existing use rights for short-term accommodation?

Before the commencement of Noosa Plan 2020 on 31 July 2020, planning approval was not required for a detached house to be used for short term letting.

If there has been a consistent pattern of the house being generally available for *short-term accommodation* prior to the commencement of Noosa Plan 2020, then the property may be considered to have existing use rights. If the use continues substantially in the same form, then it continues to be protected, despite the commencement of Noosa Plan 2020.

Evidence to show the *short-term accommodation* use or pattern of the house being used or available for use for *short-term accommodation* prior to the commencement of Noosa Plan 2020, will need to be provided.

However, should the use of the house for *short-term accommodation* cease and be abandoned or change in scale and intensity, then the existing use rights may also cease.

Dwelling houses that have not operated *short-term accommodation* and have no prior consistent pattern of undertaking such a use prior to the commencement of Noosa Plan 2020, do not have existing use rights to operate *short-term accommodation*.

Council will assess existing lawful use rights and whether they exist on a case by case basis.

Note: All existing and future properties undertaking short term accommodation must also gain approval under the Short Stay Letting and Home Hosted Accommodation Local Law. See section 10 of this guide.



5 What type of short-term accommodation can I do in the Medium and High Density Residential zones?

The Medium and High Density Residential zones are intended for permanent residential living mixed with some visitor accommodation. Despite short term accommodation being identified as a consistent use in the Medium and High Density Residential zones, a full impact assessment will be undertaken against the outcomes of the zone, including that the zone is predominantly home to permanent residents.

Short-term accommodation in the Medium and High Density Residential zones under Noosa Plan 2020 allows for a broader range of visitor accommodation types:

- short-term letting of a permanent resident’s principal place of residence on occasions;
- short-term letting of an entire dwelling on a frequent or ongoing basis;
- motel or backpacker accommodation.

Note: All existing and future properties undertaking short term accommodation must also gain approval under the Short Stay Letting and Home Hosted Accommodation Local Law. See section 10 of this guide.

5.1 Short-term letting of a permanent resident’s principal place of residence on occasions

Short-term letting of an entire dwelling, where the permanent occupant temporarily vacates their home on occasions, is accepted development subject to requirements (does not require a development approval), where the *short-term accommodation* use is:

- in an existing building which is the applicant’s principal place of residence;
- occupied by short term guests on no more than 4 occurrences in any calendar year;
- occupied by short term guests for a total of no more than 60 nights in any calendar year; and
- in the case of the High Density Residential zone, not located on a site adjoining or over the road from land within the Major Centre Zone at Noosa Junction or the Noosa Business Centre.

The requirements for accepted development must also be met in either the relevant Medium Density Residential Zone Code or High Density Residential Zone Code. Refer to Table 2 at the end of this Guide for details.

If the *short-term accommodation* use does not meet the accepted development requirements, a code assessable application is required and Council will assess the non-complying element(s) against the relevant performance outcome of the code.

5.2 Short-term letting of an entire dwelling on an ongoing basis

Short-term letting of an entire dwelling for more than 60 days or 4 occurrences in a calendar year is a consistent use in the Medium and High Density Residential zones but requires a development approval through an impact assessment application.

An impact assessable application will be assessed against the whole Noosa Plan 2020 including meeting the purpose of the zone, being predominantly home to permanent residents, and requires public notification.

5.3 Does my dwelling have existing use rights for short-term accommodation?

Pre Noosa Plan 2006

Most dwelling units with a planning approval for a “duplex dwelling”, “multiple dwelling” or “group housing” prior to 2006 generally had approval to be used for either short-term visitor accommodation or permanent residential living, unless the conditions of approval specifically said otherwise. These properties have existing use rights to continue use as either *short-term accommodation* or permanent living.

An exception to this, is where no planning approval was required for multiple dwellings under a former planning scheme (and therefore no planning approval was issued), only permanent occupation is permitted unless it can be demonstrated short term accommodation commenced prior to commencement of Noosa Plan 2006 and the property continues to be used for short term accommodation.

Post commencement of Noosa Plan 2006

When the former Noosa Plan 2006 commenced in February 2006, dwellings units were generally approved for either multiple housing for permanent residents (including duplexes, units, townhouses, flats, apartments, villas etc.) or as visitor accommodation for short term guest. Rarely were they approved for both.

From February 2006, dwellings with an approval for Multiple Housing Type 2 (duplex) or Multiple Housing Type 4 (conventional) cannot be used for short-term accommodation and do not have existing use rights.

Dwellings with an approval for Visitor Accommodation Type 4 (conventional) have existing use rights and can continue to be used for *short-term accommodation*.

If you are unsure when your unit or duplex was approved or need further information on the conditions of approval, you can contact Council for further clarification.

5.4 Motel and backpacker accommodation

Motel and backpacker styles of *short-term accommodation* are a consistent use in the Medium and High Density Residential zones but require development approval via impact assessment against the entire Noosa Plan 2020 and will be publicly notified.



6 What type of short-term accommodation can I do in the Tourist Accommodation zone?

The Tourist Accommodation zone prioritises visitor accommodation and associated uses and is the primary zone for a range of visitor accommodation types. A number of key sites across the Shire are also protected for visitor accommodation to the exclusion of permanent residential dwellings.

Short-term accommodation is one of the visitor accommodation types supported in the zone, in addition to hotels, nature-based tourism, resort complexes and tourist parks.

The Tourist Accommodation zone under Noosa Plan 2020 allows for a broader range of *short-term accommodation* types:

- short-term letting of a permanent resident's principal place of residence on occasions;
- short-term letting of an entire dwelling on a frequent or ongoing basis;
- motel or backpacker accommodation.

6.1 Short-term letting of a permanent resident's principal place of residence on occasions

Whilst the principal purpose of the Tourist Accommodation zone is for visitors, it is recognised that some permanent residential living and permanent residents co-exist with visitor accommodation in the zone.

Therefore, short-term letting of an entire dwelling, where the permanent occupant temporarily vacates the premises on occasions, is accepted development under Noosa Plan 2020 (does not require a development approval) where the *short-term accommodation* use is:

- in an existing building which is the applicant's principal place of residence;
- occupied by short term guests on no more than 4 occurrences in any calendar year; and
- occupied by short term guests for a total of no more than 60 nights in any calendar year.

There are no additional requirements to be met.

The exception is where a property has an existing approval condition that limits the property to permanent living only, which is rare in the Tourist Accommodation zone.

6.2 Short-term letting of an entire dwelling on an ongoing basis, motels and backpacker accommodation.

Short-term letting of an entire dwelling for more than 60 days and 4 occurrences in a calendar year, and motels and backpacker accommodation are consistent uses in the Tourist Accommodation zone.

A code assessment application is required unless the use is located on a site listed below, on which impact assessment is required:

- within the Hastings Street Mixed Use Precinct;
- Lot 1 SP286680, 215 David Low Way, Peregian Beach;
- Lots SP190823 or SP151409, 3-5 Morwong Drive, Noosa Heads, (Viridian Noosa Resort);
- Lots 10 or 11 SP195871, 3-7 Serenity Close, Noosa Heads (Settlers Cove resort site);
- Lot 203 SP267424 or Lot 3 SP126203, 94 or 142 Noosa Drive, Noosa Heads (RACV Resort and adjoining land);
- Lots 201, 8000 or common property on SP290680, 75 Resort Drive, Noosa Heads (Parkridge Noosa);
- GTP102758, 73 Hilton Terrace, Noosaville (Ivory Palms Resort);
- SP115731, 3 Hilton Terrace, Tewantin (Noosa Lakes Resort);
- Lot 2 RP135678, 1 Beach Road, Noosa North Shore;
- Lot 2 SP186169, 30 Beach Rd, Noosa North Shore;
- Lot 500 SP215779, Lot 500 SP186174 or at any of the Beach Road Holiday Homes, 90 Beach Road, Noosa North Shore;
- Lot 2 RP865533, 2 Halse Lane, Noosa Heads (Halse Lodge); or

- Lot 4 SP178340, 61 Noosa Springs Drive, Noosa Heads

A code assessable application will be assessed against the following codes:

- Applicable Local Plan Code;
- Tourist Accommodation Zone Code;
- Visitor Accommodation Code;
- Works codes; and
- Applicable Overlay Codes

An impact assessment application will be assessed against the whole of Noosa Plan 2020 and will be publicly notified.

6.3 Does my dwelling in the Tourist Accommodation zone have existing use rights for short-term accommodation?

Pre Noosa Plan 2006

Most dwelling units with a planning approval for a “duplex dwelling”, “multiple dwelling” or “group housing” prior to 2006 generally had approval to be used for either short-term visitor accommodation or permanent residential living, unless the conditions of approval specifically said otherwise. These properties have existing use rights to continue use as either *short-term accommodation* or permanent living.

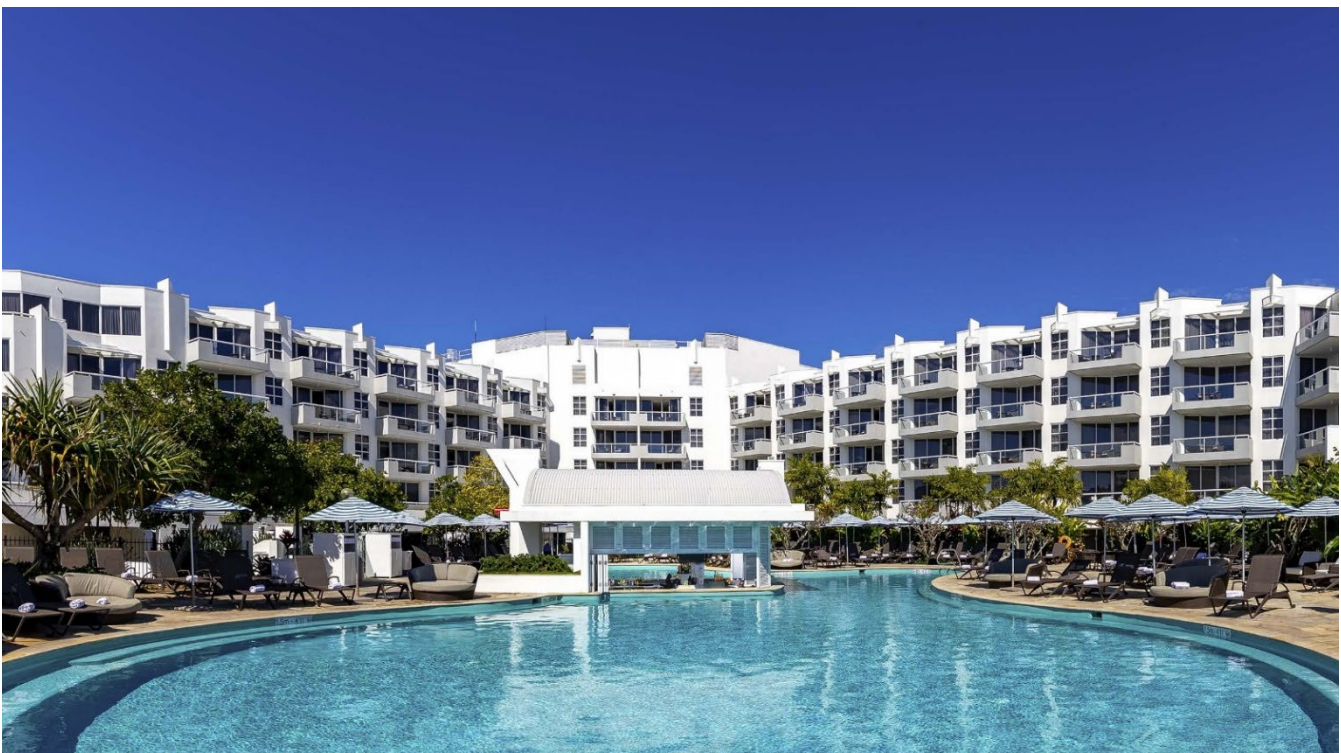
An exception to this, is where no planning approval was required for multiple dwellings under a former planning scheme (and therefore no planning approval was issued), only permanent occupation is permitted unless it can be demonstrated short term accommodation commenced prior to commencement of Noosa Plan 2006 and the property continues to be used for short term accommodation.

Post commencement of Noosa Plan 2006

Dwellings with an approval for Visitor Accommodation Type 4 (conventional) have existing use rights to continue to operate short-term accommodation. These dwellings cannot be used for permanent living.

6.4 Motel and backpacker accommodation

Motel and backpacker styles of short-term accommodation are a consistent use in the Tourist Accommodation Zone but require development approval via impact assessment against the entire Noosa Plan 2020 and will be publicly notified.



7 What type of short-term accommodation can I do in the Rural Residential zone

The Rural Residential zone is intended for permanent residential living on larger blocks with a range of low impact visitor accommodation including *short-term accommodation*, nature-based tourism and bed and breakfast style home hosted accommodation. Refer to **Factsheet 4 Home Hosted Visitor Accommodation** and **Factsheet 7 Living and working in the Hinterland** for further information.

The short-term letting of a dwelling house in the Rural Residential zone under Noosa Plan 2020 is generally identified as either:

- short-term letting of a permanent resident's principal place of residence on occasions; or
- Regular or frequent short-term letting of an entire dwelling house.

Note: All existing and future properties undertaking short term accommodation must also gain approval under the Short Stay Letting and Home Hosted Accommodation Local Law. See section 10 of this guide.

7.1 Short-term letting of a permanent resident's principal place of residence on occasions

Short-term letting of an entire dwelling, where the permanent occupant temporarily vacates their home on occasions, is accepted development subject to requirements (so does not require a development approval) in the Rural Residential zone, where the *short-term accommodation* use is:

- in the applicant's principal place of residence;
- the letting of only one dwelling on site;
- occupied by short term guests on no more than 4 occurrences in any calendar year; and
- occupied by short term guests for a total of no more than 60 nights in any calendar year.

If the *short-term accommodation* use does not meet the accepted development requirements, a code assessable application is required. Council will assess the non-complying element(s) against the relevant performance outcome of the code.

7.2 Short-term letting of an entire dwelling on an ongoing basis (including cottages, cabins, permanent tents)

Short-term letting of an entire dwelling for more than 60 days or 4 occurrences in a calendar year and other forms of *short-term accommodation*, such as cottages, cabins and self-contained permanent tents are a consistent use in the Rural Residential zone (if not incorporating conference or function facilities), requiring an impact assessment application.

An impact assessment application will be assessed against the whole of Noosa Plan 2020 and will be publicly notified.

7.3 Does my dwelling house in the Rural Residential zone have existing use rights for short-term accommodation?

Before the commencement of Noosa Plan 2020, planning approval was not required for a detached house to be used for short term letting.

If there has been a consistent pattern of the house being generally available for *short-term accommodation* prior to the commencement of Noosa Plan 2020², then the property may be considered to have existing use rights. If the use continues substantially in the same form then it continues to be protected, despite the commencement of Noosa Plan 2020.

Evidence to show the *short-term accommodation* use or pattern of the house being used or available for use for *short-term accommodation* prior to the commencement of Noosa Plan 2020, will need to be provided.

² Noosa Plan 2020 commenced on 31 July 2020

However, should the use of the house for *short-term accommodation* cease and be abandoned or change in scale and intensity, then the existing use rights may also cease.

Dwelling houses that have not operated *short-term accommodation* and have no prior consistent pattern of undertaking such a use prior to the commencement of Noosa Plan 2020, do not have existing use rights to operate *short-term accommodation*.

Council will assess existing lawful use rights and whether they exist on a case by case basis.



8 What type of short-term accommodation can I do in the Rural zone?

The Rural zone is intended for rural uses and associated activities, permanent residential living and a range of low impact visitor accommodation including short-term accommodation, nature-based tourism, tourist parks and bed and breakfast style accommodation. Refer to ***Factsheet 4 Home Hosted Visitor Accommodation*** and ***Factsheet 7 Living and Working in the Hinterland*** for further information.

The short-term letting of a dwelling in the Rural Residential zone under Noosa Plan 2020 is generally identified as either:

- short-term letting of a permanent resident's principal place of residence on occasions; or

regular or frequent short-term letting of an entire dwelling.

Note: All existing and future properties undertaking short term accommodation must also gain approval under the Short Stay Letting and Home Hosted Accommodation Local Law. See section 10 of this guide.

8.1 Short-term letting of a permanent resident's principal place of residence on occasions

Short-term letting of an entire dwelling, where the permanent occupant temporarily vacates their home on occasions, is accepted development (does not require a development approval) where the *short-term accommodation* use is:

- in the applicant's principal place of residence;
- the letting of only one dwelling on site;
- occupied by short term guests on no more than 4 occurrences in any calendar year; and
- occupied by short term guests for a total of no more than 60 nights in any calendar year.

There are no additional requirements to be met.

8.2 Short-term letting of an entire dwelling on an ongoing basis (including cottages, cabins, permanent tents)

Short-term letting of an entire house for more than 60 days or 4 occurrences in a calendar year and other forms of *short-term accommodation* such as farm-stays, cottages, cabins and permanent tents are a consistent use in the Rural zone and require a code assessment application under Noosa Plan 2020 if:

- on a site with an area of at least 4 hectares; and
- not incorporating conference or function facilities; and
- within a dwelling house of no more than five bedrooms; or
- within no more than 4 free standing cottages, cabins or permanent tents, accommodating no more than 8 guests.

Otherwise, *short-term accommodation* is consistent but requires a development approval which is impact assessment.

A code assessment application will need to meet the requirements in the Rural Zone Code, Visitor Accommodation Code and works codes.

An impact assessment application will be assessed against the whole of Noosa Plan 2020 and will be publicly notified.

8.3 Does my dwelling house in the Rural zone have existing use rights for short-term accommodation?

Before the commencement of Noosa Plan 2020, planning approval was not required for a detached house to be used for short term letting.

If there has been a consistent pattern of the house being generally available for *short-term accommodation* prior to the commencement of Noosa Plan 2020³, then the property may be considered to have existing use rights. If the use continues substantially in the same form, then it continues to be protected, despite the commencement of Noosa Plan 2020.

³ Noosa Plan 2020 commenced on 31 July 2020

Evidence to show the *short-term accommodation* use or pattern of the house being used or available for use for *short-term accommodation* prior to the commencement of Noosa Plan 2020, will need to be provided.

However, should the use of the house for *short-term accommodation* cease and be abandoned or change in scale and intensity, then the existing use rights may also cease.

Dwelling houses that have not operated *short-term accommodation* and have no prior consistent pattern of undertaking such a use prior to the commencement of Noosa Plan 2020, do not have existing use rights to operate *short-term accommodation*.

Council will assess existing lawful use rights and whether they exist on a case by case basis.



9 Can I allow a house to be used by guests for organised parties and events?

No, party houses are prohibited.

The whole of the Noosa Shire is identified as a party house restriction area under the Planning Act 2016. Therefore, a house used for short-term accommodation cannot be used for parties, weddings, bucks nights, large gatherings etc.

Because Noosa has always had restrictions on party houses, this applies to all properties in Noosa Shire and there are no existing use rights for houses currently being used illegally for party houses and events

10 Short Stay Letting and Home Hosted Accommodation Local Law

On 21 October 2021, Noosa Council adopted [a new local law for short stay letting and home hosted accommodation](#). The new local law commenced on 1 February 2022.

The new local law regulates the ongoing operation of short stay letting and home hosted accommodation and manages the impacts on permanent residents and guest safety.

From 1 February 2022, a [one-off application](#) must be made under the new local law for all existing and new properties operating short stay letting or home hosted accommodation, unless identified as exempt. Annual renewal of the approval will be required while the short stay letting or home hosted accommodation activity continues to operate at the property.

Complaints are managed through a centralised 24/7 complaints hotline. Short stay let properties are required to display an approval notice at the front of the property, including the 24/7 complaints hotline number and approval number.

Complaints are made directly to the complaints hotline - (07) 5329 6466, which will then notify the property's nominated contact person of the complaint. The contact person must respond to a complaint within 30 minutes of being notified.

A [Guide to Good Management of Short Stay Letting and Home Hosted Accommodation](#) has been prepared to provide additional information and best practice ways to manage properties used for short stay letting and home hosted accommodation to meet the requirements of the local law.

For further information on the requirements under the new local law including requirements for lodgement of an application, refer to www.noosa.qld.gov.au/short-stay-letting-home-hosted-accommodation-local-law .

The information in this guide is designed to assist in interpretation of the Noosa Plan 2020. Before proceeding with development proponents should review the planning scheme and/or engage professional advice.

Noosa Plan 2020 can be accessed online at www.noosa.qld.gov.au/noosa-plan-2020. Application forms can be downloaded from www.noosa.qld.gov.au/planning-development/development-tools-guidelines/development-application-forms.

For further information on development under Noosa Plan 2020 contact Council's Development Services on (07) 5329 6500 or email planning@noosa.qld.gov.au.

Table 2 Requirements for Short-term Accommodation

ZONE	LEVEL OF ASSESSMENT	PARAMETERS	CODE REQUIREMENTS
<p>Low Density Residential</p>	<p>Accepted development subject to requirements</p>	<p>If:</p> <ul style="list-style-type: none"> • in the applicant’s principal place of residence; • the letting of only one dwelling on site; • occupied by short term guests on no more than 4 occurrences in any calendar year; and • occupied by short term guests for a total of no more than 60 nights in any calendar year. 	<p>Low Density Residential Zone Code</p> <p>AO2.1 Land uses do not regularly result in more than ten unrelated persons being present on <u>site</u>.</p> <p>AO2.2 Land uses do not adversely affect the amenity of the residential neighbourhood by the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, waste products, or radio or electrical interference.</p> <p>AO2.3 Any business operated on <u>site</u> including accommodation is subordinate to the use of the premises for a domestic residence.</p> <p>AO3.2 Short-term accommodation:</p> <ul style="list-style-type: none"> a) does not constitute a party house; b) makes available no more than one self-contained dwelling at any one time; c) noise does not unreasonably impact on the residential amenity enjoyed by the adjoining or surrounding properties; and d) makes available no more than five bedrooms. <p>AO3.3 Buildings are designed and orientated so that the majority of outdoor living areas face away from the habitable areas of adjoining dwellings.</p> <p>AO3.4 Waste storage areas are screened and located to the rear or side of a building and are not located along any frontage to a public street or space.</p> <p>Low Density Housing Code</p> <p>AO5.2 Where there is no reticulated water supply, the premises is serviced with a rainwater tank with the following minimum water supply capacity:</p> <ul style="list-style-type: none"> a) for dwellings with no more than 3 bedrooms – 45,000 litres; or b) for dwellings of more than 3 bedrooms or where including a secondary dwelling on the same premises – 60,000 litres. <p>AO5.3 If located on a lot where reticulated sewerage is not available to the lot, the dwelling is connected to an on-site effluent treatment and disposal system.</p> <p>AO7 Car parking is provided in accordance with Table</p>

ZONE	LEVEL OF ASSESSMENT	PARAMETERS	CODE REQUIREMENTS
			9.4.1.4 of the Driveways and parking code. AO14.1 Only one driveway and crossover is provided.
	Impact Assessment (Inconsistent use in the zone)	If not meeting parameters of accepted development	The Planning Scheme
Medium Density Residential	Accepted development subject to requirements	If: <ul style="list-style-type: none"> • in an existing building which is the applicant's principal place of residence; • occupied by short term guests on no more than 4 occurrences in any calendar year; and • occupied by short term guests for a total of no more than 60 nights in any calendar year. 	Medium Density Residential Zone Code AO5.2 Short-term accommodation does not: <ol style="list-style-type: none"> a) constitute a party house; b) create noise that would unreasonably impact on the residential amenity enjoyed by the adjoining or surrounding properties.
	Impact Assessment (consistent use in the zone)	If not meeting parameters of accepted development	The Planning Scheme
High Density Residential	Accepted development subject to requirements	If: <ul style="list-style-type: none"> • not located on a site adjoining or over the road from land within the Major Centre Zone; • in an existing building which is the applicant's principal place of residence; • occupied by short term guests on no more than 4 occurrences in any calendar year; and • occupied by short term guests for a total of no more than 60 nights in any calendar year. 	High Density Residential Zone Code AO3.5 Short-term accommodation does not: <ol style="list-style-type: none"> a) constitute a party house; and b) create noise which would unreasonably impact on the residential amenity enjoyed by the adjoining or surrounding properties.
	Impact Assessment (consistent use in the zone)	If: <ul style="list-style-type: none"> • not otherwise acceptable development; and • not located on a site adjoining or over the road from land within the Major Centre Zone 	The Planning Scheme
Tourist Accommodation	Accepted development	If: <ul style="list-style-type: none"> • in an existing building which is the applicant's principal place of residence; • occupied by short term guests 	No requirements to be met

ZONE	LEVEL OF ASSESSMENT	PARAMETERS	CODE REQUIREMENTS
		<p>on no more than 4 occurrences in any calendar year; and</p> <ul style="list-style-type: none"> occupied by short term guests for a total of no more than 60 nights in any calendar year. 	
	Code Assessment	<p>If not</p> <ul style="list-style-type: none"> accepted development or; impact assessable 	<ul style="list-style-type: none"> Applicable Local Plan Code Tourist Accommodation Zone Code Visitor Accommodation Code Works codes
	Impact Assessment (consistent use in zone)	<p>If located:</p> <ul style="list-style-type: none"> within the Hastings Street Mixed Use Precinct; on Lot 1 SP286680, 215 David Low Way, Peregian Beach; on any Lots SP190823 or SP151409, 3-5 Morwong Drive, Noosa Heads, (Viridian Noosa Resort); on Lots 10 or 11 SP195871, 3-7 Serenity Close, Noosa Heads (Settlers Cove resort site); on Lot 203 SP267424 or Lot 3 SP126203, 94 or 142 Noosa Drive, Noosa Heads (RACV Resort and adjoining land); on Lots 201, 8000 or common property on SP290680, 75 Resort Drive, Noosa Heads (Parkridge Noosa); on GTP102758, 73 Hilton Terrace, Noosaville (Ivory Palms Resort) ; on SP115731, 3 Hilton Terrace, Tewantin (Noosa Lakes Resort); on Lot 2 RP135678, 1 Beach Road, Noosa North Shore; on Lot 2 SP186169, 30 Beach Rd, Noosa North Shore; at Lot 500 SP215779, Lot 500 SP186174 or at any of the Beach Road Holiday Homes, 90 Beach Road, Noosa North Shore; or Lot 2 on RP865533, 2 Halse Lane, Noosa Heads (Halse Lodge) on Lot 4 SP 178340, 61 Noosa Springs Drive, Noosa Heads 	The Planning scheme

ZONE	LEVEL OF ASSESSMENT	PARAMETERS	CODE REQUIREMENTS
Rural Residential	Accepted development subject to requirements	If: <ul style="list-style-type: none"> in the applicant's principal place of residence; the letting of only one dwelling on site; occupied by short term guests on no more than 4 occurrences in any calendar year; and occupied by short term guests for a total of no more than 60 nights in any calendar year. 	Rural Residential Zone Code AO1.1 Development other than a dwelling house is inconspicuous and presents as a dwelling house. AO1.3 Any business operated on site including accommodation is subordinate to the use of the premises for a domestic residence.
	Impact assessment (consistent use in the zone)	If: <ul style="list-style-type: none"> not otherwise acceptable development; and not incorporating conference or function facilities. 	The Planning Scheme
Rural	Accepted development	If: <ul style="list-style-type: none"> in the applicant's principal place of residence; the letting of only one dwelling on site; occupied by short term guests on no more than 4 occurrences in any calendar year; and occupied by short term guests for a total of no more than 60 nights in any calendar year. 	No requirements to be met
	Code assessment	If: <ul style="list-style-type: none"> located on a site with an area of at least 4 hectares; and not incorporating conference or function facilities; and within a dwelling house no more than 5 bedrooms; or within no more than 4 free standing cottages, cabins or permanent tents, accommodating no more than eight guests 	<ul style="list-style-type: none"> Rural Zone Code Visitor Accommodation Code Works Code
	Impact Assessment	If: <ul style="list-style-type: none"> not otherwise acceptable development or code assessment; and not incorporating conference or function facilities. 	The Planning scheme