



Exemptions
NOOSA COUNCIL

Noosa Shire Council

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

Contents

| | | |
|---------------|--|----------|
| Part 1 | Preliminary | 3 |
| | 1. Short title | 3 |
| | 1A Commencement..... | 3 |
| | 2. Purpose | 3 |
| | 3. Authorising local law | 3 |
| Part 2 | Amendment of Subordinate Local Law No. 1 (Administration) | |
| | 2015 | 3 |
| | 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) GTP102758, 73 Hilton Terrace, Noosaville (Ivory Palms Resort);
 - (vi) SP115731, 3 Hilton Terrace, Tewantin (Noosa Lakes Resort);
 - (vii) lot 2 on RP135678, 1 Beach Road, Noosa North Shore;
 - (viii) lot 2 on SP186169, 30 Beach Road, Noosa North Shore;
 - (ix) lot 500 on SP215779 and lot 500 on SP186174 and any of the Beach Road Holiday Homes, 90 Beach Road, Noosa North Shore;
 - (x) lot 2 on RP865533, 2 Halse Lane, Noosa Heads (Halse Lodge);
 - (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 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
 - (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
 - (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 kilometre 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 ;
 - (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 a 20 kilometre 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 a 20 kilometre 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 (***approval notice***) at the front of the premises; and
 - (ii) the approval notice must be visible to members of the public at all times; and
 - (iii) the size of the approval notice must be a minimum and maximum size of 0.2m²; 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
- (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.
- (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 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, 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 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 and record in the register, each of the following —
- (i) on each occasion on which the premises are used, or occupied, 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) 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 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.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

8 Term of renewal of approval

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

9 Definitions for schedule

In this schedule —

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

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(f).

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 day of October 2021.

.....
Chief Executive Officer
1118881_1