

S260 of the *Planning Act 2016* makes provisions for the continuation of existing lawful uses that commenced lawfully under a former planning scheme and the Noosa Plan 2020 does not stop or further regulate the use...

An application may be made by the owner of a property for confirmation of an existing lawful use right for *short-term accommodation*. The property may have existing use rights where there has been a consistent pattern of the house being generally available for short-term accommodation prior to the commencement of Noosa Plan 2020.

Applications will be assessed and a notice will be provided in writing advising whether the property has existing lawful use rights for short-term accommodation.

## 1. Applicant Details

Applicant name & signature:	Name:	Sign:
Postal Address:		
Email:		
Contact Number:		

## 2. Property address for claim of existing use rights

Unit No./ Street No.:	
Street:	
Town and Postcode:	
Property description (Lot and Plan No.):	

**Privacy** Council will use any personal information provided for the intended purpose only and for remaining in contact with you. Council is authorised to collect this information in accordance with the Local Government Act 2009 and other Local Government Acts. Your personal information is only accessed by persons authorised to do so. Your personal information is dealt with in accordance with council's privacy policy.

**Disclaimer** Noosa Shire Council cannot be held responsible for the accuracy or omission of such information or advice in relation to this application. Any advice received in relation to this application is to be treated as an opinion only and is not to be construed as legal advice nor is it intended to be a substitute for seeking independent legal advice. Noosa Shire Council disclaims all liability resulting from any views or advice provided and recommends that independent professional advice is sought before any commitment is entered based on the advice provided

## 4. Short-term accommodation use details

### 4.1 Zone

#### Superseded Noosa Plan 2006

- ☐ Detached Housing zone
- ☐ Semi-attached Housing zone
- ☐ Attached Housing zone
- ☐ Visitor Accommodation zone
- ☐ Rural Settlement zone
- ☐ Rural zone

#### Noosa Plan 2020

- ☐ Low Density Residential zone
- ☐ Medium Density Residential zone
- ☐ High Density Residential zone
- ☐ Tourist Accommodation zone
- ☐ Rural Residential zone
- ☐ Rural zone

### 4.2 Approved use

- ☐ Detached house
- ☐ Multiple housing Type 2 Duplex
- ☐ Multiple housing Type 4 Conventional (e.g. units, townhouses and villas)
- ☐ Visitor accommodation Type 4 Conventional
- ☐ Duplex Dwelling
- ☐ Multiple Dwelling

### 4.3 Approval date

- ☐ Post 3 February 2006 under The Noosa Plan 2006
- ☐ Pre 3 February 2006

## 4.4 Short-term accommodation use

Assessment Criteria	Evidence
<input type="checkbox"/> There is a consistent pattern of the dwelling being generally available for short-term accommodation prior to 31 July 2020	<input type="checkbox"/> Specify date short-term accommodation commenced: <hr/> <input type="checkbox"/> Evidence of commencement date attached and history of booking / availability Eg. property management agreement, online booking platform agreement / commencement, bookings history etc.
<input type="checkbox"/> Short-term accommodation is currently operating and has not ceased	<input type="checkbox"/> Evidence short-term accommodation is currently operating is attached Eg. current agreement and listings / bookings
<input type="checkbox"/> Property is managed by property management agency	<input type="checkbox"/> Specify name of property management agency <hr/>

	<input type="checkbox"/> Evidence and history of property management agreement is attached Eg. Property management agreement
<input type="checkbox"/> Property is self-managed	Specify platforms for advertising property <hr/> <input type="checkbox"/> Evidence and history of advertising and history of bookings is attached Eg. letter head statement from booking platform with dates.

\*Please enclose documentation in support of this application.

## DEFINITIONS

### **Noosa Plan 2020**

#### ***Short-term accommodation***

- (a) means the use of premises for
  - i providing accommodation of less than three (3) consecutive months to tourists or travellers; or
  - ii a manager's residence, office, or recreation facilities for the exclusive use of guests, if the use is ancillary to the use in subparagraph (i); but
- (b) does not include a hotel, nature-based tourism, resort complex or tourist park.

### **Noosa Plan 2006**

***Detached house*** means the use of premises for a single dwelling unit which comprises the whole of the building on one lot<sup>11</sup>. The term includes uses and works incidental to and associated with the detached house. The term includes the temporary use as a display home or removal home. The use may include a secondary dwelling not exceeding 65m<sup>2</sup> in area. The use is not divided further.

***Multiple housing*** means the use of premises for two or more dwelling units or accommodation units as the case may be, occupied by permanent or semi-permanent residents, where the occupants may share common facilities on the site. The term includes the following types-

***Type 2 Duplex*** means the use of premises for two dwelling units either attached or detached, on one lot.

***Type 4 Conventional*** means the use of premises for dwelling units that do not fall within Multiple housing Types 2, 3, or 5

***Visitor accommodation*** means accommodation that is designed and used for visitors to the Shire and where social, recreational and dining services may be provided for visitors by owners or staff. Resident guests stay for a temporary period of time (typically not exceeding 3 consecutive months). The use includes units, townhouses, flats, apartments, villas and small dwelling units.

***Type 4 Conventional*** means two or more dwelling units or accommodation units, for the purpose of providing short-term visitor accommodation. The use may include common recreation or dining facilities and includes an ancillary dwelling unit for onsite manager. The use includes a guesthouse, visitor hostel, motel, resort and serviced rooms, but does not include Visitor accommodation Type 1 Home hosted or Type 3 Rural as separately defined

### **Pre- 2006 Planning scheme**

***Duplex dwelling*** means any premises used or intended for use as 2 dwelling units on one allotment, whether or not the dwelling units are located on lots shown on a Group Titles Plan. The term does not include an accommodation building, bed and breakfast accommodation, dwelling house, group housing development or multiple dwelling as herein defined.

***Multiple dwelling*** means any premises used or intended for use for 3 or more dwelling units. The term does not include an accommodation building, aged persons home, bed and breakfast accommodation, cabin park, duplex dwelling, group housing development, host farm, hotel, institution, relocatable homes park or retirement community as herein defined.

Written advice	FEE \$696.00
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OFFICE USE ONLY					
Application no.	Amount paid	Date paid	Receipt no.	Initial	Date stamp
Completed by:			Date:		

Payment options	
In person	9 Pelican Street, Tewantin: 8.30 am to 4.30 pm Monday to Friday (excludes public holidays).
By link	A payment link will be forward to you once your application has been lodged.
By mail	Cheque or money order to be made payable to Noosa Council.
	<div> <input type="checkbox"/> Cheque </div> <div> <input type="checkbox"/> Money order </div>