



AGENDA

Planning & Environment Committee Meeting

Tuesday, 9 March 2021

commencing at 9.30am

Council Chambers, 9 Pelican Street, Tewantin

Committee: Crs Brian Stockwell (Chair), Karen Finzel, Clare Stewart, Tom Wegener

“Noosa Shire – different by nature”

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1 ATTENDANCE & APOLOGIES

2 CONFIRMATION OF MINUTES

The Minutes of the Planning & Environment Committee Meeting held on 9 February 2021 be received and confirmed.

3 PRESENTATIONS

Nil.

4 DEPUTATIONS

Nil.

5 REPORTS FOR CONSIDERATION OF THE COMMITTEE

1 MCU20/0119 - APPLICATION FOR MATERIAL CHANGE OF USE FOR SHORT TERM ACCOMMODATION AT 1/20 NANNYGAI STREET, NOOSAVILLE

Author **Development Planner, Tara Norley**
Environment and Sustainable Development Department

Index **ECM /Application/MCU20/0119**

Attachments **1. Proposal Plans**

APPLICATION DETAILS	
Applicant	Troy and Jessica Townsend C/ Martoo Consulting
Proposal	Material Change of Use - Short-term accommodation
Properly Made Date	26 October 2020
Information Request Date	N/A
Information Response Date	N/A
Decision Due Date	19 March 2021
Number of Submissions	Six properly made submissions
PROPERTY DETAILS	
Property Address	1/20 Nannygai Street, Noosaville Qld 4566
RP Description	Lot 1 on SP297618
Land Area	296m ²
Existing Use of Land	One dwelling unit of a dual occupancy
STATUTORY DETAILS	
SEQRP Designation	Urban Footprint
Zone	Medium Density Residential
Local Plan Area	Noosaville
Overlays	Acid Sulfate Soils (Area 2 – 5 metres AHD or below) Flood Hazard
Assessment Type	Impact

RECOMMENDATION

That Council note the report by the Development Planner to the Planning & Environment Committee Meeting dated 9 March 2021 regarding Application No. MCU20/0119 for a Development Permit for Material Change of Use - Short-term accommodation situated at 1/20 Nannygai Street, Noosaville and:

- A. Approve the application in accordance with the following conditions:

PLANNING

When Conditions must be Complied With

- 1. Unless otherwise stated, all conditions of this Decision Notice must be complied with prior to the use commencing, and then compliance maintained at all times while the use continues.

Approved Plans

- 2. Development undertaken in accordance with this approval must generally comply with the approved plans of development. The approved plans are listed in the following table unless otherwise amended by these conditions.

Plan No.	Rev.	Plan/Document Name	Date
18010 03 of 14	DA-02	<i>Proposed Site Plan</i> , prepared by Mercury Design	12.03.2018
18010 04 of 14	V2	<i>Ground Floor Plan</i> , prepared by Mercury Design	02.02.2021
18010 05 of 14	DA-02	<i>First Floor Plan</i> , prepared by Mercury Design	12.03.2018
18010 07 of 14	DA-02	<i>Elevations (west)</i> , prepared by Mercury Design	12.03.2018
18010 08 of 14	DA-02	<i>Elevations (east)</i> , prepared by Mercury Design	12.03.2018
18010 09 of 14	DA-02	<i>Elevations (north and south)</i> , prepared by Mercury Design	12.03.2018
18010 10 of 14	DA-02	<i>Sections</i> , prepared by Mercury Design	12.03.2018

Currency

- 3. This development approval lapses if the use has not happened by 18 March 2027, unless an application to extend the currency period is approved by Council.

Nature and Extent of Approved Use

- 4. The total number of bedrooms on the site must not exceed 4.
- 5. No more than 8 guests may occupy the premises at any time.
- 6. All outdoor areas, including balconies, decks, pool and the like, must not be used after 9pm each night.
- 7. The premises must not be used as a party house, with no events, functions or parties (e.g. bucks parties, hen’s parties, raves, or wedding receptions for example) permitted on site.

Built Form

- 8. The existing media room on the Ground Floor must be converted back to ‘bike parking’ only, as per approved plan Ground Floor Plan, prepared by Mercury Design (18010 - 04 of 14 – V2) dated 2 February 2021.

Amenity

9. The operation of the approved use must not detrimentally affect the residential amenity (including but not limited to noise, overlooking, light spill or odour) enjoyed by surrounding residents or cause a nuisance, including a noise nuisance.

Car Parking

10. Existing car parking on site, as detailed on the approved plans, must be maintained and kept available for users of the short-term accommodation.
11. All car parking areas and access driveways must be maintained exclusively for vehicle parking and manoeuvring and kept in a tidy and safe condition at all times.

Waste Management

12. Waste storage and disposal facilities must be provided in accordance with *Planning Scheme Policy 9, Waste Management*, including an external imperviously paved area correctly sized for all refuse and recycling containers and suitably screened from public places and neighbouring properties.
13. Waste containers must:
 - a. At all times be regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition.
 - b. Be placed on the kerb side frontage of the premises, for the collection of general waste from the container; and
 - c. Not be placed on the kerb side frontage for longer than 24 hours before or after the scheduled collection day for the collection of waste in the container.

Contact Person

14. Prior to the commencement of the use written confirmation must be provided to Council confirming:
 - a. the name and telephone number of the contact person (which may include the name and contact details of an individual, letting agency, property manager, security firm or the like) for the purposes of the operation of the short stay letting at the premises; and
 - b. that the contact person is available 24 hours a day, 7 days a week; and
 - c. that the contact person resides within 20 minutes travel time (by vehicle) of the premises; and
 - d. that the contact person is to be responsible for the supervision and management of the premises, including addressing complaints about the use of the premises for short stay letting and visitor queries.
15. A sign must prominently and permanently display in letters and numbers not less than 50mm in height, a current up to date written notice detailing the contact person's phone number, and a statement that the contact person is responsible for the supervision and maintenance of the premises. The sign must not exceed 0.2m², be displayed at the front of the premises and be visible to members of the public at all times.

Code of Conduct

16. A code of conduct must be developed and provided to all users and occupants of the short-term accommodation, including any website or social media used to promote the use of the premises for short-term accommodation.
17. The code of conduct must advise all users of the premises:
 - a. That the use of the premises must not:

- i. detrimentally affect the residential amenity (including but not limited to noise, overlooking, light spill or odour) enjoyed by residents in the vicinity of the premises; or
 - ii. cause a nuisance (including a noise nuisance);
 - iii. display unacceptable behavior including:
 - a. loud aggressive behaviour;
 - b. yelling, screaming, arguing; or
 - c. excessively loud cheering, clapping and singing.
 - iv. create a level of noise above the acceptable levels described by Queensland Government legislation for environmental protection (noise).
 - b. That a user of the premises must not sleep or camp on the premises in a tent, caravan, campervan or similar facility.
 - c. That each vehicle used by an user of the premises must:
 - i. be stored in a manner that does not cause a nuisance or inconvenience to adjoining premises; and
 - ii. be parked within the parking facilities at the premises where provided.
 - d. That each user of the premises must store general waste (including the separation of recyclable waste) produced as a result of the ordinary use or occupation of the premises in a waste container.
 - e. That each user of the premises must ensure that the premises, including the grounds of the premises, are kept in a safe and tidy condition.
 - f. That pets occupying the premises must be managed and not cause a nuisance (including a noise nuisance).
 - g. The nature and extent of the approved use as detailed in conditions numbers 4 to 7 of this development approval.
18. The Code of Conduct must be displayed in a prominent location at the premises so that it can be viewed by guests.

Complaints Management

19. The contact person must maintain a record of all complaints received, identifying how each complaint has been resolved or addressed within a reasonable time.
20. The contact person must respond to all complaints within 30 minutes of notification of a complaint.
21. The contact person, must keep and maintain a register of the use of the premises for short stay letting or home hosted accommodation, and record in the register, each of the following:
 - a. on each occasion on which the premises are used, or occupied, for short stay letting or home hosted accommodation on a commercial basis:
 - i. the number of adults who are users of the premises; and
 - ii. the number of minors, an individual who is under 18, who are users of the premises.
 - b. the dates when each person's use, or occupation, of the premises for short stay letting or home hosted accommodation began and ended.
22. The contact person, must make available, for inspection by Council, within 5 business days of receipt of a written request given at any time, each of:

- a. the written record of complaints referred to in condition 18; and
- b. the register referred to in condition 20.

Protection of Privacy

23. To ensure privacy is protected between adjoining properties, the window located on the upper level northern building face must either:
 - a. be fitted with translucent glazing; or
 - b. be fitted with a fixed external screen.
 24. The 'Alfresco' balcony located to the rear of the Ground Floor must include fixed external screens on the northern side of the balcony, positioned in such a way to obscure direct views into the windows or private open space areas of adjoining properties to the west.
- C. Request the Chief Executive Officer carry out a Final Inspection to ensure compliance with the Conditions of approval for both MCU18/0003 and MCU20/0119.
- D. Note the report is provided in accordance with Section 63(5) of the *Planning Act 2016*.
-

REPORT

1. PROPOSAL

The applicant proposes to utilise an existing 4 bedroom, two storey dwelling unit for short-term accommodation. The dwelling unit is within an existing dual occupancy. All parts of the dwelling unit will be available for the proposed use, including a two car garage and pool.

The applicant advises that:

- *They will utilise a local property manager to oversee letting, management and maintenance of the premises.*
- *They will prepare a code of conduct and management agreement for all guests utilising the premises for short-term accommodation.*
- *All guests will be required to sign the agreement and terms of rental.*
- *The two car garage and associated driveway will be available for carparking for guests.*
- *No events, weddings, parties or the like are to occur on the premises.*
- *A maximum of 8 guests permitted to stay.*

It is noted that the dwelling unit has not been constructed in accordance with the exiting approved plans for the dual occupancy, with the Ground Floor 'bike parking' area being converted to a Media Room, accessible internally and not the garage as originally designed. The unapproved changes to the dwelling unit has resulted in the development being in excess of the allowable plot ratio under both the Noosa Plan 2006 (under which the previous application was approved) and Noosa Plan 2020, which is not supported. As such, minor internal building works will be required to convert the Media Room back to bike parking, accessible from the garage only, in order to comply with planning scheme requirements.

A copy of the proposal plans are included as Attachment 1.

The subject site and surrounding locality are detailed in the following aerial photographs:



Figure 1: Subject site



Figure 2: Locality Plan



Figure 3: 1/20 Nannygai Street (subject site)

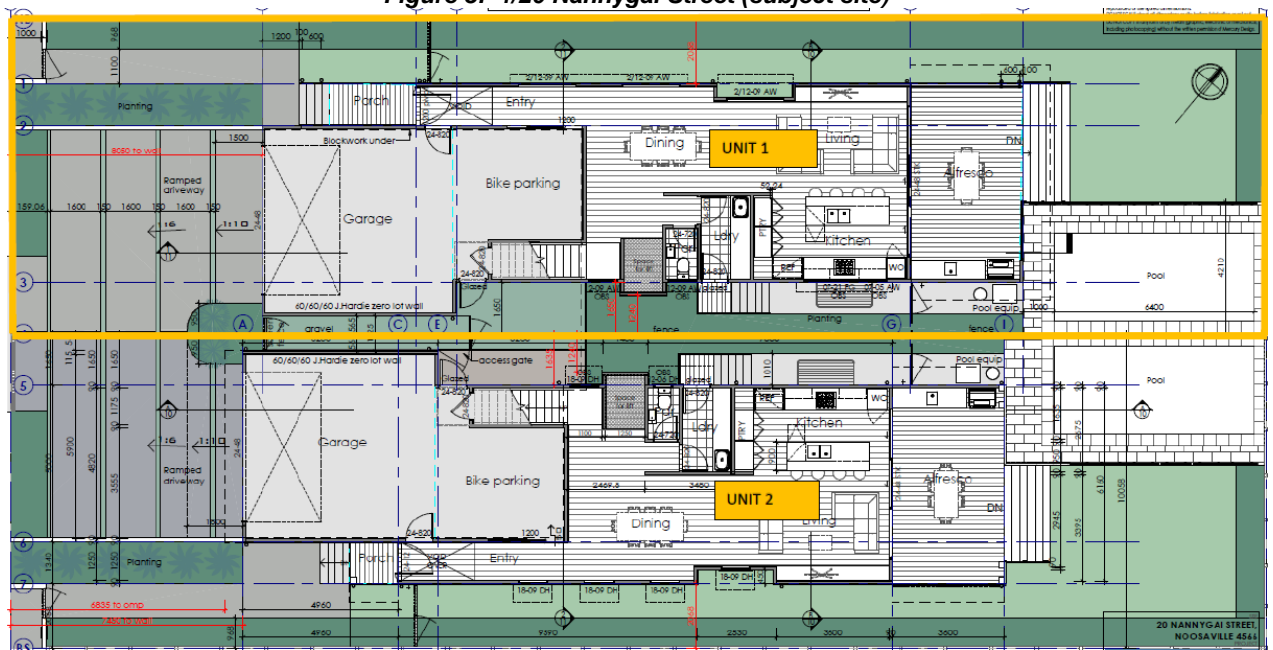


Figure 4: Ground floor plans (subject site in yellow)

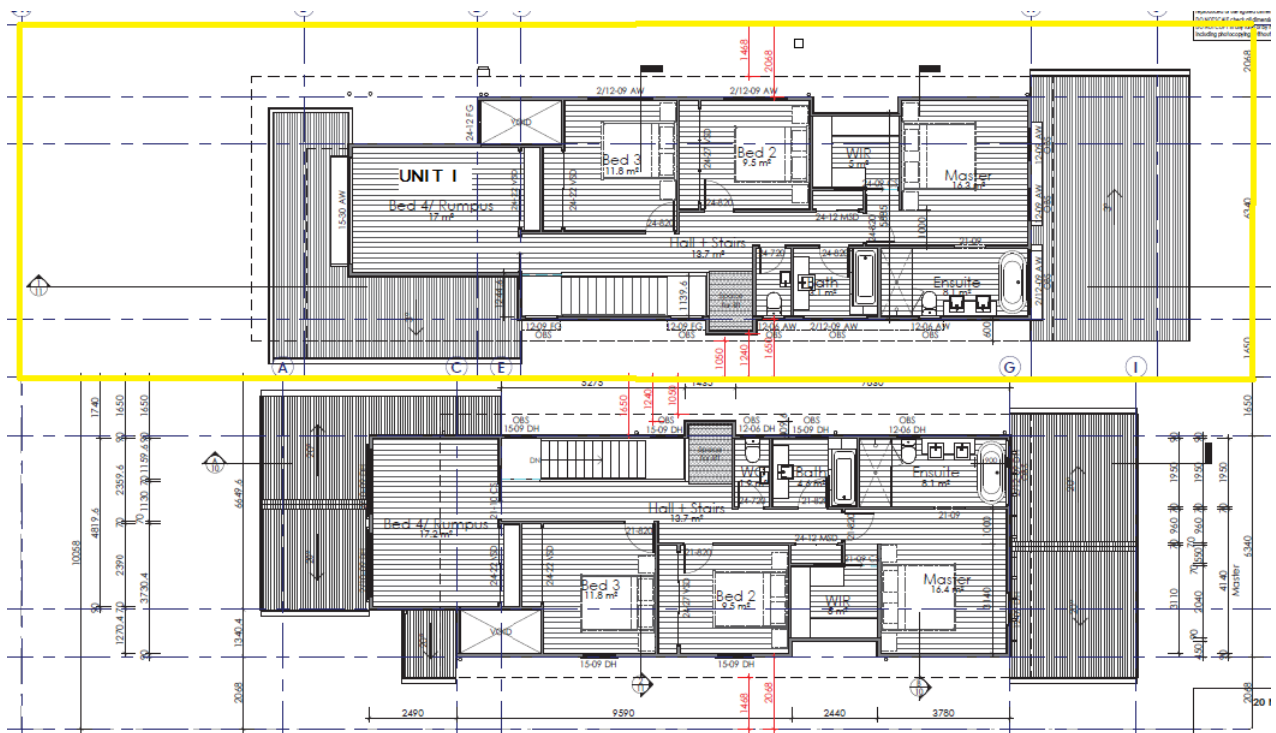


Figure 5: First floor plans (subject site in yellow)

2. SITE DETAILS

2.1. Background

A development application for Multiple Housing Type 2 – Duplex (MCU18/0003) was approved on 6 April 2018 for two 4 bedroom dwelling units. Each dwelling unit has a similar internal configuration including 4 bedrooms upstairs and living areas downstairs. Each dwelling includes a double garage and pool/recreational areas to the rear. The external appearance of each dwelling unit is substantially different, through the incorporation of an alternative roof form, building material and varying finishes.



Figure 6: 20 Nannygai Street (whole site perspective)

A minor change to the approval (MCU18/0003.01) was approved on 9 March 2020. The minor change was requested to update Condition 4 in regards to building height, as following construction, a survey of the site undertaken by a registered cadastral surveyor revealed that the

building height conditioned under the original approval was exceeded by 0.07m. Condition 4 was amended to reflect the as constructed height of the building.

It is noted that the Unit 1 dwelling has not been constructed in accordance with the above approved plans, with the Ground Floor 'bike parking' area being converted to a Media Room, accessible via the dwelling only.

2.2. Site Description

The subject site is located on the northern side of Nannygai Street. The entire site has been developed for a dual occupancy, with the subject unit (Unit 1) being located on the north-western side of the lot. Pedestrian and vehicular access is provided from Nannygai Street, with a double garage accessed from the driveway. The subject site is serviced by standard community infrastructure including reticulated water supply and sewerage, underground telecommunications and overhead electricity supply, bitumen roadways and kerb and channel.

2.3. Surrounding Land Uses

North west:

18 Nannygai Street and 1 Anchor Street – dual occupancy
3 Anchor Street – Adeona Noosaville – child care centre

North east (rear):

223 Weyba Road – The Anchor Motel, containing 19 motel rooms
221 Weyba Road – Mango Mews, containing 4 multiple dwelling units

South east:

22 Nannygai Street – Kyeema Court, containing 7 multiple dwelling units

3. ASSESSMENT

3.1. Instruments for Statutory Assessment

Under the *Planning Act 2016* the application must be assessed against each of the following statutory planning instruments to the extent they are relevant to the development:

- State Planning Policy;
- South East Queensland Regional Plan;
- Planning Regulation 2017; and
- Noosa Plan 2020.

3.2. State and Other Statutory Instruments

State Planning Policy

The Noosa Plan is generally consistent with the State Planning Policy July 2017 (SPP) and the SPP raises no further issues relevant to the proposed development.

South East Queensland (SEQ) Regional Plan

The site is located within the Urban Footprint area of the SEQ Regional Plan. The proposal is consistent with the regional policies of the SEQ Regional Plan.

Planning Regulation 2017

The proposal is for urban activity within the Urban Footprint and is consistent with the assessment benchmarks contained in the *Planning Regulation 2017* for the SEQ Region.

3.3. Statutory Instruments – Planning Scheme

The application must be assessed against each of the following codes to the extent they are relevant to the development:

Strategic Framework

The Noosa Plan 2020 includes Strategic Outcomes which seek that neighbourhoods of permanent housing are protected from short-term visitor accommodation that would impact on the amenity

enjoyed by residents and that the planning scheme protects areas for visitor accommodation with a range of accommodation styles envisaged to support the local tourism industry.

The planning scheme regulates where short-term accommodation may occur within residential zoned land and includes provisions which seek to protect the amenity of the surrounding area.

The strategic intent is to limit visitor accommodation in traditional residential neighbourhoods of detached dwellings, but allow it in higher density areas typically zoned for unit developments and located generally closer to centres, facilities and services. The proposed short-term accommodation supports Noosa’s tourism industry and provides an alternative form of visitor accommodation to resort, motel development etc.

The proposal is consistent with the Strategic Framework as it is located within a higher density area in proximity to the Noosaville district centre, and approximately 850m from the tourist and recreational activities on Gympie Terrace and the Noosa River.

Code Provisions

The subject site is located in the Noosaville Local Plan Area and is zoned Medium Density Residential. The proposed use is identified as a consistent use within the zone and is required to follow an impact assessable application process.

The Medium Density Residential Zone Code and the Noosaville Local Plan Code both include provisions which address the potential impacts of short-term accommodation. The relevant provisions are:

SHORT-TERM ACCOMMODATION USE

Medium Density Residential Zone Code

6.3.2.2 Purpose and Overall Outcomes

- (a) Medium density residential neighbourhoods are predominantly home to permanent residents.
- (b) The character of medium density residential neighbourhoods varies due to factors such as proximity to beaches, the Noosa River, recreation spaces, centres, topography, availability of views, the established vegetated character, the presence of visitor accommodation and the age of development.
- (h) Short-term visitor accommodation is predominately provided through well-established resorts and holiday units.

6.3.2.3 Assessment Criteria

Role and function

PO6

Visitor accommodation is limited to formats compatible with the character and use of the area so as not to cause unreasonable loss of residential amenity, having regard to:

- a. the privacy of residents on the subject property or adjoining properties;
- b. any likely increase in noise to adjoining properties;
- c. the scale of the use and its compatibility with the character and uses within the property or surrounding area;
- d. retention of the primary residential function of an area;

AO6.2

Short-term accommodation does not:

- a. constitute a party house;
- b. create noise that would unreasonably impact on the residential amenity enjoyed by the adjoining or surrounding properties.

- e. *the residential function and arrangement of common property;*
- f. *the impact on the safety and efficiency of the local road network;*
- g. *the impact of waste storage areas on the visual amenity of the area;*
- h. *the location of waste storage areas in relation to sensitive land uses; and*
- i. *any impact on shared vehicular access or parking.*

Noosaville Local Plan Code

7.2.4.2 Purpose and Overall Outcomes

- (f) *The Noosaville local plan area maintains its roles for both the provision of much of the commercial, retail, administrative, industrial and social needs of the coastal urban portion of Noosa Shire and as a major focus area for visitor accommodation and services.*
- (s) *Development in the Medium Density and High Density Housing zones accommodates a greater diversity in housing types including dual occupancies, multiple dwellings, retirement facilities and residential care facilities.*
- (t) *Development ensures permanent residents of Noosaville enjoy high levels of residential amenity and accessibility to urban services and recreational opportunities*

7.2.4.3 Assessment Criteria

Development in the Noosaville Local Plan Area generally (All Zones)

PO1

Development enhances the role of Noosaville as a major focus for visitor accommodation and services in Noosa Shire with high levels of accessibility to outdoor recreational pursuits and urban services.

Visitor Facilities

PO21

A range of visitor accommodation including low cost and family friendly short-term accommodation and tourist park accommodation, including the Noosa River Caravan Park at Russell Street is maintained.

Visitor Accommodation Code

9.3.5.2 Purpose and Overall Outcomes

- (1) *The purpose of the Visitor Accommodation code is to ensure visitor accommodation is appropriately located, designed and operated in a manner which meets visitor needs, protects and enhances landscape values, protects the amenity of surrounding premises and avoids conflicts with surrounding uses.*
- (2) *The overall outcomes sought for the Visitor Accommodation Code are:*
 - (a) *Visitor accommodation is compatible with and benefits from Noosa Shire's natural environmental values.*
 - (b) *Visitor accommodation offers a wide range of experiences for guests both in coastal areas and in the hinterland.*

- (c) *Visitor accommodation is located and designed in a manner which sensitively responds to site characteristics.*
- (d) *Visitor accommodation does not detrimentally impact upon the biodiversity and natural landscape values of its setting.*
- (e) *The density and design of visitor accommodation integrates with the urban or landscape fabric of its particular locality.*
- (f) *Visitor accommodation located near permanent residents does not detract from the amenity enjoyed by residents.*
- (g) *Visitor accommodation does not impact on the ability of rural land owners to carry out agricultural pursuits.*
- (h) *Visitor accommodation provides high quality amenities and facilities commensurate with its setting, the types of accommodation supplied and the length of stay accommodated.*
- (i) *Visitor accommodation forms a key element of the local tourism industry.*
- (j) *Visitor accommodation provides for a wide range of visitors.*

9.3.5.3 *Criteria for assessment*

Location

PO1

Visitor accommodation is located such that it avoids conflicts with nearby land uses.

AO1.2

Visitor accommodation is not within 100 metres of an educational establishment or childcare centre.

Safety and amenity

PO12

Sufficient on-site car parking is provided to accommodate the number and type of vehicles likely to be generated by the visitor accommodation having regard to the number of guests, staff or visitors.

The planning scheme prioritises the preservation of areas which are predominantly permanent residential dwellings and seeks to protect the amenity of surrounding residential areas from the impacts of short-term accommodation.

Whilst acknowledging that the area is considered to be predominantly permanent residential dwellings, it is also noted that a number of visitor accommodation facilities are located within proximity of the site and within the broader Noosaville locale, including (but not limited to) The Anchor Motel, Noosa Yallambee Holiday Apartments, Pelican Cove and Noosa River Retreat. Furthermore, there are numerous properties which are currently being used for short-term accommodation.

The following images detail the location of these visitor accommodation facilities¹:

¹ Disclaimer – the mapped visitor accommodation facilities are taken from Council’s existing database. It is noted the map may include errors and omissions.

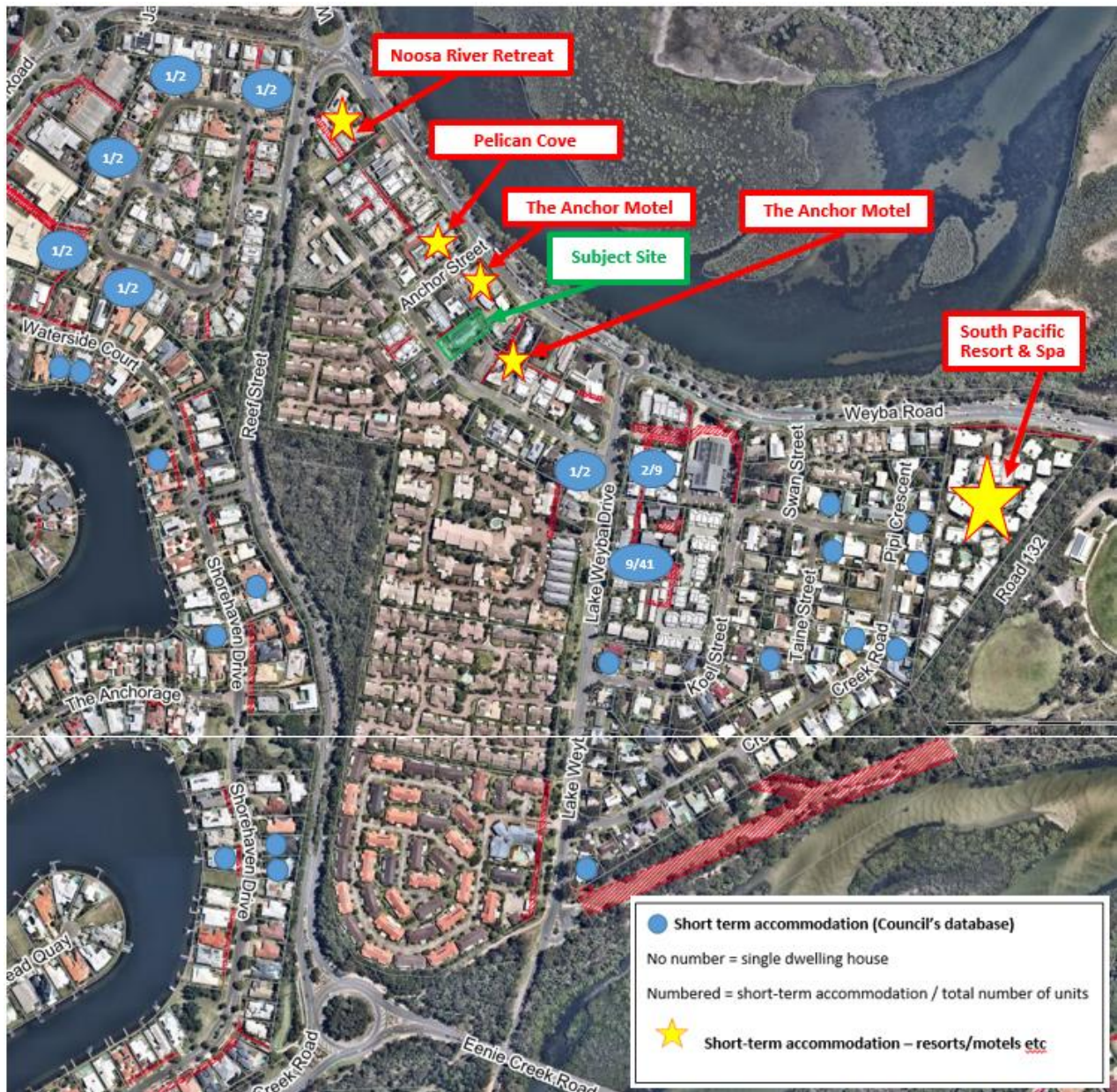


Figure 8: Location of visitor accommodation within proximity of the site



Figure 9: Zoning within proximity of the site

It is acknowledged that the use of premises for short-term accommodation has the potential to have a significant impact on the amenity of the surrounding residential area. These impacts are often attributed to noise, car parking and waste disposal. The requirement for a development application for short-term accommodation provides the opportunity to regulate the use of the site so as to mitigate these potential impacts.

The following is noted in this respect:

- The outdoor open space area is located to the north east of the dwelling, adjacent to the outdoor living space of the adjoining unit (2/20 Nannygai Street), the open space area at the Anchor Motel and the outdoor play space of the Adeona Child Care (refer to Figure 10). It is important that the use of the outdoor open space area is managed in order to mitigate amenity issues, accordingly conditions are recommended to address the use of outdoor areas.
- The subject site and 2/20 Nannygai have a mirror image design, approved through a previous Development Permit (MCU18/0003), which results in the outdoor open space areas being in proximity to each other.
- The bedrooms of the dwelling at 2/20 Nannygai Street are located along the southern side of the First Floor, providing sufficient separation from the bedrooms and living areas of 1/20 Nannygai Street.

- The bedrooms of the dwelling at 18 Nannygai Street are located on the Upper Floor, with Bed 1 being located along the south eastern boundary of the lot, in proximity to Bed 3 and Bed 4 of the subject dwelling.
- Adeona Child Care operates Monday to Friday from 7:00am – 5:30pm only (closed weekends and public holidays).
- The dwelling unit has a double enclosed garage with space for 2 additional vehicles to park on the driveway therefore complies with the Driveways and Car parking Code requirement for 3 car parking spaces;
- The unit also has its own dedicated, suitably screened waste storage area mitigating potential impacts on visual amenity;
- The site is situated within the Medium Density Residential Zone in which dual occupancies and multiple dwelling developments are consistent uses subject to code assessment. In this regard, the site contains an existing dual occupancy, or could be developed with a multiple dwelling, resulting in a higher density of occupancy than is currently proposed, which may amplify car parking and noise impacts associated with an increased number of bedrooms/persons who could otherwise occupy the site.

It is noted that the applicant has proposed implementing the following requirements for the operation of the short-term accommodation:

- *They will utilise a local property manager to oversee letting, management and maintenance of the premises;*
- *They will prepare a code of conduct and management agreement for all guests utilising the premises for short-term accommodation;*
- *All guests will be required to sign the agreement and terms of rental;*
- *The two car garage and associated driveway will be available for carparking for guests;*
- *No events, weddings, parties or the like are to occur on the premises; and*
- *A maximum of 8 persons on staying on site at any one time (two per bedroom).*

Accordingly, conditions are recommended to address potential amenity impacts. These generally align with the measures proposed by the applicant and, additionally, prohibiting the use of outdoor areas after 9pm and requiring a register of complaints to be maintained.



Figure 10: Outdoor open space area

It is also noted that the subject site adjoins a child care centre (Adeona Child Care – refer to Figure 10), which operates Monday to Friday from 7:00am – 5:30pm (closed weekends and public holidays) and caters for approximately forty children, from 18 months to 5 years in age, contrary to **Acceptable Outcome AO1.2** of the Visitor accommodation Code, which states:

Visitor accommodation is not within 100 metres of an educational establishment or childcare centre.

Council’s Strategic Planning team have advised that the intent of **AO1.2** was to mitigate impacts from larger scale short-term accommodation development, which would result in more substantial risks and/or impacts in relation to child care centres, in terms of:

- an increase in traffic, with tourists/visitors having less familiarity with the context of the area, in an environment where lots of children may be wandering around;
- large scale short-term accommodation tends to increase demand for on-street parking, as do schools and childcares, and as such may result in adverse impacts for surrounding residents and parents attending school pick up / drop off; and
- acoustic privacy of the guests of the short-term accommodation (i.e. noise generated from the child-care centre impacting on guests).

It is considered given the minor scale of the development, being a single four bedroom dwelling limited to 8 guests, the development complies with corresponding **Performance Outcome PO1**, in that the location of the development, despite being in proximity to the child care centre, avoids

conflict with the existing development due to the minor scale of the proposal, availability of onsite parking and operating hours of the child care centre. Additionally, the recommendation includes Protection of Privacy conditions to prevent overlooking from the subject site into the adjoining child care centre.

BUILT FORM PROVISIONS

Medium Density Residential Zone Code

PO11

Plot ratio of development does not exceed 0.4:1.

It is noted that the dwelling has not been constructed in accordance with the exiting approved plans for the duplex (MCU18/0003), with the Ground Floor ‘bike parking’ area being converted to a Media Room, accessible via the dwelling only. The existing approval for the duplex was issued under Noosa Plan 2006, which allowed a plot ratio of 0.45:1 in this location. The original approval plans provided a plot ratio of 0.44:1. The conversion of the ‘bike parking’ results in a plot ratio of 0.46:1. As such, the proposal does not comply with plot ratio requirements outlined in both Noosa Plan 2006 and Noosa Plan 2020.

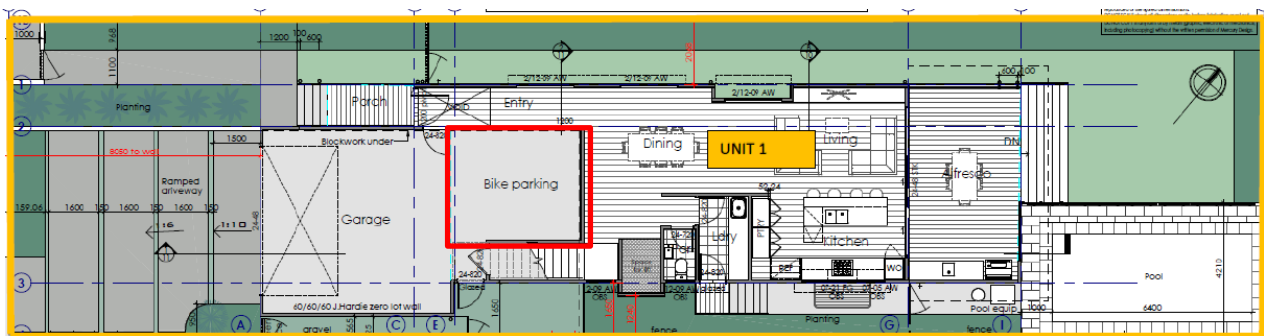


Figure 7: Approved Ground Floor Plan (MCU18/0003)

The applicant has been made aware that the as constructed dwelling does not comply with the approved plans, and as such has proposed to convert the Media Room back to bike parking, accessible from the garage only. Given the original approval was issued under Noosa Plan 2006, a plot ratio of 0.45:1 is considered acceptable.

It is suggested in the Recommendation that Council’s Development Assessment Compliance Officer carries out a Final Inspection to ensure compliance with the Conditions of approval for both MCU18/0003 and MCU20/0119.

4. CONSULTATION

4.1. Referral Agencies

Not applicable

4.2. Internal Council Referrals

- Principal Strategic Planner, Strategic Planning

4.3. Public Notification

The application was publicly notified for 20 business days in accordance with the *Planning Act 2016*. Three properly made submissions were received, all raising issues of objection. The location of the objectors in relation to the subject site is identified in the following image:

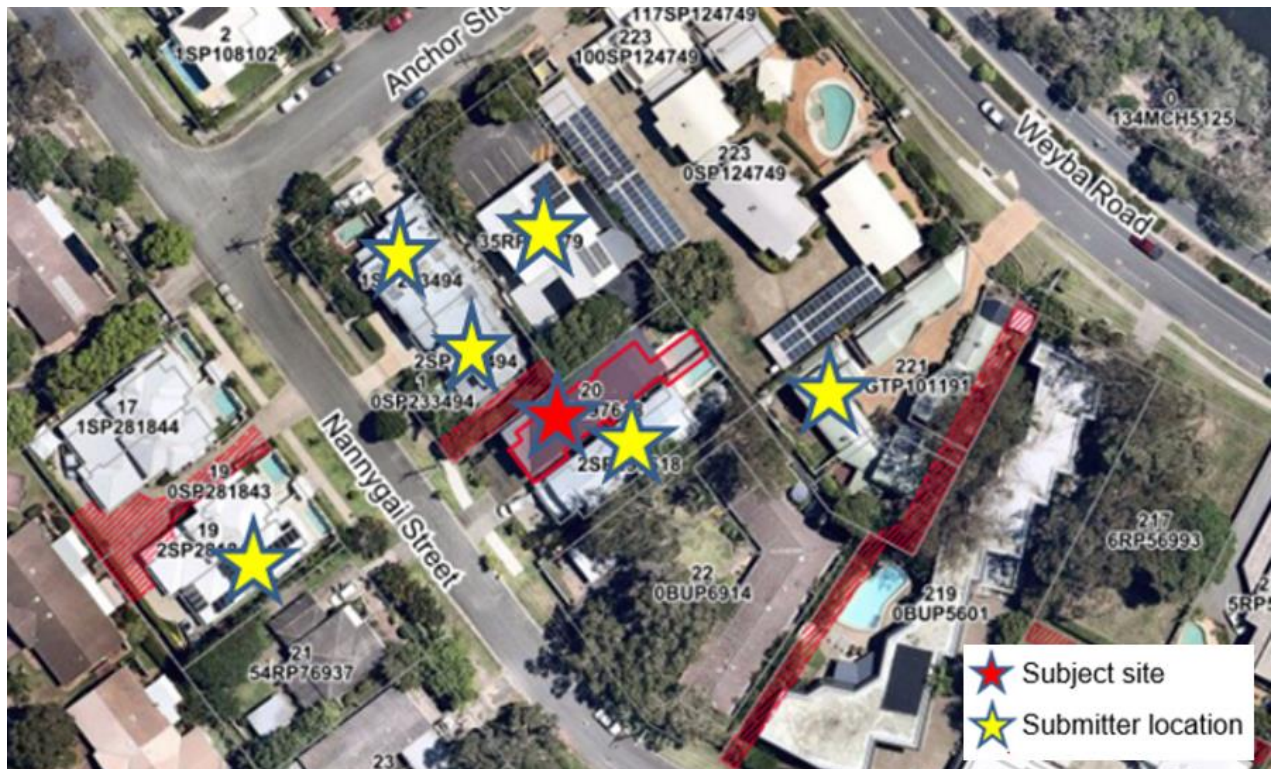


Figure 11: Location of subject site and submitters

The following table provides a summary and assessment of the issues raised by submitters.

Matters Raised	Comments
<p>Short-term accommodation will erode the provision of critically needed long term rental accommodation</p> <p>Will set a precedent to approve short-term accommodation in other properties, altering the character of the street (from residential to tourist)</p> <p>Unreasonable that dwelling unit was approved as part of a duplex and first owner seeks to use it for purpose of short-term accommodation</p> <p>No need for additional visitor accommodation in this area</p> <p>Short-term accommodation destroys character of neighbourhood</p> <p>Potentially makes owning dwelling in a medium density residential zone of Noosa, a business, not a dwelling.</p> <p>Medium density zoning may potentially allow for 80 or 90 applications for Short-term accommodation, leading to a daily increase on several hundred short-term visitors in the area.</p> <p>The amenity of the area would become a 'tourist-town', not the residential area it is today.</p> <p>Proposed car parking is not sufficient for the use – guests will place additional parking pressure on Nannygai Street, exacerbating vehicle related problems.</p>	<p>It is acknowledged short-term accommodation utilises housing supply which could be used for other purposes and potentially impacting on rent prices of the remaining housing stock to be used for permanent rentals. However, short-term accommodation is a consistent land use within the Medium Density Residential Zone with the subject site being ideally located within proximity of centres, services and the river. Importantly the appropriate zones for short-term accommodation was extensively discussed during the preparation of the Noosa Plan 2020. In this respect, it is important to note that the Council's intent for the Medium density residential zone is for it to accommodate permanent residential living interspersed with some visitor accommodation.</p> <p>The principle of the proposed development is therefore entirely consistent with the Council intent for the zone.</p> <p>Noosa Plan 2020 requires 3 carparks to be provided onsite. The proposal includes a 2 car garage, with room on the site for an additional 2 cars to be parked. As such, the proposal is considered to provide sufficient car parking on site.</p>

Matters Raised	Comments
<p>Loss of amenity to neighbouring properties (noise and privacy concerns) Permanent residents should be protected from the impacts of short-term residents Will impact on street car parking Any increase in population density in Nannygai Street and surrounds would lead to more congestion and impact on the personal safety of residents in the area.</p>	<p>Short-term accommodation has the potential to impact on the amenity of the surrounding area if the use is not appropriately managed. Accordingly, it is proposed to include conditions which address amenity including the number of guests, hours of use of outdoor areas and complaints management. It is also noted that Council is currently working on a new Local Law to assist in managing short-term accommodation in the Shire. In this regard it is recommended that an Advisory Note be included detailing that approval may be required under a Local Law for the continued use of short-term accommodation in the future.</p>
<p>Diminution of property values. Child protection – concerns regarding risks to the health, safety or wellbeing of the children at the adjoining Adeona Child Care Centre, specifically concerns relating to the possible high rate of turnover of residents / visitors, exposure to inappropriate language / conversations and viewlines into the rear of the child care centre from the subject site. The proposal will lead to a greater impact on local infrastructure, particularly the sewerage system. The property does not have existing use rights for short-term accommodation.</p>	<p>Impact on property values is not a matter which can be considered. The development is proposed to be conditioned to include screening on upper level windows and the rear balcony to increase privacy to the child care centre. Additionally, guests will be required to adhere to a Code of Conduct when utilising the dwelling. Sewerage infrastructure is controlled and managed by Unity Water. A property is not required to have existing use rights to apply for a Development Permit.</p>

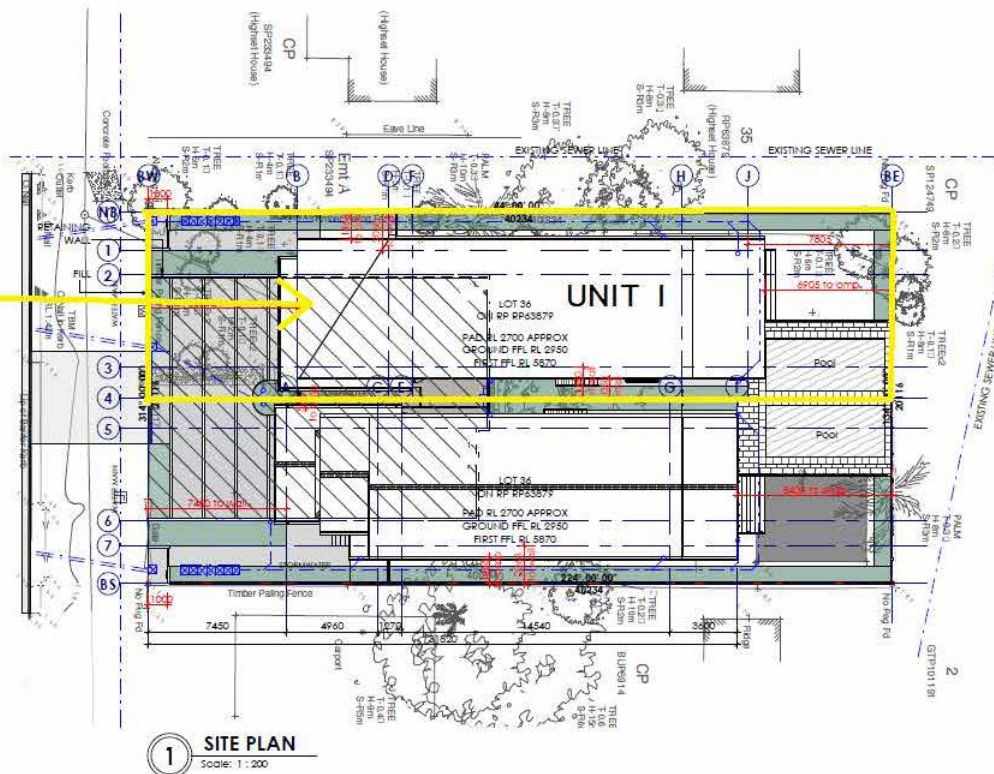
5. CONCLUSION & REASONS FOR DECISION

The application seeks to use a dwelling unit for the purpose of short-term accommodation. The dwelling unit forms part of a dual occupancy. The key issue associated with the assessment of the application is the potential for detrimental impacts on the amenity of the surrounding residential properties. Whilst acknowledging that short-term accommodation has the potential to impact on the amenity of the area, the proposed use has been identified as a consistent use within the applicable zone and an extensive suite of conditions are recommended to address the operation of the use to preserve the amenity of the area.

Departments/Sections Consulted:

- | | | |
|--|---|---|
| <input type="checkbox"/> Chief Executive Officer
Executive Officer
Executive Support | <input type="checkbox"/> Community Services
Community Development
Community Facilities
Libraries & Galleries
Local Laws
Waste & Environmental Health | <input type="checkbox"/> Corporate Services
Financial Services
ICT
Procurement & Fleet
Property
Revenue Services |
| <input type="checkbox"/> Executive Services
Community Engagement
Customer Service
Governance
People and Culture | <input checked="" type="checkbox"/> Environment & Sustainable Development
Building & Plumbing Services
X Development Assessment
Economic Development
Environmental Services
X Strategic Land Use Planning | <input type="checkbox"/> Infrastructure Services
Asset Management
Buildings and Facilities
Civil Operations
Disaster Management
Infrastructure Planning,
Design and Delivery |

PROPOSED SHORT TERM ACCOMMODATION



1 SITE PLAN
Scale: 1 : 200

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SITE INFORMATION:

R.P.D.:
 Lot No.: LOT 36
 Plan No.: RP 43879
 Parish: -
 County: -
 Area: 809m²

STORMWATER:
 Roof water to flow to street to join existing council system via 90 dia U.P.V.C. stormwater lines at 1:100 minimum fall.

RETAINING WALLS:
 If required all retaining walls shall be provided in strict accordance with engineers detailed design and local authority requirements.

Wind Classification: H2
 (Refer Soil Report)

Soil Classification: TSA
 (Refer Soil Report)

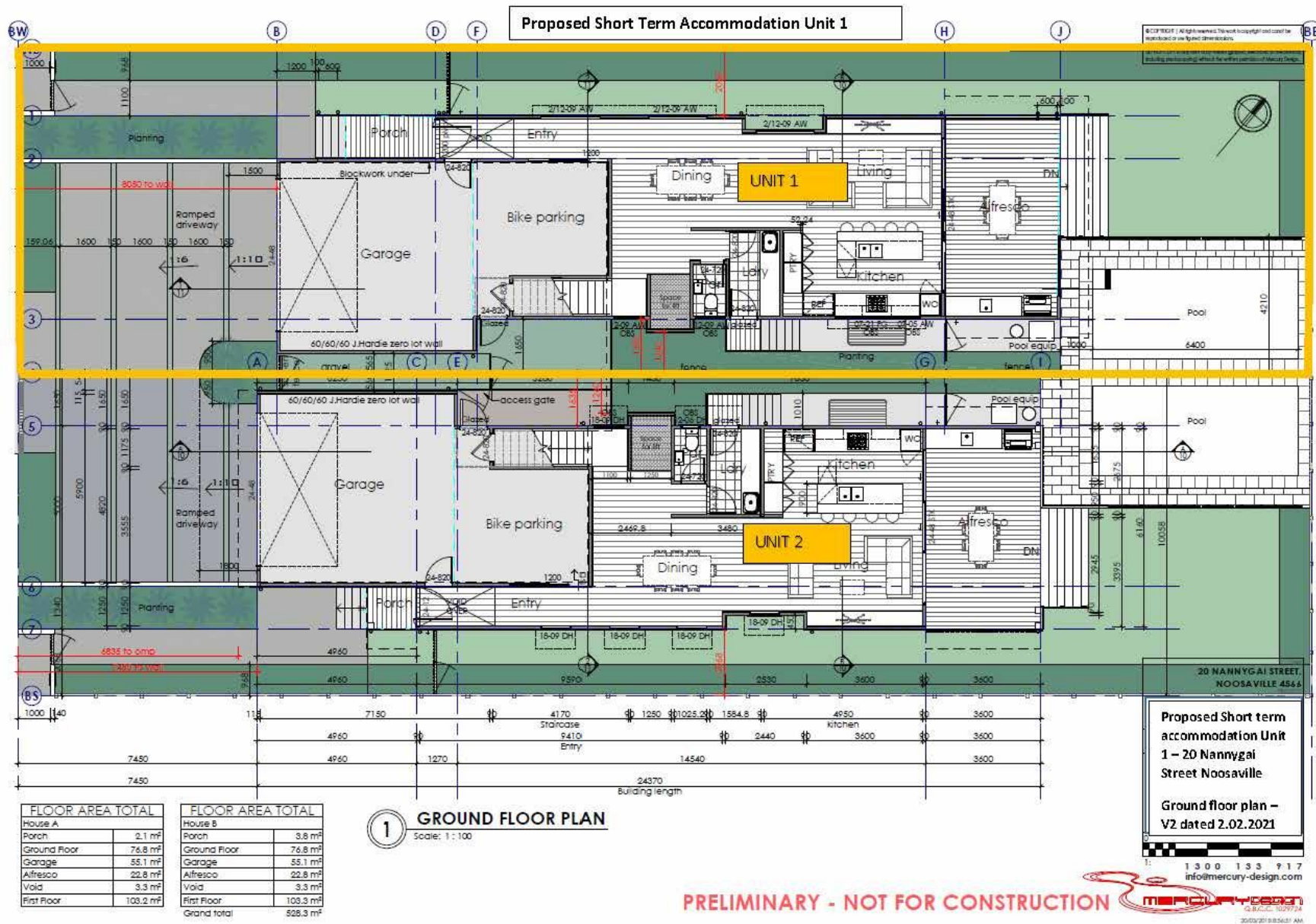
Climate Zone: 2
 (Refer Energy Efficiency Report)

Site Cover:
 Proposed Site Cover:
 315.8 m² or 15.6

20 NANNYGAI STREET, NOOSA VILLE 4566	
20 Nannygai Pty Ltd	
PROPOSED SITE PLAN	
DESIGNED BY BH	SCALE 1 : 200
CHECKED BY BH	DATE DA - 02
DRAWN BY SK	DATE 12.03.2018
PROJECT NO. 18010	PAGE NO. 03 OF 14

1: 1 300 1 33 9 17
 info@mercury-design.com

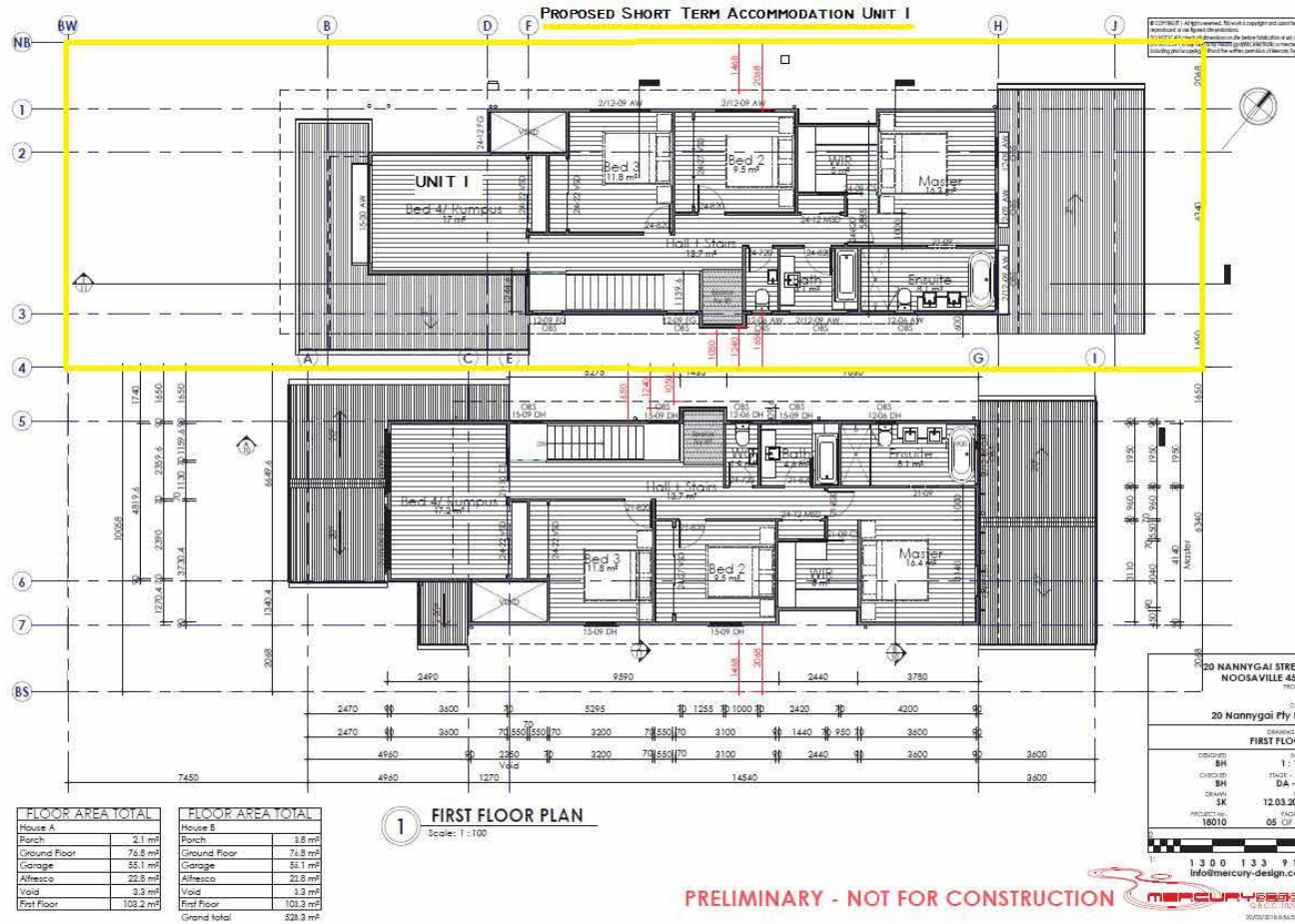




FLOOR AREA TOTAL	
House A	
Porch	2.1 m ²
Ground Floor	76.8 m ²
Garage	55.1 m ²
Alfresco	22.8 m ²
Void	3.3 m ²
First Floor	103.2 m ²

FLOOR AREA TOTAL	
House B	
Porch	3.8 m ²
Ground Floor	76.8 m ²
Garage	55.1 m ²
Alfresco	22.8 m ²
Void	3.3 m ²
First Floor	103.3 m ²
Grand total	528.3 m ²

1 GROUND FLOOR PLAN
Scale: 1 : 100

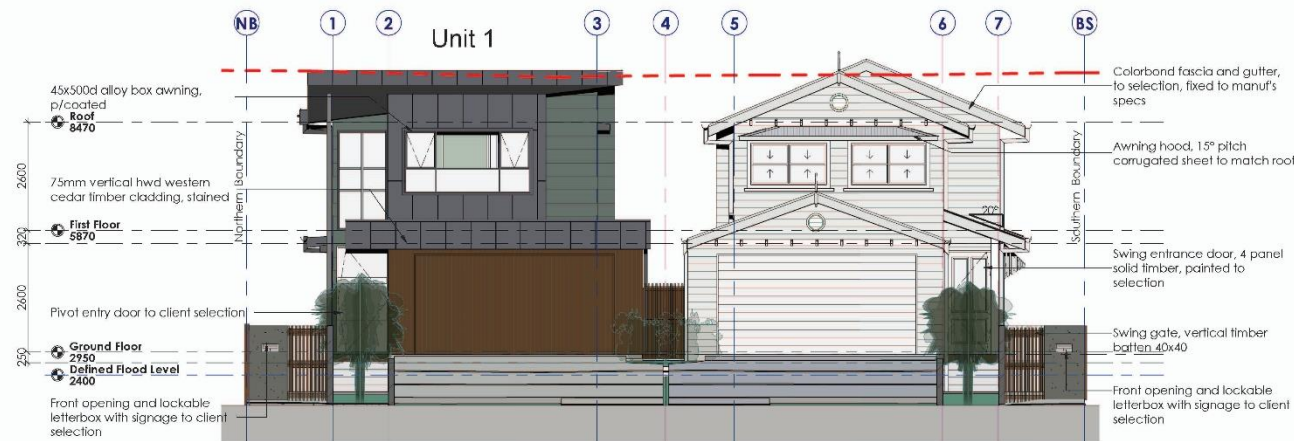


Proposed Short Term Accommodation Unit 1

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1 A-SOUTH ELEVATION
Scale: 1 : 100

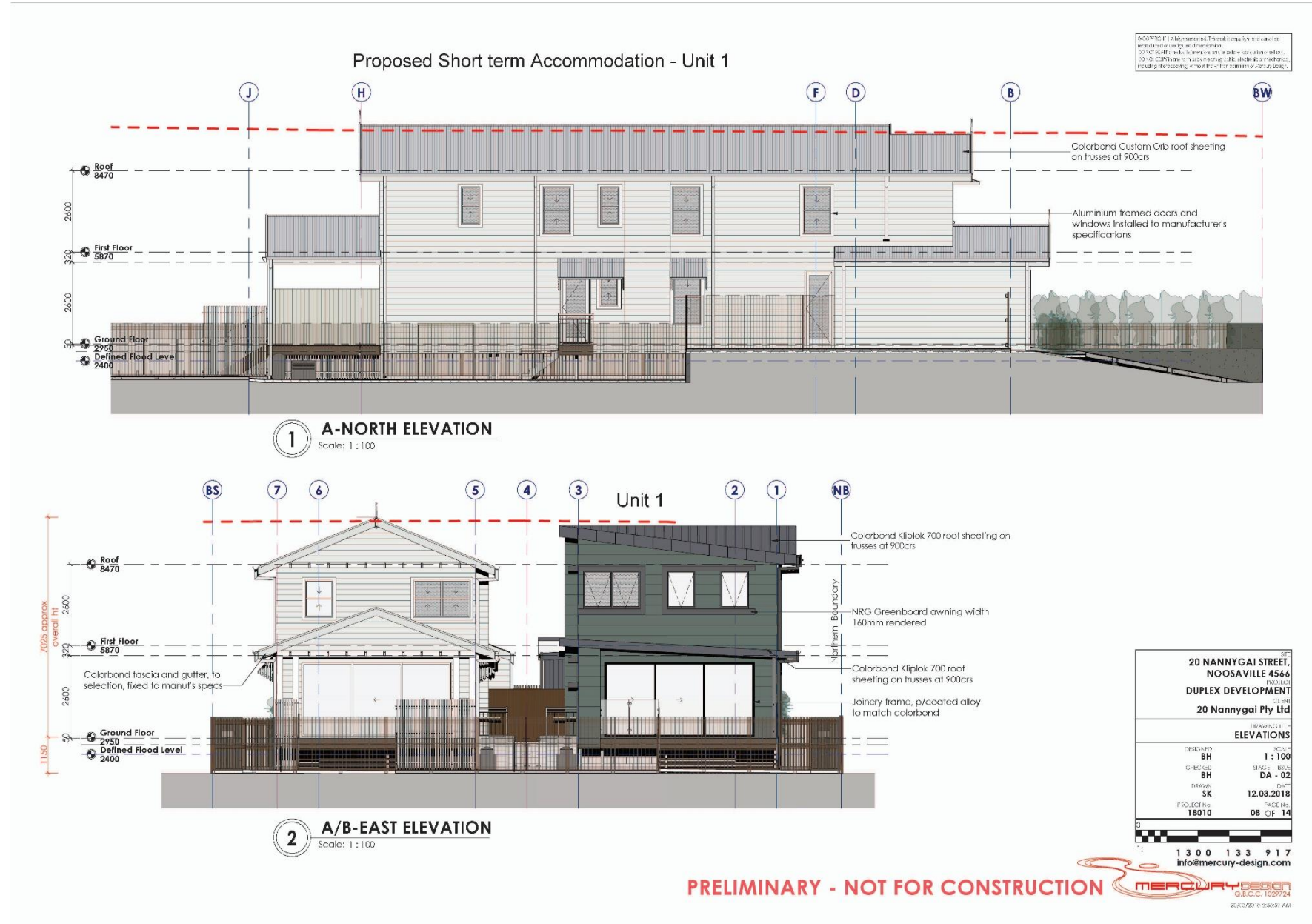


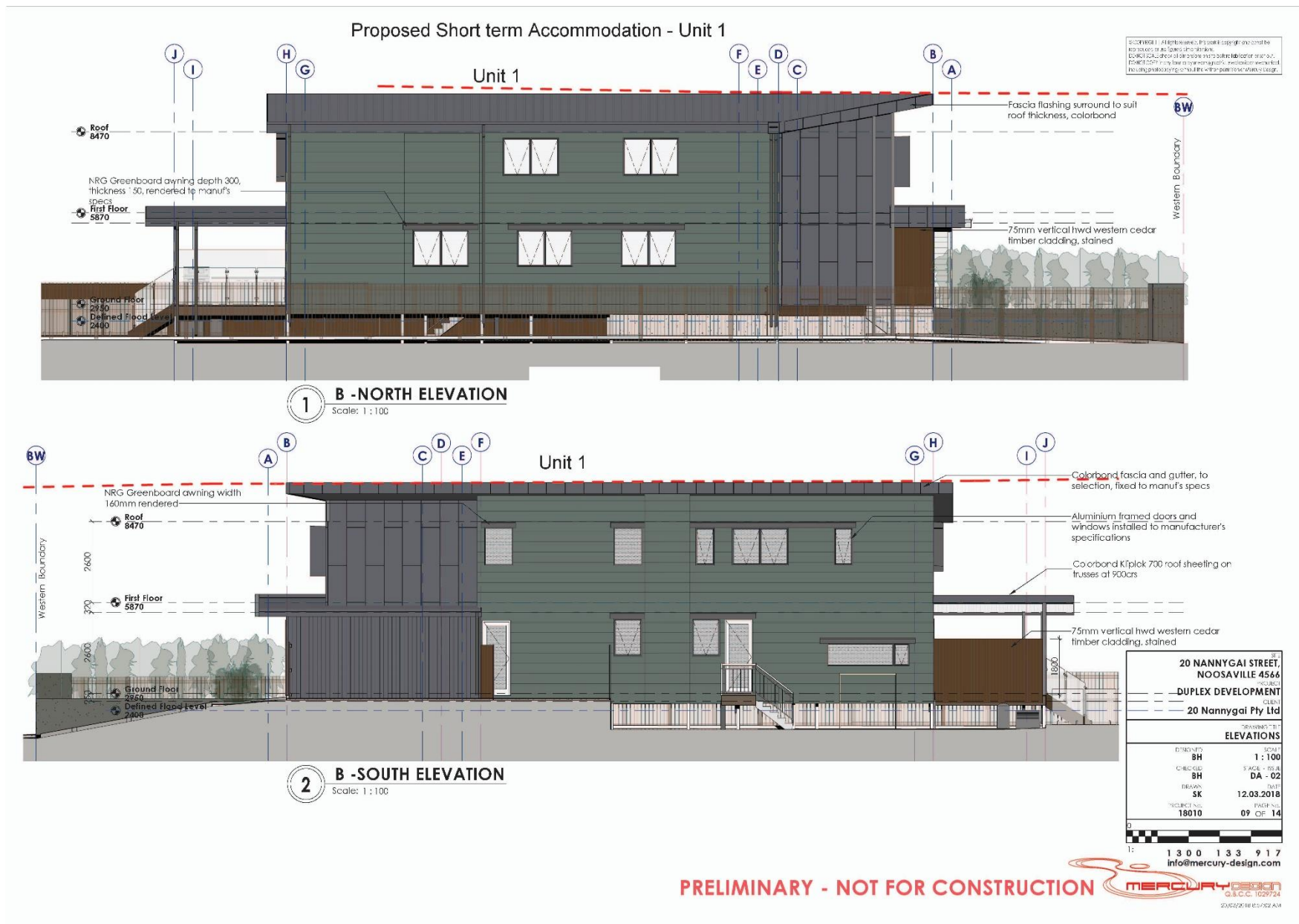
2 A/B-WEST ELEVATION
Scale: 1 : 100

20 NANNYGAI STREET, NOOSAVILLE 4546 PROJECT DUPLEX DEVELOPMENT CLIENT 20 Nannygai Pty Ltd	
DRAWING TITLE ELEVATIONS	
DESIGNED BY	SCALE
BH	1 : 100
CLIENT NO.	STAGE
BH	DA - 02
DRAWN BY	DATE
SK	12.03.2019
PROJECT NO.	SHEET NO.
18010	07 OF 14

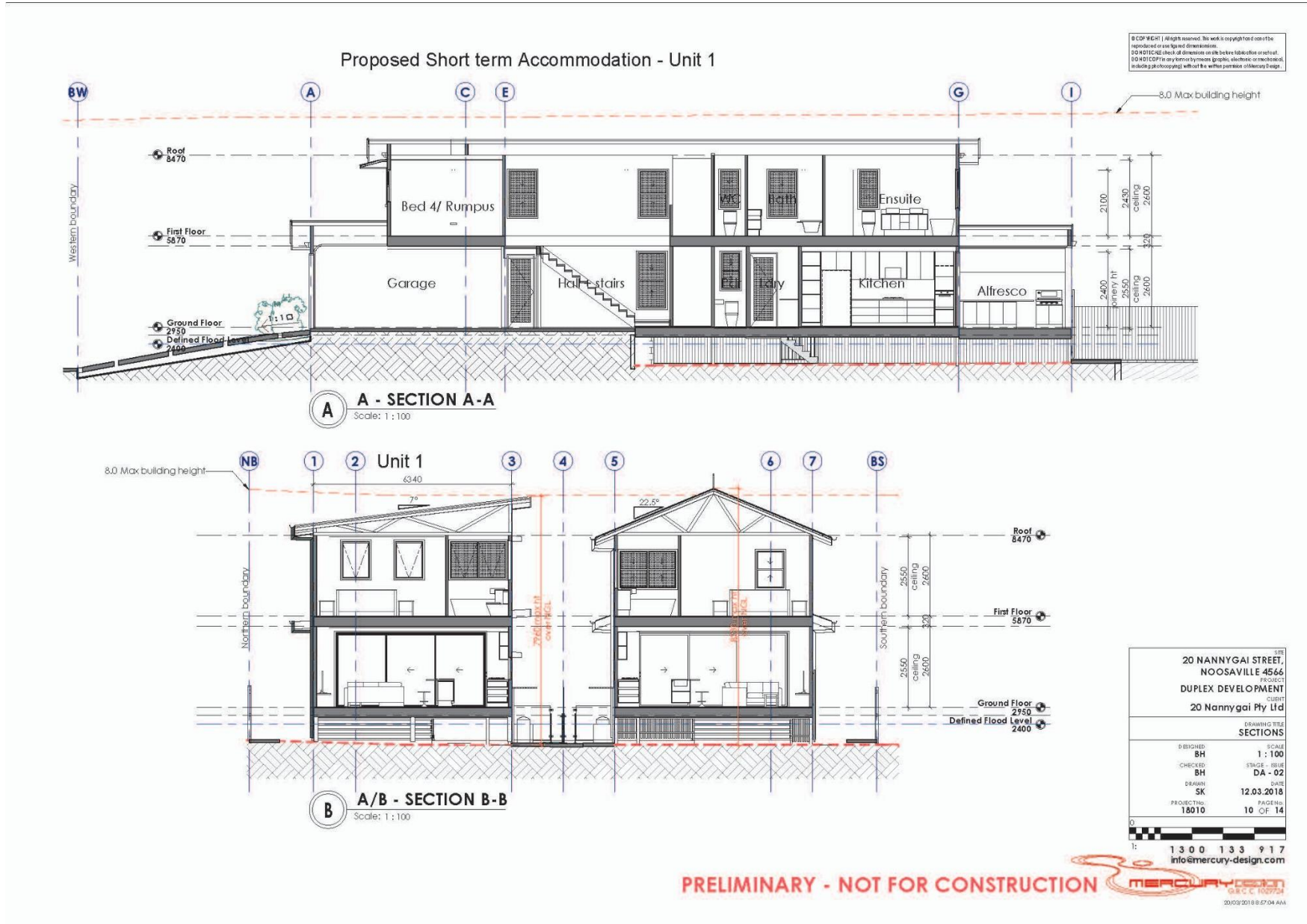
PRELIMINARY - NOT FOR CONSTRUCTION







PRELIMINARY - NOT FOR CONSTRUCTION



2 51987.44.02 – MINOR CHANGE TO A DEVELOPMENT APPROVAL FOR ENTERTAINMENT AND DINING BUSINESS - TYPE 1 FOOD & BEVERAGES AND A RETAIL BUSINESS - TYPE 2 SHOP & SALON – 6 THOMAS STREET, NOOSAVILLE

Author **Development Planner, Tara Norley**
Environment and Sustainable Development

Index **ECM / Application / 51987.44.02**

Attachments **1. Proposal Plans**

APPLICATION DETAILS	
Application No.	51987.44.02
Development Approval	Development Approval for Entertainment and Dining Business - Type 1 Food & Beverages and Retail Business - Type 2 Shop & Salon
Applicant	Dennis Lock & Felicia Brown
Request Received On	29 January 2021
PROPERTY DETAILS	
Property Address	6 Thomas Street, Noosaville Qld 4566
RP Description	Lot 1 on RP161212
Land Area	653m ²
Existing Use of Land	Mixed use, including retail on the ground floor and residential on the upper level.
STATUTORY DETAILS	
SEQRP Designation	Urban Footprint
Zone	Tourist Accommodation
Precinct	Not applicable
Local Plan Area	Not applicable
Overlays	Acid Sulfate Soils (Area 2 – 5m AHD or below) Flood Hazard
Assessment Type	Minor Change to Development Approval

RECOMMENDATION

That Council note the report by the Development Planner to the Planning & Environment Committee Meeting dated 9 March 2021 regarding Application No. 51987.44.02 to make a minor change to an existing approval for Entertainment and Dining Business - Type 1 Food & Beverages

and Retail Business - Type 2 Shop & Salon situated at 6 Thomas Street, Noosaville and:

- A. Approve the change in part.
- B. Amend conditions 13 and 24 to read as follows:
 - 13. Development undertaken in accordance with this approval must generally comply with the approved plans of development. The approved plans are listed in the following table unless otherwise amended by these conditions.

Plan No.	Rev.	Plan/Document Name	Date
15.0319.1.3A	A	<i>New Ground Floor Plan</i> , prepared by and+design	June 2020
15.0319.1.4A	A	<i>New First Floor Plan</i> , prepared by and+design	June 2020
15.0319.3.1A	A	<i>Sections</i> , prepared by and+design	June 2020
15.0319.4.1A	A	<i>Elevations</i> , prepared by and+design	June 2020

- 24. The building must be well articulated, with strong vertical design feature elements. The awning located within the road reserve must include lightweight timber features. The building must include subtle changes in colours, textures and materials to break up the building facades, with the exception of the northern elevation which may include a mural design. Any changes to the existing mural design and/or colour palette will require written authorisation from Council.
- C. Delete conditions 14 and 15.
- D. Refuse to change condition 16 for the following reasons:
 - 1. The subject site is within the Tourist Accommodation zone, a residential zone, and adjoins the High Density Residential zone. Therefore, any development should be operating within what is considered 'reasonable hours' to ensure any amenity impacts of the development are appropriate and what would be expected within proximity to a residential zone. A 6:00am opening time is not considered appropriate or to be expected within a residential area;
 - 2. The existing condition is in accordance with the hours of operation provisions under Noosa Plan 2006, under which the previous application was approved;
 - 3. The existing condition provides longer hours of operation than provisions under Noosa Plan 2020; and
 - 4. It is considered the earlier operating hours would result in early morning noise nuisances to the adjoining multiple dwelling units to the east.
- E. Note the report is provided in accordance with Section 63(5) of the Planning Act 2016.

REPORT

1. PROPOSAL

The applicant seeks approval to change an existing development approval for Entertainment and Dining Business - Type 1 Food & Beverages and Retail Business - Type 2 Shop & Salon. The applicant proposes to change five conditions:

- Condition 13 – update the list of approved plans to reflect the building, as constructed;
- Conditions 14 and 15 – delete specific *use area* and *gross floor area* maximums for each of the approved uses;
- Condition 16 – change the approved hours of operation; and
- Condition 24 – change the condition to reflect external building work, as constructed.

2. BACKGROUND

A development approval for an Other Change to a Development Approval for Entertainment and Dining Business - Type 1 Food & Beverages and Retail Business - Type 2 Shop & Salon was approved on 16 January 2020. The Other Change included:

- a change to the originally approved 'retail shop' use to restaurant and shop;
- a 29m² extension to the building, which had been an existing unapproved structure; and
- conversion of the existing 27m² single car garage to use area for a restaurant.

An inspection by a Compliance Officer was carried out in December 2020, which showed the development not complying with a number of conditions of approval. A Show Cause Notice was subsequently issued listing the following non-compliance matters:

- The constructed internal tenancy arrangement is not generally in accordance with the internal tenancy layout shown on the approved plans as it will likely result in the total gross floor area for Retail Business – Type 2 Shop & Salon being exceeded.
- The florist/café is operating outside the approved hours commencing at 5:30am Wednesday to Sunday.
- The cold room at the rear has not been fully enclosed or screened and is visible to adjoining properties.
- The awning within the road reserve is not a lightweight structure and the parapet has not been reduced in height to the reasonable satisfaction of the Manager Development Assessment to comply with the Noosaville Locality Code.
- A mural has been painted on the side wall and is not subtle in colour.
- Car parking at the rear has not been line marked and has not been certified as per condition 34.

The subject Minor Change application was lodged on 29 January 2021 to address a number of the non-compliances with the existing approval.

It is noted the applicant has advised that the additional non-compliances listed above are not being addressed through this change application (screening of the cold room and line marking car parking) as they have now been complied with.

3. ASSESSMENT

3.1. Instruments for Statutory Assessment

Under the *Planning Act 2016* the application must be assessed against each of the following statutory planning instruments to the extent they are relevant to the development:

- State Planning Policy;
- South East Queensland Regional Plan;
- Planning Regulation 2017;
- The Noosa Plan 2020.

The following codes from the Noosa Plan are applicable to this development:

- Tourist Accommodation Zone Code;
- Noosaville Local Plan Code;
- Business Activities Code; and
- Works Codes.

3.2. Statutory Process

The applicant has requested to make a minor change to a development approval under s78 of the *Planning Act 2016*. An application for a minor change to a development approval can only be made in circumstances where a change would constitute a 'minor change'.

The proposed change to the development approval requested by the applicant is determined to constitute a minor change on the grounds that:

- the development would not result in substantially different development as the proposal does not involve a new use or dramatically change the built form in terms of scale, bulk and appearance;
- the change does not include prohibited development;
- the change would not require the application to be referred to an additional referral agency or cause a referral agency to have regard to new matters prescribed by regulation;
- where the original application was code assessable, the change would not cause the application to become impact assessable.

3.3. Statutory Instruments – Planning Scheme

CONDITION 13 – APPROVED PLANS

13. Development undertaken in accordance with this approval must generally comply with the approved plans of development. The approved plans are listed in the following table unless otherwise amended by these conditions.

Plan No.	Rev.	Plan/Document Name	Date
15.0319.1.3A	A	New Ground Floor Plan	Aug 2019
15.0319.1.4A	A	New First Floor Plan	Aug 2019
15.0319.1.5A	A	Elevations	Aug 2019

Applicant’s Request

It is sought that the condition be amended as follows to reflect the updates plans which have been described earlier:

13. Development undertaken in accordance with this approval must generally comply with the approved plans of development. The approved plans are listed in the following table unless otherwise amended by these conditions.

Plan No.	Rev.	Plan/Document Name	Date
1.3	A	New Ground Floor Plan, prepared by Andrew McKellar	March 2020
1.4	A	New First Floor Plan, prepared by Andrew McKellar	March 2020
4.1	A	Elevations	March 2020

Assessment of Request

The updated proposal plans provided with the Minor Change application reflect the building, as constructed. It is noted that changes to the internal floor layout results in a change to the conditioned use areas and gross floor area of each approved use. This is discussed below in Conditions 14 and 15.

The change in internal configuration of tenancies and changes to the external built form are considered relatively minor and are therefore acceptable. It is recommended Condition 13 be amended to read as per the request from the applicant.

CONDITIONS 14 AND 15 – APPROVED USE AREAS

14. The total use area (excluding kitchen and food storage areas) of Entertainment and Dining Business - Type 1 Food & Beverages on the site must not exceed 54.4m².

-
15. The total gross floor area of Retail Business - Type 2 Shop & Salon on the site must not exceed 209.25m².

Applicant's Request

It is sought that both conditions 14 & 15 be deleted.

Assessment of Request

Under Noosa Plan 2006, the subject site was zoned Visitor Mixed Use, which identified Entertainment and Dining Business - Type 1 Food & Beverages (now defined as Food and drink outlet under Noosa Plan 2020) as a consistent use, whilst the Retail Business - Type 2 Shop & Salon use (now defined as a Shop under Noosa Plan 2020) was an inconsistent use within the zone. The use area and gross floor areas of each use were therefore conditioned to ensure the inconsistent use was limited to the specific use areas applied for under the Other Change application.

Under Noosa Plan 2020, both uses are considered consistent uses within the Tourist Accommodation zone, and as such the requirement to limit the 'retail shop' aspect of the approval is no longer required. Additionally, the proposed internal configuration changes does not trigger any additional car parking to be provided onsite. Therefore, it is recommended Conditions 14 and 15 be deleted.

CONDITION 16 – HOURS OF OPERATION

16. The approved uses must not operate outside the hours of 7am to 10pm, 7 days a week, except Friday and Saturday, where Entertainment and Dining Business Uses may operate until 12 midnight. The requirements of this condition must be included in the Community Management Statement for any Body Corporate for the subject site.

Applicant's Request

Amend Condition 16 to read as follows:

16. The approved uses must not operate outside the hours of **7:00am** to 10pm, 7 days a week, except Friday and Saturday, where Entertainment and Dining Business Uses may operate until 12 midnight. The requirements of this condition must be included in the Community Management Statement for any Body Corporate for the subject site.

Assessment of Request

Operating hours were conditioned as per Noosa Plan 2006 **Probable Solution S58.2** of the Visitor Mixed Use Zone code, which stated:

Business Uses operate only between the hours of 7am to 10pm, 7 days a week, except Friday and Saturday, where Entertainment and dining business uses may operate until 12 midnight.

Noosa Plan 2020 reflects this requirement under the Business Activities Code, with **Acceptable Outcome AO11.1** stating:

The use or activity does not operate outside the hours of 7:00am to 9:00pm, seven days a week, where the site directly adjoins land in the following zones:

- (a) **All residential zones**, except for the Tourist accommodation zone
- (b) Major centre zone – High density residential precinct; or
- (c) Rural residential zone.

The subject site adjoins High Density Residential zoned land to the rear (refer to Figure 1).



Figure 1: Adjoining High Density Residential zoned land

The proposal to change the operating hours to ‘6am to 10pm, 7 days a week, except Friday and Saturday, where Entertainment and Dining Business Uses may operate until 12 midnight’ does not comply with **Acceptable Outcome AO11.1**. Corresponding **Performance Outcome PO11** of the Business Activities Code states:

Business activities are operated in a manner that avoids or minimises evening, early morning or weekend noise nuisances to sensitive land uses, particularly surrounding residential uses.

It is considered the earlier operating hours would result in early morning noise nuisances to the adjoining multiple dwelling units to the east. It is noted that Council has received a noise complaint regarding one of the existing tenants at the property operating outside of the conditioned operating hours citing amenity concerns about early start times. Additionally, the existing condition allows for all businesses within the building to operate until 10pm, and Entertainment and Dining businesses (now defined as Food and Drink outlet under Noosa Plan 2020) to midnight on Fridays and Saturdays, which is in excess of the Noosa Plan 2020 provisions which requires a 9pm close time, seven days per week, for all uses.

In addition, Council’s Strategic Planning team have also provided the following comment:

The subject site is located in the Tourist Accommodation Zone in Noosaville. Although properties fronting Thomas St and Gympie Tce in the immediate locality are mostly commercial premises, the area generally is surrounded by residential development, with the site immediately adjoining the High Density Residential Zone. The Tourist accommodation zone is considered a Residential Zone, and therefore any development should be operating within what is considered reasonable hours to ensure any amenity impacts for the operation are appropriate and what can be expected in the zone. The operating hours within the planning scheme are considered to reflect this. A business operating at 5.30am which adjoins a residential development is not considered appropriate and likely to negatively impact on the purpose and expectations of residents in this zone.

As such, it is recommended Condition 16 remain unchanged.

CONDITION 24 – BUILDING DESIGN

24. The building must be well articulated, with strong vertical design feature elements. The building must include subtle changes in colours, textures and materials to break up the building facades. The proposed awning located within the road reserve must be a lightweight structure, and the parapet reduced in height to the reasonable satisfaction of the Manager

Development Assessment to comply with the Noosaville Locality Code.

Applicant’s Request

It is requested that condition be amended as follows:

- 24. The building must be well articulated, with strong vertical design feature elements. The building must include subtle changes in colours, textures and materials to break up the building facades. The proposed awning located within the road reserve must ~~be a~~ **include** lightweight **timber features as shown on the approved plans**. ~~structure, and the parapet reduced in height to the reasonable satisfaction of the Manager Development Assessment to comply with the Noosaville Locality Code.~~

Assessment of Request

The original Other Change application included images of a proposed mural located along the northern façade of the building. The mural design was not considered appropriate for the location of the site, whilst the proposed extension to the existing awning was not considered lightweight or consistent with the Noosa design principles. The purpose of Condition 24 was to ensure that alterations to the building resulted in a high quality streetscape consistent with the outcomes sought for the area. The building has subsequently been renovated, with a mural painted along the northern elevation (refer to Figure 2) and the existing awning being altered and extended along the western elevation (refer to Figure 3).



Figure 2: Mural painted on northern elevation of 6 Thomas Street

Although the mural is not considered to have ‘subtle changes in colours’, it is considered to ‘incorporate design elements to add visual interest and amenity’, consistent with the Tourist Accommodation Zone Code requirements under Noosa Plan 2020, and improves the laneway entry to the site for both vehicles and pedestrians. As such, the mural is considered acceptable.



Figure 3: Updated awning along western elevation of 6 Thomas Street

Although the awning has not been reduced in height, as per Condition 24, the use of the lightweight wooden battening on the awning is considered to *‘incorporate design elements to add visual interest and amenity’* and provides *‘subtle changes in colours, textures and materials to break up the building facades and complement the natural environment’*, consistent with the Tourist Accommodation Zone Code requirements under Noosa Plan 2020. As such, the alteration to the awning is considered an acceptable built form outcome.

It is recommended Condition 24 be amended to read as follows:

24. The building must be well articulated, with strong vertical design feature elements. The awning located within the road reserve must include lightweight timber features. The building must include subtle changes in colours, textures and materials to break up the building facades, with the exception of the northern elevation which may include a mural design. Any changes to the existing mural design and/or colour palette will require written authorisation from Council.

4. CONSULTATION

4.1. Referral Agencies

Not applicable

4.2. Other Referrals

The application was forwarded to the following internal Council specialists:

- Strategic Planning

5. CONCLUSION & REASONS FOR DECISION

The proposal seeks a Minor Change to a development approval for a shop and restaurant at 6 Thomas Street, Noosaville.

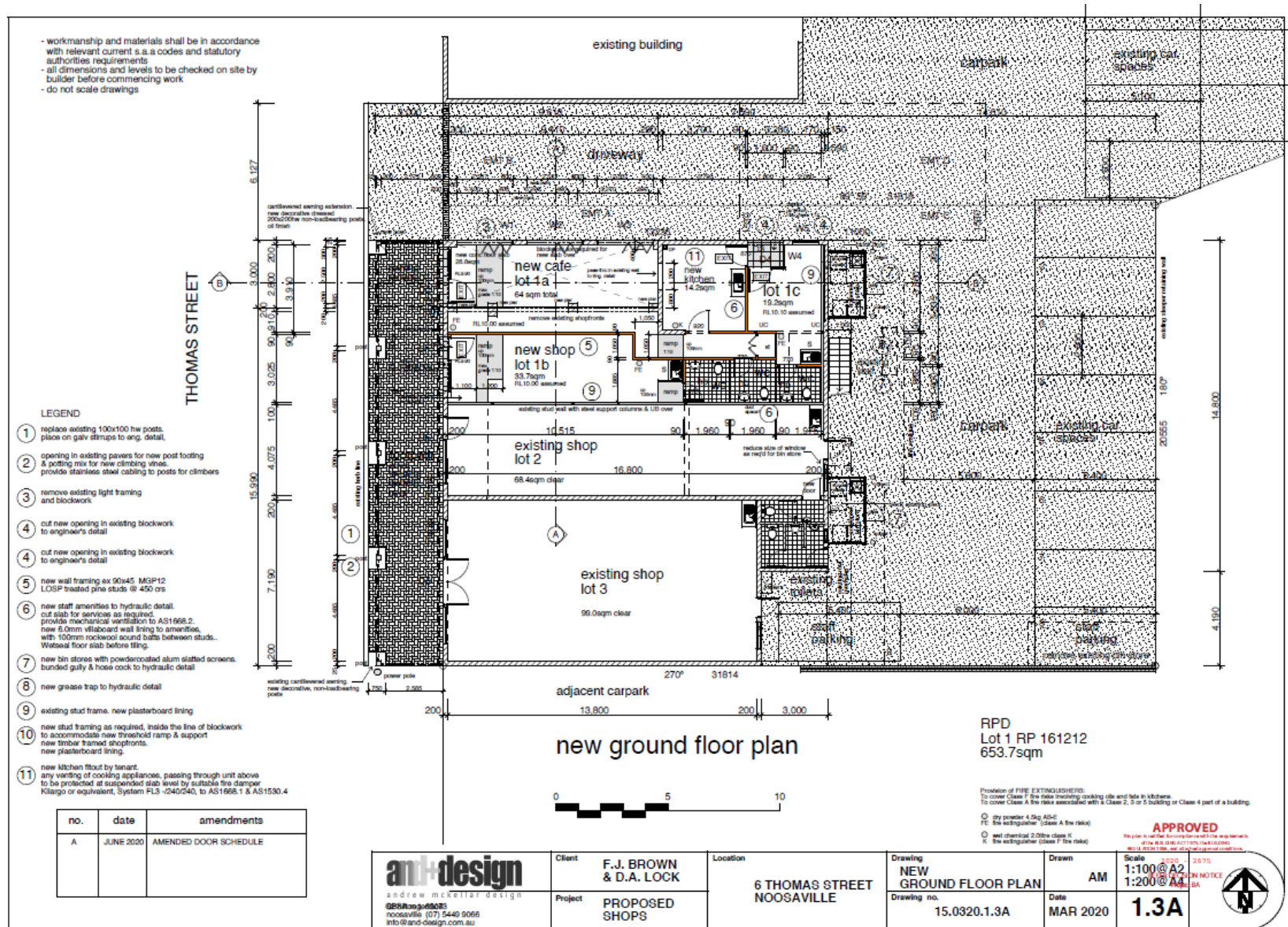
The changes to the internal layout to the approved plans and deletion of the specific *use area* and *gross floor area* requirements under Conditions 14 and 15 is supported due to both approved uses being consistent in the Tourist Accommodation zone under Noosa Plan 2020.

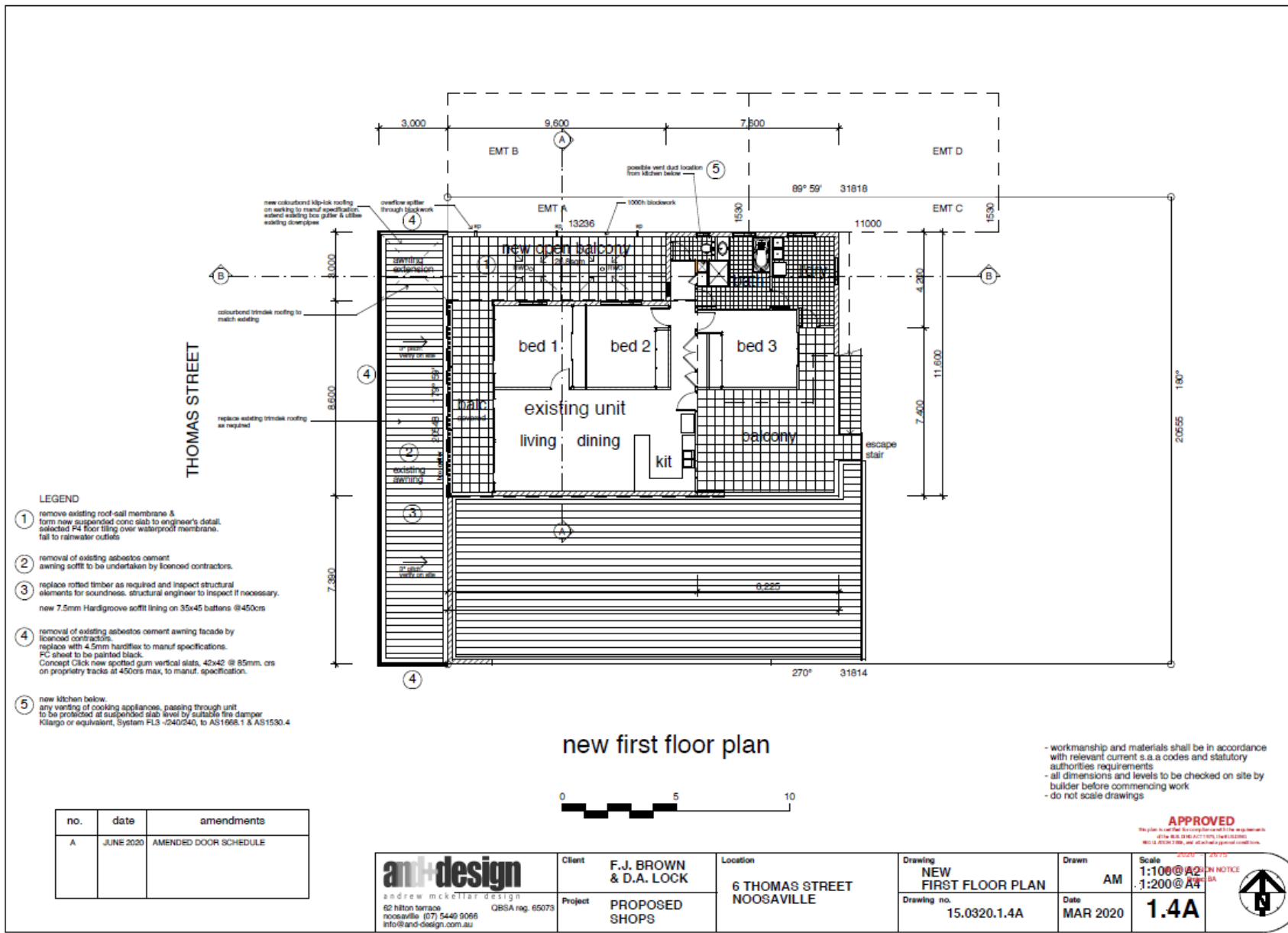
The opening hours of operation currently conditioned are consistent with requirements of both Noosa Plan 2006 and Noosa Plan 2020, and therefore it is recommended Condition 16 remain unchanged.

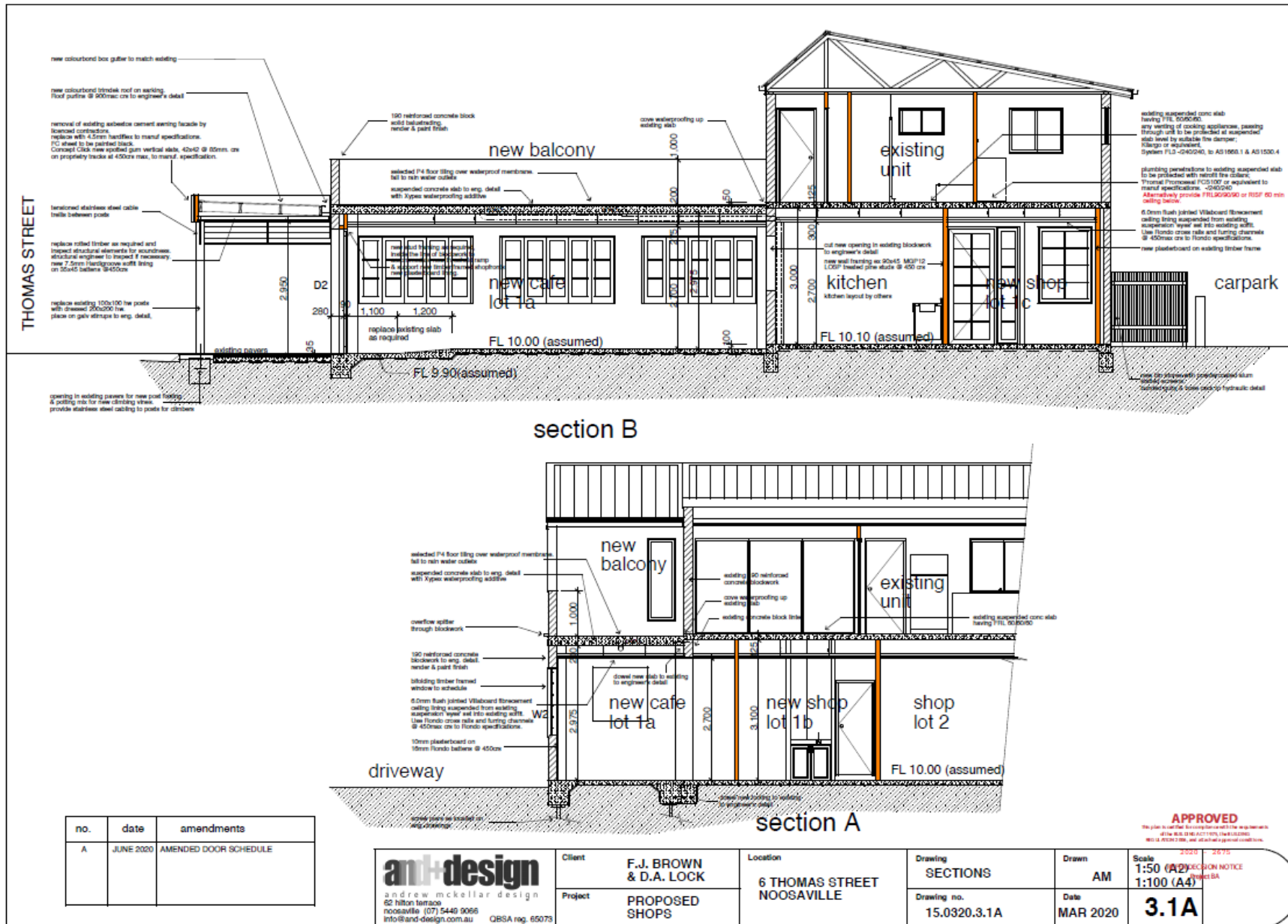
The renovation of the building has been completed, including alterations to the front awning and a mural located on the northern elevation. These design elements are considered consistent with Noosa Plan 2020 requirements, and as such a change to Condition 24 to reflect approval of these changes is recommended.

Departments/Sections Consulted:

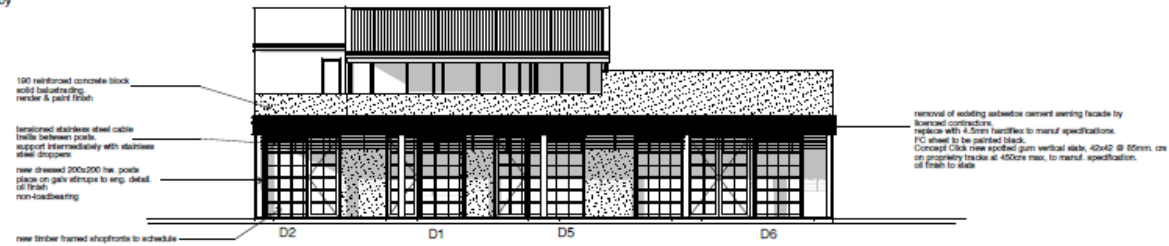
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|--|---|---|
| <input type="checkbox"/> Chief Executive Officer
Executive Officer
Executive Support | <input type="checkbox"/> Community Services
Community Development
Community Facilities
Libraries & Galleries
Local Laws
Waste & Environmental Health | <input type="checkbox"/> Corporate Services
Financial Services
ICT
Procurement & Fleet
Property
Revenue Services |
| <input type="checkbox"/> Executive Services
Community Engagement
Customer Service
Governance
People and Culture | <input checked="" type="checkbox"/> Environment & Sustainable Development
Building & Plumbing Services
x Development Assessment
Economic Development
Environmental Services
X Strategic Land Use Planning | <input type="checkbox"/> Infrastructure Services
Asset Management
Buildings and Facilities
Civil Operations
Disaster Management
Infrastructure Planning,
Design and Delivery |



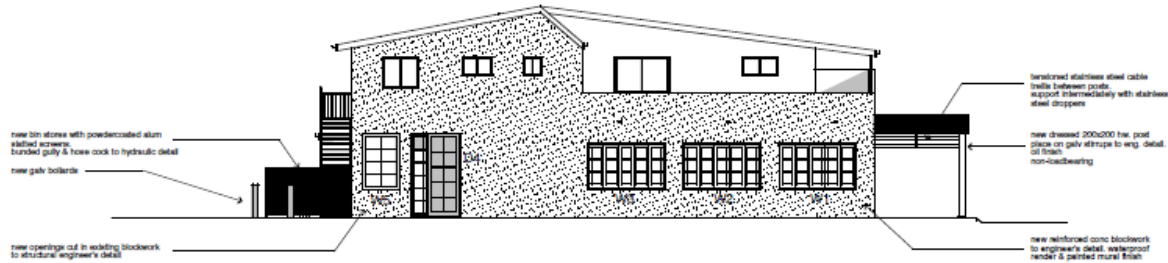




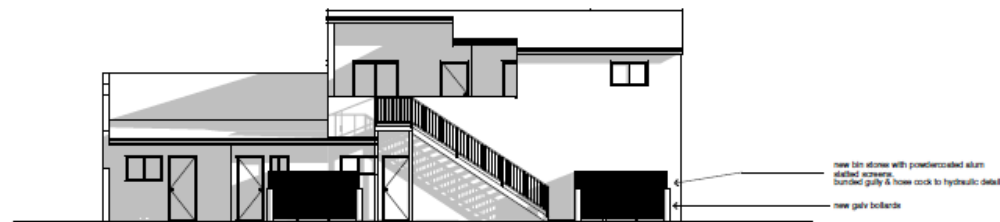
- workmanship and materials shall be in accordance with relevant current s.a.s codes and statutory authorities requirements
- all dimensions and levels to be checked on site by builder before commencing work
- do not scale drawings



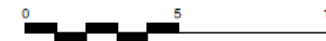
west elevation
to Thomas Street



north elevation



east elevation



APPROVED
This plan is valid for construction until the expiration of the BUILDING ACTIVITY PERMITS issued by the N.S.W. DEPARTMENT OF PLANNING AND LOCAL GOVERNMENT.

no.	date	amendments
A	JUNE 2020	AMENDED DOOR SCHEDULE

 andrew mckellar design 0851 809 0003 noosaville (07) 5449 9066 info@an+design.com.au	Client F.J. BROWN & D.A. LOCK	Location 6 THOMAS STREET NOOSAVILLE	Drawing ELEVATIONS	Drawn AM	Scale 1:100 @ A2 1:200 @ A3
	Project PROPOSED SHOPS	Drawing no. 15.0320.4.1A	Date MAR 2020	2020 4.1A	2020 CONSTRUCTION NOTICE 15.0320.4.1A

3 MCU20/0078 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR TOURIST PARK AT 154 HOLTS ROAD, COOROY

Author **Coordinator Planning, Patrick Murphy**
Environment and Sustainable Development Department

Index **ECM/ Application/ MCU20/0078**

Attachments **1. Proposal Plan**

APPLICATION DETAILS	
Applicant	Glenbrae Operations Pty Ltd
Proposal	Development Permit for Material Change of Use - Tourist park
Properly Made Date	20 August 2020
Information Request Date	9 September 2020
Information Response Date	13 November 2020
Decision Due Date	5 February 2021
Number of Submissions	0
PROPERTY DETAILS	
Property Address	154 Holts Rd Cooroy Qld 4563
RP Description	Lot 2 RP 893989
Land Area	2.36ha
Existing Use of Land	RV park
STATUTORY DETAILS	
SEQRP Designation	Regional Landscape and Rural Production Area
Locality	Cooroy
Zone	Rural
Overlays	Agricultural Land Overlay Biodiversity, Waterways and Wetlands Overlay - Biodiversity Overlay and Riparian Buffer Bushfire Hazard Overlay - Potential Impact Overlay Flood Hazard Overlay – Waterway Landslide Hazard Overlay Regional Infrastructure Overlay – Water Resource Catchment and Water Supply Buffer Area
Assessment Type	Impact

RECOMMENDATION

That Council note the report by the Coordinator Planning to the Planning & Environment Committee Meeting dated 9 March 2021 regarding Application No. MCU20/0078 for a Development Permit for Material Change of Use - Tourist park situated at 154 Holts Rd Cooroy and:

A. Approve the application in accordance with the following conditions:

When Conditions must be Complied With

1. Unless otherwise stated, all conditions of this Decision Notice must be complied with prior to the use commencing, and then compliance maintained at all times while the use continues.

Approved Plans

2. Development undertaken in accordance with this approval must generally comply with the approved plans of development. The approved plans are listed in the following table unless otherwise amended by these conditions.

Plan No.	Rev.	Plan/Document Name	Date
		Site Map – Plan of Cooroy No Worries RV Stop at Lot 2 on RP 893989	09.10.2020

Nature and Extent of Approved Use

3. No more than 20 Recreational Vehicles (RV’s, caravans, motorhomes or the like) may stay at the site at any one time.
4. Visitor stays shall not exceed 7 consecutive nights.
5. Wastewater from communal ablutions, laundry, kitchen facilities, and the like, must be directed to holding tanks for disposal offsite. Appropriate plumbing approvals must be held for the associated wastewater system.
6. No on-site release of grey water is permitted.
7. The storage of vehicles (RV’s, caravans, motorhomes or the like) must not exceed a total of three at any one time.

Visitor Education

8. Visitors must be advised of the following requirements:
 - a. No on-site release of grey water or other waste
 - b. Location of nearest dump point and potable water supply
 - c. All dogs must be on a leash when walked in the area and must be restrained at all times during the stopover period
 - d. Owners must pick up and collect their dogs’ faeces
 - e. Consideration be given for residents and road users when walking in the area
 - f. Noise must be minimised after 8.30pm

Street Identification

9. The street address of the development must be clearly visible from the Holts Road frontage of the site by the provision of a street number.
10. Access to the site must be clearly signed with a sign of up to 4m².

Site Access and Driveways

11. Sealed access driveways must be provided from Holts Road to all parking and manoeuvring areas of the development. The driveways must be generally in accordance with Council standard drawing RS-056 and maintained by the property owner

Car Parking

12. All car parking areas and access driveways must be maintained exclusively for vehicle parking and manoeuvring and kept in a tidy and safe condition at all times.
13. Directional signage must be provided to direct visitors and customers to the car parking spaces provided on site.

Stormwater Drainage

14. Stormwater runoff from the development must be disposed of on-site without causing scour or damage to the subject site or any adjoining property.
15. Stormwater drainage works and water quality devices and measures must be provided and maintained generally in accordance with the Stormwater Quality Management Plan included in the Stormwater Drainage for No 154 Holts Rd Cooroy Report dated 26 September 2014, Ref No: 1432 IWMP.doc, prepared by Callaghan & Toth. Particular attention must be given to the construction and maintenance regime of the two proposed Sediment Basins.

Earthworks and Retaining Walls

16. All earthworks and associated batters must be contained entirely within the subject site unless written permission from the respective landowner(s) is provided to Council. All earthworks must be undertaken in accordance with the provisions of Australian Standard AS3798: Guidelines on Earthworks for Commercial and Residential Developments.

Erosion and Sediment Control

17. The property owner must ensure non-essential, short or long term, exposure of soil is prevented by minimising the duration of soil exposure to adverse weather conditions and effectively turf or stabilise any exposed area without delay and prior to rainfall occurring.
18. The property owner must ensure sediment does not leave the site or enter onto adjoining properties or the dam on the site due to surface runoff or on tyres of vehicles and/or machinery.
19. The property owner must implement appropriate approved erosion and sediment control measures throughout the life of the development.

Damage to Services and Assets

20. Any damage caused to existing services and assets as a result of the development works must be repaired at no cost to the asset owner at the following times:
 - a. where the damage would cause a hazard to pedestrian or vehicle safety, immediately; or
 - b. where otherwise, upon completion of the works associated with the development.Any repair work which proposes to alter the alignment or level of existing services and assets must first be referred to the relevant service authority for approval.

Waste

21. The developer must provide adequate waste storage and disposal facilities.
22. Refuse bins must not be placed on the existing road formation of Holts Road. A suitably sized all-weather pad shall be constructed adjacent the driveway entrances to provide for waste bin collection.
23. Public bins must be provided throughout the site to reduce littering. Bins provided must be for refuse and recycling and be decanted into the bulk bins by the site operators.

- B. Find the following matters relevant to the assessment and sufficient reason to approve the application:
 1. The development will help to address a significant need for low-cost accommodation for self-contained RV travellers in the Noosa area.
 2. The development will provide economic and community benefit by facilitating visitation to the Noosa hinterland.
 3. The site’s location near the Bruce Highway is appropriate to cater for self-contained RV traveller’s needs.
 4. The development is suitably screened to surrounding properties and will not result in adverse impacts on water quality entering Lake Macdonald
- C. Advise the applicant that:
 1. Vehicles (RV’s, caravans, motorhomes or the like) stored on the site must not exceed 3 at any one time and that any excess vehicles must be removed from the site within 3 months of the date of this decision.
 2. A future application is required to obtain approval to store more than 3 vehicles.
- D. Note the report is provided in accordance with Section 63(5) of the *Planning Act 2016*.

REPORT

1. PROPOSAL

The application seeks a Development Permit for a Material Change of Use for a Tourist Park. The applicant proposes to allow up to 20 sites for self-contained RV’s and caravans on the premises for short term stays for a maximum of 7 days at a time.

Caravans and RV’s are to be parked within 10m x 20m spaces on existing gravel pads throughout the site. A storage area for RV’s and caravans is also detailed on the proposed plan. No new infrastructure is proposed.

A copy of the proposed site plan is detailed below and included as Attachment 1.



Figure 1: Site Plan

A locality plan and aerial photograph of the site is shown below. Approximately 15 caravans/RV's are visible being used for accommodation on the site in the photograph taken in April 2020. A further 25 caravans/RV's is also visible in the proposed storage area.



Figure 2: Locality Plan (aerial)



Figure 3: Aerial photograph of site

The application is before Council due to the fact that the use is an inconsistent use as the site is less than 10 hectares in area.

2. SITE DETAILS

2.1. Background

A wholesale nursery was approved by Council in 1997 (07818TP) and operated on the site until recent years.

On 14 August 2014 a development application was received to use the site for the purpose of an RV stop. On 18 December 2014 Council resolved to approve the application permitting an Undefined Use - Temporary Short-Term Self-Contained RV Stop (20 sites).

At the time, the original application was publicly notified, 4 properly made submissions were received (2 objections, 1 neutral and 1 in support). The objections were primarily concerned with amenity, traffic and dogs being walked off-leash.

A temporary approval condition was applied to overcome a statutory planning conflict with an extractive resource buffer for a mining lease (clay pit) on neighbouring land to the north. At the time of the application the resource sat dormant but it was noted that the property owners had not relinquished their mining rights. To address this potential conflict the applicant proposed a temporary approval condition which provided that should the mining operation re-commence the temporary visitor accommodation use would cease. As a consequence of the condition the approval was to lapse on 18 December 2016. However the condition provided the opportunity for a written request to be made to extend the approval on an annual basis *having regard to the status of the adjacent mining lease, the degree of compliance with the approval conditions herein and the complaint history relating to the development.*

The approval also included conditions which limited the length of visitor stays to 4 consecutive nights and required all RV's to be fully self-contained retaining all grey water and black water via holding tanks. A copy of the original approved plan is detailed below:



Figure 4: Original Approved Plan

In May 2015 Council received complaints indicating the development was not operating in accordance with the approval conditions and non-self-contained RV's were staying at the premises. A change application was lodged on 31 July 2015 seeking to resolve the associated breach. On 21 July 2016 Council resolved to approve the change to

- No longer require RV's using the site to be self-contained;
- Extend the length of visitor stays to a maximum of 7 consecutive nights; and
- Extend the lapse date until 18 December 2018.

On 9 October 2018 a written request was received to extend the lapse date of the approval by a further 12 months. On 12 November 2018 it was agreed to extend the approval until 18 December 2019 on the basis that the mining lease remained dormant and that there had been no recent history of breach of the conditions of the approval.

On 13 December 2018 the applicant obtained a Generally in Accordance approval to build a carport style structure over an existing toilet block for the purpose of providing weather protection.

On 18 December 2019 the approval lapsed as no further extension application was made to Council.

In January 2020 the applicant contacted Council seeking to extend the approval however this could not be assessed as the application had already lapsed.

2.2. Site Description

The site is generally rectangular in shape, has an area of 2.36ha and a 250m frontage to Holts Road. The land falls approximately 10 metres from west to east but is almost entirely terraced with pads created for the nursery. Limited areas of mounded or sloping garden beds occur around the perimeter of the site and between the terraced areas. A small house sits in the middle of the lot and is surrounded by lawn and gardens.

The sites for the parking of caravans and RV's already exist with the following facilities also in place:

- A building used for camp kitchen and office;
- Caretaker's cabin;
- 3 x sheds;
- Amenities building; and
- Centrally located dwelling.

A dam constructed within an existing local drainage line sits at the bottom of the site along the eastern boundary. The majority of the site drains into the dam via existing swales and pipework. Overflow from the dam flows to the north toward the continuation of Holts Road parallel with the highway. The site is located within the southern extent of the water supply catchment area for Lake Macdonald.

2.3. Surrounding Land Uses

The site is surrounded by rural and rural settlement properties on a mix of lot sizes generally containing a single detached house. The previously active Nandroya quarry pit (shale and clay) is on adjoining land to the north. The quarry has been re-profiled and substantially rehabilitated and the mining lease has not been renewed. It is noted that a dwelling was constructed on the site in 2015.

The following image details the location of the previously active pit.



Figure 5: Location of former pit

The Bruce Highway is approximately 250m to the east of the site, with underpass and access ramps located 1km to the north along Holts Road. The highway access and egress is currently being upgraded as part of the highway upgrade works. An industrial estate, known as Nandroya Estate, sits 600m to the north between the site and the highway access. Development has occurred on one of the 5 existing lots.

3. ASSESSMENT

3.1. Instruments for Statutory Assessment

Under the *Planning Act 2016* the application must be assessed against each of the following statutory planning instruments to the extent they are relevant to the development:

- State Planning Policy;
- South East Queensland Regional Plan;
- Planning Regulation 2017;
- The Noosa Plan 2020.

3.2. State and Other Statutory Instruments

State Planning Policy

The Noosa Plan is generally consistent with the State Planning Policy July 2017 (SPP) and the SPP raises no further issues relevant to the proposed development.

South East Queensland (SEQ) Regional Plan

The site is located within the Regional Landscape and Rural Production Area (RLRPA) of the SEQ Regional Plan. Whilst the application proposes an urban activity in the RLRPA, the SEQ Regional Plan envisages some small scale tourist parks in the rural area to support the tourism industry. The proposal is therefore consistent with the SEQ Regional Plan provisions.

Planning Regulation 2017

The proposal is for a tourist activity within the Regional Landscape and Rural Production Area (RLRPA) and is not required to be against the specific provisions under the Planning Regulation for tourist activities in the RLRPA as it does not:

- *result in a gross floor area of more than 5,000m² on the premises, excluding any part of the premises that is used for tourist accommodation or accommodation for employees; or*
- *(ii) involve an ancillary commercial or retail activity with a gross floor area of more than 250m²; or*
- *(iii) provides accommodation for more than 300 persons*

3.3. Statutory Instruments – Planning Scheme

The application must be assessed against the whole of the Noosa Plan to the extent the provisions are relevant to the development.

Locality Provisions

The subject site is located in the Cooroy Locality and is zoned Rural. The proposed use is identified as an inconsistent use with the zone and is required to follow an impact assessable application process. The use is identified as inconsistent use for the site as it does not meet criteria for accepted or code assessable development within the Rural Zone Code Table of Assessment, particularly as the site is not at least 10 hectares in area.

The relevant provisions within the Cooroy Local Plan Code and the Rural Zone Code are:

Cooroy Local Plan Code

7.2.2.2 Purpose and overall outcomes

- (r) Well designed development for visitor accommodation and tourist attractions are compatible with the landscape and streetscape character and form and promote and enhances the core values of Cooroy.*

7.2.2.3 Table of Assessment Criteria (part)

PO15

A variety of visitor accommodation options are provided in the Cooroy local plan area to meet the needs of visitors.

Rural Zone Code

6.8.3.2 Purpose and overall outcomes

- (h) The establishment of outdoor recreation and small-scale tourism facilities in suitable locations is facilitated in a manner that does not significantly compromise the rural productivity or ecological values of the land.*

The proposal is considered to align with the relevant objectives of the planning scheme as it contributes to a range of tourist accommodation styles offered in Cooroy facilitating a specific form of tourist accommodation which meets the needs of the travelling tourist (RV's and caravans). Furthermore, the site is situated part way along a dead end road with landscape screening ensuring that the site does not detrimentally impact the landscape and streetscape character to the limited number of persons that would pass the site. The site also has limited capacity for rural production activities given its size being 2.3ha in area.

Land Use & Works Provisions

The application has been assessed against the relevant codes. The pertinent issues arising out of the assessment against the codes are discussed below:

Water Quality:

The site sits on the outskirts of the mapped Water Supply Catchment Area for Lake Macdonald. The Cooroy Local Plan Code and Regional Infrastructure Overlay Code seek to ensure that new development within the catchment protects water quality. The applicant does not propose new construction works or infrastructure on the site and the development does not pose significant water quality concerns. Self-contained vehicles staying at the site will have holding tanks for grey water and effluent. On-site releases will be accommodated via a regulated pump out system. Where accommodated in vehicles which are not self-contained guests will be able to use on-site facilities. Both the pump out system and on-site ablution facilities have already been installed and the relevant plumbing approval has been obtained.

As part of the current application the applicant has provided a review of the constructed stormwater system prepared by the consulting engineer who prepared the original design. The review concludes that the works are generally in accordance with the original design and achieves the desired stormwater quality outcomes.

Site area/density:

The proposal seeks 20 accommodation sites on the 2.3 hectare site. There are a number of provisions within the planning scheme which address site area/density. Specifically:

- Acceptable outcome AO2.2 of the Visitor Accommodation Code prescribes that in the Rural Zone the site used for a tourist park have a minimum site area of 10 hectares;
- Acceptable outcome AO14.2 prescribes that site density does not exceed five camping or caravan sites per hectare; and
- Acceptable outcome AO19.1 requires that self-contained camping occurs on sites at least 10 hectares in area located outside the urban boundaries.

The relevant corresponding Performance Outcomes state:

- PO2 Development is located on a site with an area sufficient to accommodate the use without detracting from the character and amenity of the local area.*
- PO14 The tourist park is of a size and layout that ensures:*
 - a. it can accommodate the intended use, having regard to varying styles and sizes of accommodation;*
 - b. caravans and recreational vehicles can be easily manoeuvred onto or removed from sites;*
 - c. adequate separation is provided between occupants of sites and property boundaries to ensure visual and acoustic privacy for occupants; and*
 - d. guests have a level of residential amenity appropriate for short term stay.*
- PO19 On large properties outside the urban boundaries the overnight parking of fully self-contained recreational vehicles is facilitated where:*
 - b. no recreational vehicles are provided by the host or permanently parked on site;*
 - c. the use does not interfere with existing rural activities on adjoining premises;*
 - d. the amenity of the surrounding area is protected; and*
 - e. there is no adverse impact on the safety, efficiency and functioning of the road network.*

In this instance, the proposal is considered to comply with the corresponding performance outcomes noting that:

- The site is able to accommodate the number of sites whilst maintaining suitable setbacks

from adjoining residences and retention of the sites ecological values attributed to the waterway.

- The provision of landscaping to the front of the property limits views into the site and therefore retains the character of the local area. A significant buffer of bamboo is situated on the adjoining property adjacent to the northern boundary.
- No recreational vehicles are provided by the host or permanently parked on site.
- It is unlikely that the use would impact on the use of the adjoining rural land noting that a significant extent of the adjoining land is a thin strip of land (approx. 30 metres) which has limited agricultural potential.
- Sufficient room exists on site for the manoeuvring of caravans and recreational vehicles whilst the visual and acoustic privacy of occupants is maintained by screening vegetation to all property boundaries and separation from noise generating activities. Facilities situated on site also ensure that guests have a suitable level of residential amenity.
- The existing facility has been in operation for approximately 5 years and apart from some complaints received when the facility first commenced there have been no further complaints. A considerable separation is also provided between the accommodation sites and surrounding residences thus ensuring the protection of the local amenity.

Further areas of non-compliance with the Visitor Accommodation Code:

The proposal also does not meet the following acceptable outcomes:

- Acceptable Outcome AO14.2 which requires that the total area of all buildings and roofed structures associated with the use does not exceed 250m²
- Acceptable outcome AO19.1 which requires that self-contained camping:
 - b. is no closer than 100 metres from a rural activity on an adjoining property;...*
 - d. provides guests with no power, drinking water, ablutions, cooking facilities, refuse bins or dump point facilities; and*
 - e. allows for no more than five recreational vehicles to be parked on site over any night.*
- Acceptable outcome AO19.2 which requires that guests:
 - a. are accommodated in self-contained recreational vehicles containing fresh water, grey water and black water storage;...*
 - c. stay no more than four consecutive nights.*

Broadly, these provisions are intended to address the use of large rural allotments for the purpose of RV stopovers and generally provide the framework for accepted development being for up to 5 RV's parked on site over any night. However, the provisions also envisage that the tourist park use be accommodated on a portion of a rural lot whilst maintaining the capacity for the rural intent of the land to be realised and the preservation of rural character and the amenity of the area. The subject site being only 2.3 hectares in area, situated within close proximity of the Cooroy township and having been developed in accordance with the original approval for the tourist park purpose naturally conflicts with these provisions.

Notwithstanding, the proposal does not interfere with rural activities on adjoining lots as primarily these activities are limited to grazing. Furthermore, the extensive landscaping to the frontage of the site and extensive screening on the adjoining allotment to the north and western boundaries ensures that the visual amenity of the surrounding area is protected. Additionally the accommodation sites are suitably separated from surrounding dwellings to protect the privacy and acoustic amenity of nearby properties and users of the tourist park.

It is noted that the original approval limited stays to 4 nights to reflect the limitations of self-contained RV's to remain in place before needing to empty waste holding tanks. This was increased to 7 days as part of a minor change application in addition to permitting the use of on-

site ablutions as vehicles no longer were required to be self-contained. Accordingly the current application's proposal for guests to stay longer than 4 nights, being for a maximum of 7 nights, does not raise concern as this is consistent with how the site has been used for the past 5 years again noting that facilities exist on site to accommodate the effluent associated with vehicles that are not self-contained.

The provision of guest facilities (camp kitchen, water, toilets etc.) conflicts with Performance Outcome PO19(a) however the proposal meets the Purpose and Overall Outcomes of the Visitor Accommodation Code as the tourist park has been designed and operated in a manner to meet visitor needs whilst providing sufficient buffer to protect the amenity of surrounding premises and avoid conflict with surrounding uses.

Furthermore the proposed tourist park provides for low-cost accommodation for self-contained RV travellers in the Noosa area which was identified as a significant need at the time of the original application. The tourist park will provide economic and community benefit by facilitating visitation to the Noosa hinterland. It is also considered that the site's location near the Bruce Highway is appropriate to cater for self-contained RV traveller needs and that the development will not have significant adverse impacts on residential amenity or water supply quality.

Riparian Buffer

At the time when the original application was approved, under the superseded planning scheme, the Riparian Buffer did not apply to the site although a waterway was identified as dissecting the onsite dam. Under the current planning scheme the site is affected by the Riparian Buffer and the waterway designation remains. The following images detail the relevant mapping under the superseded and current planning schemes.



Figure 6: Waterway designation (superseded planning scheme)



Figure 7: Riparian Buffer and waterway designation (Noosa Plan 2020)

Whilst the proposed development conflicts with the planning scheme by incorporating development within the Riparian Buffer it is noted that the area is largely developed, with a dam constructed in this area. Both structures within the riparian buffer have been in this location for at least 10 years and previously associated with the nursery use on the site, with the shed being re-purposed to service the tourist park use.

Storage Area

The proposed site plan includes 2 storage areas. A site inspection identifies that caravans and RV’s are currently being stored in this area. The definition of ‘tourist park’ within the planning scheme is:

the use of premises for—

- a. holiday, accommodation in caravans, self-contained cabins, tents or other similar structures; or*
- b. amenity facilities, a food and drink outlet, a manager’s residence, offices, recreation facilities for the use of occupants and their visitors, or staff accommodation, if the use is ancillary to the use in paragraph (a).*

Notably the planning scheme definition does not include the storage of RV’s and caravans. The storing of goods on site would be classified as ‘Warehouse’ which the planning scheme defines as:

- a. storing or distributing goods, whether or not carried out in a building; or*
- b. the wholesale of goods, if the use is ancillary to the use in paragraph (a).*

Warehouse is an inconsistent use within the Rural Zone and subject to impact assessment. The current application has not sought approval for Warehouse despite the storage area being shown on the plans.

Notwithstanding, it is reasonable to expect that some users of the tourist park may from time to time seek to store their RV’s and caravans at the site to enable them to travel and stay longer

within the local area. In this regard, so long as the use remains a minor component of the tourist park it can be considered to be an ancillary use. Using a small area of the site to store vehicles will not impact on the amenity of the area due to the vegetated screening at the front boundary and the existing vegetation on the adjoining lot. It is therefore recommended that a condition be included requiring the storage to be ancillary with no more than 3 caravans/RV's stored on site at any time.

4. CONSULTATION

4.1. Referral Agencies

The application was not required to be referred to any Referral Agencies:

4.2. Other Referrals

The application was forwarded to the following internal Council officers:

- Development Engineering
- Environment Officer

4.3. Public Notification

The application was publicly notified for 15 business days in accordance with the *Planning Act 2016*. No properly made submissions were received.

5. CONCLUSION & REASONS FOR DECISION

The application seeks to use a small Rural zoned lot for the purpose of a tourist park, which has been occurring on the site for the past 5 years. The use was originally approved in 2014 however the approval included a lapsing condition which required the operator to obtain an annual extension due to the proximity of the site to the adjoining clay pit. The operator missed the renewal timeframe in December 2019 and accordingly the approval lapsed.

Since the time of the original approval the Noosa Plan 2020 has come into effect, and the use does not meet a number provisions within the new scheme particularly with regards to site area, density, length of stay, area of roofed buildings and vehicles being self-contained. A Riparian Buffer also applies to part of the site whereas it did not apply under the superseded planning scheme.

Despite the conflict with the planning scheme the proposal is supported as the existing operation has demonstrated that it does not impact on the amenity of the area and suitable infrastructure exists on site to accommodate the effluent associated with those vehicles that are not self-contained. Furthermore, the stormwater infrastructure required in the original application has been reviewed and determined to meet water quality outcomes. Importantly, the tourist park is a valued component of Cooroy's visitor accommodation options with occupiers contributing to the local economy via their use of local retail and professional services.

It is recommended that conditions be applied to address the on-going use of the site including the provision of a storage area for caravans and RV's which must remain minor and ancillary to the tourist park use.

Departments/Sections Consulted:

- | | | |
|--|---|---|
| <input type="checkbox"/> Chief Executive Officer
Executive Officer
Executive Support | <input type="checkbox"/> Community Services
Community Development
Community Facilities
Libraries & Galleries
Local Laws
Waste & Environmental Health | <input type="checkbox"/> Corporate Services
Financial Services
ICT
Procurement & Fleet
Property
Revenue Services |
| <input type="checkbox"/> Executive Services
Community Engagement
Customer Service
Governance
People and Culture | <input checked="" type="checkbox"/> Environment & Sustainable Development
Building & Plumbing Services
x Development Assessment
Economic Development
Environmental Services
Strategic Land Use Planning | <input type="checkbox"/> Infrastructure Services
Asset Management
Buildings and Facilities
Civil Operations
Disaster Management
Infrastructure Planning,
Design and Delivery |



4 COM20/0139 - PLANNING & ENVIRONMENT COURT APPEAL NO D199 OF 2020 - ENFORCEMENT NOTICE ISSUED TO THE PROPERTY OWNER OF 347 EASTERN BRANCH RD, KIN KIN

Author **Manager, Development Assessment – Kerri Coyle**
Environment & Sustainable Development Department

Index **ECM/COM20/0139/Case/ Harrington Retirement Pty Ltd**

Attachments **Nil**

EXECUTIVE SUMMARY

Not Applicable

RECOMMENDATION

That Council note the report by the Manager Development Assessment to the Planning & Environment Committee Meeting dated 9 March 2021 and seek to resolve Planning & Environment Court Appeal No. D199 of 2020 with the owner, where agreement can be reached on satisfactory sediment and erosion controls for the earthworks undertaken.

REPORT

On 17 February 2020, Council received a complaint concerning vegetation removal at 347 Eastern Branch Road, Kin Kin.

The complaint was subsequently investigated by officers and the inspection confirmed that vegetation had been cleared but also significant earthworks undertaken. The vegetation cleared was primarily weeds and their removal did not directly offend the planning scheme. The owner was contacted and advised that should further earthworks be undertaken on the site a development approval would be required under the Noosa Plan 2006.

On 4 March 2020 a further complaint was lodged with Council advising that the clearing of vegetation had continued and further earthworks had been undertaken on site. Council officers investigated the site again and noted that significant earthworks had been undertaken to construct additional internal additional tracks. Inspection also showed that sediment from the site had subsequently washed down the hill into the nearby watercourse polluting the waterway.

In response, Council officers issued formal notices to the owner requiring the owner to immediately stabilise the site, cease any further earthworks and clearing of vegetation and lodge a development application for the earthworks.

The owners subsequently installed some hydro-mulch on site but due to the site's significant slope these works did not satisfactorily address the sediment and erosion issues caused by the earthworks and no commitment was made by the owner to undertaking any further works on site. Officers at this time sought further meetings with the owner to discuss the matter but these were declined and the owner ceased to communicate with officers suggesting that the works were exempt from the planning scheme as the works formed part of the site's farming practices. Accordingly, with all avenues exhausted, officers issued an Enforcement Notice in November 2020.

The owner has now lodged an appeal against the Enforcement Notice on technical grounds submitting that the notice is vague and uncertain and the owner does not understand what is required to comply with the Enforcement Notice.

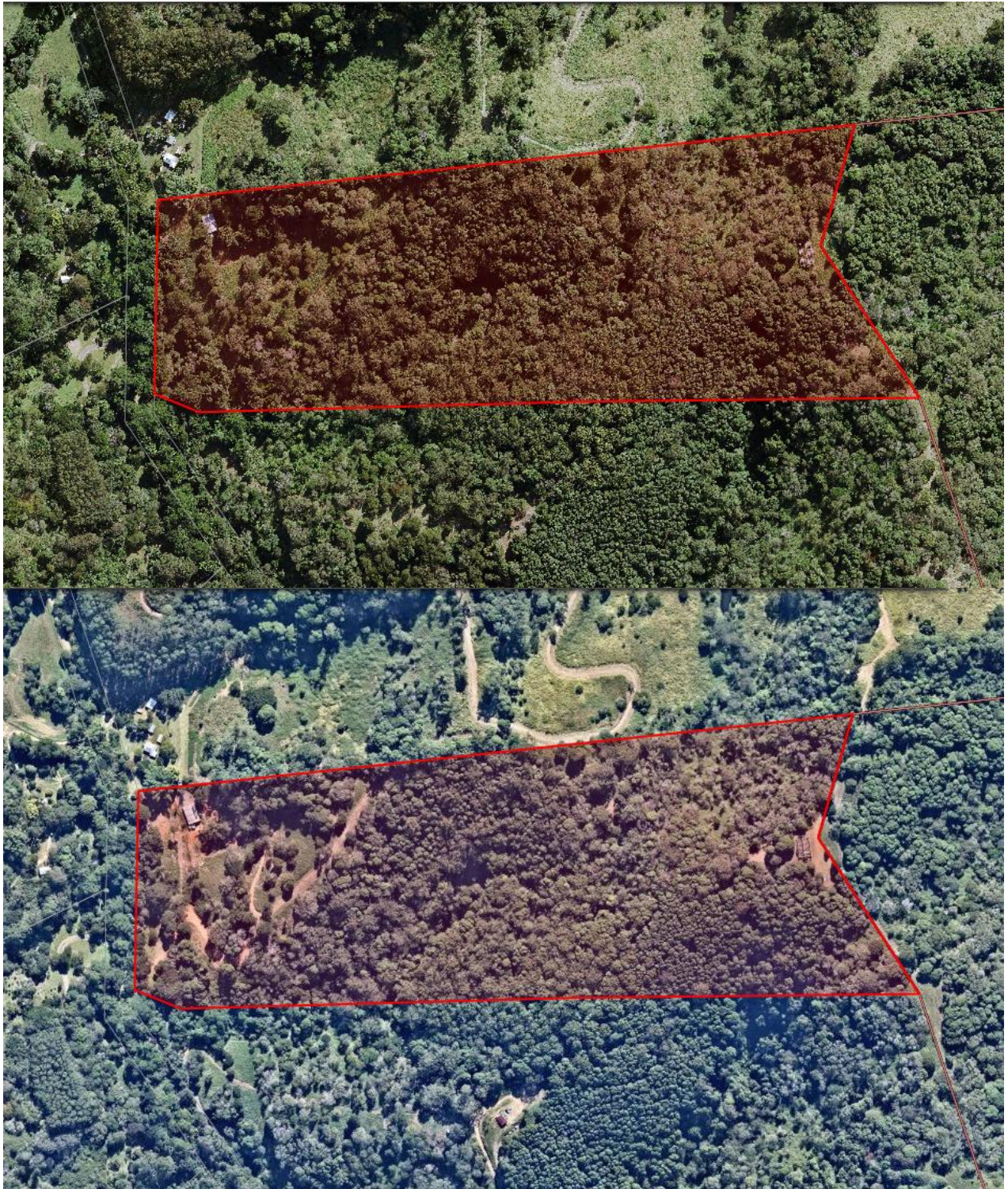


Figure 1 – Before and After Aerials of the Site



Figure 2 – Freshly cut access track in Landslide Hazard Overlay



Figure 3 – Bend at the bottom of access track

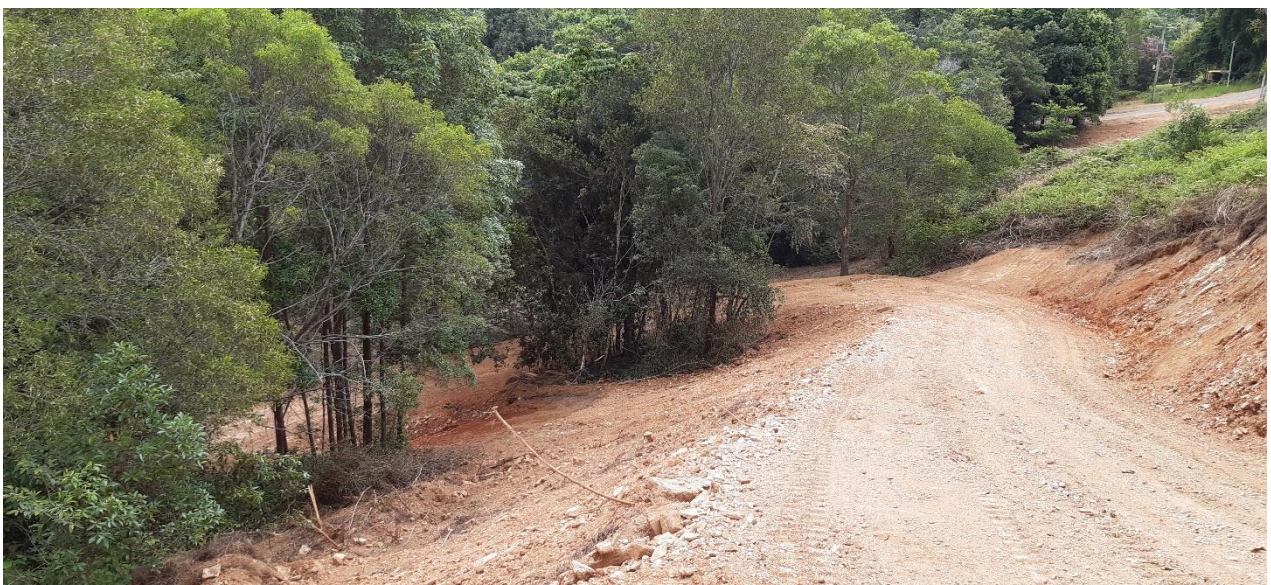


Figure 4 – Looking down the track from the halfway point (approx.)

Under the Noosa Plan 2006 the earthworks were carried out on land identified as Landslide Hazard due to the site’s significant slopes. The earthworks undertaken well exceeded the accepted development parameters of 50m³ and required a Development Permit for Operational Works. The extent of earthworks within the Landslide Hazard area is estimated to be approximately 150 cubic metres.

Council records indicate that no Development Permit for Operational Works has been obtained for the earthworks.

Therefore the earthworks was undertaken in breach of the Noosa Plan 2006 and contrary to the Planning Act 2016.

Previous Council Consideration

Nil

Finance & Risks

An onsite mediation was held with the appellant and their solicitor in early February 2021 wherein all parties sought to resolve the matter. This included providing clear advice to the owner on the works required to stabilise the site. Following the mediation the appellant’s solicitor has advised that they are seeking to engage an engineer to provide further advice on the sediment and erosion measures required. It is therefore expected that this appeal can be resolved without the need for a trial.

Consultation

External Consultation - Community & Stakeholder

Thynne Macartney – Tim Quirk

Internal Consultation

Nil

Departments/Sections Consulted:

<input type="checkbox"/> Chief Executive Officer Executive Officer Executive Support	<input type="checkbox"/> Community Services Director Community Development Community Facilities Libraries & Galleries Local Laws Waste & Environmental Health	<input type="checkbox"/> Corporate Services Director Financial Services ICT Procurement & Fleet Property Revenue Services
<input type="checkbox"/> Executive Services Director Community Engagement Customer Service Governance People and Culture	<input checked="" type="checkbox"/> Environment & Sustainable Development Director Building & Plumbing Services x Development Assessment Economic Development Environmental Services Strategic Land Use Planning	<input type="checkbox"/> Infrastructure Services Director Asset Management Buildings and Facilities Civil Operations Disaster Management Infrastructure Planning, Design and Delivery

5 NOOSA TRAIL MASTERPLAN

Author Principal Environment Officer, Peter Milne
Environment and Sustainable Development Department

Index ECM/Heritage Trails/Noosa Trail Network

Attachments

1. **Noosa Trail Masterplan** (*54 page attachment provided separately to this agenda*)
2. **Noosa Trail Masterplan Stakeholder Group Draft Terms of Reference**
3. **Noosa Trail Network Brochure** (*attachment provided separately to this agenda*)

EXECUTIVE SUMMARY

Not applicable

RECOMMENDATION

That Council note the report by the Principal Environment Officer to the Planning & Environment Committee Meeting dated 9 March 2021 and

- A. Note the update on the development of the Noosa Trail Masterplan, the establishment of the Noosa Trail Masterplan Stakeholder Reference Group and the grant funded Trail 5 Upgrade project; and
 - B. Adopt the Noosa Trail Masterplan for the purposes of enabling further detailed planning to be undertaken.
-

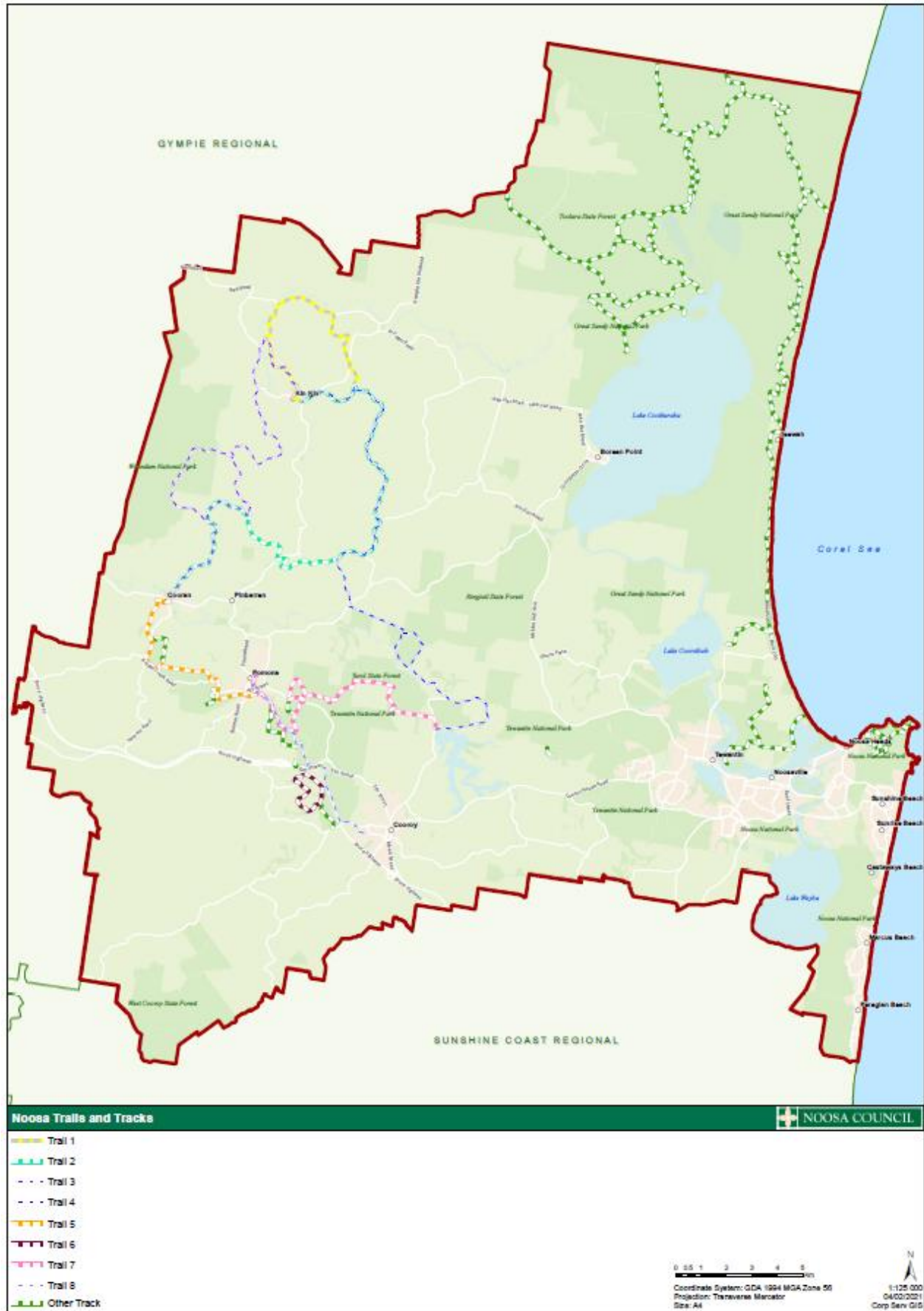
REPORT

The Noosa Biosphere® Reserve Foundation (NBRF) provided funding for Tourism Noosa to develop a Noosa Trail Masterplan in 2019. Tourism Noosa engaged consultants to develop the Masterplan in consultation with community interest groups and the Plan was finalised in early 2020 (see Attachment 1). The purpose of this report is to inform Council of the recommendations identified in the Masterplan and provide an update on the progress of its implementation.

1. Noosa Trail Masterplan recommendations

The current Noosa Trail Network is located largely in the hinterland on Council road reserve, but also on National Park and State Forest and some small sections on private land with permission from the landowners (see Map 1 below). The trail is used by residents and visitors, providing opportunities for horse riding, mountain biking, running, walking and in some areas canoeing. Annual events such as the Great Noosa Trail Walk are very popular.

Consultants assessed the Noosa Trail Network, and advise that in its current form and condition the trail did not meet the standard expected by today's trail user markets and failed to sufficiently capitalise on Noosa's high quality and unique environs (page 40 of the Masterplan).



Map1. Current Noosa Trail Network. National Park coastal trails are also shown in green.

The Masterplan aspires to grow, connect and leverage on the current trails in the Noosa Shire and deliver quality experiences and accessibility and connectivity for multiple user groups. It aims to provide a diverse range of high-quality trails and become a high visibility compelling destination for outdoor active visitors across intrastate, interstate and international markets.

To achieve these aspirations the Masterplan makes a number of recommendations. These are summarised below:

- Establish a steering committee (initially a stakeholder group) to guide the delivery of the Noosa Trail Masterplan
- Identify funding models for trail capital and operational works
- Investigate opportunities for new trail events
- Help support local business through marketing, promotion and re-branding of the trail network
- Design the trail to accommodate trends in outdoor adventure and nature based tourism such as growth in mountain bike and E-bike use
- Designate Pomona as a 'Trail Town' hub for the trail network
- Improve trail head facilities at town centres
- Investigate recreation opportunities to utilise the Yurol-Ringtail State Forests transfer to National Park
- Consider Kin Kin as a focus area for equestrian experiences
- Given its proximity to Noosa Heads designate Wooroi, Tewantin, Pomona, Ringtail Creek and Boreen Point areas as a focus for trail development
- Investigate opportunities to connect Mt Tinbeerwah and Tewantin National Park with the wider trail network
- With upgrades to the Lake McDonald dam, consider opportunities for this area being a main trail head/hub for the wider network.
- Establish a Cooran-Pomona Trail along the railway reserve (Note: this option is currently not supported by the land owner Queensland Rail or Council staff)
- Investigate future trail opportunities in Woondum National Park and other hinterland areas, particularly for a high quality mountain biking experiences
- Revise Noosa Trail Network branding and signage

Note that these recommendations are being discussed with a Noosa Trail Masterplan Stakeholder Group, Queensland National Parks and Wildlife Service (QPWS) and Council internal staff. The delivery of these recommendations are subject to investigation, feasibility assessment and Council/QPWS consent and approval processes.

2. Noosa Trail Network projects

Trail audit

As recommended by the Masterplan, Noosa Council has allocated funding to undertake an audit on the trail network. The audit will assess condition, alignment, user suitability and connectivity with other networks. This part of the project will inform design and delivery of on-ground works at various locations along the network. Suitable suppliers have been invited to supply quotes to undertake the audit and it is anticipated that auditors will start in March 2021.

Pomona to Cooran Trail 5 (Cooroora Trail) upgrade

In October 2020, Council was successful in receiving \$1.61m of Federal and State Local Economic Recovery (LER) funding to deliver Stage 1 of works identified within the Masterplan, an upgrade

of the current Trail 5 Pomona to Cooran section. The trail also doubles as a fire trail and any works such as erosion control, gravelling and widening will help facilitate access by emergency crews when responding to bushfire.

Grant funding also covers upgraded trail head facilities including car parking, a shelter shed, signage, bike racks and horse riding facilities. The nature, type and location of these facilities are currently being investigated. It is anticipated that design work will commence May to August 2021 and construction is planned to start October 2021. This largely involves trail head facilities, signage upgrades and trail erosion control. As part of their engagement contractors will be required to draft an MOU between Council and QPWS to clearly define management arrangements for land under control by both agencies.

Also included in the grant is a potential Mt Cooroora circuit and Tuchekei mountain bike trail circuits. Although not specifically identified in the Masterplan, some stakeholders have requested consideration of shorter loop trails, particularly for walkers close to town centres. These two initiatives are subject to detail feasibility assessment and consent of land owners, in this case QPWS.

Noosa Trail Masterplan

The current Noosa Trail Masterplan provides strategic direction for the development of the Noosa Trail Network. Design elements from the Stage 1 Trail 5 upgrade project, will help inform the development of a more detailed Masterplan that identifies the final scope, location and alignment of the broader Noosa Trail Network. Branding and sign design will be an important part of this project.

The Infrastructure Services team have developed a draft Project Management Plan to guide project delivery for the above projects.

3. Governance

Governance arrangements are similar to the Noosa Cycling and Walking Strategy project.

Noosa Trail Masterplan Stakeholder Reference Group

A Noosa Trail Masterplan Stakeholder Reference Group was formed in late December 2020 with representatives from Community interest groups, Council (Community Development, Environment Services, Infrastructure Services), Tourism Noosa, Landcare, commerce/business organisations, outdoor and nature-based tourism/adventure groups representing horse riders, mountain bike riders, bushwalkers and canoeists. Three Councillors from the Noosa Cycling and Walking Strategy Control Group are able to attend stakeholder group meetings as observers. The role of the stakeholder group is to facilitate wider community input into the Masterplan and the Trail 5 upgrade project. A Draft Terms of Reference for the group is shown Attachment 2.

Project Working Group

An internal Project Working Group has been formed for project delivery and consists of Council staff from Infrastructure Services, Environment Services, Community Services and an officer from QPWS.

Project Control Group

Recommendations from the Noosa Trail Network Stakeholder Group and the Project Working Group will be considered by the Project Control Group which consists of the Director of Infrastructure Services and three Councillors. Any projects that impact on Council operational funding will need consideration by Council's Executive Team.

It is anticipated that a Detail Masterplan will be provided for Council consideration once the preferred locations, types and standards of the trail are finalised by the stakeholder group and Council's internal Project Working Group.

Previous Council Consideration

Nil.

Finance

Currently the Noosa Trail Network has a Council operational budget of \$120,000 per annum (both labour and materials) per annum which is insufficient to maintain the trails to a high standard given their 103km extent. The Masterplan calls for a rationalisation of the trail network with a greater focus on quality rather than quantity. One of the key recommendations is to investigate funding models to develop and maintain the trail network. One of the roles of the Noosa Trail Masterplan Stakeholder Group is to investigate different funding models.

Risks & Opportunities

To make the Noosa Trail Network a 'World Class' attraction, the trail may need to be expanded to showcase all of Noosa's iconic destinations including coastal areas. There is a risk that expansion of the trail network would increase Council and QPWS maintenance obligations. Any expansion of the trail network would be contingent on a financial business case for funding for the ongoing maintenance of the trail on National Park and Council land.

There is an opportunity to develop the Noosa Trail Network to a 'World Class' standard, showcasing the Noosa Biosphere® key iconic destinations and attractions from the hinterland to the coast. The Noosa Trail Masterplan Stakeholder Group has been discussing the possibility of naming the trail as the 'Noosa Biosphere® Trail' for branding and marketing purposes. This would generate greater commercial interest and provide a more robust business case for funding ongoing trail maintenance on Council and QPWS land.

Consultation**External Consultation - Community & Stakeholder**

To progress delivery of the Masterplan a Noosa Trail Masterplan Stakeholder Group has been established to allow consideration of broad community interests to inform the development of a more detail Masterplan. Stakeholder group meetings were held on November 2020 and February 2021. The first meeting was attended by members of the following organisations:

Bike On
Cooran Earth Rights
Cooroy Future Group
EcoTek
Kin Kin Bush Trails
Kin Kin Community Association
Noosa and District Landcare
Noosa Biosphere® Reserve Foundation
Noosa Museum
Noosa Trailblazers
Noosa Parks Association
Pomona & Districts Chamber of Commerce
Rideism
Spoke 'n'Trail
Sunshine Coast Area Trail and Endurance Riders
Tourism Noosa
Tri-adventures
Tropical Treks

In discussions with Kabi Kabi representatives, they have indicated a preference for formal engagement when there is more detail around the Masterplan.

A public consultation process is recommended for the Trail 5 upgrade project and the Detail Masterplan, once trail alignments and concept designs are finalised. This can be presented through roadshows with support from stakeholder group members. A report will be provided to Council at a later date.

Internal Consultation

See below

Departments/Sections Consulted:

- | | | |
|--|--|--|
| <input type="checkbox"/> Chief Executive Officer
Executive Officer
Executive Support | <input type="checkbox"/> Community Services
Director
Community Development
x Community Facilities
Libraries & Galleries
Local Laws
Waste & Environmental Health | <input type="checkbox"/> Corporate Services
Director
Financial Services
ICT
Procurement & Fleet
x Property
Revenue Services |
| <input type="checkbox"/> Executive Services
Director
Community Engagement
Customer Service
Governance
People and Culture | <input type="checkbox"/> Environment & Sustainable Development
Director
Building & Plumbing Services
Development Assessment
Economic Development
x Environmental Services
Strategic Land Use Planning | <input type="checkbox"/> Infrastructure Services
Director
Asset Management
x Buildings and Facilities
Civil Operations
Disaster Management
x Infrastructure Planning,
Design and Delivery
x |

Noosa Trail Master Plan (NTMP) Stakeholder Group Terms of Reference

Background

The Noosa Biosphere Reserve Foundation (NBRF) provided funding to Tourism Noosa to develop the Noosa Trail Masterplan (NTMP) which was completed in early 2020. Tourism Noosa and Noosa Council are working collaboratively to implement the recommendations of the Master Plan. To progress delivery of the Plan a NTMP Stakeholder Group has been established to allow consideration of broad community interests to inform the development of a detail master plan. The detail master plan will identify preferred trail locations and inform on-ground trail works subject to Council and QPWS consent.

In October 2020 Council was successful in receiving \$1.61m of Federal and State Local Economic Recovery (LER) funding to deliver Stage 1 of the Master Plan, the Pomona to Cooran Trail 5 upgrade. Funding also covers upgraded trail head facilities, a potential Mt Cooroora circuit (subject to feasibility assessment) and mountain bike trail circuits (also subject to feasibility assessment).

In-scope:

The NTMP Master Plan largely covers earth/gravel/rock nature-based trails on public land including road reserve and National Park, with a small percentage on private land.

Out-of-scope:

Formed and hardened cycle and pathways are generally not covered as identified by the Noosa Walking and Cycle Strategy. However, where vital linkages are required to maintain trail connectivity and earth/gravel/rock surfaces are not available, formal paved surfaces may be used.

Legal status

No legal status, recommendations to management and Council only.

Objectives

To help guide the implementation of the Noosa Trail Masterplan recommendations.

Membership

Community interest groups, Council (Community Development, Environment Services, Infrastructure Services, Economic Development, Councillors), Tourism Noosa, Landcare, commerce/business organisations, representatives from outdoor and nature-based tourism/adventure groups, horse riders, mountain bike riders, bushwalkers, canoeists

Role and activities

- Review Noosa Trail Masterplan
- Inform trail audit process conducted by consultants
- Investigate opportunities for trail closures, new extensions and circuits
- Agree on trail construction standards and maintenance requirements in consultation with QPWS, Council infrastructure services and user groups
- Investigate branding/information for directional and interpretive sign

- Investigate opportunities to improve trail access and connections between townships and trail heads
- Investigate opportunities to strategically link the Noosa Trail Network to other trails and pathways (e.g. Cooloola Great Walk, Noosa Walking and Cycling Network)
- Investigate funding business models to support trail maintenance programs
- Provide recommendations to Council for consideration and potential adoption of final trail network locations and trail head facilities.

Chair

Chair: Noosa Council Principal Environment Officer.

Deputy Chair: Tourism Noosa Head of Tourism Sustainability & Program Design

Meetings

Starting November 2020, the NTMP Stakeholder Reference Group meets every 3 months

Minutes

Notes and presentations from meetings are provided to members

Conflicts of interest

Any conflict of interest (e.g. a member plans to be a contractor for trail works), must be stated by the NTMP member and that person may need to remove themselves from the group.

Publicity

Any media statements are to be run past the NTMP Group prior to release

Relevant information

- Noosa Trail Master Plan website
<https://www.noosa.qld.gov.au/services-facilities/parks-facilities/noosa-trail-network>
- Walking & Cycling Strategy
<https://www.noosa.qld.gov.au/homepage/195/walking-and-cycling-strategy>

6 POTENTIAL AMENDMENTS TO NOOSA PLAN 2020 RELATING TO HOUSING CHOICE AND AFFORDABILITY

Author Principal Strategic Planner, Rowena Skinner
Environment and Sustainable Development Department

Index ECM / Subject / Noosa Plan 2020
ECM / Project & Contract / Amendments to Noosa Plan 2020

Attachments Nil

EXECUTIVE SUMMARY

At its Special Meeting of 16 July 2020, Council adopted Noosa Plan 2020 and resolved to monitor, over the subsequent 2 year period, the effectiveness of its provisions to enable the delivery of housing choice and affordability. Specifically, monitoring if Noosa Plan 2020 is helping to meet the diverse housing needs of the community, including housing for those on low incomes, with special needs or in identified groups in need of community and affordable housing.

With the rapid change in the housing market through the second half of 2020 a more immediate review was required with specific consideration given to certain properties and planning scheme provisions in an effort to facilitate social housing outcomes.

As requested by Council in December 2020 staff have identified a range of amendments to Noosa Plan 2020 to accelerate the provision of social housing, including both public and community housing.

RECOMMENDATION

That Council note the report on Potential Amendments to Noosa Plan 2020 relating to Housing Choice and Affordability by the Principal Strategic Planner to the Planning & Environment Committee Meeting dated 9 March 2021 and

- A. Prepare amendments to Noosa Plan 2020 in line with the actions outlined in parts 2.1 to 12.1 of the report, in accordance with Division 2 of the Planning Act 2016; and
 - B. Update the Noosa Council Housing Needs Assessment prepared by Briggs & Mortar Pty Ltd in 2017 with regard to the provisions of Noosa Plan 2020 and the local housing situation and trends.
-

REPORT**1 State Policy Context**

The State Planning Policy (SPP) requires that diverse, accessible and well-serviced housing, and land for housing, is provided and supports affordable housing outcomes. State Interest policies for planning schemes in support of this position include the following:

- (a) *Land for housing development and redevelopment in areas that are accessible and well-connected to services, employment and infrastructure is identified.*
- (b) *The development of residential land is facilitated to address and cater for all groups in the current and projected demographic, economic and social profile of the local government area, including households on low to moderate incomes.*
- (c) *A diverse, affordable and comprehensive range of housing options in accessible and well-serviced locations, is facilitated through:*
 - *appropriate, responsive and proactive zoning*

- *supporting an appropriate mix of lot sizes and dwelling types, including housing for seniors and people requiring assisted living*
- *considering incentives to promote affordable and social housing outcomes, particularly in areas in close proximity to services and amenities*

The drafting of Noosa Plan 2020 was informed by a Housing Needs Assessment for Noosa Shire, prepared (by Briggs & Mortar Pty Ltd) in accordance with the requirements of the SPP 2016 State Interest Guideline, *Housing Supply and Diversity*. Statistical research and industry consultation undertaken as part of that study is now 5 years old and is considered due for some review.

In the preparation of Noosa Plan 2020, every effort was made to meet the State government's policy outcomes for housing affordability with the inclusion of social housing provisions on key development sites. Specifically, the draft planning scheme, placed on public notification in 2019, sought to require development on land at Noosa Business Centre and the former Noosa Bowls Club site in Noosa Junction, contribute towards the social housing needs of the Noosa community, in the order of 1 in 10 dwellings (distributed across the site) dedicated to a registered housing provider at no cost to the provider or Council. Unfortunately, a Ministerial Condition requested this outcome be redrafted to only require that "dwellings are provided to meet the needs of different households". Dedication of social housing and affordable housing is limited to an acceptable outcome.

Since mid-2018, when the draft scheme was submitted for first State Interest Review, housing has become more expensive and permanent rental accommodation in higher demand. The current housing climate has prompted staff to recommend Council initiate amendments to Noosa Plan 2020 to facilitate the development of further housing choice for residents with specific needs or lower incomes, close to employment, services and facilities they depend on.

A range of amendments are proposed to Noosa Plan 2020 to:

- (a) require small dwellings within close proximity of centres
- (b) change the land use zone of key sites within or in close proximity of centres
- (c) amend anomalies in planning provisions relating to housing
- (d) reflect development approvals

Proposed amendments are summarised below:

2 Definitions

Noosa Plan 2020 includes the administrative definition of "affordable housing" as per the Planning Regulation 2017. However, while "social housing" is referenced and described via an editor's note, no Schedule 1 definition is included.

The State Interest guidance material on Housing Supply and Diversity states that an adequate supply of social housing is important to create social and economic diversity and productivity within local communities. It calls for incentives to promote affordable and social housing outcomes, particularly in areas in close proximity to services and amenities.

It is therefore recommended the definition of Social Housing within the Glossary of the State's guidance material form the basis of an administrative definition within Noosa Plan 2020.

Public Housing is defined in the *Planning Regulation 2017* and the definition should likewise be included in Noosa Plan 2020. For completeness Community Housing should also be defined.

2.1 Proposed amendment:

- Include the following administrative definitions in Schedule 1 Table SC1.2.2:

Social housing means housing for the residential use of vulnerable people on low incomes or with special needs, other than crisis accommodation, that is either provided by:

- *the state as public housing; or*
- *an entity other than the state (e.g. a not-for-profit organisation) as community housing.*

Public housing means housing—

- *provided by, or for, the State or a statutory body representing the State; and*
- *for short or long term residential use; and*
- *totally or partly subsidised by the State or a statutory body representing the State.*

Community housing means social housing that is not public housing.

- Remove the editor's notes relating to Acceptable Outcome 21 within Table 6.3.3.3 and Acceptable Outcome 80 within Table 6.4.1.3 as the new definitions will make these redundant.

3 Small dwellings terminology

Schedule 1 of Noosa Plan 2020 contains the following administrative definition of small dwellings: *Small dwelling means a dwelling that has no more than 100m² of gross floor area.*

When Noosa Plan 2020 was first drafted this was limited to 90m² but was increased to 100m² following consideration of submissions.

Various tables of assessment referenced a specific maximum gross floor area (GFA) for a dwelling or dwellings rather than applying the defined term of small dwellings. Some were updated and some were inadvertently missed and as a consequence still reference a maximum GFA of 90m².

For clarity and consistency, it is preferable the defined term be used rather than individually nominating the maximum GFA. Therefore, references to 90m² or 100m² within the tables will be removed and instead it will refer to small dwellings as defined.

Notwithstanding the above, some dwellings, such as caretaker's accommodation within industrial estates, are deliberately limited to 65m² GFA. These specific limitations will remain.

3.1 Proposed amendment:

Amend the following Tables of Assessment for Material Change of Use so that under the Accommodation activities use categories, individual references to limitations of either 90m² or 100m² gross floor area are deleted and replaced with references to *small dwellings*:

- a. Table 5.5.4 Tourist Accommodation zone
- b. Table 5.5.5 Major Centre zone where not in a precinct
- c. Table 5.5.5.2 Noosa Junction Hospitality precinct
- d. Table 5.5.5.6 Noosa Business Centre – Village Mixed Use precinct
- e. Table 5.5.6 District Centre zone
- f. Table 5.5.6.1 Health and Wellbeing precinct
- g. Table 5.5.7 Local Centre zone
- h. Table 5.5.8 Neighbourhood Centre zone
- i. Table 5.5.11 Community Facilities zone

4 Small dwellings around centres

Noosa Plan 2020 includes a Strategic Intent for housing to meet diverse needs of the community and particularly notes the intent for small dwellings close to centres. It is suggested given the nature of the local housing market that for this to be realised it is necessary to specifically require small dwellings where in close proximity to centres

As indicated earlier within this report it has been the intention of Council to require a proportion of new housing at the former bowls club in Noosa Junction and the Noosa Business Centre, the Shire's two major activity centres, to be affordable housing and specifically social housing. It is considered the performance outcome needs revision to clarify this.

4.1 **Proposed amendment:**

Within Tables 6.3.3.3 (High Density Residential Zone) and Table 6.4.1.3 (Major Centre Zone) amend the Performance Outcome of each table that relates to Housing Diversity and Affordability so that it specifically refers to provision of affordable housing and social housing and not just dwellings that meet the needs of different households.

Within the Dual Occupancy and Multiple Dwelling Code (Part 9.3.3) add a new overall outcome and performance outcome as below:

- *Overall Outcome: Multiple dwellings close to centres include small dwellings to cater for small households including those on low incomes.*
- *Performance Outcome: Where not in a centre zone but located within 200 metres of land within a centre zone, multiple dwellings consist substantially of small dwellings.*
- *Acceptable Outcome: Multiple dwellings within 200 metres of land within a centre zone have a ratio of at least one small dwelling to every other dwelling.*

5 **Secondary dwellings**

The provisions within Noosa Plan 2020 relating to secondary dwellings may not be clear enough. Secondary dwellings are not to be a second dwelling house on the property and must remain subordinate to the primary house. In instances where the primary house is very large the extra qualifier is necessary to prevent quite sizable dwellings.

5.1 **Proposed amendment:**

- Add a performance outcome to the Rural and Rural Residential zone codes to specifically address secondary dwellings, as below:

Performance Outcome: A secondary dwelling is small and provides permanent housing for an extended family member or other member of the household resident in the dwelling house.

Acceptable Outcome 1: No more than one secondary dwelling is provided on any site regardless of site area.

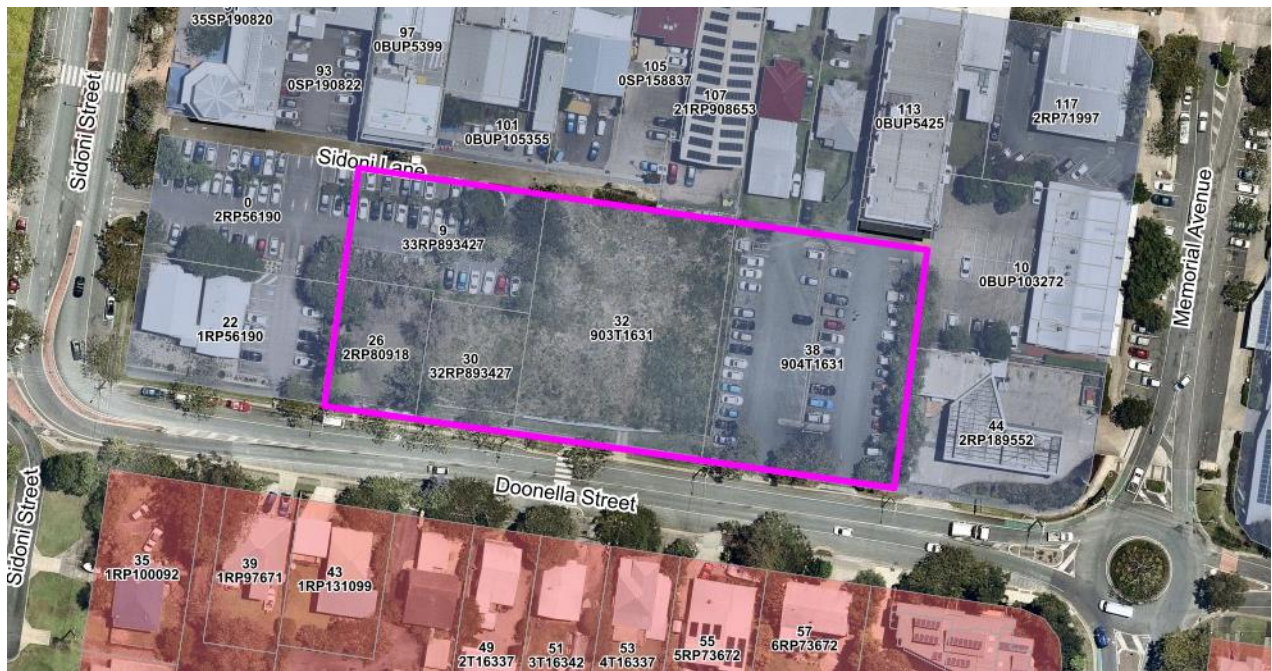
Acceptable Outcome 2: A secondary dwelling:

- *has a maximum gross floor area of 65m²; and*
- *has no more than two bedrooms.*
- In performance outcomes relating to secondary dwellings within the various residential zone codes specify that secondary dwellings are small.

6 **Doonella Street Tewantin**

The centre of Tewantin includes land which has a history of various zones and preferred land uses.

In Doonella Street, behind the main street are properties in the District Centre Zone however the Community Facilities zone is a more appropriate zone to facilitate social housing while still allowing for community uses such as medical centres or carparking. Two of these properties are the subject of a current development application for 19 residential units as well as other uses.



6.1 Proposed amendment:

- Amend Zone Map ZM-11 by including Lots 32 and 33 on RP893427, Lots 903 and 904 on T1631 and Lot 2 on RP80918, in Doonella Street Tewantin, in the Community Facilities Zone and annotating them for Multiple dwellings (small dwellings only), Rooming accommodation, Health care service, Office, Parking Station.
- Amend Tewantin Local Plan Code to reflect the intent these sites contribute to community outcomes including social housing and are no longer part of the Activity Centre zone. For instance:
 - (a) adding a new overall outcome as follows:
 - (u) *Housing choice in the form of residential care and social housing is enhanced through the Community Facilities Zone*
 - (b) adding a new performance outcome as follows:
 - PO12 Where sites in the Community Facilities zone adjoining or with access via Doonella Street are developed for multiple dwellings they take the form of small dwellings only and incorporate affordable housing and social housing for permanent residents.*

7 Goodchap Street Noosaville

At the time Noosa Plan 2020 was drafted, approval for the Arcare aged care facility had not yet been issued, however as the development is now complete and the use commencing, the zoning of the site should be updated to reflect the approved use to Community Facilities Zone.

7.1 Proposed amendment:

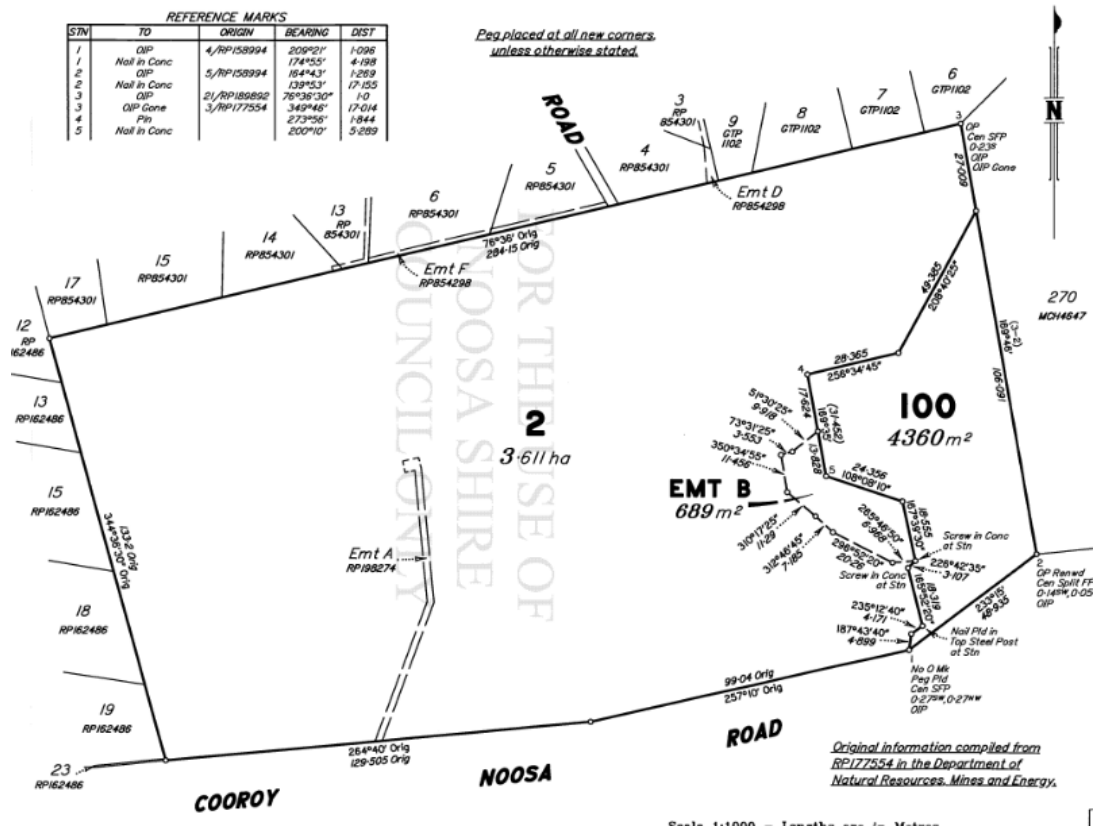
- Amend Zoning Map ZM-12 by including 52 Goodchap St, Noosaville, (described as Lot 1 SP308180) in the Community Facilities Zone annotated for Residential care.

8 Carramar, Cooroy Noosa Road, Tewantin

Carramar Noosa Care, located at 186 Cooroy Noosa Road Tewantin has development approval for expansion and construction is underway for an additional 32 beds. While most of the aged care site is within the Community Facilities Zone, annotated for residential care, the north eastern portion where the expansion is underway is currently zoned Environmental Management and Conservation and sits outside the Urban boundary and Priority Infrastructure Area.



As part of site development, a newly created Lot 100 to the east was excised and dedicated to Council for environmental purposes, reflecting the conditions of the site. The realignment of mapping should occur to reflect the development approval and 2019 lot reconfiguration. Lot 2 contains a 689 square metres of land protected through an easement (shown as EMT B on the plan below). This portion only would remain in the Environmental Management and Conservation Zone.



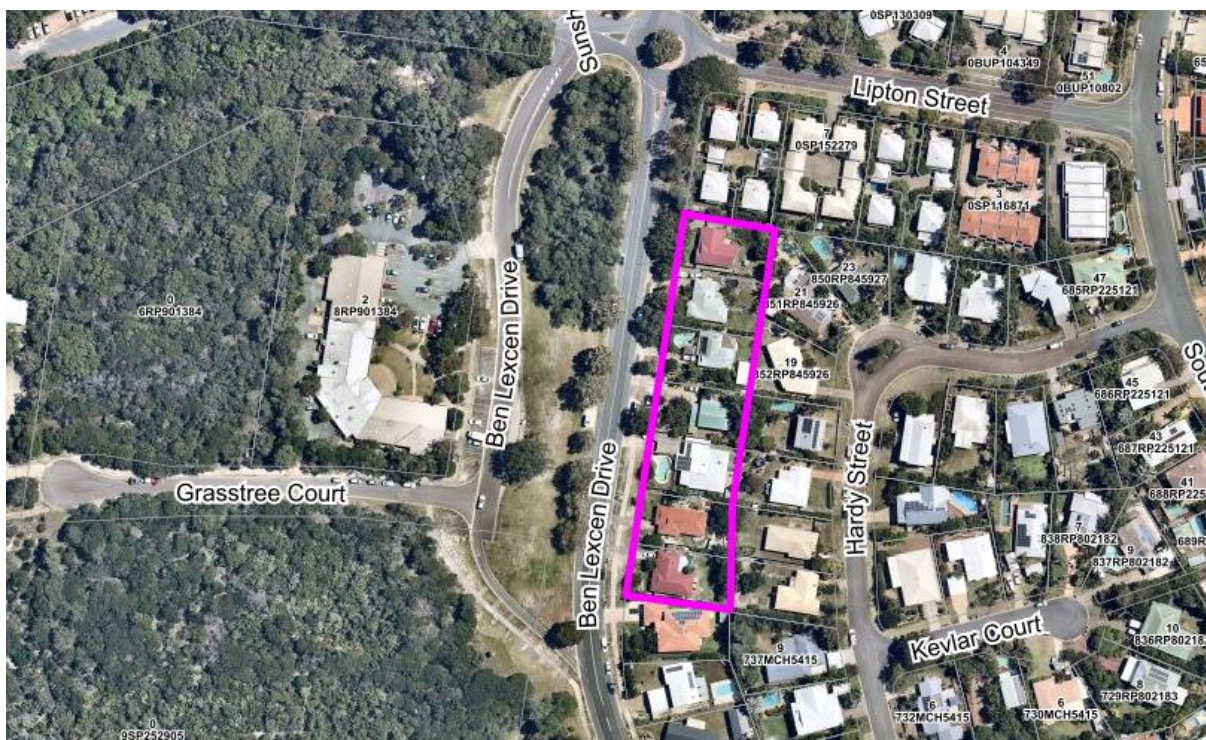
8.1 Proposed amendment:

- Amend Zoning Map ZM-11 (Tewantin) by:
 - realigning the zone boundaries as they relate to Lots 2 and 100 on SP315346 at 164 and 186 Cooroy Noosa Road, specifically expanding the Community Facilities Zone (Residential Care) zone across most of Lot 2 and ensuring all of Lot 100 is in the Environmental Management and Conservation zone.
 - realigning the Urban Area Boundary to include all of Lot 2 SP315346
- Amend the Coastal Area (Tewantin) Priority Infrastructure Area (PIA) & Service catchment Part 4 – Local Government Infrastructure Plan map to include all of Lot 2 SP315346 within the PIA Boundary and Service Catchment

9 Ben Lexcen Drive Sunrise Beach

The seven properties of 36 - 48 Ben Lexcen Drive are opposite the neighbourhood centre, public transport, schools and community facilities and form a natural extension of the Medium Density Residential zone that already extends down Lipton Street to Ben Lexcen Drive. Extension further south is not recommended as the road reserve and sight line conditions change.

Four of these seven properties are likely to redevelop for public housing units in the short term under the Medium Density Residential Zone because of their ownership by Department of Housing and Public Works. The remaining three sites are more likely to redevelop in the longer term given the separate private ownership and existing improvements on site, and therefore less likely to be a short term outcome.

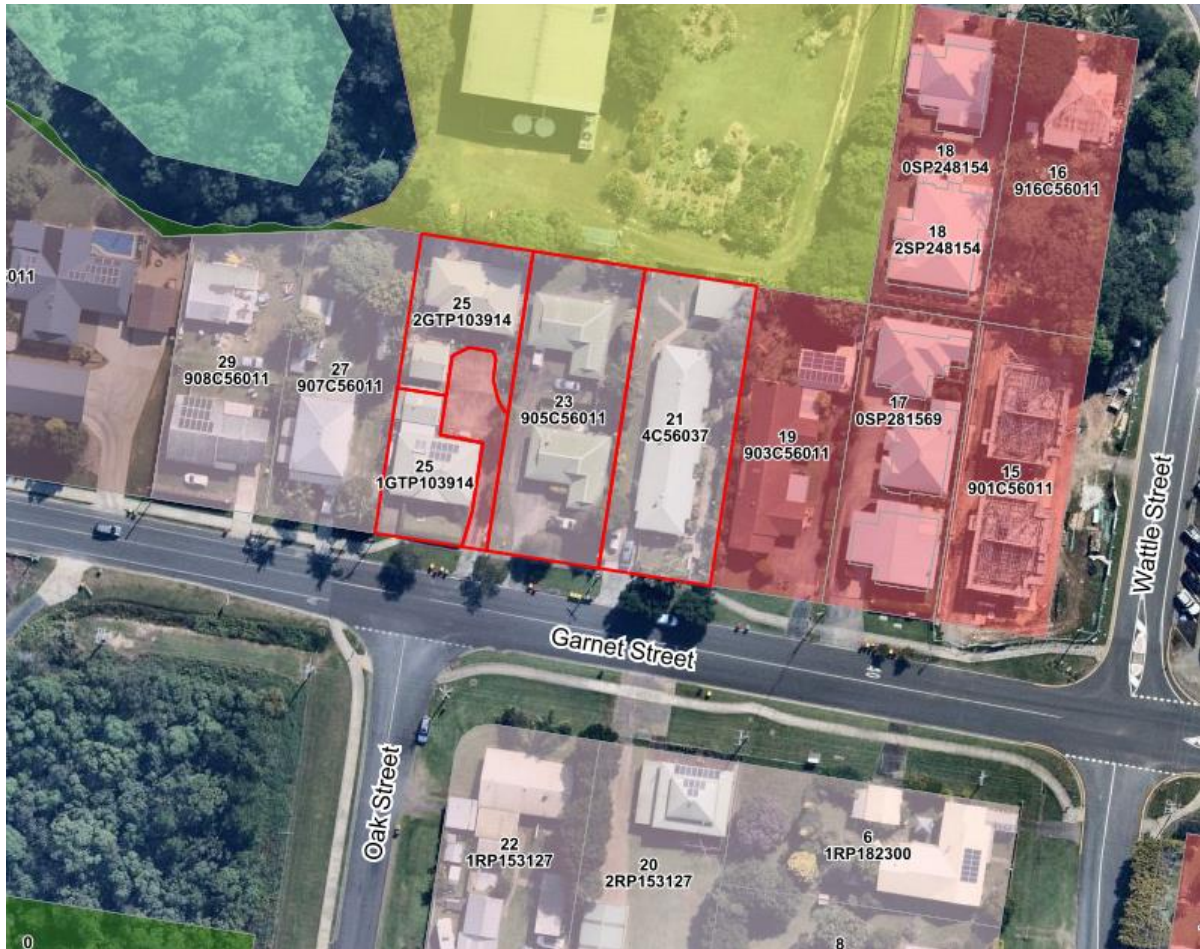


9.1 Proposed amendment:

Amend Zoning Map ZM-14 by including 36 to 48 Ben Lexcen Drive Sunrise Beach within the Medium Density Residential Zone.

10 Garnet Street Cooroy

The lots shown below at 21 – 25 Garnet Street are included in the Low Density Residential Zone but already include dual occupancies and “Cooroora Lodge” and form a logical extension of the Medium Density Residential Zone to the east. Further expansion of the Medium Density Residential Zone westward would be hampered by environmental values mapped as MSES.



10.1 Proposed amendment:

Amend Zoning Map ZM-10 by including properties at 21, 23 and 25 Garnet Street Cooroy within the Medium Density Residential Zone.

11 Relocatable Home Parks

Noosa Plan 2020 currently limits the zones where relocatable home parks are a consistent use.

The use of “relocatable home park”, as defined in the Planning Regulation 2017 is *the use of premises for—*

- (a) *relocatable dwellings for long-term residential accommodation; or*
- (b) *amenity facilities, food and drink outlets, a manager’s residence, or recreation facilities for the exclusive use of residents, if the use is ancillary to the use in paragraph (a).*

This is distinct to the use of “retirement facility” which is defined as follows:

retirement facility means a residential use of premises for—

- (a) *accommodation for older members of the community, or retired persons, in independent living units or serviced units; or*
- (b) *amenity and community facilities, a manager’s residence, health care and support services, preparing food and drink or staff accommodation, if the use is ancillary to the use in paragraph (a).*

Notably, neither of these definitions speak of property tenure or building materials.

A relocatable home park places no limit on the age or any other category of potential occupants, whereas if a property is to be developed for independent living for residents over a certain age (e.g. 55) it would more properly fall under the land use definition of retirement facility regardless of

how dwellings are designed or constructed. Retirement facilities can operate through either the *Retirement Villages Act 1999* or the *Manufactured Homes (Residential Parks) Act 2003*. These are distinguished by their different ownership and tenancy arrangements.

Both uses are consistent in the Medium Density Residential Zone, subject to impact assessment, with the exception that where an existing relocatable home park exists it has been protected for that purpose.

Retirement Facilities are listed as a consistent use in the Community Facilities Zone (subject to code assessment if specifically annotated, otherwise subject to impact assessment). It is considered appropriate to extend the same provision to Relocatable Home Parks, as there is no planning reason to facilitate one but not the other.

11.1 Proposed amendment:

Amend the Table of Assessment for Material Change of Use in the Community Facilities Zone (Table 5.5.11) by listing Relocatable Home Park as a consistent use subject to assessment as follows:

Categories of development and assessment		Assessment benchmarks for assessable development
Relocatable home park	Code assessment	
	If on a site specifically annotated for that use on a zone maps included in schedule 2.	Applicable Local Plan Code Community Facilities Zone Code Special Residential Code Works codes
	Impact assessment	
	If: (a) not otherwise code assessment; and (b) not located on Lot 3 SP246584.	

12 Dwelling house on existing rural and rural residential blocks

The State Interest Policy on Agriculture requires that growth in agricultural production and a strong agriculture industry is facilitated by locating new development (such as sensitive land uses) in areas that avoid or minimise potential for conflict with existing agricultural uses through the provision of adequate separation areas or other measures. The guidance material suggests a land use strategy that dwelling houses in rural areas are located so that adjacent existing and potential agricultural enterprises are not constrained.

Consequentially Noosa Plan 2020 contains acceptable outcomes in both the Rural and the Rural Residential Zone codes that specify sensitive land uses are separated from adjoining land mapped as Agricultural Land Conservation Area. The relevant specific acceptable outcomes called up as requirements for a dwelling house are as follows:

Rural Zone Code:

AO2.4

No sensitive land use is established closer than 200 metres from land on an adjacent property included in the Rural zone and mapped as Agricultural Land Conservation Area as shown in Agricultural Land Overlap Maps in schedule 2.

AND

AO8.5

On properties over 2 hectares in area, a distance of not less than 200 metres is provided between a sensitive land use and land on an adjacent rural zone property over 4 hectares in mapped Agricultural Land Conservation Area.

Rural Residential Zone Code

AO2

A distance of not less than 100 metres is provided between a sensitive land use and land within the Rural zone that:

1. is mapped as Agricultural Land Conservation Area on the Agricultural Land Overlay maps in Schedule 2; and
2. has a property area greater than 4 hectares.

While a dwelling house is generally accepted development (assessed by a building certifier) in these zones, non-compliance with these acceptable outcomes is forcing applicants to lodge a code assessable application for Material Change of Use with Council.

12.1 Proposed amendment:

- Amend Table 5.5.13, Table of Assessment for MCU in the Rural Zone so that AO2.4 and 8.5 of the Rural Zone code are not listed as requirements for accepted development for a dwelling house.
- Amend Table 5.5.14, Table of Assessment for MCU in the Rural Residential Zone so that AO2 of the Rural Residential Zone code is not listed as requirements for accepted development for a dwelling house

Previous Council Consideration**Ordinary Meeting Minutes, 17 December 2020, Page 2, Item 1**

That Council note the Mayoral Minute provided to the Ordinary Meeting dated 17 December 2020, and:

- A. Request the CEO to review existing Noosa Council land assets to determine if any such land would be appropriate for the development of social housing;*
- B. Request the CEO to incorporate consideration of priority sector employee housing within the upcoming review of the Local Economic Plan;*
- C. Request the CEO to bring forward a report to a future Council meeting identifying potential amendments to the planning scheme to accelerate the provision of suitable community housing;*
- D. Council continue to negotiate with State and Local community housing providers in the development of an economically efficient model to achieve a mix of public, social and private affordable accommodation within community housing developments; and*
- E. Council continue to work closely with State Member Sandy Bolton and her Housing Action Group.*

Special Meeting 16 July 2020

At its Special Meeting at which Council adopted the Noosa Plan 2020 it was also resolved Council would monitor over the next 2 years the effectiveness of the provisions of the Noosa Plan 2020 in enabling the delivery of housing choice and affordability to meet the diverse needs of the community, specifically housing for those in our community on low incomes, with special needs or in identified groups in need of community and affordable housing.

Ordinary Meeting 20 April 2017

Council resolved to note the report by the Principal Strategic Planner to the Planning & Environment Committee Meeting dated 11 April 2017 and endorse the Housing Needs Assessment prepared by Briggs & Mortar for the purpose of informing the drafting of the new planning scheme.

Finance

With the exception of staff time and associated costs of planning scheme amendments (such as advertising), there are no financial implications for ratepayers in general for scheme amendments. A review of the Housing Needs Assessment would benefit from the involvement of social planners and therefore would incur professional consultant fees.

Risks & Opportunities

The proposed amendments to Noosa Plan 2020 provide an opportunity to increase housing supply for smaller dwellings and housing affordability. Should Council not proceed with the amendments, development for additional smaller dwelling will be more limited.

Consultation

External Consultation - Community & Stakeholder

Community consultation will occur as a mandatory component of planning scheme amendments. Specific minimum requirements will be specified by the State but will include public notices, notifying landowners directly affected by zone changes and carrying out targeted consultation with housing providers and social networks.

Internal Consultation

Departments/Sections Consulted:

<p><input checked="" type="checkbox"/> Chief Executive Officer Executive Officer Executive Support</p>	<p><input checked="" type="checkbox"/> Community Services Director X Community Development Community Facilities Libraries & Galleries Local Laws Waste & Environmental Health</p>	<p><input checked="" type="checkbox"/> Corporate Services Director Financial Services ICT Procurement & Fleet X Property Revenue Services</p>
<p><input type="checkbox"/> Executive Services Director Community Engagement Customer Service Governance People and Culture</p>	<p><input checked="" type="checkbox"/> Environment & Sustainable Development Director Building & Plumbing Services Development Assessment Economic Development Environmental Services Strategic Land Use Planning</p>	<p><input type="checkbox"/> Infrastructure Services Director Asset Management Buildings and Facilities Civil Operations Disaster Management X Infrastructure Planning, Design and Delivery</p>

7 PROPOSED LOCAL LAW AMENDMENT – SHORT STAY LETTING – REVISED VERSION FOLLOWING PUBLIC CONSULTATION

Author Principal Strategic Planner, Anita Lakeland
Environment and Sustainable Development Department

Index SUBJECT: 37.15 Local Law No. 1 Amendments – Short Stay Letting

Attachments

1. Administration (Amendment) Local Law (No.1) 2021
2. Administration (Amendment) Subordinate Local Law (No.1) 2021
3. List of likely anti-competitive provisions
4. Complaints procedure
5. First draft local law 2019 Plain English summary of requirements
6. First draft local law 2019 – Public Notification - Summary and Response to Key Issues
7. Sites and precincts proposed to be excluded from local law (*provided separately to this agenda*)

EXECUTIVE SUMMARY

Holiday houses have traditionally been part of the diversity of visitor accommodation in Noosa Shire and were predominantly scattered around the beaches and Noosa River. The advent of online booking platforms has however given rise to an increased number of permanent residential properties being purchased and used for short term accommodation, many being managed from a distance with no local presence, management structure or regulation.

The interchangeable use of most unit/ townhouse complexes and resorts between visitors and permanent residents, and the use of online booking platforms has also given rise to concerns, both for the residential amenity of permanent residents as well as the onsite letting agents.

A substantial proportion of submissions to both Noosa Plan 2020 and the first draft of the Short Stay Letting local law suggested, where a mix of tourists and permanent residents co-exist, the impact of short term accommodation on residential amenity was cause for concern and needed to be addressed.

Some of the key issues identified for the operation of short term accommodation include: lack of regulation and complaint management, and negative residential amenity impacts (noise, waste management, traffic issues, and safety).

In October 2019, to manage the ongoing effects of both existing and future short term accommodation Council publicly notified a draft local law for short stay letting. Over 574 submissions were received raising a number of issues with respect to the draft local law as well as a range of planning scheme matters. The draft local law was put on hold following public notification, pending the outcome of a state wide approach to managing short stay letting by the Queensland Government. With the advent of Covid-19 however, the state government's priorities changed and the matter was deferred.

As part of Council's adoption of Noosa Plan 2020, Council resolved to complete and introduce the local law for short stay letting.

A revised draft local law has now been prepared proposing a number of changes, having considered public submissions, legal advice, stakeholder engagement and internal staff review.

In addition to a number of smaller changes, for clarification purposes, the most significant changes can be summarised as:

- inclusion of home hosted accommodation as part of the prescribed activity requiring an approval under the local law;

- one off application requirement and annual renewal;
- removal of exemptions for properties using onsite letting agent and manager residing overnight, and instead exemptions introduced for visitor only sites and precincts identified in Noosa Plan 2020, motels, hotels and backpackers;
- removal of reference to cancelled or suspended approvals and convictions within the last 2 years and instead broaden to consideration of the applicant's history of operating short stay letting or home hosted accommodation at the premises or other premises, including any suspensions or cancellations;
- removal of body corporate approval for properties in community title schemes;
- removal of planning scheme matters the local law cannot regulate (occupancy and hours of use of outdoor areas);
- an expanded definition of a contact person;
- inclusion of a 30 minute response time to complaints (or response time required under onsite management agreement, whichever the lesser time) and reference back to compliance with code of conduct;
- further clarification that the use of the premises includes use of outdoor areas, including decks, balconies, swimming pools and spas and must not detrimentally affect residential amenity;
- further expansion and definition of residential amenity impacts and what constitutes unacceptable guest behaviour;
- removal of requirements that guests cannot legally park outside property boundary;
- consistency with *Information Privacy Act 2009* requirements for guest and complaints registers; and
- removal of overlap with body corporate responsibilities and bylaws for community title scheme properties regarding signage and garbage requirements.

In addition, a complaints procedure has been prepared which sits outside the local law.

The revised draft local law is now presented to Council for endorsement for the purpose of public notification and the preparation of a public interest test plan.

RECOMMENDATION

That Council note the report by the Principal Strategic Planner to the Planning & Environment Committee Meeting dated 9 March 2021 and:

- A. Resolve to make:
 1. Administration (Amendment) Local Law (No. 1) 2021 as contained in Attachment 1; and
 2. Administration (Amendment) Subordinate Local Law (No.1) 2021 as contained in Attachment 2;
- B. In accordance with Council's Local Law Making Policy, further consult with the public about the revised versions of Administration (Amendment) Local Law (No.1) 2021 and Administration (Amendment) Subordinate Local Law (No.1) 2021;
- C. Pursuant to section 257 of the *Local Government Act 2009*, delegate to the Chief Executive Officer its powers under section 38 of the Act and section 15 of the *Local Government Regulation 2012* to decide—
 1. how the public interest test of Administration (Amendment) Local Law (No. 1) 2021 contained in Attachment 1 and Administration (Amendment) Subordinate
 2. Local Law (No. 1) 2021 contained in Attachment 2 is to be conducted; and

3. the matters with which the public interest test report in relation to the local law and subordinate local law must deal; and
 4. the consultation process for the public interest test and how the process is to be used in the public interest test;
- D. Approve the complaints procedure contained in Attachment 4 for the purpose of providing a plain English explanation of the process for dealing with complaints;
 - E. Refer the resource requirements for implementing the local law and proposed fees structure for applications and annual renewals to the FY2021/22 budget process;
 - F. Allow resident letting agents for on-site managed complexes the ability to submit one application form for their entire letting pool, with the fees applied per property within the letting pool;
 - G. Authorise the CEO to make minor amendments to the documents prior to public notification.
-

REPORT

The purpose of this report is to present to Council a revised set of amendments to Local Law No. 1 (Administration) 2015 and Subordinate Local Law No. 1 (Administration) 2015 for the purpose of introducing a new prescribed activity requiring approval for short stay letting and home hosted accommodation.

1. Background

Holiday houses have traditionally been part of the diversity of visitor accommodation in Noosa Shire and were predominantly scattered around the beaches and Noosa River. Holiday houses were either permanently let for visitors or locked up and used by family and friends. Older units and townhouses in complexes were often used interchangeable for either visitor accommodation or permanent residents depending on the market and the property owner's intentions.

The advent of online booking platforms has however given rise to an increased number of permanent residential properties being purchased and used for short term accommodation, many being managed from a distance with no local presence, management structure or regulation.

This has resulted in the creep of short term accommodation and tourists into traditionally permanent residential areas. In addition, many traditional holiday homes are being short stay let when not in use, creating a higher intensity and turnover of guests than historically experienced.

The interchangeable use of most unit/townhouse complexes and resorts between visitors and permanent residents, and the use of online booking platforms has also given rise to concerns, both for the residential amenity of permanent residents as well as the onsite letting agents.

A substantial proportion of submissions to both Noosa Plan 2020 and the first draft local law suggested, where a mix of tourists and permanent residents co-exist, the impact of short term accommodation on residential amenity was cause for concern and needed to be addressed.

Some of the key issues identified for the operation of short term accommodation include:

- lack of local management
- lack of complaint resolution and process
- lack of regulation and enforcement
- number of guests and overcrowding
- frequency and turnover of guests
- noise disturbance
- times and use of outdoor space
- waste disposal and waste management
- number of vehicles and parking
- safety and security
- pets
- conflict between permanent residents and visitors

In an attempt to address these issues, Council resolved to take a two pronged approach by:

- regulating where short term accommodation is and isn't appropriate;
- regulating the ongoing operation of short term accommodation to manage the impacts on residential amenity of permanent residents.

With the introduction of Noosa Plan 2020, short term accommodation is no longer a consistent land use in the Low Density Residential zone. Short term accommodation is a consistent land use in the Medium and High Density Residential zones requiring impact assessment.

Notwithstanding this, Noosa Plan 2020 can only address new short term accommodation proposals. Properties currently operating short term accommodation, who can establish they have a lawful existing use right to do so, can continue to operate short term accommodation.

To manage the ongoing effects of both existing and future short term accommodation, Council proposed a second approach, being the introduction of a local law to regulate the approval of short stay letting.

2. First draft local law 2019

At its Special Meeting on 12 September 2019, Council resolved to publicly notify draft amendments to its local laws to introduce a new prescribed activity for short stay letting being:

- Administration (Amendment) Local Law (No. 2) 2019
- Administration (Amendment) Subordinate Local Law (No. 2) 2019

The main purpose of the local law was to manage the ongoing operation of short stay letting through requirements for a local contact management framework and code of conduct for guests.

A plain English version of the first draft local law 2019 requirements is outlined in Attachment 5.

2.1 Consultation and public notification on first draft local law 2019

Public notification on first draft local law 2019

The first draft local law was placed on public notification for just over 3 weeks from 18 October to 11 November 2019 concurrently with the revised draft of Noosa Plan 2020.

574 written submission were received which identified a range of issues relevant to both the draft local law and the draft Noosa Plan 2020.

The submissions raised numerous issues for further consideration in a revised version of the draft local law. The key issues have resulted in a number of proposed changes outlined in Attachment 6 and summarised in section 2.5 of this report.

Stakeholder consultation on first draft local law 2019

A stakeholder reference group consisting of approximately 32 real estate agents and property managers was held during the public consultation period for the draft Noosa Plan. This group provided a substantial amount of feedback on the planning scheme with regard to short term accommodation and made suggestions on how the issues associated with short stay letting could be better managed.

From this meeting, a smaller group of short stay letting agents were nominated to continue to work with Council officers on how best to manage the issues associated with short term letting. Council officers met with this smaller group of representatives on four occasions.

Local government consultation on first draft local law 2019

Consultation was undertaken with several local governments with similar approaches to dealing with short stay letting. In particular, the approaches undertaken by Mornington Peninsula Shire Council, Gold Coast City Council and the Whitsunday Regional Council informed the first draft local law.

State government consultation on first draft local law 2019

As required by the *Local Government Act 2009*, 18 state government agencies were notified of the amendments to Local Law No. 1 (Administration) to introduce short stay letting as a prescribed activity.

Seven state agencies responded raising no comments or issues with the first draft local law.

2.2 State government proposal to introduce state wide approach

Following public notification, the first draft local law was not progressed as the Queensland state government were proposing a state-wide approach for managing short stay letting. This was, however, deferred given other state priorities due to COVID19 in March / April 2020.

2.3 Council resolution to complete and introduce local law

At its meeting on 16 July 2020, as part of the adoption of Noosa Plan 2020, Council resolved to complete and introduce the local law for short stay letting, including an associated code of conduct.

As part of this process, the key issues raised in the public submissions to the first draft local law were reconsidered, further options analysis undertaken, targeted stakeholder engagement undertaken and further legal advice sought.

2.4 Key issues from submissions

Public submissions raised a number of issues which have been considered in the revised draft local law. The key issues resulting in proposed changes are summarised below with detailed response and recommendations outlined in Attachment 6:

- onerous annual approval requirements;
- home hosted accommodation should be included;
- onsite manager exemptions are inequitable and discriminatory;
- onsite managers with multiple management rights cannot meet overnight stay requirements;
- body corporate approval cannot be required to make an application under the local law;
- local law is duplicating planning scheme matters;
- contact person notice on community title properties is contrary to body corporate bylaws;
- contact person should include letting agents and the like;
- response time to complaints required;
- residential amenity and guest behaviour needs further clarification and expansion;
- can't prevent cars from being legally parked in the street;
- there is overlap with bylaws for community title scheme properties;
- a complaints procedure is required.

Other issues that **did not** result in changes are outlined in detail in Attachment 6 and summarised below:

- residents should be able to object to short stay letting applications;
- increase fees and allocate to infrastructure;
- mandate that qualified property agents manage short stay letting ;
- local law makes the contact person liable for actions and behaviour of others is not reasonable;
- additional requirements for safety, health, discrimination, state/ federal laws;
- employ security;
- residents should be notified of bookings;
- infringements to guests not approval holder;
- local law should be evaluated and monitored – this did not result in a change to the local law, but it will be evaluation and monitoring will be undertaken.

3 Revised draft local law

The revised draft local law is now proposed for further public consultation which has considered:

- submissions received during public notification of the first draft local law;
- targeted stakeholder engagement with letting agents, onsite managers and Noosa Short Term Accommodation Association (NSTAA) representatives;
- further State government agency consultation;
- other local government approaches;
- options analysis and assessment; and
- legal advice.

3.1 Key changes proposed

A number of smaller changes have been made for clarification purposes in addition to the following significant changes:

- inclusion of home hosted accommodation as part of the prescribed activity requiring an approval under the local law;
- one off application requirement and annual renewal;
- removal of exemptions for properties using onsite letting agent and manager resides overnight – and instead exemptions introduced for visitor only sites and precincts identified in Noosa Plan 2020 identified in Attachment 7, motels, hotels and backpackers;
- removal of reference to cancelled or suspended approvals and convictions within the last 2 years and instead broaden to consideration of the applicant’s history of operating short stay letting or home hosted accommodation at the premises or other premises, including any suspensions or cancellations;
- removal of the requirement for body corporate approval for properties in community title schemes;
- removal of planning scheme matters the local law cannot regulate - of occupancy and hours of use of outdoor areas;
- an expanded definition of a contact person;
- inclusion of a 30 minute response time to complaints (or response time required under onsite management agreement, whichever the lesser time) and reference back to compliance with code of conduct;
- further clarification that the use of the premises includes use of outdoor areas, including decks, balconies, swimming pools and spas and must not detrimentally affect residential amenity;
- further expansion and definition of residential amenity impacts and what constitutes unacceptable guest behaviour;
- removal of requirements that guests cannot legally park outside property boundary;
- consistency with Information *Privacy Act 2009* requirements for guest and complaints registers; and
- removal of overlap with body corporate responsibilities and bylaws for community title scheme properties regarding signage and garbage requirements.

A complaints procedure sitting outside of the local law has also been prepared and is contained in Attachment 4.

3.2 Revised draft local law content

Application requirements

- applies to short stay letting and home hosted accommodation;
- one off annual application and annual renewal with **exemptions** for:
 - sites and precincts identified in Noosa Plan 2020 as visitor only;
 - holiday houses not being used for short term accommodation;
 - hotels, motels, backpacker’s accommodation;
- site plan, floor plan, use of each room, number of persons per bedroom;

- statutory declaration confirming the premises is not used as a 'Party House';
- written confirmation of:
 - accepted development or development approval and compliance with conditions; or lawful existing use rights;
 - premises being structurally sound and in good repair;
 - a current pool safety certificate;
 - a current electrical safety certificate for smoke alarms;
- if for short stay letting, contact person's name and telephone number.

Criteria for assessment

- applicant is owner or authorised by the owner of the premises;
- operation of short stay letting is lawful;
- conditions of approval can be met;
- applicant's history of operating short stay letting or home hosted including any suspensions or cancellations at the premises or other premises;
- complies with development approval and relevant planning scheme;
- identification of a contact person.

Conditions of approval

- up to date contact person identified at all times -
 - available 24 hours 7 days;
 - located within 20 minutes of premises;
 - responsible for supervision, complaints and visitor queries;
 - responds to complaints within 30 minutes;
 - resolves complaints to satisfaction of requirements of code of conduct for guest behaviour;
- contact person notice for short stay letting (not required for home hosted accommodation) at front of property – if not in community titles scheme – otherwise in accordance with bylaws;
- must not affect residential amenity including noise, overlooking and light spill;
- must not constitute a nuisance including a noise nuisance;
- provision made for occupants to enter and leave premises without causing disturbance to adjoining residents;
- adequate provision made for parking of vehicles on the premises;
- public liability insurance;
- waste containers provided and cleaned;
- waste containers placed at kerb no longer than 24 hours if not in a community titles scheme - otherwise managed by body corporate;
- code of conduct displayed at premises and websites;
- maintain guest register – number of guests and dates;
- maintain complaints register – details of complaint and how resolved;
- registers to be available for inspection by Council;
- code of conduct for guest behaviour:
 - vehicles stored not to cause nuisance or inconvenience, parked on onsite if provided;
 - use of premises includes use of outdoor areas including outdoor deck, balcony, swimming pool or spa must not -
 - detrimentally affect residential amenity including noise, overlooking and light spill;
 - cause a nuisance including noise nuisance;
 - display unacceptable behaviour including:
 - loud aggressive behaviour;
 - yelling, screaming, arguing; or
 - excessively loud singing or clapping
 - create a level of noise in excess of acceptable described by Queensland legislation for environmental protection (noise);
 - no sleeping or camping in a tent, caravan, campervan or similar;

- pets must be managed and not cause a nuisance, including noise nuisance;
- store waste in containers; and
- grounds kept safe and tidy.

3.3 Legal advice

Legal advice was obtained on a number of matters and the proposed changes recommended in this report. Specifically, advice was sought and confirmed the following:

- Council is not prevented from further regulating a premises which may be considered to enjoy existing lawful use rights.
- Existing use rights and development approvals are not affected by the introduction of the local law and remain regardless of suspensions or cancellations of a local law approval. Notwithstanding this, if there are infringements against the local law, the use rights can be suspended for a period of time pending the remedying of compliance matters or the granting of a further local law approval.
- If the scale or intensity of the use materially increases it could be subject to further regulation by Noosa Plan 2020.
- The local law cannot regulate or duplicate planning scheme matters and therefore regulating the scale and intensity of short stay use such as maximum occupancy and times of use of outdoor areas cannot be included in the local law as these matters are planning scheme matters.
- While the local law should not ordinarily make a person responsible for actions or omissions over which the person may have no control, the local law is drafted consistent with the fundamental legislative principles regarding the approval holder's responsibilities. The process for enforcement under sections 17-19 in Local Law (Administration) No. 1 will be followed in this regard.
- The Body Corporate and Community Management Act (BCCMA) and the module regulations (being State laws) prevail over the local law. But, the BCCMA and the module regulations do not address the complaints time frame issue identified in the local law, so there is no inconsistency between the local law and the BCCMA / the module regulations.
- With regards to any conflict between the body corporate by-laws and the local law, section 180(1) of the BCCMA provides that where a by-law is inconsistent with another Act (which includes a local law), the Act prevails to the extent of inconsistency. Consequently, even if the body corporate's by-laws do address the complaints time frame, resulting in a conflict between the by-laws and the local law, the local law will prevail.
- In relation to the letting agent management agreement, it is contractual in nature. It is not a legislative instrument despite the fact that its creation is authorised by the BCCMA / the regulation modules. Accordingly, the local law overrides the management agreement.

3.4 Statutory process and public notification

The revised draft local law has been prepared following *Council's Local Law Making Policy* and requirements under the *Local Government Act 2009*.

Council's Local Law Making Policy provides that where following public notification of the first draft local law, if the proposed changes are substantial that further public consultation on the revised draft local law be undertaken.

A four week public notification is proposed for the revised draft local law.

Following this, submissions made during the public notification period will be considered and a final draft will be reported to Council for adoption, gazettal and commencement.

It is anticipated the local law will commence around July 2021, subject to finalisation and adoption of the final local law.

Public Interest Test Plan

The revised draft local law contains anti-competitive provisions requiring compliance with the

procedures under section 15 of the *Local Government Regulation 2012* and the *National Competition Policy*. A list of likely anti-competitive provisions has been compiled in Attachment 3 requiring a Public Interest Test Plan and Report to be prepared.

Council is obligated to consider these anti-competitive provisions during the local law making process in relation to the public interest. For example, it needs to be formally identified whether there are advantages in the public interest that on balance, outweigh the anticompetitive elements of the proposed provisions. The outcome of this review will be presented to Council following the public notification process.

The public interest test report is the document where the results of the public interest test are reported. It summarises the assessment of costs and benefits and presents the information in a format that allows Council to determine whether there is a net community benefit in retaining the restriction on competition (i.e. retaining the anti-competitive provisions). This will be reported to Council following public consultation.

3.5 Fees and resources for implementation

It is estimated at least 4880 properties are operating short stay letting or home hosted accommodation:

- 900 dwelling houses
- 3,900 units, townhouses and duplexes
- 80 home hosted dwellings

The number of owners that may short stay let their principal place of residence 4 times a year but no more than 60 days is difficult to estimate, but will be additional to these figures .

The number of properties will vary over time as some move in and out of short stay letting into permanent occupation and vice versa, and as short stay let and home hosted accommodation properties come forward for local law approval.

Approximately 1,241 of the unit/townhouses are proposed to be exempt from the local law including 807 properties in the Hastings Street mixed Use precinct and 434 properties on visitor only approved sites.

Anticipated Resource Requirements

The most resource intensive aspect of the local law will be during its implementation for the first three years as the initial one-off applications are submitted for assessment and approval. It is estimated around 3639 properties will require an application. During this three year implementation period, the additional workload is forecast to require up to three compliance/assessment officers plus full time administration support.

It is anticipated that the workload will reduce from year three (2024/25) onward following the finalisation of all initial one-off applications at which point Council will reassess its resourcing requirements. Consequently, the administration of the local law will require a mix of permanent and temporary staff.

It is proposed that the resourcing decisions on increases to the staff establishment be referred to the 2021/22 budget process along with all other new staff requests. In the interim, temporary staff resourcing will be engaged to support the immediate compliance and implementation aspects of the local law.

Cost Recovery Options

There are a number of options available to Council to recover any additional resourcing costs associated with administering the local law, which may include:

- the introduction of an application and renewal fee applied to the properties subject to the local law;
- general rates;
- funding under a levy or special rating charge; or
- a combination of the above.

Council has commenced its budget development process for the 2021/22 financial year, which includes adoption of any new fees and charges as well as price setting for general rates, levies and special charges. It is proposed that the assessment of funding options for the administration of the local law be referred to the 2021/22 budget process to ensure it is considered holistically with all other rates, fees and charges applicable to short stay accommodation.

4. Previous Council Consideration

Special Meeting Minutes 16 July 2020

NOOSA PLAN 2020 – PRESENTED FOR ADOPTION AND IMPLEMENTATION FOLLOWING MINISTERIAL APPROVAL

That Council note the report by the Director Environment & Sustainable Development to the Special Meeting dated 16 July 2020; and

- A. Adopt the Noosa Plan 2020 as amended as a result of State Interest Review and Ministerial Conditions, as per attachments 2 – 22 of the report;*
- B. Set a date of 31 July 2020 for commencement of the new scheme;*
- C. Authorise the CEO to make any minor amendments necessary to the Noosa Plan 2020 prior to commencement;*
- D. Publicly notify adoption of the scheme in accordance with requirements of the Planning Act;*
- E. Provide the Chief Executive of Department State Development, Manufacturing, Infrastructure and Planning a copy of the public notice;*
- F. Initiate a process to monitor over a two year period the effectiveness of the provisions in the Noosa Plan 2020 with regard to industrial land and industry precincts to ensure the provisions meet the objective of enabling the changing nature of businesses including increased diversity in key sectors and provision for multi-purpose flexible work;*
- G. Provide a report back to Council on this monitoring program including any associated recommended amendments to the Noosa Plan;*
- H. Monitor over the next 2 years the effectiveness of the provisions of the Noosa Plan 2020 in enabling the delivery of housing choice and affordability to meet the diverse needs of the community, specifically housing for those in our community on low incomes, with special needs or in identified groups in need of community and affordable housing;*
- I. Provide a report back to Council on this monitoring program including any associated recommended amendments to the Noosa Plan to strengthen the provisions towards these outcomes; and*
- J. Complete and introduce a Local Law for Short term letting, including the associated code of conduct to regulate short term letting.*

Special Meeting Minutes 12 September 2019

PROPOSED LOCAL LAW AMENDMENTS – SHORT STAY LETTING

That Council note the report by the Planner to the Special Meeting dated 12 September 2019 regarding Proposed Local Law Amendments – Short Stay Letting and:

- A. Propose to make:*
 - 1. Administration (Amendment) Local Law (No. 2) 2019 as provided at Attachment 1; and*
 - 2. Administration (Amendment) Subordinate Local Law (No. 2) 2019 as provided at Attachment 2;*
- B. In accordance with Council's Local Law Making Policy:*
 - 1. Consult with relevant government entities about the overall State interest in Administration (Amendment) Local Law (No. 2) 2019 in accordance with the Local*

- Government Act 2009 (“the Act”), section 29A(3) and delegate authority to the Chief Executive Officer to make changes in response to State comments; and*
2. *Consult with the public about Council’s proposal to make Administration (Amendment) Local Law (No. 2) 2019 and Administration (Amendment) Subordinate Local Law (No. 2) 2019;*
- C. *Pursuant to section 257 of the Act, delegate to the Chief Executive Officer its powers under section 38 of the Act and section 15 of the Local Government Regulation 2012 to decide—*
1. *How the public interest test of Administration (Amendment) Local Law (No. 2) 2019 contained in Attachment 1 and Administration (Amendment) Subordinate Local Law (No. 2) 2019 contained in Attachment 2 is to be conducted; and*
 2. *The matters with which the public interest test report in relation to the local law and subordinate local law must deal; and*
 3. *The consultation process for the public interest test and how the process is to be used in the public interest test;*
- D. *Waiver the proposed application fee for a short stay letting approval under the proposed Local Law for a period of 6 months starting from the date of commencement of the Local Law for short stay letting.*
- E. *Authorise the CEO to make minor amendments to the documents prior to public notification.*

5. Finance

The preparation of the local law has required legal review at a cost to Council during the 2021/22 year.

As outlined in section 3.5, the implementation of the local law will require additional staff resourcing (including vehicles). This resourcing requirement will need to be funded for the 2021/22 year on an ongoing basis. Funding options, which may include fees and charge, general rates or levies, will need to be assessed through Council’s budget process for the 2021/2022 financial year.

6. Risks & Opportunities

The revised draft local law provides an opportunity to better manage the ongoing operation of short stay letting and home hosted accommodation with a standard set of rules for the safety of guests, management of the property, complaints resolution and guest behaviour. Should the revised draft local law not proceed, short stay letting and home hosted accommodation will continue unregulated with further risk of impacting the residential amenity of permanent residential areas and guest safety.

There is a risk that property owners may not voluntarily respond to the approval requirements and continue to operate contrary to the local law requirements. This may also place an additional financial burden on Council in the initial 2-3 years of implementation until costs to Council are covered.

7. Consultation

7.1 State government consultation

A further 3 week consultation period was undertaken during late January/February 2021 with state agencies on Administration (Amendment) Local Law (No.1) 2021 due to the introduction of home hosted accommodation as part of the prescribed activity requiring an approval.

Twenty three state agencies were notified of the proposed local law. Seven response were received, five of which raised no comments on the draft local law.

Department of Energy and Public Works (Building Services)

The Department of Energy and Public Works (Building Services) have raised matters regarding the proposed local law definitions and the building classification definitions under the National Construction Code (NCC). They assert that the definitions may cause confusion to building

certifiers and is contrary to the Building Act 1975 because the local law purports to change one of the building assessment provisions.

Response

The local law does not change the effect of any relevant provisions of the NCC as the NCC deals with the classification of buildings and specific requirements about the undertaking of building work. The classification of a building is irrelevant in the context of the application of the local law.

The local law focuses on buildings used in a particular manner not the way a relevant building is actually constructed or the undertaking of building work in a building having a specific classification. Compliance with the relevant building assessment provisions is an entirely separate matter to the regulation of the ongoing use of the building after the completion of construction, in the matter contemplated in the local law.

No change is proposed in response to the state's comments.

Department of State Development, Infrastructure, Local Government and Planning

The Department of State Development, Infrastructure, Local Government and Planning (SDILGP) raised no state interests with regard to the revised draft local law, however suggested we consult state agencies further on the subordinate local law for areas of planning and building controls. They encourage Council to consult with SDILGP and the Department of Energy and Public Works (Building Services) for consistency with existing frameworks.

Response

Whilst Council is not obliged to consult with state agencies on the content of the subordinate local law, it will be forwarded to SDILGP and Building Services for comment during the public consultation period.

7.2 Stakeholder consultation on revised draft local law

As part of the review of the draft local law, further consultation was undertaken with a targeted stakeholder group of six representative including holiday letting agents, onsite managers and the Noosa Short Term Accommodation Association (NSTAA). Consultation included three workshops and further email consultation on possible directions for the local law, including the directions outlined in this report.

The revised draft local law was amended in response to some detailed comments raised by the NSTAA. Key concerns raised by the NSTAA can be summarised as:

- Exemptions – do not support exemptions
- Funding – Tourism levy should be considered
- Local law should having ongoing input from industry and residents with ongoing review
- Complaints procedures

The NSTAA will also have further opportunity to provide feedback during the public consultation period.

7.3 Public consultation

As noted in section 2.1 public consultation was undertaken on the 1st draft local law in late 2019 and targeted stakeholder consultation was undertaken with a group of residential letting agents, resort managers and the NSTAA in the preparation of the revised draft local law.

Further public consultation will be undertaken on the revised draft local law for an extended period of 4 weeks commencing late March/April subject to Council endorsement of the revised draft local law for public notification.

Notification will include public notices, your say webpage, Facebook notifications and media releases.

8. Internal Consultation

Consultation has been undertaken internally with Local Laws, Development Assessment, Economic Development, Strategic Planning, Governance and Chief Executive Officer in the preparation of the revised local laws.

Two Councillor workshops were also held on the matter and informed the preparation of this report and recommended changes to the revised draft local law.

Departments/Sections Consulted:

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Chief Executive Officer
Executive Officer
Executive Support | <input checked="" type="checkbox"/> Community Services
Director
Community Development
Community Facilities
Libraries & Galleries
Local Laws
Waste & Environmental Health | <input type="checkbox"/> Corporate Services
Director
Financial Services
ICT
Procurement & Fleet
Property
Revenue Services |
| <input checked="" type="checkbox"/> Executive Services
Director
Community Engagement
Customer Service
Governance
People and Culture | <input checked="" type="checkbox"/> Environment & Sustainable Development
Director
Building & Plumbing Services
Development Assessment
Economic Development
Environmental Services
Strategic Land Use Planning | <input type="checkbox"/> Infrastructure Services
Director
Asset Management
Buildings and Facilities
Civil Operations
Disaster Management
Infrastructure Planning,
Design and Delivery |



Noosa Shire Council

Administration (Amendment) Local Law (No. 1) 2021



*Noosa Shire Council
Administration (Amendment) Local Law (No. 1) 2021
2*

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REVISED DRAFT

**Noosa Shire Council
Administration (Amendment) Local Law (No. 1) 2021**

Part 1 Preliminary

1. Short title

This local law may be cited as *Administration (Amendment) Local Law (No. 1) 2021*

2. Purpose

The purpose of this local law is to amend *Noosa Shire Council Local Law No. 1 (Administration) 2015*.

Part 2 Amendment of Noosa Shire Council Local Law No. 1 (Administration) 2015

3. Local law amended

This part amends *Noosa Shire Council Local Law No. 1 (Administration) 2015*.

4. Amendment of sch 1 (Dictionary)

(1) Schedule 1, definition *shared facility accommodation*—
omit, insert—

'shared facility accommodation—

(a) means accommodation occupied or available for occupation by residents, in return for payment, on the basis of residents sharing 1 or more of the following facilities—

- (i) dormitories or bedrooms;
- (ii) toilets;
- (iii) bathrooms, showers or other bathing facilities;
- (iv) laundries;
- (v) dining facilities;
- (vi) cooking facilities;
- (vii) recreation facilities; but

(b) does not include any of the following—

- (i) short stay letting;
- (ii) home hosted accommodation;
- (iii) accommodation in a hotel;

(iv) accommodation in a motel.’

(2) Schedule 1—

insert—

‘short stay letting —

- (a) means the provision, or making available, of premises for use by 1 or more persons, other than the owner of the premises, for less than 3 consecutive months; but
- (b) does not include any of the following—
 - (i) shared facility accommodation;
 - (ii) home hosted accommodation;
 - (iii) accommodation in a hotel;
 - (iv) accommodation in a motel;
 - (v) backpacker accommodation.

home hosted accommodation means the provision, or making available, of premises—

- (a) for use by 1 or more persons (each an *occupant*), other than the owner of the premises, for less than 3 consecutive months; and
- (b) which comprise—
 - (i) a habitable room at residential premises, for example, a bedroom, studio or cabin; or
 - (ii) bed and breakfast style accommodation; and
- (c) where the person in charge of the premises resides at the premises whilst the occupant uses the premises.’

5. Amendment of sch2 (Prescribed activities)

- (1) Schedule 2 part 1, after ‘undertaking regulated activities on local government controlled areas and roads’—

insert—

‘operation of short stay letting or home hosted accommodation’.

- (2) Schedule 2, part 2, definition *operation of shared facility accommodation*—

omit, insert—

‘operation of shared facility accommodation means the provision of shared facility accommodation to holiday makers or travellers, but does not include any of the following—

- (a) short stay letting;
- (b) home hosted accommodation;
- (c) accommodation in a hotel;
- (d) accommodation in a motel.’

*Noosa Shire Council
Administration (Amendment) Local Law (No. 1) 2021
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- (3) Schedule 2, part 2, after the definition for the prescribed activity ‘*undertaking regulated activities on local government controlled areas and roads*’—
insert—
 ‘*operation of short stay letting or home hosted accommodation* means the provision, or making available, on a commercial basis, of short stay letting or home hosted accommodation.’.

This and the preceding 4 pages bearing my initials is a certified copy of *Administration (Amendment) Local Law (No. 1) 2021* made in accordance with the provisions of the *Local Government Act 2009* by Noosa Shire Council by resolution dated the day of 2021.

.....
 Chief Executive Officer

1023094_1

REVISED DRAFT



Noosa Shire Council

Administration (Amendment) Subordinate Local Law (No. 1) 2021

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REVISED DRAFT

Noosa Shire Council Administration (Amendment) Subordinate Local Law (No. 1) 2021

Part 1 Preliminary

1. Short title

This subordinate local law may be cited as *Administration (Amendment) Subordinate Local Law (No. 1) 2021*.

2. Purpose

The purpose of this subordinate local law is to amend *Subordinate Local Law No 1 (Administration) 2015*.

3. Authorising local law

The making of the provisions of this subordinate local law is authorised by *Noosa Shire Council Local Law No.1 (Administration) 2015*.

Part 2 Amendment of Subordinate Local Law No. 1 (Administration) 2015

4. Subordinate local law amended

This part amends *Subordinate Local Law No. 1 (Administration) 2015*.

5. Insertion of new sch 21A — Operation of short stay letting or home hosted accommodation

After schedule 21—

insert—

'Schedule 21A Operation of short stay letting or home hosted accommodation

Section 11

1 Prescribed activity

Operation of short stay letting or home hosted accommodation.

2 Activities that do not require approval under the authorising local law

An approval is not required in respect of the undertaking of the prescribed activity if the prescribed activity is undertaken at any of the following premises—

- (a) all premises located within the Hastings Street Mixed Use Precinct as identified in the planning scheme of the local government; or

- (b) premises located at any of the following sites—
- (i) lot 1 on SP286680, 215 David Low Way, Peregian Beach;
 - (ii) SP190823 and SP151409, 3-5 Morwong Drive, Noosa Heads, (Viridian Noosa Resort);
 - (iii) lot 10 and lot 11 on SP195871, 3-7 Serenity Close, Noosa Heads (Settlers Cove resort site);
 - (iv) lot 203 on SP267424 and lot 3 on SP126203, 94 or 142 Noosa Drive, Noosa Heads (RACV Resort and adjoining land);
 - (v) lots 201 and 8000 and common property on SP290680, 75 Resort Drive, Noosa Heads (Parkridge Noosa);
 - (vi) GTP102758, 73 Hilton Terrace, Noosaville (Ivory Palms Resort);
 - (vii) SP115731, 3 Hilton Terrace, Tewantin (Noosa Lakes Resort);
 - (viii) lot 2 on RP135678, 1 Beach Road, Noosa North Shore;
 - (ix) lot 2 on SP186169, 30 Beach Road, Noosa North Shore;
 - (x) lot 500 on SP215779 and lot 500 on SP186174 and any of the Beach Road Holiday Homes, 90 Beach Road, Noosa North Shore;
 - (xi) lot 2 on RP865533, 2 Halse Lane, Noosa Heads (Halse Lodge);
 - (xii) lot 4 on SP178340, 61 Noosa Springs Drive, Noosa Heads.

3 Documents and materials that must accompany applications for approval

The following documents and materials must accompany an application for an approval for the operation of short stay letting or home hosted accommodation at premises—

- (a) application form; and
- (b) the appropriate fees as determined in the local government's schedule of fees and charges; and
- (c) the documents, information and materials identified in the application form for the prescribed activity; and
- (d) a plan of the premises and specifications for the operation of the short stay letting or home hosted accommodation including—
 - (i) a site plan showing the location of all buildings, including any swimming pool or spa; and
 - (ii) a floor plan; and
 - (iii) the use proposed in respect of each room and the maximum number of persons to be accommodated in each bedroom; and

- (e) written confirmation that—
 - (i) the use of the premises for the operation of short stay letting or home hosted accommodation is authorised—
 - (A) by a development approval granted by the local government; or
 - (B) as accepted development or accepted development subject to requirement provisions of the local government's planning scheme; or
 - (C) by lawful use rights in existence on the date the application is made to the local government; and
 - (ii) the operation of short stay letting or home hosted accommodation at the premises complies with—
 - (A) if development approval conditions apply to the operation of the prescribed activity at the premises — the development approval conditions; or
 - (B) if development approval conditions do not apply to the operation of the prescribed activity at the premises — the planning scheme of the local government which applied at the time the operation of the prescribed activity commenced at the premises; and
- (f) written confirmation that the premises will not be used for the purposes of a party house as defined in the *Planning Act 2016*, section 276; and
- (g) written confirmation that the premises are structurally sound and in good repair; and
- (h) if a pool is situated on the premises — written confirmation that a current pool safety certificate has been issued by a QBCC licensed pool safety inspector; and
- (i) written confirmation that a current electrical safety certificate of compliance has been issued by a licensed electrical contractor for each smoke alarm at the premises; and
- (j) if the application is for an approval to operate short stay letting — a written statement that —
 - (i) identifies the name and telephone number of the contact person (which may include the name and contact details of an individual, letting agency, property manager, security firm or the like) for the purposes of the operation of the short stay letting at the premises; and
 - (ii) confirms that the contact person is available 24 hours a day, 7 days a week; and
 - (iii) confirms that the contact person resides, or has a place of business, within 20 minutes travel time (by vehicle) of the premises; and
 - (iv) confirms that the contact person is to be responsible for the

supervision and management of the premises, including addressing complaints about the use of the premises for short stay letting and visitor queries.

4 Additional criteria for the granting of approval

The local government may only grant an approval (or renew an approval) for the operation of short stay letting or home hosted accommodation at premises if it is satisfied the proposed operation and management of the activity would be consistent with each of the following additional criteria—

- (a) the applicant is the owner of the premises, or is authorised in writing by the owner of the premises, used for the short stay letting or home hosted accommodation;
- (b) the operation of the short stay letting or home hosted accommodation can be lawfully conducted on the premises;
- (c) the matters which are the subject of the conditions specified in section 6 of this schedule which are relevant to the operation of the short stay letting or home hosted accommodation at the premises can be adequately addressed by the imposition of conditions;
- (d) the applicant's history in respect of the operation of short stay letting or home hosted accommodation at the premises or other premises and any suspensions or cancellations pursuant to section 17 or 19 of the authorising local law;
- (e) the operation of the short stay letting or home hosted accommodation must comply with the following criteria—
 - (i) the operation of the short stay letting or home hosted accommodation must comply with—
 - (A) any relevant development approval; or
 - (B) accepted development or accepted development subject to requirement provisions of the local government's planning scheme; or
 - (C) for premises with lawful use rights — the local government's planning scheme which applied at the date the lawful use commenced;
 - (ii) the operation of the short stay letting or home hosted accommodation at the premises must not detrimentally affect the residential amenity (including, but not limited to, noise, overlooking or light spill) enjoyed by residents in the vicinity of the premises;
 - (iii) adequate on-site vehicular parking facilities must be provided at the premises;
- (f) if the application is for an approval to operate short stay letting at premises — the applicant must provide to the local government up to date details of a person (*contact person*) (which may include the name and contact details of an individual, letting agent, property manager or the like) being a person who—

- (i) is available 24 hours a day, 7 days a week; and
- (ii) resides, or has a place of business, within 20 minutes travel time (by vehicle) of the premises; and
- (iii) will be responsible for the supervision and management of the premises, including addressing complaints about the use of the premises for short stay letting and visitor queries.

5 Conditions that must be imposed on approvals

No condition must be imposed on an approval for the operation of short stay letting or home hosted accommodation at premises.

6 Conditions that will ordinarily be imposed on approvals

(1) This section specifies the conditions that will ordinarily be imposed on an approval for the operation of short stay letting or home hosted accommodation at premises.

(2) If the approval is for the operation of short stay letting —

(a) an up to date contact person must be identified for the premises at all times (which may include an individual, letting agent, property manager or the like), who —

- (i) is available 24 hours a day, 7 days a week; and
- (ii) resides, or has a place of business, within 20 minutes travel time (by vehicle) of the premises; and
- (iii) is responsible for the supervision and management of the premises, including addressing complaints about the use of the premises for short stay letting and visitor queries; and
- (iv) is responsible for responding to each complaint —

(A) within 30 minutes of receipt of notification of the complaint; or

(B) if the premises forms part of the letting pool within an on-site managed complex — within the time frame specified by the letting agreement for the complex, or 30 minutes, whichever is the lesser; or

(C) if the premises forms part of a community titles scheme and does not form part of the letting pool within an on-site managed complex — within the time frame specified by the body corporate bylaws or 30 minutes, whichever is the lesser and if a time frame is not specified in the body corporate bylaws, within 30 minutes; and

(v) is responsible for resolving each complaint at the premises, including ensuring compliance with the requirements of the code of conduct for guest behavior; and

(b) if the premises do not form part of a community titles scheme —

-
- (i) the holder of the approval must prominently and permanently display a current, and up to date, written notice (*contact person notice*) at the front of the premises; and
 - (ii) the contact person notice must be visible to members of the public at all times; and
 - (iii) the size of the contact person notice must not exceed 0.2m²; and
 - (iv) the contact person notice must specify, in letters and numbers not less than 50mm in height—
 - (A) the current, and up to date, contact person details for the premises; and
 - (B) the telephone number of the contact person; and
 - (C) a statement that the contact person is responsible for the supervision and maintenance of the premises; and
 - (c) if the premises forms part of a community titles scheme, the holder of the approval must notify the body corporate of the approval and make available the contact person details for the premises at a location which complies with the by-laws for the community titles scheme.
- (3) If the approval is for the operation of short stay letting or home hosted accommodation at premises—
- (a) the operation of the short stay letting or home hosted accommodation must not detrimentally affect the residential amenity (including but not limited to noise, overlooking or light spill) enjoyed by residents in the vicinity of the premises; and
 - (b) the operation of the short stay letting or home hosted accommodation at the premises must not constitute a nuisance (including a noise nuisance); and
 - (c) adequate provision must be made at the premises for occupants to enter and leave the premises without causing disturbance to adjoining residents; and
 - (d) adequate provision must be made for the parking of vehicles on the premises, including a vehicle used by a person occupying the premises, and all vehicles must—
 - (i) be stored in a manner that does not cause a nuisance or inconvenience to adjoining premises; and
 - (ii) be parked within the parking facilities at the premises where provided; and
 - (e) the operation of short stay letting or home hosted accommodation must not make provision for any occupant of the premises to sleep or camp on the premises in a tent, caravan, campervan or similar facility; and
 - (f) the holder of the approval must, at all times, hold and maintain a broadform public liability insurance policy which provides indemnity—

- (i) in an amount not less than \$10,000,000.00 or another amount specified by the local government; and
- (ii) in respect of the use of the premises for the operation of short stay letting or home hosted accommodation; and
- (g) waste containers that are provided as part of the operation of the short stay letting or home hosted accommodation must, at all times, be regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition; and
- (h) if the premises do not form part of a community titles scheme where waste containers are managed by the body corporate — each of the approval holder and, if the contact person is not the approval holder, the contact person, must—
 - (i) place the waste container for the premises on the kerb side frontage of the premises, for the collection of general waste from the container; and
 - (ii) ensure that the container is placed on the kerb side frontage for no longer than 24 hours before or after the scheduled collection day for the collection of waste in the container; and
- (i) the code of conduct for guest behavior for the use, or occupation, of the premises must be—
 - (i) displayed in a manner, and in a prominent location within the premises, so that it can be viewed by persons using, or occupying, the premises; and
 - (ii) made available by the holder of the approval, or the contact person, to all users and occupants of the premises, including on any website or social media used to promote the use of the premises for short stay letting or home hosted accommodation; and
- (j) each of the approval holder and, if the contact person is not the approval holder, the contact person, must keep and maintain a written record of each complaint received by the contact person including, as a minimum, the following information about each complaint —
 - (i) details of the complaint; and
 - (ii) the date and time of receipt of the complaint; and
 - (iii) details of how the complaint was resolved or addressed; and
- (k) each of the approval holder and, if the contact person is not the approval holder, the contact person, must keep and maintain a register of the use of the premises for short stay letting, and record in the register, each of the following —
 - (i) on each occasion on which the premises are used, or occupied, for short stay letting on a commercial basis —
 - (A) the number of adults who are occupants of the premises; and
 - (B) the number of minors, an individual who is under 18,

-
- who are occupants of the premises; and
- (ii) the dates when each persons use, or occupation, of the premises for short stay letting began and ended; and
 - (iii) the number of guests of each person who uses, or occupies, the premises for short stay letting; and
- (l) each of the approval holder and, if the contact person is not the approval holder, the contact person, must make available, for inspection by the local government, within 5 business days of receipt of a written request given at any time, each of—
- (i) the written record of complaints referred to in paragraph (j); and
 - (ii) the register referred to in paragraph (k); and
- (m) each of the approval holder and, if the contact person is not the approval holder, the contact person, must require each occupant of the premises to comply with each of the following conditions (collectively the *code of conduct for guest behaviour*)—
- (i) each vehicle used by an occupant of the premises must—
 - (A) be stored in a manner that does not cause a nuisance or inconvenience to adjoining premises; and
 - (B) if parking facilities are provided at the premises — be parked within the parking facilities at the premises;
 - (ii) each occupant of the premises who enters, uses or occupies the premises, including any outdoor area of the premises, for example, an outdoor deck, balcony, swimming pool or spa, must not—
 - (A) detrimentally affect the residential amenity (including but not limited to noise, overlooking or light spill) enjoyed by residents in the vicinity of the premises; or
 - (B) cause a nuisance (including a noise nuisance); or
 - (C) display unacceptable behavior, for example—
 - loud aggressive behaviour;
 - yelling, screaming, arguing;
 - excessively loud cheering, clapping or singing;or
 - (D) create a level of noise which is in excess of the acceptable levels described by Queensland Government legislation for environmental protection (noise);
 - (iii) an occupant of the premises must not sleep or camp on the premises in a tent, caravan, campervan or similar facility;
 - (iv) pets occupying the premises must be managed and not cause a nuisance (including a noise nuisance);

- (v) each occupant of the premises must store general waste (including the separation of recyclable waste) produced as a result of the ordinary use or occupation of the premises in a waste container;
- (vi) each occupant of the premises must ensure that the premises, including the grounds of the premises, are kept in a safe and tidy condition.

7 Term of approval

- (1) The term of an approval commences on the date the approval is granted and expires 12 months from the date of the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

8 Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in the renewal.

9 Definitions for schedule

In this schedule —

body corporate has the meaning given in the *Body Corporate and Community Management Act 1997*.

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

code of conduct for guest behaviour has the meaning given in section 6(3)(m).

community titles scheme has the meaning given in the *Body Corporate and Community Management Act 1997*.

contact person has the meaning given in section 4(g).

contact person notice has the meaning given in section 6(2)(b).

development approval has the meaning given in the *Planning Act 2016*.

general waste has the meaning given in *Local Law No. 7 (Waste Management) 2018*.

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

planning scheme means the planning scheme of the local government.

vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

waste container see *Local Law No. 7 (Waste Management) 2018*.

Noosa Shire Council
Administration (Amendment) Subordinate Local Law (No. 1) 2021

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This and the preceding 11 pages bearing my initials is a certified copy of *Administration (Amendment) Subordinate Local Law (No. 1) 2021* made in accordance with the provisions of the *Local Government Act 2009* by Noosa Shire Council by resolution dated the day of 2021.

.....
Chief Executive Officer
1023095_1

REVISED DRAFT

Attachment 3: LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS

Local Law: Administration (Amendment) Local Law (No. 1) 2021.

Purpose: The purpose of the local law is to amend *Noosa Shire Council Local Law No. 1 (Administration) 2015*.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
Local law section 5 (Amendment of schedule 2 (Prescribed activities))	5 – prescribed standard 7 – business restriction 10 – permit requirement	The provision identifies, for the purpose of the local law, the prescribed activity of the operation of short stay letting or home hosted accommodation. Under the local law:- (a) an approval is required in respect of the undertaking of the prescribed activity; and (b) the local government has a discretion about the granting of approvals; and (c) if an approval is granted by Council—the approval may be granted subject to conditions prescribed by Council; and (d) <u>an</u> approval is not required in respect of the undertaking of the prescribed activity in specified circumstances.

Subordinate Local Law: Administration (Amendment) Subordinate Local Law (No. 1) 2021.

Purpose: The purpose of the subordinate local law is to amend *Subordinate Local Law No. 1 (Administration) 2015*.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
Subordinate Local law section 5 (Insertion of new schedule 21A – Operation of short stay letting or home hosted accommodation)	5 – prescribed standard 7 – business restriction 10 – permit requirement	<ul style="list-style-type: none"> Imposes a requirement to obtain an approval in respect of the undertaking of the prescribed activity and may have an impact on the conduct of a business activity, and in particular, the prescribed activity of the operation of short stay letting or home hosted accommodation. Regulates the process for the grant of an approval by constraining the Council's discretion. The power to impose conditions and examples of subject matter for conditions which form part of the process for the grant of an approval. The imposition of conditions may have an impact on the conduct of a business activity.

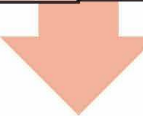
Attachment 4



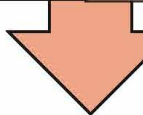
Short stay letting and home hosted accommodation Local Law Complaints procedure

Approval holder /contact person responsibilities

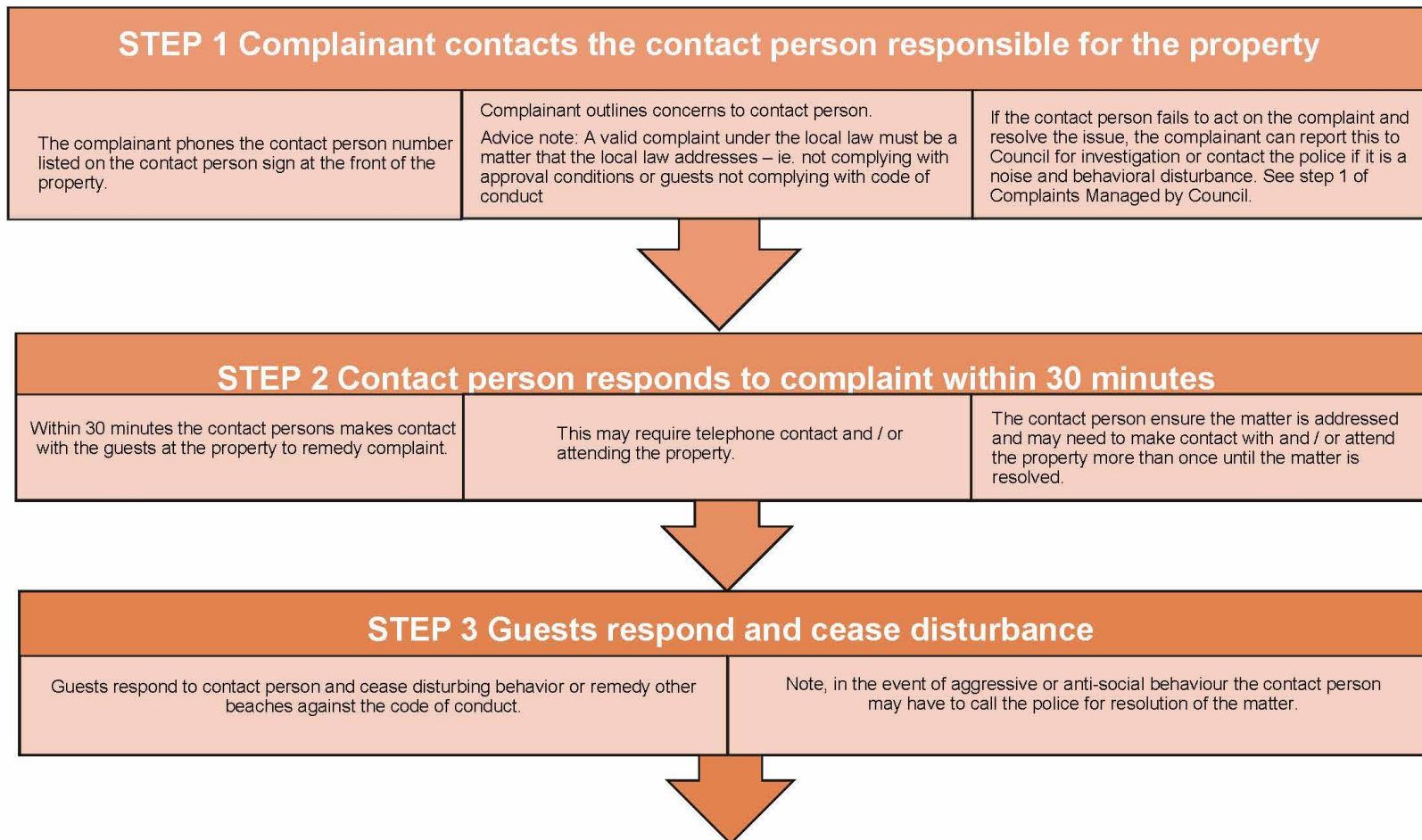
Approval holder ensures compliance with conditions of approval	
The approval holder must ensure each condition of approval is complied with. If not a maximum penalty of 50 penalty units may be issued. (\$133.45 per unit)	The approval holder must ensure the contact person details provided in the approval are current at all times and must notify Council immediately of any changes and update the contact person sign immediately.



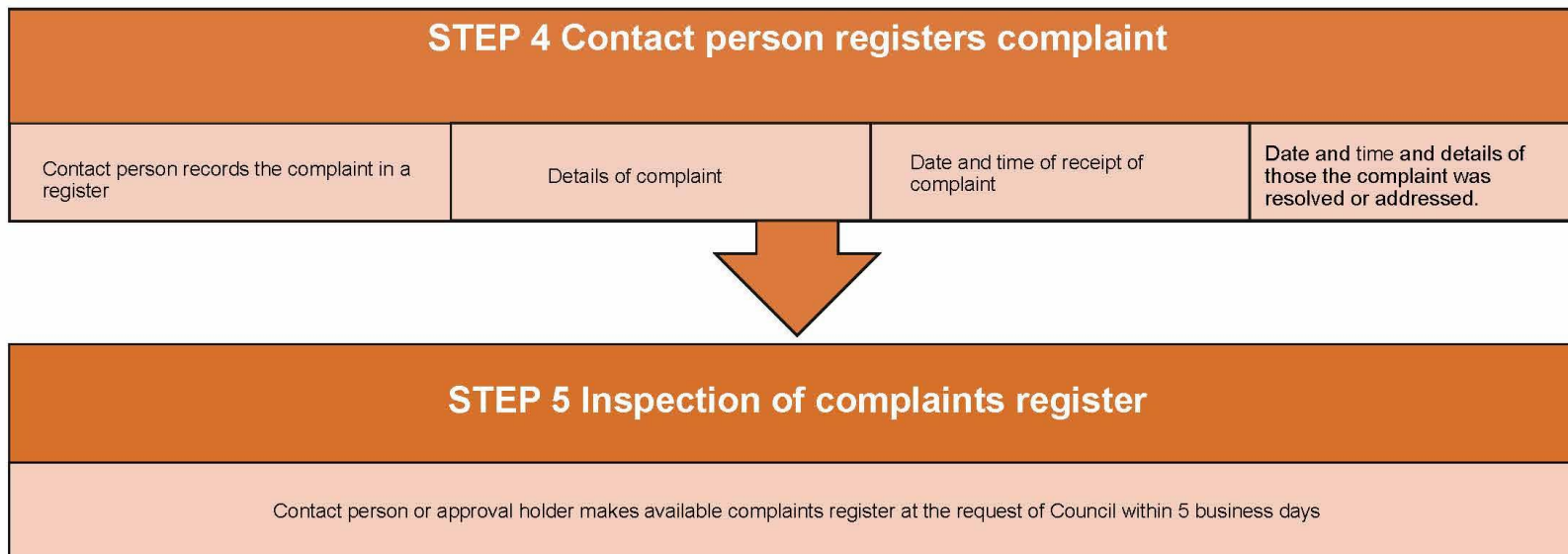
Nominated contact person or approval holder advises guests of Code of Conduct			
Contact person or approval holder makes available the Code of Conduct on all online booking and social media platforms used to promote the property.	Contact person or approval holder informs the guests of the requirements of the Code of Conduct.	Contact person or approval holder makes available the Code of Conduct within the property in a prominent location.	Advice note: The contact person or approval holder should meet and greet the guests and discuss the obligations of the code of conduct.



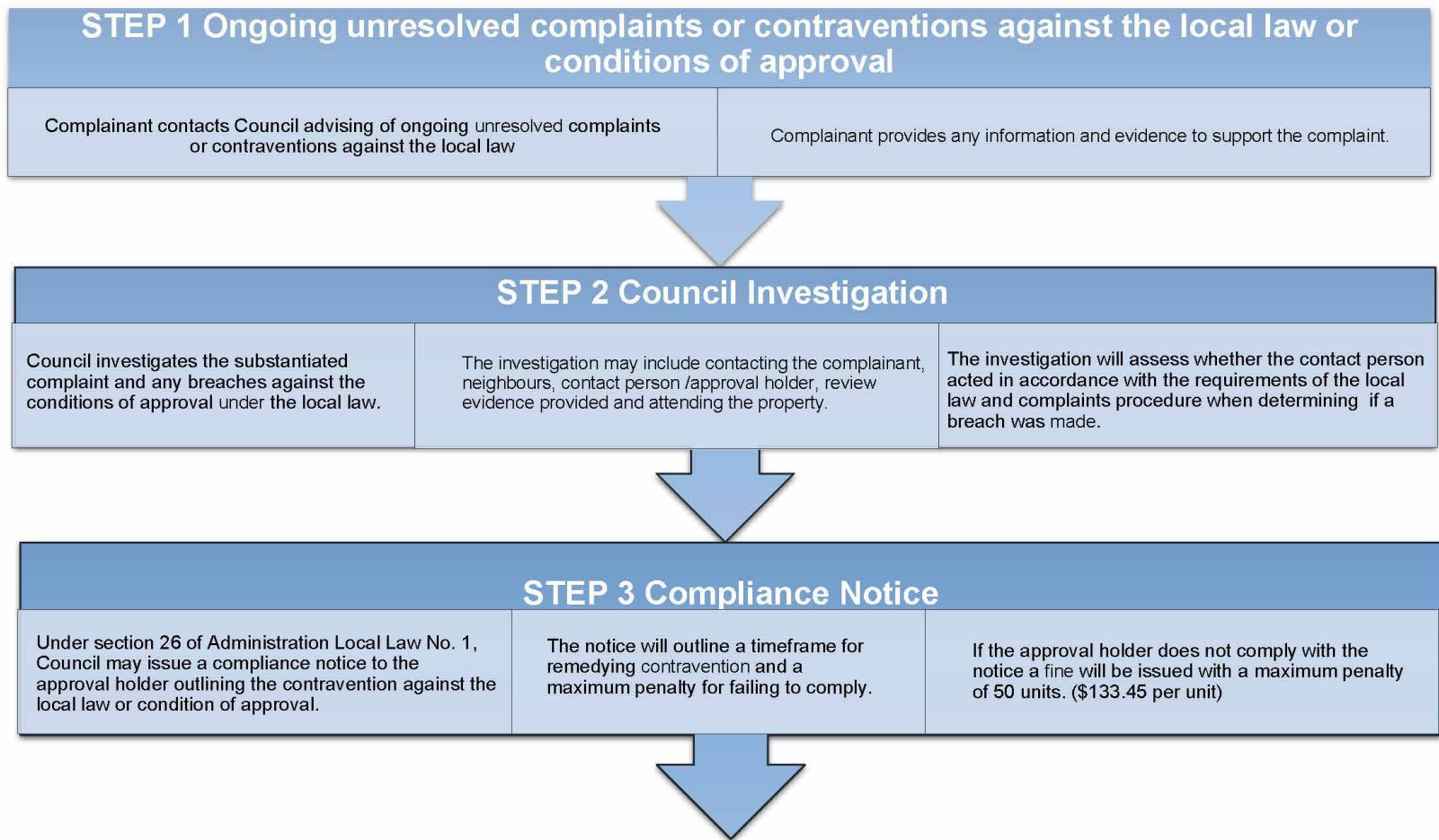
Complaints managed by contact person



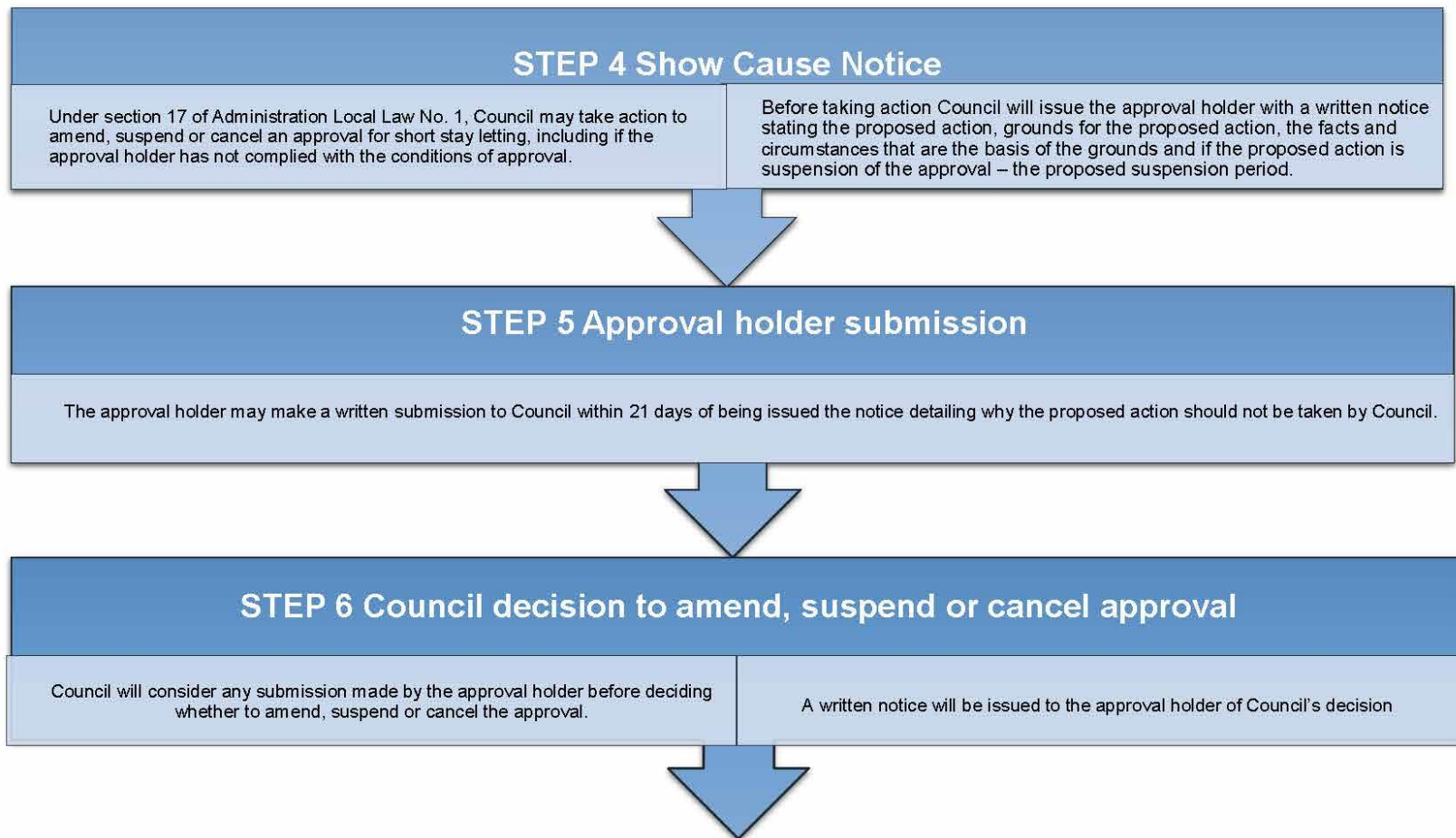
Complaints managed by contact person



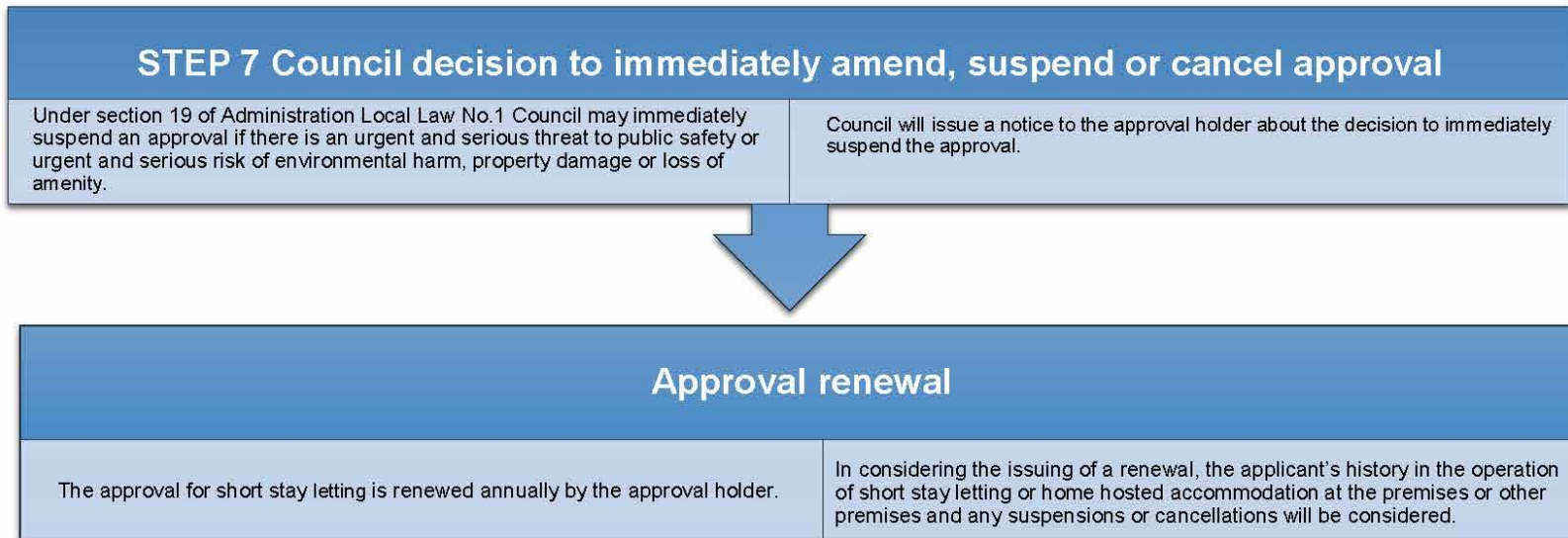
Complaints managed by Council



Complaints managed by Council



Complaints managed by Council



Attachment 5 - FIRST DRAFT LOCAL LAW 2019 SUMMARY OF REQUIREMENTS (Plain English version)

Application requirements

- annual application for short stay letting, with exemptions for
 - units in an onsite overnight managed complex, managed by onsite letting agent;
 - holiday houses not being used for short term accommodation;
 - home hosted accommodation;
 - motel, backpacker's accommodation, cabins,
- plan to scale – site plan, floor plan, use of each room, number of persons per bedroom;
- body corporate approval (if relevant);
- evidence of rates and levies paid;
- statutory declaration confirming the premises is not used as a 'Party House';
- confirmation of:
 - development approval and compliance with conditions (if required); or
 - lawful existing use rights;
 - premises being structurally sound and in good repair;
 - a current pool safety certificate;
 - a current electrical safety certificate for smoke alarms.
- contact person's name and telephone number:
 - available 24 hours 7 days per week; and
 - lives within 20 minutes of the premises; and
 - responsible for supervision and management of premises, addressing complaints and visitor queries.

Criteria for assessment

- applicant is owner of the premises;
- operation of short stay letting is lawful;
- conditions of approval can be met;
- applicant has not been suspended, cancelled or it convicted of 3 offences in 2 year period;
- complies with development approval and planning scheme;
- max occupants 2 per bedroom or max of 12 persons (including visitors), whichever lesser;
- operation does not affect residential amenity;
- vehicle parking does not protrude beyond premises boundary; and
- identification of a contact person:
 - available 24 hours 7 days; and
 - resides within 20 minutes of premises; and
 - responsible for complaints and visitor queries.

Conditions of approval

- must not affect residential amenity;
- must not constitute a nuisance including a noise nuisance;
- provision made for people to safely enter and leave premises;
- vehicles must be stored to not cause a nuisance or inconvenience, be parked in parking facilities at premises, not protrude or extent beyond boundary of premises;
- max occupants of 2 per bedroom or max 12 persons (including visitors), whichever lesser;
- waste containers provided and cleaned;

- display contact person notice-name and contact details available 24 hours, 7 days, resides within 20 minutes of premises, responsible for managing and addressing complaints;
- place waste containers at kerb no longer than 24 hours;
- code of conduct displayed on premises and websites;
- maintain guest register – name and contact details, number of guests and dates;
- maintain complaints register – name and contact details of complainant, details of complaint and how resolved;
- registers to be available for inspection by Council.
- Code of conduct for guests;
 - vehicles stored not to cause nuisance or inconvenience, parked on onsite if provided, not parked beyond property boundary;
 - max 2 guests per bedroom or max 12 persons (including visitors), whichever lesser;
 - guests don't detrimentally affect residential amenity or cause nuisance;
 - no sleeping or camping in a tent, caravan, campervan or similar;
 - no use of outdoor area 10pm -7 am;
 - store waste in containers, place waste at kerb, no longer than 24 hours; and
 - grounds kept safe and tidy

**Attachment 6 – FIRST DRAFT LOCAL LAW 2019 - PUBLIC NOTIFICATION
SUMMARY AND RESPONSE TO KEY ISSUES AND RECOMMENDATIONS FOR REVISED DRAFT LOCAL LAW**

Issues resulting in proposed changes to the revised local law

Issue	Response	Recommendation for revised draft local law
<p>Annual approval requirements</p> <p>A full annual application for short stay letting is an onerous requirement.</p>	<p>Instead of a new application being made annually, a one-off application with all the required supporting information is considered appropriate with a simple annual renewal fee to be paid.</p> <p>Any changes to the original application information would require a new approval.</p>	<p>Require a single one-off application for short stay letting and home hosted accommodation with annual renewal fee to be paid.</p>
<p>Inclusion of home hosted accommodation</p> <p>The local law should equally apply to home hosted accommodation.</p>	<p>Prior to Noosa Plan 2020 commencing, home hosted accommodation was identified as <i>Visitor Accommodation Type 1 – home hosted</i> and required an impact assessable planning approval at a cost of \$3,647. Despite this requirement, Council officers were aware of many properties undertaking home hosted accommodation without planning approval.</p> <p>Home hosted accommodation is now classified as a home based business, no longer needs planning approval and is now accepted development subject to requirements under Noosa Plan 2020. The effects of the ongoing operation of the use however are currently unregulated.</p> <p>A local law approval for home hosted accommodation is considered appropriate as it will ensure the use is not operating outside the requirements of Noosa Plan 2020. This is particularly important for ensuring the use is not operating within a secondary dwelling or other self-contained areas within a dwelling house reserved for permanent residents, as a number of compliance issues have arisen on this specific matter.</p> <p>In addition, a local law approval will ensure basic minimum safety standards are met for fire alarms and pool safety and the operator has public liability insurance. It will also apply the same residential amenity, waste and parking requirements for the business use, consistent with short stay letting.</p> <p>Approvals will also inform Council where home hosted accommodation is occurring for data collection and informing the tourism levy.</p>	<p>Include home hosted accommodation as a prescribed activity requiring an approval under the local law.</p>
<p>Onsite manager exemptions</p> <p>Concerns were raised about the exemptions for properties managed by an onsite letting</p>	<p><u>Resident letting agent licencing</u></p> <p>The first draft local law did favour the onsite letting agent business model over external letting agent businesses by exempting them from the local law approval requirements.</p>	<ul style="list-style-type: none"> ▪ Remove exemptions for onsite managed properties using the onsite letting agent business. ▪ Exempt properties and precincts from the local law that align to Noosa Plan 2020 land

Attachment 6 – 1st Draft local law 2019 – Short stay letting – public notification – summary and response to key issues and recommendations for revised draft local law

Issue	Response	Recommendation for revised draft local law
<p>agent as being inequitable and discriminatory for properties who use an external letting agent or self-manage.</p> <p>Potential inequities will arise within complexes between properties operating under the local law requirements and guest code of conduct and those properties exempt and not operating under the local law.</p> <p>Onsite managers argued onsite letting agents are already licenced and operate under a code of conduct and should be exempt from local law.</p> <p>And body corporate agreements require an on-site manager to deal with complaints within a specified time.</p> <p>Managers with multiple management rights – cannot comply with overnight manager requirement.</p>	<p>Having some properties operating under the local law and others not within the one building or complex may lead to inequities and inconsistencies, and in particular not deal with the main concern of the local law, which is impacts from short stay letting on permanent residents.</p> <p>On further examination of licencing requirements for onsite letting agents, it is identified that both onsite and external letting agents require the same resident letting agent licence under the Property Occupations Act, requiring trust accounts and audits. And whilst the onsite letting agent additionally operates under the Body Corporate and Community Management Act, their code of conduct is about how they should conduct their business, not matters covered by the local law.</p> <p>While there is considered to be no overlap between onsite management licencing requirements and the local law, it is recognised that self-managed properties do not operate under a resident letting agent licence, as there is no statutory obligation to do so.</p> <p><u>Body Corporate bylaws</u></p> <p>Most body corporate bylaws deal with noise and behaviour (limited extent), garbage and signage. These bylaws have to be adhered to whether a property is let by the onsite letting agent or an external letting agent, self-managed or is permanently tenanted.</p> <p>If there is a letting agent on site – depending on the body corporate bylaws (which vary site to site), there may also be requirements for the onsite letting agent to be available at certain times, and with regard to managing properties within their letting pool - respond to complaints, maintain a guest register, have public liability insurance and ensure fire safety. These requirements, where they exist in a bylaw, may overlap with the local law requirements, however there is no need for an applicant under the local law to duplicate anything as they may already meet the local law requirements by their current practices.</p> <p><u>Interchangeable use rights- permanent occupation to visitor and vice versa</u></p> <p>Most of the existing older unit / townhouse complexes and resorts require no approval to interchangeably move from permanent occupation to visitor, and therefore there are no conditions of approval to be met for how that change in use impacts permanent residents.</p> <p>There is no code of conduct for guest behaviour and no obligation for an onsite letting agent to consider the impacts of their letting agent business on the residential amenity of permanent residents. The change in use from properties from visitor to permanent</p>	<p>use planning by exempting properties approved for or intended for visitor only occupancy and other non-residential activities outlined below:</p> <p>(a) all premises located within the Hastings Street Mixed Use Precinct as identified in the planning scheme of the local government; or</p> <p>(b) premises located at any of the following sites—</p> <p>(i) lot 1 on SP286680, 215 David Low Way, Peregian Beach;</p> <p>(ii) SP190823 and SP151409, 3-5 Morwong Drive, Noosa Heads, (Viridian Noosa Resort);</p> <p>(iii) lot 10 and lot 11 on SP195871, 3-7 Serenity Close, Noosa Heads (Settlers Cove resort site);</p> <p>(iv) lot 203 on SP267424 and lot 3 on SP126203, 94 or 142 Noosa Drive, Noosa Heads (RACV Resort and adjoining land);</p> <p>(v) lots 201 and 8000 and common property on SP290680, 75 Resort Drive, Noosa Heads (Parkridge Noosa);</p> <p>(vi) GTP102758, 73 Hilton Terrace, Noosaville (Ivory Palms Resort);</p> <p>(vii) SP115731, 3 Hilton Terrace, Tewantin (Noosa Lakes Resort);</p> <p>(viii) lot 2 on RP135678, 1 Beach Road, Noosa North Shore;</p> <p>(ix) lot 2 on SP186169, 30 Beach Road, Noosa North Shore;</p> <p>(x) lot 500 on SP215779 and lot 500 on SP186174 and any of the Beach Road</p>

Attachment 6 – 1st Draft local law 2019 – Short stay letting – public notification – summary and response to key issues and recommendations for revised draft local law

Issue	Response	Recommendation for revised draft local law
	<p>occupation is inherently detrimental to their potential letting pool stock and business success.</p> <p><u>Noosa Plan 2020- Land use planning</u></p> <p>Noosa Plan 2020 sets out where visitor accommodation should and should not occur. Historical approvals however, also mean that most units/ townhouse complexes have approvals for both visitor and permanent occupation creating a constant interchangeable mix of visitors and permanent residents.</p> <p>Notwithstanding this, Noosa Plan 2020 specifically identifies sites and precincts within the Tourist Accommodation zone with visitor only approvals or reserves land for visitor only accommodation (to the exclusion of permanent residents) including the Hastings St Mixed Use Precinct. These sites, and in particular Hastings St, are intended for visitors not permanent residents with a range of commercial, tourist and entertainment and late night uses. Notwithstanding there may be permanent residents residing in some of these properties.</p> <p>Given the main purpose of the local law is to manage the ongoing impacts of short stay letting on permanent residents, and there are no permanent residents permitted in the visitor only sites or intended in the Hastings St Mixed Use precinct, it is appropriate they be exempt from the local law.</p> <p>These exemptions align to the land use outcomes sought by Noosa Plan 2020, and avoids potential inconsistencies, inequities and discrimination which may arise from the first draft's proposal to exempt onsite letting agents.</p>	<p>Holiday Homes, 90 Beach Road, Noosa North Shore;</p> <p>(xi) lot 2 on RP865533, 2 Halse Lane, Noosa Heads (Halse Lodge);</p> <p>(xii) lot 4 on SP178340, 61 Noosa Springs Drive, Noosa Heads.</p>
Body Corporate approval cannot be required	Body corporate approval cannot be required for an owner to lodge an application under the local law and cannot prevent a lawful use operating in a premises.	Remove body corporate approval to make an application under the local law.
Local law is duplicating planning scheme matters	The restrictions on occupancy of 2 persons per bedroom or maximum 12 people, whichever the lesser, and the restriction on the hours of use of outdoor areas to between 7am and 10pm are planning scheme matters and cannot be regulated by the local law.	Remove planning scheme matter of occupancy and hours of use of outdoor areas from the local law.
Contact person notice on community title properties is contrary to body corporate bylaws	<p>The contact person notice requirements is contrary to body corporate bylaws for the placement of signs.</p> <p>The revised draft local law should instead require properties within a community titles scheme to notify the body corporate of the local law approval and provide contact details in a location consistent with their body corporate by laws.</p>	Remove the contact person notice requirement for properties within a community title scheme and instead include a requirement the body corporate be notified of an approval and a contact person notice be placed consistent with the body corporate bylaws.

Issue	Response	Recommendation for revised draft local law
Contact person should include letting agents, property managers and the like	It is reasonable that a nominated contact person include a letting agent or property manager to manage the property and deal with complaints – not just an individual.	Expand the definition of a contact person to include letting agents, property managers and the like.
Response time to complaints required	<p>The 1st draft local law only included a requirement for the contact person to reside 20 minutes from the property, not the time in which a complaint had to be responded to.</p> <p>A 30 minute response time to complaints is reasonable, and if an onsite manager whatever the time specified in their agreement with the body corporate, whichever is the lesser.</p>	Include a 30 minute response time to complaints (or whatever the response time required for onsite manager whichever the lesser time) and reference back to compliance with code of conduct.
<p>Residential amenity and guest behaviour</p> <ul style="list-style-type: none"> ▪ clarify what residential amenity means ▪ restrict outdoor lighting ▪ manage pets ▪ local law can't restrict cars parked legally in the street 	<p>The term residential amenity requires further definition, as does what constitutes unacceptable guest behaviour in the code of conduct for guests.</p> <p>Pets left unattended should also be addressed by the local law.</p> <p>The local law cannot prevent vehicles being legally parked out on the street or parked beyond the property boundary.</p>	<p>Further clarify the term residential amenity by including noise, light spill and overlooking.</p> <p>Define what is unacceptable behaviour including:</p> <ul style="list-style-type: none"> ▪ loud aggressive behaviour; ▪ yelling, screaming, arguing; or ▪ excessively loud singing or clapping. <p>Include a requirement that pets must not cause a nuisance and be managed by guests.</p> <p>Remove reference to cars not being able to park beyond the property boundary.</p>
Overlap with bylaws for community title scheme properties for garbage and signage.	Garbage placed to the street kerb for collection is managed by the body corporate for properties within a community titles scheme.	Remove the garbage to kerb requirement for properties within a community title scheme where waste is managed by the body corporate.
Complaints procedure Role of Council	A plain English interpretation of the local law as it relates the contact person role for dealing with complaints and when a complaint is elevated to Council responsibility is required, including infringement notices and penalties. The local law has the enabling provisions – but a simple explanation is required which should sit outside the local law.	Prepare a complaints procedure to sit outside of the local law.

Issues that did not result in proposed changes to the revised local law

Issues	Response	Recommendation for revised draft local law
Resident objection to short stay letting applications	<p>The local law application process cannot make provision for public notification or objection to applications for short stay letting or home hosted accommodation.</p> <p>Noosa Plan 2020 makes provision for public notification of new applications for short term accommodation where the use is impacts assessable in the particular zone. Short term accommodation for entire use of a dwelling is impacts assessable in Low, Medium and High Density Residential zones and Rural Residential zone.</p>	No change recommended
<p>Increase fees</p> <p>Increase fees and levies for strain on infrastructure</p>	<p>Any application fees for short stay letting or home hosted accommodation under the local law are cost recoverable only and cannot be allocated to deal with infrastructure matters.</p> <p>There are a number of options available to Council to recover any additional resourcing costs associated with administering the local law, which may include:</p> <ul style="list-style-type: none"> ▪ the introduction of an application and renewal fee applied to the properties subject to the local law; ▪ general rates; ▪ funding under a levy or special rating charge; or ▪ a combination of the above. 	The assessment of funding options for the administration of the local law be referred to the 2021/22 budget process to ensure it is considered holistically with all other rates, fees and charges applicable to short stay accommodation.
<p>Qualified property agents to manage short stay letting</p> <p>Mandate management by qualified property agents</p>	<p>The mandating of qualified property management for short stay letting is a state legislative matter and cannot be addressed by the local law.</p> <p>However, it may be prudent for Council to support any industry lobby to affect change in legislation.</p>	Consider supporting any industry lead lobby to the state for changes to legislation to mandate qualified letting agents to manage short stay let properties.
<p>Reasonableness</p> <p>Local law makes the contact person liable for actions and behaviour of others – not reasonable.</p>	While the local law should not ordinarily make a person responsible for actions or omissions over which the person may have no control, the local law is drafted consistent with the fundamental legislative principles regarding the approval holder's responsibilities. The process for enforcement under sections 17-19 in Local Law (Administration) No. 1 will be followed in this regard.	No change recommended
<p>Additional requirements for guest safety, health, discrimination, state/ federal laws</p>	Matters addressed by other legislation do not need to be duplicated by the local law. The minimum requirements for safety in the revised draft local are considered adequate.	No change recommended

Attachment 6 – 1st Draft local law 2019 – Short stay letting – public notification – summary and response to key issues and recommendations for revised draft local law

Issues	Response	Recommendation for revised draft local law
<p>Employ security Employ a security firm with fees collected.</p>	<p>Application fees for short stay letting or home hosted accommodation are cost recoverable for the application and compliance service. Council should consider allocation fees to employ after hours security during peak times such as schoolies. The local law should be monitored for its effectiveness in dealing with the impacts of short stay letting on residential amenity.</p>	<p>Consider allocating renewal fees for addressing compliance matters to the services of an external security firm during peak periods such as schoolies and other peak times. Monitor the effectiveness of the local law and continue to review other models for dealing with the impacts of short stay letting on residential amenity.</p>
<p>Resident notification of bookings Notify residents of every booking where no onsite manager</p>	<p>Body corporates are required to be notified of an approval under the local law by the approval holder and sign placed in a location consistent with body corporate bylaws of the contact person. Once approved it is not considered reasonable for residents to be notified of every booking.</p>	<p>No change recommended</p>
<p>Infringements Fine the guest not the owner</p>	<p>The approval holder is the only person able to be issued with enforcement notices and fines under the provisions of the local law. The onus is on the approval holder / contact person to ensure the guests are aware of the code of conduct and deal with any complaints.</p>	<p>No change recommended</p>
<p>Evaluation and monitoring The local law and its impacts should be monitored and evaluated.</p>	<p>Once in place, the local law will be reviewed after 2 years to determine its effectiveness. 2 years is a reasonable timeframe, given it is likely to take at least a 2-3 year period for all properties to be approved under the local law when they come forward.</p>	<p>Monitor the effectiveness of the local law and consider its review if required after a 2 year period.</p>

8 DRAFT CLIMATE CHANGE RESPONSE PLAN

Author Principal Strategic Planner, Rebecca Britton
Carbon Reduction Officer, Anne Nolan
Environment & Sustainable Development Department

Index ECM/Subject/Climate Change

Attachment 1. Draft Climate Change Response Plan (50 page attachment provided separately to this agenda)

EXECUTIVE SUMMARY

Not Applicable.

RECOMMENDATION

That Council note the report by the Principal Strategic Planner and Carbon Reduction Officer to the Planning & Environment Committee Meeting dated 9 March 2021 and approve the draft Climate Change Response Plan for the purpose of community consultation, provided at Attachment 1 to the report.

REPORT

This report brings forward the draft Climate Change Response Plan for approval for the purposes of community consultation. The plan acknowledges Noosa's long history of climate driven extremes such as flooding, droughts, heatwaves and bushfires, and outlines the future challenges and opportunities that climate change presents as these hazards become more frequent and severe. The plan calls for a strong and unified response by Council and the community to take action to ensure Noosa is well prepared for change and supports local jobs, industries and sectors that invest in a zero emissions future.

The document details a 5-year plan that sets out the context, desired outcomes and actions for addressing climate change in Noosa Shire in partnership with the community. The plan provides overarching strategic direction, specific actions and targets for responding to climate change.

The objectives are to ensure:

- Key climate risks are understood and accepted by Council and the community
- Roles and responsibilities for addressing climate risks with Council and key sectors of the community are established
- Climate risks and emissions reduction are considered and responded to in a holistic and strategic way and embedded in decision making, policy and planning
- Opportunities arising from climate change for Council and the community are identified
- Collaborative approaches are considered and pursued for reducing emissions and adapting to climate change
- Implementation and outcomes of climate action and changing risks are monitored and regularly evaluated.

The plan is structured under 8 themes:

1. Strong leadership and governance
2. Energy efficiency and renewable energy
3. Clean low emissions industries

4. Sustainable transport
5. Healthy and resilient natural systems and carbon drawdown
6. Sustainable agriculture and food systems
7. Resilient and adaptive communities and built environments
8. Zero waste and circular economy.

Each theme has strategic priorities with information on why these priorities matter, how they will be achieved, Council's role in driving and influencing change and important partnerships.

Within the summary of actions there is an overview of the specific actions to be implemented over the next few years, indicators for monitoring progress, and estimated timeframes for delivery.

Key outcomes identified for creating a better future that prioritises climate action are:

- Transition to zero net emissions for Council operations and for the community
- Transition to 100% renewable energy powering Council buildings and facilities, and powering Noosa Shire
- Drive clean low emissions industry, and innovative technologies and solutions that address the climate crisis
- Be a well informed and prepared community whose people consider climate change in their daily lives and business decisions
- Facilitate sustainable, resilient and adaptive communities, buildings and infrastructure to help adapt to the impacts of climate change
- Support vulnerable populations, ensuring inclusion in solutions and equitable access to opportunities and benefits
- Accelerate transition to sustainable transport and improve mobility through new technologies and active modes of transport such as walking and cycling
- Enhance ecosystem health, adaptive capacity and carbon drawdown, while balancing other climate risks such as bushfire
- Grow and distribute food locally and sustainably, enabled by sustainable land management and regenerative farming practices
- Advance a zero waste circular economy where products and materials are reused and repurposed.

Many businesses, community groups and households are already taking steps to incorporate climate change considerations into their risk assessment processes and day to day operations and lifestyles. Council has also made progress in key areas that it can influence.

This plan seeks to build on this momentum to move Council and the community from business-as-usual approaches for managing current day risks towards making an urgent and systematic shift across a range of sectors and council functions. This includes helping to engage and mobilise the community to build resilience and increase investment in renewable energy solutions, clean low emissions industries and sustainable transport. It also includes taking advantage of carbon drawdown opportunities through tree planting and better agricultural land management.

Relationship to the CHAP

This plan is separate to the Coastal Hazards Adaptation Plan (CHAP) which deals specifically with coastal erosion and inundation risks and how these hazards are projected to increase as a result of sea level rise.

The Climate Change Response Plan is more broad reaching and deals with a range of climate related risks as well as emissions reduction, thereby providing overarching direction for implementation of the CHAP.

Previous Council Consideration**Ordinary Meeting Minutes 20 August 2020, Item 2, Page 9**

That Council note the report by the Principal Strategic Planner to the Planning & Environment Committee Meeting on the Climate Change Response Plan dated 11 August 2020 and

- A. *Approve the Project Plan provided at Attachment 1;*
- B. *Approve the Community and Stakeholder Engagement Plan provided at Attachment 2 to the report, with the addition of a further community engagement outcome to be listed in the “Aims of the Plan” as follows:*

“To achieve greater Council, community and industry commitment to the implementation of the plan as a result of meaningful collaboration during its development.”

and other such minor amendments as are determined appropriate by the Project Control Group to achieve this outcome; and
- C. *Approve the updated Climate Emergency Response Plan PCG Charter provided at Attachment 3 to the report.*

Ordinary Meeting Minutes 20 April 2017, Item 5, Page 4

That Council note the report by the Program Coordinator Climate Change Adaptation to the Planning & Environment Committee Meeting dated 11 April 2017 and

- A. *Approve the Community & Stakeholder Engagement and Communication Plan for the project;*
- B. *Note the draft Climate Change Adaptation Plan (CCAP) Project Control Group charter; and*
- C. *Appoint Councillors Jackson and Stockwell as members of the CCAP Project Control Group.*

Ordinary Meeting Minutes 20 October 2016, Item 1, Page 10

That Council note the report by the Executive Manager to the Planning & Environment Committee Meeting dated 11 October 2016 on the outcomes of the organisation’s baseline greenhouse emissions assessment and

- A. *Adopt the Zero Emissions Noosa™ Organisational Strategy 2016-2026 provided at Attachment 1 to the Report with the following changes:*
 1. *Page 2, paragraph 3, of the Strategy to read:*

It is in the Council’s and community’s interest to contribute to global mitigation of those impacts by reducing Council’s GHG emissions; and
 2. *Page 6, the last sentence of Item 6.1 of the Strategy, to read:*

It is in the Council’s and community’s interest to contribute to global mitigation of those impacts by reducing Council’s GHG emissions.
- B. *Note that work is proceeding on the development of a detailed Action Plan to implement the Strategy.*

Finance

There are a number of initiatives included in this Climate Change Reponse Plan have been budgeted for in current year (2020/21) budget:

- Zero Emissions Pathways Study - This study will identify least-cost emission reduction opportunities for community emissions to assist with prioritising future actions.
- Noosa Council 100% renewable energy study – This study will determine the most cost efficient methods to achieve 100% renewable energy for Council operations – e.g. power purchasing agreement (PPA), green energy, solar farms/gardens.

- Socio-economic impact hazard assessment of flooding and inundation, including survey of building stock vulnerability to help provide a business case for risk mitigation. Survey includes recording building design, materials, age, height above flood etc for better understanding flood and inundation risk – linked to CHAP.
- Climate change ecosystem vulnerability and carbon drawdown assessment to help prioritise revegetation and restoration efforts across the shire.

The outcomes of these studies may have future budgetary implications which will be further scoped for consideration by Council in the coming years.

Budget has also been requested for the following activities in the 2021/22 financial year:

- Renewable energy investigation (community focused) - Assess opportunities and financial models within and outside the shire for community owned renewable energy projects, such as solar farms, micro grids and solar gardens. Extension of the work carried out by ZEN Inc.
- Trial of energy audits for vulnerable households.
- Urban greening program – for streets and public spaces to increase urban tree cover canopy, including investigation alternative methods for financing implementation.
- Development of climate responsive design guidelines – to support the planning scheme, place making, asset management and design to improve understanding of how infrastructure and urban design measures can be used to increase climate resilience within Noosa's public areas, streetscapes and buildings.
- Localised modelling and concept design of inundation hazard reduction measures for Noosaville/Noosa Heads area (e.g. flood levy, landscape design, stormwater improvements) - linked to CHAP.
- Locally based heat risk assessment for urban areas to improve understanding and help development responses to urban heat impacts in Noosa.

These issues will be considered as part of the 2021/22 budget process.

Initiatives identified as 'ongoing' in the summary of actions will be financed through existing operational or capital program budgets.

Risks & Opportunities

There are a number of significant opportunities associated with the Climate Change Response Plan:

Reputational - Council declared a Climate Emergency in 2019. This plan will help enhance Council's reputation as a clean green destination for investment by outlining the actions it will undertake to address climate change and grow clean low carbon industries in Noosa.

Assets - The initiatives outlined in this plan will help increase the resilience of Council and community assets to the impacts of climate change now and in the future, providing greater certainty and preparedness

Environmental - The actions outlined in this plan will support the enhancement Noosa's native vegetation and biodiversity for carbon drawdown and for improving resilience to climate threats.

Economic - The plan identifies a number of opportunities to grow and promote cleantech industries and sustainable agri-business within Noosa Shire. This is outlined within the Cities Power Partnership Economic Statement signed by Council in October 2020.

Community - The plan outlines a number of initiatives to assist residents and businesses reduce costs as well as actions to make the community more resilient to the impacts of climate change.

Of course, the risk is that if Council fails to start planning for climate change at this time, future generations will be adversely impacted by our failure to adequately plan.

Consultation

External Consultation - Community & Stakeholder

Council has commenced stakeholder engagement to gain initial feedback from community groups on priority areas they wish to see addressed in the plan.

Following Council approval of the draft plan, staff will seek feedback from the community for a period of 6 weeks. This will include broad consultation through Your Say Noosa and other media as well as targeted consultation with community groups, industry representatives and other stakeholders. This is identified in the community and stakeholder engagement plan, previously endorsed by Council.

A community reference forum will be established as part of the plan implementation to ensure accountability, transparency, and community input. Representatives of the forum will be able to provide advice on climate change issues, on-ground action, barriers and successes, and ongoing program development. This includes working with community groups established under the existing Zero Emissions Memorandum of Understanding.

Internal Consultation

Departments/Sections Consulted:

<input checked="" type="checkbox"/> Chief Executive Officer Executive Officer Executive Support	<input type="checkbox"/> Community Services Director Community Development Community Facilities Libraries & Galleries Local Laws X Waste & Environmental Health	<input type="checkbox"/> Corporate Services x Director Financial Services ICT Procurement & Fleet Property Revenue Services
<input type="checkbox"/> Executive Services Director Community Engagement Customer Service x Governance People and Culture	<input type="checkbox"/> Environment & Sustainable Development X Director Building & Plumbing Services Development Assessment X Economic Development X Environmental Services X Strategic Land Use Planning	<input type="checkbox"/> Infrastructure Services Director Asset Management Buildings and Facilities Civil Operations x Disaster Management x Infrastructure Planning, Design and Delivery

6 REPORTS FOR NOTING BY THE COMMITTEE

9 PLANNING APPLICATIONS DECIDED BY DELEGATED AUTHORITY

Author Development Assessment Manager, Kerri Coyle
Environment and Sustainable Development

Index ECM / Subject/ 17.26 – All Applications

Attachments Nil

EXECUTIVE SUMMARY

Not applicable.

RECOMMENDATION

That Council note the report by the Development Assessment Manager to the Planning and Environment Committee Meeting dated 9 March 2021 regarding planning applications that have been decided by delegated authority.

REPORT

The *Local Government Act 2009* allows, by resolution, a local government to delegate its powers to the Mayor, CEO, a standing committee or a joint standing committee and the CEO to delegate those powers to another employee of **Council**.

Under the current delegations for the *Planning Act 2016* the ability to manage, assess and decide a range of development applications are delegated to officers with the exception of the following which are reported to Council for a decision:

- a) *an application for a variation request mentioned in section 61 of the Planning Act 2016 to vary the effect of the planning scheme;*
- b) *the approval of an application where there is substantial non-compliance with a stated policy of the Council or a high order provision of the Planning Scheme being a desired environmental outcome, or an overall outcome of a code;*
- c) *the refusal of any application where Council is the assessment manager;*
- d) *requests for change representations, and change applications to change or delete conditions that were imposed by Council at an Ordinary Meeting or a Special Meeting;*
- e) *and an application for a proposed development of significant community interest.*

It should be noted though that due to the strict time frames of the *Planning Act 2016*, officers under the current delegations have the ability to decide an application where the application has the potential for 'deemed approval'.

The following applications were decided by delegated authority during the month of January 2021 (excluding applications seeking to remove a tree(s) adjacent to a building or structure):

1.	Application No.:	DBW20/0028
	Application Type:	Building Works - Code
	Applicant:	Adriana & Robert Hoffman
	Registered Plan:	Lot 2 RP 135676
	Location:	46 Fig Tree Lane, Lake Macdonald
	Proposal:	Studio in Riparian Buffer Area
	Decision:	Refused
	Decision Date:	15/01/2021

2.	Application No.:	DBW20/0050
	Application Type:	Building Works - Code
	Applicant:	Project BA
	Registered Plan:	Lot 2 RP 171041
	Location:	20 Hoy Road, Lake Macdonald
	Proposal:	Extension to Wholesale Nursery (Shed located in Riparian Buffer)
	Decision:	Approved
	Decision Date:	06/01/2021
3.	Application No.:	DBW20/0023
	Application Type:	Building Works - Code
	Applicant:	Suncoast Building Approvals
	Registered Plan:	Lot 320 RP 880346
	Location:	34 Saltwater Avenue, Noosaville
	Proposal:	Works within 4.5m of Revetment Wall
	Decision:	Refused
	Decision Date:	04/01/2021
4.	Application No.:	MCU18/0120.01
	Application Type:	Minor Change to Development Approval
	Applicant:	Project Urban
	Registered Plan:	Lot 1 SP 235189, Lot 2 SP 197517 & Lot 5 SP 197517
	Location:	5, 12 & 18 Taylor Court, Cooroy
	Proposal:	Change to Development Approval (Retaining wall around bio-retention basin) Industrial Business Type 2 Production, alteration, repackaging and repairing
	Decision:	Approved
	Decision Date:	28/01/2021
5.	Application No.:	MCU20/0111
	Application Type:	Material Change of Use
	Applicant:	Pivotal Perspective
	Registered Plan:	Lot 388 MCH 839039 & Lot 400 MCH 839039
	Location:	0 & 2 Parkyn Court, Tewantin
	Proposal:	Shop & Building Works Assessable against the Planning Scheme (Food & Drink Outlet)
	Decision:	Approved
	Decision Date:	21/01/2021

6.	Application No.:	MCU20/0124 & OPW20/0207
	Application Type:	Material Change of Use & Operational Works
	Applicant:	Pile-It Pty Ltd
	Registered Plan:	Lot 257 RP 856183
	Location:	49 Shorehaven Drive, Noosaville
	Proposal:	Jetty & Boat Lifting Device
	Decision:	Approved
	Decision Date:	06/01/2021
7.	Application No.:	MCU20/0130
	Application Type:	Material Change of Use
	Applicant:	Martoo Consulting
	Registered Plan:	Lot 16 SP 290687
	Location:	11 Bartlett Street, Noosaville
	Proposal:	Extensions to existing Warehouse (Mezzanine floor lot 16 & 17)
	Decision:	Approved
	Decision Date:	28/01/2021
8.	Application No.:	MCU20/0132 & OPW20/0215
	Application Type:	Material Change of Use & Operational Works
	Applicant:	Pile-It Pty Ltd
	Registered Plan:	Lot 277 RP 856192
	Location:	39 The Peninsula, Noosaville
	Proposal:	Landing & Jetty
	Decision:	Approved
	Decision Date:	07/01/2021
9.	Application No.:	MCU20/0137 & OPW20/0220
	Application Type:	Material Change of Use & Operational Works
	Applicant:	The Jetty Specialist
	Registered Plan:	Lot 29 N 10575
	Location:	59 Wyuna Drive, Noosaville
	Proposal:	Landing & Jetty
	Decision:	Approved
	Decision Date:	14/01/2021

10.	Application No.:	51989.108.16
	Application Type:	Minor Change to Development Approval
	Applicant:	Carma Building Group Pty Ltd
	Registered Plan:	Lot 1 SP 141238
	Location:	25 Nannygai Street, Noosaville
	Proposal:	Demolish & Rebuild 3 x Units - 21, 37 & 38 (Retirement Village)
	Decision:	Approved
	Decision Date:	20/01/2021
11.	Application No.:	132010.514.01
	Application Type:	Minor Change to Development Approval (Generally in Accordance)
	Applicant:	Aurecon Group
	Registered Plan:	Lot 345 MCH 958
	Location:	150 Werin Street, Tewantin
	Proposal:	Change to Development Approval – Change of monopole height from 35m to 33.8m
	Decision:	Agree
	Decision Date:	04/01/2021
12.	Application No.:	MCU20/0151 & OPW20/0241
	Application Type:	Material Change of Use
	Applicant:	The Jetty Specialist
	Registered Plan:	Lot 140 N 21859
	Location:	48 Mossman Court, Noosa Heads
	Proposal:	Landing & Jetty
	Decision:	Approved
	Decision Date:	22/01/2021
13.	Application No.:	DBW19/0021.01
	Application Type:	Minor Change to Development Approval
	Applicant:	Sandra Kelly
	Registered Plan:	Lot 1 GTP 100657
	Location:	1/3 Plover Street, Peregian Beach
	Proposal:	Change to Roof & Internal Filling
	Decision:	Approved
	Decision Date:	04/01/2021

14.	Application No.:	MCU18/0113.01
	Application Type:	Minor Change to Development Approval (Generally in Accordance)
	Applicant:	Adams + Sparkes Town Planning
	Registered Plan:	Lot 34 RP 906991
	Location:	1 Bluefin Court, Noosaville
	Proposal:	Change to Development Approval - Landscaping
	Decision:	Agree
	Decision Date:	05/01/2021
15.	Application No.:	MCU20/0012
	Application Type:	Material Change of Use
	Applicant:	Martoo Consulting
	Registered Plan:	Lot 5 SP 213104
	Location:	4-8 & 16 Lower Mill Road, Cooroy
	Proposal:	Transport Type 2 Carpark
	Decision:	Approved
	Decision Date:	27/01/2021
16.	Application No.:	OPW20/0191
	Application Type:	Operational Works
	Applicant:	360 Civil Consulting Pty Ltd
	Registered Plan:	Lot 398 SP 291325
	Location:	707 Kinmond Creek Road, Cootharaba
	Proposal:	Drainage Work & Earthworks
	Decision:	Approved
	Decision Date:	27/01/2021
17.	Application No.:	OPW20/0206
	Application Type:	Operational Works
	Applicant:	Pile It Pty Ltd
	Registered Plan:	Lot 893 RP 906963
	Location:	9 Waterside Court, Noosaville
	Proposal:	Boat Lifting Device - Jet Ski Dock
	Decision:	Approved
	Decision Date:	06/01/2021

18.	Application No.:	OPW20/0227
	Application Type:	Operational Works
	Applicant:	Tim Ditchfield Architects
	Registered Plan:	Lot 110 N 21845
	Location:	43 Witta Circle, Noosa Heads
	Proposal:	Stormwater
	Decision:	Approved
	Decision Date:	06/01/2021
19.	Application No.:	OPW20/0237
	Application Type:	Operational Works
	Applicant:	Superior Jetties
	Registered Plan:	BUP 3661
	Location:	80 Noosa Parade, Noosa Heads
	Proposal:	Pontoon
	Decision:	Approved
	Decision Date:	07/01/2021
20.	Application No.:	OPW20/0241
	Application Type:	Operational Works
	Applicant:	The Jetty Specialist
	Registered Plan:	Lot 140 N 21859
	Location:	48 Mossman Court, Noosa Heads
	Proposal:	Landing & Jetty
	Decision:	Approved
	Decision Date:	21/01/2021
21.	Application No.:	OPW21/0012
	Application Type:	Operational Works
	Applicant:	Richard Britten
	Registered Plan:	Lot 8 RP 108538
	Location:	33 Hay Street, Tewantin
	Proposal:	Vehicle Crossover
	Decision:	Approved
	Decision Date:	15/01/2021

Departments/Sections Consulted:

Chief Executive Officer
Executive Officer
Executive Support

Community Services
Community Development
Community Facilities
Libraries & Galleries
Local Laws
Waste & Environmental Health

Corporate Services
Financial Services
ICT
Procurement & Fleet
Property
Revenue Services

Executive Services
Community Engagement
Customer Service
Governance
People and Culture

Environment & Sustainable Development
x Building & Plumbing Services
x Development Assessment
Economic Development
Environmental Services
Strategic Land Use Planning

Infrastructure Services
Asset Management
Buildings and Facilities
Civil Operations
Disaster Management
Infrastructure Planning,
Design and Delivery

10 UPDATE ON NOOSA PLAN 2020 IMPLEMENTATION & MINISTER'S CONDITIONS

Author Principal Strategic Planner, Rowena Skinner
Environment and Sustainable Development Department

Index ECM / Project & Contract / Amendments to Noosa Plan 2020
ECM / Subject / Noosa Plan 2020

Attachments Nil

EXECUTIVE SUMMARY

This report brings forward a brief progress update on the implementation of Noosa Plan 2020 and progress towards meeting the Minister's conditions. It also outlines the process by which future amendments will be presented to Council and matters these amendments are likely to address.

RECOMMENDATION

That Council note the report by the Principal Strategic Planner to the Planning & Environment Committee Meeting dated 9 March 2021 providing a progress update on the implementation of Noosa Plan 2020 and progress towards meeting the Minister's conditions.

REPORT**1. Introduction of the new scheme**

Noosa Plan 2020 commenced 31 July 2020 and over the last several months there has been much positive feedback on the usability of the interactive online platform of the scheme, particularly from the development industry who are using it all the time, and from Council development assessment officers themselves.

Private certifiers have raised some concerns with the transition to the new scheme and Planning and Building officers have been working through their concerns, providing training, interpretive advice identifying changes where appropriate.

The Planning and Building Services teams are helping identify any problems with workability or unforeseen / unintended circumstances of the scheme and working with Strategic Planning on possible improvements.

Since 31 July 2020 there has been 68 development applications for Material Change of Use lodged with Council, roughly a third of which have already been approved.

28 development applications were lodged under the superseded planning scheme, all but two of which were for short-term accommodation. Ten of these have been approved so far, several have been cancelled or withdrawn and three refused.

15 written confirmations of existing use rights for short-term accommodation have been issued and Planning Services advise they have received 56 neighbour complaints about short-term accommodation since the Noosa Plan 2020 commenced.

Interestingly, because Noosa Plan 2020 generally seeks to reduce red tape and the level of assessment has dropped from impact assessment to code assessment for various uses, a number of written submissions have been lodged against development applications that are not notifiable, where neighbours or community members are disappointed the application is not going through impact assessment and submissions will not be considered.

2. Minister's conditions on adopting Noosa Plan 2020

In approving the Noosa Plan 2020, the Minister applied a total of eight conditions. Most of these were completed prior to its adoption. These covered the following areas:

- Bushfire mapping;
- Biodiversity, Waterways and Wetlands mapping;
- Regulation of dwelling housing in the residential zones;
- Requirements for Social housing in the Major Centres; and
- Koala conservation and habitat mapping.

The remaining three conditions had longer timeframes and are outlined separately below.

3. Minister's condition on State interest in Natural hazards, risk and resilience (Erosion prone areas)

- 3.1 Prior to adoption of the Noosa Plan, Council met three of the four components of this condition which dealt with annotation on the Coastal Protection and Scenic Amenity Overlay map and references to compliance with the State Planning Policy.
- 3.2 The remaining component states that by 24 December 2021, Council is to *complete the coastal hazards adaption plan (CHAP) and identify any necessary amendments to the Noosa Plan 2020 to fully integrate the SPP state interest for natural hazards, risk and resilience (Erosion prone areas)*.

On 21 January 2021, Council approved the draft CHAP and supporting information for the purpose of community consultation. Community consultation in accordance with the approved Community Engagement and Communications Plan formally commenced on 25 January and runs for 6 weeks until 8 March, which is longer than the required 28 days.

Officers are identifying potential scheme amendments in relation to coastal erosion and will continue discussions with State agencies over the coming months. These will be progressed alongside finalisation of the CHAP having regard to submissions received.

4. Minister's Condition on Noosa Business Centre - Levels of assessment

Prior to 16 July 2021, Council is to commence a process to review the provisions of the Noosa Business Centre to provide more detailed planning guidance and outcomes sought for the Noosa Business Centre reflective of its role as a Major Centre for Noosa. This process should include a review of the levels of assessment and regulation that will inform an amendment to the Noosa Plan 2020 to integrate the outcomes of this process.

In February 2021, the CEO wrote to the relevant landowners and invited them to submit their future vision for the site and suggestions for how this vision will achieve the overall strategic outcomes for the Centre, outlined in the Noosa Plan 2020. It is hoped this will lead to more detailed dialogue on the individual precincts and specific land uses within each.

As part of the review it will be necessary to carry out further traffic modelling and engage urban design expertise.

5. Minister's Condition on Planning for liveable communities and housing (Housing supply and diversity) and Planning for economic growth (Tourism)

- 5.1 Within three months from the date of adoption of Noosa Plan 2020, Council was to prepare and publish a comprehensive guide explaining the regulatory requirements for operating short-term accommodation in Noosa Shire.

This condition was met within the required timeframe and the availability of the guide was promoted to local agents and submitters.

- 5.2 From commencement of Noosa Plan 2020, for a two-year period, Council must monitor the provisions relating to short-term accommodation, tourism and housing supply considering the outcomes sought across the residential zones. The process shall, at a minimum:

- include a detailed analysis of the existing situation within the Noosa Shire, including numbers and types of short-term accommodation uses. This analysis should include annual comparison data that demonstrates the performance of the relevant scheme provisions.
- consider the economic and social benefits of the current situation and forecast the potential long-term impacts of short-term accommodation across the residential zones;
- consider the zone intent, levels of assessment and regulation short-term accommodation across the residential zones;
- consider the state interests of Housing supply and diversity and Tourism;
- be evidence-driven, comprehensive, and prepared in a detailed manner.

Council officers have met with State Planners and agreed on an approach for the monitoring process. It includes consideration of tourism accommodation and housing stock, diversity, cost, location, and transitions from one to the other. It will look at the local economy and employment and how tourists and residents contribute to each. It will also look at society and community including amenity and lifestyle, pressures on infrastructure etc.

Given the complexity of the task, baseline data is still being finalised. While there will be interim reviews the complete analysis of the monitoring will not occur until after July 2022. Analysis will be considered on balance in the context of broader state policy outcomes for housing supply, diversity and tourism, and in the context of Council's separate instruction to monitor the effectiveness of the scheme in delivering affordable housing (discussed further below).

It is possible, due to the relatively unique circumstances of the 2020-2021 year (including interstate migration and returning expats driving a housing and investment boom) more than two years will be necessary to deliver results that can conclusively inform planning scheme amendments. The ability to apply for superseded applications for the first 12 months also influences outcomes and it is important this be accounted for.

6. Monitoring of industrial land and industry precincts

In adopting Noosa Plan 2020, Council resolved to initiate a process to monitor over a two-year period the effectiveness of the provisions in the Noosa Plan 2020 with regard to industrial land and industry precincts to ensure the provisions meet the objective of enabling the changing nature of businesses including increased diversity in key sectors and provision for multi-purpose flexible work, and to report back to Council on this monitoring program including any associated recommended amendments to the Noosa Plan

Officers are commencing a land use study of the various industrial estates to confirm the existing mix of uses and are monitoring new applications, pre-lodgement meetings and enquiries in this area. There have, for example, been five material change of use applications for new industrial uses in the Noosaville industrial estate in the last few months.

7. Monitoring of housing choice

In adopting Noosa Plan 2020, Council resolved to Monitor over a two year period, the effectiveness of the provisions of Noosa Plan 2020 in enabling the delivery of housing choice and affordability to meet the diverse needs of the community, specifically housing for those in our community on low incomes, with special needs or in identified groups in need of community and affordable housing, and to provide a report back to Council on this monitoring program including any associated recommended amendments to the Noosa Plan to strengthen the provisions towards these outcomes.

Officers have been monitoring the local housing market and taking part in the Housing Action Group facilitated by the Local Member for Noosa. Some baseline parameters have been established for monitoring changes in tenure (e.g. rental market Vs owner occupier) and changes between short-term and long-term accommodation. Staff are in regular communication with the State Department of Communities, Housing and Digital Economy and with community housing providers. Since the introduction of Noosa Plan 2020 there have already been several development applications for multiple dwellings that are taking advantage of incentives for small dwellings, plus a couple of applications for residential care facilities. Many secondary dwellings have also had building approvals issued.

In December 2020, Council requested staff identify potential amendments to Noosa Plan 2020 to accelerate the provision of suitable community housing. This is the subject of a separate report to Council this round.

8. Short stay letting and home hosted accommodation Local Law

In adopting Noosa Plan 2020, Council also resolved to complete and introduce a Local Law for short stay letting including an associated code of conduct. A revised draft of the local law has been prepared and this is the subject of a separate report to Council this round. Community consultation on the revised draft local law would occur following this.

9. Amendments to Noosa Plan 2020

Since Noosa Plan 2020 commenced, initial administrative amendments were made and took effect on 25 September 2020. These were largely minor edits and mechanical improvements for the purpose of clarity and workability of the scheme.

Following the initial six months operation of the scheme planning officers are working through a list of potential amendments with a view to reporting these to Council in the coming months. Aspects that require a considerable body of work are not likely to be in the first significant round of amendments, because their completion would hold up the balance of amendments which could be advanced in the shorter term.

While proposed amendments cover a wide variety of issues the following list provides a flavour of the aspects currently under review.

- Improved clarity and consistency around language and terminology
- Additional administrative definitions and editor's notes where needed
- Additional illustrations where needed
- Application of split zonings on bushland blocks where owners have agreed they want some of their land zoned for Environmental Management & Conservation
- Select zone changes to facilitate social housing
- Review of regulation around private landings / jetties
- Review of the industry thresholds and the impact these have on the ability to carry out home based businesses
- Refining provisions for accommodation and enterprises in the rural and rural residential zones to ensure they facilitate the types of activities sought for these areas
- Review of tables of development for the overlays to ensure they are clear and not overregulating minor forms of development such as houses or domestic outbuildings
- Review of tables of assessments for various centres
- Review the entertainment and business activities codes including hours of operations for some uses
- Amendments to further encourage small dwellings, particularly in and close to centres
- Review of code provisions to ensure they are consistent with the State's new Walkable Neighbourhoods regulations

Previous Council Consideration***Special Meeting 16 July 2020, Item 1, Page 6***

That Council note the report by the Director Environment & Sustainable Development to the Special Meeting dated 16 July 2020; and

- A. Adopt the Noosa Plan 2020 as amended as a result of State Interest Review and Ministerial Conditions, as per attachments 2 – 22 of the report;*
- B. Set a date of 31 July 2020 for commencement of the new scheme;*
- C. Authorise the CEO to make any minor amendments necessary to the Noosa Plan 2020 prior to commencement;*
- D. Publicly notify adoption of the scheme in accordance with requirements of the Planning Act;*
- E. Provide the Chief Executive of Department State Development, Manufacturing, Infrastructure and Planning a copy of the public notice;*
- F. Initiate a process to monitor over a two year period the effectiveness of the provisions in the Noosa Plan 2020 with regard to industrial land and industry precincts to ensure the provisions meet the objective of enabling the changing nature of businesses including increased diversity in key sectors and provision for multi-purpose flexible work;*
- G. Provide a report back to Council on this monitoring program including any associated recommended amendments to the Noosa Plan;*
- H. Monitor over the next 2 years the effectiveness of the provisions of the Noosa Plan 2020 in enabling the delivery of housing choice and affordability to meet the diverse needs of the community, specifically housing for those in our community on low incomes, with special needs or in identified groups in need of community and affordable housing;*
- I. Provide a report back to Council on this monitoring program including any associated recommended amendments to the Noosa Plan to strengthen the provisions towards these outcomes; and*
- J. Complete and introduce a Local Law for Short term letting, including the associated code of conduct to regulate short term letting.*

Finance

Costs associated with meeting Ministerial conditions and preparing planning scheme amendments have been addressed in the Strategic Planning operational budget with additional resources sought for staffing and consultancy work.

Risks & Opportunities

Continual review and improvement of a planning scheme can be expected over its lifetime but the first two to three years will typically see significant refinement as it is tried and tested with the development industry. It is suggested that staff continue to prioritise matters covered by the Minister's conditions as well as other matters that can be resolved relatively quickly and make an immediate improvement, before embarking on new initiatives that will take longer and would otherwise hold up early amendments.

Consultation**External Consultation - Community & Stakeholder**

The Community will have opportunity to contribute to planning scheme amendments through formal consultation. Further, separate consultation on significant matters such as the CHAP and Short stay letting and home hosted accommodation Local Law is also necessary. More targeted consultation with industry and service providers will occur as part of longer-term monitoring programs over the next couple of years.

Internal Consultation

Strategic Planning has appreciated the assistance of various parts of Council in adopting and implementing Noosa Plan 2020 and some are providing further assistance on potential amendments.

Departments/Sections Consulted:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Chief Executive Officer
Executive Officer
Executive Support | <input checked="" type="checkbox"/> Community Services
Director
Community Development
Community Facilities
Libraries & Galleries
Local Laws
Waste & Environmental Health | <input type="checkbox"/> Corporate Services
Director
Financial Services
ICT
Procurement & Fleet
Property
Revenue Services |
| <input type="checkbox"/> Executive Services
Director
Community Engagement
Customer Service
Governance
People and Culture | <input checked="" type="checkbox"/> Environment & Sustainable Development
Director
Building & Plumbing Services
Development Assessment
Economic Development
Environmental Services
x Strategic Land Use Planning | <input type="checkbox"/> Infrastructure Services
Director
Asset Management
Buildings and Facilities
Civil Operations
Disaster Management
Infrastructure Planning,
Design and Delivery |

11 PEREGIAN DIGITAL HUB – HALF YEAR REPORT TO 31 DECEMBER 2020

Author **Acting Director Environment and Sustainable Development, Anthony Dow
Environment and Sustainable Development Department**

Index **ECM/ Subject/ 102.01 Digital Hub**

Attachments **Nil**

EXECUTIVE SUMMARY

This report provides an update and review of the performance and activities at the Peregian Digital Hub (The Digital Hub), for the 6 months to 31 December 2020. The COVID pandemic impacted the Digital Hub's activities and financial results at times during this period, with a total shutdown for the period mid-March to 30 June 2020. In-line with a COVID Safe plan, a rolling re-opening and return of tenants commenced from 1 July 2020 and the Digital Hub activities, in general terms, returned to 'pre-COVID' levels.

The objective of the Peregian Digital Hub is to operate a commercially-sustainable collaboration facility whilst delivering public service outcomes that develop the digital industry and help accelerate the diversification of the local economy in line with Council's Local Economic Plan.

Despite the obvious challenges in 2020 of a global pandemic raging through much of its second year of operations, the Peregian Digital Hub continues to be a success.

Key highlights include:

- The Hub is at full capacity and buzzing with a full schedule of activities
- Hub financials are ahead of budget.
- Hub programs have attracted almost \$2.5m of investment from State and Federal governments in the last 12 months.
- Hub member companies have added over 40 high-value, full-time local jobs in the same period and attracted over \$5m in venture capital.
- The Hub's Firetech program has placed Noosa on the global technology map as a growing centre of excellence for bushfire-resilience technologies.

RECOMMENDATION

That Council note the report by the Acting Director Environment and Sustainable Development to the Planning and Environment Committee meeting dated 09 March 2021 providing a half year report on the performance and activities of The Digital Hub for the period 1 July 2020 to 31 December 2020.

REPORT

This report provides an update and review of the performance and activities at the Peregian Digital Hub (The Digital Hub), for the 6 months to 31 December 2020. Following a COVID-enforced shutdown of the Hub from mid-March to 30 June 2020 the Hub began a COVID-safe re-opening from 1 July 2020 and activities gradually returned to 'pre-COVID' levels.

The Digital Hub's purpose-built facility is designed to house multiple digital companies and individual workers in an open, modern environment suited to collaboration. The Hub's cutting-edge architecture accommodates a mix of established technology enterprises in private office spaces as well as individual entrepreneurs, digital specialists and technologists operating in a co-working environment.

The Hub’s Co-Lab space hosts an exciting program of events and activities. It features a creative studio and makerspace, presentation space with grandstand and a modular classroom for mentoring and skills development. An on-site barista and reception service (Barception) operates from the Hub’s canteen.

“The Digital Hub vision is to help make Noosa the best community on earth for people who want to work in the digital economy, play by the ocean and raise a family.

Our mission is to foster a digital ecosystem which attracts entrepreneurs, talent and clientele from around the world and provides meaningful employment for thousands of residents.

We will achieve this by attracting, supporting and developing the talent that make this possible”

1. FINANCIALS

The viability of the Digital Hub is tightly coupled to the health of Noosa’s emerging digital ecosystem. Without a strong base of technology entrepreneurs and digital businesses, there will be insufficient demand to sustain the Hub’s facilities and services.

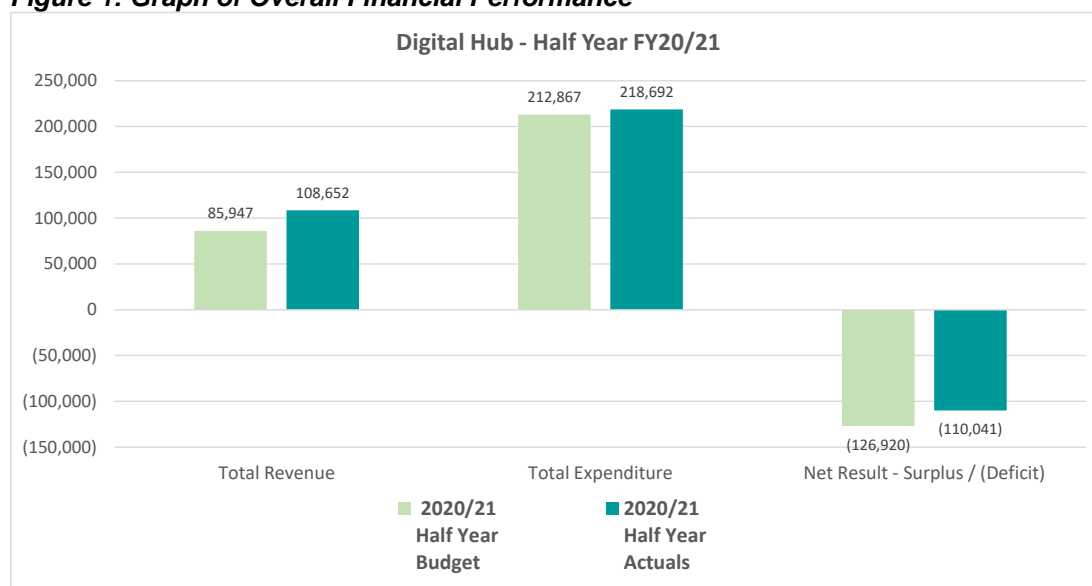
The objective of the Hub is therefore to operate a commercially sustainable digital collaboration facility whilst delivering public service outcomes that develop the digital ecosystem and assist to meet the objectives of Council’s Local Economic Plan.

Table 1: Digital Hub financial performance for the Financial Half Year Ended December 2020

Statement of Income and Expenses	2020/21 Original Budget	2020/21 Current Budget	2020/21 YTD Budget	2020/21 YTD Actuals	% Current Budget	YTD Variance
Total Revenue	246,895	246,895	85,947	108,652	44.0%	22,704
Total Expenditure	427,551	427,551	212,867	218,692	51.2%	(5,825)
Net Result - Surplus / (Deficit)	(180,656)	(180,656)	(126,920)	(110,041)		16,879

Total Revenue	246,895	246,895	85,947	108,652	44.0%	22,704
Direct Costs (Controllable)	316,502	316,502	157,343	163,715	51.7%	(6,372)
Operating - Surplus / (Deficit)	(69,607)	(69,607)	(71,396)	(55,063)		16,333
Indirect Costs (Corporate)						
Depreciation & Amortization	73,805	73,805	36,902	36,902	50.0%	0
Internal Charges	37,244	37,244	18,622	18,075	48.5%	546
Subtotal Indirect Costs (Corporate)	111,048	111,048	55,524	54,978	49.5%	546
NetResult - Surplus / (Deficit)	(180,656)	(180,656)	(126,920)	(110,041)		16,879

Figure 1: Graph of Overall Financial Performance



For the half year ended December 2020, the Digital Hub’s operating result was \$17k favourable to budget. YTD revenue was \$23k above budget primarily driven by higher membership volumes of \$24k. This is as a result of the higher volume of memberships of \$12k and covid-19 adjusted FY21 budget of \$12k.

Revenue Analysis

Figure 2: Monthly Revenue by Type

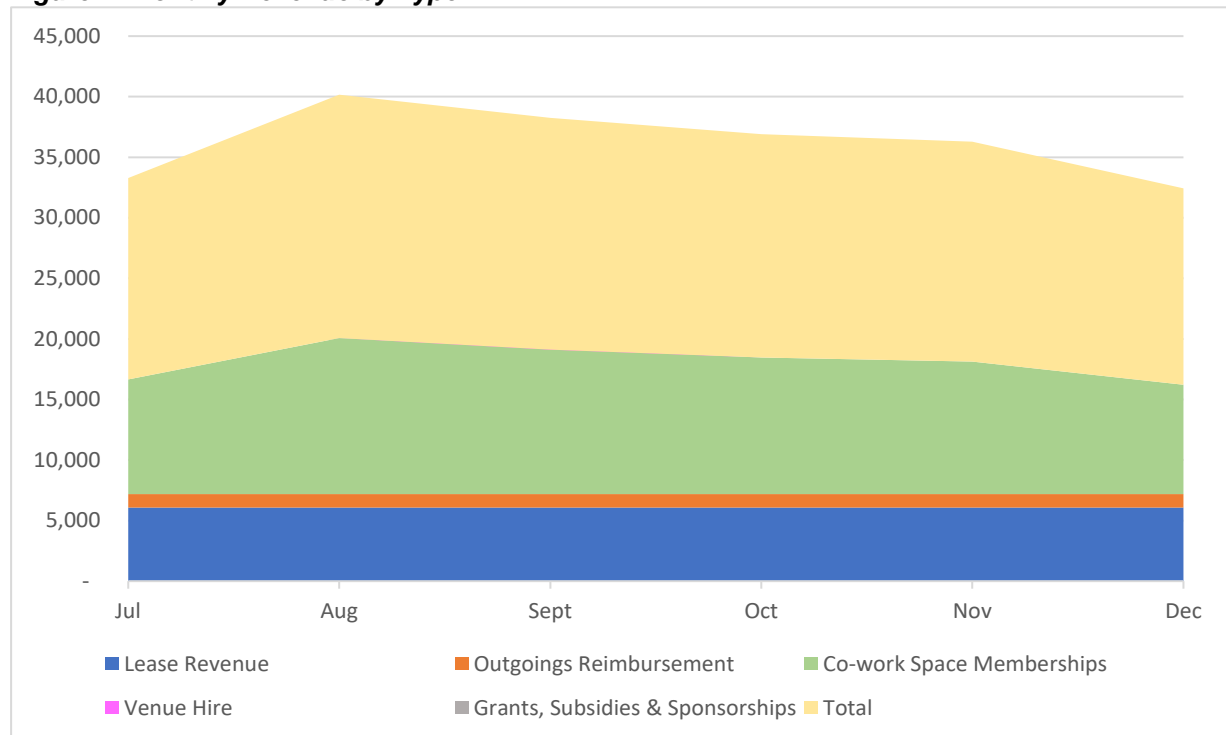


Table 2: Monthly Revenue by Type

Revenue Type	Jul	Aug	Sept	Oct	Nov	Dec	Total Half Year FY20/21
Lease Revenue	6,081	6,081	6,081	6,081	6,081	6,081	36,488
Outgoings Reimbursement	1,100	1,100	1,100	1,100	1,100	1,100	6,600
Co-work Space Memberships	9,465	12,898	12,039	11,274	10,958	9,031	65,664
Venue Hire	-	-	100	-	-	-	100
Grants, Subsidies & Sponsorships	-	-	-	-	-	-	-
Total	16,646	20,080	19,120	18,455	18,139	16,212	108,652

Commentary:

- Lease revenue was consistent across the first half year due to both Atmail and Fireball leases.
- Table 3 below highlights the year on year growth in Co-work membership revenues (represented in ‘Sale of Goods’) of 24% and long-term rentals of 26%. Note the ‘contributions’ line relates to sponsorship received from TechOne in FY20. This has not been received in FY21 to date and is budgeted for receipt in the 4th quarter of FY21.

Table 3: Yr on Yr Revenue Comparison

Financial Statement	FY20 Half Year Act	FY21 Half Year Act	YoY Var \$	YoY Var %
Sale of Goods and Major Services	52,850	65,564	12,714	24%
Contributions & Donations	50,000	0	(50,000)	-100%
Other Recurrent Income	6,340	5,750	(590)	-9%
Rental and Levies	29,564	37,338	7,774	26%
Total	138,754	108,652	(30,102)	-22%

Expenditure Analysis

The total YTD actual direct costs of \$163,715 (noted in Table 1 above) incurred in operating the Digital Hub comprises the following approximate major cost categories (excluding salaries):

- Contract Services \$24,438.
- Regional Start-up Hub Support Program \$15,600 (financed by Queensland Government Grant)
- Telco IP fibre connection \$10,890
- Internal cleaning \$6,133
- Equipment costs \$3,005
- Catering for events and programs \$2,179 (supporting 5 network groups listed below with 1,500 members)
- Electricity \$1,282
- Building security \$1,175

2. TENANCIES

Lease Tenants

The Hub has two enclosed private office spaces leased to anchor tenants on multi-year basis. Those tenants are Atmail, a provider of cloud-based email solutions to telco’s and enterprises, and Fireball International, a start-up company using satellites and sensors on towers for the early detection of fires.

Co-Work

As at 31 December 2020, The Digital Hub is host to 34 Co-work members: 24 Full-time | 10 Flex.

3. STAFFING & SERVICES

The Digital Hub Director is a full-time resource dedicated to leading and managing all aspects of The Digital Hub operation and the wider technology networks. The Digital Hub has taken important steps towards achieving a sustainable operating model with support resources in place to help execute The Digital Hub’s ambitious program of industry development activities and provide a world class service to its paying customers.

The Digital Hub Director is supported by an Ecosystem support contractor funded by an Advance Queensland Regional Start-up Hubs Support Grant (\$25k per annum for three years).

Duties	Resourcing Plan
Commercial leasing and tenancy management	Council has outsourced rental collection and commercial leasing to Colliers. Day to day facilities issues remain the responsibility of The Digital Hub Team
Facilities management	Hub Team with assistance from handyman on an on-demand basis.
Cleaning	Office cleaning has been outsourced with two office cleans per week. This has been reviewed and adjusted to meet COVID standards
Network support	Hub Director with assistance from Council IT team

Duties	Resourcing Plan
Barception	SevGen Indigenous Corporation were engaged in 2019 via an EOI to provide an experimental coffee kiosk and reception service – this arrangement has been extended on a month by month basis
Procurement admin	Assistance with purchase orders, invoice processing and purchase card reconciliations being provided by EcDev Department staff.
Finance admin	Assistance provided by Economic Development and Department administration staff where possible.
Event catering	Handled by Hub Team with assistance provided by Economic Development and Department administration staff where possible.

4. PROGRAMS, EVENTS & ACTIVITIES

The Digital Hub continued delivering its ambitious program of capacity-building activities which have generated significant value for Noosa’s digital sector and provided a valuable public service to the broader Noosa community. These activities have helped to put The Digital Hub and Noosa on the map as a destination for digital talent and innovation.

Ecosystem Organisation Program

The Hub continues to play the lead role in developing the broader digital/tech industry in the region. Through its Ecosystem Organisation Program, launched in January 2019, the Hub invests in the underlying professional networks that make up the digital industry by providing them with organisational support, infrastructure and other resources.

The growth of these networks is indicative of a fast-developing digital sector.

Digital Sub-sector	Network Name	June 2019	Dec 2019	June 2020	Dec 2020
Technologists	Coding from Beach	489	532	589	601
Digital Agencies, Creatives & Marketers	REBOOT	180	250	318	369
Screen Professionals (Film/TV/Video)	Screen Collective	104	160	211	258
Electronic Music Producers & DJ’s	Sunshine Coast Producer Group	68	84	115	150
Tech Startup Founders	Founders Network	20	40	40	44
e-Commerce Merchants	UNBOX Noosa	0	0	75	85
TOTALS		861	1066	1348	1507

The ecosystem development program is producing tangible benefits with growth in collaboration between locally-based digital companies. These collaborations are resulting in business growth and new investment for participating companies.

As this ecosystem has grown and becomes more cohesive, it has started to attract interest and opportunities from outside of the region.

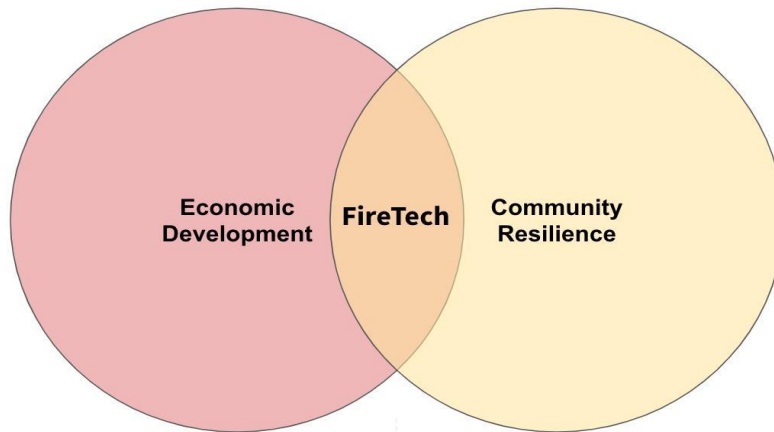
FireTech Program

After its near miss during the Peregian Beach fire in September 2019, Council made the advancement of Bushfire-resilience Technologies (Firetech) a top priority for the Digital Hub. There are a number of compelling reasons why the Digital Hub should apply specialised focus to firetech:

- Firetech is a technology category akin to fintech (financial technology), agtech (agricultural technology), biotech (biological technology).
- The category represents a multibillion \$ market with huge export potential.

- Firetech generates high-value jobs in a broad range of technology areas from robotics to mapping to Software as a Service.
- Australia is rapidly becoming a global leader in developing these technologies
- The centres of excellence for developing this technology have yet to be established and the opportunity is there for Noosa to stake its claim.
- Noosa has existing proof of its suitability for this sector in the form of local companies McDermott Aviation (largest helifleet in Australia), Helitak (aerial suppression system), Fireball International (early detection) and Bia5 (robotic firefighting).

Firetech exists in a sweet spot between economic development and community.



<p>Economic Development Diversifies local economy Attracts industry & investment Creates high value jobs Develops Noosa's profile as tech hotspot Benefits our neighbouring Council partners</p>	<p>Community Resilience Special access to best technology & best practices Offers valuable service to ES partners Highly informed & aware decision makers Privileged access to global expertise Well-educated and prepared community</p>
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With funding support from the Federal and State governments, seasoned cloud technology entrepreneur Leigh Kelson, was engaged in early 2020 as Entrepreneur in Residence to lead the Firetech Connect program on behalf of the Digital Hub.

The Hub has adopted a 3 stage approach to the program:

Approach		
Phase 1	Phase 2	Phase 3
Understand the space Help organise the sell-side Build some credibility Earn a place at the table	Build profile with ES sector Connect sell-side to ES sector Secure partnerships with ES Understand friction points	Provide useful infrastructure Establish a sustainable Firetech unit Secure future resourcing Become centre of excellence
Initiatives		
FireTech Connect Program <ul style="list-style-type: none"> • Global network • EIR at Hub • Mentoring program 	FireTech Events <ul style="list-style-type: none"> • LG Summit Nov '20 • ES Expo Mar '21 • Global Conference Nov '21 	FireTech Lab <ul style="list-style-type: none"> • \$2m QRA funding • Establish Bushland Lab (2021) • Establish Data Lab (2022)

The FireTech Connect program has built up a cohort of over 50 cutting-edge technology companies along with a world-class mentoring panel, network of fire industry experts and corporate partners.

The program identifies and connects promising companies in the fire technologies space and provides them with commercialisation support to assist them with sales, marketing and strategy capabilities.

In November 2020, the Hub hosted the Firetech 2020 Summit - a virtual conference/expo at which Firetech Connect member companies could showcase their products and services to a network of local councils around Australia.

In December 2020, the Digital Hub was awarded a grant of almost \$2m to develop a FireTech Lab in Noosa, within which promising bushfire-resilience technologies can be trialled, demonstrated and accelerated into active duty to protect Australia’s regional communities.

The FireTech Lab has two key components:

- A Data Lab where solutions for prediction, detection, analysis, co-ordination & communication can be trialled & showcased. These capabilities will be housed in the Hub’s phase 2 expansion into the current Peregrin Beach Community House; and
- A Bushland Lab where new physical solutions (e.g. drones, robots, IOT sensors) can be safely, quickly and legitimately trialled, demonstrated and assessed in specially-designated zones with the support of partner authorities.

These projects commence in April 2021 and are slated for completion in mid to late 2022.

Talent Development Program

The Digital Hub has expanded its range of talent development programs, offering adults and kids numerous opportunities to build their digital skills. Now entering its 3rd year, the program has helped to develop a number of young digital stars who now pass on the skills they’ve learnt to a growing cohort of budding engineers, coders, roboticists and data scientists.

This program comprises:

- **Holiday programs** - 7 workshops in September holidays, total of 168 attendees (primary and high school students)
- **Cadetship** - AI Cadetship launched in July 2020 with 20 of the region’s best Maths students in the first cohort (Term 3&4 2020) learning Python programming, intro to neural networks. A design cadetship for talented artists will commence in term 2 2021.
- **Mentoring** - ongoing mentoring of young talent, helping facilitate work experience / internships / paid to teach holiday workshops, part-time work with local companies, references to support University scholarship applications.
- **Talent retention** - Hub mentees have gained part-time work / consultancies, full-time positions with a number of locally-based businesses including Helitak, Radaro and Provectus Algae.

This program has included the following activities over the last 6 months:

Activity	Date	Audience	Attendees
Inventors Club	Weekly	Girls and boys - ages 10-14	20
Girls Gamers (Minecraft)	Weekly	Girls only - 13 and under	25
Robotics (Royal Robotics)	Sept ‘20 holidays	Girls and boys aged 8-14	20
3D design and printing (Fusion 360)	Sept ‘20 holidays	Girls and boys ages 7+	10

Activity	Date	Audience	Attendees
Mixed Minecraft Gamers group	Sept '20 holidays, then weekly	Girls and boys - 13 and under	15
Intro to Python Programming (for AI / Machine Learning)	Sept '20 holidays	Girls and boys in Advanced Maths - grades 7 to 9	20
Girls Robotics - Intro to LEGO EV3 robots; Intro to First LEGO League competition	Sept '20 holidays	Girls only - ages 7 to 14 (2 workshops, 24 girls per workshop)	48
Film & TV Workshop (taught by creatives in residence, Stephen Vagg & Louise Alston)	Sept '20 holidays	Girls and boys - grades 10-12 + adult	10
ATHENA program	2 sessions (5 & 6 November)	4 STEM workshops for Girls passionate about STEM - grades 9 & 10 from Noosa District State High, Sunshine Beach State High	30

Talent Partnerships

The Digital Hub has established partnerships with many of the high schools in the region to offer students extension opportunities to develop their digital skills and experience. This includes in-school, after-school and holiday programs as well as cadetships.

Organisation	Description of Collaboration
Sunshine Beach State School	Hosting and curation of Young Inventors extension workshops with local technologists.
St Andrew’s Anglican College	Mentoring program, creative in residence, holiday workshops, shared use of facilities AI Cadetship partner
Good Shepherd Lutheran College	Holiday workshops and work experience for tech/robotics students. AI Cadetship partner
Noosa District State High School	Athena (Girls in STEM) program at The Digital Hub AI Cadetship partner
Sunshine Beach State High School	Athena (Girls in STEM) program at The Digital Hub AI Cadetship partner
Coolum Beach State High School	Athena (Girls in STEM) program at The Digital Hub Creative-in-Residence visit
Noosa Flexi School	Collaboration on tech grant & Hub visits for students COVID-19 PPE collaboration
Chancellor State College	Opportunities for top students to teach holiday workshops Creative-in-Residence visit AI Cadetship participant
Steiner School	Hub work experience opportunities
Matthew Flinders Anglican College	AI Cadetship partner

Organisation	Description of Collaboration
Sunshine Coast Grammar School	AI Cadetship partner
Mountain Creek State High School	AI Cadetship partner

Cadetship Program

The Digital Hub’s Cadetship programs offer talented students the opportunity to develop skills in sought after areas of technology and industry, including AI and Digital Design.

AI Cadetship

The Hub’s AI Cadetship program offers talented mathematics students the opportunity to develop skills in one of the most sought after areas of technology and industry: programming machine learning systems.

Machine Learning is a skillset widely used in robotics, medical research, automation, predictive data analytics, self-driving cars and biotechnology to name a few. This field is particularly suited to people with an affinity for mathematics and statistics who enjoy the challenge of solving problems through equations and formulas.

The program aims to inspire cadets to follow this exciting vocational pathway by offering them the chance to learn and earn. They learn hands-on skills through classes taught by experts and they get to demonstrate those skills by working on intellectually-challenging projects. They earn through paid internship opportunities and by teaching others what they’ve learned.

Since its launch in July 2020, over 20 cadets have learnt hands-on skills through classes taught by experts. Cadets have then used those skills to work on intellectually-challenging projects with their colleagues. Finally, many of the cadets have gone on to earn money by teaching others students what they’ve learned in holiday workshops, while others have earned through paid internship opportunities with hub member companies.

April 2021 will see the launch of the Digital Design cadetship for talented artists in grades 10 & 11.

Creative in Residence Program

The Hub continues to play a key role in inspiring and enabling digital creative talent in the region through its residency programs. These have included:

StartSequence - a weekend (11-12 July) of collaborative electronic music production, matching local vocalists/musicians with local DJs/music producers, each creating a track over the weekend. The program, mentors, judges and participants were organised and curated by Sunshine Coast Producer Group with support from the Hub team, and hosted at the Hub.

Creative Residency - Screenwriting and Directing (7-11 September) - visiting Screen industry duo, Stephen Vagg (writer) and Louise Alston (Director/Producer) provided 13 x 1:1 mentoring sessions, 1 x workshop for local Film/TV students and a guest presentation to Sunshine Coast Screen Creative’s meetup at the Hub on 7 September.

5. PARTNERSHIPS & COLLABORATIONS

The Digital Hub continues to grow its network of partnerships which are helping to amplify the impact and reach of Noosa Council’s investment in the technology sector.

Organisation	Description of Collaboration
TechnologyOne	Sponsorship of Hub event program in exchange for promotion and branding exposure.
Advance Queensland	Advance Queensland is providing funding support for the FireTech International Conference to be held in Nov 2020.

Organisation	Description of Collaboration
Cherbourg Aboriginal Shire Council	The Digital Hub is providing know-how and assistance to the Cherbourg Council to develop an artificial intelligence system for counting and auditing recyclables processed at their Material Recycling Facility.
SunCoast Angels	Hosting of key investment events, including pitch meetings.
Amazon	The Hub has been accepted into Amazon's Activate program, which provides startups with AWS credits, technical support and training, to help grow their businesses.
QFES	Partner, Firetech Connect and Firetech 2021 Expo
AFAC	Partner, Firetech Connect and Firetech 2021 Expo
QLD AI Hub	Partner, Hub/Cherbourg AI project, Firetech Connect and Firetech 2021 Expo
Bushfire & Natural Hazards CRC	Partner, Firetech Connect and Firetech 2021 Expo
Venture Cafe Sydney	Event manager and conference platform, Firetech 2020 Conference
Startup Catalyst	Startup Catalyst takes promising early stage technology startups on Missions to global tech hotspots. The Hub will host their next mission, focused on Agtech, in May 2021.

6. KPI UPDATE

Indicator	Measure	Update
Business growth	Growth in GRP value of tenants	Despite the impacts of COVID-19, all Hub members and supported businesses have survived with most in growth mode. Calculating the Hub's contribution to GRP growth is still a work in progress.
Business graduation	Number of businesses created and/or accelerated out of Hub	3 new companies birthed at the Hub 2 companies accelerated out of the Hub
Employee growth	Growth in number of employees	40 new FTE roles at member companies 10 new part-time jobs enabled
Capacity building	Number of professional development activities	Hosted 2 creative residencies - for electronic music producers and screen writers/directors. Launched AI Cadetship for 20 high school mathematicians. 17 senior kids / high school graduates learning entrepreneurial skills & earning money from teaching holiday workshops, paid internships, part-time and/or full-time work.

Indicator	Measure	Update
Accelerator programs	Number of programs delivered	Created FireTech Connect program to fast-track the adoption of promising new bushfire-resilience solutions and become a global centre of excellence for the firetech sector. Over 50 companies across 10 countries are receiving mentoring or other commercial assistance via the Hub's FireTech Connect program.
Events	Number of attendees	Hosted 18 monthly meetups for ecosystem groups (virtual and in-person) - total of 345 attendees (venue capacity was restricted due to COVID). 8 December - combined Hub members + ecosystem Xmas party on MV Catalina - 80 attendees (limited due to COVID restrictions) + 30 at after-party (Whisky Boy, Noosa) Firetech 2020 Conference (18 Nov): 220 online attendees (via the Remo conference platform) and 20 in pop-up TV studio at the Hub Hundreds of new connections facilitated
Brand and profile	Increased awareness	Hub Facebook Followers: 1566 (>15.1% 6mth increase) Subscribers to Hub Parent email list: 263 (>426% 6mth increase) Firetech Connect online network: 179 (launched July) Hosted board/exec meetings for: Business Mentors Noosa; SCRIPT Board; SunCoast Angels, Qld Robotics Cluster Muster
Investment – regional	Value of investment attracted via grants/etc	Almost \$2.5m in grant funding secured from Federal and Local for FireTech Connect program and activities. Continuation of \$75k over 3 years incubator support grant from Queensland Government \$50k Technology One Peregian Digital Hub sponsorship
Investment – business	Value of direct business investment from grants or private investors	Over \$5m in early stage venture funding secured by local startups hosted and supported by The Digital Hub.

Previous Council Consideration

Ordinary Meeting Minutes, 17 September 2020, Item 7 Page 8

That Council note the report by the Economic Development Manager to the Planning and Environment Committee Meeting dated 8 September 2020 providing a full year report on the performance and activities of The Hub for the period 1 July 2019 to 30 June 2020.

Ordinary Meeting Minutes, 20 February 2020, Item 8 Page 8

That Council note the report by the Economic Development Manager to the Services and Organisation Committee Meeting dated 11 February 2020, providing an update on the activities of the Peregian Digital Hub for the period 1 July 2019 to 31 December 2019.

Ordinary Meeting Minutes, 20 February 2020, Item 2 Page 7

That Council note the report by the Economic Development Manager to the Services & Organisation Committee Meeting dated 11 February 2020 regarding the commercial lease of 45sqm approximately of space at the Peregian Digital Hub and:

- A. Agree to enter a commercial lease of the premises to Fireball International Pty Ltd. for a three year term, as generally outlined in the report;
- B. Agree to an initial rent-free period of 3 months; and
- C. Authorise the CEO to award up to three subsequent lease extensions each of 1 year, subject to the lessee complying with the terms of the lease.

Ordinary Meeting Minutes, 15 August, Item 4 Page 6

That Council note the report by the Economic Development Manager to the Services and Organisation Committee meeting dated 6 August 2019 providing a full year report on the performance and activities of The Hub for the period 1 July 2018 to 30 June 2019 and:

- A. Acknowledge the significant contribution by Chris Boden, founding Director of the Digital Hub, in achieving outstanding results for The Hub in its first year of operation and congratulate him on the positive impact of his effort;
- B. Approve continuation of the Council facilitated model for the operation of The Hub for a further minimum three year period from January 2020 to December 2022, with 6 monthly reporting to Council.

Ordinary Meeting Minutes, 21 February 2019, Item 4 Page 11

That Council note the report by the Digital Hub Director to the Council Meeting dated 12 February 2019 providing an update on the activities of the Peregian Digital Hub for the period 1 July 2018 to 31 December 2018.

Special Meeting Minutes, 22 May 2018, Item 1, Page 3

That Council note the report by the Economic Development Manager to the Special Council Meeting dated 22 May 2018 and:

- A. Award the Tender Number 1718T127 for the tenancy of the Digital Hub to the following tenderers and delegate authority to the CEO to finalise lease negotiations with each:
 - 1. Atnail Pty Ltd;
 - 2. Alkira Software Pty Ltd;
 - 3. Commtract Communication Services Pty Ltd;
 - 4. PB Research and Development Pty Ltd; and
- B. Agree to proceed to an Invitation to Quote for Property Management Services via Council’s Vendor Panel Marketplace; and
- C. Approve the Co-working tenancy process and tenancy mix as noted in this Report.
- D. Request the CEO to report 6 monthly to Council on the Digital Hub progress, financial performance and other KPIs as per other Council business areas.

Finance

Refer to Section 1 – ‘Financials’ of this report.

Risks & Opportunities

Risk	Status and Further Action
COVID-19 Risk	Maintain COVID Safe practices at the Digital Hub in line with Council policy.

Risk	Status and Further Action
COVID-19 shutdown	Any escalation in COVID community transmission and associated 'lock-downs' are a major risk to the Digital Hub revenues. Consideration and planning for this event
Development of Maroochydore CBD may draw tenancies and co-workers southward	The Digital Hub actually experiencing an increase in demand currently. A window of opportunity with increased remote worker needs driving by COVID restrictions and safety concerns. Partner with Sunshine Coast Council to present Hub as key piece of regional infrastructure for digital/tech economy. Continue to monitor competitive offering and respond.
Local Government procurement process can hinder ability be agile	Panel of local professional services providers established as vendors, including qualified Hub tenants and associates.
Volatile nature of start-ups will continue to impact co-work viability	Continue to offer a range of flexible and adaptable membership products. Flexi-membership option proving popular with growth in remote work as default employment mode.
Loss of key personnel i.e. Digital Hub Director	Ensure appropriate support resources continue to be invested in.
Housing Availability	There is growing evidence that the biggest constraint to Noosa's economic and Technology sector growth is the lack of suitable housing for workers and business owners. Councils emerging policy response will be critical
Health and safety risk associated with the high volume of people now interacting at the Hub	Continue to engage with, and be guided by, Council's experienced health and safety team to ensure compliance and minimisation of risk of injury.

Consultation

External Consultation - Community & Stakeholder

Nil

Internal Consultation

Management Accountant, Corporate Services

Departments/Sections Consulted:

- | | | |
|--|---|---|
| <input type="checkbox"/> Chief Executive Officer
Executive Officer
Executive Support | <input type="checkbox"/> Community Services
Director
Community Development
Community Facilities
Libraries & Galleries
Local Laws
Waste & Environmental Health | <input checked="" type="checkbox"/> Corporate Services
Director
x Financial Services
ICT
Procurement & Fleet
Property
Revenue Services |
| <input type="checkbox"/> Executive Services
Director
Community Engagement
Customer Service
Governance
People and Culture | <input checked="" type="checkbox"/> Environment & Sustainable Development
x Director
x Building & Plumbing Services
Development Assessment
x Economic Development
Environmental Services
Strategic Land Use Planning | <input type="checkbox"/> Infrastructure Services
Director
Asset Management
Buildings and Facilities
Civil Operations
Disaster Management
Infrastructure Planning,
Design and Delivery |

12 ENVIRONMENT AND SUSTAINABLE DEVELOPMENT DEPARTMENT UPDATE – 2ND QUARTER 2020-21

Author **Acting Director Environment and Sustainable Development, Anthony Dow
Environment and Sustainable Development Department**

Index **ECM/ Subject/ 69.14 Environment and Sustainable Development Reports**

Attachments **Nil**

EXECUTIVE SUMMARY

Not applicable.

RECOMMENDATION

That Council note the report by the Acting Director Environment and Sustainable Development to the Planning and Environment Committee Meeting dated 9 March 2021 providing an update on operations of the Environment and Sustainable Development Department for the period 1 October 2020 to 31 December 2020.

REPORT

The adopted organisation structure includes the following branches under the Environment and Sustainable Development Department:

- Environmental Services;
- Strategic Land Use Planning;
- Economic Development;
- Development Assessment; and
- Building and Plumbing

This report provides a brief summary regarding recent achievements, current priorities and future initiatives for the Environment and Sustainable Development Department.

ENVIRONMENT AND SUSTAINABLE DEVELOPMENT DEPARTMENT

BRANCH ACTIVITIES	RECENT ACHIEVEMENTS	CURRENT PRIORITIES	THE NEXT QUARTER
Director's office			
COVID-19 – Business Support	<ul style="list-style-type: none"> • Council hosted Business Round table continues to meet on a 6-weekly basis. • Draft Charter developed by the Roundtable and tabled for adoption in January 2021 • Roundtable operating collaboratively and working on key issues together including; COVID support and response, and review of the Local Economic Plan 	<ul style="list-style-type: none"> • Ongoing meeting of Business Round table and adoption of a Charter • COVID safe education and compliance 	<ul style="list-style-type: none"> • Contribute to review of the Local Economic Plan • Focus on COVID safety
Key strategic policy and community support	<ul style="list-style-type: none"> • Councillor workshop to discuss the Coastal Hazard Adaptation Plan (CHAP) and public consultation process • Implementation of processes to enact and monitor Noosa Plan 2020 Ministerial conditions • Supporting Councils efforts to resource and manage the Kin Kin quarry issue • Advising on QRA funding and helping secure \$3.5m for the Noosa Trails and Firetech Living Lab projects 	<ul style="list-style-type: none"> • Continue to support and guide the rollout of CHAP • Support the delivery of the QRA projects 	<ul style="list-style-type: none"> • Focus on contributing to management of the Kin Kin quarry issue and community consultation of the CHAP
Social and Community Housing	<ul style="list-style-type: none"> • Mayoral Minute on Affordable Housing Crisis. • Workshop with Council to explore affordable and community housing outcomes and Council's role and get further direction 	<ul style="list-style-type: none"> • Contributing to Local Members Housing advisory Group. • Drafting Scheme amendments and report back to Council 	<ul style="list-style-type: none"> • Continue to progress this important issue

BRANCH ACTIVITIES	RECENT ACHIEVEMENTS	CURRENT PRIORITIES	THE NEXT QUARTER
Environmental Services			
Implementation of the ZEN Organisation Strategy	<ul style="list-style-type: none"> • Report to Council 2019/20 Carbon footprint • Stakeholder engagement on Climate Change Response Plan • EOIs received and awarded for Climate Week (21-27 March 2021) activities 	<ul style="list-style-type: none"> • Implementation of solar projects at 2 of Council’s small electricity consumption sites. • Drafting Climate Change Response Plan • Preparation for Climate Week - March 2021 • Community Solar and energy advice line revamp • Supporting the waste team in development of the Waste Strategy • Pathways to Net Zero Emission Councillor Workshop – 4 March 	<ul style="list-style-type: none"> • Climate Week • Community consultation on Climate Change Response Plan • Continued solar and energy efficiency throughout Council facilities
Delivery of the Conservation Land Policy Guideline	<ul style="list-style-type: none"> • Negotiate the purchase of environmentally significant land at Boreen point 	<ul style="list-style-type: none"> • Finalise the purchase of environmental significant land at Boreen Point 	<ul style="list-style-type: none"> • Investigate the purchase of a revolving fund property
Private Land Conservation Partnerships - Land for Wildlife (LFW) and Voluntary Conservation Agreements (VCA)	<ul style="list-style-type: none"> • Delivery of LFW incentive. 50 members planting 13,020 tubestock, 21 members receiving training in weed management. • Delivery of on ground works to VCA properties. • One LFW/VCA property receiving Qld Govt. Koala habitat restoration funding (\$43,500). • Ongoing collation of existing and new flora and fauna records into a single database with associated map layers. Uploaded data into WildNet. • Ongoing participation in LFW regional steering committee meetings. • October – December program data; <ul style="list-style-type: none"> ○ 11 new LFW sign-ups (48.7ha of habitat) ○ Current 483 LFW registered properties (339 active members). 	<ul style="list-style-type: none"> • Continue delivering the LFW program, sign up new properties, revisits on demand, roll out LFW incentive program to members for current financial year. • Identify strategic freehold properties in the landscape to target for LFW promotion. (based on size, remnant veg coverage, and connectivity to existing protected areas) • Develop a Koala habitat restoration incentive for 2021/2022 financial year • Promote VCA program to LFW members • Place conservation covenants over 4 new VCA properties. • Delivery of on ground works to VCA properties. • Ongoing collation of existing and new flora and fauna records into a 	<ul style="list-style-type: none"> • Continue delivering the LFW program, sign up new properties, revisits on demand, roll out LFW incentive program to members for current financial year. • Identify strategic freehold properties in the landscape to target for LFW promotion. (based on size, remnant veg coverage, and connectivity to existing protected areas) • Develop a Koala habitat restoration incentive for 2021/2022 financial year • Promote VCA program to LFW members • Place conservation covenants over 4 new VCA properties. • Delivery of on ground works to VCA properties. • Ongoing collation of existing and new flora and fauna records into a

BRANCH ACTIVITIES	RECENT ACHIEVEMENTS	CURRENT PRIORITIES	THE NEXT QUARTER
	<ul style="list-style-type: none"> ○ Current 19 active VCAs. ● Contacted owners of deregistered LFW properties (143) to invite them to join the program. Reregistered 14 properties. Removed signs from deregistered properties with disengaged owners. ○ 4 visits to VCA properties. ● Compiled final list of split-zoned properties for incorporation into the next planning scheme amendment. ● Updated Council website with better info on LFW and VCA programs. ● Organised media promotion of LFW program. 	<p>single database with associated map layers. Uploaded data into WildNet.</p> <ul style="list-style-type: none"> ● Ongoing participation in LFW regional steering committee meetings. 	<p>single database with associated map layers. Uploaded data into WildNet.</p> <ul style="list-style-type: none"> ● Ongoing participation in LFW regional steering committee meetings.
<p>Community Bushland Care Program</p>	<ul style="list-style-type: none"> ● Continued expansion of program with 3 groups expanding to 5 new project sites between them (Marcus, Sunrise Beach, Peregian Creek) ● Ran the Bushcare Leader's meeting. Topics discussed include: <ul style="list-style-type: none"> ○ Upgrading the Bushcare website ○ Delivering WHS inductions online ○ The importance of following WHS procedures ○ An introduction to the Bushland Reserve Strategic Plan DRAFT. ○ Innovative weed control methods. ● Completed the species list with volunteers to assist with their Multi Year Environment Collaborative grant project site at Peregian Creek. ● The Heathland Drive Restoration project has entered its 4th year and has surpassed expectation with 	<ul style="list-style-type: none"> ● With the new Bushcare season commencing in February the main priority is developing annual Action Plans for all the groups and allocating/distributing resources based on those plans ● Promotions and bookings for the upcoming frog identification workshop which will be delivered by Eva Ford from MRCCC. ● Upgrading the Bushcare Webpage. ● Planning and preparing for a large community planting as part of Climate Week on March 28. ● Developing a process for monitoring online WHS induction attendance. ● Reviewing current procedures for managing the risk of COVID-19 at working bees. ● Organizing herbicide training (ACDC) for a number of volunteers. 	<ul style="list-style-type: none"> ● Continue to provide logistical and technical support to all groups – business as usual. ● Deliver two more educational workshops. ● Plan for National Tree Day and Bushcare Big Day Out.

BRANCH ACTIVITIES	RECENT ACHIEVEMENTS	CURRENT PRIORITIES	THE NEXT QUARTER
	<p>more than 75% of primary works completed and now at the maintenance stage.</p> <ul style="list-style-type: none"> • New project at Burgess Creek has been hugely successful with the last working bee for the year attracting more than 50 people. The project continues to be a platform for collaboration between community, local environmental and community groups, local businesses, private industry (Unitywater, Lendlease) and government agencies • October to December group data; <ul style="list-style-type: none"> ○ 17 active groups ○ 73 working bees ○ 905 volunteers hours ○ 265 plants in the ground ○ 5 new volunteers recruited 	<ul style="list-style-type: none"> • Organizing new uniforms for 200+ volunteers. 	
Yurol Ringtail Project	<ul style="list-style-type: none"> • HQ Plantations have halted the harvesting of pine in Yurol SF and switched to Ringtail SF. • DAF continue hardwood harvesting in Yurol SF. 	<ul style="list-style-type: none"> • Continue to support community information, customer queries and engagement with HQP and DAF to ensure stakeholder and community awareness of harvesting underway. • Draft the Yurol-Ringtail SFs Ecological Restoration Plan in consultation with key stakeholders and the Transition Committee • 	<ul style="list-style-type: none"> • QUT to commence baseline koala survey for the Yurol-Ringtail project. • Work with DES, QPWS, Greenfleet, Landcare to finalise the Ecological Restoration Plan for pine and hardwood plantation areas
Pest Management	<ul style="list-style-type: none"> • Completed 2nd quarter of Biosecurity Surveillance Program including the inspection of properties in the Black Mountain, Federal and those parts of Ridgewood and Eerwah Vale that are within the Noosa Council boundary (46 properties were inspected). 	<ul style="list-style-type: none"> • Priority weed control on State road reserve areas as part of annual contract with Transport and Main Roads. • Fox control trapping near marine Turtle nesting sites at Peregrian and Marcus Beach. 	<ul style="list-style-type: none"> • Complete 3rd quarter of Biosecurity Surveillance program property inspections. • Feral Deer control in the Lake MacDonald area corresponding with the mating season.

BRANCH ACTIVITIES	RECENT ACHIEVEMENTS	CURRENT PRIORITIES	THE NEXT QUARTER
	<ul style="list-style-type: none"> • October to December data; <ul style="list-style-type: none"> ○ 46 biosecurity inspections (1 Biosecurity Order issued) ○ Fox trapping – 22 trap nights, 9 foxes caught ○ Wild dog trapping – 11 trap nights, 0 dogs caught ○ Feral pigs – 5 pigs caught in traps 	<ul style="list-style-type: none"> • Inspection of properties in the Cooroy Mountain and Tinbeerwah area for the identification and mapping of Cat’s Claw Creeper weed infestations. • Feral Pig control on properties at Kin Kin and Teewah Airstrip. • Intensive Wild dog and Fox control trapping by contractor at Federal, Ridgewood, Pinbarren, Cooroy Mountain, Kin Kin and Cootharaba. 	
Noosa River Plan	<ul style="list-style-type: none"> • In partnership with Maritime Safety Queensland, completed Terms of Reference for Noosa River Stakeholder Advisory Committee (NRSAC) to support the finalisation of the Noosa River Plan. • Expression of Interest opened on 18 February. 	<ul style="list-style-type: none"> • Completing Expression of Interest for NRSAC and first meetings of group. • Finalise ToR with the group and set priorities for action for the first six months. 	
The Nature Conservancy Partnership - Bring Back The Fish	<ul style="list-style-type: none"> • Community Stakeholder meeting held – 18 attendees. 5 targeted community engagement projects identified for detailed development. • 9 public information sessions held. 38 attendees. High level of support for project and restoration sites presented. • Project brochure developed and distributed. • Project Frequently Asked Questions published. • 11 tonnes of oyster shell collected through Shuck Don’t Chuck project. • Noosa habitat mapping complete. • Noosa Restoration Suitability Model complete. 	<ul style="list-style-type: none"> • Finalising project implementation plan and site management plan. • Finalising review of river utilities and restoration exclusion zones. • Finalising engineering specifications for oyster restoration substrates. • Finalising permit documentation. • Designing projects and entering into agreements with local groups. • Engaging restaurants in Shuck Don’t Chuck project. 	<ul style="list-style-type: none"> • Submit permit applications to authorities for review. • Celebrate new partnerships with restaurants. • Support local groups technically with implementation of community engagement projects. • Continue collecting oyster shells and curing them. • Secure fisheries permit for community work. • Secure agreement with an interstate shellfish hatchery to support breeding of local rock oysters.

BRANCH ACTIVITIES	RECENT ACHIEVEMENTS	CURRENT PRIORITIES	THE NEXT QUARTER
<p>Bushland Reserve Management</p>	<ul style="list-style-type: none"> • Proactive tree management work in high profile urban reserves. • October to December data; <ul style="list-style-type: none"> ○ 38 Reserve inspections • Breakdown of Natural Areas works team for the quarter; <ul style="list-style-type: none"> ○ Biodiversity management 33% ○ Bush regeneration 19% ○ Tree management 9.5% ○ Fire management 19.5% ○ Maintenance (infrastructure, plantings) 14% ○ Administration (meetings, training) 5% • Finalised draft Bushland Strategic Management Plan. • Checking and maintenance of fire access trails as we move towards fire season. • Consult/notify adjacent property owners of proposed 20/21 Fire Trail/Fuel Reduction program and undertaking works. • Finalising installation of new sprinkler systems in flying-fox impacted areas at Wallace Park. • Continue proactive tree management program along priority Bushland Urban Interface areas • Continued bio-retention basin maintenance program 	<ul style="list-style-type: none"> • Workshop Draft Bushland Strategic Management Plans • Finalising 20/21 Fire Trail & Fuel Reduction programs. • Invitation to Quote process for Noosa LGA Multi-Agency Fire Management Plans. • Invitation to Quote process for Noosa Bushland Operational Assessment project. • Monitor Wallace Park Bushland Reserve Flying Fox population and effectiveness of Sprinkler System. • Continue bio-retention basin maintenance program. • Bio-retention basin renewal capital design (Cooyar Street) 	<ul style="list-style-type: none"> • Community Consultation for the Bushland Strategic Management Plan and Bushland Reserve Fire Management Plan. • Resident consultation for upcoming 20/21 Planned Burn Program • Continue to monitor Wallace Park Bushland Reserve Flying Fox population and effectiveness of Sprinkler System. • Commence Noosa LGA Multi-Agency Fire Management Plan Project. • Commence Noosa Bushland Operational Assessment project. • Bio-retention basin renewal procurement (Cooyar Street)

BRANCH ACTIVITIES	RECENT ACHIEVEMENTS	CURRENT PRIORITIES	THE NEXT QUARTER
Noosa Trail Network	<ul style="list-style-type: none"> Noosa Trail Masterplan Stakeholder Group meeting #1 completed December 	<ul style="list-style-type: none"> Communicate track closures related to the forestry work in the Yurol-Ringtail areas. One-to-one consultations with stakeholders 	<ul style="list-style-type: none"> In consultation with Noosa Trail Masterplan Stakeholder Group, prepare options paper for trail network covering user needs, standards & final locations of trail network contingent on funding models to support management by QPWS & Council on land under their control. Seek State and Federal funding opportunities to initiate implementation of Trails Masterplan
Strategic Land use Planning			
Noosa Plan 2020	<ul style="list-style-type: none"> First administrative amendment completed (minor administrative changes) Continued to gather baseline information for ongoing monitoring processes. 	<ul style="list-style-type: none"> Supporting the implementation of the new Noosa Plan internally and externally. Further amendments underway for improvement of workability and to align with State policies. Discussions with State on Coastal Erosion amendment 	<ul style="list-style-type: none"> Continue work on Amendment no. 2 for Noosa Plan 2020 Continue work on Coastal Erosion Amendment.
Whole of Shire Climate Change Response Plan	<ul style="list-style-type: none"> Stakeholder workshops & meetings Completion of risk assessment for climate hazards Developed fact sheets to provide to stakeholder groups for discussion Cross-project coordination with Queensland Government emergency risk assessment project led by Council's Disaster Management Officer and QFES. Finalised draft Coastal Hazards Adaptation Plan (CHAP), endorsed by council for consultation 	<ul style="list-style-type: none"> Continue stakeholder engagement Drafting Climate Change Response Plan Workshop draft Climate Change Response Plan with councillors CHAP consultation until Monday 22 February. 	<ul style="list-style-type: none"> Consultation on Climate Change Response Plan Councillor briefing on CHAP consultation responses Finalise CHAP
Business as Usual activities	<ul style="list-style-type: none"> General advice and advocacy. Customer enquiries. Contribution to development application assessments. 	<ul style="list-style-type: none"> General advice and advocacy. Customer enquiries. 	<ul style="list-style-type: none"> General advice and advocacy. Customer enquiries.

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Economic Development			
Local Economic Plan (LEP) implementation	<ul style="list-style-type: none"> The strategic intent of the LEP & associated 68 actions continue to be delivered by Council & its partners. The LEP review is underway with 3 workshops held with Councillors and the Business Roundtable. Continued delivery of the COVID Response Business Support Frameworks and operation of the Business Roundtable. 	<ul style="list-style-type: none"> Focus on developing a Local Economic Strategy discussion paper for targeted and general consultation in April 2021 	<ul style="list-style-type: none"> LEP review Business Roundtable adoption of a Charter and continuation of successful collaboration with a focus on COVID safe practice
Business Support and Development	<ul style="list-style-type: none"> The Council hosted Business Roundtable has evolved into a very successful collaboration with an adopted Charter of operation. The second business resilience survey was completed with 200 participants. Results to be published in February 2021 Council's subsidised Professional Services Panel has supported over 50 businesses & individuals to date. The Economic Development team continues to work directly with Business Associations. Congratulations to the Tewantin and Pomona Business community on the incorporation of their respective business associations. Council partnered with the Qld Govt to host a "Sunshine Coast Women in Business" mentoring event, attended by 30 local women seeking business support or networking opportunities Council hosted 'Buy Local meetings' and has developed a partnership with Tourism Noosa, Eat Local 	<ul style="list-style-type: none"> Continue to support all business groups including the operation of the Business Roundtable. COVID safe education and compliance will be led by Councils EHOs 'Consume local' concept rolled out in partnership with Tourism Noosa, Buy Noosa and Eat Noosa Providing 'concierge' services to key clients on an as needs basis. Digital Hub Director continues to provide mentoring services and manage the transition of potential new tenants. 	<ul style="list-style-type: none"> Focus on Business Roundtable Charter implementation Particular support for emerging business groups – Tewantin and Pomona Continue to lead a flexible and co-ordinated approach across Council to support business recovery

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	<p>Noosa and Buy Local Noosa to align marketing and support activities.</p> <ul style="list-style-type: none"> • Key business concierge support was provided to FireBall International, Oneqode, Coles, Noosa Fair 		
<p>Industry & Sector Development</p>	<p>Tourism</p> <ul style="list-style-type: none"> • Tourism Noosa – partnering on Noosa Trails Network QRA funding, supporting food tourism events and jointly supporting Eat local and Buy Local activities <p>Tech/Digital</p> <ul style="list-style-type: none"> • The Digital Hub is operating at full capacity & the technology school holiday programs have been a huge success. • FireTech Program now has over \$2M worth of funding for the three components of business growth program, FireTech expos and the FireTech Living Lab. • Digital Connectivity Infrastructure Plan for Noosa in early stage of conceptual design. Meetings held with infrastructure providers and SCC colleagues. <p>Education</p> <ul style="list-style-type: none"> • NETA (Education and Training Alliance) fully incorporated, met with Noosa Councillors and have developed a Learning Hub Feasibility ITQ. <p>Food & Agriculture</p> <ul style="list-style-type: none"> • Food and Agribusiness Network (FAN) partnership agreement with Noosa Council activated. • www.eatlocalnoosa.com.au is an industry led initiative that connected 	<ul style="list-style-type: none"> • Tourism – continue to support Tourism Noosa’s implementation of its strategic plan and launch of new campaign. • Tourism – work with TN to support and grow the Wedding Industry • Digital Hub – continue strong growth and plan for expansion. Focus on execution of \$2M Firetech Program. • Education Sector – NETA focus on progressing Learning Hub proposal • Agribusiness/Food – continue to support local food initiatives 	<ul style="list-style-type: none"> • Digital Hub expansion – lead design of next stage as part of Rufous Street project. • Increase partnership opportunities with Tourism Noosa related to new/expanding markets – digital/tech tourism, education tourism, food tourism, indigenous tourism.

BRANCH ACTIVITIES	RECENT ACHIEVEMENTS	CURRENT PRIORITIES	THE NEXT QUARTER
	<p>our local produce market to the consumer, initially in response to COVID restrictions impacting the seafood industry supply chain.</p>		
<p>Communications and Marketing Program</p>	<ul style="list-style-type: none"> • Significant resources, between Economic Development and Environmental Health teams, has been dedicated to provide targeted and relevant COVID safe information to businesses • The e-newsletter and targeted updates have been published to a distribution list of 1,500+ . • The COVID safe business webpages have been updated on a regular basis https://www.noosa.qld.gov.au/business-covid-19 	<ul style="list-style-type: none"> • COVID response and recovery communications and messaging. • Partnership with Tourism Noosa, Buy Noosa and Eat Noosa to promote the ‘consume local’ program to residents and visitors 	<ul style="list-style-type: none"> • COVID response and recovery communications and messaging.
<p>Leadership & Strategy Program</p>	<ul style="list-style-type: none"> • Economic Development team continue to build relationships and meet with the following individuals and agencies: LGAQ, Department of Industry, Austrade, Advance Queensland, CEO SunCentral, EDQ, SC Business Council • Economic Development team contributed to the following Council projects : <ul style="list-style-type: none"> ○ Overall COVID response ○ Rufous Street PCG (next stage Digital Hub) ○ Event Reference Group ○ Kin Kin Quarry issue management 	<ul style="list-style-type: none"> • Support and influence regional priorities through involvement with RDA, Sunshine Coast Business Council and others. • Continue to represent economic and business interests across Council activity. 	<ul style="list-style-type: none"> • Support and expand Council’s consultation with the business sector in relation to major strategic policy and decision making matters.
<p>Business as Usual activities</p>	<ul style="list-style-type: none"> • Represent Council at a range of business and network forums. 	<ul style="list-style-type: none"> • Client management and inward business enquiries. • Meetings with key stakeholders internally / externally. 	<ul style="list-style-type: none"> • Ongoing business enquiry management.

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Development Assessment			
Auditing program for Advertising Devices	<ul style="list-style-type: none"> Implementation of Local Law signage requirements, with signage applications being processed under the Local Law Workshop with councillors and business group on signage local law requirements 	<ul style="list-style-type: none"> Auditing program temporarily ceased due to COVID-19. Temporary additional signage permitted for some businesses impacted by COVID-19. 	<ul style="list-style-type: none"> Continue auditing program for advertising devices – Noosa Civic & Hinterland area.
Business as Usual activities	<ul style="list-style-type: none"> Monthly reporting to Treasury Qld State Government and Australian Bureau of Statistics on development approval information. Development Activity Monitoring Pilot Project Completed with LGAQ Trial for Serratore Appeal completed and awaiting judgement BNB Super and Mason Appeals successfully settled Implemented Relief on payment of Infrastructure Charges with no interest to accrue for next 12 months to respond to COVID-19. Implemented reviewed staged payment plans to assist with COVID-19. 	<ul style="list-style-type: none"> Negotiations on NBN appeal underway. Assessment of a number of Superseded Planning Scheme applications. Issue of Infringement Notices to Kin Kin Quarry and preparation work for further evidence collection. Working with Council ICT Branch in developing electronic application processes and for planning applications. Working with individual businesses to address their circumstances and COVID-19 impacts. 	<ul style="list-style-type: none"> Continued assessment of Development Applications lodged under The Noosa Plan 2006 and The Noosa Plan 2020. Ongoing management of Infrastructure Charges issued and receipted including relief provided in assistance to Covid-19.
Building and Plumbing			
Business as Usual activities	<ul style="list-style-type: none"> Continue to deliver customer services request with existing resources. Continue to work on resourcing of building team in ensuring the delivery of legislative obligations in building services and record management obligations (review existing structure of building team) 	<ul style="list-style-type: none"> One stop shop building and plumbing application service counter is now open (thank goodness) and fully functional. Maintain legislative plumbing application timeframes (plumbing team is now fully resourced to meet existing plumbing application workloads – overtime benefits required to maintain increased workloads at this point) 	<ul style="list-style-type: none"> Ensure Council's record management documentation is compiled as per legislative obligations to Australian Bureau of Statistics (ABS), Unitywater, Queensland Treasury & Queensland Building Construction Commission. Maintain resources & budget commitments in regards to legislative plumbing application timeframes.

BRANCH ACTIVITIES	RECENT ACHIEVEMENTS	CURRENT PRIORITIES	THE NEXT QUARTER
	<ul style="list-style-type: none"> • Delivery of monthly reporting to Qld State/ Federal Government agencies. • Branch received new Scanner for existing hard copy file transfer to electronic adaptation to fully electronic service. 	<ul style="list-style-type: none"> • Identify resourcing for record management of exiting and legislative register obligations 	<ul style="list-style-type: none"> • Continue to identify leadership and resources for building document lodgement and relaxation obligations.
<p>Plumbing and Building Audit, Educational Programmes and Swimming Pool Immersions</p>	<ul style="list-style-type: none"> • This quarter Council had no request to investigate swimming pool emersions (requirement to prepare reports for QLD Health were undertaken. • Continue to investigate swimming pool complaints (RMs) 	<ul style="list-style-type: none"> • Maintain obligations to investigate emersions as requested. • Organise a local industry swimming pool committee, in promote industry expectations and legislative requirements. 	<ul style="list-style-type: none"> • Stage two, of the Backflow prevention device audit programme is now 100% completed. • Continue to investigate and report findings from swimming pool, Spa and Pond Emersions as directed from Queensland Health. • Implement local industry swimming pool working group programme in promoting consistency in delivery of legislative obligations and local compliance support networks. • Prepare service agent meeting next quarter (underway March 2021)
<p>Compliance Approvals – Council and Community.</p>	<ul style="list-style-type: none"> • Continue to undertake desk top study and file management of Internal Council Building files (stage one completed, next stage underway). • Completed this quarter: <ol style="list-style-type: none"> 1. Issued Permits for demolition <ul style="list-style-type: none"> • ChildCare Moorindal Street • Woodworkers Cooroy • Navy Cadets, Tewantin • dilapidated housing Teewah Beach – Mackerel Street 2. Issued Plumbing Approvals for Sea Cadets , Noosaville 	<ul style="list-style-type: none"> • Continue to seek billing reductions in Council water meter project, this project identifies water meters to be removed due to the low usage and/or no registered usage. Saving Council ongoing service charges from Unitywater. • Plumbing approval Permits for Boreen Point Caravan Park • Demolition works and permits: Navy Cadets 	<ul style="list-style-type: none"> • Complete report of outstanding Council building files and prepare a report of outcomes and actions undertaken. • Undertake compliance inspections for waste water treatment facilities within non-sewered areas within the shire. • Report outcomes of ongoing water meter billing savings to Finance Branch • Continue to undertake building and plumbing approval permits for internal departments. • Ensure all non-revenue work undertaken is recorded and reflected within budget process.

BRANCH ACTIVITIES	RECENT ACHIEVEMENTS	CURRENT PRIORITIES	THE NEXT QUARTER
<p>Electronic Plumbing Application Project</p>	<ul style="list-style-type: none"> Worked with ICT Branch for the implementation of Councils electronic Plumbing and Building application approval programme for customers. Promote the extension of this programme to all customers 	<ul style="list-style-type: none"> Continue to work with Council's ICT team for the <u>expansion</u> of this pilot programme to encompass all Council building and plumbing customers. Further develop strategies for the delivery of this programme to all customers. (underway) 	<ul style="list-style-type: none"> Continue to work with ICT team to identify strategies for the seamless delivery of this programme to all customers. Promote electronic application service at next proposed consultants and contractors meeting - completed

Previous Council Consideration

Nil.

Finance

Nil.

Risks & Opportunities

Nil.

Consultation

External Consultation - Community & Stakeholder

Nil.

Internal Consultation

Departments/Sections Consulted:

- | | | |
|--|---|---|
| <input type="checkbox"/> Chief Executive Officer
Executive Officer
Executive Support | <input type="checkbox"/> Community Services
Director
Community Development
Community Facilities
Libraries & Galleries
Local Laws
Waste & Environmental Health | <input type="checkbox"/> Corporate Services
Director
Financial Services
ICT
Procurement & Fleet
Property
Revenue Services |
| <input type="checkbox"/> Executive Services
Director
Community Engagement
Customer Service
Governance
People and Culture | <input checked="" type="checkbox"/> Environment & Sustainable Development
X Director
X Building & Plumbing Services
X Development Assessment
X Economic Development
X Environmental Services
X Strategic Land Use Planning | <input type="checkbox"/> Infrastructure Services
Director
Asset Management
Buildings and Facilities
Civil Operations
Disaster Management
Infrastructure Planning,
Design and Delivery |

7 CONFIDENTIAL SESSION

Nil.