



# **AGENDA**

## **Planning & Environment Committee Meeting**

**Tuesday, 12 October 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”*

## TABLE OF CONTENTS

ITEM	PAGE
<b>1. ATTENDANCE &amp; APOLOGIES</b>	<b>3</b>
<b>2. CONFIRMATION OF MINUTES</b>	<b>3</b>
<b>3. PRESENTATIONS</b>	<b>3</b>
<b>4. DEPUTATIONS</b>	<b>3</b>
<b>5. REPORTS FOR CONSIDERATION OF THE COMMITTEE</b>	<b>4</b>
1 CLIMATE CHANGE RESPONSE PLAN COMMUNITY REFERENCE GROUP – EXPRESSION OF INTEREST OUTCOME	4
2 PROPOSED LOCAL LAW AMENDMENT – SHORT STAY LETTING AND HOME HOSTED ACCOMMODATION – PUBLIC CONSULTATION RESULTS AND ADOPTION	8
3 51983.3225.14 – OTHER CHANGE TO A DEVELOPMENT APPROVAL FOR MULTIPLE DWELLING UNITS X 25 & 8 SHOPS AT, 30 HASTINGS ST NOOSA HEADS	79
4 MCU18/0009.04 - MINOR CHANGE TO DEVELOPMENT APPROVAL FOR MATERIAL CHANGE OF USE - MULTIPLE HOUSING –TYPE 3 RETIREMENT & SPECIAL NEEDS AT 186 COOROY-NOOSA ROAD & 4 CARRAMAR ST, TEWANTIN	108
5 MCU18/0006.03 & OPW18/0012.03 APPLICATION FOR AN OTHER CHANGE TO A DEVELOPMENT APPROVAL FOR MULTIPLE HOUSING - TYPE 2 DUPLEX AND OPERATIONAL WORKS, TO INCLUDE SHORT TERM ACCOMMODATION, SITUATED AT 1 & 2/10 HILL ST SUNSHINE BEACH	117
6 MCU17/0046.03 – APPLICATION FOR AN OTHER CHANGE TO A DEVELOPMENT APPROVAL FOR MULTIPLE HOUSING TYPE 2 DUPLEX TO INCLUDE SHORT TERM ACCOMMODATION & OPERATIONAL WORKS AT 2/38 PARK CRES, SUNSHINE BEACH	139
7 RAL20/0014 - APPLICATION TO RECONFIGURE A LOT (1 INTO 2 LOTS) AT 9A JIRRIMA CRES, COOROIBAH	154
<b>6. REPORTS FOR NOTING BY THE COMMITTEE</b>	<b>168</b>
8 PLANNING APPLICATIONS DECIDED BY DELEGATED AUTHORITY – AUGUST 2021	168
9 DEVELOPMENT ASSESSMENT FEES & CHARGES VARIATIONS FOR 1 JANUARY TO 30 JUNE 2021	170
10 PEREGIAN DIGITAL HUB – FULL YEAR REPORT TO 30 JUNE 2021	173
<b>7. CONFIDENTIAL SESSION</b>	<b>185</b>

**1. ATTENDANCE & APOLOGIES**

**2. CONFIRMATION OF MINUTES**

The Minutes of the Planning & Environment Committee Meeting held on 7 September 2021 be received and confirmed.

**3. PRESENTATIONS**

Nil.

**4. DEPUTATIONS**

Nil.

---

**5. REPORTS FOR CONSIDERATION OF THE COMMITTEE**
**1 CLIMATE CHANGE RESPONSE PLAN COMMUNITY REFERENCE GROUP – EXPRESSION OF INTEREST OUTCOME**

**Author** Carbon Reduction Project Officer, Annie Nolan  
Environment & Sustainable Development Department

**Index** ECM/Subject/Climate Change Response Plan

**Attachments** Nil

---

**EXECUTIVE SUMMARY**

In August 2021, Council resolved to establish a community reference group in relation to its Climate Change Response Plan. Council sought nominations from the community via an extensive EOI process and received 13 nominations. These have been assessed by staff who are recommending that all nominees form part of the CRG. The Council will also need to appoint two Councillors to the CRG.

**RECOMMENDATION**

That Council note the report by the Carbon Reduction Project Officer to the Planning & Environment Committee Meeting dated 12 October 2021 about the Expression of Interest process for the Climate Change Response Plan Community Reference Group (CRG.); and

- A. Appoint Councillor \_\_\_\_\_ and Councillor \_\_\_\_\_ as members of the CRG; and
- B. Appoint the following community representatives to the CRG.

<b>Name</b>	<b>Sectors represented (as nominated by the candidate)</b>	<b>Organisation (where relevant)</b>
Carina Anderson	Transport, health	ZEN Inc
Shayan Barmand	Natural environment, Community /households	Reef Check Australia
Niki Brand	Rural/agriculture	
Sharon Campbell	Health , Community /households	
Madeleine Cleland	Young people, Natural environment	
Natalie Frost	Natural environment	Sunshine Coast Environment Council
Ann Gardiner	Transport, Community /households	Cooran Earth Rights
Brian Hoepper	Education, Community /households	Peregian Beach Community Association
Matt Harold	Business, Tourism	
Nick Hluszko	Community /households	Noosa North Shore Association Inc.
Aaron Jenkins	Business	EcoVantage
Anne Kennedy	Business	ZEN Inc
Pat Rogers	Community /households, Natural environment	Eastern Beaches Protection Association

---

## REPORT

At the August 2021 Ordinary Meeting, Noosa Council requested the CEO:

- to establish a community reference group within 3 months of adoption to assist with the implementation of the Climate Change Response Plan; and
- to investigate options for the formation of a Youth Reference Group or the like, to participate in Council's climate change response and contribute to practical solutions.

The following report provides an overview of the selection process of potential members of the Community Reference Group (CRG) and presents the proposed members for the group.

A specific invitation has been sent to the Kabi Kabi and should the Kabi Kabi take up a position, this position would be in addition to the community representatives presented in this report.

The composition of the CRG and its effectiveness will be reviewed in 9 months.

### Expression of Interest

An Expression of Interest and draft terms of reference for positions on the CRG opened on Monday 13<sup>th</sup> September and closed Friday 24<sup>th</sup> September. The EOI was promoted in the following ways:

- "Have Your Say" web page under the Climate Change Response Plan with links to the EOI form and the draft Terms of Reference
- Media Release issued 15<sup>th</sup> September calling for expressions of interest
- Advertisement in Noosa Today Friday 10<sup>th</sup> September
- Advertisement shared by relevant community groups on Facebook
- Noosa Today Article Friday 17<sup>th</sup> September
- Personal communications with relevant community groups to promote the EOI

The Expression of Interest to be completed by potential community members included questions on the applicant's details, the sectors they would represent, organisations they are affiliated with and two questions by which the application would be assessed:

- *Describe your knowledge and experience with regard to climate change mitigation and adaptation. Please include relevant positions held, employment and business and/or individual interest.*
- *Describe how you are linked to your community or stakeholder representative group and the way you will bring forward the views of that group to the CRG, and feedback discussions and decisions.*

The EOI called for approximately 10 community members to join the CRG.

### Assessment Process

Thirteen (13) applications were received within the stipulated timeframe.

The assessment of each applicant was undertaken by three staff members of Noosa Council. The assessment considered representative sectors, the applicant experience and potential contribution to the CRG.

As the Terms of Reference identified "approximately 10" community reference group members, the assessors decided that all 13 applicants had merit and would make significant contributions to the implementation of the Climate Change Response Plan and provide a valuable balance across the sectors, geographical areas and climate change issues to be considered.

The selected nominees, in alphabetical order, are listed below.

<b>Name</b>	<b>Sectors represented (as nominated by the candidate)</b>	<b>Organisation (where relevant)</b>
Carina Anderson	Transport, health	ZEN Inc
Shayan Barmand	Natural environment, Community /households	Reef Check Australia
Niki Brand	Rural/agriculture	
Sharon Campbell	Health , Community /households	
Madeleine Cleland	Young people, Natural environment	
Natalie Frost	Natural environment	Sunshine Coast Environment Council
Ann Gardiner	Transport, Community /households	Cooran Earth Rights
Brian Hoepper	Education, Community /households	Peregian Beach Community Association
Matt Harold	Business, Tourism	
Nick Hluszko	Community /households	Noosa North Shore Association Inc.
Aaron Jenkins	Business	EcoVantage
Anne Kennedy	Business	ZEN Inc
Pat Rogers	Community /households, Natural environment	Eastern Beaches Protection Association

The proposed 13 member CRG will be the core reference group for the Climate Change Response Plan. Other representative groups will be engaged and consulted on major issues/topics as part of the ongoing operation of the CRG. For example, Noosa Biosphere Reserve Foundation, Tourism Noosa and other business groups.

**Inclusion of young people**

There will be several opportunities for young people/youth sector to contribute to the Climate Change Response Plan:

- There is a young person nominated for the CRG.
- There will be ongoing 2-way feedback with the Noosa Youth Advocacy Group (NYAG)
- There will also be informal discussions with young people through “Conversations on Hot Topics” - a pop up point of contact where young people congregate such as beachside, sporting events etc. The details of these and other engagement activities will be a consideration for the CRG.

**Previous Council Consideration**

**Ordinary Meeting Minutes, 16 August 2021, Item 3, Page 8**

*That Council note the report by the Principal Strategic Planner and Carbon Reduction Officer to the Planning & Environment Committee Meeting dated 10 August 2021 and:*

- A. *Note the report on submissions received during the community consultation on the draft Climate Change Response Plan;*
- B. *Adopt the final Climate Change Response Plan, provided at Attachment 1 to the report;*

- C. *Request the CEO to establish a community reference group within 3 months of adoption to assist with the implementation of the plan and in particular request that group include representatives from the Kabi Kabi First Nations People;*
- D. *Request the CEO to investigate options for the formation of a Youth Reference Group or the like, to participate in Council’s climate change response and contribute to practical solutions to include indigenous youth;*
- E. *Request the CEO to develop a detailed implementation action plan in consultation with the community reference group to inform Council’s future budget processes;*
- F. *Note that Council has been awarded \$310,000 in state government grant funding for two climate change resilience pilot projects to work in collaboration with other southeast Queensland councils to increase local government capability to mitigate and adapt to climate risk.*

**Finance**

There are no additional financial implications of the creation and management of the CRG. Outcomes of the CRG that may require Council investment will be assessed as part of normal budget processes.

**Risks & Opportunities**

An open EOI process was undertaken to remove the risk of perception of bias, or hand-picking candidates. The draft Terms of Reference also stipulated a range of sectors likely to be impacted by climate change impacts and/or mitigation opportunities be engaged, ensuring representation from all key sectors.

**Consultation**

**External Consultation - Community & Stakeholder**

The Expression of interest was advertised locally, as noted in the body of this report.

**Internal Consultation**

Chief Executive Officer

Departments/Sections Consulted:

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

---

**2 PROPOSED LOCAL LAW AMENDMENT – SHORT STAY LETTING AND HOME HOSTED ACCOMMODATION – PUBLIC CONSULTATION RESULTS AND ADOPTION**

<b>Author</b>	<b>Principal Strategic Planner, Anita Lakeland Environment and Sustainable Development Department</b>
<b>Index</b>	<b>ECM/SUBJECT: 37.15 Local Law No. 1 Amendments – Short Stay Letting</b>
<b>Attachments</b>	<ol style="list-style-type: none"><li><b>1. Administration (Amendment) Local Law (No. 1) 2021 with tracked changes detailing amendments proposed as a consequence of public consultation</b></li><li><b>2. Administration (Amendment) Subordinate Local Law (No. 1) 2021 with tracked changes detailing amendments proposed as a consequence of public consultation</b></li><li><b>3. Administration (Amendment) Local Law (No. 1) 2021 (as advertised and distributed for public consultation purposes)</b></li><li><b>4. Administration (Amendment) Subordinate Local Law (No. 1) 2021 (as advertised and distributed for public consultation purposes)</b></li><li><b>5. Summary of key issues from public consultation</b></li><li><b>6. Cost benefit analysis – Proposed local law amendment: short stay letting and home hosted accommodation prepared by AEC Group Pty Ltd and dated September 2021 (24 page attachment provided separately to this agenda)</b></li><li><b>7. Public Interest Test Report</b></li><li><b>8. Consolidated version of <i>Noosa Shire Council Local Law No. 1 (Administration) 2015</i> (30 page attachment provided separately to this agenda)</b></li><li><b>9. Consolidated version of <i>Subordinate Local Law No. 1 (Administration) 2015</i> (99 page attachment provided separately to this agenda)</b></li></ol>

---

**EXECUTIVE SUMMARY**

Administration (Amendment) Local Law (No. 1) 2021 and Administration (Amendment) Subordinate Local Law (No. 1) 2021, for short stay letting and home hosted accommodation, seek to regulate the ongoing operation of short stay letting and home hosted accommodation and manage the impacts on permanent residents and guest safety. The proposed local law and proposed subordinate local law have undergone extensive legal review and public, stakeholder and State government consultation over a 2 year period. A final version of the proposed local law and proposed subordinate local law is now presented to Council for adoption and implementation.

The proposed local law and proposed subordinate local law were made available for public consultation purposes from 9 April until 28 May 2021 for an extended 7-week period. This was the second round of public consultation, with the first drafts consulted on in 2019.

615 written submissions were received during the consultation period. A number of minor amendments to the proposed subordinate local law are recommended in response to submissions as well as a range of other actions and procedural changes outside the scope of the local law framework. The scope of changes proposed are to:

1. establish a 24/7 Council complaints hotline and complaints register as an intermediary between the complainant and contact person;
2. use security services to observe and record activity at properties where required, initially on a 12 month trial basis;



3. make minor changes to the proposed subordinate local law by:
  - removing the exemption from Parkridge;
  - requiring additional information on the site plan to include adjoining windows and door openings, outdoor entertainment areas and vehicle parking;
  - amending the contact person location to be within a 20km radius of the property;
  - including security firms as a contact person option;
  - renaming the contact person notice to a standardised approval notice sign including complaints number and approval number;
  - including boats, trailers, jet skis and the like as part of vehicle management;
  - including reference to amenity impacts on adjoining dwellings;
  - requiring confirmation the building is lawfully constructed and classified for its purpose under the Building Act 1975;
  - including a 2 year time frame for keeping of registers;
  - clarifying waste management where no kerbside collection exists; and
  - making other minor editorial and clarification changes.
4. prepare a “good management of short stay letting and home hosted accommodation guide” to support the requirements of the proposed local law and the proposed subordinate local law and for other matters outside the scope of the local law framework;
5. develop a dedicated Council webpage with information including an approvals register, complaints procedure, complaints hotline number, application forms, factsheets and the good management guide;
6. undertake:
  - education for the short stay letting industry;
  - advocacy with the LGAQ and REIQ around short stay letting; and
  - the establishment of a multi interest stakeholders group.

New dedicated internal and external resources will be required to implement and administer the proposed local law and the proposed subordinate local law, including a new dedicated short stay local laws team and external 24/7 complaints hotline and trial security services.

Final versions of the proposed local law and the proposed subordinate local law are now presented to Council for adoption with a proposed commencement date of 1 February 2022.

The adoption of a local law is a legal process. As a result, Council’s solicitors have assisted with the drafting of the resolution to ensure that it is compliant with the relevant legislation.

Also, submitted to Council, for formal adoption, by resolution, are consolidated versions of *Noosa Shire Council Local Law No. 1 (Administration) 2015* and *Subordinate Local Law No. 1 (Administration) 2015* incorporating:

- (a) the amendments detailed in each of the proposed amending local law (Attachment 3) and the amendment to the proposed amending local law detailed in Recommendation A below; and
- (b) the amendments detailed in the proposed amending subordinate local law (Attachment 4) and the amendments to the proposed amending subordinate local law detailed in Recommendation B below.

**RECOMMENDATION**

That Council note the report by the Principal Strategic Planner to the Planning & Environment Committee Meeting dated 12 October 2021 and resolve to:

- A. Proceed with the making of, and make, Administration (Amendment) Local Law (No. 1) 2021 (see Attachment 3) as advertised, but amended as follows:
1. after section 1 —  
*insert—*  
‘1A. **Commencement**  
Part 2 commences on 1 February 2022.’.
- B. Proceed with the making of, and make, Administration (Amendment) Subordinate Local Law (No. 1) 2021 (see Attachment 4), as advertised, but amended as follows:
1. after section 1—  
*insert—*  
‘1A. **Commencement**  
Part 2 commences on 1 February 2022.’.
  2. amendments to Subordinate Local Law, section 5 (Insertion of new sch21A — Operation of short stay letting or home hosted accommodation) —
    - (a) section 2(b)(v) —  
*omit.*
    - (b) section 2(b)(vi) to (xii)—  
*renumber* as section 2(b)(v) to (xi).
    - (c) section 3(d)(i) —  
*omit, insert—*  
‘(i) a site plan showing the location of all buildings, including any outdoor entertainment area, swimming pool or spa, vehicle parking area and the location of each window and door opening of any adjoining residence; and’.
    - (d) section 3(g) —  
*omit, insert—*  
‘(g) written confirmation that, under the *Building Act 1975—*
      - (i) the premises are lawfully constructed; and
      - (ii) the use of the premises for the prescribed activity is authorised by the classification attributable to the premises; and’.
    - (e) section 3(h) after ‘inspector’—  
*insert—*  
‘and that a current pool safety certificate will be maintained at all times’.
    - (f) section 3(j)(iii), ‘20 minutes travel time (by vehicle)’—  
*omit, insert—*  
‘a 20 kilometre radius’.
    - (g) section 4(e)(ii), ‘residents in the vicinity of the premises’—  
*omit, insert—*  
‘residents adjoining, or in the vicinity of, the premises’.
    - (h) section 4(f), after ‘property manager’—  
*insert—*  
‘, security firm’.
    - (i) section 4(f)(ii), ‘20 minutes travel time (by vehicle)’—  
*omit, insert—*

- 'a 20 kilometre radius'.
- (j) section 6(2)(a), after 'manager'—  
*insert*—  
' , security firm'.
  - (k) section 6(2)(a)(ii), '20 minutes travel time (by vehicle)'—  
*omit, insert*—  
'a 20 kilometre radius'.
  - (l) section 6(2)(b)(i), '**contact person**'—  
*omit, insert*—  
'**approval**'.
  - (m) section 6(2)(b)(ii), 'contact person'—  
*omit, insert*—  
'approval'.
  - (n) section 6(2)(b)(iii)—  
*omit, insert*—  
'(iii) the size of the approval notice must be a minimum and maximum size of 0.2m<sup>2</sup>; and'.
  - (o) section 6(2)(b)(iv)—  
*omit, insert*—  
'(iv) the approval notice must specify, in letters and numbers not less than 50mm in height—  
(A) the current, and up to date, contact details for a complaint; and  
(B) the approval number allocated by the local government to the approval for the undertaking of the prescribed activity at the premises; and'.
  - (p) section 6(2)(c), from 'make available' to 'scheme'—  
*omit, insert*—  
'display an approval notice which complies with the requirements specified in subsection (2)(b)(i) to (iv) inclusive'.
  - (q) section 6(3)(a), 'residents in the vicinity of the premises'—  
*omit, insert*—  
'residents adjoining, or in the vicinity of, the premises'.
  - (r) section 6(3)(d), 'vehicles on the premises'—  
*omit, insert*—  
'vehicles, including boats, trailers, jet skis and the like, on the premises'.
  - (s) after section 6(3)(h)(ii)—  
*insert*—  
'(iii) if the premises are not provided with a kerb side frontage general waste collection service — ensure that general waste from the premises is removed from the premises and disposed of at a general waste facility; and'.
  - (t) section 6(3)(j), after 'minimum,'—  
*insert*—  
'and for a period of not less than 2 years,'.
  - (u) section 6(3)(k)—
    - (i) after ' , must'—  
*insert*—  
' , for a period of not less than 2 years,';
    - (ii) 'premises for short stay letting'—  
*omit, insert*—

- 
- (iii) 'premises';  
'for short stay letting on'—  
*omit, insert*—  
'on'.
  - (v) section 6(3)(m)(i)(B), 'if parking facilities are provided at the premises'—  
*omit*.
  - (w) section 6(3)(m)(ii), after 'outdoor'—  
*insert*—  
'entertainment area,'.
  - (x) section 6(3)(m)(ii)(A), 'residents in the vicinity of the premises'—  
*omit, insert*—  
'residents adjoining, or in the vicinity of, the premises'.
  - (y) section 7(1), '12 months from the date of the approval'—  
*omit, insert*—  
'on the next 30<sup>th</sup> day of June, unless otherwise specified in the approval'.
  - (z) section 9, definition **contact person**, 'section 4(g)'—  
*omit, insert*—  
'section 4(f)'.
  - (aa) section 9, '**contact person**'—  
*omit, insert*—  
'**approval**'.
- C. Note that each of Administration (Amendment) Local Law (No. 1) 2021 and Administration (Amendment) Subordinate Local Law (No. 1) 2021 contain anti-competitive provisions;
- D. Having considered the content of the public interest test report in relation to anti-competitive provisions contained in each of Administration (Amendment) Local Law (No. 1) 2021 and Administration (Amendment) Subordinate Local Law (No. 1) 2021, in Attachment 7, note the content of the report and implement the recommendations of the report;
- E. Adopt, pursuant to section 32 of the Local Government Act 2009:
- (a) a consolidated version of Noosa Shire Council Local Law No. 1 (Administration) 2015 in the form in Attachment 8; and
  - (b) a consolidated version of Subordinate Local Law No. 1 (Administration) 2015 in the form in Attachment 9;
- with a commencement date of 1 February 2022;
- F. Fund the additional costs for 2021/22 year for implementation, administration and resource requirements of the short stay letting and home hosted accommodation local law through budget review, including:
- (a) two additional (2) temporary full time local laws assessment and compliance officers for a term of 3 years (including one vehicle);
  - (b) establishment of an external 24/7 complaints hotline; and
  - (c) engagement of after-hours security services to observe and record activity at properties when required;
- G. Waive application fees for the 2021/2022 financial year and refer the review of funding options and fee structure to the 2022/23 budget process;
- H. Prepare a dedicated Council webpage including a local laws approval register and prepare a "good management of short stay letting" guide;
- I. Authorise the CEO to make minor amendments to the documents.
-

## REPORT

The purpose of this report is to present final amendments to Noosa Shire Council Local Law No. 1 (Administration) 2015 and Subordinate Local Law No. 1 (Administration) 2015 for adoption to introduce a new prescribed activity for short stay letting and home hosted accommodation. For the purpose of this report, these amendments are collectively referred to as “the proposed local law”.

For the purpose of clarity, the local law does not address where short stay accommodation activities can occur. That is the role of the planning scheme. The local law addresses how the impacts of short term accommodation properties can be better managed.

### 1. Background

During October – November 2019, Council undertook public consultation regarding a first draft of the proposed local law for a period of three (3) weeks. 574 submissions were received which identified a range of issues relevant to both the proposed local law and the then draft Noosa Plan 2020.

The proposed local law was put on hold following public consultation pending the outcome of a State wide approach to managing short stay letting by the State government. With the advent of Covid-19 however, the government’s priorities changed and the matter continues to be on hold.

As part of Council’s adoption of Noosa Plan 2020, Council again resolved to complete and introduce the proposed local law.

At its meeting on 18 March 2021, Council resolved to undertake a second round of public consultation on a revised version of the proposed local law, introducing a new prescribed activity for short stay letting and home hosted accommodation.

The revised version of the proposed local law responded to a number of key issues raised during the first round of public consultation as well as legal advice, stakeholder engagement and staff review.

### 2. Proposed local law

#### 2.1 Proposed local law purpose

The purpose of the proposed local law is to regulate the ongoing operation of short stay letting and home hosted accommodation to manage the negative impacts on residential amenity and guest safety.

The proposed local law requires all properties undertaking short stay letting or home hosted accommodation to obtain a one-off approval which will be the subject of annual renewal. Properties must be lawful under accepted development requirements under Noosa Plan 2020, have a development approval or lawful existing use rights.

Exemptions from the proposed local law are limited to sites identified in Noosa Plan 2020 as visitor only, Hastings Street Mixed Use Precinct, hotels, motels, backpackers and traditional holiday homes used by its owners and not short term let for commercial gain.

A local contact person must manage the short stay let property, be available 24/7, be located within 20 minutes travel time and respond to complaints within 30 minutes. A guest and complaints register must be maintained.

Conditions of approval include a code of conduct for guest behaviour and use of the premises must not detrimentally affect residential amenity including noise, overlooking and light spill and public liability insurance is required. Under the code of conduct, guests must not display unacceptable behaviour, vehicles must be stored to not cause a nuisance, pets and waste must be managed, grounds kept tidy and sleeping or camping in a tent or caravan on site is not permitted.

The procedure for making complaints requires a complainant to call the contact person responsible for the property and the contact person must respond to the complaint within 30 minutes and keep a complaints register.

Complaints are elevated to Council where there are ongoing issues or there are breaches against the local law approval conditions. Investigation and enforcement action is undertaken in accordance with the provisions under Local Law No.1 (Administration) 2015.

## **2.2 Public consultation about the proposed local law**

The proposed local law, together with the public interest test plan (about anti-competitive provisions), was initially made available for public consultation for a 5 week period from 9 April until 14 May 2021. In response to resident requests and a petition, the consultation period was extend for another 2 weeks until 28 May 2021 for a total 7 week period.

During the consultation period, public notification and information was provided through a number of means including a public notice, advertisements, media releases, static displays, Yoursay Noosa webpage, social media, radio announcements, emails, letter notifications and a community / resident group stakeholder meeting. Section 10.3 to this report provides additional information regarding the public consultation process.

## **2.3 Public consultation results**

The public consultation process resulted in a large number of enquiries and actions including:

- 110 emails enquiries;
- 150 telephone enquiries;
- 5700 visits to Yoursay page;
- 4021 visits to at least one page in Yoursay;
- 1174 persons downloaded documents;
- 594 visited FAQs;
- 979 downloads of Fact Sheet on short stay letting;
- 445 downloads of Plain English version;
- 443 downloads of Fact Sheet on home hosted accommodation; and
- 37,284 people were reached from social media posts.

A total of 615 written submissions were received from a range of stakeholders including:

- 300 resident submissions;
- 2 resident petitions:
  - Witta Circle -22 properties
  - Extension request-52 signatures;
- 6 resident / community group submissions;
- 66 home hosted accommodation operator submissions;
- 163 short stay let operator submissions:
  - 1 legal submission for 54 properties / owners;
- 23 letting agents / property manager submissions;
- 8 onsite manager submissions;
- 1 short stay letting industry association submission;
- 2 online booking platform provider submissions;
- 37 site/area specific submissions:
  - 7 Parkridge
  - 12 Boreen Pt
  - 18 Teewah; and
- 7 other submissions.

### **3. Key issues from submissions**

The key issues raised in the written submissions are summarised by stakeholder group with a response in Attachment 5. Issues raised in the submissions have resulted in a number of recommendations, including minor changes to the proposed local law and a number of actions outside of the local law with regard to complaints management, public information and operator education.

### **4. Summary of changes and other actions**

A summary of the recommended changes are outlined below.

#### **4.1 Changes to proposed local law**

The following changes are proposed to the proposed subordinate local law in response to a range of stakeholder issues. Changes are shown as tracked changes in Attachment 2 and summarised below:

- remove the exemption from Parkridge;
- require additional information on the site plan to include adjoining windows and door openings, outdoor entertainment areas and vehicle parking;
- amend the contact person location to be within a 20km radius of the property;
- include security firms as a contact person option;
- rename the contact person notice to a standardised approval notice sign including complaints number and approval number;
- include boats, trailers, jet skis and the like as part of vehicle management;
- include reference to amenity impacts on adjoining dwellings;
- require confirmation the building is lawfully constructed and classified for its purpose under the Building Act 1975;
- include a 2 year time frame for keeping of registers;
- clarify waste management where no kerbside collection exists; and
- make other minor editorial and clarification changes.

#### **4.2 Changes to complaints process**

Overwhelmingly, resident and resident / community groups (and some short stay let operators) requested greater involvement by Council in the complaints management process including requests for a 24/7 complaints hotline, centralised complaints register and security services.

##### **4.2.1 Centralised 24/7 complaint hotline and register**

It is recommended Council establish a centralised 24/7 complaints hotline and register of complaints to remove any interaction or contact between the complainant and contact person. This approach will have a number of benefits for all stakeholders including:

- privacy, anonymity and security for resident / complainant to make a complaint;
- privacy for the contact person's details;
- a clear process for complaints management controlled by Council;
- an independent and centralised method of complaints recording to be cross checked with contact person records;
- a record of non-compliance where the contact person does not respond or manage a complaint.

The complaints hotline will:

- be operated by an external trained call centre provider;

- be managed by the Short Stay Local Laws team within the Development Assessment branch;
- be available 24/7;
- receive and record complaints;
- notify the contact person responsible for the property of the complaint;
- record the action undertaken by the contact person;
- notify the complainant of action taken; and
- maintain a centralised register of complaints reported to the Short Stay Local Laws team for action.

Under the provisions of the proposed local law, the contact person must respond within 30 minutes of receiving the complaint. The complaint hotline will attempt to notify the contact person 3 times over a 30 minute period.

Where the contact person fails to be contacted within 30 minutes and / or no action is taken to remedy the complaint, this will be recorded and reported to Council for further compliance action.

Note: The contact person must still maintain their own register of complaints in accordance with the proposed local law requirements.

#### **4.2.2 Security**

When Council resolved to undertake public consultation about the proposed local law, Council also resolved to investigate incorporating a Council employed security firm replicating the Mornington Peninsula model.

##### *Mornington Peninsula approach*

Mornington Peninsula's local law requires registration of all short stay let and home hosted accommodation properties; a contact person to manage the property and deal with complaints; and guests to adhere to a code of conduct.

During the first three years of implementation of the local law, Mornington used security services to patrol, observe and take evidence of non-complying properties on Friday and Saturday nights between 10pm – 2am and during peak periods. Security did not enter a property nor take any intervention, reporting their observational findings the following business day to Council.

Rather than roaming security patrols, Mornington are now trialling the deployment of security on an as needs basis to 10-20 identified problem properties. Residents contact security directly 24/7 and security notify the contact person of the complaint and observe and take evidence only and report to Council for action the following business day.

##### *Security options for Noosa*

Two options have been considered for the use of after hours security service to support the proposed local law.

##### Option 1 - On-site intervention

The on-site intervention approach involves a 3<sup>rd</sup> party security firm responding to and resolving a complaint at the property in the absence of the nominated contact person dealing with it.

This approach requires substantial amendments to the proposed local law to authorise a 3<sup>rd</sup> party to act on Council's behalf, including required qualifications, extent and limitations of power and conditions in which they operate, identity cards, offences and matters of liability and insurance.

State agency referral and further public consultation would also be required.

There is potential for additional legal, state agency and community issues to be raised with the approach, potentially further delaying the process. Any further delays will likely result in some level of negative response from stakeholders and loss of trust in the local law making process.

In addition, scope to exercise powers under the local law are restricted by the rights of an occupier to not permit the security officer on site and the inability to enter a private property with a locked



gate. This limitation would reduce the effectiveness of onsite intervention. There is also a regulatory / compliance risk of security overstepping boundaries and limitations of the local law which may result in privacy and trespassing issues and other legal and liability concerns.

Council's normal enforcement policy is one of warning first then compliance action second. Security entry on a property may seem a heavy handed approach by operators and guests. This may lead to conflict and personal risk to the security guard.

Noosa's reputation as a tourist friendly place may be tarnished with a heavy handed onsite security intervention approach. There is also a risk 3<sup>rd</sup> party security may not meet resident / community expectations or standards of Council.

Whilst real time resolution of complaints is a desirable outcome, the potential risks associated with major delays in progressing the proposed local law, further State and public consultation and reputational and liability exposure to Council by using a 3<sup>rd</sup> party, far outweighs the benefits.

#### Option 2 - Off-site observation and reporting

Option 2 limits the use of security to off-site observation and reporting with no intervention at the property. This is a similar approach to Mornington Peninsula and requires no changes to the proposed local law. Notwithstanding this, being a 3<sup>rd</sup> party, the role and limitations of the security's service would need to be very clear.

The liability and reputational risks of this approach to Council and to Noosa as a holiday destination are low. With no onsite intervention or engagement with guests, any potential privacy, trespassing, liability or conflict is avoided.

Therefore the effectiveness of this approach should be trialled with the introduction of the proposed local law and complaints hotline to determine its effectiveness for a 12 month period.

It is proposed the security services would:

- be provided by an external security firm;
- be available after hours (between 9pm – 2am);
- be dispatched on an as needs basis at the request of Council or the complaints hotline;
- observe offsite and record evidence;
- provide a report on observations to the complaints hotline and Council.

*Option 2 is the recommended approach.*

### **4.3 Enforcement**

For clarity, Council's enforcement powers and compliance process sits within Local Law No.1 (Administration) 2015. The following actions may be undertaken in any enforcement action.

A compliance notice can be issued for non-compliance with the local law being evidence of:

- operating without an approval;
- contact person requirements not met, including acting within 30 minutes of receiving a complaint;
- conditions of approval not met:
  - no approval notice sign;
  - residential amenity impacts;
  - causing a nuisance including noise nuisance and disturbance;
  - vehicles causing a nuisance;
  - camping on site;
  - public liability insurance;

- waste management;
- record keeping;
- code of conduct for guest behaviour not met:
  - detrimentally affecting residential amenity;
  - causing a nuisance including noise nuisance;
  - displaying unacceptable behaviour;
  - camping on site;
  - pet management;
  - waste management; and
  - untidy grounds.

Fines can be issued where the compliance notice is not complied with (5 penalty units) or when the contact person does not respond to a complaint more than once in one period of stay.

A show cause notice can be issued proposing a suspension or cancellation of the approval when a compliance notice is not complied with or for continuous unattended non-compliance issues.

In addition, an approval is only valid for 12 months and may not be renewed where there are recurring compliance matters.

#### **4.4 Supporting information and education**

There are a number of advisory and guidance matters that sit outside the scope of the proposed local law that will assist operators in meeting the local law requirements. A “good management of short stay letting and home hosted accommodation guide” and factsheets will be prepared. Training opportunities for operators could also be investigated with the REIQ. The guide will cover the following topics, as a minimum, below:

##### How to meet conditions of approval

- Choosing a suitable contact person
- Safety of property and guests and public liability insurance
- Liaising with neighbours and body corporates

##### Role of contact person / property manager

- Obligations and requirements under conditions of approval
- Meeting and greeting guests
- Code of Conduct for Guest Behaviour
- Keeping of guest register
- Eviction of problem guests and monetary bond options

##### Complaints management

- Responsibility and response by contact person
- Distance from property and response time
- Dealing with and resolving a complaint
- Complaints record keeping

##### Mitigating residential amenity impacts

- Location and orientation of outdoor areas
- Lighting and noise mitigation measures

- Limiting hours and use of outdoor areas and pools
- Limiting occupancy and avoiding overcrowding
- Environmental matters – rubbish and recycling, air-conditioning, protection of dunes, public access to beaches etc.
- Car parking and vehicle storage
- Pet management – pets left unattended

#### **4.5 Public information, advocacy and ongoing consultation**

A dedicated Council webpage on the proposed local law will be developed with information including an approvals register, complaints procedure, complaints hotline number, application forms, factsheets and the good management guide.

Staff will continue to liaise with the LGAQ and REIQ around short stay letting and advocate for training and regulation in the short stay letting industry.

A multi-interest stakeholders group will be setup following a period of implementation.

#### **5. Implementation – resources requirements and costs**

A number of new resources and tasks will be required to implement the proposed local law. It is estimated approximately 3600+ applications for short stay letting and 150+ applications for home hosted accommodation will be lodged under the proposed local law.

A 3-month preparation phase following Council's adoption of the proposed local law, and prior to its commencement, is required to ensure the necessary new internal team resources, external call centre and security resources, systems and processes are in place.

A start date of 1 February is proposed following the peak tourist period. This will allow for a smoother transition for both the short stay let industry and home hosts, allowing for the necessary applications to be made under the proposed local law and adjustments to the new requirements. 3 months is necessary to achieve the greatest success for the local law's implementation and change management processes to take place.

##### **5.1 Internal resource requirements**

The first 3 years will require the greatest resource requirements to manage the one-off applications and change management process. Resource requirements are expected to decrease after this initial 3 year period for the ongoing implementation and administration of the local law.

The initiation and implementation phase will require new internal Council systems, processes and webpage setup and staff training. External communications, media and promotion of the commencement of the proposed local law will also be required.

A dedicated Council short stay local laws team will need to be trained and established to administer the proposed local law. Staff resource requirements are:

- one (1) full time administration officer;
- one (1) full time local laws assessment and compliance officer;
- two (2) temporary (for 3 years) full time local laws assessment and compliance officers;

Both full time positions are already funded in the 2021/22 budget, with additional resource funding only required for the two (2) temporary positions.

It is also recognised that the timing of peak workloads for processing initial applications during the first three years of implementation may vary depending on time taken for property owners to submit applications. Consequently, to ensure timely processing of applications Council will require a degree of flexibility in engaging the two temporary positions over the identified three year period (i.e. more resource in first year and less in year three).

Supporting equipment including a vehicle, desks, computers and noise monitors will also be required. Estimated costs per annum average are:

- Years 1-3: \$340k
- Year 4 onwards: \$166k

## 5.2 External resource requirements

External resources will be required for the 24/7 complaints hotline and afterhours security services. Briefs will be drafted and services will be engaged consistent with Council's Procurement Policy.

### 24/7 complaints hotline

It is anticipated complaints will be highest during weekends and holiday peak periods and greater during the first 3 years of implementation, then will decrease over time. The 24/7 complaints hotline will require an ongoing funding commitment.

Estimated costs per annum, assuming higher demand during the first three-years of implementation, are:

- Years 1-3: \$78k
- Year 4 onwards: \$40k

### Security services – 12 months trial

External security services will be engaged for afterhours 9pm-2am on a trial basis for 12 months. If the security services are effective in supporting compliance measures under the local law, the services may be extended requiring ongoing funding commitment.

Costs

- Year 1: \$79k
- Years 2 onwards: to be confirmed (TBC)

## 6. Finance and funding

### Forecast Operating Costs

The table below summarises the forecast operating costs for the next five financial years, based on initial assumptions of peak demands during first three years for implementation and one-off applications.

Item (\$'000)	2022	2023	2024	2025	2026
Staff Resource	\$ 375	\$409	\$254	\$ 177	\$ 180
Plant Hire	\$ 11	\$ 11	\$ 11	\$ 11	\$ 11
Call Centre	\$ 76	\$ 78	\$ 55	\$ 40	\$ 41
Security Services	\$ 78	\$ 79	\$ 61	\$ 41	\$ 42
Marketing & Communications	\$ 15	\$ 5	\$ 5	\$ -	\$ -
Legal Fees	\$ 30	\$ 31	\$ 31	\$ 21	\$ 21
Equipment	\$ 7	\$ -	\$ -	\$ -	\$ -
Corporate Overheads	\$ 88	\$ 96	\$ 60	\$ 41	\$ 42
<b>Total Costs</b>	<b>\$ 680</b>	<b>\$ 709</b>	<b>\$ 477</b>	<b>\$ 332</b>	<b>\$ 338</b>

### Funding Options

The current 2020/21 budget includes funding for two permanent staff and corporate overheads.

There are a number of options available to Council to recover any additional temporary staff resourcing, marketing, call centre and security costs associated with implementing the local law. This may include a combination of application fees, renewal fees, fines and general rating revenue.

However, no changes to fees and charges are proposed for the remainder of the 2021/22 year and as a result no charge will be applicable for any application submitted from commencement on 1 February 2022 through to 30 June 2022.

This approach promotes change management and proactive submission of applications by property owners, as well as recognising the current uncertain economic conditions with the COVID-19 pandemic.

## **7. Statutory process and obligations**

The proposed local law has been prepared and made available for public consultation following *Council's Local Law Making Policy* and requirements under the *Local Government Act 2009*.

### Consultation

Consultation on Administration (Amendment) Local Law (No.1) 2021 was undertaken with State agencies in accordance with the requirements of the *Local Government Act 2009* and *Council Local Law Making Policy*. Refer to section 10.1 of this report.

Consultation on Administration (Amendment) Local Law (No.1) 2021, Administration (Amendment) Subordinate Local Law (No.1) 2021 and the Public Interest Test Plan was undertaken for an extended period of 7 weeks.

A number of changes are recommended to the proposed local law in response to submissions. The proposed changes are not substantial and no further public consultation is warranted.

### Adoption and commencement

Contemporaneously with, but immediately after, Council's adoption of the proposed local law, a consolidated version of each of Noosa Shire Council Local Law No. 1 (Administration) 2015 and Subordinate Local Law No. 1 (Administration) 2015 which incorporate, relevantly:

- (a) the amendments detailed in each of the amending local law in Attachment 3 and the amendment particularised in Recommendation A; and
- (b) the amendments detailed in each of the amending subordinate local law in Attachment 4 and the amendments particularised in Recommendation B,

should be adopted by Council.

Promptly after Council resolves to make each of the proposed local law and the proposed subordinate local law, a notice will be placed in the government gazette, on Council's website and in a local newspaper. The commencement date for each of the proposed local law and the proposed subordinate local law will be 1 February 2021. The Minister will also be notified and provided with a certified copy of each of the proposed local law and the proposed subordinate local law, together with consolidated versions of each of Noosa Shire Council Local Law No. 1 (Administration) 2015 and Subordinate Local Law No. 1 (Administration) 2015.

### *Local Government Regulation 2012 and the National Competition Policy -Public Interest Test Plan*

The proposed 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 was compiled and a Public Interest Test Plan was publicly notified during the consultation period.

Council is obliged to undertake a public interest test in relation to these anti-competitive provisions during the local law making process.

The public interest test report in Attachment 7 provides the results of the public interest test. It is informed by a detailed economic cost benefit analysis prepared by economic consultants AEC.

Council's public interest test plan identifies regulatory and non-regulatory alternatives which may achieve the purpose of the regulation of the prescribed activity of the operation of short stay letting and home hosted accommodation under the proposed local law. Of the identified alternatives, only 2 alternatives were chosen for further consideration, co-regulation and negative licensing.

Under co-regulation, the “rules” are drafted in close consultation and cooperation with affected parties. The advantage of this approach is that a higher level of compliance with the rules can be expected because those who are affected by the rules have agreed to them.

Under the negative licensing alternative, there is no requirement to first obtain an approval to enter the relevant market. The presumption in this regime is that operators are prepared to play by the rules if they know what the rules are and whilst operators are charged a token fee for certification that their operations comply with standards, the expectation is that operators who wilfully fail to comply are fined heavily and immediately, and that complaints are responded to swiftly and forcefully.

Under a negative licensing regime, the local law would be amended to remove the requirement to hold an approval. The local law would specify a range of generic standards which must be complied with in relation to the conduct of the prescribed activity.

The public interest test report in Attachment 7:

- (a) identifies positive and negative impacts on stakeholders from moving to the alternatives (which were chosen for further consideration) identified in the public interest test plan; and
- (b) contains an analysis of the costs and benefits of moving to the identified alternatives; and
- (c) concludes that, overall, the analysis of the costs and benefits of moving to the co-regulation alternative has determined that there would be a negligible net benefit in moving to a co-regulation regime;
- (d) concludes that, overall, the analysis of costs and benefits of moving to the alternative of negative licensing has determined that there would be a net cost in moving to a negative licensing regime.

The public interest test report concludes that the identified anti-competitive provisions should be retained in full in the public interest, because:

- (a) the benefit of these provisions to the community as a whole outweighs the cost; and
- (b) the most appropriate way of achieving the objectives of the proposed local law is by restricting competition in the way provided in the provisions, having regard to Council’s duty of good rule and local government in its local government area.

#### Human Rights Act 2019

In developing the proposed local law, the subject matter has been considered in accordance with the requirements of the *Queensland Human Rights Act 2019*. It is considered that the proposed local law justifiably limits certain property rights, right to liberty and right to privacy for the following reasons.

#### *Property rights*

As the local government authority, Council is authorised to make local laws under the *Local Government Act 2009* to regulate the use of land including limiting a property owner’s use of a premises and the behaviour of its occupants to protect the safety of occupants, rights of other property owners, residential amenity, community standards and values.

#### *Right to liberty*

A code of conduct for guest behaviour is justified to establish acceptable behaviours and parameters for use of the property to reduce the impacts on residential amenity and the right for residents to quiet enjoyment of their home.

#### *Right to privacy*

A nominated contact person’s details are required to ensure any complaints are dealt with in a timely manner to ensure the residential amenity is maintained for residents.

Investigations and gathering of evidence is required to ensure both property owners and resident complaints regarding compliance are fairly addressed. A public register of approvals provides transparency within the community regarding lawful use of properties.

## **8. Previous Council Consideration**

### **Ordinary Meeting Minutes 18 March 2021, Item 5, Page 14**

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

*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;*
- H. *That the CEO investigate incorporating a Council employed security firm replicating the Mornington Peninsula model.*

### **Special Meeting Minutes 16 July 2020, Item 1, Page 7**

#### **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, Item 2, Page 6**

**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.*

## **9. Risks & Opportunities**

The proposed 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 proposed local law not proceed, the ongoing operation of 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.

The proposed local law has undergone 2 rounds of public consultation. Specific legal matters identified in submissions have been addressed and changes made where required. Additional changes are proposed to the proposed subordinate local law and the complaints management approach in response to additional public submissions. The proposed local law has undergone extensive legal review and is consistent with the legislative principles and local law making requirements under the *Local Government Act 2009*.

Notwithstanding this, there is a risk short stay let and home hosted accommodation operators will respond negatively to the introduction of the proposed local law and 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 fully covered.

## **10. Consultation**

### **10.1 State government consultation**

Consultation with 23 State government agencies was undertaken on Administration (Amendment) Local Law (No.1) 2021 for a period just over of 3 weeks from 21 January until 13 February 2021. The outcomes of this consultation was discussed in the Planning & Environment Committee Meeting Report of 9 March 2021.

Whilst Council was not obliged to consult with state agencies on the content of the subordinate local law, it was forwarded to SDILGP and Building Services for comment during the public consultation period. No comments were received.

### **10.2 Stakeholder consultation on revised draft local law**

Prior to public notification, consultation was undertaken with a targeted stakeholder group of six industry representatives including holiday letting agents, onsite managers and the Noosa Short Term Accommodation Association (NSTAA).

During the public consultation period relevant resident /community groups were invited to a stakeholder meeting. Representatives from the following groups accepted the invitation and attended:

- Noosa Waters Residents Association
- Noosa Residents and Rate Payers Association
- Cootharaba & Community Association
- Residents Against Unregulated Short Term Rental Accommodation
- Hastings Street Association

**10.3 Public consultation**

As noted in section 2.2, public consultation was undertaken for a 7 week period. The results of the consultation are outlined in section 2.3. Key issues and responses are outlined in Attachment 5 and the proposed changes summarised in section 4. The following table outlines the extent of public consultation activities undertaken.

Consultation activity	Extent
Public consultation period	7 weeks - 9 April – 28 May 2021
Formal public notice	Noosa Today 9 April 2021
Advertisements	Noosa Today 5 x weekly advertisements; Cooroy rag 1 x advertisement; Your Lifestyle 1 x advertisement
Static displays Tewanin Chambers & Pelican Place	Draft local laws; plain English version; FAQs & 3 x factsheets; Public Interest Test Plan; complaints procedure flowchart; Short Term Accommodation guide & Home Hosted Accommodation NP2020 guide.
Yoursay webpage	Draft local laws, plain English version, FAQs & 3 x factsheets, Public Interest Test Plan, complaints procedure flowchart, Council Report, Short Term Accommodation guide & Home Hosted Accommodation NP2020 guide.
Media Releases	Noosa Today, Council eNews – 3500 subscribers, Economic Development eNews
Mayoral columns	Mayor weekly video x 2 & Mayor monthly columns –Eastern Beaches News, Cooroy Rag, Noosa Today
Social media	Facebook x 5 posts, boosted and location targeted 4 days, Instagram x 1, LinkedIn x 2
Radio campaign	Hot 91, & Zinc – 15 seconds over 2 weeks
Factsheets	Home hosted accommodation; Short stay letting; Contact person, complaints and enforcement; Frequently asked Questions; Complaints Procedure Flowchart.
Email / letter notification	20 community /resident groups; 46 real-estate / property managers; 51 development industry; 50 onsite resort managers; 25 business associations; 819 former submitters; 4300 properties paying tourism levy; 800 properties suspected of STL
Community / resident stakeholder meeting	Attendees: Noosa Waters Residents Association; Noosa Residents & Rate Payers Association; Cootharaba & Community Association; Residents Against Unregulated Short Term Rental Accommodation; Hastings St Associations

**10.4 Internal Consultation**

Consultation has been undertaken internally across Council departments with Local Laws, Development Assessment, Economic Development, Strategic Planning, Governance, Customer Service, Community Engagement, Building & Plumbing Services, Financial Services, ICT, Revenue Services and the Chief Executive Officer in the preparation and finalisation of the proposed local law.

Four Councillor workshops were held, two prior to public consultation and two following public consultation. An online meeting was also held for Councillors with the Local Laws officer from Mornington Peninsula Council.

Departments/Sections Consulted:

**Chief Executive Officer**  
Executive Officer  
Executive Support

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

**Corporate Services**  
Director  
Financial Services  
ICT  
Procurement & Fleet  
Property  
Revenue Services

**Executive Services**  
Director  
Community Engagement  
Customer Service  
Governance  
People and Culture

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

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

Attachment 1



## Noosa Shire Council

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



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

**Contents**

<b><u>Part 1</u></b>	<b><u>Preliminary</u></b> .....	<b><u>3</u></b>
	1. Short title .....	3
	1A Commencement .....	3
	2. Purpose .....	3
<b><u>Part 2</u></b>	<b><u>Amendment of Noosa Shire Council Local Law No. 1</u></b>	
	<b><u>(Administration) 2015</u></b> .....	<b><u>3</u></b>
	3. Local law amended .....	3
	4. Amendment of sch 1 (Dictionary).....	3
	5. Amendment of sch2 (Prescribed activities).....	4
<del><b><u>Part 1</u></b></del>	<del><b><u>Preliminary</u></b>.....</del>	<del><b><u>3</u></b></del>
	<del>1. Short title .....</del>	<del>3</del>
	<del>2. Purpose .....</del>	<del>3</del>
<del><b><u>Part 2</u></b></del>	<del><b><u>Amendment of Noosa Shire Council Local Law No. 1</u></b></del>	
	<del><b><u>(Administration) 2015</u></b>.....</del>	<del><b><u>3</u></b></del>
	<del>2. Local law amended .....</del>	<del>3</del>
	<del>4. Amendment of sch 1 (Dictionary).....</del>	<del>3</del>
	<del>5. Amendment of sch2 (Prescribed activities).....</del>	<del>4</del>

---

## 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*

#### 1A Commencement

Part 2 commences on 1 February 2022.

#### 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—

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

4

- 
- (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;

*Noosa Shire Council  
Administration (Amendment) Local Law (No. 1) 2021  
5*

- (c) accommodation in a hotel;
- (d) accommodation in a motel.’
- (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 21 day of October 2021.

.....  
Chief Executive Officer

1118862\_1



Attachment 2



## Noosa Shire Council

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

**NOOSA COUNCIL**  
ABN: 97 969 214 121

PO Box 141  
TEWANTIN QLD 4565

P. (07) 5329 6500  
F. (07) 5329 6501

mail@noosa.qld.gov.au  
www.noosa.qld.gov.au

## Contents

<b>Part 1</b>	<b>Preliminary</b> .....	<b>3</b>
	1. Short title .....	3
	2. Purpose .....	3
	3. Authorising local law .....	3
<b>Part 2</b>	<b>Amendment of Subordinate Local Law No. 1 (Administration) 2015</b> .....	<b>3</b>
	4. Subordinate local law amended .....	3
	5. Insertion of new sch 21A —Operation of short stay letting or home hosted accommodation .....	3

## 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*.

#### 1A Commencement

Part 2 commences on 1 February 2022.

#### 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 SP200680, 75 Resort Drive, Noosa Heads (Parkridge Noosa);~~
  - ~~(vi)(v)~~ GTP102758, 73 Hilton Terrace, Noosaville (Ivory Palms Resort);
  - ~~(vii)(vi)~~ SP115731, 3 Hilton Terrace, Tewantin (Noosa Lakes Resort);
  - ~~(viii)(vii)~~ lot 2 on RP135678, 1 Beach Road, Noosa North Shore;
  - ~~(ix)(viii)~~ lot 2 on SP186169, 30 Beach Road, Noosa North Shore;
  - ~~(x)(ix)~~ lot 500 on SP215779 and lot 500 on SP186174 and any of the Beach Road Holiday Homes, 90 Beach Road, Noosa North Shore;
  - ~~(xi)(x)~~ lot 2 on RP865533, 2 Halse Lane, Noosa Heads (Halse Lodge);
  - ~~(xii)(xi)~~ 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~~

- ~~(i) any swimming pool or spa; and~~
- ~~(i) a site plan showing the location of all buildings, including any outdoor entertainment areas, swimming pool or spa, vehicle parking areas and the location of windows and door openings of adjoining dwellings; 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, under the Building Act 1975—~~

  - ~~(i) the premises are lawfully constructed; and~~
  - ~~(ii) the use of the premises for the prescribed activity is authorised by the classification attributable to the premises; 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 that a current pool safety certificate will be maintained at all times; 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 a 20 ~~minutes travel time (by vehicle)~~ kilometer radius 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 adjoining, or in the vicinity of, the premises~~ 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, security firm 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)~~ a 20 kilometer radius 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, security firm 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)~~ a 20 kilometer radius 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 does 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 approval notice~~) at the front of the premises; and
  - (ii) the ~~contact person approval~~ notice must be visible to members of the public at all times; and
  - ~~(iii) the size of the contact person notice must not exceed 0.2m<sup>2</sup>; the size of the approval notice must be a minimum and maximum size of 0.2m<sup>2</sup>; and~~
  - ~~(iv) the approval notice must specify, in letters and numbers not less than 50mm in height—~~
    - ~~(A) the current, and up to date, contact details for a complaint; and~~
    - ~~(B) the approval number allocated by the local government to the approval for the undertaking of the prescribed activity at the premises; and~~
  - ~~(iii) 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 display an approval notice which complies with the requirements specified in subsection (2)(b)(i) to (iv) inclusive, 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~~ residents adjoining, or 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, vehicles, including boats, trailers, jet skis and the like, 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 does 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~~

~~(iii) if the premises are not provided with a kerb side frontage general waste collection service — ensure that general waste from the premises is removed from the premises and disposed of at a general waste facility; 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~~ and for a period of not less than 2 years, 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 for a period of not less than 2 years keep and maintain a register of the use of the ~~premises for short stay letting; premises~~ 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 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 person's 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 entertainment area, ~~—~~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~~ residents adjoining, or 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 on the next 30th day of June, unless otherwise specified in the approval ~~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 30<sup>th</sup> 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)~~ section 4(f).

~~*contact person approval notice*~~ *approval 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*.

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 ~~21st~~ 21st day of October 2021.

.....  
Chief Executive Officer

Attachment 3



## Noosa Shire Council

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

NOOSA COUNCIL  
ABN: 97 989 214 121

PO Box 141  
TEWANTIN QLD 4565

P. (07) 5329 6500  
F. (07) 5329 6501

mail@noosa.qld.gov.au  
www.noosa.qld.gov.au

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

**Contents**

<b>Part 1</b>	<b>Preliminary .....</b>	<b>3</b>
	1. Short title .....	3
	2. Purpose .....	3
<b>Part 2</b>	<b>Amendment of Noosa Shire Council Local Law No. 1 (Administration) 2015.....</b>	<b>3</b>
	3. Local law amended .....	3
	4. Amendment of sch 1 (Dictionary) .....	3
	5. Amendment of sch2 (Prescribed activities).....	4

REVISED DRAFT

*Noosa Shire Council  
Administration (Amendment) Local Law (No. 1) 2021  
3*

---

## 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*  
5

---

- (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

Attachment 4



## Noosa Shire Council

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



## Contents

<b>Part 1</b>	<b>Preliminary</b> .....	<b>3</b>
	1. Short title .....	3
	2. Purpose .....	3
	3. Authorising local law .....	3
<b>Part 2</b>	<b>Amendment of Subordinate Local Law No. 1 (Administration)</b>	
	<b>2015</b> .....	<b>3</b>
	4. Subordinate local law amended .....	3
	5. Insertion of new sch 21A —Operation of short stay letting or home hosted accommodation .....	3

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 0.2m<sup>2</sup>; 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 30<sup>th</sup> 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*

12

---

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 5****ATTACHMENT 5 - SUMMARY OF KEY ISSUES**

The key issues raised in the written submissions are summarised below by stakeholder group.

**1. Residents and resident / community groups*****Planning scheme and other legislative matters***

Resident and resident / community groups both identified similar concerns with short stay letting in residential areas and the impacts on permanent residents, particularly in relation to impacts on their amenity, health, wellbeing and lifestyle. Broader issues around housing supply and affordability, over tourism and impacts on infrastructure were also identified as well as concerns around existing use rights continuation and superseded planning scheme applications.

Requests were made for the installation of acoustic monitors; maximum numbers of guests; minimum night stays; no short stay letting in residential areas; and a cap on short stay letting.

**Response**

Whilst the broader issues around short stay letting and housing supply, affordability, tourism and infrastructure are recognised, the key purpose of the local law is to manage the ongoing operation of lawful short stay letting and home hosted accommodation to minimise the impacts on permanent residents.

A number of issues raised by submitters however, are outside the proposed local law's purpose and legal jurisdiction and are matters for the planning scheme. In particular, the location of short stay letting, capping, occupancy and minimum night stays are matters for the planning scheme.

It is not considered reasonable to require the installation of acoustic monitors in properties which is beyond the local law.

Existing use rights and superseded planning scheme applications are matters regulated by the *Planning Act 2016* and not the proposed local law.

***Complaints procedure and enforcement***

The most significant concerns were around the complaints procedure with regard to complainants having direct interaction with the contact person, their lack of anonymity, dealing with conflict, resolving issues and keeping of complaint registers.

Submitters strongly requested Council not abrogate its responsibility for complaints management onto residents but instead have a centralised 24/7 complaints hotline and security call outs to deal with complaints at problem properties. Calls were also made for strong enforcement measures and the implementation of the local law to be funded by short stay let properties and not resident rate payers.

**Response**

To remove potential conflict for both the contact person and complainant and deal with matters of privacy and personal safety, a centralised 24/7 complaints hotline to be the intermediary between complainant and contact person is recommended.

It is also recommended Council trial, on a 12 months basis, a call out security service for off-site observation and evidence gathering at problem properties or where the contact person fails to respond or act on a complaint.

Funding should be cost recoverable from application fees and the Transitory Accommodation rate base.

Compliance and enforcement action will be undertaken in accordance with the provisions of Local Law No. 1 (Administration) 2015 which are adequate for enforcement of the proposed local law.

Council has the power to issue a compliance notice and fines, a show cause notice for suspension, amendment or cancellation of an approval. Approvals may also not be renewed where there are ongoing compliance issues.

### ***Applications & clarifications***

Requests were made for more information to be provided on site plans; greater pet management; approval numbers on signs; amenity impacts to include on adjoining dwellings; vehicle management to include boats, trailers and jet skis; building compliance; and a publicly available approvals register.

### **Response**

It is reasonable to make minor amendments to the proposed local law in response to the submitter issues as follows:

- require site plans to show the location of outdoor entertainment areas and adjoining property windows and door openings;
- include boats, trailers, jet skis and the like as part of the vehicle management provisions;
- include reference to amenity impacts on adjoining dwellings; and
- include the approval number on the sign; and
- require confirmation the building is lawfully constructed and classified for its purpose under the *Building Act 1975*.

A public register of all approvals will also be available on Council's website for transparency.

Matters outside the scope of the local law's legal framework will be provided as further information advice within a "good management of short stay letting guide".

## **2. Home hosted accommodation providers**

Home hosted accommodation providers were largely under the misconception the local law was going to stop them operating. Many felt the local law was invasion of privacy; they should be able to use their home as they like; and home hosting supports their income. Submitters requested exemption from the local law. Some submitters admitted to using secondary dwellings, granny flats or other self-contained spaces for home hosted accommodation contrary to Noosa Plan 2020.

### **Response**

Providing home hosted accommodation complies with Noosa Plan 2020, the proposed local law does not prevent the use continuing.

The local law requires compliance with the planning scheme, fire and pool safety standards, public liability insurance, building compliance and code of conduct for guest behaviour which are all relevant to home hosting, and therefore the use should not be exempt.

It should be noted, hosts must remain in residence when they have guests and secondary dwellings, granny flats and the like are for permanent occupancy and cannot be used for short term accommodation or home hosted accommodation. Guests may have a small area with a kettle, toaster and bar fridge to prepare hot beverages, a light snack or continental breakfast, but no kitchen.

### **3. Short stay letting operators / letting agents / property managers**

#### ***Local management framework***

Submitters generally oppose the proposed local law, citing it is an invasion of privacy, affects use of their property, is discriminatory, and will result in vexatious complaints. Submitters opposed any application process, regulation or fees, contact person requirements, 24/7 availability, responding within 30 minutes, being located 20 minutes and contact person signage.

Many operators suggested the local law was discriminatory and short stay lets could be managed remotely and Council should deal with complaints management.

#### ***Response***

The local management framework and local contact person is central to managing the negative impacts on residents and deal with complaints within 30 minutes. The proposed local law will provide an avenue for complaints resolution. Any suspected vexatious complaints will be investigated. A centralised 24/7 complaints hotline to be the intermediary between complainant and contact person is recommended.

It is reasonable to include security firms as a nominated contact person to respond to complaints after hours who perform the contact person duties outlined in the local law, including responding to complaints within 30 minutes.

Planning schemes and local laws have always lawfully controlled what properties can and cannot be used for and set different requirements for different landuses. This is not discriminatory.

#### ***Existing local laws and other legislation***

A legal submission made on behalf of a number of properties claim the proposed local law requirements:- are beyond power and for ulterior purpose; duplicate the development assessment process; cannot regulate existing use right properties; has no economic impact assessment; duplicates existing local laws and could be managed by party house legislation and Council's existing local laws. The submission called for the abandonment of the local law.

#### ***Response***

In brief, the local law does not duplicate the development assessment process nor does it duplicate any matters the planning scheme should address. The local law is not beyond power nor for ulterior purpose and has undergone lengthy legal review and State government consultation. Issues regarding the legality and enforcement of the local law have been previously addressed in a report to Planning & Environment Committee meeting on 9 March 2021 and subsequently addressed with changes to the proposed local law.

Council's existing local laws and other State legislation are not relevant to, nor regulate, the day to day operation of short stay letting or home hosted accommodation, hence the introduction of the proposed local law.

Council's existing local laws are not appropriate or fit for purpose as they do not address the specific matters in the proposed local law or require an approval for short stay letting or home hosted accommodation as a prescribed activity.

Noosa Shire is already identified as a "party house" restriction area which is a separately defined use under the *Planning Act 2016*, different to a short term accommodation or home hosted accommodation uses.

The Public Interest Test Report is informed by a specific economic cost benefit analysis undertaken by economic consultants AEC.



***Other***

Letting agents said there is little evidence of issue or complaints, however called for mandatory licencing for all short stay let operators, the tourism levy to fund security patrols and compliance and want clarification on timeframe for keeping registers.

Submitters called for Council to take responsibility for complaints; no signage due to privacy and security reasons; no annual renewals, mandating licencing for short stay operators and guests to pay fines not owners.

**Response**

To remove potential conflict for both the contact person and complainant and deal with matters of privacy and personal safety, a centralised 24/7 complaints hotline to be the intermediary between complainant and contact person is recommended. It is also recommended Council trial, on a 12 months basis, a call out security service for off-site observation and evidence gathering

Changes to the contact person sign to remove the contact person details and instead include the complaints hotline will be made in the local law.

A 2 year time frame for the keeping of registers will be included in the local law.

The local law cannot mandate licencing for the management of short stay letting as this is regulated under State legislation.

Fines can only be issued to the approval holder under the local law. Operators may seek to recoup that cost from guests.

**4. On-site managers*****Bylaws and other legislation***

On-site managers are concerned about the increase in red tape, citing they already have letting agent licences, pay fees, insurances, have an industry code of conduct and the local law conflicts with other legislation and bylaws.

**Response**

Concerns regarding potential conflict between the local law and bylaws and other legislation were previously addressed and resulted in some changes to the local law prior to its public notification. Letting agent licencing requirements for on-site managers and external letting agents do not overlap or duplicate any matters in the local law or the code of conduct.

***Exemptions***

Some submitters stated the exemptions were discriminatory, with no application, fee, contact person or code of conduct required for exempt properties. Submitters stated the conditions of approval were unreasonable but supported the safety certificate requirements for operators.

Some onsite managers requested exemption for onsite managed resorts, others requested one application for the entire onsite letting pool.

**Response**

The proposed exemptions include Noosa's main tourist / mixed use area of Hastings Street and other specific resort, hotel and backpacker sites where their location, landuses activities and noise is consistent with a tourist precinct, not a residential neighbourhood. No permanent residents are either permitted or intended in these locations which is consistent with the landuse outcomes sought by Noosa Plan 2020.

As previously resolved by Council, to streamline and simplify the application process for on-site managers a single application for all properties within their onsite letting pool will be permitted.

#### ***Permanent residents***

Concerns were raised with permanent residents living in resorts affecting holiday rental stock and businesses turnover and may result in a rise in vexatious complaints. Some submitters see short stay let houses as being detrimental to traditional holiday resorts.

#### **Response**

The majority of resorts / units complexes in Noosa were approved prior to Noosa Plan 2006 allowing for both permanent occupation and short stay letting. As a result, there is a mix of permanent residents and visitors in these properties. Any complaints by permanent residents should be addressed, and any vexatious complaints will be investigated.

The use of houses for short stay letting being detrimental to traditional holiday resorts is noted.

### **5. Online booking platforms**

#### ***Airbnb***

Airbnb's submission focussed on their contribution to the economy. The submitter also stated:- hosting would be unworkable under the local law; the application is a financial burden; is contrary to not requiring planning approval for home hosted accommodation; signage is a safety risk; contact person requirements unreasonable; and Airbnb already deal with complaints through their hotline.

#### **Response**

The local law requires compliance with the planning scheme, fire and pool safety standards, public liability insurance, building compliance and code of conduct for guest behaviour which are all relevant to home hosting.

Changes to the contact person sign to remove the contact person details and instead include the complaints hotline will be made in the local law.

The contact person requirements are fundamental to the local management framework for the local law and are considered reasonable for the operation of short stay letting.

The Airbnb complaints hotline is an international hotline, contains no details on timeframes for a response and no standard compliance measures to be met by hosts to resolve complaints, if at all. It also only applies to properties booked through the Airbnb platform.

#### ***Expedia / Stayz***

Expedia / Stayz submission supports home hosted accommodation being included in the local law and should specifically require the host stay overnight. The submitter stated requirements should be low cost to short stay letting operators; the 20 minutes locational requirements are arbitrary; and requested a state wide approach, Council work with stakeholders and an economic assessment be undertaken.

#### **Response**

Support for the inclusion of home hosted accommodation is noted. Home hosts must reside overnight under the requirements of the definition in the local law and provisions in Noosa Plan 2020.

In late 2019 / early 2020, in consultation with local governments and stakeholders, the Queensland State government were proposing a State wide approach to manage short stay letting. With the advent of Covid-19 however, the State government's priorities changed and the matter has been put on hold and referred back to local government.

Ongoing consultation will be undertaken with stakeholders following introduction of the local law.

As part of the Public Interest Test Reporting a specific economic cost benefit analysis was undertaken by economic consultants AEC.

A change to the local law to alter the 20 minute travel time for the contact person to a 20 km radius will be made.

## **6. Short stay industry association**

The Noosa short stay letting industry group are concerned the exemptions are discriminatory and create a two tiered market, calling for no exemptions. They support home hosted accommodation being included in the proposed local law also raising concerns some hosts don't stay overnight.

Issues regarding the legality of the local law were raised including that it- is beyond power; is incompatible with bylaws; duplicates the planning scheme; is unreasonable and not enforceable; cannot hold a person accountable for the behaviour which it has no control; and cannot further regulate existing use rights.

### **Response**

The proposed local law is specifically targeted at managing the impacts of short stay letting on permanent residents. Where no permanent residents are permitted or intended, or where the mix of landuse activities create late night noise and other disturbances which are acceptable – such as the Hastings St Mixed use precinct, the local law does not apply. Planning scheme have different requirements for different landuses in different zones, the local law applies the same philosophy and is consistent with the landuse outcomes sought by Noosa Plan 2020. It is not discriminatory.

Concerns regarding potential conflict between the local law and body corporate bylaws have been previously addressed and resulted in some changes to the local law prior to its public notification. Issues regarding the legality and enforcement of the local law have been previously addressed in a report to Planning & Environment Committee meeting on 9 March 2021.

Support for the inclusion of home hosted accommodation is noted. Home hosts must reside overnight under the requirements of the definition in the local law and provisions in Noosa Plan 2020.

## **7. Site specific locations**

### ***Teewah***

A number of submissions were received from short stay letting operators at Teewah requesting an exemption from the proposed local law due to the distance to attend to complaints; that it is a holiday village; complaints are rare; and they have no waste service.

### **Response**

Despite the distance, short stay letting of properties in Teewah should still have a local management framework, minimum safety standards and avenue for complaints to be made. First response to a complaint within 30 minutes may be a phone call to the guests if resolved or to a local contact person as their nominated person. If the complaint is not resolved and

site visit required, consideration will be given to whether the contact person acted in accordance with the local law in responding to a complaint and whether extreme circumstances prevented attendance at the property – such as the ferry had ceased operating or tide was high.

A change to the local law is considered reasonable to alter the 20 minute travel time for the contact person. A 20 km radius for the contact person is more measurable and takes in the greater urban and hinterland areas of Noosa providing greater locational flexibility for properties in more remote locations such as Teewah.

For clarification, where no kerb side waste service is provided, a provision that waste must be removed from the property and disposed of at a general waste facility will be included in the local law.

#### *Boreen Point*

The majority of submissions for Boreen Point were from residents supporting the local law or wanting a high level of control to deal with issues they were experiencing. Two submissions however, one from the community association and the other from a short stay let property manager were calling for Boreen Point to be exempt from the local law citing it being a holiday area; there was no evidence of complaints; and requirements for 24/7 availability, 20 minute location and code of conduct were unreasonable.

#### Response

Despite Boreen Point having short stay let properties, it is also a permanent residential community and residents should be afforded the same provisions under the local law as other residential neighbourhoods, and therefore remain under the local law.

#### *Parkridge*

A number of submissions from residents, the body corporate and developer at Parkridge requested removal of its exemption and to be included under the local law. One short stay let operator requested the exemption remain.

#### Response

The planning intent for Parkridge was for a resort / visitor accommodation only, however the original approval did not exclude permanent residency. Subsequent approvals and a marketing strategy focussed on permanent living has further eroded the original visitor only intent for the site. As a result, whilst there is some short stay letting occurring, there is primarily permanent residents at Parkridge. Therefore, the local law should apply to existing and future short stay let or home hosted accommodation properties and the exemption be removed.

## Attachment 7

**PUBLIC INTEREST TEST REPORT****ADMINISTRATION (AMENDMENT) LOCAL LAW (NO. 1) 2021 AND  
ADMINISTRATION (AMENDMENT) SUBORDINATE LOCAL LAW (NO. 1) 2021**

A public interest test has been conducted as part of the National Competition Policy reforms on anti-competitive provisions identified in the local law and subordinate local law identified in schedule 1. The public interest test has been conducted against the principles and objectives set by the Competition Principles Agreement which were outlined in the public interest test plan.

The public interest test report has been prepared in accordance with guidelines issued by the Department of Local Government and called up by regulation under the *Local Government Act 2009*.

**RESULTS OF CONSULTATION PROCESS**

Consultation with the public and key stakeholders occurred over a seven week period. An advertisement was placed in the local paper at the commencement of the consultation period advising of the review and calling for submissions. During the consultation period, public notification, and other information was provided through a number of means, including public notice, advertisements, media releases, static displays, webpage consultation, social media, radio announcements, direct email, letter notification and a community/resident group stakeholder meeting.

The public consultation process resulted in a large number of enquiries and actions as particularised in the report to Council of which this public interest test report forms part. A total of 615 written submissions were received from a range of stakeholders, as particularised in the report to Council, of which this public interest test report forms part.

Particulars of submissions received and arguments presented during the public consultation process are detailed in the report to Council of which this public interest test report forms part, for the consideration of Council.

The cost benefit analysis undertaken by AEC Group Pty Ltd, a copy of which forms part of the report to Council, of which this public interest test report forms part, relevantly states the following:-

- (a) the operation of short stay letting and home hosted accommodation in Council's local government area has a significant impact on traditional residential neighbourhoods much of which is focussed on noise disturbances, amenity, safety and security;
- (b) placing effective local controls on activity and behaviour will reduce the extent and type of adverse effects on permanent residents in locations where short stay letting and home hosted accommodation are provided;
- (c) much of these impacts relate to resident health and residential amenity, with amenity referring to the ability for residents to enjoy their homes in a peaceful manner with feelings of community and safety;
- (d) residential homes should allow their occupants the ability to wind down, relax and sleep with minimal disturbance;

- (e) potential beneficiaries within the local government area of Council from the proposed local law include 10,610 residential properties consisting of an estimated 26,525 persons, and as such represent a significant portion of the local community;
- (f) the benefits of the proposed local law on residential health and residential amenity are estimated as \$9.56 million per annum;
- (g) it is not anticipated that the supply of, nor the demand for, short stay accommodation in the local government area of Council would be impacted by the proposed local law based on assessed financial impacts on property owners and the potential impact of passing through increased costs to visitors, and in particular, users of short stay accommodation and home hosted accommodation.

#### **POSITIVE AND NEGATIVE IMPACTS ON STAKEHOLDERS FROM MOVING TO ALTERNATIVES**

Positive and negative impacts on stakeholders from moving to alternatives are particularised in the schedules to this report as follows:-

Short Stay Letting and Home Hosted Accommodation — See Schedule 2

#### **SUMMARY OF NET IMPACTS ASSOCIATED WITH ALTERNATIVES**

An analysis of the costs and benefits of moving to an identified alternative is detailed in the following schedules.

Short Stay Letting and Home Hosted Accommodation — See Schedule 2

#### **PUBLIC INTEREST TEST REPORT RECOMMENDATION**

For each of the local law and subordinate local law identified in schedule 1, each possible anti-competitive provision reviewed is an anti-competitive provision and should be retained in its current form in the public interest.

**SCHEDULE 1 — LOCAL LAW AND SUBORDINATE LOCAL LAW IN WHICH POSSIBLE ANTI-COMPETITIVE PROVISIONS IDENTIFIED**

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

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

SCHEDULE 2 — SHORT STAY LETTING AND HOME HOSTED ACCOMMODATION

POSITIVE AND NEGATIVE IMPACTS ON STAKEHOLDERS FROM MOVING TO ALTERNATIVE

*Co-regulation*

Stakeholder	Impact	Weighting
Local government	Developing new local law - consulting with stakeholders, negotiating standards for new local law.	Low negative -1
	Implementing/establishing new local law - ie. amending or replacing existing local law, training staff, advising industry etc.	Low negative -1
	A reduction in the administrative and/or enforcement requirements is likely to result from agreement between Council and industry representative bodies responsible for the supervision of short stay letting and home hosted accommodation. Compliance is more likely because those affected by the local law are involved in its development - Council is likely to receive less complaints.	Moderate positive +2
		<b>Overall - Neutral</b>
Existing operators	Better relations with Council through local law development process ie. Council will have a better understanding and appreciation of problems faced by persons undertaking short stay letting and home hosted accommodation on a commercial basis.	Low positive +1
	More appropriate standards in new local law.	Low positive +1
		<b>Overall - Low positive</b>
Potential operators	Better relations with Council through local law development process ie. Council will have a better understanding and appreciation of problems faced by persons undertaking short stay letting and home hosted accommodation on a commercial basis.	Low positive +1
	More appropriate standards in new local law.	Low positive +1
		<b>Overall - Low positive</b>
Residents/tenants	Better outcomes for residents through being able to input into the development of a new local law.	Low positive +1
		<b>Overall - Low positive</b>
Immediate neighbours	Better outcomes for residents through being able to input into the development of a new local law.	Low positive +1
		<b>Overall - Low positive</b>



Stakeholder	Impact	Weighting
Tourist operators	There is potential for an increase in business as a result of agreement between stakeholders. That is, less complaints/problems in the short stay letting and home hosted accommodation business sector, a good reputation for the short stay letting and home hosted accommodation business sector should result and be a boost to tourism in the local government area.	Low positive +1 <b>Overall - Low positive</b>
Representative bodies (Real Estate Agents)	Establishment of links with operators and Council.	Low positive +1 <b>Overall - Low positive</b>
Travellers' Associations	Establishment of links with operators and Council.	Low positive +1 <b>Overall - Low positive</b>

*Negative licensing*

Stakeholder	Impact	Weighting
Local government	Development and implementation of new regulatory regime.	Low negative -1
	Loss of fees to cover administrative costs.	Low negative -1
	Reduction in administrative processes, ie. no permit applications.	Low positive +1
	Possibility of lack of knowledge of when new operators enter the market.	Low negative -1
	Loss of ability to set site specific conditions - may result in lowering of standards and as a result increase complaints. Also, to change the standards, the local law will need to be amended, whereas under the permit system Council could simply change the conditions in a permit.	Low negative -1
	Higher fines.	Low positive +1
		<b>Overall - Low negative</b>
Existing operators	Reduction in operating costs ie. no permit renewal applications required and no fees.	Low positive +1
	Increase in competition through removal of barrier to entry.	Low negative -1
	Higher fines for non-compliance.	Low negative -1
	Standards apply to all operators equally.	Low positive +1
	Greater onus on short stay letting and home hosted accommodation operators to ensure compliance with standards in local law.	Low negative -1
	<b>Overall - Low negative</b>	
Potential operators	Removal of barrier to entry.	Low positive +1
	Rules are know prior to entry.	Low positive +1
	Higher fines for non-compliance.	Low negative -1
	Greater onus on short stay letting and home hosted accommodation operators to ensure compliance with standards in local law.	Low negative -1
	<b>Overall - Neutral</b>	

Stakeholder	Impact	Weighting
<b>Residents/tenants</b>	<p>Possibility of decrease in standards due to loss of Council power to assess short stay letting and home hosted accommodation operators prior to entering the market and loss of power to set site specific conditions.</p> <p>Potential for improved short stay letting and home hosted accommodation services, lower prices and greater differentiation between short stay letting and home hosted accommodation service providers as a result of greater competition from removal of the barrier to entry to the market.</p>	<p>Low negative -1</p> <p>Low positive +1</p> <p><b>Overall - Neutral</b></p>
<b>Immediate neighbours</b>	<p>Possibility of decrease in amenity due to loss of Council power to set site specific conditions.</p>	<p>Low negative -1</p> <p><b>Overall - Low negative</b></p>
<b>Tourist operators</b>	<p>Removal of barrier to entry should be a boost to competition in the market and impact in a positive way on tourist operators.</p>	<p>Low positive +1</p> <p><b>Overall - Low positive</b></p>
<b>Representative bodies (Real Estate Agents)</b>	<p>As Council approval is removed (ie. no permit required) the representative bodies may become the focus of any complaints from residents/tenants.</p>	<p>Low negative -1</p> <p><b>Overall - Low negative</b></p>
<b>Travellers' Associations</b>	<p>As Council approval is removed (ie. no permit required) the Association may become the focus of any complaints from residents/tenants.</p>	<p>Low negative -1</p> <p><b>Overall - Low negative</b></p>

**SUMMARY OF NET IMPACTS ASSOCIATED WITH ALTERNATIVES**

In summary, analysis of the alternatives provides the following information:

*Co-regulation*

Local government	Existing operators	Potential operators	Residents/tenants	Immediate neighbours	Tourist operators	Representative bodies (Real Estate Agents)	Travellers' Associations
<p>Neutral</p> <p>Overall the impact is neutral. While there are costs involved in establishing a new system, the long term benefits may outweigh these costs.</p>	<p>Low positive impact</p> <p>Overall the impact on existing short stay letting and home hosted accommodation operators would be positive. Benefits should flow from the opportunity to develop a new local law in consultation with other stakeholders.</p>	<p>Low positive impact</p> <p>Overall the impact on existing short stay letting and home hosted accommodation operators would be positive. Benefits should flow from the opportunity to develop a new local law in consultation with other stakeholders.</p>	<p>Low positive impact</p> <p>Residents may benefit from the opportunity to input into development of new local law.</p>	<p>Low positive impact</p> <p>Residents may benefit from the opportunity to input into development of new local law.</p>	<p>Low positive impact</p> <p>There is potential for local tourism industry to gain a benefit from better relations between stakeholders.</p>	<p>Low positive impact</p> <p>Benefits may result from involvement in process of developing new local law.</p>	<p>Low positive impact</p> <p>Benefits may result from involvement in process of developing new local law.</p>

Overall, the analysis of costs and benefits has determined there would be a negligible net benefit in moving to a co-regulation regime. There would be some costs initially in developing and implementing a new local law. Long term benefits may accrue from the process of bringing stakeholders together to develop the new local law such as, establishment of links between stakeholders and fostering better relations between stakeholders, greater compliance by short stay letting and home hosted accommodation operators and reduced administration for Council.

*Negative licensing*

Local government	Existing operators	Potential operators	Residents/tenants	Immediate neighbours	Tourist operators	Representative bodies (Real Estate Agents)	Travellers' Associations
<p>Low negative impact</p> <p>Some benefits accrue from reduction in administrative burden but these are offset by the potential for increased complaints and loss of fees.</p>	<p>Low negative impact</p> <p>A small reduction in operating costs would result from removal of fees but this is offset by higher fines for non-compliance and a greater onus on short stay letting and home hosted accommodation operators to ensure compliance.</p>	<p>Neutral</p> <p>Potential short stay letting and home hosted accommodation operators benefit from removal of barrier to entry and knowledge of "rules" prior to entry. However, higher fines apply for non-compliance and there is a greater onus on operators to ensure compliance.</p>	<p>Neutral</p> <p>Two scenarios are possible. On one hand standards could decline through removal of Council in assessing new short stay letting and home hosted accommodation operators prior to entering the market and loss of power to set site specific conditions. On the other hand, residents could benefit from increased competition in the market with improved product/service, greater choice and differentiation between short stay letting and home hosted accommodation providers</p>	<p>Low negative impact</p> <p>Potential for a decrease in amenity through loss of Council power to set site specific conditions.</p>	<p>Low positive impact</p> <p>Tourism industry should benefit through greater competition in the market.</p>	<p>Low negative impact</p> <p>Potential for an increase in complaints from residents.</p>	<p>Low negative impact</p> <p>Potential for an increase in complaints from residents.</p>

Overall, the analysis of costs and benefits has determined there would be a net cost in moving to a negative licensing regime. While some benefits would accrue to short stay letting and home hosted accommodation operators, these are offset by higher fines for non-compliance. Other stakeholder groups would be negatively impacted as a result of loss of Council power to set site specific conditions.

***Summary and conclusions***

The analysis has showed that there would be a net cost to the community in moving to a negative licensing regime. This alternative is not viable and should be set aside.

The analysis has also determined there would be only a limited benefit to the community as a whole in moving to a co-regulation regime.

In conclusion, the identified anti-competitive provisions should be retained in full in the public interest, because:-

- (a) the benefit of these provisions to the community as a whole outweighs the cost; and
- (b) the most appropriate way of achieving the objectives of the relevant local law (about the regulation of the prescribed activity of the operation of short stay letting or home hosted accommodation) is by restricting competition in the way provided in these provisions,

having regard to the local government duty of good rule and local government of its local government area.

**3 51983.3225.14 – OTHER CHANGE TO A DEVELOPMENT APPROVAL FOR MULTIPLE DWELLING UNITS X 25 & 8 SHOPS AT, 30 HASTINGS ST NOOSA HEADS**

**Author**                    **Development Planner, Lisa Pienaar**  
**Environment and Sustainable Development Department**

**Index**                    **ECM / Applications / 51983.3225.14**

**Attachments**    **1. Proposal Plans**

<b>APPLICATION DETAILS</b>	
Applicant	Carasville Pty Ltd C/ Martoo Consulting
Proposal	Other change to Town Planning Consent 1632 – Units, shops and restaurant
Properly Made Date	15 December 2020
Information Request Date	22 April 2021
Information Response Date	12 May 2021
Decision Due Date	13 September 2021
Number of Submissions	16
<b>PROPERTY DETAILS</b>	
Property Address	The Hastings 30/30 Hastings St Noosa Heads Qld 4567
RP Description	Lot 30 SP 307674 Lots 7 & 11 on GTP1154 (construction access and storage)
Land Area	227.89m <sup>2</sup>
Existing Use of Land	2 x dwellings
<b>STATUTORY DETAILS</b>	
SEQR Designation	Urban Footprint
Zone	Tourist Accommodation
Precinct	Hastings Street Mixed Use Precinct
Local Plan Area	Noosa Heads
Overlays	Land subject to acid sulfate soils Flood hazard overlay
Assessment Type	Other Change to Approval

**RECOMMENDATION**

That Council note the report by the Development Planner to the Planning & Environment Committee Meeting dated 12 October 2021 regarding Application No. 51983.3225.14 for an Other Change to an existing approval to Town Planning Consent 1632 for 25 x Multiple dwelling and 8 shops situated at The Hastings Lot 30/30 and Lots 7 & 11/30 Hastings St Noosa Heads and:

- A. Approve the application.
- B. Change condition 1 to read as follows:

**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.

Plan No.	Rev.	Plan, prepared by	Date
No.1		<i>Perspectives &amp; Notes</i> , prepared by Accolade Building Designs	22/07/2014
No.3		<i>Ground Floor &amp; 1st Level</i> , prepared by Accolade Building Designs	22/07/2014
No.4		<i>Elevations</i> , prepared by Accolade Building Designs	22/07/2014

**Approved Plans - October 2015**

Plan No.	Rev.	Plan, prepared by	Date
DA 3001	A	<i>Site Plan</i> , prepared by Peter Hull Architect	Sept 15
DA 3002	B	<i>Floor Plans</i> , prepared by Peter Hull Architect	Sept 15
DA 3004	A	<i>Ground Floor and Carport Plan</i> , prepared by Peter Hull Architect	Sept 15
DA 4001	B	<i>Sections</i> , prepared by Peter Hull Architect	Sept 15
DA 5001	B	<i>Elevations</i> , prepared by Peter Hull Architect	Sept 15

**Approved Plans – March 2016**

Plan No.	Rev.	Plan, prepared by	Date
		<i>GRND FLR – Proposed (Unit 14)</i> , prepared by LPID	14/10/2015
		<i>Elevation (Unit 14) – East Facing (Street Frontage)</i> , prepared by LPID	14/10/2015
		<i>Elevation – North Facing (Unit 14)</i> , prepared by LPID	14/10/2015
		<i>Elevation – South Facing (Unit 14)</i> , prepared by LPID	14/10/2015
		<i>Elevation – West Facing (Unit 14)</i> , prepared by LPID	14/10/2015



		3D Views – Exterior (Unit 14), prepared by LPID	14/10/2015
		GRND FLR – Proposed (Unit 25), prepared by LPID	14/10/2015
		Elevation (Unit 25) – South View, prepared by LPID	14/10/2015
		Elevation – East (Unit 25), prepared by LPID	14/10/2015
		Elevation – West (Unit 25), prepared by LPID	14/10/2015
		Elevation – North (Unit 25), prepared by LPID	14/10/2015
		3D Views – Exterior (Unit 25), prepared by LPID	14/10/2015

**Approved plans – May 2016**

Plan No.	Rev.	Plan, prepared by	Date
DA.01	B	Location Plan prepared by Bark Design Architects	26/02/2016
DA.02	C	Site Plan prepared by Bark Design Architects	23/02/2016
DA.04	C	Ground Floor Plan prepared by Bark Design Architects	23/02/2016
DA.05	C	First Floor Plan prepared by Bark Design Architects	23/02/2016
DA.06	C	Second Floor Plan prepared by Bark Design Architects	23/02/2016
DA.07	C	Roof Terrace Plan prepared by Bark Design Architects	23/02/2016
DA.11	B	South Elevation prepared by Bark Design Architects	26/02/2016
DA.12	B	East Elevation prepared by Bark Design Architects	26/02/2016
DA.13	B	North Elevation prepared by Bark Design Architects	26/02/2016
DA.14	B	West Elevation prepared by Bark Design Architects	26/02/2016

**Approved plans – March 2017 Unit 20**

Plan No.	Plan, prepared by	Date
1016HMK Sheet 1	3D rendering, prepared by Accolade Building Designs	23 March 2017
1016HMK Sheet 2	Floor Plans, prepared by Accolade Building Designs	23 March 2017
1016HMK Sheet 3	Ground Floor plan, prepared by Accolade Building Designs	23 March 2017
1016HMK Sheet 4	Elevations, prepared by Accolade Building Designs	23 March 2017

<b>Approved plans – April 2017 Unit 13</b>	
Plan, prepared by	Date
Site plan, prepared by Mandy’s Design and Drafting	March 2017
Proposed floor plan, prepared by Mandy’s Design and Drafting	March 2017
Elevations, prepared by Mandy’s Design and Drafting	March 2017

<b>Approved plans – August 2017 Unit 20</b>		
Plan No.	Plan, prepared by	Date
1016HMK Sheet 1	3D rendering, prepared by Accolade Building Designs	23 March 2017
1016HMK Sheet 2	Floor Plans, prepared by Accolade Building Designs	23 March 2017
1016HMK Sheet 3	Ground Floor plan, prepared by Accolade Building Designs	23 March 2017
1016HMK Sheet 4	Elevations, prepared by Accolade Building Designs	23 March 2017

<b>Approved plans – August 2017 Unit 5</b>		
Plan No.	Rev.	Plan, prepared by
Sheet 1 of 4 Issue A	<i>Site Plan</i> , prepared by Mandy’s Design and Drafting	July 2017
Sheet 2 of 4 Issue A	<i>Existing Floor Plans</i> , prepared by Mandy’s Design and Drafting	July 2017
Sheet 3 of 4 Issue A	<i>Proposed floor plan</i> , prepared by Mandy’s Design and Drafting	July 2017
Sheet 4 of 4 Issue A	<i>Elevations</i> , prepared by Mandy’s Design and Drafting	July 2017

<b>Approved Plans – April 2018 Unit 21</b>		
Plan No.	Rev.	Plan, prepared by
Sheet 1 of 6	<i>Proposed Partial Enclosure of Ground Level Under Existing Unit</i> , prepared by Accolade Building Designs	26/04/2018
Sheet 2 of 6	<i>Proposed Partial Enclosure of Ground Level Under Existing Unit</i> , prepared by Accolade Building Designs	26/04/2018

Sheet 3 of 6	<i>Proposed Partial Enclosure of Ground Level Under Existing Unit (floor plans)</i> , prepared by Accolade Building Designs	26/04/2018
Sheet 4 of 6	<i>Proposed Partial Enclosure of Ground Level Under Existing Unit (elevations)</i> , prepared by Accolade Building Designs	26/04/2018

<b>Approved Plans – 19 November 2020 Unit 17</b>		
Plan No.	Rev.	Plan, prepared by
Sheet 01, Issue D	Site Location, Site Plan & Floor Plans, prepared by Innovate Architects	October 2020
Sheet 02, Issue D	Elevations, Section & External Finishes Schedule, prepared by Innovate Architects	October 2020
Sheet 07 Issue C	Perspectives, prepared by Innovate Architects	October 2020

<b>Approved Plans – March 2020 Unit 19</b>		
Plan No.	Rev.	Plan, prepared by
A01	Site Location, Site Plan & Calculations, prepared by Lisa Page	22 January 2021
A02	Ground Floor Plan – with proposed alterations, prepared by Lisa Page	22 January 2021
A03	Level 1 Floor Plan, prepared by Lisa Page	22 January 2021
A04	Level 2 Floor Plan, prepared by Lisa Page	22 January 2021
A05	Level 3/Terrace, prepared by Lisa Page	22 January 2021
A06	Elevations Views: North & South facing, prepared by Lisa Page <i>(as annotated by Council)</i>	22 January 2021
A07	Elevations Views: East & West facing, prepared by Lisa Page <i>(as annotated by Council)</i>	22 January 2021
A08	Perspective view, Terrace level, prepared by Lisa Page	22 January 2021
A09	Perspective views: south, west, north facing, prepared by Lisa Page	22 January 2021
A10	Perspective views: south/east/north views, prepared by Lisa Page	22 January 2021
A11	Section view-east facing, prepared by Lisa Page	22 January 2021
A12	External Material Finishes Palette by Lisa Page	22 January 2021
-	Landscape Concept Design document including site plan and perspective, cross sections, look and feel and design, prepared by Louise Custance	-

Approved Plans – 21 October 2021 Units 9-10 (Lot 30 SP307674)		
Plan No.	Rev.	Plan, prepared by
SD.102 Iss P2	Proposed Holyman Unit 3D perspectives, prepared by Gerard Smith Design	N/D
SD.104 Iss P10	Site / Roof Plan, prepared by Gerard Smith Design	Aug 2018
SD.201 Iss P9	Floor Plans, prepared by Gerard Smith Design	Aug 2018
SD.501 Iss P9	Elevations proposed, prepared by Gerard Smith Design	Aug 2018
SD.601 Iss P2	Cross Sections – Sheet 2, prepared by Gerard Smith Design	Aug 2018
SD.951 Iss P9	Overviewing Diagrams – Level 1, prepared by Gerard Smith Design	Aug 2018
SD.952 Iss P9	Overviewing Diagrams – Level 2, prepared by Gerard Smith Design	Aug 2018

- C. Include the following additional conditions 37 - 44 to read as follows:

**Additional Conditions specific for Lot 30 (and the use of Lots 7 & 11 for construction and access) – 21 October 2021**

**Performance Bond - Planning**

37. Security in the form of a cash bond or trading bank guarantee to the sum of **\$10,000** must be submitted to Council, to secure performance of all conditions of this approval, specifically for Lot 30, prior to the issue of a Development Permit for Building Works. The cash bond or trading bank guarantee will be returned on performance of the conditions of approval less any costs incurred by Council in respect of enforcing performance of this permit. Council reserves the right to call upon the bond or guaranteed sum to effect compliance with conditions.

**Performance Bond – Demolition**

38. Security to the value of **\$10,000** must be provided to Council's Building and Plumbing Services prior to the issue of the development approval for building works (demolition). The security must be in the form of a cash bond or bank guarantee, for security against satisfactory completion of works.

**Landscaping**

39. The development site must be landscaped generally in accordance with the approved plans and Planning Scheme Policy PSP2 – Landscaping, and the following requirements:
- A minimum of a 1m wide garden with dense landscaping must be provided to the north, south and western boundaries within Lot 30.
  - The 1m wide garden must consist of 45 litre pot size native trees planted at 1.5m centres. Include 1 x 100 litre pot size tree to be planted in each of the following locations:

- i. south east corner; and
    - ii. half way along the southern boundary; and
    - iii. to the west of the visitor car space where the lot dog legs.
  - c. The plantings must grow to an average minimum height of 10m and be suitable native species for the urban surroundings such as *Syzygium*, *Elaeocarpus*, *Acronychia*.
  - d. All landscape works must be established and maintained in accordance with the approved design for the life of the development, and in a manner that ensures healthy, sustained and vigorous plant growth. All plant material must be allowed to grow to full form and be refurbished when its life expectancy is reached.
  - e. Landscape works must be completed prior to the commencement of the use of Lot 30.
40. The Fig tree, Umbrella, Exotic and Palm trees as shown on Plan No. 18-4767AA prepared by Max Watterson & Associates may be removed within the lot as part of preparing the site for construction.
41. Any vegetation to be retained must be protected from clearing or construction activities by:
- a. clearly marking vegetation to be retained with flagging tape;
  - b. installing protective fencing around the drip line of the vegetation;
  - c. restricting stockpiling, storage and vehicle parking to those areas which are already cleared; and
  - d. using low impact construction techniques around vegetation.

#### **Privacy**

42. The level 1 and level 2 operable timber privacy screens when fully extended must not cover more than 50% of each of the balconies. The privacy screens on Level 3 must be a minimum height of 1.7m above the FFL.
43. The balcony located on Level 2 and the roof top terrace must include balustrading (set back as shown on the approved plans), and fixed external screens (where appropriate), positioned in such a way to obscure direct views into the habitable room windows or private open space areas of the adjoining units.

#### **Building Appearance**

44. The building must be constructed to be generally in accordance with the material and colour palette as shown on Plan no. SD.102, Issue P2 and prepared by Gerard Smith Design.

- D. Amend existing Condition 25 to read:

#### **Demolition**

25. Security to the value of **\$5,000** must be provided to Council's Building and Plumbing Services prior to the issue of the Development Approval for Building Works – demolition of Unit 17 & 19. The security must be in the form of a cash bond or bank guarantee, for security against satisfactory completion of works.
- E. Include an administrative amendment to 'Privacy' heading above existing Conditions 12 & 13 to read 'Privacy - Unit 17'
- F. Note the report is provided in accordance with Section 63(5) of the *Planning Act 2016*.
-

REPORT

1. PROPOSAL

The proposal seeks to demolish 2 x 3 storey dwellings and construct 1 larger 4 storey, 3 bedroom dwelling. The new dwelling unit is to be located with a lot which previously was amalgamated from 2 lots.

The ground floor consists of a single garage, rumpus room, bedroom, bathroom, laundry and an uncovered visitor parking space.

The second floor consists of 2 ensuite bedrooms and a hallway office desk.

The 3rd includes living and kitchen space with an alfresco area covered by a vergola.

The fourth floor is an outdoor space open on 2 sides and includes a hot tub and a feature tree below an opening in the roof.

External building materials consists of rendered masonry, timber battening, glazing, operable timber screens for privacy and a colorbond metal roof.

The proposal also includes the use of Lots 7 & 11 on GTP1154 for construction access and storage in the construction of the new dwelling unit.

It is noted all lots subject to this application are under the same ownership.

Figures 1 – 6 below show a locality plan, floor plans, elevations and 3D perspective of the proposal looking from the internal driveway.

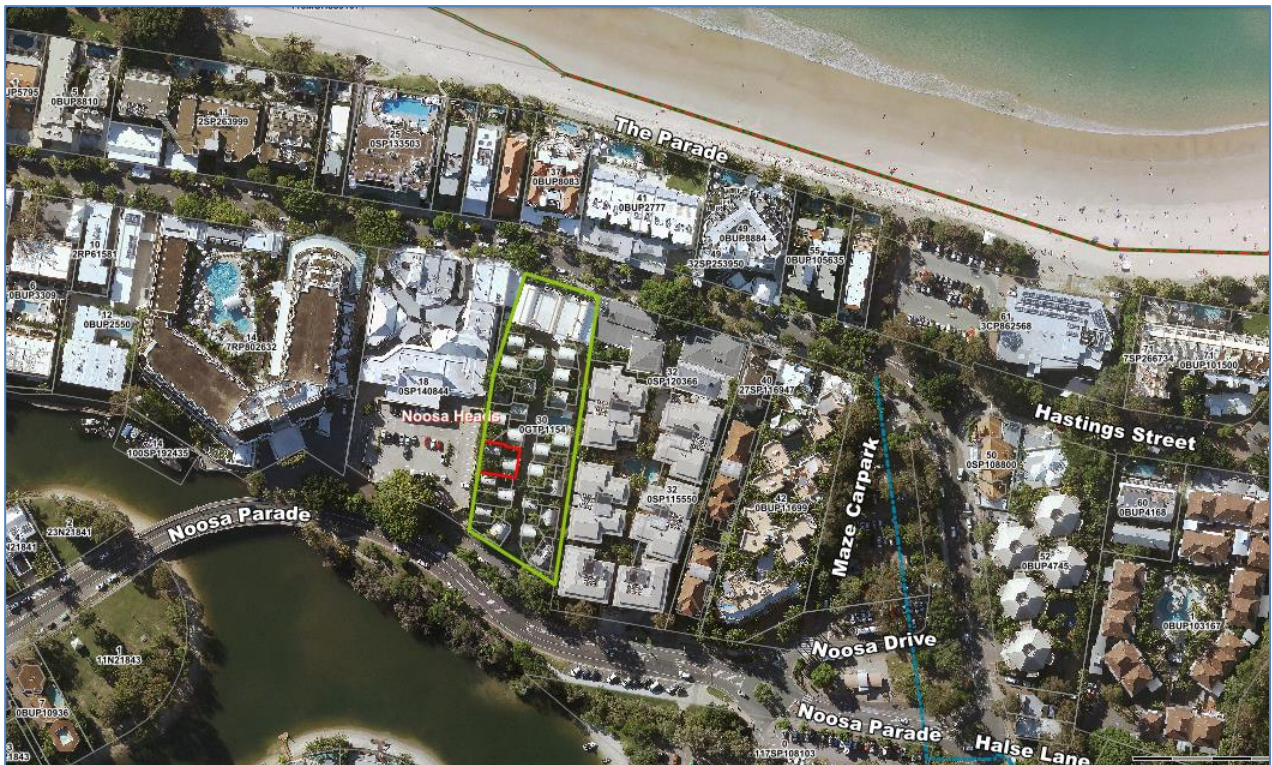


Figure 1 – Locality plan. Whole site shown with a green perimeter and the subject site shown with a red perimeter within the larger site.



Figure 2 – Site Plan for new unit



Figure 3 – Site Plan for Lot 7 & 11 for access and storage

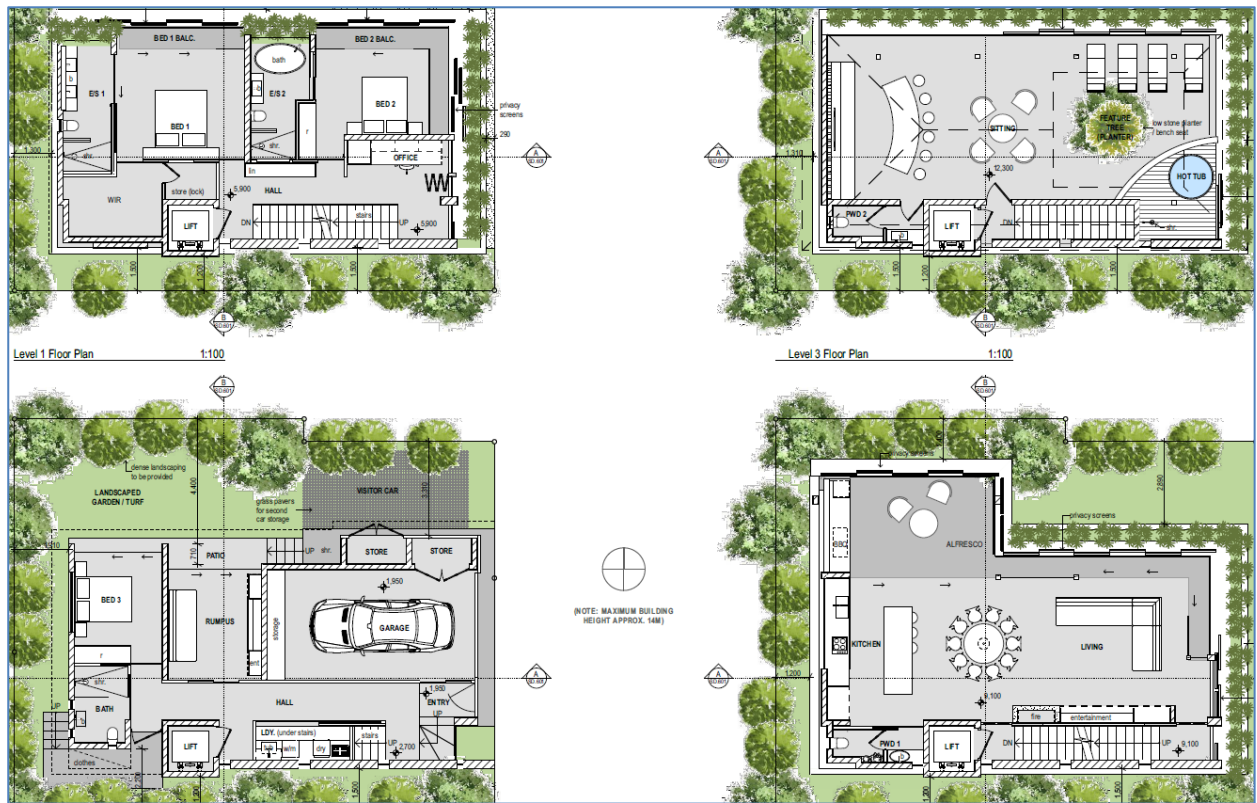


Figure 4 – Floor Plan. Ground floor bottom left and 4<sup>th</sup> floor bottom right



Figure 5 – Elevation from the internal driveway



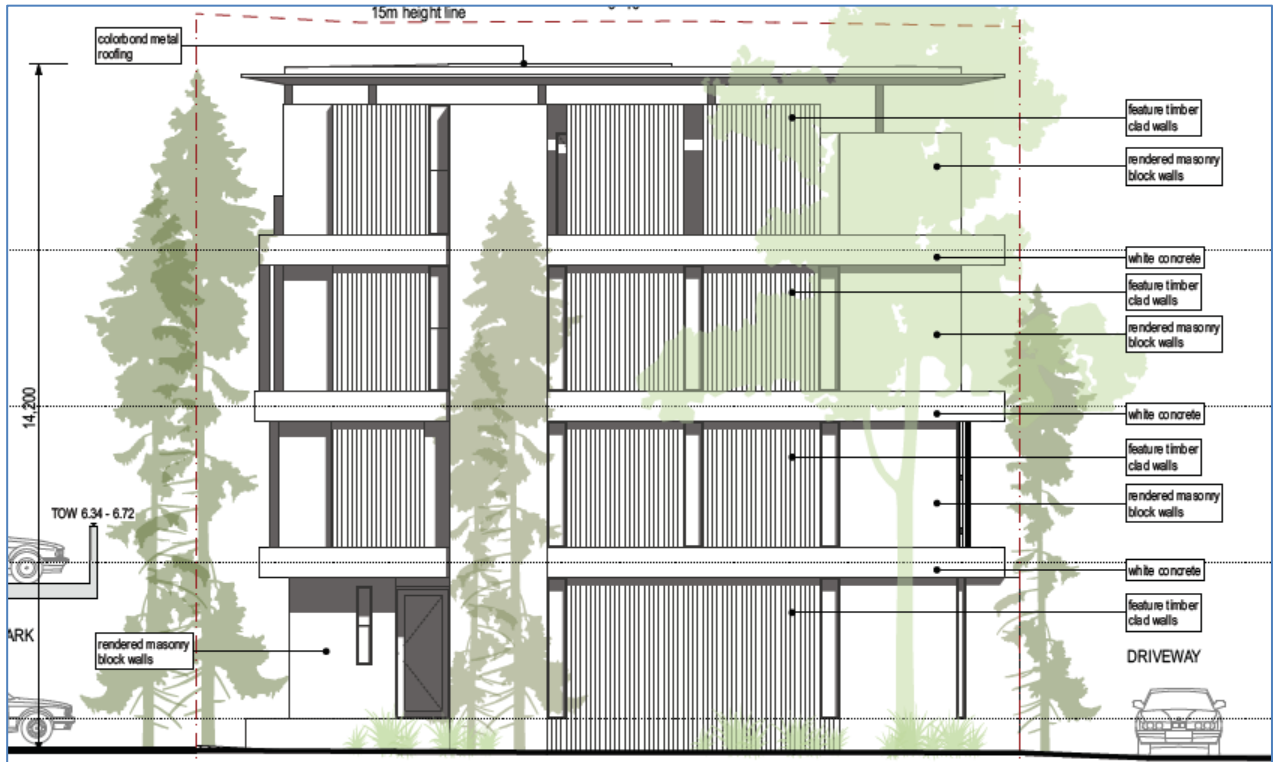


Figure 6 – South elevation on approach from the driveway entry.

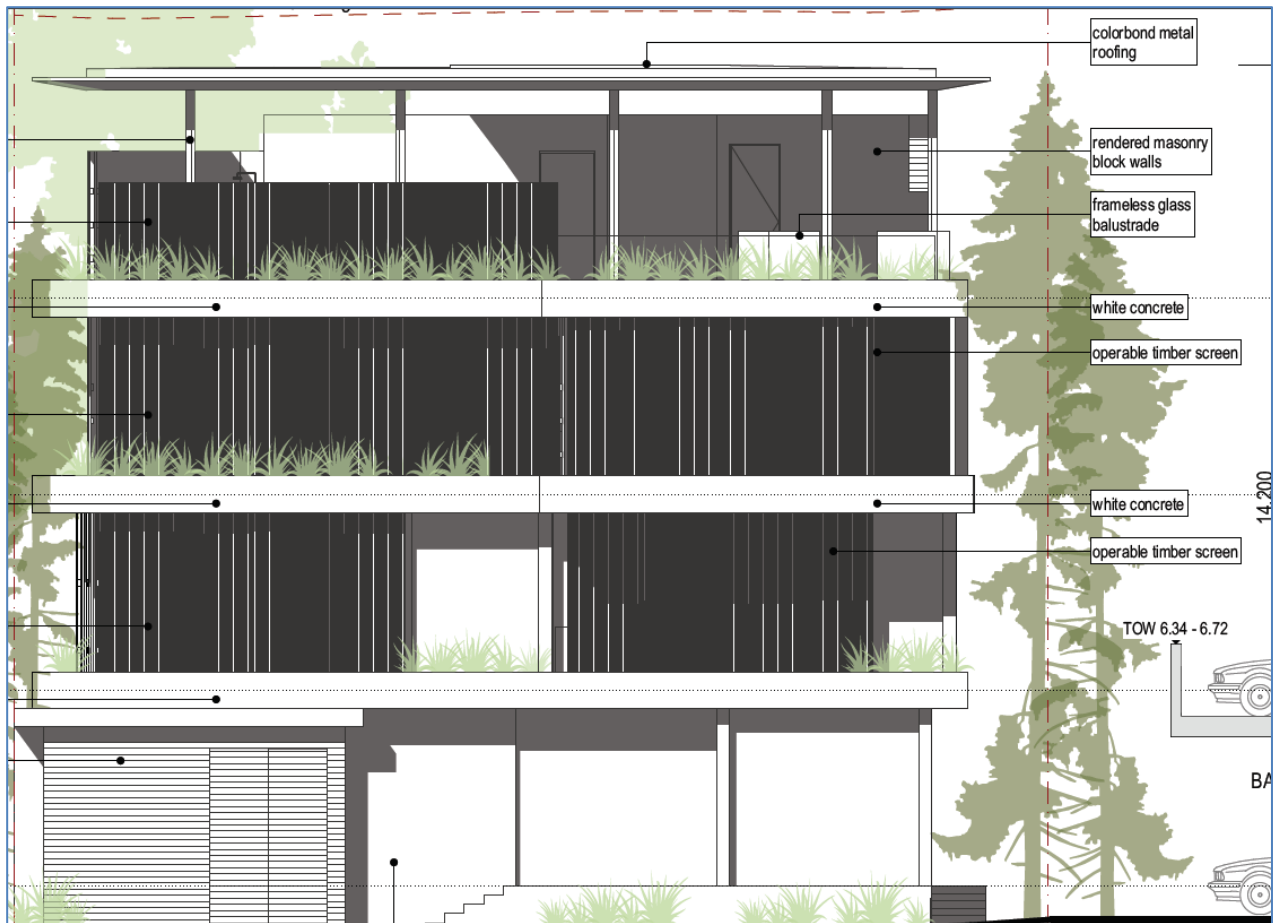


Figure 7 - North elevation



*Figure 8 – Internal road presentation*

## **2. SITE DETAILS**

### **2.1 Background**

The existing development was originally approved by Council in October 1983 (TPC1632 – 25 Bungalow Style 2 bedroom Units & 8 Shops – Group Title). A restaurant was subsequently approved on the site in December 2000 (18478DA). The units are used for short term accommodation, rather than for permanent occupation.

A change to the development approval to enclose the manager's residence car space into an office was approved June 2006.

In June 2011, plans to enclose 8m<sup>2</sup> of the lower level of unit 7 were considered 'generally in accordance' with the existing approval.

On 11 November 2014, Council approved to enclose an additional 5.75m<sup>2</sup> of gross floor area of the ground floor of unit 22.

On 12 October 2015, Council approved a change to an existing approval to enclose the carport of unit 11 (13.3m<sup>2</sup> to be enclosed).

On 17 March 2016, Council approved a change to an existing approval to enclose the carports of units 14 and 25 (an additional 14m<sup>2</sup> per unit).

On 12 May 2016, Council approved a change to an existing approval for the redevelopment of Unit 15 of that sought to replace the existing dwelling unit on site with a new dwelling unit with an increase of gross floor area of 67m<sup>2</sup>, to include a roof top terrace (4 storeys) and pool.

On 29 March 2017, Council approved a change to an existing approval to enclose part of the car port of unit 20 by 20.5m<sup>2</sup>. This change did not approve a space capable of being a bedroom as this was not applied for. The plans annotated to remove a wall.

On 5 April 2017, Council approved a change to an existing approval to enclose part of the car port of unit 20 by 8.554m<sup>2</sup> of gross floor area and reconfigure (change to internal layout) level 1 and 2.

On 1 August 2017, Council approved a change to an existing approval to enclose part of the car port to create a room capable of being a bedroom of Unit 20.

On 1 August 2017, Council approved a change to an existing approval to partially enclose under the existing unit and to reconfigure the second floor relating to unit 5.

On 17 April 2018, Council approved a change to an existing approval to partially enclose the subfloor area of Unit 21 to provide a covered entry and storeroom area, an expanded bathroom/laundry and to enclose underneath the existing upper level deck, resulting in an additional 18m<sup>2</sup> of gross floor area.

On 19 November 2020 Council approved a change to an existing approval for an extension to Unit 17 resulting in an additional 90.69m<sup>2</sup> of gross floor area to extend all levels and include an additional storey

On 30 June 2020, Council approved a change to the existing approval for an extension to Unit 19. The approval consisted of an additional increase in floor area by 68.4m<sup>2</sup> to a total GFA for the unit of 151m<sup>2</sup>. The approval also permitted the development to change from a 3 storey to a 4 storey building.

## **2.2 Site Description**

The lot is level and consists of an existing mixed use development with the retail uses fronting Hasting Street and 25 residential detached units to the rear of the site accessed from the Noosa Parade Service Road.

## **2.3 Surrounding Land Uses**

To the west of the site is Bay Village, in particular the carpark is directly opposite the subject proposal. To the east is the essential component of Laguna on Hastings. The proposal does not have any interaction with other development of Hastings Street.

## **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;
- Noosa Plan 2020.

### **3.2 State and Other Statutory Instruments**

#### State Planning Policy

Noosa Plan 2020 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 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 an urban activity within the Urban Footprint and is consistent with the assessment benchmarks contained in the Planning Regulation 2017 for the SEQ Region.

The application is for an ‘Other’ change. The proposal is not a minor change as it is considered to be a substantially different development for the following reasons:

- It dramatically changes the appearance of the building;
- Alters the bulk and scale of the building;
- Changes what was 2 dwellings into 1 larger dwelling.

**3.3 Statutory Instruments – Planning Scheme**

The application must be assessed against the whole of Noosa Plan 2020 to the extent the provisions are relevant to the development.

The applicant was requested by Officers to agree to extend the decision making period until 21 October 2021 to allow the report to be considered by Council, but the applicant declined this request. Therefore, this application should have been decided by the original decision date of 13 September 2021. Accordingly, the date Council decides this application will be outside the timeframes sought under the *Planning Act 2016*. As the application is impact assessable the ‘deemed approval’ provisions do not relate to this application and there is no risk to Council in deciding this application after the decision due date.

Locality Provisions

The subject site is in the Noosa Heads Local Plan area and is zoned Tourist accommodation. The site is within the Hastings Street Mixed Use Precinct and the use is identified as a consistent use with the zone and is required to follow an impact assessable application process.

The application has been found to generally comply with all applicable statutory instruments. The pertinent issues arising out of the assessment are discussed below:

Criteria	Planning Scheme	Existing development Site Area (4931m <sup>2</sup> )	Proposal Includes additional parameters	Complies
Building height • storeys • metres	4 storeys max 15 metres	4 storeys ~<15 metres	4 storeys 14 metres	✓ ✓
Site cover	45% max (2219.85m <sup>2</sup> )	35.83%	36.51% (Additional 33.6m <sup>2</sup> ) (0.68% additional)	✓
Plot ratio / Gross floor area	5680m <sup>2</sup> max	3329.14m <sup>2</sup>	3373 m <sup>2</sup> (Additional 44m <sup>2</sup> )	✓
Length of wall	15 metres max		14 metres	✓
Carparking	2 covered min	2 covered	1 covered & 1 uncovered	X
Ratio units: non-residential	20:1	12.5:1	12:1	X

As shown in the table above the proposal generally complies with the key development parameters such as Site Cover, Plot ratio, building height in storeys and metres. However, the proposal does raise some consideration regarding bulk and scale of the building and separation between buildings, given that the proposal is for 1 larger dwelling rather than 2 smaller dwellings. In addition, privacy of the surrounding dwellings within the resort is to be considered and is discussed below.

**Bulk and Scale, Gross Floor Area, Site cover, Privacy and Shading**

There is some concern that the larger dwelling will not be in character with the balance of the resort where dwellings with smaller footprints exist. Notwithstanding this, there is no Acceptable Outcome or Performance Outcome which directly relate to this situation where individual dwellings are being replaced overtime within a resort. However, the following provisions of the Noosa Heads Local Plan Code are relevant to this assessment.

**A07.1**

*Development takes the form of small separate buildings rather than large single bulky buildings, stepping down slopes where applicable and not visually dominating the street, beachfront, riverfront, adjacent properties, surrounding spaces or the existing skyline.*

**A07.2**

*Buildings and structures have a scale and building height consistent with development on adjoining and surrounding land.*

**A07.3**

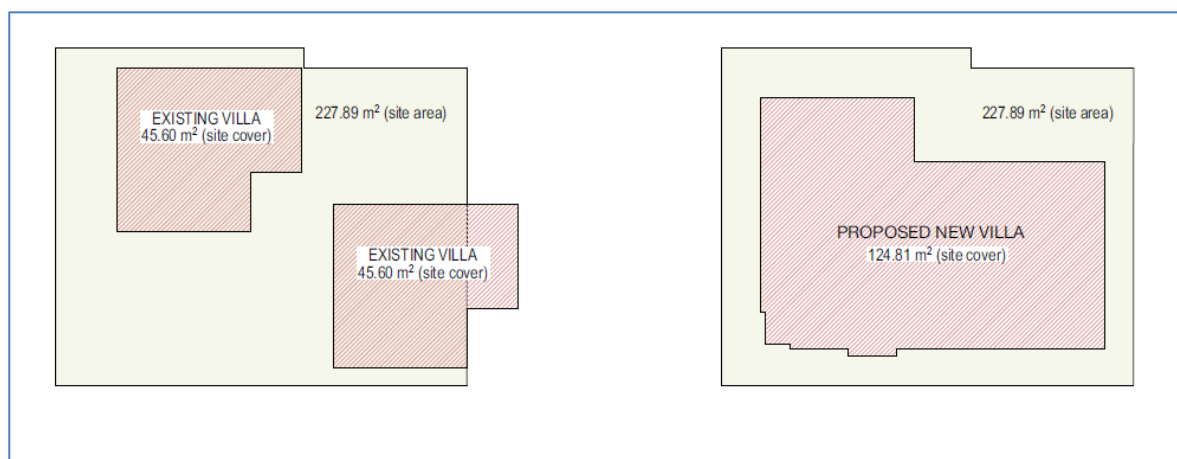
*Buildings and structures preserve the amenity of adjoining land including sunlight to neighbouring properties.*

**A07.5**

*Buildings and structures:*

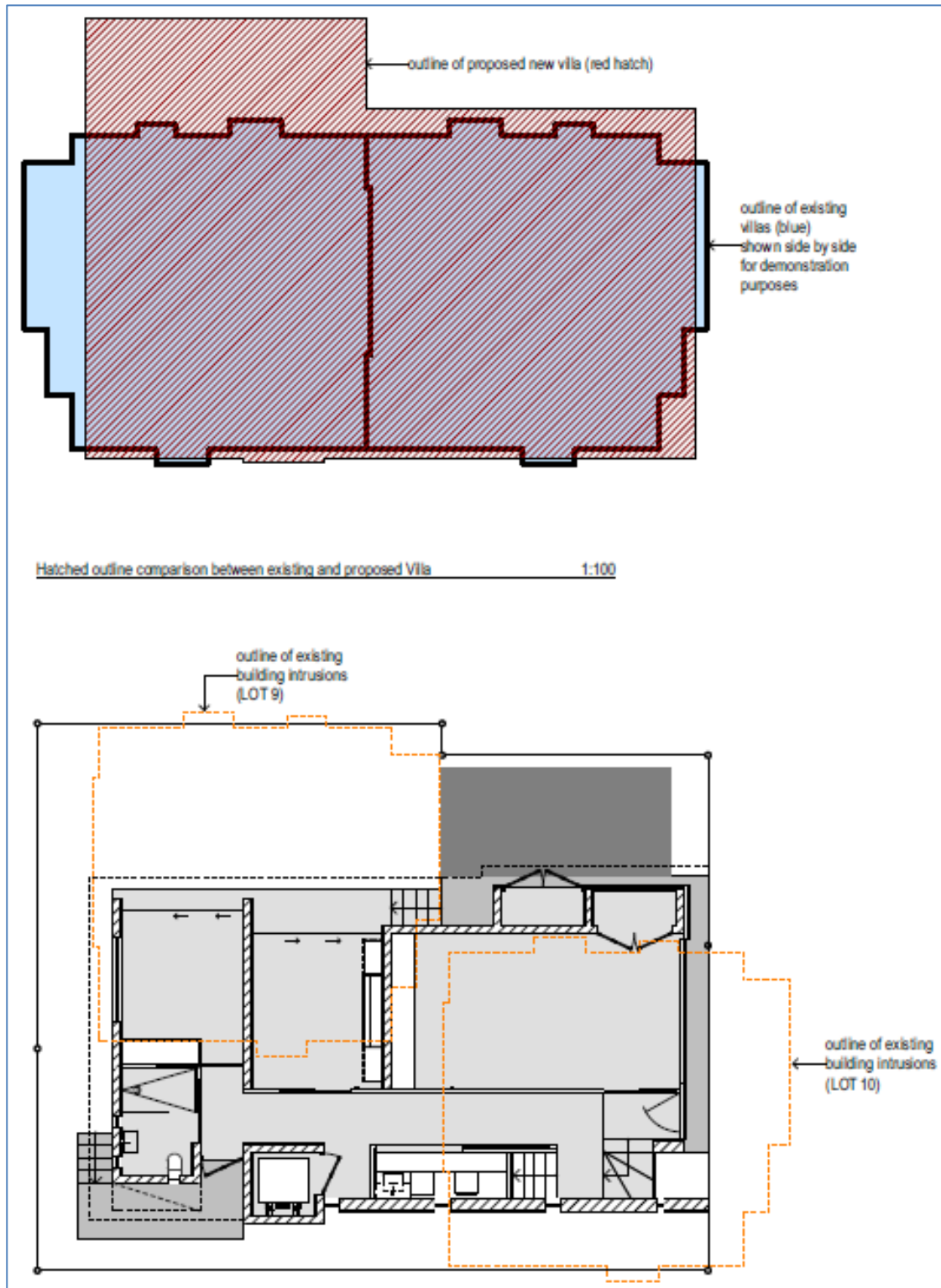
- (a) *incorporate articulated roof forms which are visible from the street;*
- (b) *incorporate a mix of lightweight and textured external building materials or materials that reflect the natural environment such as timber and rock face;*
- (c) *provide variation through articulation, texture and detailing;*
- (d) *incorporate verandahs, open balconies or shaded patios for outdoor living, with open, transparent or semi-open balustrades;*
- (e) *use understated colour schemes and low-reflective roofing and cladding materials.*

The applicant has provided the following plan (Figure 9) comparing the site cover of the proposal within the context of the site. It is noted that the existing balcony of Unit 10 encroaches over the existing common driveway.



**Figure 9 – Existing building site cover on the left and the proposed site cover on the right.**

The existing and proposed footprint is represented by the diagram in Figure 10 below. The first image in the Figure shows the footprint in red compared to the existing footprint, noting that the existing footprint has been shown side by side whereas in reality they are offset. The purpose is to show the combined footprint is generally similar to that proposed. The second image in the Figure shows the proposed with the existing footprint shown as a dotted orange line.



**Figure 10 – The proposal overlaid with the existing unit footprint.**

While it is considered the footprint and gross floor area of the proposal is generally commensurate with and consistent with the area of 2 combined units, the size of the proposal requires further assessment as it is greater than the other units.

In support of the design, the front elevation (from the internal road) is narrow and generally consistent with other units in the complex, with a wider portion of the design setback to approximately where the existing units stands, which provides a stepping of the building like the existing character in the complex. In addition this wider portion is an alfresco area which is not bulky in design.

On the other hand, the southern elevation is longer than the unrenovated units and would be a larger scale to the balance of the complex. The design offsets the longer elevation by incorporating an articulated facade, feature timber cladding, glazing and an interesting roof form which appears to ‘float’ above the building. In addition, a minimum of 1.2m of soft landscaping is proposed along this boundary which will soften the proposal. It should be noted that buildings in the complex are slowly being renovated and are limited in scale mostly because of the small and odd shaped group title lots. As a comparison, Figure 11 below shows a new unit on Lot 15 alongside a 3D perspective of the proposal.



**Figure 11 – proposal on the left and a new unit on lot 15 on the right within the complex**

While the building is slightly larger than other units within the complex, it is small scale, with the largest gross floor area of any one of the 4 storeys being 86m<sup>2</sup> and a site cover of 124m<sup>2</sup>.

The planning scheme allows 4 storeys and 15m in building height for this site. The existing units have been designed at 3 storeys and around 12m to the pitch of the rounded roof. The newly renovated units throughout the complex will generally present larger than the existing smaller scale buildings, as the existing units have not been constructed to meet the full planning scheme allowance for building height. Overtime, it is likely the full development potential of each site (4 storeys and 15m) will be realised, and the existing units replaced with higher and more modern designs.

The 4<sup>th</sup> storey of the proposal is an open alfresco area with a ‘floating’ roof and is less than 15m in height complying with the planning provisions for the site. Adequate separation is provided between buildings with between 2m and 7.2m proposed between the 3 adjoining lots.

*Access to sunlight*

The applicant has provided sun shading MP4 diagrams which show that when including existing vegetation and units, there is no worsening of shading of neighbouring properties. Some shading will still occur, but this is unavoidable in a multiple dwelling format as exists.

### *Privacy*

Figure 12 below shows the context of the existing development built form looking from inside the complex back towards Noosa Parade. The image shows that the western side of the driveway units have their living spaces and balconies facing the driveway, while the eastern side units have their 'backs' to them to maintain privacy. The proposal maintains, improves and is consistent with this character and design element, although the balconies in the image overhang the driveway while the proposal is setback within the group title lot boundary.



**Figure 12 – Context of existing privacy and overlooking. Eastern side of the driveway on the left and the western side on the right of the image.**

The units that would be directly affected by the proposal in terms of privacy are:

- Lot 8 (to the north) see Figure 13;
- Lot 12 (to the south) see Figure 14;
- Lot 20 directly opposite across the internal driveway, see Figure 15; and
- Lot 21 directly opposite across the internal driveway, see Figure 15.

Lot 8 – the proposal provides screening devices and the balustrading is setback from the edge of the building line so the existing overlooking is significantly reduced. Figure 13 below shows the existing situation.





Figure 13 – Lot 8 privacy analysis, existing overlooking

Figure 14 below shows the adjoining overlooking of Lot 12 to the south of the subject site.

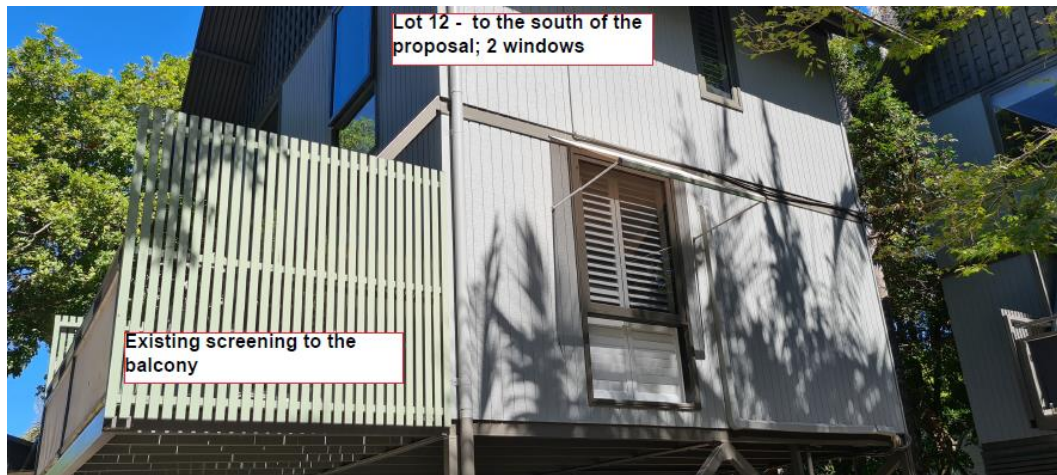


Figure 14 – currently already overlooks these windows and balcony



Figure 15 - Lots 20 and 21 have 4 small windows and are typical of other units on the eastern side of the internal driveway.

As seen in the above figures, the proposal will not create additional overlooking opportunities, in fact the design will improve privacy for the surrounding properties.

*Carparking*

The code seeks 2 covered spaces are provided. The proposal is providing 1 covered space and one uncovered visitor space. Two spaces are considered sufficient for the intended use and raises no concern.

*Ratio of shops to residential*

The Tourist Accommodation Zone Code Acceptable Outcome AO6.1 outlines that a ratio of at least 20 accommodation units to one non-residential tenancy (20:1) is provided. The existing development does not meet these provisions and therefore the corresponding Performance Outcome PO6 is applicable and is provided below for reference.

**Hastings Street Mixed Use Precinct**

**PO6**

*For Hastings Street Mixed Use Precinct uses above the ground floor are predominantly of a residential nature to accommodate visitors.*

The Code seek that Hastings Street Precinct remains predominately residential in nature. The development currently provides a ratio 3.125 accommodation units to 1 non-residential tenancy (3.125:1 or 25 residential to 8 non residential tenancies) and does not comply with Acceptable Outcome AO6.1, however complied with the planning scheme at the time of the original approval.

The proposal slightly reduces the ratio to 3 accommodation units to 1 non-residential use (3:1 or 24 residential to 8 non-residential), a slight reduction of 0.125 accommodation units. It is considered the complex with 24 accommodation units to 8 non-residential tenancy is still predominately residential in nature and complies with PO6.

*Generally*

Given there has been numerous changes to the original approval, it is proposed for clarity in the compiled decision notice to include in the existing 'Privacy' heading above existing Conditions 12 & 13 the words 'Unit 17'. The heading will now read 'Privacy – Unit 17'. Further, it is also proposed to amend Condition 25 which is a demolition condition relating to a previous minor change approvals relating to the rebuilding of Units 17 & 19 in order to ensure the full suite of conditions clearer.

**4. CONSULTATION**

**Internal Council Referrals**

The application was forwarded to the following internal Council officers:

Building and Plumbing department – Building certifier

**Public Notification**

The application was publicly notified for 15 business days in accordance with the *Planning Act 2016*. Sixteen properly made submissions were received. Noting that the incorrect application number was initially advertised on the development public notification signage, the application was readvertised for another 15 days. The following table provides a summary and assessment of the issues raised by submitters.

Matters Raised	Comments
Overlooking concerns Does not comply with PO9, PO13, PO20	The applicant has demonstrated that the proposal does not create additional overlooking opportunities nor impacts negatively on privacy of neighbouring units.

Matters Raised	Comments
Level 3 grants visual access the private open space of neighbouring properties	The design includes screening devices strategically placed to avoid any additional overlooking. A full assessment is included in section 3.3 of this report.
Significant loss of amenity	The building design does not create additional negative impacts on amenity.
Significant change to the built form and establishes a precedent and changes the nature of the community complex.  Presentation of a monolithic structure to the driveway.	The footprint is slightly larger than surrounding units and is a modern design. The presentation width to the driveway is not unlike that exists.
Additional shading and reduction access to sunlight	The applicant has provided MP4 sun studies for the winter solstice which demonstrate that when including the existing vegetation there is no worsening to shading or access to sunlight.
The proposal is within a 1984 Gabriele Pool designed complex.  <i>Subsequent development by multiple owners within the complex over several years, has demonstrated that modern, sympathetic and creative design within the existing floor plate and in keeping with the principles of privacy, orientation, shared amenity and green space is possible. The key benefit of each beach house occupying the same footprint, irrespective of renovation or redesign, has ensured the precious elements of the built environment and greenspace have been maintained and preserved.</i> <i>Whilst Noosa Council may not consider the constructions worthy of heritage value, their unique position and design of the complex undoubtedly contributes to the vibrancy of Hastings Street. It is my firm view that the original Hastings beach house designs have helped establish Noosa as a resort destination that celebrates, promotes and protects nature and this amenity and these unique aspects should be preserved.</i>	Noted.
Incompatible scale with the surrounding development	The footprint is generally commensurate with the size of 2 combined units.  While the proposal maybe larger than most of the other units the overall building footprint is still considered small scale.  The southern elevation is longer than most of the other units but not all the elevation will be seen from the driveway. Furthermore, a condition is recommended to provided screening vegetation for the full length of this boundary.

Matters Raised	Comments
Reduces green space	<p>The proposed footprint is only slightly larger than combined 2 units and therefore a similar open space. Gardens and trees are proposed to the perimeter of the lot to maintain the green space.</p> <p>Noting that some of the existing vegetation is not suitable for the urban environment (ficus species) and causes adverse impacts on the built form and services.</p>
Noise emanating from level 3 BBQ and outdoor living area.	It is unlikely that additional noise will occur from the proposal.

**5. CONCLUSION & REASONS FOR DECISION**

The proposal sits over 2 amalgamated lots within the resort complex. The gross floor area and site cover of the development are increasing and proposes a slightly larger footprint to the other units. However, the front elevation is narrow and proportionate with the driveway presentation of other units in the complex and a mix of external building material and new landscaping are used to offset the longer southern elevation. Overall, the proposal offers a well-designed building which does not create any additional privacy issues or create additional shading of surrounding properties. The 4<sup>th</sup> storey has a ‘floating’ type roof and the open style design does not present bulky. The application is considered to meet the relevant provisions of the planning scheme and recommended to be supported subject to the conditions.

Departments/Sections Consulted:

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

Attachment 1

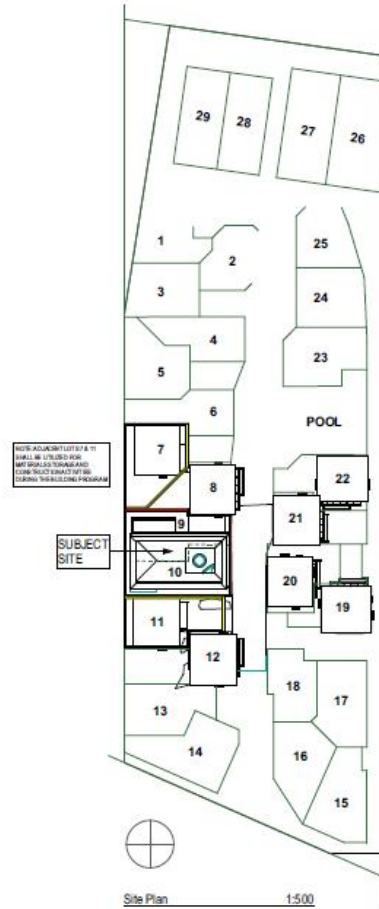


P R O P O S E D H O L Y M A N V I L L A

THE HASTINGS 9-10 30 HASTINGS STREET - NOOSA HEADS - QLD



Aerial Photo

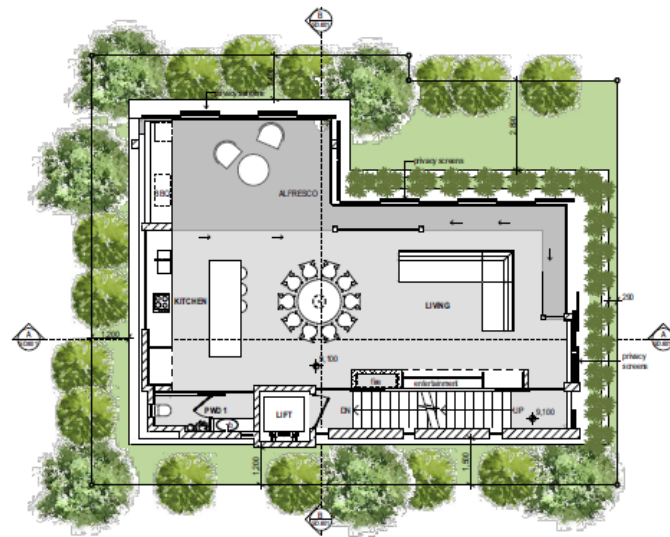
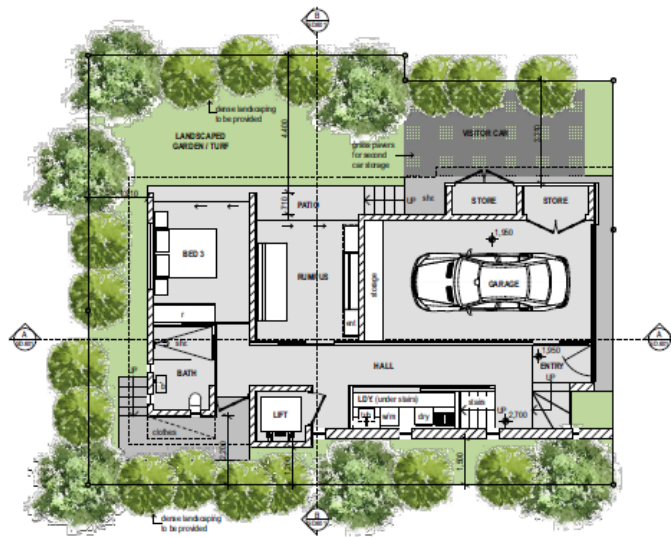
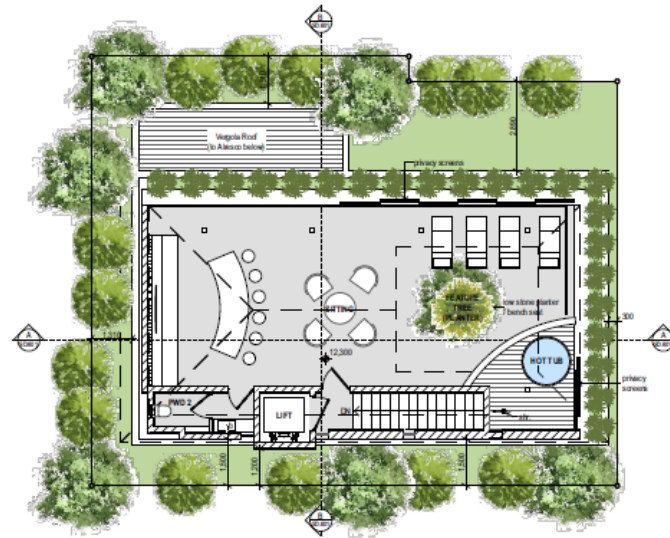
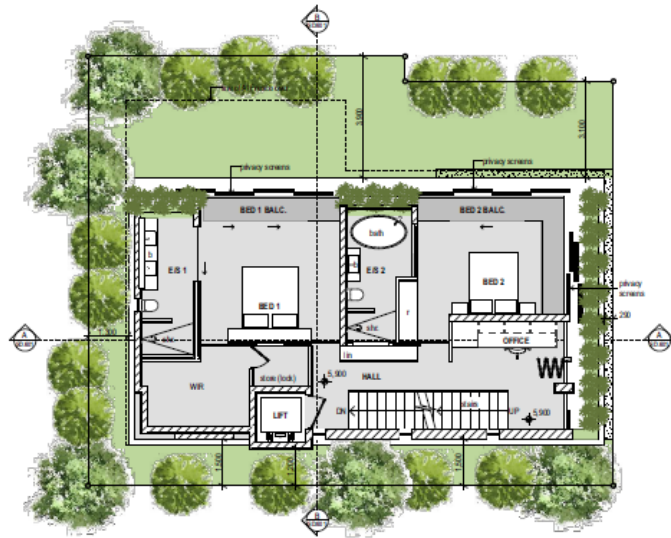


**REAL PROPERTY DESCRIPTION**  
 LOT 30 SP307774  
 Local Authority - NOOSA COUNCIL  
 Site Area - 227.62 m<sup>2</sup>



DRAWING LIST		
Sheet No.	Drawing Title	Issue:
SD.101	COVER SHEET	P1
SD.102	PHOTO RENDERINGS	P2
SD.103	COMPARISON IMAGES	P2
SD.104	SITE (ROOF) PLAN	P10
SD.105	BETA OK PLAN & VEHICLE MANOEUVRING	P4
SD.106	GROSS FLOOR AREA CALCULATIONS	P2
SD.107	SITE AREA CALCULATIONS	P2
SD.201	FLOOR PLANS	P9
SD.501	ELEVATIONS - PROPOSED	P9
SD.601	CROSS SECTIONS - SHEET 1	P2
SD.951	OVERVIEWING DIAGRAMS - LEVEL 1	P9
SD.952	OVERVIEWING DIAGRAMS - LEVEL 2	P9
SD.953	RELATIVE BUILDING OUTLINES	P10
SD.954	SITE ANALYSIS DIAGRAM	P2

GERARD SMITH DESIGN   (S) PO Box 1287, Noosa Heads Queensland 4657 P (07) 5474 0000 QICCC Licenses 1 800 050	This drawing is to be read in conjunction with Engineers Drawings & Reports. Construction to comply with all relevant Standards Available & BCA codes, Building Act 1975 & Building Regulation 2006 (as amended) & the QICCC. Only all drawings on site prior to commencement of any works. These drawings are not to be used for scaling. Copyright for design. Drawings remain the property of the author.	Project: <b>PROPOSED NEW VILLA</b>	Client: <b>R &amp; PHOLYMAN</b>	Scale: <b>as shown @ A2</b>	Date: <b>AUG 2018</b>	Drawn By: <b>GS</b>
		Location: <b>THE HASTINGS 9-10 30 HASTINGS STREET - NOOSA HEADS</b>	Drawing Title: <b>SITE / ROOF PLAN</b>	Project No.: <b>1804</b>	Drawing No.: <b>SD.104</b>	Issue No.: <b>(P1)</b>

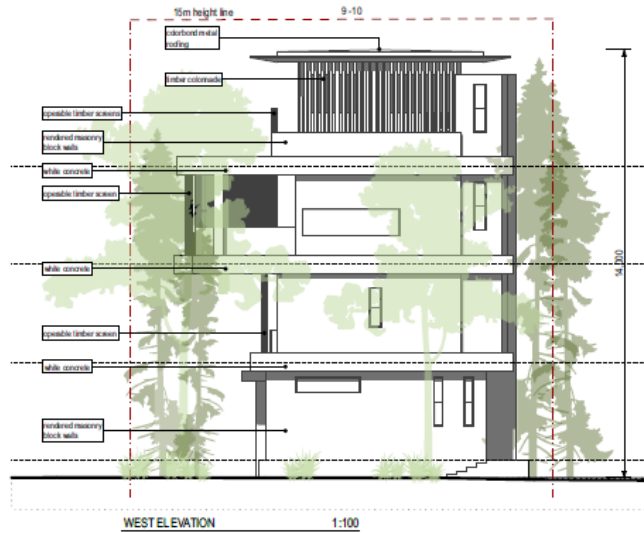
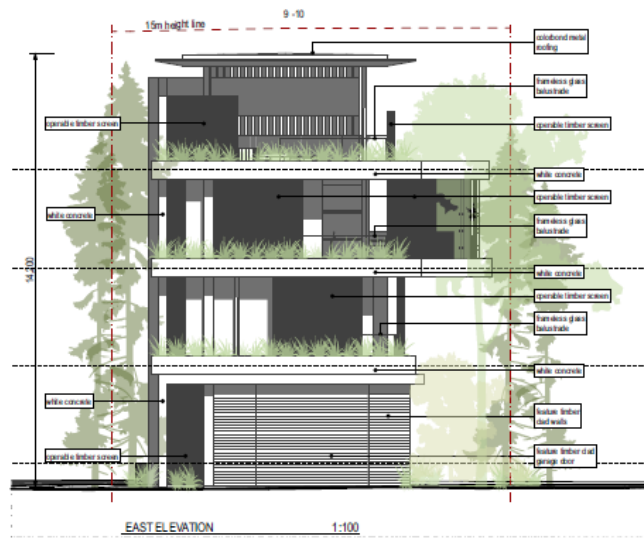


(NOTE: MAXIMUM BUILDING HEIGHT APPROX. 11 M)

FLOOR AREAS - PROPOSED	
Garage & Store	38.73m <sup>2</sup>
<b>Internal</b>	
Ground	61.90m <sup>2</sup>
Level 1	86.47m <sup>2</sup>
Level 2	74.10m <sup>2</sup>
Level 3	5.95m <sup>2</sup>
<b>Internal Total</b>	<b>228.02m<sup>2</sup></b>
<b>External</b>	
Ground	12.16m <sup>2</sup>
Level 1	9.40m <sup>2</sup>
Level 2	30.08m <sup>2</sup>
Level 3	83.32m <sup>2</sup>
<b>External Total</b>	<b>134.96m<sup>2</sup></b>
<b>Grand Total</b>	<b>369.71m<sup>2</sup></b>

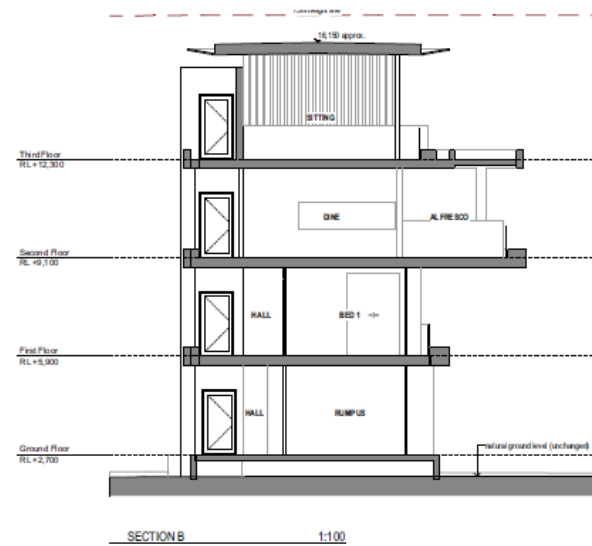
GERARD SMITH DESIGN (S) PO Box 1281, Noosa Heads Queensland 4667 P (07) 5474 9999 QCC licence no. 1 80202	This drawing is to be read in conjunction with Engineers Drawings & Reports. Construction to comply with all relevant Standards, Australia & SCS codes, Building Act 1975 & Building Regulation 2006 (as amended) & the QCC by all dimensions on site prior to commencement of any works. These drawings are not to be used for scaling. Copyright for design drawings remain the property of the authors.	Project <b>PROPOSED NEW VILLA</b> Location <b>THE HASTINGS 9-10                  30 HASTINGS STREET - NOOSA HEADS</b>	Client <b>R &amp; PHOLYMAN</b> Drawing Title <b>FLOOR PLANS</b>	Scale	Date	Drawn By
				as shown @ A2	AUG 2018	GS
				Project No.	Drawing No.	Issue No.
				1804	SD.201	(Pg)

PRELIMINARY  
 GERARD SMITH DESIGN (S)

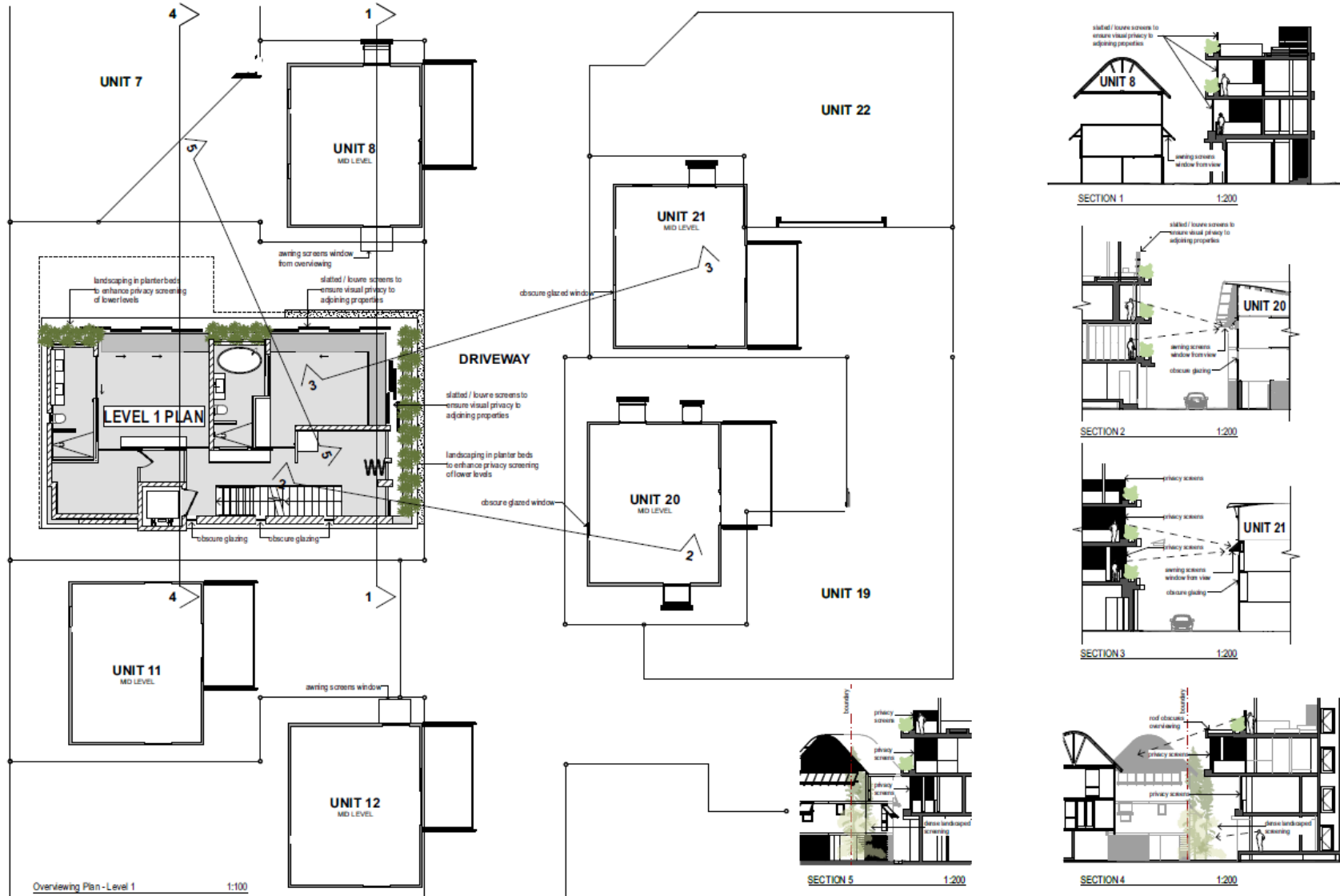


GERARD SMITH DESIGN (GSD) PO Box 1281, Newse Heads Queensland 4067 P (07) 5474 8899 GRCQ Licence No. 13899P	This drawing is to be read in conjunction with Engineers Drawings & Reports. Construction to comply with all relevant Standards, Australian & BCA codes, Building Act 1975 & Building Regulation 2006 (as amended) & the QDC/VEP all determinations on site prior to commencement of any works. These drawings are not to be used for scaling. Copyright for design & drawings remain the property of the authors.	Project <b>PROPOSED NEW VILLA</b>	Client <b>R &amp; PHOLYMAN</b>	Scale <b>as shown @ A2</b>	Date <b>AUG 2018</b>	Drawn By <b>GS</b>	PRELIMINARY GERARD SMITH DESIGN (GSD)		
		Location <b>THE HASTINGS 9-10 30 HASTINGS STREET - NOOSA HEADS</b>	Drawing Title <b>ELEVATIONS - PROPOSED</b>	Project No. <b>1804</b>	Drawing No. <b>SD.501</b>	Issue No. (PG)			
								Issue No. (PG)	

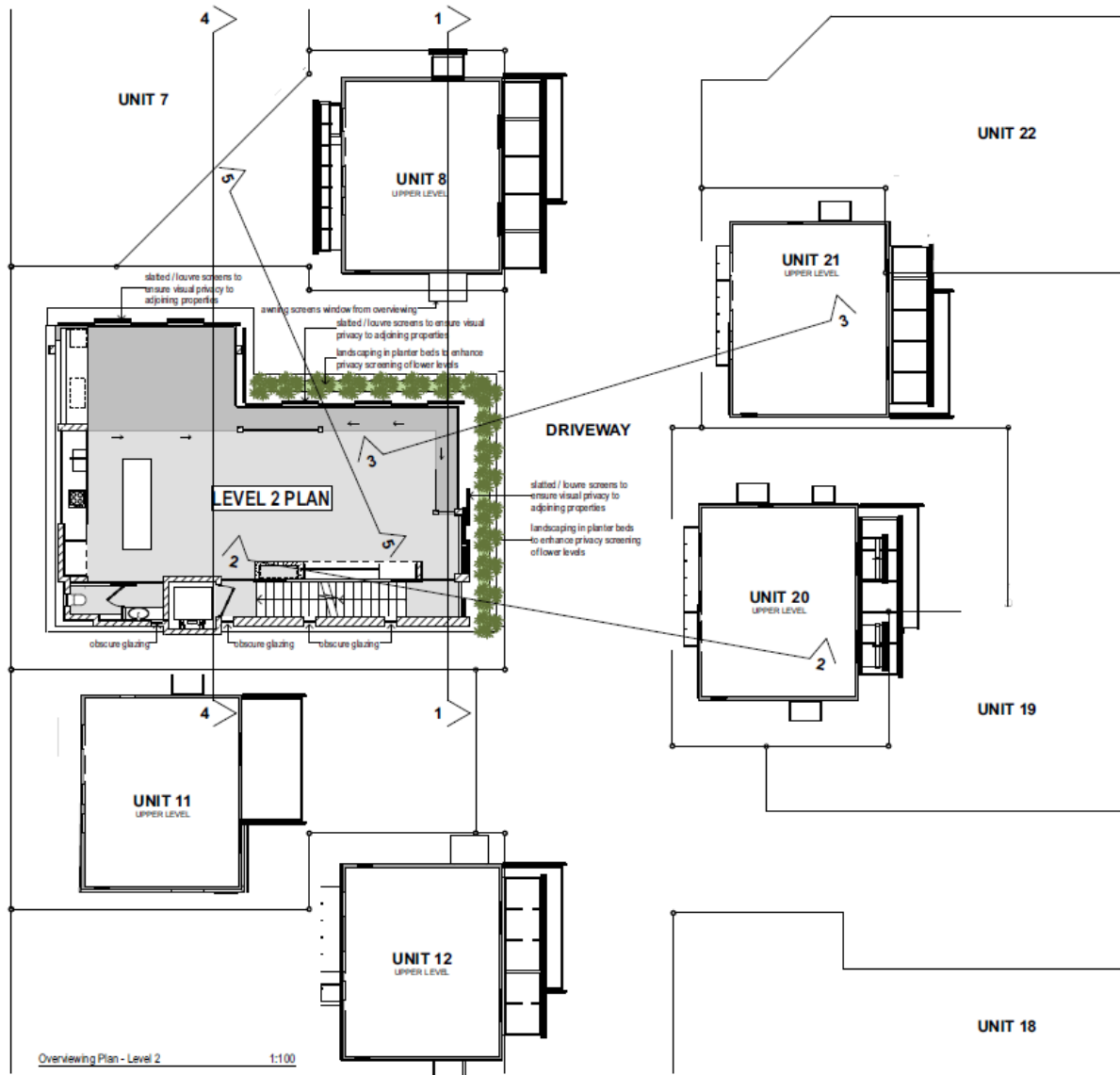




GERARD SMITH DESIGN   (S) PO Box 1261, Noosa Heads Queensland 4667 P: 07 5444 6999 QBCC license no. 1 85592	This drawing is to be read in conjunction with Engineers Drawings & Reports Construction to comply with all relevant Standards Australia & AS/NZS codes (Building Act 1975 & Building Regulation 2006 (as amended)) & the QDC/Verity all dimensions on site prior to commencement of any works. These drawings are not to be used for trading. Copyright for design & drawings remain the property of the authors.	Project <b>PROPOSED NEW VILLA</b>	Client <b>R &amp; P HOLYMAN</b>	Scale <b>as shown @ A2</b>	Date <b>AUG 2018</b>	Drawn By <b>GS</b>	PRELIMINARY GERARD SMITH DESIGN   (S)
		Location <b>THE HASTINGS 9-10 30 HASTINGS STREET - NOOSA HEADS</b>	Drawing Title <b>CROSS SECTIONS - SHEET 1</b>	Project No. <b>1804</b>	Drawing No. <b>SD.601</b>	Issue No. (P2)	



GERARD SMITH DESIGN PO Box 1261, Noosa Heads Queensland 4667 P (07) 544 0088 QCC Scheme no 1 80050	This drawing is to be read in conjunction with Engineers Drawings & Reports. Consultation to comply with all relevant Queensland Acts, & QCC codes (Building Act 1975 & Building Regulation 2016 (as amended)) & the QCC (Civil) all dimensions on site prior to commencement of any works. These drawings are not to be used for scaling. Copyright for design & drawings remain the property of the authors.	Project <b>PROPOSED NEW VILLA</b>	Client <b>R &amp; PHOLYMAN</b>	Scale <b>as shown @ A2</b>	Date <b>AUG 2018</b>	Drawn By <b>GS</b>
		Location <b>THE HASTINGS 9-10 30 HASTINGS STREET - NOOSA HEADS</b>	Drawing Title <b>OVERVIEWING DIAGRAMS - LEVEL 1</b>	Project No. <b>1804</b>	Drawing No. <b>SD.951</b>	Issue No. (P1)



GERARD SMITH DESIGN PO Box 1281, Noosa Heads Queensland 4657 P 07 5474 8688 GPEC License No. 18552P	This drawing is to be read in conjunction with Engineers Drawings & Reports. Construction to comply with all relevant Standards Australia & BCA codes/Building Act 1975 & Building Regulation 2018 (as amended) & the QCC/QueV all dimensions on site prior to commencement of any works. These drawings are not to be used for scaling. Copyright for design & drawings remain the property of the authors.	Project <b>PROPOSED NEW VILLA</b>	Client <b>R &amp; PHOLYMAN</b>	Scale <b>as shown @ A2</b>	Date <b>AUG 2018</b>	Drawn By <b>GS</b>	PRELIMINARY GERARD SMITH DESIGN   (S)
		Location <b>THE HASTINGS 9-10                  30 HASTINGS ST REET                  - NOOSA HEADS</b>	Drawing Title <b>OVERVIEWING DIAGRAMS - LEVEL 2</b>	Project No. <b>1804</b>	Drawing No. <b>SD.952</b>	Issue No. (P9)	

**4 MCU18/0009.04 - MINOR CHANGE TO DEVELOPMENT APPROVAL FOR MATERIAL CHANGE OF USE - MULTIPLE HOUSING –TYPE 3 RETIREMENT & SPECIAL NEEDS AT 186 COOROY-NOOSA ROAD & 4 CARRAMAR ST, TEWANTIN**

**Author**                    **Development Planner, Lisa Pienaar (drafted by Consultant Planner) Environment and Sustainable Development**

**Index**                    **ECM/ Application/ MCU18/0009.04**

**Attachments**    **1.    Proposal Plans**

<b>APPLICATION DETAILS</b>	
Application No.	MCU18/0009.04
Development Approval	Material Change of Use - Residential care facility
Applicant	Noosacare Inc
Request Received On	27 August 2021
<b>PROPERTY DETAILS</b>	
Property Address	186 Cooroy Noosa Road, Tewantin 4 Carramar Street, Tewantin
RP Description	Lot 2 SP 177554 Lot 19 RP 162486
Land Area	40,470m <sup>2</sup> 1,370 m <sup>2</sup>
Existing Use of Land	Residential aged care facility Vacant land
<b>STATUTORY DETAILS</b>	
SEQRP Designation	Urban Footprint
Locality	Tewantin
Zone	Community Facilities Zone Environmental Management and Conservation Zone
Overlays	Land Subject to Acid Sulfate Soils Overlay Biodiversity, Waterways and Wetlands Overlay Bushfire Hazard Overlay Flood Hazard Overlay
Assessment Type	Minor Change to Development Approval

**RECOMMENDATION**

That Council note the report by the Development Planner to the Planning & Environment Committee Meeting dated 12 October 2021 regarding Application No. MCU18/0009.04 for a Minor Change to a Development Permit for Material Change of Use - Residential Care Facility situated at 186 Cooroy Noosa Rd, Tewantin & 4 Carramar St, Tewantin and:

- A. Approve the change.
- B. Amend condition 1 to read as follows:
1. 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
A101A		Existing Part Site Plan <i>by Middap Architecture</i>	Feb 2019
A102A		Proposed Site Works Plan <i>by Middap Architecture</i>	Feb 2019
A103B	B	Proposed Building Plan <i>by Middap Architecture</i>	Feb 2019
A104B	B	Site Plan with Section and Elevation References <i>by Middap Architecture</i>	18.03.2019
A105B	B	Site Elevations <i>by Middap Architecture</i>	18.03.2019
A106B	B	Typical Villa Sections <i>by Middap Architecture</i>	18.03.2019
A201B	B	Villas and Service Core Floor and Roof Plan <i>by Middap Architecture</i>	18.03.2019
A202B	B	Proposed Villas and Service Core 3D Views <i>by Middap Architecture</i>	18.03.2019
A203A		Proposed Entry Building Floor and Roof Plan <i>by Middap Architecture</i>	18.03.2019
A204A		Proposed Entry Building Elevations and 3D Views <i>by Middap Architecture</i>	18.03.2019
A205B	B	Proposed Villa 1 and 2 Floor and Roof Plan <i>by Middap Architecture</i>	18.03.2019
A206B	B	Proposed Villa 1 and 2 Elevation and 3D Views <i>by Middap Architecture</i>	18.03.2019
A207A		Proposed Villa 3 and 4 Floor and Roof Plan <i>by Middap Architecture</i>	18.03.2019
A208A		Proposed Villa 3 and 4 Elevation and 3D Views <i>by Middap Architecture</i>	18.03.2019
1		PART SITE PLAN	Received by Council on 03.04.2020
2		BOUNDARY ELEVATION	Received by Council on 03.04.2020
1714-20	I	Design Features Plan 1 of 7 <i>by Callaghan &amp; Toth Civil, Environmental &amp; Hydraulic Engineers</i>	November 2020
1714-27	I	Design Setout Plan 1 of 6 <i>by Callaghan &amp; Toth Civil, Environmental &amp; Hydraulic Engineers</i>	November 2020

Plan No.	Rev.	Plan/Document Name	Date
16519-C101	D	Proposed Permanent and Event Day Parking prepared by TOD Engineers & Project Managers <b>as amended in red by Council</b>	08.09.20
CD01 P4		Site Plan, prepared by Middap Architecture	March 2019
CD 02 - P4		Floor Plan, prepared by Middap Architecture	July 2021

C. Include additional Conditions 55, 56 and 57 to read as follows:

**Sunset period for temporary staff accommodation.**

- 55. This development approval for 2 temporary accommodation units lapses on **21 October 2026**, unless an application to extend the approval is approved by Council.
- 56. The 2 temporary accommodation units must be for the primary use of staff of the residential care facility.
- 57. The 2 temporary staff accommodation units must be connected to the approved stormwater water management system on site. An updated stormwater management plan incorporating the units must be submitted to Council prior to the issue of a Building approval.

D. Note the report is provided in accordance with Section 63(5) of the *Planning Act 2016*.

**REPORT**

**1. PROPOSAL**

The applicant seeks to change the existing development approval to include 2 temporary 27m<sup>2</sup> 1 bedroom staff accommodation units located within Lot 19 of the Carramar development. The applicant has indicated temporary is a period of 5 years.

The units are proposed to the west of the carparking area approved as part of the previous ‘Other’ change approval. The units are single storey with a building height of approximately 4m above the natural ground level, setback 6m from the Cooroy Noosa Road boundary and 6.4m from the rear or side boundary. Figure 1 provides an aerial location and Figure 2 shows the existing approved car park, and a more detailed location of the proposal.



Figure 1 – Aerial with the location of the temporary accommodation indicated in green.

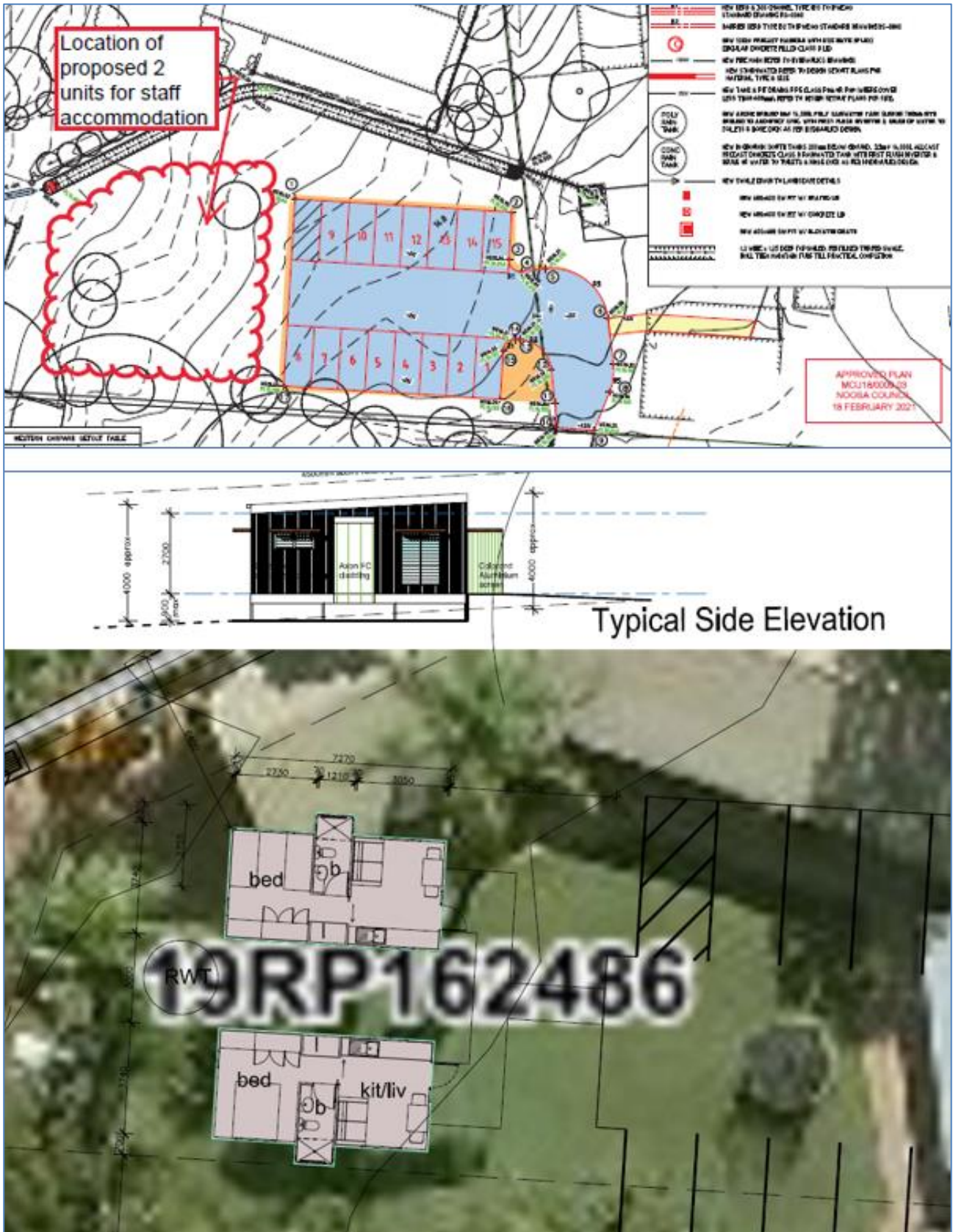


Figure 2 – Locational maps and elevation

## 2. BACKGROUND

The site was originally gifted from Noosa Shire Council to Noosa Care Incorporated in 1975 for the purposes of providing aged care.

Carramar Noosa Homes is currently located on the site. The complex has been operating over a number of years with several extensions progressively being added to the facility. The development at the time consisted of 142 residential rooms containing one bed, including a special care dementia building containing 32 rooms, and ancillary features including a community centre, staff building and administration building.

A Preliminary Approval for a Material Change of Use Multiple Housing Type 3 Retirement and Special Needs (MCU18/0009) was issued 21 August 2018. The original application sought a Development Permit for an additional 48 beds in 6 accommodation villas. The Preliminary Approval was issued due to the identification of development constraints related to the habitat of the threatened Swamp Crayfish, flooding, wetland vegetation and car parking.

The applicant suspended the appeal period on 31 August 2018 and made representations on 2 October 2018. The representations sought a Negotiated Decision Notice to change the decision type from a Preliminary Approval to a Development Permit for a Material Change of Use and amend condition 1. The representations were approved on 15 November 2018 with an amended layout providing for an additional 32 beds in 4 accommodation villas, resulting in a total of 174 beds in 10 accommodation villas.

A minor change application (MCU18/0009.01) was submitted on 10 April 2019 which amended the layout of the development. The single storey accommodation villas at the front of the site were deleted and the built form to the rear of the site was amended from single storey to double storey with all 32 beds being contained within the buildings to the rear of the site being a total of 174 beds in 9 accommodation villas. This application was approved by Council on 18 July 2019.

A further minor change (MCU18/009.02) application was submitted on 10 March 2020 seeking approval to amend the approved plans to include fire-fighting pumps adjacent to the front boundary of the site. The application was approved under delegation on 29 April 2020.

An Other Change (MCU18/0009.03) for a revised parking layout was approved on 18 February 2021. This included a new (additional) lot and for this reason could not be accepted as a minor change under the *Planning Act 2016*.

## 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.

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

- Tewantin Local Plan Code
- Community Facilities Zone Code
- Special Residential Code
- 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 temporary staff accommodation is a residential use and considered ancillary to the approved use and the additional built form is small in scale and bulk;
- 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**

#### Locality Provisions

The subject site is located in the Tewantin Local Plan Area and is zoned Community Facilities. The proposed staff accommodation is considered ancillary to the residential care use onsite and a consistent use in the zone.

The proposal has been assessed against the Tewantin Local Plan Area Code and is generally consistent with the purpose of the code. In particular Overall Outcome 7.2.3.2(2)(t) seeks to ensure that land provides for the efficient and timely delivery of community services. Given current difficulties in finding accommodation in the Noosa housing market, the proposal provides temporary staff accommodation which helps to retain employees and deliver an essential community service.

No detriment to the visual amenity of the streetscape and gateway into Tewantin will result from the proposal.

#### Community Facilities Zone Code

The Community Facilities Zone Code specifically identifies Carramar as a site to continue the delivery of residential care facilities. The proposal is providing much needed accommodation for employees in the current housing market circumstances.

While the proposal slightly increases site cover by 54m<sup>2</sup>, the total site coverage is well within the maximum of 50% for land in this zone. Key setback and built form parameters are compliant with the provisions of the code utilising fibre cement sheet and custom orb metal sheeting for the external finishes and window hoods.

#### Special Residential Code

The proposed change is consistent with the use code. The proposal does not intensify the approved use and assists with accommodation for employees of the facility. The temporary accommodation helps offset the impacts of the current housing situation to retain employees and therefore deliver the service.

Given the proposal is for a residential use and is associated with the residential care facility, no adverse amenity impacts are likely from the accommodation.

#### Carparking

The applicant is not proposing any additional carparking onsite and no existing car spaces are impacted upon. The accommodation is for staff who would already be parking onsite.

#### Stormwater quality

The application has provided a RPEQ certification stating that the proposed additional units can be treated by the existing stormwater quality treatment system with a 5,000 litre rainwater harvesting tank proposed to assist in managing stormwater.

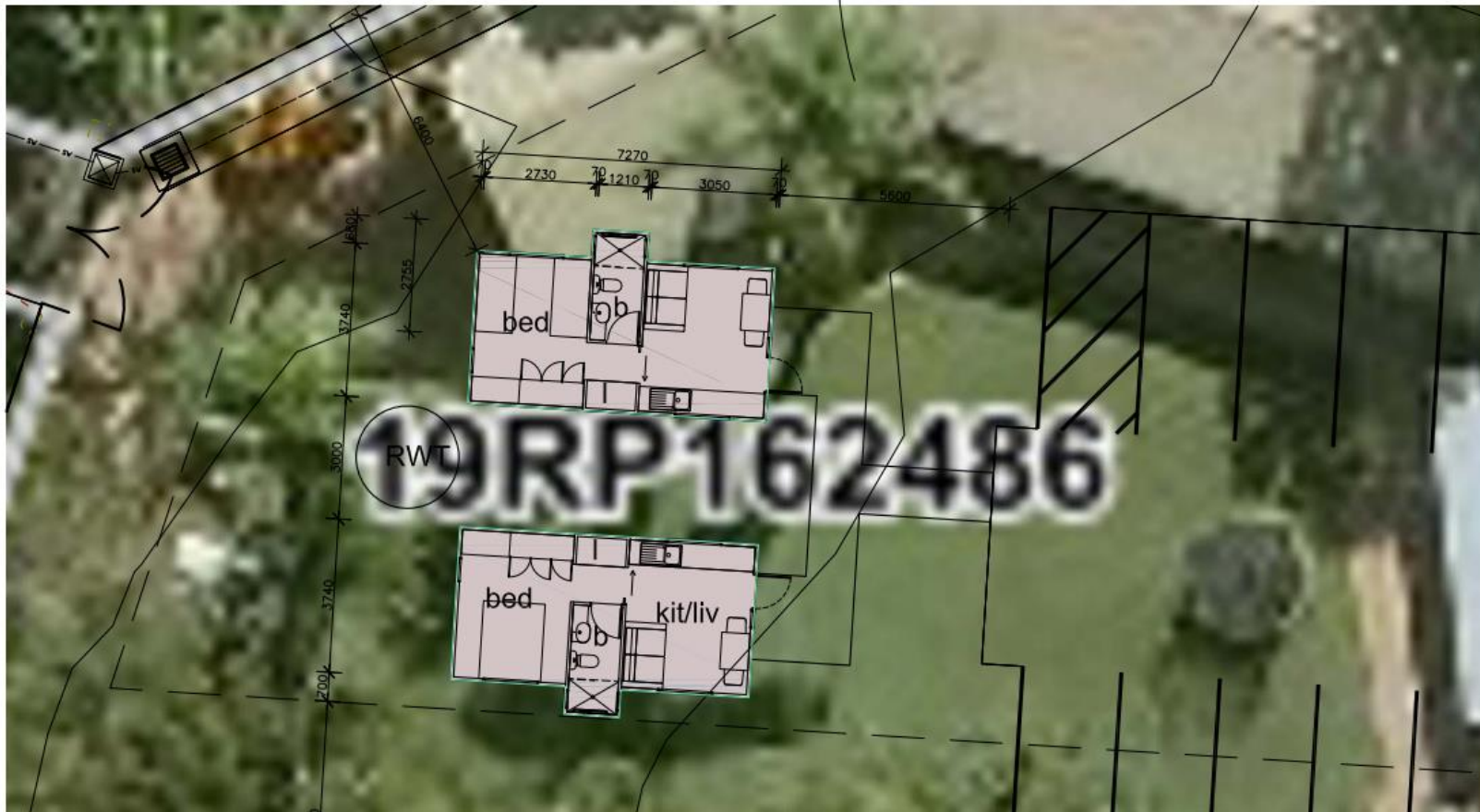
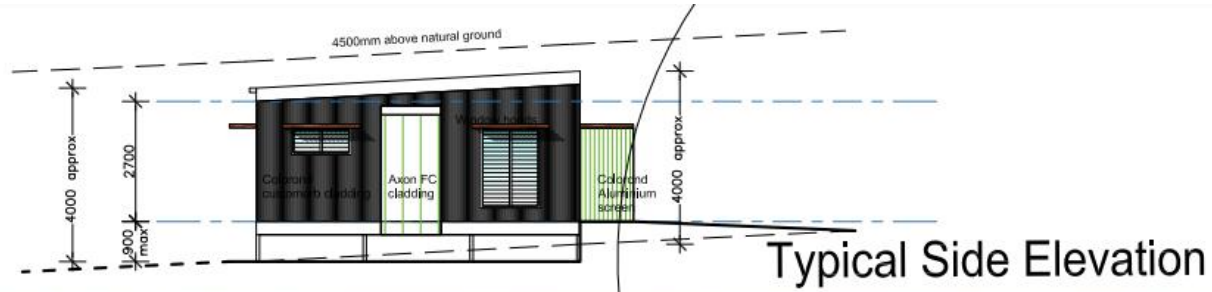
**4. CONCLUSION & REASONS FOR DECISION**

The proposal for a minor change to the existing approval for 2 x 27m<sup>2</sup> temporary staff accommodation units is considered ancillary to the existing residential care facility on site. The proposed dwelling units will provide much needed temporary accommodation for staff to help NoosaCare retain employees in a difficult time in Noosa’s housing market. The proposed built form sits within the residential setting with carparking, while stormwater can be treated within the existing onsite system. There are no concerns with the proposal and the application is therefore recommended to be approved subject to additional conditions.

Departments/Sections Consulted:

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

Attachment 1



Architects  
 Middap Architecture Pty Ltd  
 4/100 West St, - P4666 - 01830  
 AUSTRALIA 89 871 642 961  
 P.O. Box 1302  
 NOOSA HEADLAND QLD 4566  
 Ph - 0417 214 006  
 Email - peter@middap.com.au

---

CLIENT  
 NoosaCare Inc

PROJECT  
 Temporary Staff Housing

LOCATION  
 Carramar  
 Cooroy Noosa Rd Tewantin

DRAWING  
 Floor Plan

---

Scale  
 1:100 July 2021 PM

Project No.  
 2121

Drawing No.  
 CD 02 - P4



**5 MCU18/0006.03 & OPW18/0012.03 APPLICATION FOR AN OTHER CHANGE TO A DEVELOPMENT APPROVAL FOR MULTIPLE HOUSING - TYPE 2 DUPLEX AND OPERATIONAL WORKS, TO INCLUDE SHORT TERM ACCOMMODATION, SITUATED AT 1 & 2/10 HILL ST SUNSHINE BEACH**

**Author**                    **Development Planner, Lisa Pienaar**  
**Environment and Sustainable Development Department**

**Index**                    **ECM / Applications / MCU18/0006.03 & OPW18/0012.03**

**Attachments**    **1. Approved Plans**

<b>APPLICATION DETAILS</b>	
Applicant	Daniel James Knott
Proposal	Material Change of Use - Short-term accommodation
Properly Made Date	8 March 2021
Information Request Date	22 March 2021
Information Response Date	23 June 2021
Decision Due Date	7 October 2021
Number of Submissions	5 properly made and 5 not properly made
<b>PROPERTY DETAILS</b>	
Property Address	1 & 2 /10 Hill St Sunshine Beach Qld 4567
RP Description	Lot's 1 & 2 SP 314091
Land Area	531m <sup>2</sup>
Existing Use of Land	Duplex
<b>STATUTORY DETAILS</b>	
SEQRP Designation	Urban Footprint
Zone	Medium Density Residential Zone
Precinct	Not applicable
Local Plan Area	Coastal Communities
Overlays	Not applicable
Assessment Type	Other Change to Approval - Impact

**RECOMMENDATION**

That Council note the report by the Development Planner to the Planning & Environment Committee Meeting dated 12 October 2021 regarding Application No. MCU18/0006.03 & OPW18/0012.03 for an Other Change to a Development Permit for Material Change of Use Multiple Housing - Type 2 Duplex and Operational Works (Stormwater, earthworks, carparking, landscaping), to include Short Term Accommodation, situated at 1 & 2/10 Hill St, Sunshine Beach and:

**A. Refuse the application for the following reasons:**

1. The proposal is not consistent with Strategic Intent and Outcomes for the Shire as increased visitor accommodation is not sought or needed for the area and visitor accommodation will further erode the permanent housing in the area, impacting permanent resident amenity.
2. The proposal is not consistent with 6.3.2.2 Purpose and Overall Outcomes (2)(a) and (h) of the Medium Density Residential Zone Code as:
  - a. The proposal seeks to establish a new short-term visitor accommodation facility within a duplex, and not located within a well-established resort or holiday units.
  - b. There are a number of sites advertised as being available for visitor accommodation in the immediate neighbourhood and zoned medium density residential.
3. The proposal is not consistent with 7.2.6.2 Purpose and Overall Outcomes (2) (v)(iii) and Performance Outcomes PO1, PO2 & PO15 of the Coastal Communities Local Plan Code as:
  - a. The extent of visitor accommodation has started to erode the available supply of permanent housing in the local plan area.
  - b. Additional visitor accommodation in the area is likely to result in detrimental impacts on the residential neighbourhood and amenity of permanent residents.
4. The proposal is not consistent with 9.3.5.2 Purpose and Overall Outcomes (1) and (2)(f) of the Visitor Accommodation Code as:
  - a. The proposed short term accommodation will not integrate well into the area given the extent of visitor accommodation in the area.
  - b. The proposed visitor accommodation is likely to detract from the amenity enjoyed by residents given resident's reasonable expectations for the area.
5. The proposal does not comply with Performance Outcome PO12 of the Visitor Accommodation Code and Performance Outcome PO6 of the Driveway and Parking Code as insufficient car parking is proposed on site to address the likely parking demands on site.
6. There is no need for additional Short term accommodation in the area.
7. The proposal does not comply with Performance Outcome PO20(b) of the Medium Density Residential Zone Code as there is the potential to overlook the private open space of neighbouring properties from the rear balcony and unreasonably impact on the amenity of those residents.

**B. Note the report is provided in accordance with Section 63(5) of the *Planning Act 2016*.**

---

**REPORT****PROPOSAL**

The applicant proposes an Other Change to the existing approval to utilise the approved duplex for both permanent and/or short-term accommodation. No changes are proposed to the built form of the

approved building, with the 2 dwelling units to be available for Short term accommodation and/or permanent accommodation. The existing duplex has 2 bedrooms and a large study/sitting area in each dwelling unit, and the applicant proposes to accommodate 8 people per unit for the Short term accommodation use.

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.
- All garages will be available for carparking for guests (1 x double garage per dwelling)
- Designated bin areas are provided on site.
- No events, weddings, parties or the like are to occur on the premises.
- In support of the proposal the applicant also advises:
- Approval for short term accommodation is sought for both units.
- The pool area and associated terrace area are screened by a 1.8m high fence.
- The property is proposed to be fully fenced and landscaped.
- The adjoining premises to the east and west comprise unit developments.
- The site is in close proximity to the beach and Sunshine Beach shops and restaurant precinct.

The following Figure 1 – 4 provide a locality plan, site plan, floor plans and elevations.



Figure 1 – Locality

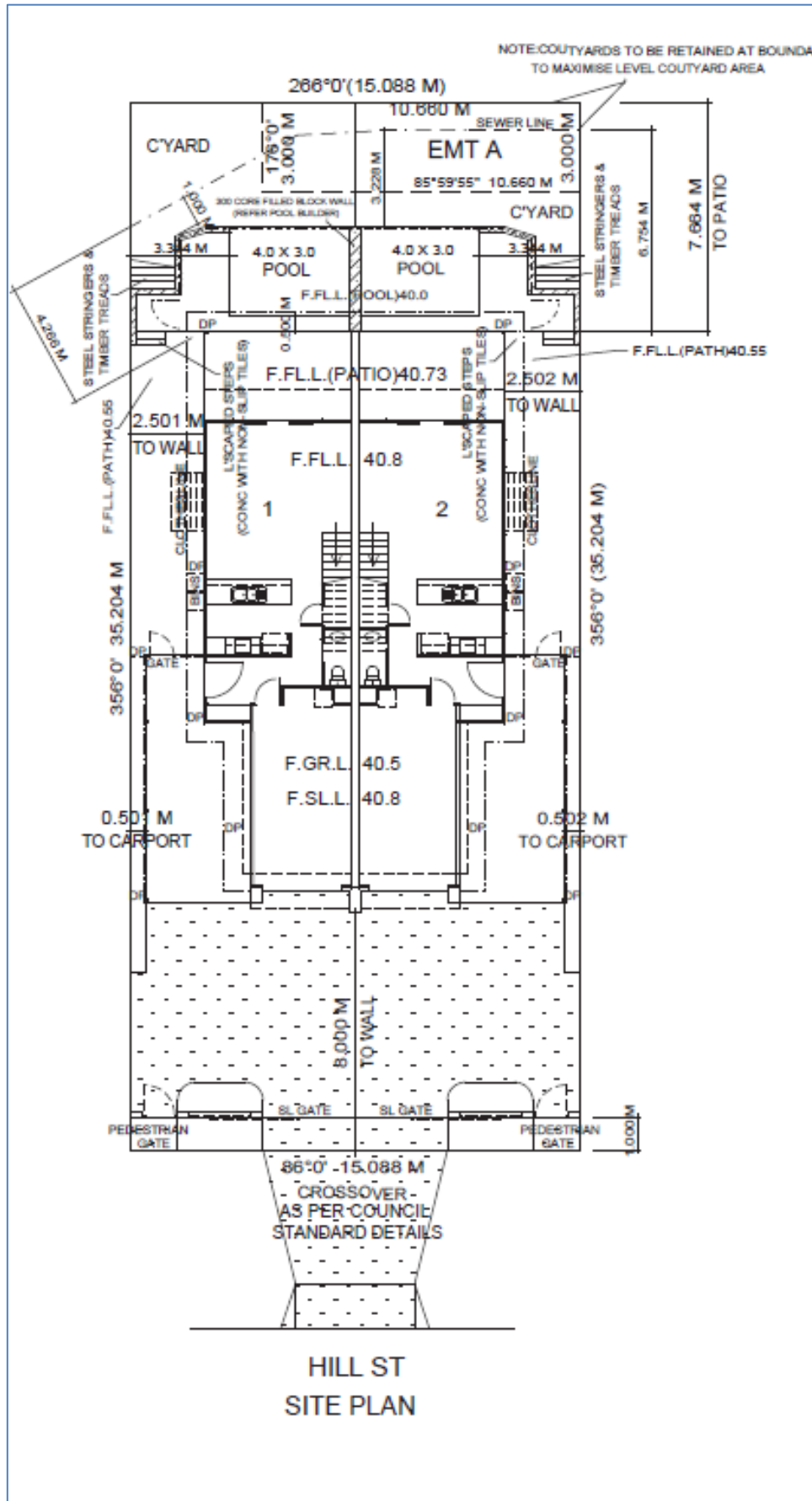


Figure 2 – Site Plan



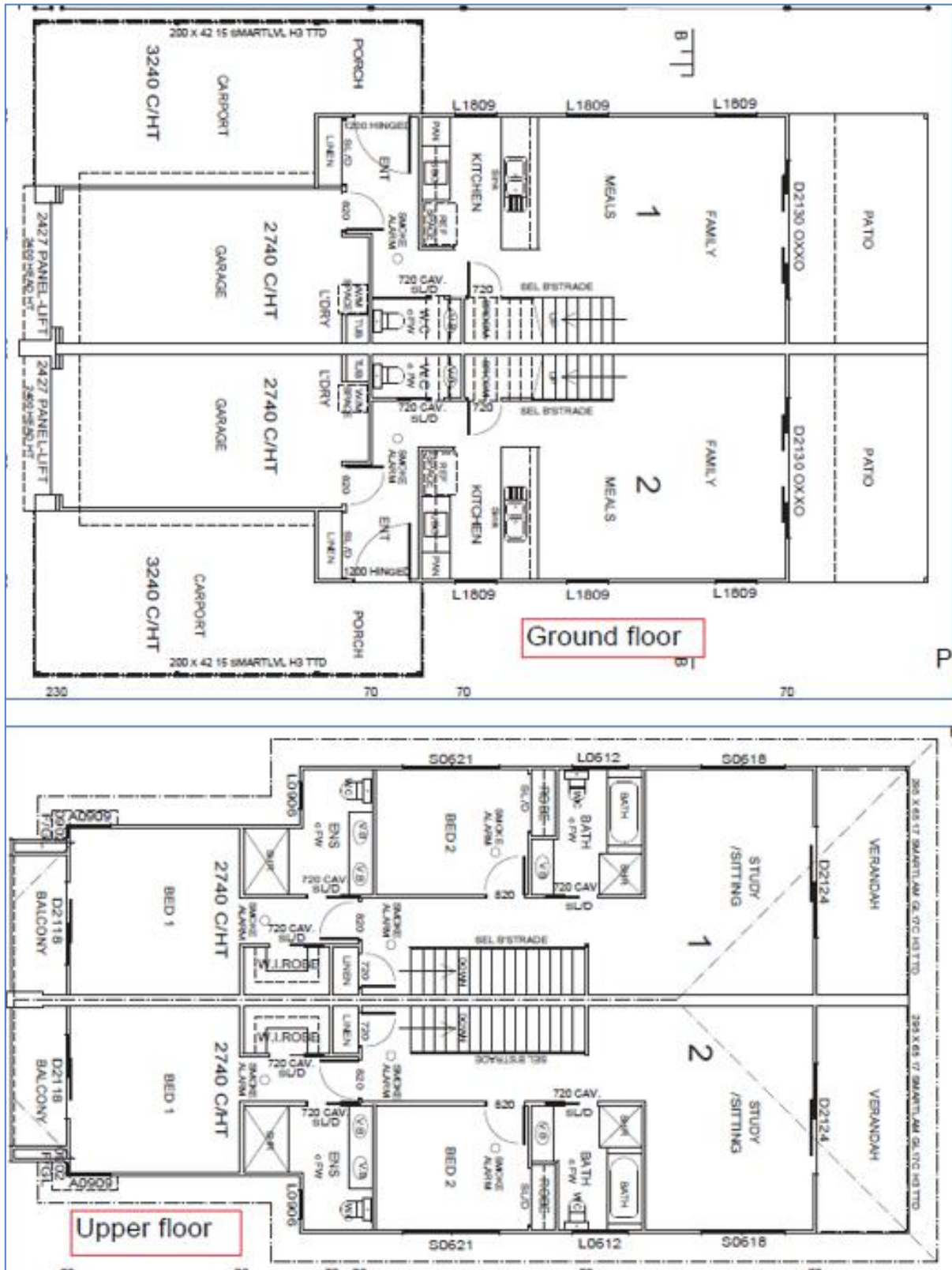


Figure 3 – Floor Plan

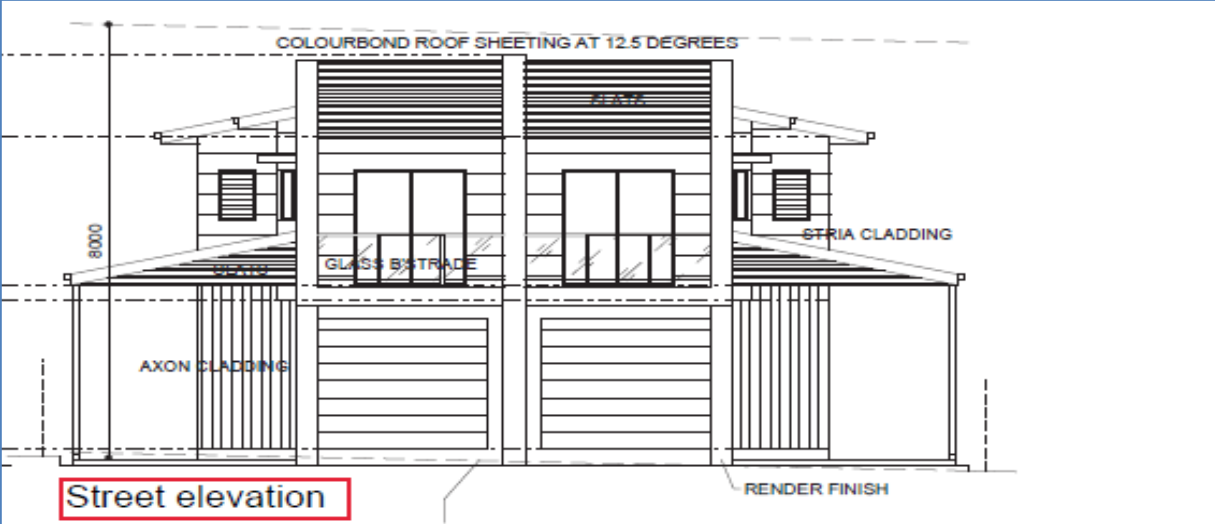
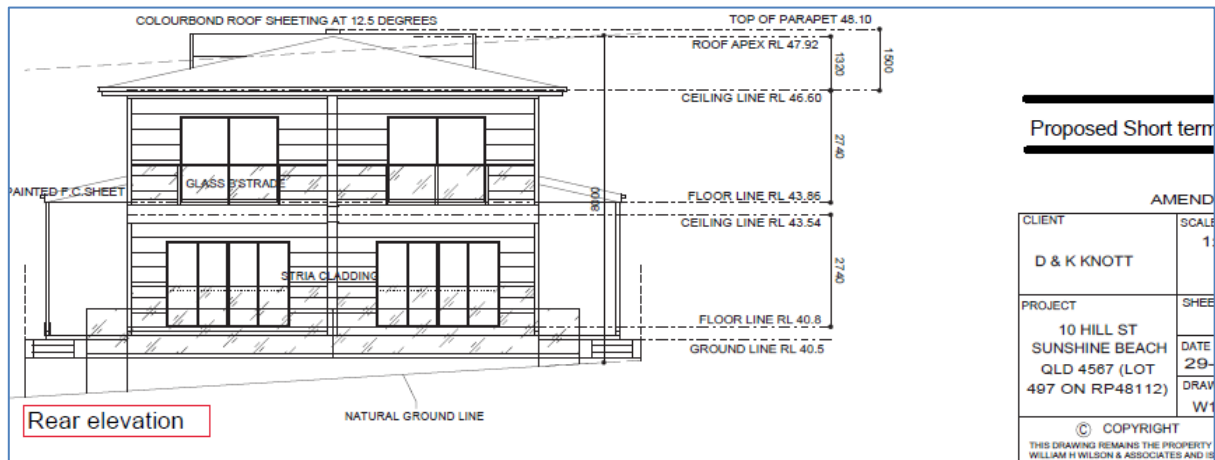


Figure 4 – Elevations

**2. SITE DETAILS**

**2.1 Background**

On 10 April 2018 Council approved a combined application for a Material Change of Use (MCU18/0006 and OPW18/0012) for Multiple housing type 2- Duplex (2 x 2 bedrooms, plus a study) and associated engineering and landscaping operational works.

On 27 June 2019 minor changes to the approved plans were considered generally in accordance with the approval.

On 4 October 2019 further minor changes to the approved plans were considered generally in accordance with the approval.

**2.2 Site Description**

Existing onsite development includes a duplex. The land has a gentle slope from the front to the rear property boundary.

**2.3 Surrounding Land Uses**

Duplex dwellings adjoining to the east and west and dwelling houses to the south.

### 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;
- Noosa Plan 2020.

#### 3.2 State and Other Statutory Instruments

##### State Planning Policy

Noosa Plan 2020 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 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 an 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 the whole of Noosa Plan 2020 to the extent the provisions are relevant to the development.

The applicant was requested by Officers to agree to extend the decision making period until 21 October 2021 to allow the report to be considered by Council, but the applicant declined this request. Therefore, this application should have been decided by the original decision date of 7 October 2021. Accordingly, the date Council decides this application will be outside the timeframes sought under the *Planning Act 2016*. As the application is impact assessable the 'deemed approval' provisions do not relate to this application and there is no risk to Council in deciding this application after the decision due date.

##### **Code Provisions**

The subject site is located in Sunshine Beach and is zoned Medium Density Residential. The proposed use is identified as a consistent use with the zone and is required to follow an impact assessable application process.

The pertinent issues arising out of the assessment are discussed below.

##### **Strategic Framework**

The planning scheme acknowledges that the Shire's coastal areas are the most popular with visitors and that visitors contribute to Noosa's economy. However, the strategic intent is to broaden the economic structure of the local economy and be less reliant on a tourism driven industry.

Accordingly increased visitor accommodation is not specifically sought by The Noosa Plan 2020, apart from some key identified sites and areas zoned Tourist Accommodation, and the strategic outcomes instead seek to protect identified areas for visitor accommodation and neighbourhoods of permanent housing from short-term visitor accommodation.

The subject site is not located in a designated visitor accommodation area being zoned Medium Density Residential. The area has a significant amount of visitor accommodation that is adversely impacting on resident's residential amenity.

## Code Provisions

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

The Medium Density Residential Zone Code, Coastal Communities Local Plan Code and Visitor Accommodation Code all include provisions which address the potential impacts of short-term accommodation.

Notably Part 1, section 1.5 of the Noosa Plan 2020 states local plan codes (i.e. Coastal Communities Local Plan Code) prevails over zone codes (i.e. Medium Density Residential Zone Code), use codes and other development codes to the extent of any inconsistency. This provides for different requirements to be established for different areas of the Shire, but which may be zoned the same, and reflects the differences between the local areas and community preferences.

The relevant provisions are:

### **Coastal Communities Local Plan Code**

#### *7.2.4.2 Purpose and Overall Outcomes*

- (o) *Development in the Medium Density Housing zones accommodates a greater diversity in housing types including dual occupancies, multiple dwellings, retirement facilities and residential care facilities.*
- (v) **Development in Sunshine Beach –**
  - (iii) *for visitor accommodation is managed appropriately so as not to reduce the amenity of the surrounding permanent residents and to retain an adequate supply of permanent housing in the local plan area;*

#### *7.2.4.3 Assessment Criteria*

##### *Development in the Coastal Communities Local Plan Area generally (All Zones)*

###### **PO1**

*Development enhances the role of the coastal communities as a beachside residential area which also include a considerable amount of visitor accommodation.*

###### **PO2**

*Development contributes to the lifestyle and amenity of residents and visitors in the coastal communities.*

##### *Visitor Facilities*

###### **PO14**

*Development provides a diversity of types and styles of visitor accommodation to cater for a range of visitor experiences in close proximity to key tourist areas.*

###### **PO15**

*Visitor accommodation is not to be located in areas which are predominantly permanent residential dwellings.*

### **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;*
- 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.*

#### **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.*

### **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

##### 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.*

While short term accommodation is identified as a consistent use in the Medium Density Residential zone, the planning scheme seeks to ensure:

- visitor accommodation is not to the detriment of an adequate supply of permanent housing; and
- neighbourhoods of permanent residents are protected from influxes of short-term visitors whose interest and priorities are not compatible with residential amenity.

Review shows that there is a significant amount of visitor accommodation (or sites with a current approval that allow for visitor accommodation) in the local plan area, with a number of sites advertised as being available for visitor accommodation in the immediate neighbourhood and zoned medium density residential.

The extent of visitor accommodation has started to erode the available supply of permanent housing and consequently additional visitor accommodation will not integrate well with the area. Further, the applicant has not demonstrated there is a need for further short term accommodation.

Visitor accommodation can impact significantly on resident's amenity as evidenced by the submissions received from residents and complaints received by Council generally.

Figure 5 shows the various neighbourhoods within the Medium Density Residential zone. Figures 6 shows 2 aerials consisting of Short term accommodation (April 2020) identified with dots. The first aerial in this figure shows the Short term accommodation within the Medium Density residential zone and the second aerial short term accommodation in Sunshine Beach in all zones generally.

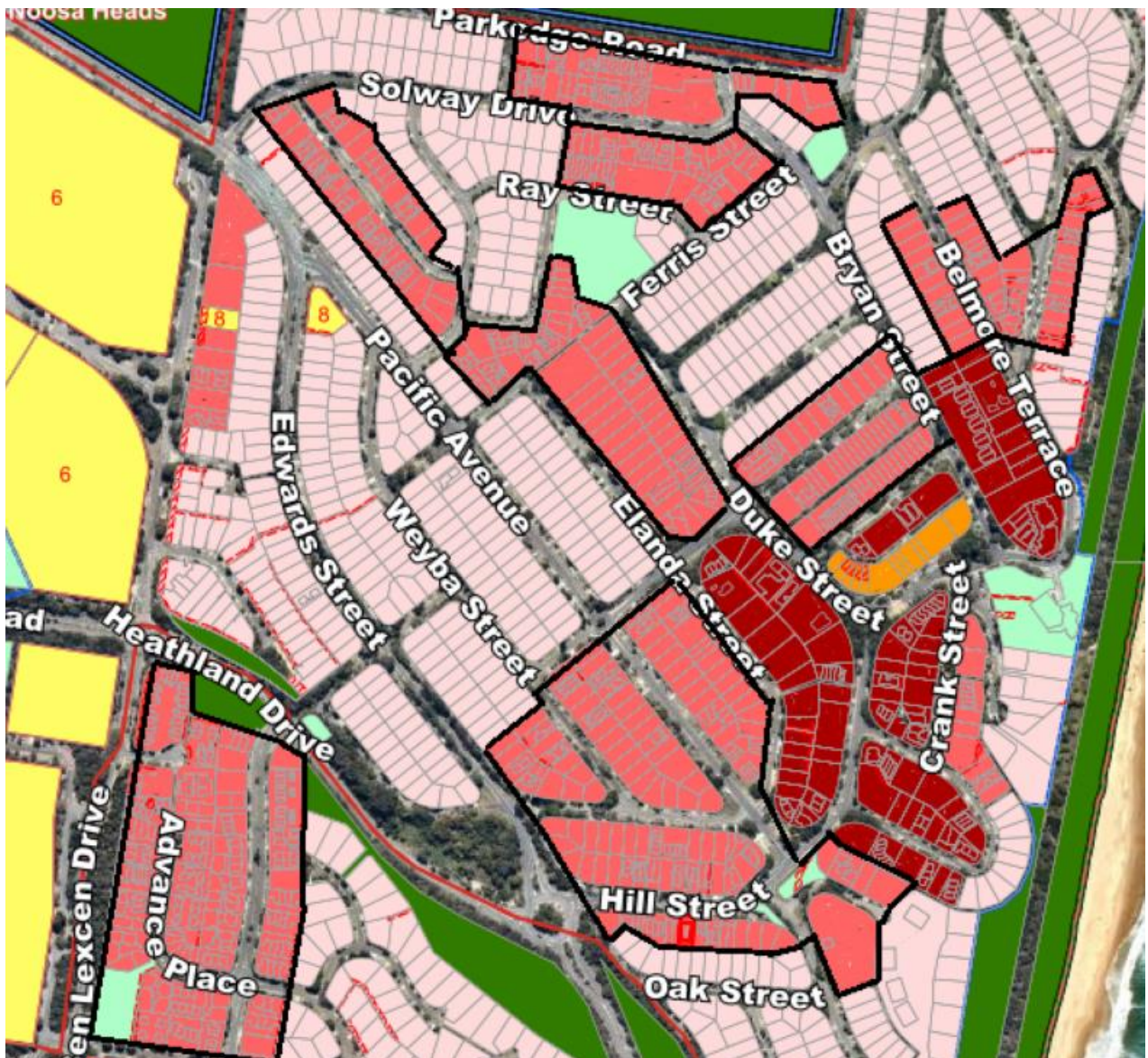


Figure 5 - Medium density residential neighbourhood characterised by several areas



**Figure 6 – Aerial of showing Short term accommodation in the Medium density residential zone and generally in Sunshine Beach.**

The applicant proposes to provide enough beds to accommodate 16 people on the site (8 people per dwelling). Each of the dwelling units have 2 bedrooms and each has a study/sitting area on the same floor as the 2 bedrooms. It is not known how many people the applicant proposes for each room, but it is noted that the study/sitting area is larger than the bedrooms, meaning more people are expected to be accommodated within the study/sitting area.

The Acceptable outcomes of the Noosa Plan 2020 require 5 car spaces for the Short term accommodation use. The site currently provides 4 covered car spaces on a site which was designed and approved as a duplex comprising 2 x two bedroom dwelling units. The applicant maintains that space is available on site to allow tandem parking for additional vehicles. Vehicles in tandem do not comply with Acceptable Outcome A012.1 of the Visitor Accommodation Code or corresponding Performance Outcome PO12. Further, reliance on tandem parking will restrict the ability to exit the site in a forward gear and vehicles will have to reverse onto Hill Street, which is a busy road. Sixteen beds available for the short term accommodation use places significant pressure on parking and the Short term accommodation use also may result in a reliance of cars being parked on the street.



**Amenity**

Performance Outcome P20(b) is relevant to this assessment and is provided below.

**PO20**

*Development:*

- (a) provides a high level of residential amenity to the users of the subject site; and
- (b) does not unreasonably impact on the amenity enjoyed by users of adjoining or nearby premises, including privacy and access to sunlight.

Performance Outcome PO20 (b) seeks to that uses do not unreasonably impact on the privacy of neighbouring properties. The rear balconies overlook 5 properties and have the potential to negatively impact on the privacy of those surrounding dwellings. The applicant suggests some zip screens and additional plantings to help mitigate the overlooking. However, zip screens can be rolled up and therefore do not prevent overlooking.

The proposed rate of occupancy for the short term accommodation use is considered excessive for the site and floor area, has significant overlooking and potential carparking issues. This unreasonably impacts on the amenity of the neighbouring property and the residential neighbourhood.

**CONSULTATION**

**Internal Council Referrals**

Not applicable

**Public Notification**

The application was publicly notified for 15 business days in accordance with the *Planning Act 2016*. Five properly made submissions were received and 5 not properly made submissions. The following table provides a summary and assessment of the issues raised by submitters.

Matters Raised	Comments
The applicant proposes 8 people in each dwelling which results in 16 people on a small site. This results in negative impacts to the surrounding area.	Agree. Currently each dwelling unit has 2 bedrooms which generally could sleep 4 people per dwelling. The applicant intends to increase bed numbers to 16 people to accommodate the short term accommodation use which doubles the amount of people on site.
Traffic on Hill Street is very busy.	The development is being used for a residential use and the short term use may generate some additional traffic given the expected number of beds proposed for the short term use. The number of beds is likely to be less for permanent living.
Negative amenity, noise impacts from the use.	Agree. The proposal has the potential to impact on surrounding amenity, particularly given the large number of people proposed to be accommodated on site.
Oversupply of Short term accommodation in Sunshine Beach.	Agree.
Inconsistent and incompatible with the provisions and intent of the Noosa Plan 2020.  This is a 14 page submission where various impacts of Short term accommodation are raised such as noise, traffic and the social fabric issues.	The submission raised valid planning matters which are agreed with.  Other issues raised were not assessable matters.

Matters Raised	Comments
Noise directed to neighbouring properties. Holiday makers stay up later.	Agree in part. It is acknowledged that permanent residents have different expectations to visitors.
The proposal does not comply with: Section 3.2.4 of Part 3 Strategic Intent for housing Noosa Plan 2020. Section 3.3.3 (n) of Part 3 Strategic Outcome for Housing Choice Noosa Plan 2020. Performance Outcomes 6 a), b), f) and i) and Acceptable Outcomes 6.2 and 6.3 at Table 6.3.2.3 - Criteria for assessment of the Medium Density Residential Zone Code Noosa Plan 2020.	Agree.
Applicants state that both 9 and 11 Oak Street are used as short term accommodation.	Council data indicates that only 9 Oak Street is used as short term accommodation.
Applicants propose to install zipscreen blinds to the upper rear balconies in order to address Council's concerns regarding overlooking of adjoining low density residential dwellings in Oak Street. As a majority of outdoor living areas (i.e. 2 of the remaining 3 per unit) that face directly into habitable areas of Oak Street properties will remain, the application will still conflict with Acceptable Outcome AO6.3.	Agree.

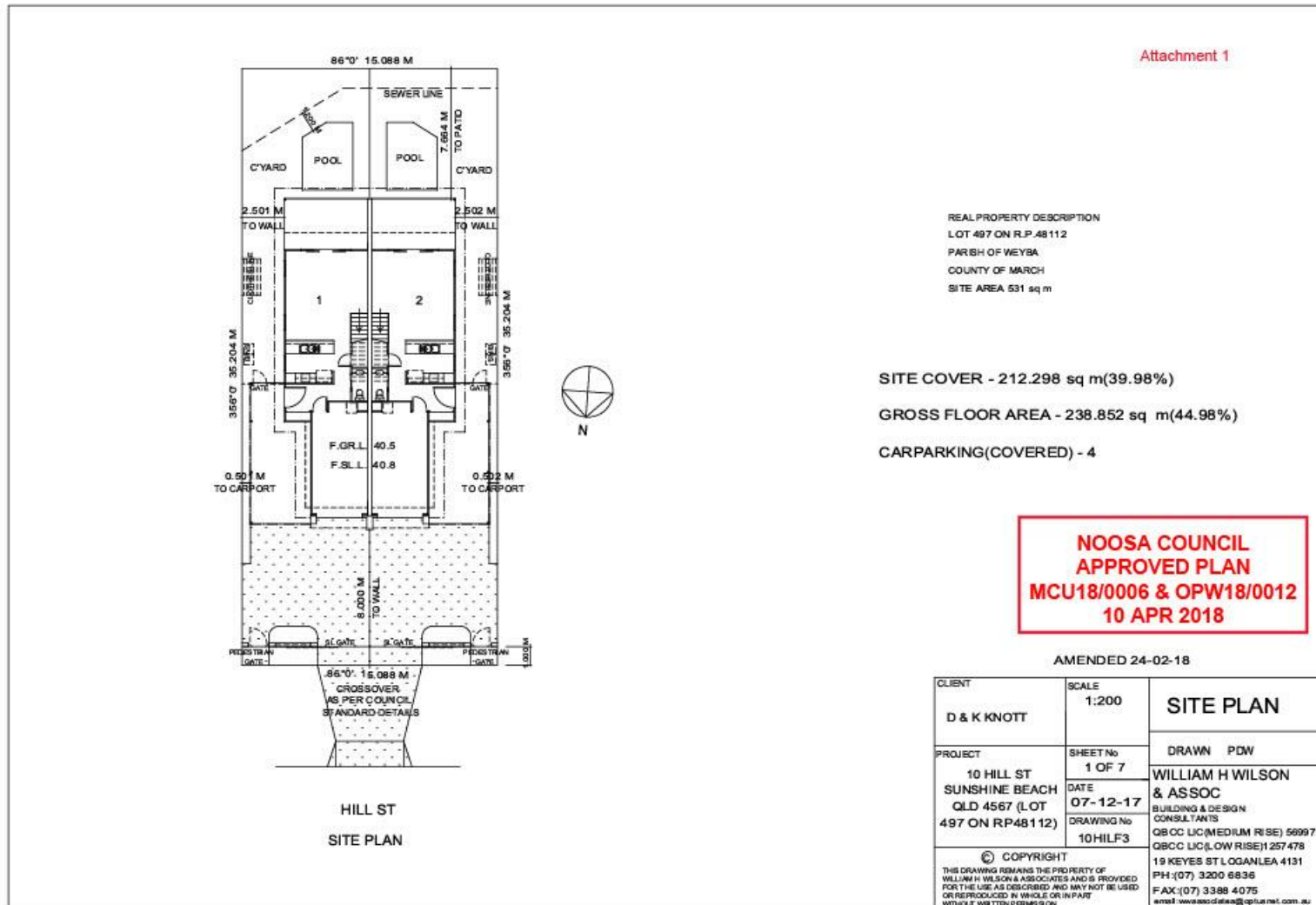
**CONCLUSION & REASONS FOR DECISION**

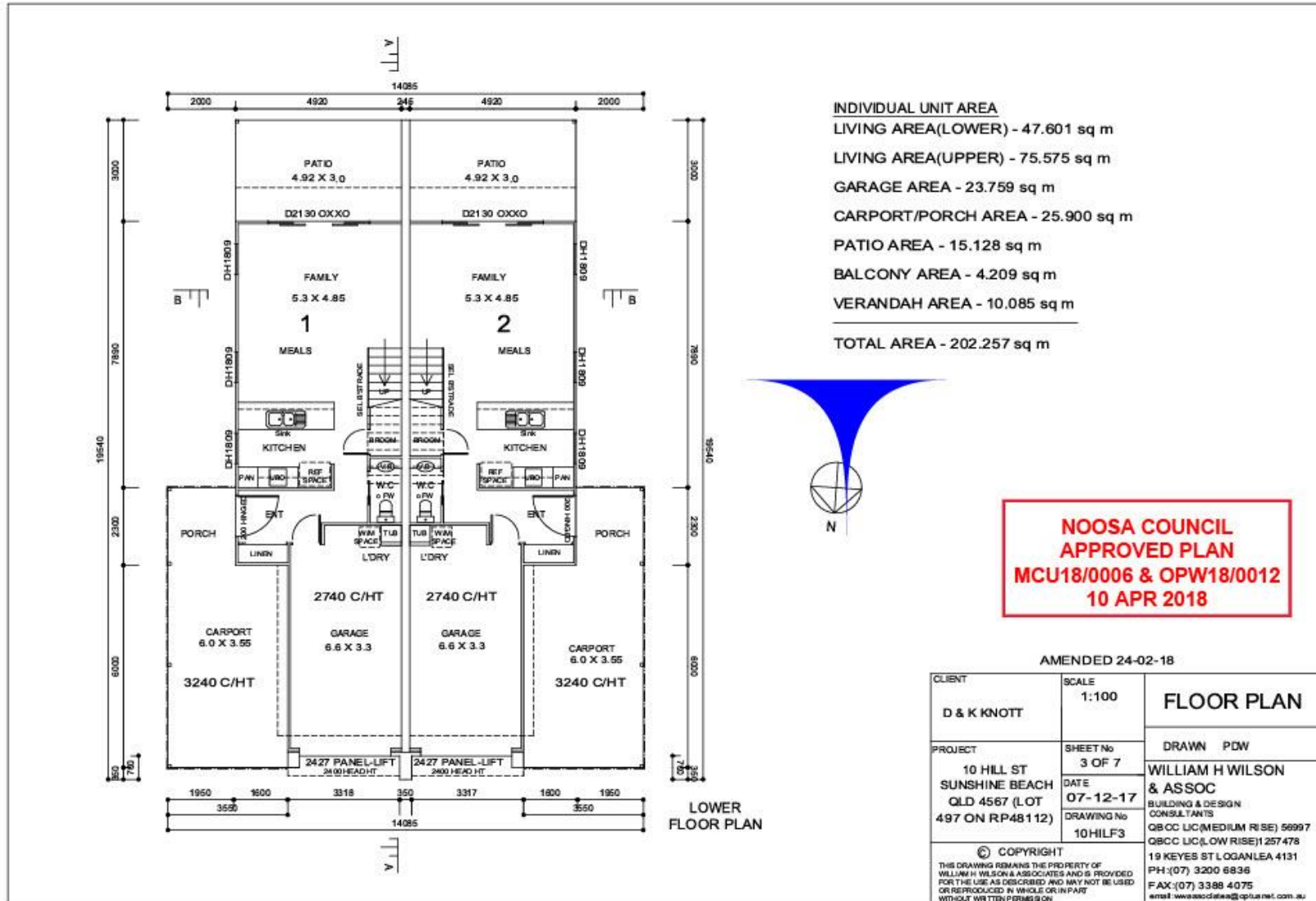
The application seeks to use a Duplex, situated within the Medium Density Residential Zone, for the purpose of short-term accommodation. The planning scheme seeks to prioritise the preservation of medium density residential neighbourhoods for predominantly permanent residential dwellings and seeks to protect the amenity of surrounding residential areas from the impacts of short-term accommodation. Whilst acknowledging that short-term accommodation has been identified as a consistent use in the area, it is not intended to erode the supply of permanent housing, and there is a significant amount of visitor accommodation currently offered or approved for visitor accommodation in the Coastal Community Local Plan area. Further, the applicant has not demonstrated a need for additional visitor accommodation in the area and is likely to further erode the residential amenity for permanent residents. Accordingly, the application is recommended for refusal.

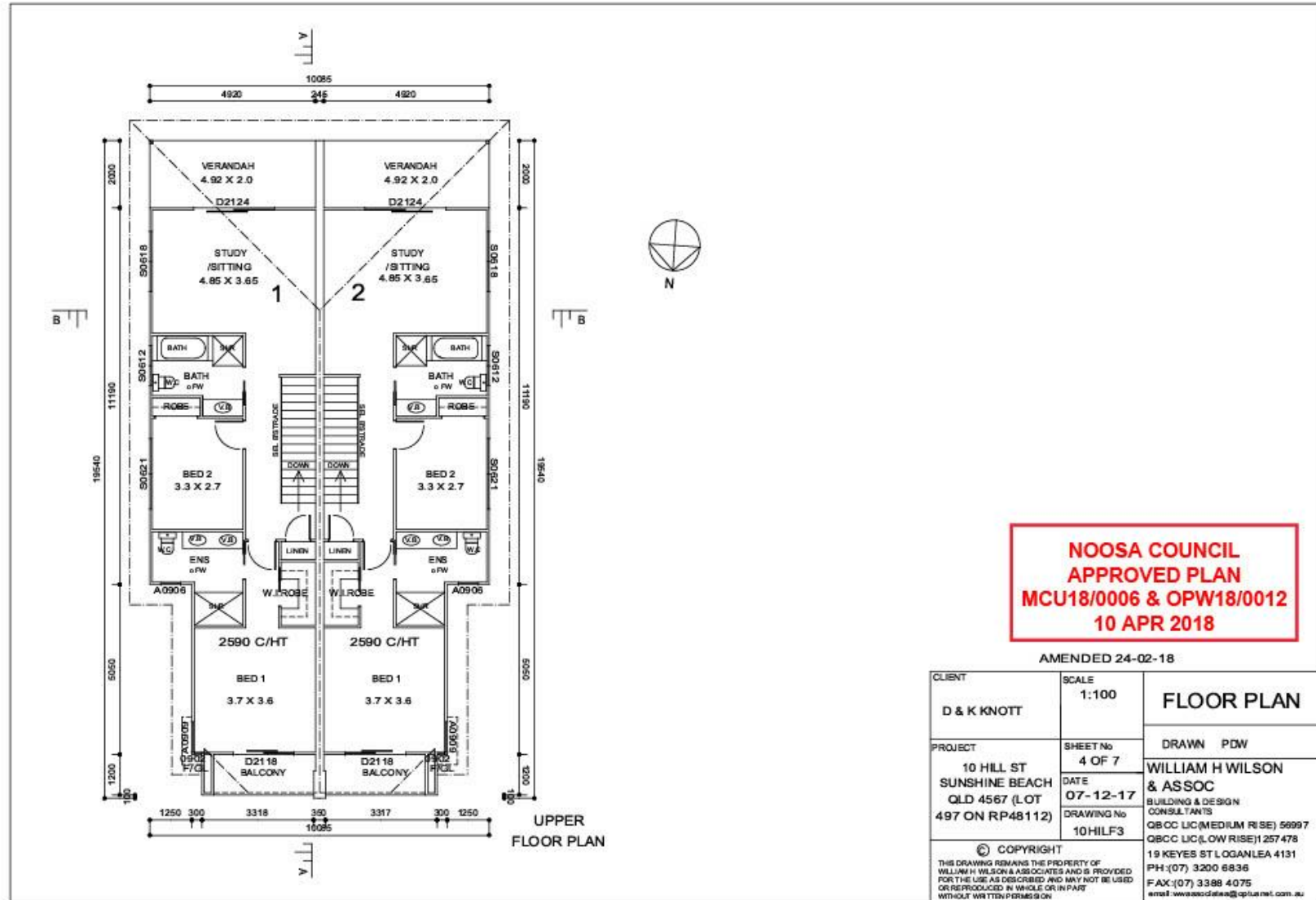
Departments/Sections Consulted:

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

Attachment 1



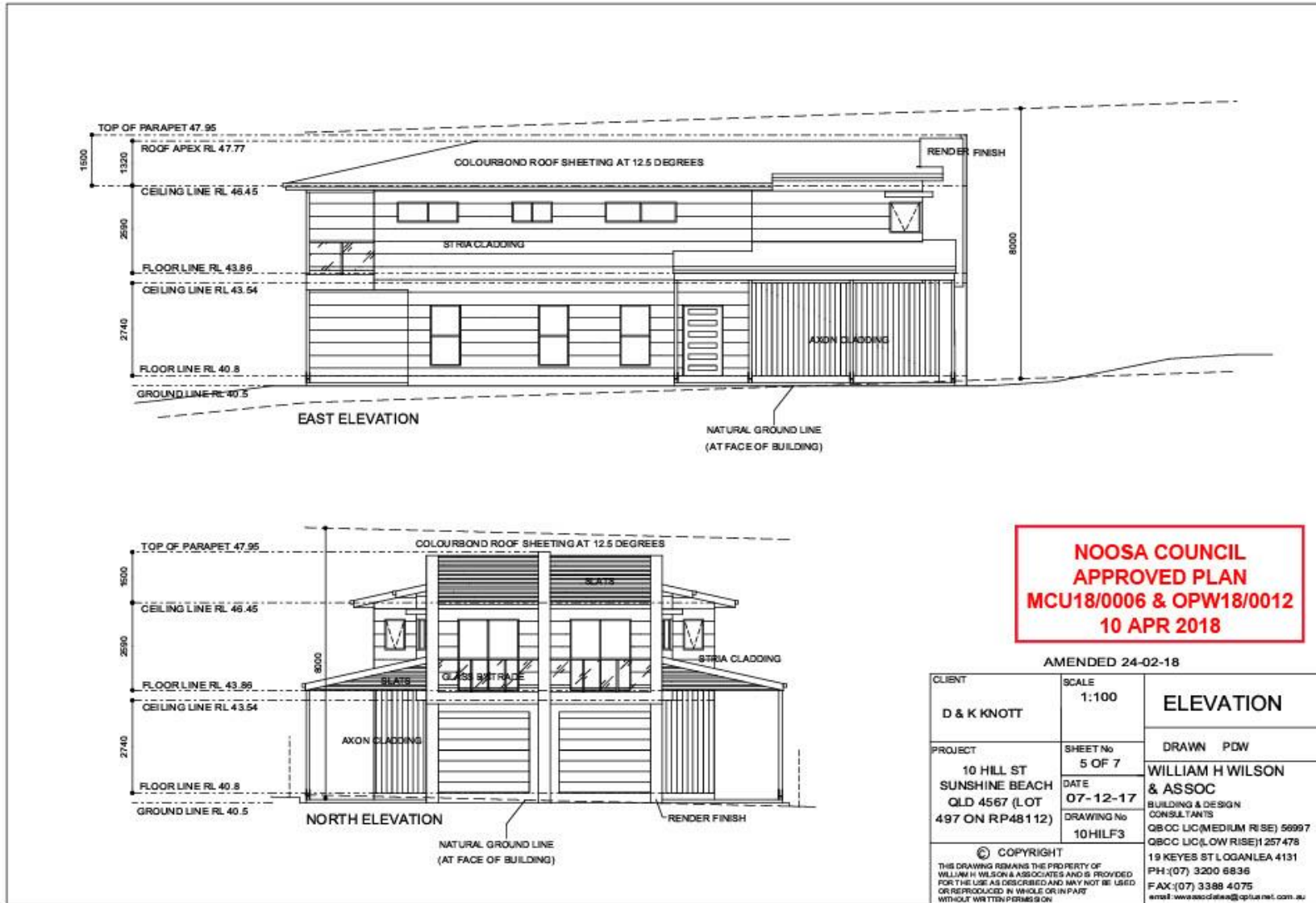


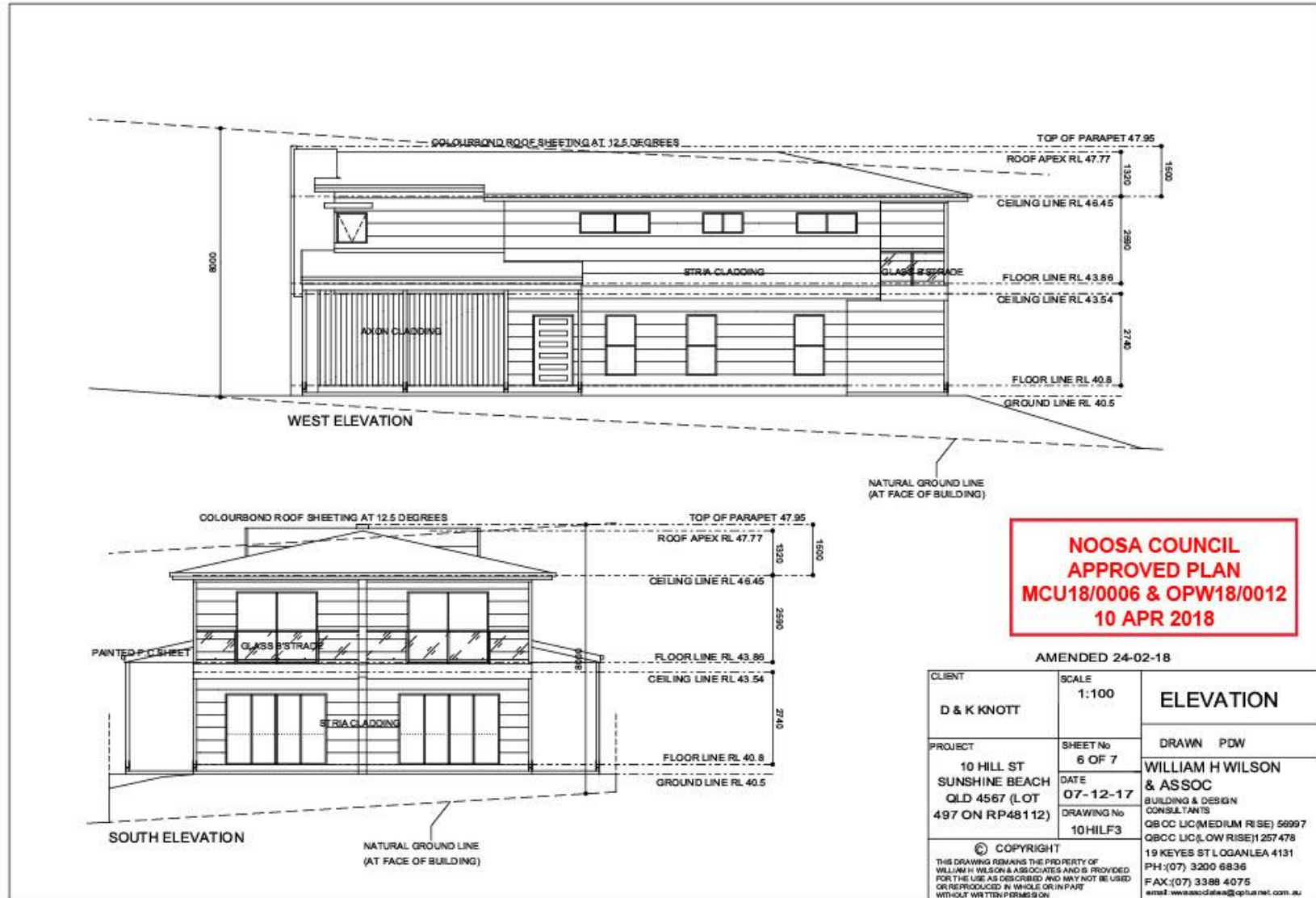


**NOOSA COUNCIL  
APPROVED PLAN  
MCU18/0006 & OPW18/0012  
10 APR 2018**

AMENDED 24-02-18

CLIENT <b>D &amp; K KNOTT</b>	SCALE <b>1:100</b>	<b>FLOOR PLAN</b>
PROJECT <b>10 HILL ST SUNSHINE BEACH QLD 4567 (LOT 497 ON RP48112)</b>	SHEET No <b>4 OF 7</b>	<b>DRAWN PDW</b>
	DATE <b>07-12-17</b>	<b>WILLIAM H WILSON &amp; ASSOC</b>
	DRAWING No <b>10HILF3</b>	<b>BUILDING &amp; DESIGN CONSULTANTS</b>
© COPYRIGHT THIS DRAWING REMAINS THE PROPERTY OF WILLIAM H WILSON & ASSOCIATES AND IS PROVIDED FOR THE USE AS DESCRIBED AND MAY NOT BE USED OR REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION		<b>19 KEYES ST LOGANLEA 4131</b> PH:(07) 3200 6836 FAX:(07) 3388 4075 email: www.ecoidea@optusnet.com.au

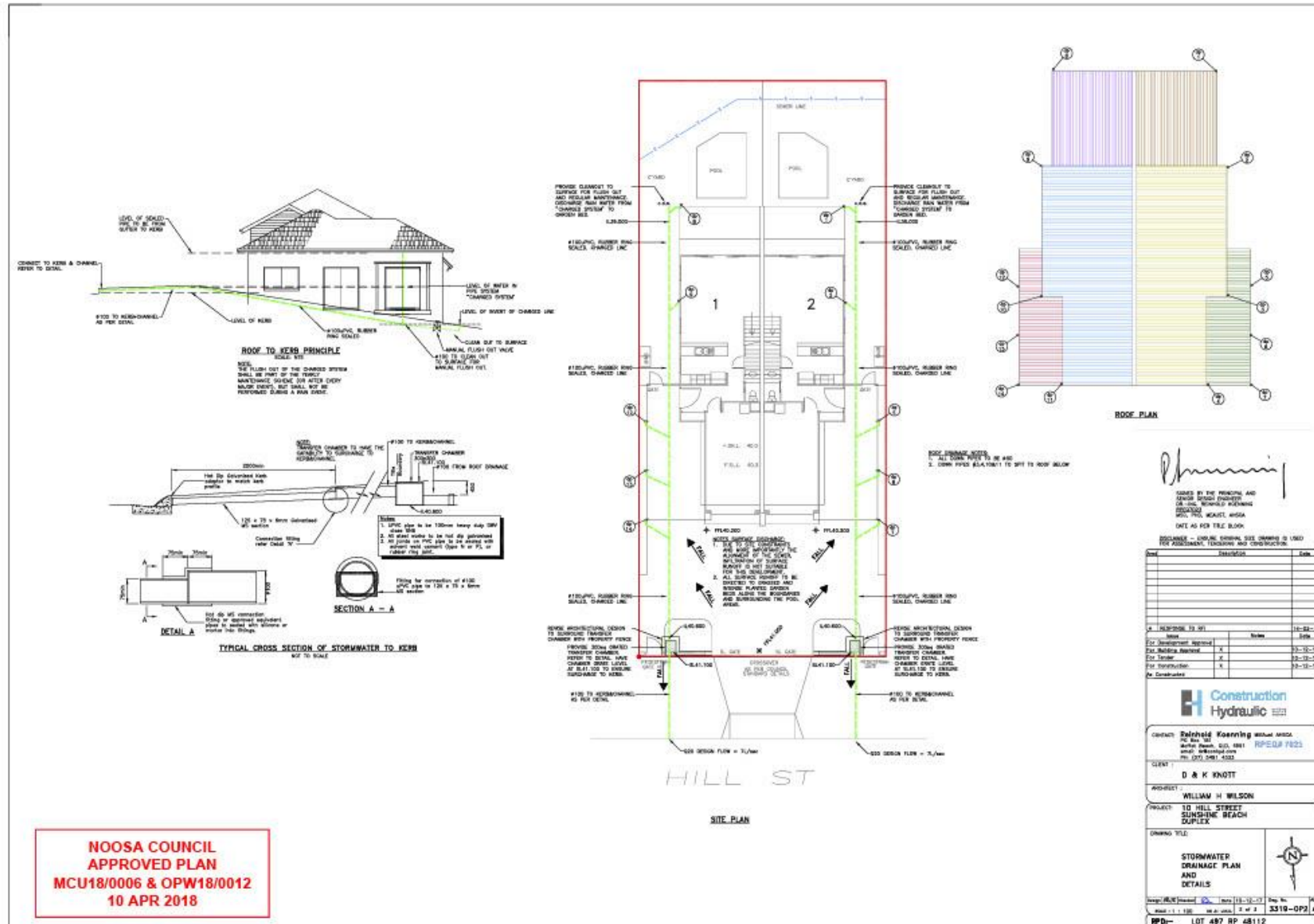




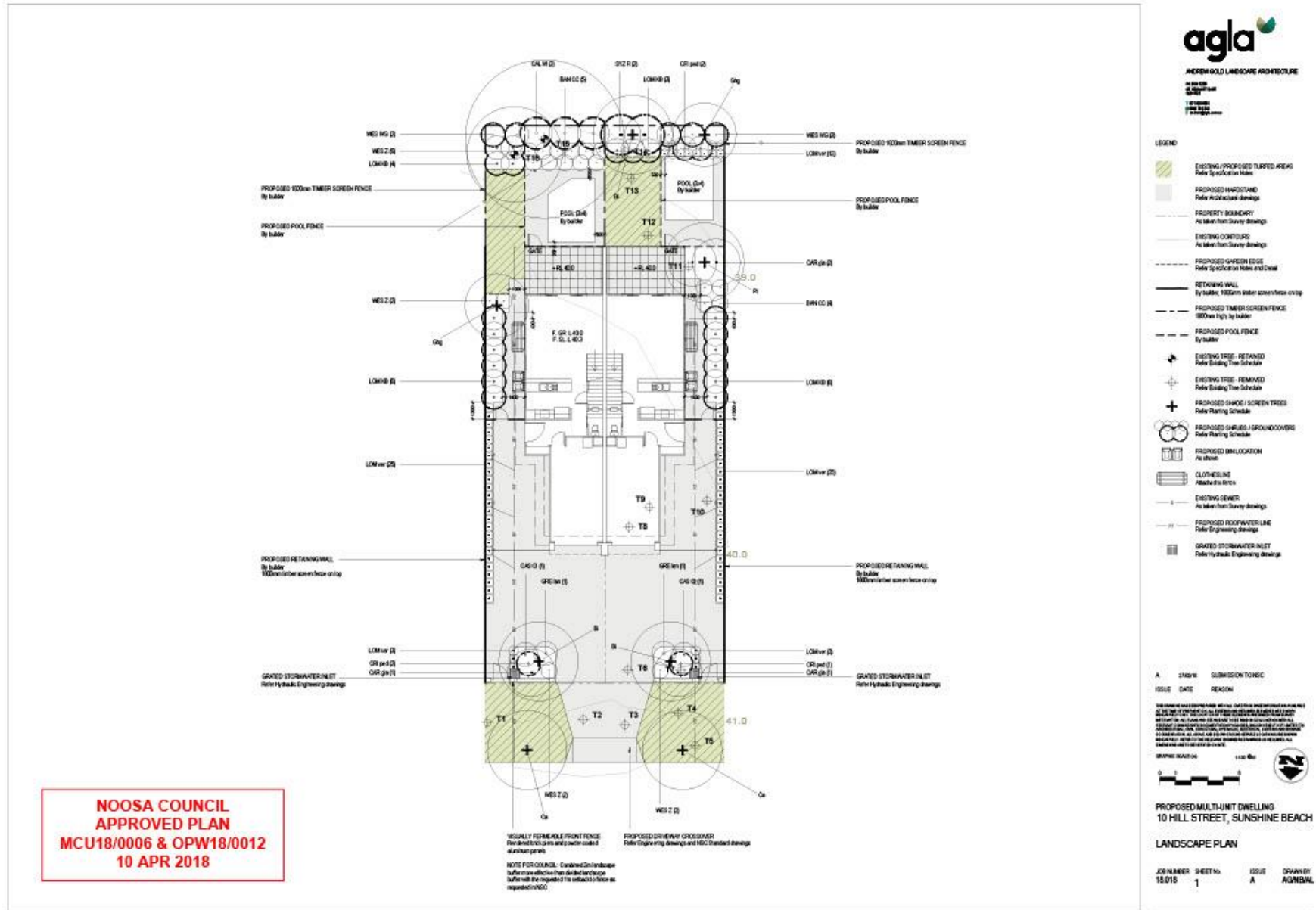
**NOOSA COUNCIL  
APPROVED PLAN  
MCU18/0006 & OPW18/0012  
10 APR 2018**

AMENDED 24-02-18

CLIENT <b>D &amp; K KNOTT</b>	SCALE <b>1:100</b>	<b>ELEVATION</b>
PROJECT <b>10 HILL ST SUNSHINE BEACH QLD 4567 (LOT 497 ON RP48112)</b>	SHEET No <b>6 OF 7</b>	DRAWN <b>PDW</b>
	DATE <b>07-12-17</b>	<b>WILLIAM H WILSON &amp; ASSOC</b>
	DRAWING No <b>10HILF3</b>	BUILDING & DESIGN CONSULTANTS QB CC LIC (MEDIUM RISE) 56997 QBCC LIC (LOW RISE) 125478 19 KEYES ST LOGANLEA 4131 PH: (07) 3200 6836 FAX: (07) 3388 4075 email: <a href="mailto:william@dwg.com.au">william@dwg.com.au</a>
© COPYRIGHT THIS DRAWING REMAINS THE PROPERTY OF WILLIAM H WILSON & ASSOCIATES AND IS PROVIDED FOR THE USE AS DESCRIBED AND MAY NOT BE USED OR REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION		







**NOOSA COUNCIL  
APPROVED PLAN  
MCU18/0006 & OPW18/0012  
10 APR 2018**

**LANDSCAPE SCHEDULE**

See drawing for details and notes. Dimensions are approximate. All dimensions are in millimeters unless otherwise stated. All quantities are in meters unless otherwise stated. All quantities are in meters unless otherwise stated. All quantities are in meters unless otherwise stated.

CODE	SPECIES	COMMON NAME	SIZE	QUANTITY	SPACING	HEIGHT	WIDTH
<b>TREES</b>							
B	Banksia integrifolia	Coast Banksia	45L	3	4.0m x 4.0m	1.2	5
Ca	Callistemon laevis	Tuckeroo	45L	2	4.0m x 4.0m	0	5
Gg	Grevillea honeyeater	Gonilobe	45L	2	4.0m x 4.0m	5	4
R	Platanus racemosa	Silver Pine	20L	1	4.0m x 4.0m	5	5
<b>SCREENING SHRUBS</b>							
CaLW	Callistemon laevis	Bottlebrush	200mm	3	1.0	2.5	2
SVZR	Syzygium australe	Lilybird	200mm	3	1.5	3	2.5
<b>SHRUBS AND GROUND COVERS</b>							
BANKO	Banksia integrifolia	Coast Banksia	450mm	5	1	0.5	1
CaG	Callistemon laevis	Tuckeroo	450mm	4	1.5	0.3	3
CaG D	Callistemon laevis	Tuckeroo	450mm	4	1	0.3	1.5
CaG J	Callistemon laevis	Tuckeroo	450mm	4	1	2	2
CaG K	Callistemon laevis	Tuckeroo	450mm	2	1	0.5	1.5
LCM H	Lonicera japonica	Maidenhair	150mm	1	1.5	1.5	1.5
LCM I	Lonicera japonica	Maidenhair	150mm	5	1.5	0.5	0.5
MSG W	Myrica aspera	Swamp Heath	150mm	5	1.5	2	1.5
MSG Z	Myrica aspera	Swamp Heath	150mm	10	0.9	1	1

**\* PLANT CONTAINER SIZE:**

45L	45 Litre container depth min	Min height at time of planting: 1.0m
20L	20 Litre container depth min	Min height at time of planting: 750
200mm	200mm diameter pot dia	
150mm	150mm diameter pot dia	

**NOOSA COUNCIL  
APPROVED PLAN  
MCU18/0006 & OPW18/0012  
10 APR 2018**

**1 TYPICAL PLANTING DETAIL**  
SECTION 1-1

**2 TYPICAL STAKING DETAIL**  
SECTION 1-2

**3 TYPICAL TREE PLANTING DETAIL**  
SECTION 1-3

**4 CONCRETE EDGE DETAIL**  
SECTION 1-4

**5 TYPICAL TURF PLANTING DETAIL**  
SECTION 1-5

**6 TYPICAL GARDEN BED DETAIL**  
SECTION 1-6

**GENERAL NOTES**

**A. STRUCTURAL NOTES**  
Refer to drawings for details of all structural elements. All structural elements shall be constructed in accordance with the Australian Standard AS/NZS 4576:2001. All structural elements shall be constructed in accordance with the Australian Standard AS/NZS 4576:2001.

**B. CIVIL WORKS NOTES**  
Refer to drawings for details of all civil works. All civil works shall be constructed in accordance with the Australian Standard AS/NZS 4576:2001.

**C. ELECTRICAL WORKS NOTES**  
Refer to drawings for details of all electrical works. All electrical works shall be constructed in accordance with the Australian Standard AS/NZS 4576:2001.

**D. LANDSCAPE SPECIFICATION NOTES**  
Refer to drawings for details of all landscape specification. All landscape specification shall be constructed in accordance with the Australian Standard AS/NZS 4576:2001.

**agla**  
KERIM GOLD LANDSCAPE ARCHITECTURE

10 HILL STREET  
SUNSHINE BEACH  
QLD 4212  
AUSTRALIA  
TEL: 07 5531 1111  
WWW.AGILA.COM.AU

**PROPOSED MULTI-UNIT DWELLING  
10 HILL STREET, SUNSHINE BEACH**

**NOTES, SCHEDULES, & DETAILS**

JOB NUMBER: 181018 SHEET NO: 2 ISSUE: A DRAWN BY: AG/JAL

**6 MCU17/0046.03 – APPLICATION FOR AN OTHER CHANGE TO A DEVELOPMENT APPROVAL FOR MULTIPLE HOUSING TYPE 2 DUPLEX TO INCLUDE SHORT TERM ACCOMMODATION & OPERATIONAL WORKS AT 2/38 PARK CRES, SUNSHINE BEACH**

**Author**                **Coordinator Planning, Patrick Murphy (*drafted by consultant*)  
Environment and Sustainable Development Department**

**Index**                **ECM/ Application/ MCU17/0046.03**

**Attachments**      **Nil**

<b>APPLICATION DETAILS</b>	
Applicant	Lyndon Bradney Simmons TGV Pty Ltd TTE
Proposal	Other Change –Short Term Accommodation
Properly Made Date	7 June 2021
Information Request Date	5 July 2021
Information Response Date	15 July 2021
Decision Due Date	21 October 2020
Number of Submissions	2
<b>PROPERTY DETAILS</b>	
Property Address	2/38 Park Cres Sunshine Beach Qld 4567
RP Description	Lot 2 SP 297608
Land Area	532m <sup>2</sup>
Existing Use of Land	Duplex
<b>STATUTORY DETAILS</b>	
SEQRP Designation	Urban Footprint
Zone	Medium Density Residential
Precinct	Not applicable
Local Plan Area	Coastal Communities
Overlays	Land subject to Acid Sulfate Soils – Above 5m AHD Coastal Protection Overlay – Coastal Protection and Scenic Amenity Landslide Hazard Overlay – High Hazard Area
Assessment Type	Other Change to Approval Impact

**RECOMMENDATION**

That Council note the report by the Coordinator Planning to the Planning & Environment Committee Meeting dated 12 October 2021 regarding Application No. MCU17/0046.03 for an Other Change to a Development Approval for Multiple Housing Type 2 – Duplex & Operational Works to include Short-term accommodation, situated at 2/38 Park Cres Sunshine Beach and:

A. Refuse the application for the following reasons:

1. The proposal is not consistent with 3.2.4 Housing to meet diverse needs of the community and 3.3.3 Housing Choice (n) of the Strategic Framework, as it will further erode the dwelling units available for permanent housing in the area, impacting permanent resident amenity.
2. The proposal is not consistent with 7.2.6.2 Purpose and Overall Outcome (2)(o) and Performance Outcomes PO1, PO2 and PO15 of the Coastal Communities Local Plan Code as:
  - a. The extent of visitor accommodation has eroded the available supply of permanent housing in the local plan area; and
  - b. Additional visitor accommodation in the area is likely to result in detrimental impacts on the residential neighbourhood and amenity of permanent residents.
3. The proposal is not consistent with 3.2.4 Housing to meet diverse needs of the community and 3.3.3 Housing Choice (n) of the Strategic Framework, as it will further erode the dwelling units available for permanent housing in the area, impacting permanent resident amenity.
4. The proposal is not consistent with 6.3.2.2 Purpose and Overall Outcomes (2)(a) and (h) of the Medium Density Residential Zone Code as:
  - a. The proposal is located in medium density residential neighbourhood that is predominately used for short term accommodation uses. The introduction of additional short term accommodation within a duplex unit is not consistent with the purpose of the zone.
  - b. The proposal seeks to establish a new short-term visitor accommodation facility within a recently approved dual occupancy and is not located within a well-established resort or holiday units.
5. There is no need for additional short term accommodation in the area.
6. The proposal does not comply with Performance Outcome PO12 of the Visitor Accommodation Code and Performance Outcome PO6 of the Driveway and Parking Code as insufficient car parking is proposed on site to address the likely parking demands on site.

B. Note the report is provided in accordance with Section 63(5) of the *Planning Act 2016*.

---

**REPORT****1. PROPOSAL**

The applicant proposes an Other Change to the existing approval to utilise unit 2 of the approved dual occupancy for both permanent and/or short-term accommodation. No changes are proposed to the built form of the building, with all parts of unit to be available for the proposed use. Unit two is a two bedroom dwelling with kitchen, dining and living rooms, along with a rumpus room capable of being used as a bedroom. The applicant proposes that up to 6 people will be accommodated within the unit.



Figure 1 – Locality

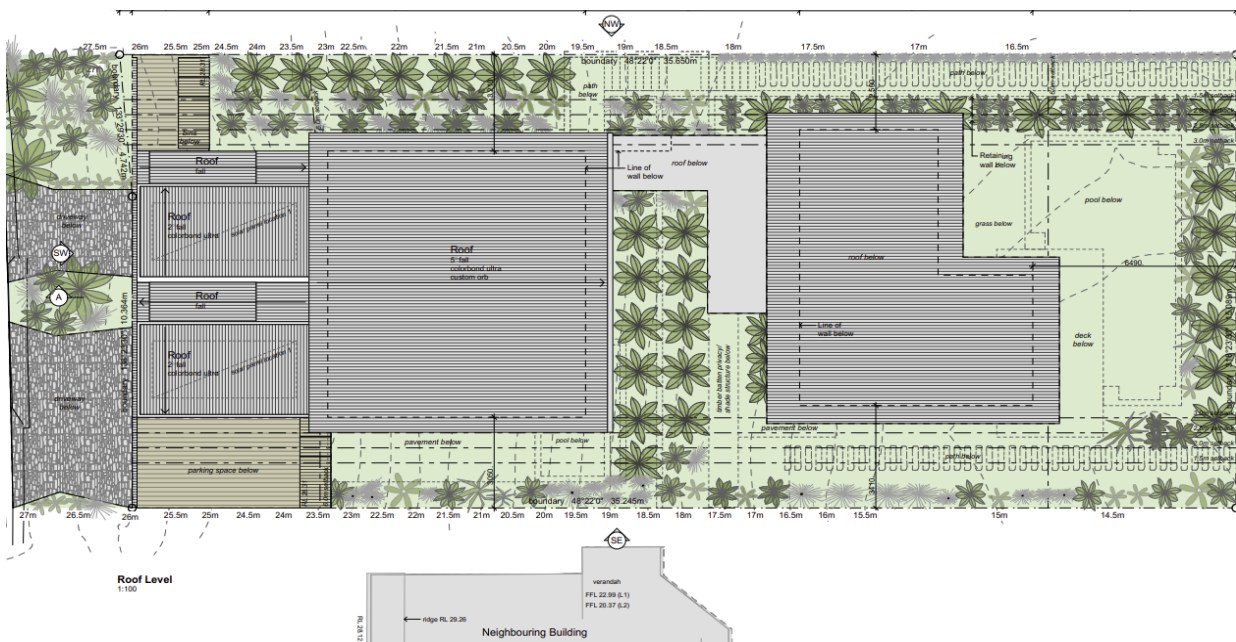


Figure 2 – Site Plan

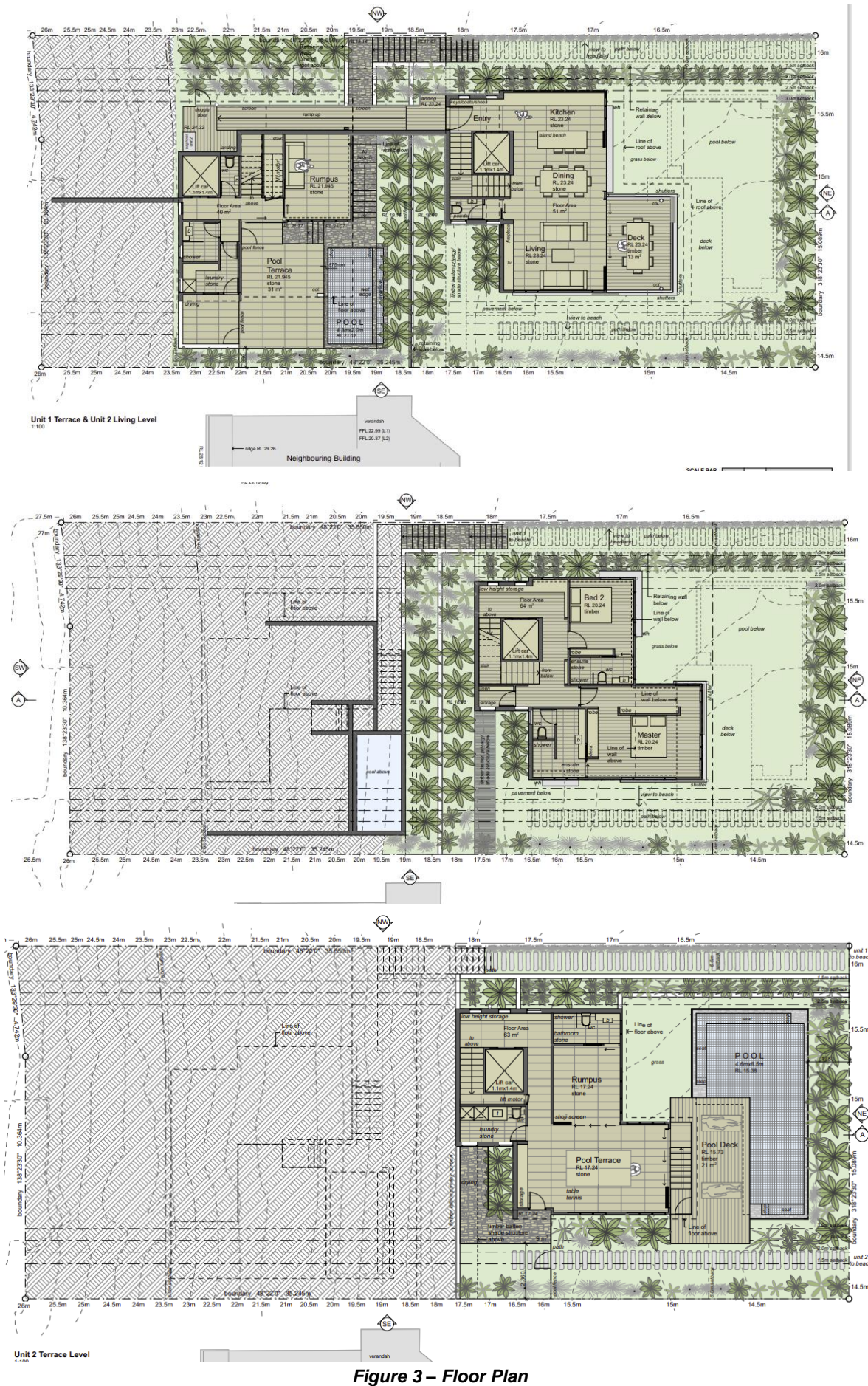
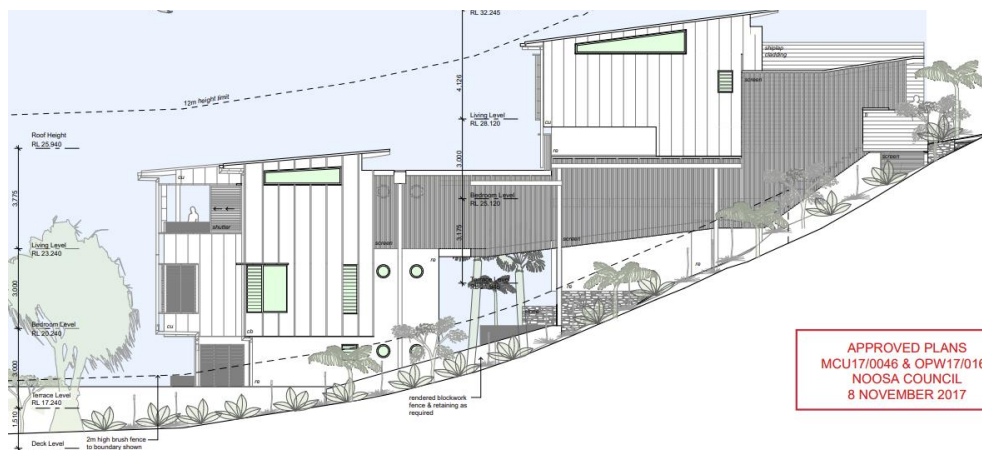


Figure 3 – Floor Plan



evation

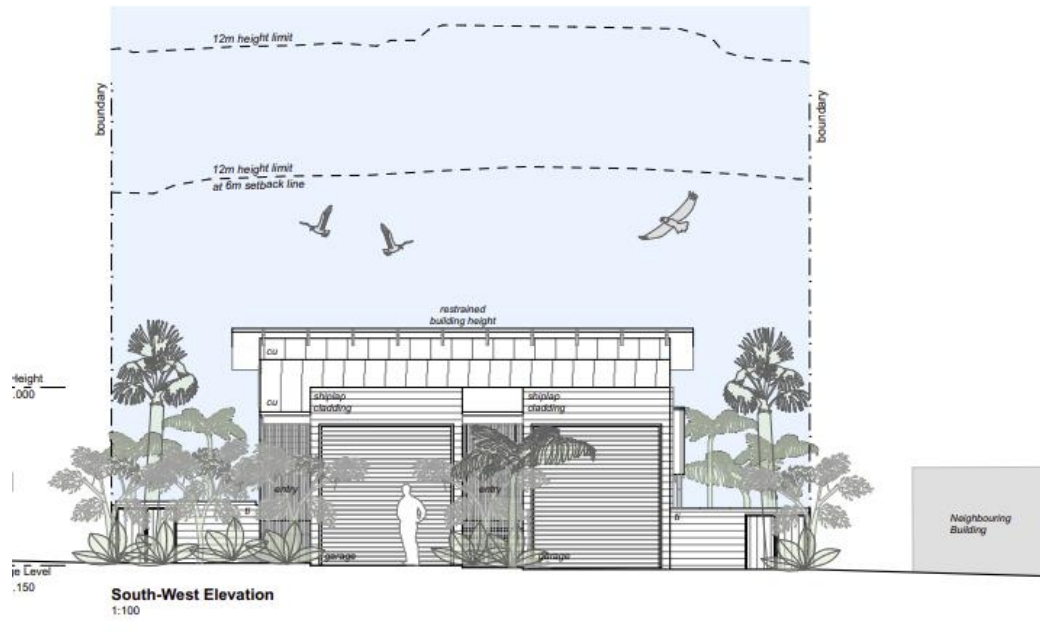


Figure 4 – Elevations

**2. SITE DETAILS**

**2.1 Background**

A Development Permit for Material Change of Use of Premises - Multiple Housing Type 2 – Duplex and Development Permit for Operational Work - Stormwater, Drainage Works, Earthworks, Carparking, Access and Landscaping was issued on 29 August 2017.

A negotiated decision was issued 8 November 2017, amending Condition 2.

In June 2018 an application was lodged seeking to change the development approval to allow an additional open visitor car space on site and so provide a total of 4 car parking spaces on site.

This application was refused by Council on 25 June 2018.

Subsequently, on 6 August 2018, the applicant lodged an appeal to the Planning & Environment Court. The appeal sought that the Court approve the application for a minor change to allow an additional open visitor car space for the duplex dwelling currently under construction at 38 Park Crescent, Sunshine Beach. During the course of the appeal the applicant amended their plans changing the proposed car space to space for a motorbike/bicycle and addressing the streetscape concerns raised by Council.

At its Ordinary Meeting held on 20 December 2018, Council resolved to settle the appeal and on 22 February 2019 a Court Order was issued to allow the approval to be changed to reflect the amended plans provided.

**2.2 Site Description**

The subject site is currently occupied by a duplex and has a very steep slope from the west to east.

**2.3 Surrounding Land Uses**

Dwelling houses, duplexes and units are all located within the vicinity of the site. Some are currently used for short term accommodation.

**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;
- Noosa Plan 2020.

### 3.2 State and Other Statutory Instruments

#### State Planning Policy

Noosa Plan 2020 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 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 the whole of Noosa Plan 2020 to the extent the provisions are relevant to the development.

#### Strategic Framework

The Noosa Plan 2020 includes Strategic Outcomes which seek to protect neighbourhoods of permanent housing from short-term visitor accommodation that would impact on the amenity enjoyed by residents. The planning scheme also seeks to protect areas for visitor accommodation with a range of accommodation styles envisaged to support the local tourism industry.

The subject site is not located in a designated visitor accommodation area being zoned Medium Density Residential. However, the area has a significant amount of visitor accommodation that is adversely impacting on resident's residential amenity.

#### Locality Provisions

The subject site is located in the Coastal Communities 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.

Notably Part 1, section 1.5 of the Noosa Plan 2020 states local plan codes (i.e. Coastal Communities Local Plan Code) prevails over zone codes (i.e. High Density Residential Zone Code), use codes and other development codes to the extent of any inconsistency. This provides for different requirements to be established for different areas of the Shire but which may be zoned the same.

The Coastal Communities Local Plan Code, the Medium Residential Zone Code and Visitor Accommodation Code all contain requirements for short term accommodation. The relevant provisions are:

#### **Coastal Communities Local Plan Code**

##### 7.2.6.2 Purpose and Overall Outcomes

- (m) Sites identified for tourist accommodation are retained and developed for that use to maintain a diversity and choice of visitor accommodation and affordability in the local plan area.
- (o) Development in the Medium Density Housing zones accommodates a greater diversity in housing types including dual occupancies, multiple dwellings, retirement facilities and residential care facilities.

#### **PO1**

*Development enhances the role of the coastal communities as a beachside residential area which also include a considerable amount of visitor accommodation.*

**PO2**

*Development contributes to the lifestyle and amenity of residents and visitors in the coastal communities.*

**PO14**

*Development provides a diversity of types and styles of visitor accommodation to cater for a range of visitor experiences in close proximity to key tourist areas.*

**PO15**

*Visitor accommodation is not be located in areas which are predominantly permanent residential dwellings*

**Medium Density Residential Zone Code****6.3.2.3 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;*
- 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.*

**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.*

**Visitor Accommodation Code****9.3.5.2 Purpose and Overall Outcomes**

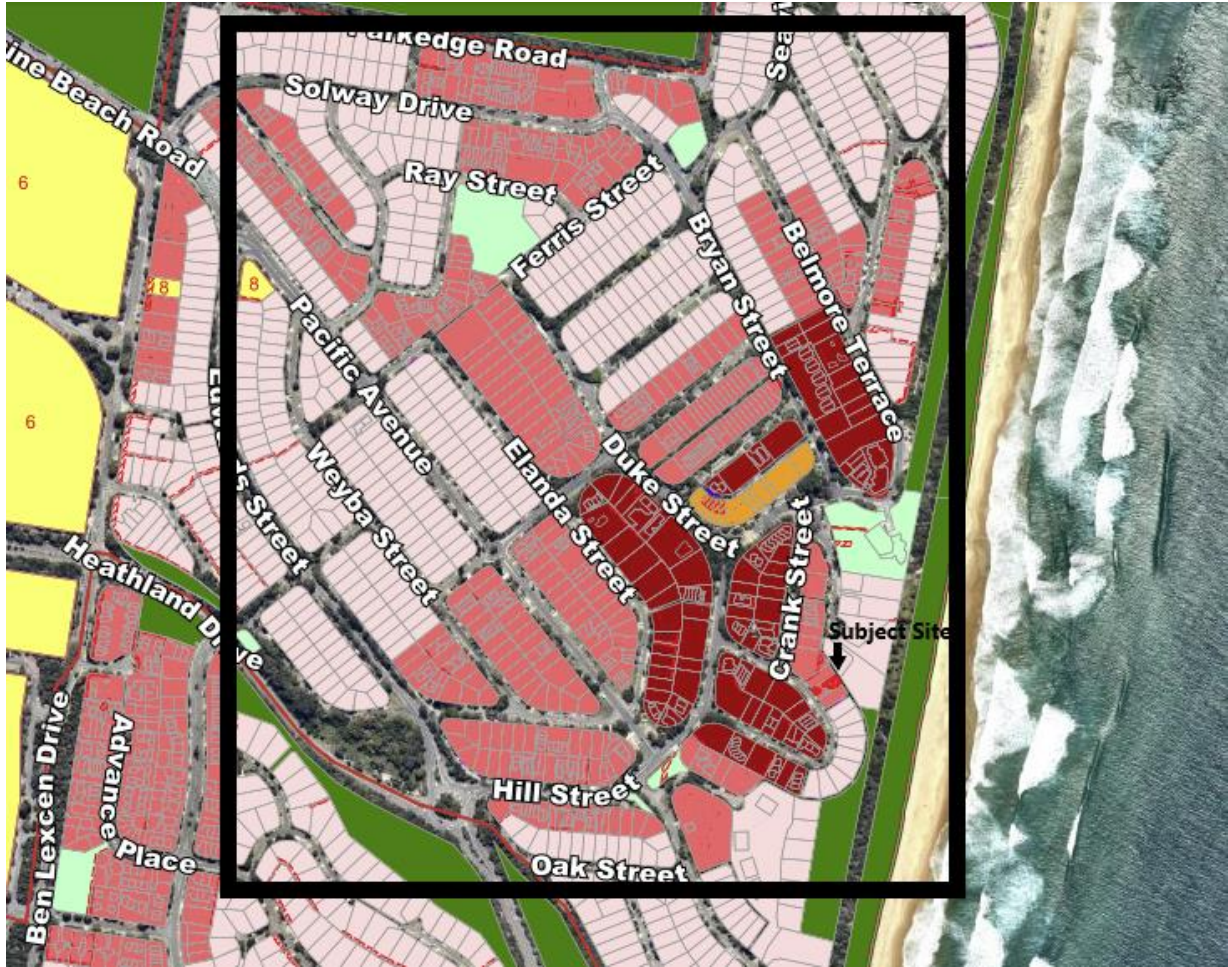
- (3) *The purpose of the Visitor Accommodation code is to ensure visitor accommodation is appropriately located, designed and operated in a manner which meets visitor needs, protects and enhances landscape values, protects the amenity of surrounding premises and avoids conflicts with surrounding uses.*
- (4) *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****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 medium-density residential neighbourhoods for predominantly permanent residential dwelling units and seeks to protect the amenity of surrounding residential areas from the impacts of short term accommodation.

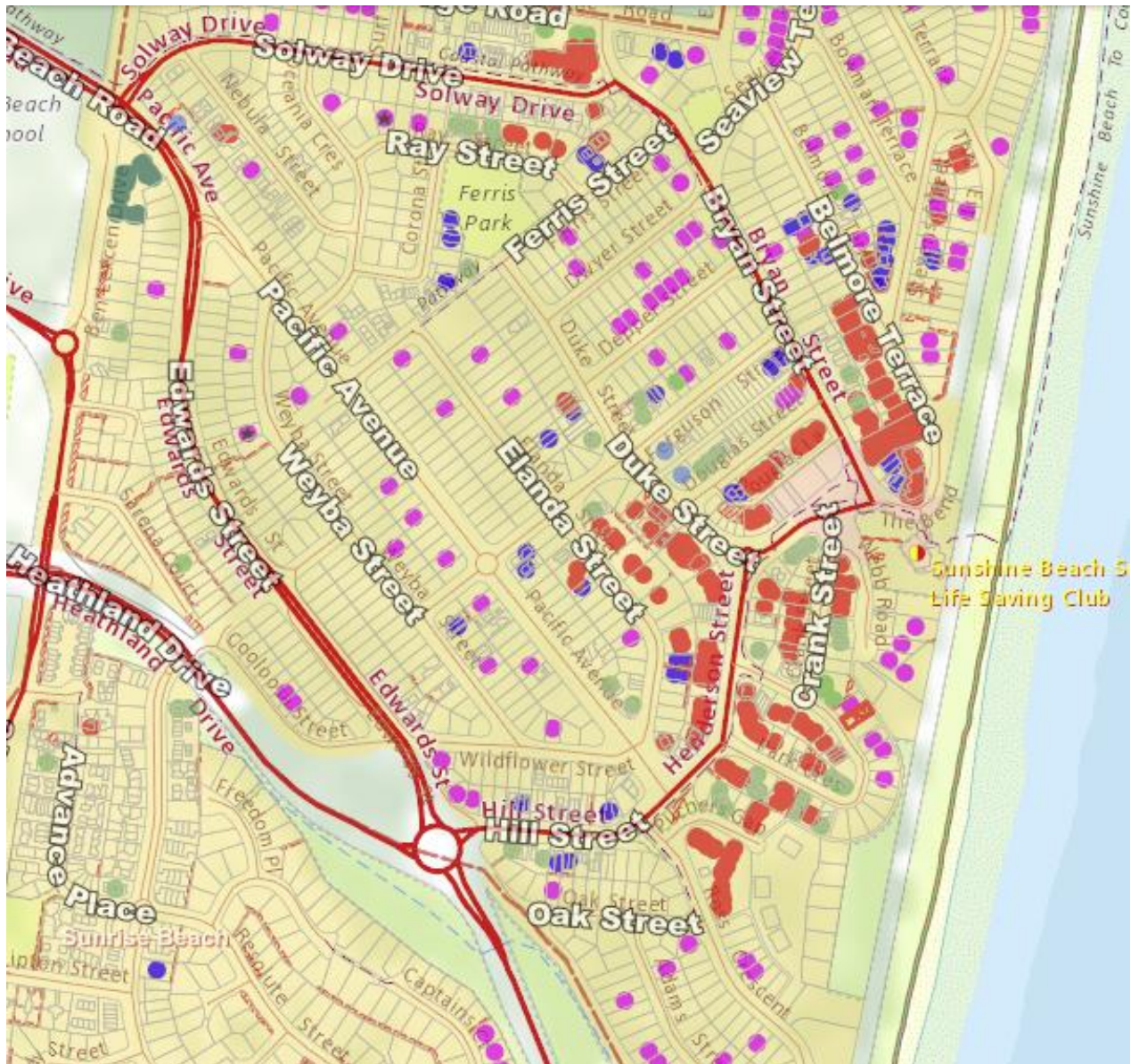
The Medium Density Residential neighbourhood relevant to the subject site is defined within figure 5 below. All of these areas are considered to form part of the same neighbourhood, as residents in these areas would generally have a sense of association/community across these areas.



Medium Density Residential

Figure 5 – Medium Density Zone Residential Neighbourhood.

The following image details those properties within the Sunshine Beach Neighbourhood being utilised for short term accommodation



- |   |   |
|---|---|
| <input checked="" type="checkbox"/> ● Tourist Short Term Accom April 2020 | <input checked="" type="checkbox"/> ● Guest Suite   |
| <input checked="" type="checkbox"/> ● Dwelling House                      | <input checked="" type="checkbox"/> ● Hotel         |
| <input checked="" type="checkbox"/> ● Apartment                           | <input checked="" type="checkbox"/> ● Motel         |
| <input checked="" type="checkbox"/> ● Duplex                              | <input checked="" type="checkbox"/> ● Backpackers   |
| <input checked="" type="checkbox"/> ● Townhouse                           | <input checked="" type="checkbox"/> ● Campground    |
| <input checked="" type="checkbox"/> ● Secondary Dwelling                  | <input checked="" type="checkbox"/> ● Retreat/Cabin |

Figure 6 – All Short-term accommodation properties within Sunshine Beach neighbourhood

The following image details those properties within the Medium Density Residential neighbourhood which are being used for short-term accommodation.

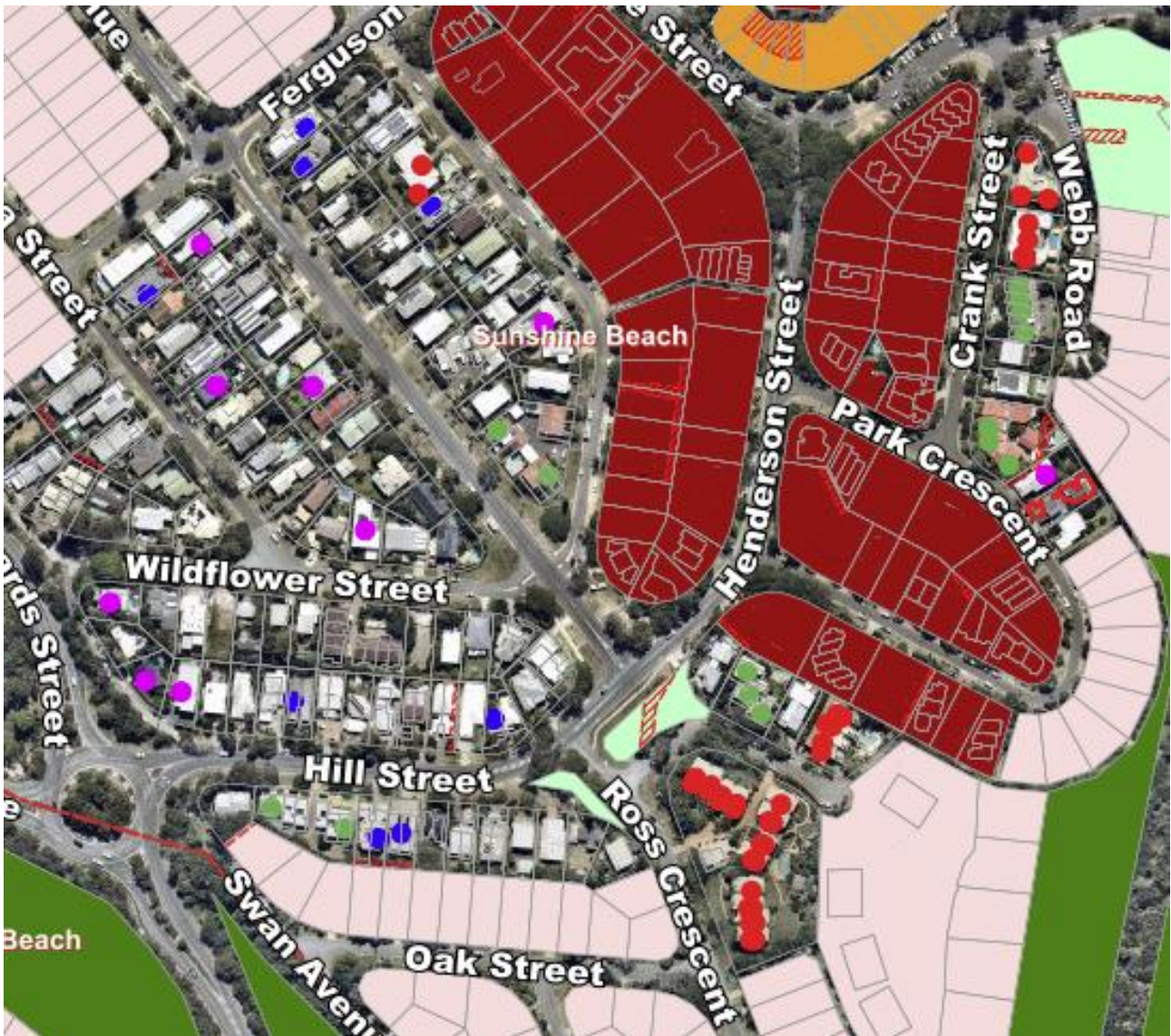


Figure 7- Medium Density properties (depicted with Aerial photo) used for short term accommodation south of Ferguson Street.



**Figure 8- Medium Density properties (depicted with Aerial photo) used for short term accommodation North of Ferguson Street.**

Historically the Coastal Communities area, has contained a significant number of holiday houses and holiday units. However, over time properties used for short term accommodation has continued to increase and this has eroded the supply of dwellings available for permanent residents. More recently the ease and popularity of on-line booking platforms has further incentivised property owners to make properties available for short term accommodation which has further disrupted the supply of dwellings for permanent accommodation.

Whilst the proposal is in part consistent with the Coastal Communities Local Plan in that it contributes to the provision of tourist accommodation the code does not seek to increase visitor accommodation in the Medium Density Residential area and seeks to provide multi-unit accommodation for both permanents and visitors. As demonstrated by the above figures 6 & 7 the medium density residential neighbourhood is currently predominantly being used for short-term accommodation or includes properties which have a development approval which provides for the dwelling to be used interchangeably for permanent or short term accommodation.

The proposal for an additional short-term accommodation within the Medium Density Neighbourhood that is already predominantly characterised by short term accommodation does not comply with the Purpose and Overall Outcome (a) of the Medium Density Residential Zone Code. In addition, as the proposal is for the use to establish within new dwellings, it does not comply with the Purpose and Overall Outcome (h) of the Medium Density Residential Zone Code, which seeks to ensure *Short-term visitor accommodation is predominately provided through well-established resorts and holiday units.*

The proposal is also not consistent with the Purpose and Overall Outcomes (1) and (2)(f) of the

Visitor Accommodation Code and is likely to detract from the amenity enjoyed by residents given resident’s reasonable expectations for the area. Increasing visitor accommodation in this area is likely to further impact on the amenity of remaining permanent residents and impact on the availability of dwelling units for permanent residents.

Furthermore, there is no need for additional visitor accommodation in the area. It is noted that approximately 23% of dwellings within the coastal area (Tewantin to Peregian) are being used for the purpose of short-term accommodation (source DMATT supporting data) with additional properties approved for use under the superseded planning scheme requests.

Lastly, the proposal for a 2-bedroom unit (plus a rumpus room capable of being used as a bedroom) to be utilised for short term accommodation requires a minimum of two car parking spaces to be provided onsite for the exclusive use of guests (as per the minimum car parking requirements with the planning scheme). The existing duplex unit includes 1 space and space for a motorcycle/bicycle parking adjacent and is not sufficient car parking to meet Driveways and Parking Code or likely parking demand for the proposal. It is noted that street parking in the vicinity of the site is very limited, and it is therefore considered necessary to ensure there is sufficient on site car parking for guests.

**Public Notification**

The application was publicly notified for fifteen (15) business days in accordance with the *Planning Act 2016*. Two properly made submissions were received. The following table provides a summary and assessment of the issues raised by submitters.

Matters Raised	Comments
The proposed inclusion of short term visitor accommodation would result in amenity impacts to the area particularly in relation to additional noise and traffic.	The noise could be regulated with the code of conduct and property management conditions. Outdoor entertainment areas could be restricted to minimise noise at night.  The vehicle movements associated with the proposed use are not considered to have any detrimental impact on amenity or the existing road network, though it is acknowledged on street car parking is quite limited in this area.
The proposal would result in loss of permanent accommodation for the community which is inconsistent with the purpose and overall outcomes of the Medium Density Residential zone code	Agreed – as discussed within this report.
The immediate area is characterised by single houses, where short term accommodation is an inconsistent use and the proposal will erode the high quality, quiet character of this area.	The planning scheme prioritises the preservation of medium density residential neighbourhoods for predominantly permanent residential dwellings and seeks to protect the amenity of surrounding residential areas from the impacts of short-term accommodation. This concern was addressed in the report above.
The application has failed to demonstrate a need for additional short term accommodation.	Agreed – the locality contains an extensive number of properties that are being used for the purpose of short term accommodation
There is an extreme shortage of long term residential accommodation in the area	Agreed – The neighbourhood is predominantly used for short term accommodation despite the planning scheme prioritising the preservation of medium density residential neighbourhoods for predominantly permanent residential dwellings. It is agreed there is a current housing crisis in Noosa.



**CONCLUSION & REASONS FOR DECISION**

The proposal is contrary to the planning scheme which seeks to prioritise the preservation of medium density residential neighbourhoods for predominantly permanent residential dwellings and seeks to protect the amenity of surrounding residential areas from the impacts of short-term accommodation.

Whilst acknowledging that short-term accommodation has been identified as a consistent use within the applicable zone, the subject site is located within the Coastal Communities area, the proposal contributes to the proliferation of short term accommodation in the area and is contrary to the scheme’s requirements to maintain the medium density residential zone for predominantly permanents. Further, there is insufficient car parking proposed on site to meet the likely parking demands of the use. As such, the proposal does not comply with a number of provisions of the Noosa Plan 2020.

Departments/Sections Consulted:

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

**7 RAL20/0014 - APPLICATION TO RECONFIGURE A LOT (1 INTO 2 LOTS) AT 9A JIRRIMA CRES, COOROIBAH**

**Author** Planning Coordinator, Patrick Murphy (*drafted by Planning Consultant*)  
Environment and Sustainable Development Department

**Index** ECM/ Application/ RAL20/0014

**Attachments** 1. Proposal Plan

<b>APPLICATION DETAILS</b>	
Applicant	Maud Marie-Therese Cazot
Proposal	Reconfiguring a Lot – 1 lot into 2 lots
Properly Made Date	21 July 2020
Information Request Date	12 August 2020
Information Response Date	11 May 2021
Decision Due Date	22 October 2021
Number of Submissions	Not applicable
<b>PROPERTY DETAILS</b>	
Property Address	9a Jirrima Cres Cooroibah Qld 4565
RP Description	Lot 101 SP 168341
Land Area	4.462ha
Existing Use of Land	Dwelling house
<b>STATUTORY DETAILS</b>	
Planning Scheme	The Noosa Plan 2006 now the Superseded Planning Scheme
SEQRP Designation	Rural Living Area
Zone	Rural Settlement
Precinct	Not applicable
Locality	Cooroibah
Overlays	Biodiversity Overlay – Environmental Protection and Riparian Buffer Natural Hazards Overlay – Acid Sulfate Soils land 5m to 20m AHD Natural Hazards Overlay – High Potential Bushfire Intensity and potential impact buffer
Assessment Type	Code

**RECOMMENDATION**

That Council note the report by the Coordinator Planning to the Planning & Environment Committee Meeting dated 12 October 2021 regarding Application No. RAL20/0014 for a Development Permit for Reconfiguring A Lot – 1 lot into 2 lots, situated at 9A Jirrima Cres Cooroibah and:

A. Refuse the application for the following reasons:

1. The proposal is not consistent with the Overall Outcome 13.7.2 c), d) and e), Specific Outcomes O2, O5, O7 and O15 of the Noosa Plan 2006 Biodiversity Overlay Code as:
  - a. The proposal seeks to undertake development in the riparian buffer.
  - b. A 20m wide easement is required for firefighting purposes within the riparian buffer which requires clearing of vegetation and prevents.
  - c. Fill within the riparian buffer for the driveway and firefighting appliances has the potential to adversely impact on the ecological and hydrological values of the riparian buffer area.
  - d. The proposal is likely to result in the removal of koala habitat for a new lot boundary.
2. The proposal is not consistent with 13.30.2 of the Natural Hazards Overlay Code for bushfire hazards as the proposed bushfire risk mitigation treatments impacts the riparian buffer and requires clear clearing of part of the riparian buffer.
3. The proposal is not consistent with 14.181.2 a), c), g), and Specific Outcomes O1, O20 and O22 of the Reconfiguring a Lot Code as:
  - a. The development does not meet the minimum lot size, and provide for the retention of the site's natural environmental values and will result in clearing koala habitat and part of the riparian buffer.
4. The proposal does not comply with the Noosa Plan 2020 as:
  - a. The applicant proposes development in the riparian buffer.
  - b. It is removing vegetation within the riparian buffer and not protecting an ecologically important area.
  - c. The proposal places people and property at risk as the driveway cannot be constructed to a suitable standard for firefighting without the clearing of vegetation in the riparian buffer.

B. Note the report is provided in accordance with Section 63(5) of the *Planning Act 2016*.

---

**REPORT****1. PROPOSAL**

The proposal is to subdivide 1 battle axe lot into 2 lots at 9A Jirrima Crescent, Cooroibah. Proposed Lot 1 has an area of 1.825ha and proposed Lot 2, an area of 2.571ha.

An access easement is proposed within lot 2 to provide access to Lot 1 which is trafficable in a 1% AEP event. The driveway easement would be an extension to the existing access handle and is proposed to follow an existing track that traverses a small waterway and low lying areas through the riparian buffer which is generally centrally located within proposed Lot 2.

An existing dwelling is located near the head of the access handle on proposed lot 2. A 2300m<sup>2</sup> building envelope is proposed on lot 1 with a further 14m asset protection zone (APZ) to the perimeter of the envelope for bushfire protection.

The land application area for effluent disposal is proposed to be located to the south west section of this APZ.

The applicant has indicated they would accept a condition for an environmental protection covenant over the riparian buffer.

The application was properly made prior to the adoption of the Noosa Plan 2020 and is therefore assessed against the Noosa Plan 2006.

The following figures provide a locality plan, aerial, and a proposed plan of subdivision.



*Figure 1 – Locality. Subject lot identified with a red perimeter*

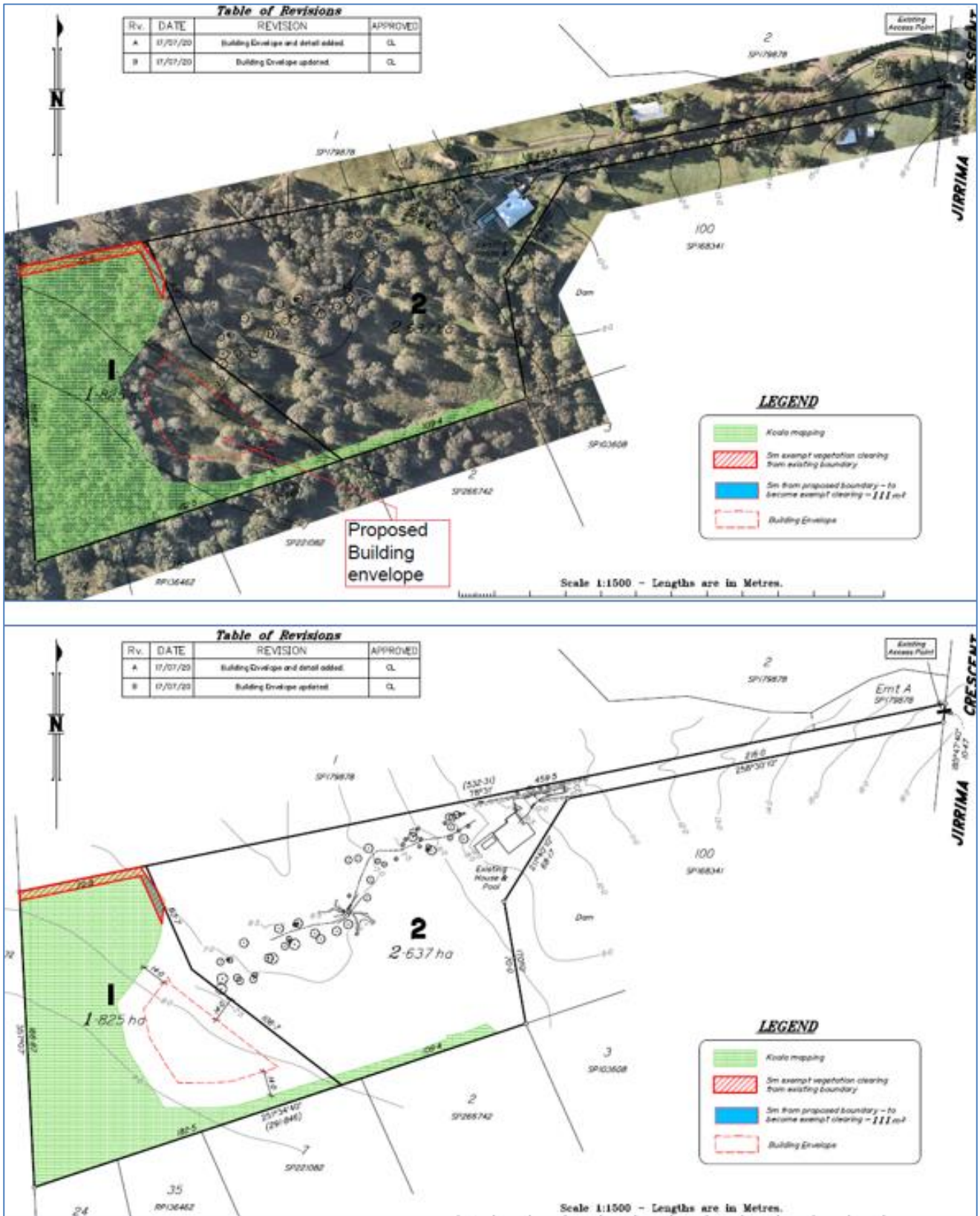


Figure 2 – Plan of subdivision.

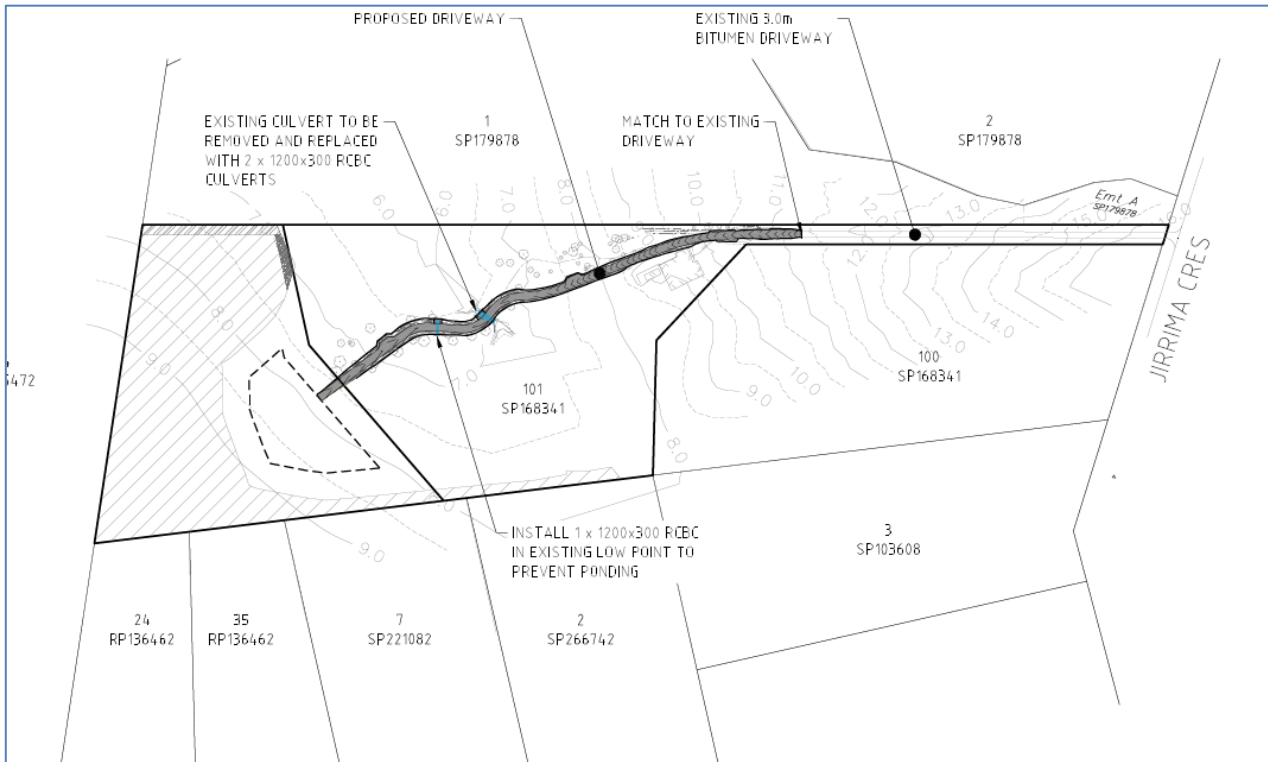


Figure 3 – Driveway through proposed Lot 2

**2. SITE DETAILS**

**2.1 Site Description**

The site is a battle axe lot which gently slopes from the front of the access handle to a low point where a waterway exists. From this point the site slopes gently up to the rear of the lot.

The following vegetation exists on site:

- Black sheoak
- Scribbly gum
- Broad leaf paper bark
- Swamp brushbox
- White mahogany
- Rusty gum and
- Slash pine

The understory in the vegetated areas is predominantly native grasses and non-native weed species flanking the wetter gully area

**2.2 Surrounding Land Uses**

The area is characterised by lots typical of the rural residential area. Neighbouring properties feature detached houses and rural settlement/ rural lifestyle blocks with associated outbuildings

**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.
- Noosa Plan 2020.

**3.2 State and Other Statutory Instruments**

State Planning Policy

The Noosa Plan 2006 is generally consistent with the State Planning Policy July 2017 (SPP) except for Bushfire. The applicant has provided a Bushfire Hazard Assessment and Management Plan against The Noosa Plan 2006 and the relevant parts of the State Planning Policy (SPP).

The applicant’s Bushfire Assessment provided recommendations to comply with the SPP, one of which is a 20m wide access easement for firefighting purposes. The 20m wide easement must consist of a minimum 4m wide driveway, a 3m wide ‘working area’ on each side of the driveway and the balance 10m area to be managed to avoid any compromising vegetation (surface hazards).

While the applicant could provide this easement width, the easement is traversing a riparian buffer and as such requires vegetation removal and compromises the integrity of the riparian and any possible regeneration work.

This is discussed further in section 3.3 of this report.

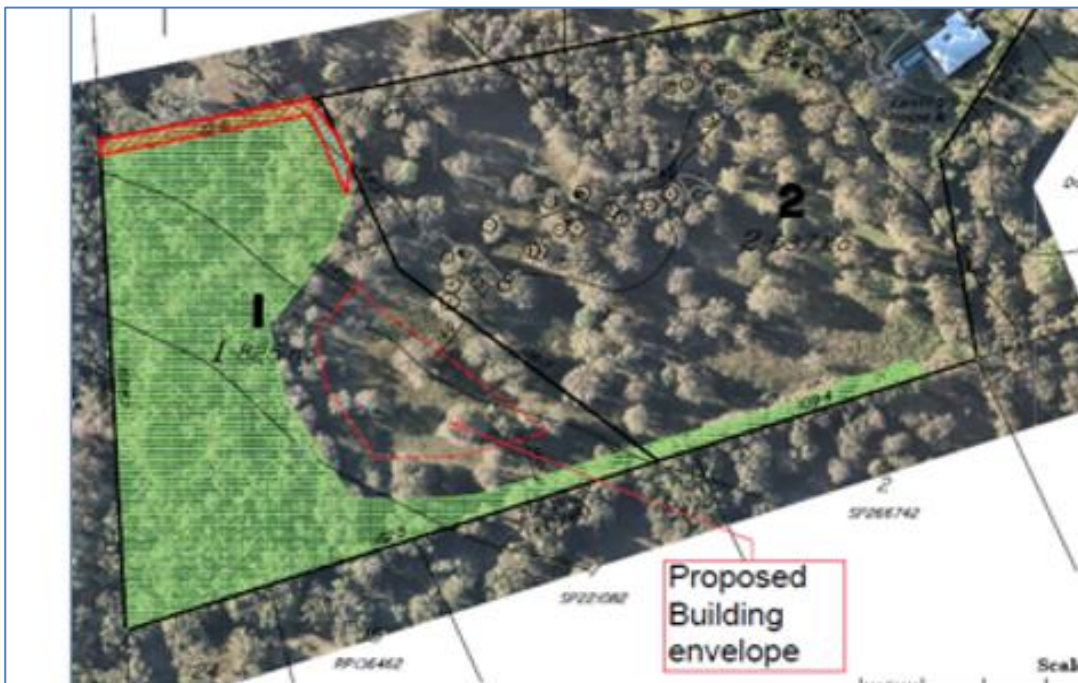
South East Queensland (SEQ) Regional Plan

The site is located within the Rural Living Area of the SEQ Regional Plan. The proposal is consistent with the regional policies of the SEQ Regional Plan.

Planning Regulation 2017

The site is identified as a Koala Priority Area and contains Koala habitat. Under the Planning Regulations, the proposed development is prohibited and an application cannot be accepted by Council unless the clearing associated with the proposal is exempted development.

The applicant has provided confirmation from State Development, Infrastructure, Local Government and Planning that the plan of subdivision is not ‘prohibited’ development under Schedule 24, due to the proposed clearing being for a lot boundary. Figure 4 below shows the Koala habitat mapped by the state in green.



*Figure 4 – Koala habitat in green. The proposal results in clearing of koala habitat for the new boundary.*

**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:

- Biodiversity Overlay Code
- Natural Hazards Overlay Code – Bushfire hazard area
- Cooroibah Locality Code;
- Reconfiguring a Lot Code;
- Landscaping Code; and
- Works Codes.

Locality Provisions

The subject site is located in the Cooroibah Locality and is zoned Rural Settlement. The proposed subdivision is required to follow a code assessable application process.

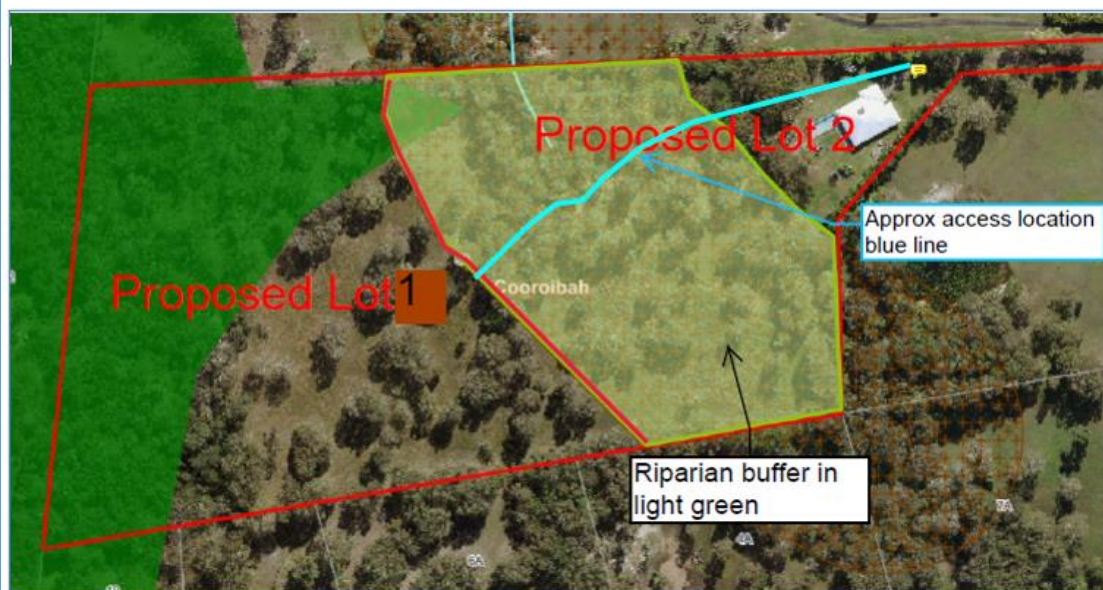
The proposed Lot 1 does not meet the minimum lot size of 2ha being 1.825ha. While there is sufficient space on proposed Lot 2 to provide Lot 1 with a compliant lot size, this would mean the new boundary would traverse the riparian buffer. On its own, the deficiency of 0.15 of a hectare appears to still allow sufficient space for the intended use. However, when combined with the following matters, significant concerns are raised.

The primary issues relate to development (driveway easement) in the riparian buffer area and bushfire hazard and are assessed together as the proposal seeks to remove vegetation within the riparian buffer area to accord with the Planning scheme, State Planning Policy and Queensland Fire and Emergency Services (QFES) requirements for access.

The following **Figure 5** shows the location of the riparian buffer and the bushfire hazard over the site.



Bushfire hazard mapping – High Potential Bushfire intensity and Potential Impact buffer



Map showing the riparian buffer, approximately location of the vehicle access

**Figure 5 showing the Bushfire hazard and Riparian buffer maps**



The pertinent issues arising from the proposal relate to the following provisions within the applicable codes:

#### Biodiversity Overlay Code

##### **Vegetation retention and conservation**

- O1** *Vegetation of local origin on premises identified as Environmental Protection Area or riparian Buffer Area of the Biodiversity Overlay Maps is retained and conserved in its present form or improved to ensure its ongoing contribution to the natural resources and biological diversity of the Noosa Shire.*
- O2** *For the purpose of Reconfiguring a Lot new lots are only created where they minimise the fragmentation and maximise the retention of existing vegetation.*

##### **Riparian Zones**

- O5** *The biodiversity and ecosystem values of watercourses, drainage lines, wetlands and adjacent riparian zones are protected by—*
- a) avoiding any new development in the riparian buffer area;*
  - b) retaining aquatic and terrestrial habitat in riparian zones;*
  - c) maintaining wildlife corridors along watercourses and drainage lines for native fauna movement;*
  - d) avoiding edge effects and incompatible uses in riparian zones;*
  - e) maintaining bank stability by minimising bank erosion and slumping;*
  - f) maintaining water quality by filtering sediments, nutrients and other pollutants; and*
  - g) removing undesirable plant species and replacing them with vegetation of local origin;*

##### **Koala Habitat Areas**

- O7** *Development is designed, constructed and operated to—*
- a) avoid adverse impacts on koalas and koala habitat;*
  - b) provide measures to assist the survival of koala populations in the area to mitigate any potential threats or risks to koalas;*
  - c) provide for safe and appropriate koala movement across the landscape; and*
  - d) provide for a net gain in mature and actively regenerating koala habitat.*

##### **Filling and excavation**

- O15** *Vegetation is not adversely impacted upon by earthworks and changes to the hydrological regime, including changes to ground water levels, flooding levels, run-off and tidal hydraulics.*

##### **Fire management**

- O17** *Fire management measures are adopted based on ecological principles, which—*
- a) maintain and enhance biodiversity;*
  - b) minimise threat of fire to the natural environment, life and property; and*
  - c) provide for effective use and maintenance of buildings and structures.*

#### Natural Hazards Overlay Code - Bushfire hazard areas

##### **New Uses**

- O4** *The proposed use does not compromise the safety of people or property from bushfire.*
- O7** *Uses and works including building works are sited, designed and constructed to—*
- a) minimise the number of people and property subject to bushfire risk; and*
  - b) maximise the protection of people and property during the passage of a fire front.*

**Firebreaks and fire access tracks**

**O11** Firebreaks or fire access tracks provide—

- a) adequate access for fire fighting and other emergency vehicles; and
- b) adequate width to minimise the risk of fire crossover

Reconfiguring a Lot Code

**O20** Filling or excavation only occurs where it does not adversely impact on—

- a) watercourses, drainage lines and wetlands; or
- b) vegetation on land identified on Biodiversity Overlay Maps OM1.1-OM9.1; or
- c) water levels on properties elsewhere

**O22** Native vegetation, including individual mature trees are retained, protected, maintained and supplemented, with particular consideration given to—

- a) roadsides;
- b) the amenity of adjoining land uses; and
- c) the protection of environmentally sensitive areas.

Assessment

As a result of the vehicle access and for firefighting purposes, clearing of vegetation is required within the riparian buffer area. Benchmark 4 of the State Planning Policy – State Interest Guidance Material (Natural Hazards, Risks and Resilience – Bushfire) (SPP) requires a 20m wide easement consisting of a 4m wide trafficable area suitable for a firefighting vehicle with no embankments or retaining walls, an additional 3m on each side of the driveway clear of vegetation and the balance 10m, a managed area. This means that a 10m wide corridor clear of vegetation through the riparian buffer is required, and then a further 10m clear of major surface hazards. A copy of Table 4 of the SPP is provided below for reference.

Parameter	Provisions
<b>Width</b>	Contains a width of at least 20 metres including: <ol style="list-style-type: none"> <li>1. A <b>trafficable area</b> (cleared and formed):                             <ol style="list-style-type: none"> <li>a. with a minimum width of 4 metres that can accommodate a rural firefighting vehicle</li> <li>b. with no less than 4.8 metres vertical clearance from canopy vegetation</li> <li>c. with no adjacent inhibiting embankments or retaining walls</li> </ol> </li> <li>2. A <b>working area</b> each side of the trafficable area:                             <ol style="list-style-type: none"> <li>a. with a minimum width of 3 metres each side</li> <li>b. cleared of all flammable vegetation greater than 0.1 metre in height</li> </ol> </li> <li>3. The <b>balance</b> (i.e. 10 metres width) managed vegetation area:                             <ol style="list-style-type: none"> <li>a. sited to separate the trafficable area from adjacent mapped medium, high or very high potential bushfire intensity areas managed vegetation</li> <li>b. comprising managed vegetation clear of major surface hazards.</li> </ol> </li> </ol>
<b>Access</b>	Access is granted in favour of the local government and Queensland Fire and Emergency Services Note – This access is commonly granted in the form of an easement that is to be maintained by the grantor.
<b>Egress</b>	Contains trafficable vehicle routes in to low hazard areas, every 200 metres

**Table 4 – Fire trail and working area design parameters**

**Figure 6 – State Planning Policy – State Interest Guidance Material (Natural Hazards, Risks and Resilience – Bushfire) Table 4.**

The applicant’s bushfire consultant contends the following-

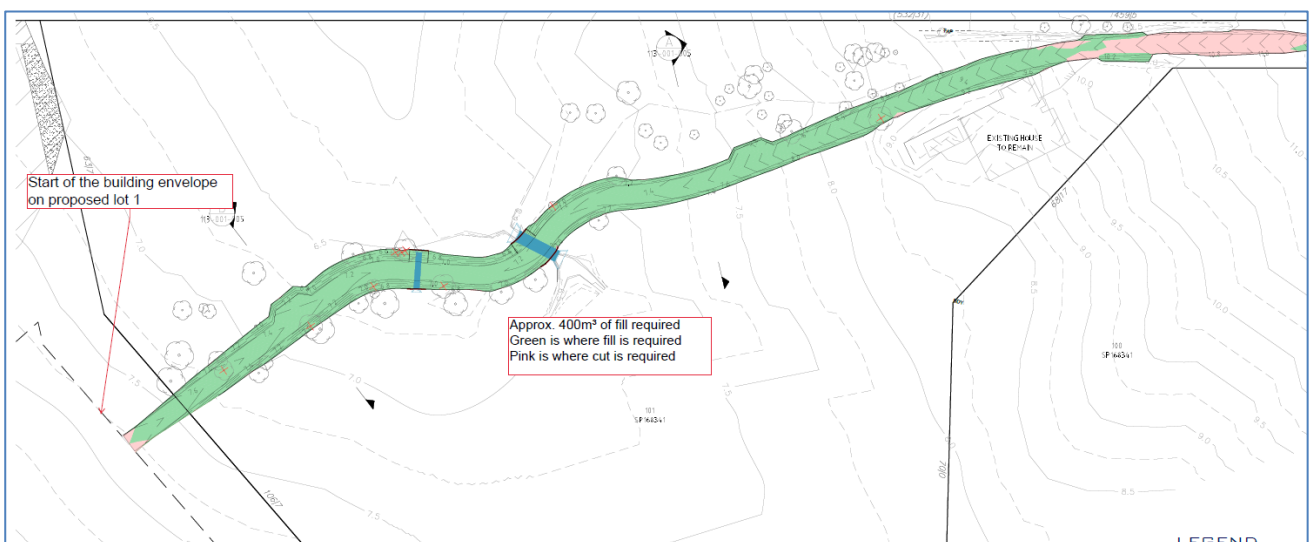
*‘I don’t see it as critically necessary that the 3m wide working area is cleared of all trees the entire length of the driveway. The extent of clearing should ideally strike a balance between operational practicality and ecological conservation. A visually obvious ‘working area’ to 3m width along the sides of the driveway should comprise the dominant conditions however the presence of some scattered trees along the route within the 3m working area is not deemed an operational constraint so long as QFES can rapidly identify a suitable area/s to park and easily move about their vehicle. Given the existing trees within the riparian zone are at low density, there is ample opportunity for QFES to effectively operate along the driveway and not be impacted by a tree with respect to having a 3m cleared zone either side of the driveway for fire vehicle doors to open etc. As long as future regrowth is managed in this zone there is no real need to clear isolated/scattered individual trees within the 3m wide working area either side of the driveway. Common sense should prevail in this regard.’*

It is not agreed with the applicant’s consultant, that ‘the presence of scattered trees is not deemed an operational constraint’ as the provisions clearly state that the area is cleared of all flammable vegetation greater than 0.1m in height.

The above relevant provisions of the Planning Scheme seek that, clearing of vegetation is avoided in the riparian buffer and that ecological areas are regenerated and that suitable access for firefighting is provided. Without the clearing of riparian vegetation within the 20m wide easement, access for firefighting is hampered and places people and property at unacceptable risk of bushfire. However, the code is clear that development in the riparian buffer is avoided, and the proposal seeks to clear and undertake development in the riparian buffer.

Further while it is noted that the area within the riparian buffer where the 20m access easement is proposed is not heavily vegetated, the 20m wide easement renders around 2,100m<sup>2</sup> of the riparian buffer unable to be regenerated. Noting the applicant has only shown on plan the trees required to be removed for the 4m wide driveway not the extent of clearing required for the additional 3m wide working area to each side of the driveway.

The codes also seek that vegetation is not adversely impacted upon by earthworks or changes to the hydrological regime. The driveway requires 2 culvert crossings, one to replace existing minor infrastructure, and a new crossing for a low lying area. In addition up to 0.65m of fill is required (approx. 400m<sup>3</sup> of material). See Figure 6 for cut and fill plan



**Figure 6 – Cut and fill plan. Green is fill and pink is cut**

Furthermore, the battering from the fill is required to be of a slope which does not compromise firefighting appliance from accessing the ‘working area’. This means that a greater quantity of fill

would be required to lengthen the batter to comply with the SPP. The driveway and fill also has the potential of changing the hydrological overland flows by redirecting water to areas that would not otherwise be inundated and potentially changing the flows within the riparian buffer area.

Koala habitat

While the State confirmed the subdivision is not ‘Prohibited development’ under Schedule 24 of the Planning Regulations, the Planning Scheme requires development avoid adverse impacts on Koala habitat and mitigate any threat to Koalas. The proposal is placing a new boundary through Koala habitat which gives rise to clearing of koala habitat. The new boundary does not avoid adverse impacts nor mitigate any threat to Koala habitat. In addition, rural residential living also gives rise to the potential for additional domestic animals in the area, which may be a threat to Koalas.

Noosa Plan 2020

The Noosa Plan 2020 contains similar provisions to that of the superseded planning scheme except for the minimum lot size being reduced to 1.5ha. Other than lot size, the same matters are raised for assessment which are considered to be contrary to the relevant provisions in the Noosa Plan 2020. Notably, the riparian buffer area in the Noosa Plan 2020 has increased in area.



Noosa Plan 2006- Riparian Buffer

Noosa Plan 2020 – Riparian Buffer

**CONSULTATION**

**Internal Council Referrals**

The application was forwarded to the following internal Council officers:

- Engineering officer
- Ecologist

**CONCLUSION & REASONS FOR DECISION**

The proposal seeks to subdivide an existing battle axe lot into 2 lots with a driveway traversing the riparian buffer area to access the rear lot 1. The driveway requires a 20m wide access easement to comply with the State Planning Policy for bushfire to accommodate firefighting appliances. The 20m wide easement requires the removal of vegetation within the riparian buffer. The proposal also removes approximately 2,000m<sup>2</sup> of riparian area from having the ability to be regenerated, given the easement and driveway width required.

The proposal cannot meet the relevant provisions in the State Planning Policy for bushfire without removing vegetation from within the riparian buffer, which is contrary to the Planning Scheme which seeks to both avoid development and to protect and regenerate such areas.

The proposal also seeks to remove Koala habitat for the new boundary contrary to the Planning Scheme provisions.

Accordingly, the application is recommended for refusal.

Departments/Sections Consulted:

**Chief Executive Officer**  
 Executive Officer  
 Executive Support

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

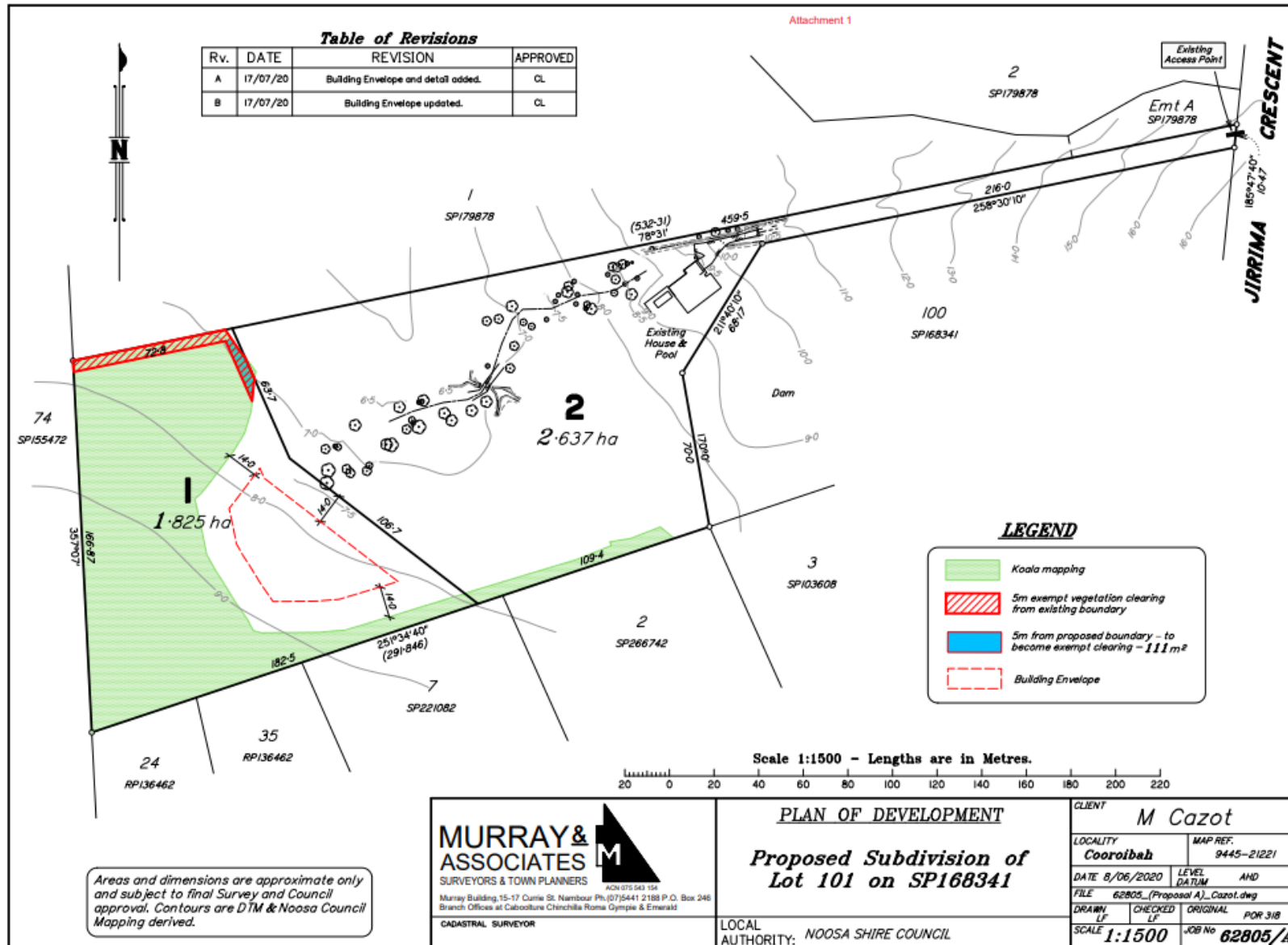
**Corporate Services**  
 Financial Services  
 ICT  
 Procurement & Fleet  
 Property  
 Revenue Services

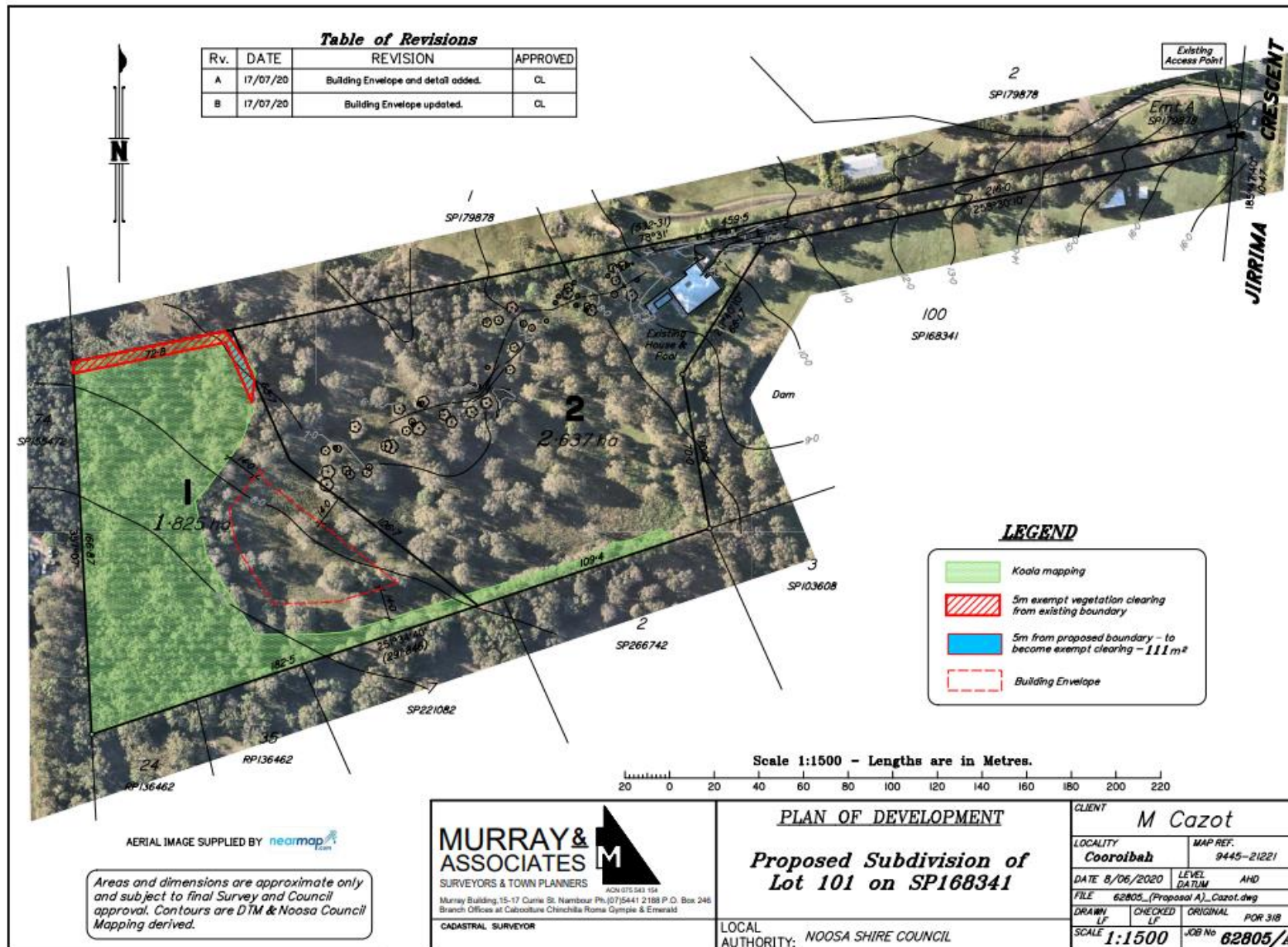
**Executive Services**  
 Community Engagement  
 Customer Service  
 Governance  
 People and Culture

**Environment & Sustainable Development**  
 Building & Plumbing Services  
 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

ATTACHMENT 1





**6. REPORTS FOR NOTING BY THE COMMITTEE****8 PLANNING APPLICATIONS DECIDED BY DELEGATED AUTHORITY – AUGUST 2021**

**Author** Development Assessment Manager, Kerri Coyle  
Environment and Sustainable Development Department

**Index** ECM/Subject/ All Applications

**Attachments** 1 Applications Decided by Delegated Authority (45 page attachment provided separate to the agenda)

---

**EXECUTIVE SUMMARY**

Not applicable.

**RECOMMENDATION**

That Council note the report by the Development Assessment Manger to the Planning & Environment Committee Meeting dated 12 October 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'.

In accordance with the current delegations, a wide range of development applications are decided by Council officers each month, with a limited number of applications reported to Council for a decision.

**Attachment 1** lists applications that are decided by delegated authority during the month of August 2021 (excluding applications seeking to remove a tree(s) adjacent to a building or structure):



**Previous Council Consideration**

Council receives monthly reports on planning applications that have been decided by delegated authority.

**Finance**

Nil.

**Risks & Opportunities**

Nil.

**Consultation**

**External Consultation - Community & Stakeholder**

Nil.

**Internal Consultation**

Nil.

Departments/Sections Consulted:

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

**9 DEVELOPMENT ASSESSMENT FEES & CHARGES VARIATIONS FOR 1 JANUARY TO 30 JUNE 2021**

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

**Index**                    **ECM/ Subject/ Fees and Charges**

**Attachments**        **Nil**

**EXECUTIVE SUMMARY**

Not Applicable

**RECOMMENDATION**

That Council note the report by the Manger Development Assessment to Planning & Environment Committee Meeting dated 12 October 2021 regarding waiver or partial waiver of development application fees for 1 January to 30 June 2021 as detailed in the Report

**REPORT**

As part of Council’s budget each year, Council adopts its Fees and Charges for the financial year, including its regulatory and commercial charges for lodgement of development applications.

The fees and charges policy for development applications cover a number of policy provisions including delegation to the Director, Environment & Sustainable Development to *“partially or wholly waive a development fee where strict application of the scheduled fee is obviously unreasonable for the type of application being received.”*

This report identifies proposed applications where a fee variation has been granted for the last 6 months. Between 1 January 2021 and 30 June 2021 there were 5 proposed applications where a partial waiver or full waiver of the development application fees was granted, with all 5 agreed to and 1 request agreed to in part. The tables below sets out a summary of each application and the reason for the fee waiver.

Application No	Applicant	Application Details	Fees & Charges Policy	Fee proposed
OPW21/0044	Applicant – 77 Shorehaven Drive Noosaville	Operational Works for a boat lifting device	\$1486	\$1166
<p>The owner of the property is seeking to install a boat lifting device. There is an existing approved jetty (prior 2006). A boat lifting device was shown on the original jetty approval plans but not actually approved. It appears from the aerial photos that a boat lifting device (cable and winch type) has been in place for a number of years. The applicant would now like to install a boat lifting device (floating mattress type). There is limited assessment due to the existence of the approved jetty. It is considered that a material change of use for a landing is not required due to the existing jetty and a fee reduction is appropriate due to the limited assessment. It is recommended that the applicable fee is the “base” fee as described in the schedule for operational works (\$1166).</p>				

Application No	Applicant	Application Details	Fees & Charges Policy	Fee proposed
51988.2770.01	Applicant – Noosa Shire Council – 31 Butler Street Tewantin	Minor change to Development Approval TPC 2101 to Replace Existing Sports Clubhouse	\$2218	\$1109
<p>Council is the applicant for this minor change application. The property is owned by State Government with Council as trustee. The application is to replace the existing old sports clubhouse, storage areas, kitchen, amenities and change room facilities with a new facility providing contemporary sporting standard change rooms, kitchen, storage, umpire/first aid room. The footprint of the old and new structure is the same. The applicant is requesting a waiver of the development applicant fees as Council is undertaking the works and utilising the 'Works 4 Queensland' funding and would like to retain as much of the funding for the construction costs.</p> <p>Due to the limited amount of assessment required, it is recommended that a fee reduction of 50% be applied.</p>				

Application No	Applicant	Application Details	Fees & Charges Policy	Fee proposed
OPW21/0073	Applicant – 34 Masthead Quay Noosaville	Operational Works for a boat lifting device	\$1486	\$538
<p>The owner of the property is seeking to install a boat lifting device. There is an existing approved jetty (approved 1998).</p> <p>The applicant has purchased the boat lifting device from a neighbour and is proposing to move it from one side of the jetty to the other. A new Operational Works application is triggered with a fee of \$1486.</p> <p>The applicant is proposing a fee of \$250 due to the minor nature of the approval. The Engineering Coordinator is not supportive of the suggested amount as the assessment and administration time is equivalent to that of a vehicle crossover application. It is recommended that a reduced fee of \$538 be applied.</p>				

Application No	Applicant	Application Details	Fees & Charges Policy	Fee proposed
131999.982597.1	Applicant – Earthcert Building approvals for Noosa Shire Council – 6 Girraween Court Sunshine Beach	Minor change to Development Approval 16015 DA to Replace Shade Sails over Skate Park	\$1166	\$583
<p>Earthcert (on behalf of Council) is the applicant for this minor change application. The property is owned by Noosa Council. The application is to replace the existing shade sails over the skate park with larger shade sails. The applicant is requesting a 50% reduction of fees as the project is funded by a grant and would like to retain as much of the funding for the construction costs.</p> <p>Due to the limited amount of assessment required, it is recommended that a fee reduction of 50% be applied.</p>				

Application No	Applicant	Application Details	Fees & Charges Policy	Fee proposed
MCU18/0206.02	Applicant – 49 Seaview Terrace Sunshine Beach	Change to Development Permit	\$1166	\$0
The change to the development approval is required due to an administrative error in the Decision Notice by officers wherein a condition was not amended to reflect the approved plans. The application was for a Detached House in Coastal Protection. Therefore no fee is proposed.				

**Previous Council Consideration**

The fees and charges for development applications for this period were considered by Council at the special budget meeting in June 2020.

**Finance**

The agreed variations to development application fees had no significant impact on the budget for 2020-21, with actual revenue exceeding the budgeted revenue for development fees and charges.

**Risks & Opportunities**

The fee variations are considered to be reasonable and adequately justified.

**Consultation**

**External Consultation - Community & Stakeholder**

Nil

**Internal Consultation**

Nil

Departments/Sections Consulted:

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

---

**10 PEREGIAN DIGITAL HUB – FULL YEAR REPORT TO 30 JUNE 2021**

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

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

**Attachments**    **1. Social Return on Investment Evaluation (52 page attachment provided  
separately to this agenda)**

---

**EXECUTIVE SUMMARY**

This report provides an update and review of the performance and activities at the Peregian Digital Hub (The Digital Hub), for the 12 months to 30 June 2021.

The objective of The Digital Hub is to operate a commercially sustainable co-work facility whilst delivering public service outcomes that develop the digital ecosystem and assist to meet the objectives of Council's Local Economic Plan, with a particular focus on accelerating the diversification of the local economy.

The report timeframe covers the third year of operation and to mark the increasing maturity of the Digital Hub a full and independent assessment of the value of this ratepayer investment has been commissioned to assess whether the Digital Hub is meeting Council's economic objectives.

A Social Return on Investment (SROI) evaluation was undertaken to assess the holistic contribution of the Digital Hub to the local economy. The SROI methodology is used extensively to assess social and economic values, which allocates financial value to benefits which can be otherwise difficult to calculate.

Vaxa Group were engaged to undertake the SROI evaluation. Vaxa Group is a strategic, integrated professional services firm working with companies, governments and NGOs to identify, communicate and grow business and operational needs. Noosa Council has engaged Vaxa Group previously, as part of the successful multi-million dollar funding bids for the Noosa Trails Network and Firetech Bushfire recovery program.

The SROI was informed through the contribution of the Digital Hub's three (3) core key stakeholder groups:

- Subscription members who work from the Digital Hub
- Local digital and 'tech' professionals who network through Digital Hub events and programs
- Students (and their parents/ carers) who participate in Digital Hub initiatives - after school clubs and school holiday programs.

**Key Findings**

The Digital Hub is realising Council's strategy to unite and develop a strong, vibrant and productive digital community. Consultation with stakeholders directly involved in Digital Hub activities provided detailed data and anecdote regarding many value-adding economic activities.

Following are the key findings attributable to the Digital Hub in 2020/21:

- Creation of 41.5 jobs, valued at: \$3,735,000 (\$1,867,500 direct attribution to Digital Hub)
- Development of numerous new digital products and services valued at: \$7,810,000 (direct attribution \$1,562,000 to Digital Hub)
- Intended private capital investment to stimulate business or promote products valued at a minimum of: \$180,000.

The total SROI value of the Digital Hub – inclusive of the above and other benefits - is calculated to be: \$4.8m for 2020/21.

This is calculated on a conservative basis, meaning the true value is likely to be under-valued. This does not include the value of capital grants awarded through the Digital Hub (Firetech). This does not allow for COVID-19 impacts, as these were unable to be accurately estimated, although stakeholders explained impaired trading conditions.

The digital community is accessing broad markets from their base in the Noosa locality. Trade is taking place with clients across SEQ, Queensland, Australia and international markets. The digital community is also confident they can continue to work and grow their business from Noosa.

## RECOMMENDATION

That Council note the report by the Acting Director Environment and Sustainable Development, to the Planning & Environment Committee meeting dated 12 October 2021 providing a full year report on the performance and activities of The Hub for the period 1 July 2020 to 30 June 2021 and a Social Return on Investment evaluation.

---

## REPORT

This report provides an update and review of the performance and activities at the Peregian Digital Hub (The Digital Hub), for the 12 months to 30 June 2021. The impact of the COVID pandemic has made it a challenging operating period with lockdowns, event restrictions and social distancing making it difficult at times to have the Hub providing its full suite of services.

Pleasingly, a loyal base of members, tenants, industry partners, staff, parents and students have remained committed to the project and maintained its vibrant and positive culture through uncertain times during the year.

The report timeframe covers the third year of operation and recognising the increasing maturity of the Digital Hub a full and independent assessment of the value of this ratepayer investment has been completed. The full report is attached and Key highlights included within the body of this report.

The Digital Hub is a purpose-built facility designed to house multiple digital companies and professional in an open, modern environment suited to collaboration and co-working. The Digital 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 an open, collaborative environment.

The Digital 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 Digital 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. FINANCE

The commercial viability of the Digital Hub remains 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 build the digital industry and assist Council to meet the objectives of its Economic Development Strategy.

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	246,895	243,574	98.7%	(3,321)
Total Expenditure	427,551	427,551	427,551	456,063	106.7%	(28,512)
<b>Net Result - Surplus / (Deficit)</b>	<b>(180,656)</b>	<b>(180,656)</b>	<b>(180,656)</b>	<b>(212,489)</b>		<b>(31,833)</b>

Total Revenue	246,895	246,895	246,895	243,574	98.7%	(3,321)
Direct Costs (Controllable)	316,502	316,502	316,502	354,925	112.1%	(38,422)
Operating - Surplus / (Deficit)	(69,607)	(69,607)	(69,607)	(111,350)		(41,743)
Indirect Costs (Corporate)						
Depreciation & Amortization	73,805	73,805	73,805	64,805	87.8%	8,999
Internal Charges	37,244	37,244	37,244	36,333	97.6%	910
Subtotal Indirect Costs (Corporate)	111,048	111,048	111,048	101,138	91.1%	9,910
<b>NetResult - Surplus / (Deficit)</b>	<b>(180,656)</b>	<b>(180,656)</b>	<b>(180,656)</b>	<b>(212,489)</b>		<b>(31,833)</b>

Table 1: Digital Hub financial performance for the Financial Year Ended June 2021

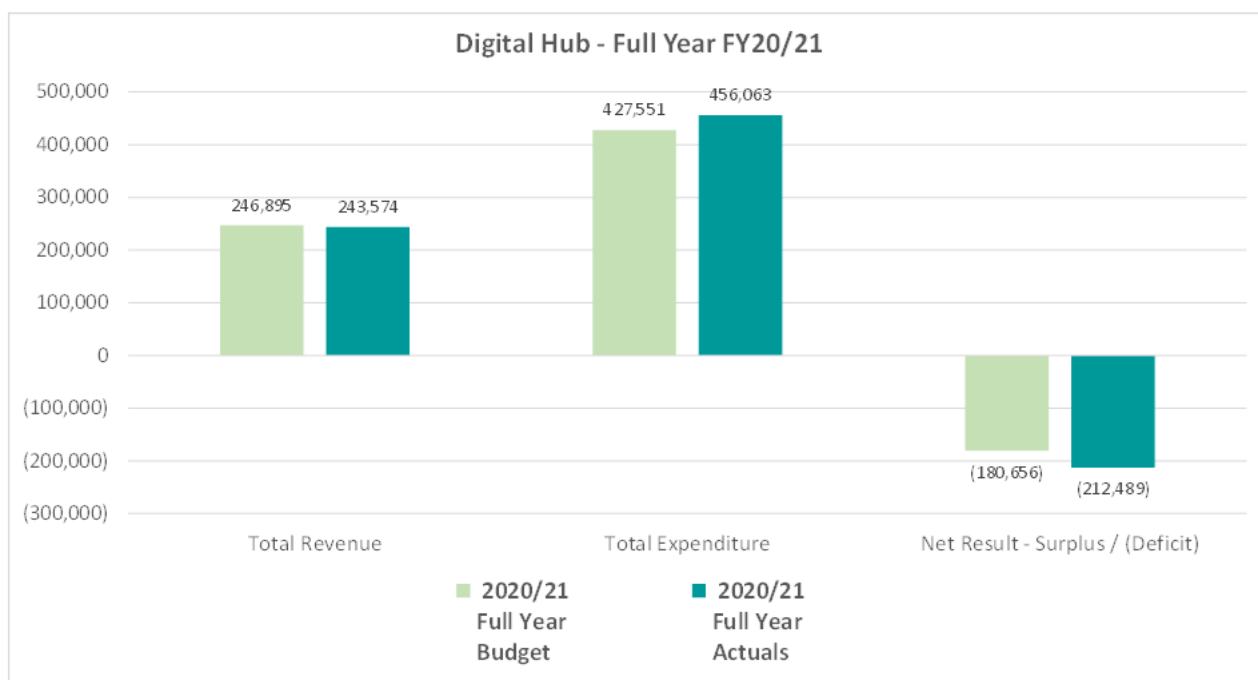


Figure 1: Graph of Overall Financial Performance

For the full year ended June 2021, the Digital Hub’s operating result was \$32k unfavourable to budget. This is primarily due sponsorship revenues being \$50k below budget. Its noteworthy that this sponsorship revenue was received post the year-end. Other revenues include slightly lower rental income of \$5k which was offset by higher membership revenues of \$52k. Expenditure was \$29k above budget mainly due to higher digital ecosystem support costs and air conditioning maintenance costs.

Revenue Analysis

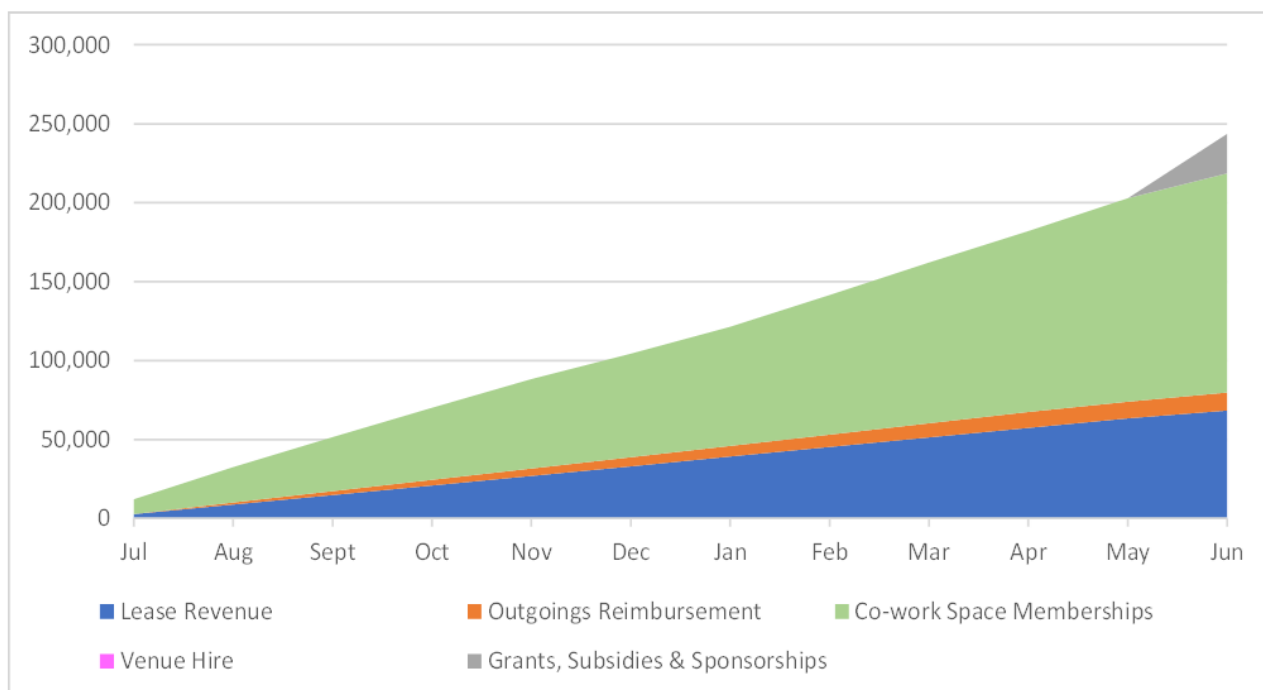


Figure 2: Monthly Revenue by Type

Revenue Type	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total Full Year FY20/21
Lease Revenue	2,705	6,081	6,081	6,081	6,081	6,081	6,081	6,081	6,081	6,081	6,081	4,953	68,471
Outgoings Reimbursement	0	1,350	1,100	1,100	1,100	1,100	1,100	1,100	1,100	1,100	250	941	11,341
Co-work Space Memberships	9,465	12,898	11,939	11,274	10,958	9,031	9,764	13,080	13,435	12,685	14,585	9,649	138,762
Venue Hire	0	0	0	0	0	0	0	0	0	0	0	0	0
Grants, Subsidies & Sponsorships	0	0	0	0	0	0	0	0	0	0	0	25,000	25,000
<b>Total</b>	<b>12,170</b>	<b>20,329</b>	<b>19,120</b>	<b>18,455</b>	<b>18,139</b>	<b>16,212</b>	<b>16,946</b>	<b>20,261</b>	<b>20,616</b>	<b>19,866</b>	<b>20,916</b>	<b>40,543</b>	<b>243,574</b>

Table 2: Monthly Revenue by Type

Commentary:

Overall revenues increased in FY20/21 by \$32k or 15% year on year despite a \$50k reduction in sponsorship revenue (which has been received post the year-end).

- Lease revenue was consistent across the year, however both tenant leases expired in June 2021.
- Co-work membership revenues grew significantly during the FY20/21 year with annual revenues increasing by 66% compared to FY19/20 and 51% compared to FY18/19.
- There were no Sponsorship revenues realised in FY20/21. Technology One provided a sponsorship contribution of \$50k towards support of The Digital Hub’s ecosystem development initiatives in FY19/20, which was the main driver of the YoY decrease in contribution and donation revenues. This has since been received.

Financial Statement	FY20 Full Year Act	FY21 Full Year Act	YoY Var \$	YoY Var %
Sale of Goods and Major Services	85,211	138,762	53,551	63%
Contributions & Donations	76,007	25,000	(51,007)	-67%
Other Recurrent Income	8,642	11,342	2,700	31%
Rental and Levies	41,711	68,470	26,759	64%
<b>Total</b>	<b>211,571</b>	<b>243,574</b>	<b>32,004</b>	<b>15%</b>

Figure 3: Revenue Year on Year



## Expenditure Analysis

The total direct costs of \$354,925 incurred in operating the Digital Hub during financial year FY20/21 comprises the following major cost categories (excluding salaries):

- Contract Services \$59,253. Consisting of Regional Start-up Hub Support Program \$47,450 (financed by Queensland Government Grant), SevGen Indigenous Corp \$5,727 and other maintenance and services.
- Telco IP fibre connection \$21,780
- Internal cleaning \$18,524
- Air conditioning maintenance \$14,024
- Catering for events and programs \$9,670 (funded by sponsorship revenues)
- General materials/supplies \$8,700
- Lease management fees \$6,256
- Electricity (including solar offset) \$3,828
- Building security \$3,433
- Minor Equipment \$3,006
- Landscaping costs \$2,800
- Software licences and subscriptions \$2,852
- Advertising costs \$2,808

## 2. TENANCIES

### Lease Tenants

After 3 years as the Hub's anchor tenant, Atmail have reverted to a remote work operating model and elected not to take up a lease extension option from August 2021. Furthermore, Fireball International have outgrown their office at the Hub and graduated to larger premises (on the Sunshine Coast) of their own at the end of the financial year.

Council's commercial real estate partner, Colliers, have finalised marketing the availability of these office spaces to the digital business sector as prospective tenants and early indications are that the changeover period to secure new tenants can be minimised and revenue loss kept to a provision in the 21/22 budget.

With the changing nature of hybrid remote/in-person workplace operations for digital-first businesses, it is envisaged that the large space which accommodates a team of up to 20 people is not sustainable at that size and would yield better value to Council if subdivided to accommodate two or three separate tenants.

### Members

As at 30 June 2021, The Digital Hub is host to 42 members: 26 Full-time and 16 Flex. Average membership duration is 17 months.

## 3. PROGRAMS, EVENTS & ACTIVITIES

### Talent Development Programs

The Hub launched two Digital Cadetship programs in the last 12 months. The Cadetships are extension and career pathway programs for promising high school students in future-focused STEAM areas where local digital companies are also finding it challenging to find suitably-skilled workers.

The Cadetship programs comprise weekly after-school sessions during term, for tech-curious Grade 9-11 students. Applicants are identified through the Hub's extensive network of high school partners, school career counsellors, parents and referrals.

Activities include technical skills and professional skills development, industry speakers, project-based assignments, excursions to local companies, mentoring, opportunities for local work experience placements, paid internships, part-time and full-time work, opportunities to teach younger students via holiday workshops (and earn holiday money), support for university / scholarship applications.

The two Cadetship streams are:

- Artificial Intelligence / Machine Learning (target audience: Grade 9-11 students with advanced Maths and/or a keen interest in software programming / engineering). Wednesdays 4-6pm. 1st cohort - July 2020 to current. 2nd cohort - May 2021 to current: <https://www.peregianhub.com.au/cadetship/>
- Digital Design (target audience: Grade 9-11 students with a passion / talent in visual art, drawing, illustration, video creation, photography, web design). Tuesdays 4-6pm. 1st cohort - May 2021 to current: <https://www.peregianhub.com.au/designers/>

**The Young Inventor Club** is for kids aged 8-14 who love learning and building, making, coding, and tinkering with various technologies. The group has been running at the Hub for 3 years, led by passionate high school students (including the Hub’s first Cadet, George Gleeson - now in 1st year at QUT studying Mechatronics Engineering part-time, while working full-time as an Engineering Cadet at Noosa-based biotech company, Provectus Algae). The club is currently led and coordinated by the third ‘generation’ of young leaders, two Grade 10 students at Sunshine Beach State High (Vaughn Scott and Eden Howard). The group meets at the Hub each Thursday during school terms, 4-5.30pm.

**Hub School Holiday Program / Workshops**

The COVID-19 restrictions have not unduly affected Peregian Digital Hub’s school holiday workshop attendance, apart from restrictions in workshop numbers for venue and social distancing reasons. Parent and student interest in the Hub’s holiday workshops is growing.

The Hub’s parent e-newsletter mailing list has more than doubled to 249 in the last 12 months. Children from across Noosa, Sunshine Coast and further afield (Gympie, Fraser Coast, Moreton Bay) have attended holiday workshops at the Hub.

**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 meet-up at the Hub on 7 September.

Activity	Date	Audience	Attendees (per session)
<b>Weekly after-school program:</b>			
Inventors Club	Thursdays	Mixed - ages 8-14	20
Girls Gamers (Minecraft)	Saturdays up to May 2021	Girls only - 13 and under	25

Activity	Date	Audience	Attendees (per session)
Animation & Video Creation group	Saturdays from May 2021	Mixed - 13 and under	15
Mixed Minecraft Gamers group	Sundays	Mixed - 13 and under	25
AI Cadetship (2020)	Wednesdays	Mixed, Grades 10/11 - Advanced Maths students	20
AI Cadetship (2021)	Wednesdays	Mixed, Grades 10/11 - Advanced Maths students	24
Digital Design Cadetship (2021)	Tuesdays	Mixed, Grades 10/11 - talented artist/creative students	19
<b>Holiday Programs:</b>			
Royal Robotics - LEGO EV3	Sept '20, January '21, April '21, July '21 holidays	Mixed, aged 8-14	20
3D design and printing (Fusion 360)	Sept '20 holidays	Mixed ages 7+	10
Intro to Python Programming (for AI / Machine Learning)	Sept '20, January '21, April '21, July '21 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, January '21, April '21, July '21 holidays	Girls only - ages 7 to 14 (2 workshops, 24 girls per workshop Sept, Jan; and 10 girls per workshop April, July)	17 avg
Creative Coding (Processing + Python)	January '21, April '21, July '21 holidays	Mixed - Grades 7-11	10
3D game art (Blender)	January '21, July '21 holidays	Mixed - ages 9-15	10
Girls Intro to Python programming	January '21 holidays	Girls only - Grades 7-11	15
Intro to Procreate - digital design	April '21, July '21 holidays	Mixed - Grades 7-11	15
Intro to Unity - game design	April '21, July '21 holidays	Mixed - Grades 9-12	10
For adults - Intro to 3D design/printing & arduino	April '21, July '21 holidays	Mixed - ages 16+	10
<b>Special programs:</b>			
Film & TV Workshop (taught by creatives in residence, Stephen Vagg & Louise Alston)	Sept '20 holidays	Mixed - grades 10-12 + adult	10

Activity	Date	Audience	Attendees (per session)
ATHENA program	2 days (5 & 6 November)	4 STEM workshops for Girls passionate about STEM - grades 9 & 10 from Noosa District State High, Sunshine Beach State High	30
RoboRave teams - build, code LEGO EV3 robots, learn competition strategies	4 sessions (June 2021)	Led by 2 female robotics students from Chancellor College. Formed and trained 3 teams (from multiple schools) for RoboRave competition held at USC 30 July.	7

**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
Good Shepherd Lutheran College	Holiday workshops and work experience for tech/robotics students. AI Cadetship partner Design 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 Design Cadetship partner
St Teresa’s Catholic College	AI Cadetship partner Design Cadetship partner
St Andrew’s Anglican College	Mentoring program, creative in residence, holiday workshops, shared use of facilities AI Cadetship partner Design Cadetship partner
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 AI Cadetship participant Design Cadetship partner
Steiner School	Hub work experience opportunities
Matthew Flinders Anglican College	AI Cadetship partner Design Cadetship partner
Sunshine Coast Grammar School	AI Cadetship partner Design Cadetship partner
Mountain Creek State High School	AI Cadetship partner Design Cadetship partner

### 3.2 Ecosystem Organisation Program

The Hub continues to play the lead role in developing the broader digital industry in the region. Now in its third year, the Hub’s Ecosystem Organisation Program invests in the underlying professional networks that make up the digital industry by providing them with organisational support, infrastructure and other resources.

The Hub supports these networks to run a schedule of regular, curated, industry-led networking and upskilling meetups and events. Events are hosted, organised and supported by Peregrian Digital Hub except for the Digital Xmas Party which was held on Noosa’s MV Catalina (reduced capacity - 80 - due to COVID-19).

Event and attendee numbers were impacted by COVID-19 restrictions (indoor venue capacity, social distancing) in the last 12 months. Meetups (in person) restarted in August and September 2021. At the time of this report, adult in-person attendance for Hub industry events is returning more slowly than those events involving children / teenagers. To date, some industry meetup groups are not reaching event capacity allowed under COVID-19 venue restrictions. However, overall each group membership has grown in the past 12 months.

<i>Digital sector</i>	<i>Group Name</i>	<i>Members 6/2020</i>	<i>Members 6/2021</i>
Technologists	Coding from Beach	532	635
Digital Agencies, Creatives & Marketers	REBOOT	250	415
Screen Professionals (Film/TV/Video)	Sunshine Coast Screen Collective	160	284
Electronic Music Producers & DJ’s	Sunshine Coast Producer Group	84	171
Tech Startup Founders	Founders Network	30	55
E-Commerce business owners (Feb 2020 - December 2020)	UNBOX	30	87

#### Event Statistics

- Digital industry sector meetups: 40
- Talent development (including Cadetships, holiday workshops): 242
- Other (including Firetech Connect expo’s, Noosa Digital Xmas event): 23

Total number of events - 12 months to 30/6/21: 305

#### Event attendance - monthly:

	7/20	8/20	9/20	10/20	11/20	12/20	1/21	2/21	3/21	4/21	5/21	6/21
Combined - Digital Industries, Talent Development, Other	535	401	679	422	695	248	360	401	852	524	508	546

#### Firetech Connect Program

After almost burning down in the bushfires of September 2019, Noosa Council’s Digital Hub created the Firetech Connect program to accelerate the adoption of promising bushfire resilience technologies by emergency response agencies, enterprises and local governments.

It is founded on the hypothesis that adopting breakthrough technologies can build bushfire resilience in regional communities like Noosa, and help to avert future catastrophes.

Through its Firetech Connect program, the Hub in collaboration with Council’s Disaster Management team, is developing an innovation platform that enables emergency services agencies and other partners to trial promising bushfire technologies.

The platform comprises:

- A pre-qualified global network of over 70 technology solution providers
- Project funding via enterprise partners and a framework for conducting pilot trials
- A Living Laboratory in which solutions can be trialled and assessed
- Collaborative partnerships with key agencies to oversee trial operations

The program works by identifying the technology needs of partners and prioritising those which could best be accelerated into commercial use by conducting pilot trials in Noosa’s Living Lab to prove their efficacy.

Pilot trials are designed and conducted with the expertise and operational support of key emergency response agency partners and results are assessed by their subject matter experts with a view to commercial rollout at regional, state and national level.

Firetech Connect Network

Through this program, the Hub is building the leading global network of solution providers with over 80 companies from Europe, Asia, North America, South America, South Africa and Oceania.

Firetech Connect member companies are focussed on solving a range of problems relating mitigation, response and recovery from wildfires and bushfires events including solutions in early detection using satellite imaging, drones, environmental sensors, robotic cameras, artificial intelligence, fire resistant materials, eco-friendly suppressants and a number of other next generation solutions.

Firetech Living Lab

In December 2020, Council 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 Living 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 commenced in April 2021 and are slated for completion in mid to late 2022.

**4. PARTNERSHIPS & COLLABORATIONS**

The Digital Hub has established a significant network of partnerships which are helping to amplify the impact and reach of Noosa Council’s investment in building the digital and tech 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 AWS	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.
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.
Bushfire & Natural Hazards CRC	Partner, Firetech Connect and Firetech 2021 Expo
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
FireTech Connect Network	Partnerships with >50 bushfire resilience technology companies

**5. KPI UPDATE**

A Social Return on Investment (SROI) evaluation was undertaken to assess the holistic contribution of the Digital Hub to the local economy. The SROI methodology is used extensively to assess social and economic values, which allocates financial value to benefits which can be otherwise difficult to calculate. This report is attached.

The Digital Hub is realising Council’s strategy to unite and develop a strong, vibrant and productive digital community. Consultation with stakeholders directly involved in Digital Hub activities provided detailed data and anecdote regarding many value-adding economic activities. Following are the key findings attributable to the Digital Hub in 2020/21:

- Creation of **41.5 jobs**, valued at: \$3,735,000 (**\$1,867,500** direct attribution to Digital Hub)
- Development of **numerous new digital products and services** valued at: \$7,810,000 (direct attribution **\$1,562,000** to Digital Hub)
- Intended private capital investment to stimulate business or promote products valued at a minimum of: **\$180,000**.

The total SROI value of the Digital Hub – inclusive of the above and other benefits - is calculated to be: **\$4.8m for 2020/21**.

This is calculated on a conservative basis, meaning the true value is likely to be under-valued. This does not include the value of capital grants awarded through the Digital Hub (Firetech). This does not allow for COVID-19 impacts, as these were unable to be accurately estimated, although stakeholders explained impaired trading conditions.

**Working from and accessing markets from Noosa**

The digital community is accessing broad markets from their base in the Noosa locality. Trade is taking place with clients across SEQ, Queensland, Australia and international markets. The digital community is also confident they can continue to work and grow their business from Noosa.

**Previous Council Consideration**

Update reports are provided to Council on a six monthly basis.

**Finance**

Refer to Section 1 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.
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
COVID-19 impact	Greater emphasis on working from home may reduce demand for fulltime membership and office leases at the Hub, posing a risk to Digital Hub revenues. Reducing office space size and increasing the quota of flex members, are potential mitigations to this risk.
Pure tech focus may limit tenant growth	Digital sub-sector groups established and listed in section 4 above have contributed to a 90% occupancy rate.  Continue to expand eco-system and digital groups.  Continue to proactively monitor turnover and be prepared to implement targeted marketing
Development of Maroochydore CBD may draw tenancies and co-workers southward	As facilities in the Maroochydore CBD precinct improve, Hub members based in the more southerly parts of the Sunshine Coast LGA may find the shorter commute more convenient and elect to relocate. Continue to improve the service offering and commercial support.
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.
Loss of key personnel i.e. Digital Hub Director	Ensure appropriate support resources continue to be invested in
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"/> <b>Chief Executive Officer</b><br>Executive Officer<br>Executive Support  | <input type="checkbox"/> <b>Community Services</b><br>Director<br>Community Development<br>Community Facilities<br>Libraries & Galleries<br>Local Laws<br>Waste & Environmental Health  | <input checked="" type="checkbox"/> <b>Corporate Services</b><br>Director<br>x Financial Services<br>ICT<br>Procurement & Fleet<br>Property<br>Revenue Services   |
| <input type="checkbox"/> <b>Executive Services</b><br>Director<br>Community Engagement<br>Customer Service<br>Governance<br>People and Culture | <input checked="" type="checkbox"/> <b>Environment &amp; Sustainable Development</b><br>x Director<br>Building & Plumbing Services<br>Development Assessment<br>x Economic Development<br>Environmental Services<br>Strategic Land Use Planning | <input type="checkbox"/> <b>Infrastructure Services</b><br>Director<br>Asset Management<br>Buildings and Facilities<br>Civil Operations<br>Disaster Management<br>Infrastructure Planning,<br>Design and Delivery |

**7. CONFIDENTIAL SESSION**

Nil.