

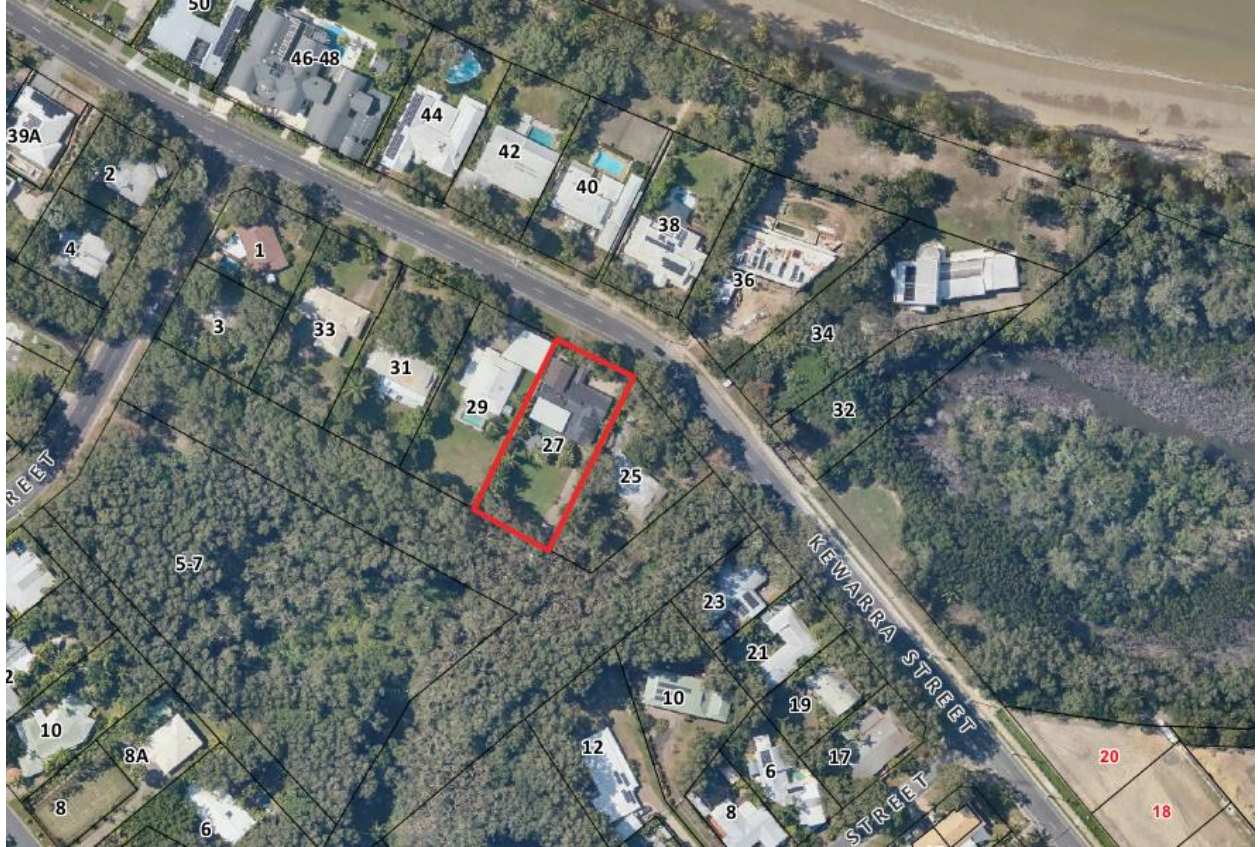
**ORDINARY MEETING****15 APRIL 2026****5.9****DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR SHORT-TERM ACCOMMODATION AND A DWELLING HOUSE - 27 KEWARRA STREET, KEWARRA BEACH - DIVISION 9****PGS: 8/8/1692: #7850496**

<u>PROPOSAL:</u>	DEVELOPMENT APPLCIATION FOR A MATERIAL CHANGE OF USE FOR SHORT-TERM ACCOMMODATION AND A DWELLING HOUSE
<u>LEVEL OF ASSESSMENT:</u>	IMPACT ASSESSMENT
<u>LANDOWNER:</u>	A E FREER (TTE)
<u>APPLICANT:</u>	A FREER C/- WILDPLAN PTY LTD PO BOX 8028 CAIRNS QLD 4870
<u>INTERESTED PARTIES:</u>	A E FREER (TTE) WILDPLAN PTY LTD
<u>LOCATION OF SITE:</u>	27 KEWARRA STREET, KEWARRA BEACH
<u>PROPERTY:</u>	LOT 44 ON RP728025
<u>ZONE:</u>	LOW DENSITY RESIDENTIAL ZONE
<u>LOCAL PLAN:</u>	NONE
<u>PLANNING SCHEME:</u>	CAIRNSPLAN 2016 V3.1
<u>NUMBER OF SUBMISSIONS:</u>	0 SUBMISSIONS
<u>STATUTORY ASSESSMENT DEADLINE:</u>	EXPIRED
<u>APPLICATION DATE:</u>	11 SEPTEMBER 2025
<u>DIVISION:</u>	9

APPENDIX:

1. APPROVED PLAN(S) & DOCUMENT(S)
2. NOTICE OF INTENTION TO COMMENCE USE

**LOCALITY PLAN**



**RECOMMENDATION**

That the Council approves the Development Permit for a Material Change of Use for a Short-Term Accommodation and a Dwelling House over land formally described as Lot 14 on RP728024 situated at 60 Kewarra Street, Kewarra Beach subject to the conditions provided below.

**PART A: Material Change of Use**

*Note: This part applies to the aspect of development relating to a Material Change of Use.*

**Approved Plan(s) and Document(s)**

The term 'approved plan(s) and document(s)' or similar expression means:

Plan or Document	Reference	Date
Site Plan – 27 Kewarra Street, Kewarra Beach	Prepared by WildPLAN Pty Ltd	4 September 2025

Floor Plan	Prepared by WildPLAN Pty Ltd	4 September 2025
Operational Management Plan	Prepared by WildPLAN Pty Ltd	18 March 2026

### Assessment Manager Conditions

General Requirements		Timing
1.	<p><b>Approved Plan(s) and Document(s)</b></p> <p>The development is to be completed and carried out generally in accordance with the approved plan(s) and document(s) above, except where modified by the conditions of this Development Permit.</p>	At all times.
2.	<p><b>Maintain the Approved Development</b></p> <p>Maintain the approved development generally in accordance with the approved plan(s) and document(s), and any relevant approval required by these conditions of approval.</p>	At all times.
3.	<p><b>Currency Period</b></p> <p>This development approval, granted under the provisions of the <i>Planning Act 2016</i> (Qld), lapses six (6) years from the day the development approval takes effect, in accordance with the provisions of section 85 of the <i>Planning Act 2016</i> (Qld).</p>	As stated.
4.	<p><b>Notice of Intention to Commence Use</b></p> <p>Written notice must be given to Council that the development fully complies with this Development Permit.</p> <p>Return the attached “Notice of Intention to Commence Use” (attached at Appendix 2).</p>	Prior to Commencement of Use.
5.	<p><b>Operational Management Plan</b></p> <p>The use must operate in accordance with the Operational Management Plan included in the Approved Plan(s) and Document(s). Specifically, the Plan must be upheld through providing the following measures:</p> <ol style="list-style-type: none"> <li>a. The property manager may be either: <ol style="list-style-type: none"> <li>i. The landowner; or,</li> <li>ii. Property Agent licenced in accordance with Section 26 of the <i>Property Occupation Act 2014</i> and registered with the Office of Fair Trading QLD.</li> </ol> </li> <li>b. When submitting the Notice of Intention to Commence Use, include copies of written notification provided to adjoining landowners informing them of the use.</li> <li>c. Refuse bins must be:</li> </ol>	<p>As stated</p> <p>AND</p> <p>At all times.</p>

	<ul style="list-style-type: none"> <li>i. screened from the street and adjoining properties;</li> <li>ii. placed at the kerbside for weekly collection; and;</li> <li>iii. if scheduled collection is missed, alternative collection within 24 hours.</li> </ul> <p>d. An A3 sized sign must be integrated into the fenceline or letterbox facing the Kewarra Street frontage providing the following:</p> <ul style="list-style-type: none"> <li>i. contact number of the property manager;</li> <li>ii. instructions on how to raise complaints to the abovementioned party.</li> </ul> <p>e. A registrar of complaints must be available for review. The registrar must include:</p> <ul style="list-style-type: none"> <li>i. Date and time of complaint;</li> <li>ii. Reason for complaint;</li> <li>iii. Name, address and contact information of complainant;</li> <li>iv. Resolution actions taken in response to complaint; and,</li> <li>v. Time taken to resolve complaint.</li> </ul> <p>f. Prior to checking in guests must sign a Code of Conduct the regulates the following:</p> <ul style="list-style-type: none"> <li>i. Noise and behavioural expectations, including quiet hours past 10:00pm;</li> <li>ii. No additional visitors;</li> <li>iii. No gatherings, functions or excessive noise generating activities;</li> <li>iv. Vehicle parking limited to on-site spaces; and,</li> <li>v. Waste requirements.</li> </ul>	
6.	<p><b>Limitation of Use</b></p> <p>The approved use of Short-term Accommodation does not facilitate the following:</p> <ul style="list-style-type: none"> <li>a. Home-based businesses; or,</li> <li>b. Subleasing of rooms; or,</li> <li>c. Events, functions, parties, gatherings or similar.</li> </ul>	At all times.

## ADVICE

1.	<p><b>Planning Laws</b></p> <p>Information relating to the <i>Planning Act 2016 (Qld)</i>, <i>Planning Regulation 2017 (Qld)</i> and Development Assessment Rules is located on the Queensland Government's planning website.</p>
2.	<p><b>Definitions</b></p> <p>All terms used in this development approval have those definitions as defined under the <i>Planning Act 2016 (Qld)</i> and <i>Planning Regulation 2017 (Qld)</i> (as at the date of the approval), Queensland Development Code and CairnsPlan 2016.</p> <p>To the extent of any inconsistency, the order of precedence of the above instruments is as follows:</p>

	<ul style="list-style-type: none"> <li>a. <i>Planning Act 2016 (Qld)</i>;</li> <li>b. <i>Planning Regulation 2017 (Qld)</i>;</li> <li>c. <i>Queensland Development Code</i>;</li> <li>d. <i>CairnsPlan 2016</i>; and</li> <li>e. <i>FNQROC Development Manual</i>.</li> </ul>
3.	<p><b>Future Compliance</b></p> <p>This approval does not negate the requirement for compliance of any future use with CairnsPlan 2016 or any future in force planning schemes, all other relevant Local Laws and other statutory requirements.</p>

## LAND USE DEFINITIONS\*

In accordance with Schedule 24 of the *Planning Regulation 2017*, and CairnsPlan 2016 the approved land use of Short-term accommodation is defined as:

*“short-term accommodation—*

*(a) means the use of premises for—*

*(i) providing accommodation of less than 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.”*

\*This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council’s Planning Scheme and the FNQROC Development Manual.

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## EXECUTIVE SUMMARY

Council is in receipt of an application for a Development Permit for a Material Change of Use for Short-term Accommodation and a Dwelling house at 27 Kewarra Street, Kewarra Beach more formally described as Lot 44 on RP728025. The application is impact assessable in this zone.

The site is within the Low density residential zone. The development presents as a single storey detached dwelling house. The streetscape has a mixture of single and double storey detached dwelling houses.

The development proposes to use the existing dwelling house for both long-term and short-term accommodation, noting that the long-term accommodation component is already an accepted land use. There are no physical modifications proposed. An Operational Management Plan is provided within the application material that requires guests to comply with a Code of Conduct and provides a third-party contact number that is available 24/7 for amenity related disturbances. The application underwent a public notification period and no submissions were received.

The area has a tourism nature with a food van, carpark and the Kewarra Beach Resort at the northern end of Kewarra Street. Consequently, there is a likelihood that alternative accommodation options that encourage growth and tourism within the neighbourhood will continue to be desired. While the streetscape character consists of detached dwelling houses, Council are aware that a number of these have been operating as short-term accommodation on a regular basis.

While this use is not anticipated under the Planning Scheme, the development would be consistent with the Code requirements and advance the intentions of the Strategic Framework through responding to the changing needs and expectations of the tourism industry. Therefore, where measures that effectively and efficiently control guest behaviours are incorporated, the character and amenity of the zone would be protected.

The departure from the established land-uses within this zone is not, in this instance, of such significance that the development cannot be supported. Rather, the development proposes an alternative accommodation activity that is compatible with low intensity residential development and would remain visually consistent with the streetscape character and amenity. For the reasons outlined in this report, the application is recommended to be approved, subject to conditions.

**TOWN PLANNING CONSIDERATIONS**

**Background**

Regulatory Compliance issued a Notice of Suspected Breach of Planning Scheme for the unlawful operations of Short-term accommodation (AirBnB) which resulted in this Development Application being lodged (Council Reference: #[7572528](#)).

Following a review of Council records, there are no existing Development Permits for Short-term accommodation within a dwelling house. Notwithstanding, the *CairnsPlan 2009* definition for ‘House’ incorporated a short-term accommodation component. As such, dwelling houses that meet the following criteria would have lawful use rights to operate short-term accommodation:

- Constructed under *CairnsPlan 2009* and consistently operating short-term accommodation since establishment; or,
- Constructed prior to *CairnsPlan 2009*, however incorporated the land-use of short-term accommodation following the commencement of *CairnsPlan 2009* and have been consistently operating.

**Site and Surround**

Site Description	
Site Area	Lot size: 2018m <sup>2</sup> Lot shape: site is rectangular in shape.

Existing Use of Land	<p>The subject lot contains an existing dwelling house, including a swimming pool and garage. The subject lot has connections to water, sewer, electricity and telecommunications.</p> <p>The dwelling house has five (5) bedrooms, three (3) bathrooms, a family room, an open plan living, kitchen and dining room and an attached triple garage.</p> <p>The dwelling house has an area of 474m<sup>2</sup> and is a single storey.</p>
Road Frontage	The site has a frontage of approximately 30.00m to Kewarra Street.
Topography	The site is generally flat with no significant features.
Vegetation	Mature vegetation is established at the site frontage.
Surrounding Land Uses	<p>The area surrounding the subject lot comprises of predominantly residential lots containing dwelling houses.</p> <p>Kewarra Beach is located less than 100m from the dwelling house.</p> <p>The Kewarra Beach Resort, Food Van and carpark and located at the northern end of Kewarra Beach, being roughly 500 metres from the subject site.</p>

### Overlays:

Overlay	Sub-Overlay
Acid Sulfate Soils	<ul style="list-style-type: none"> <li>• Land at or below 5m AHD</li> </ul>
Airport Environs	<ul style="list-style-type: none"> <li>• Area of Interest</li> <li>• 151m-151m AHD</li> <li>• Procedures for Air Navigation Services – Aircraft Operational (PANS-OPS) Surfaces</li> <li>• 13 kilometre buffer zone</li> </ul>
Coastal Processes	<ul style="list-style-type: none"> <li>• Erosion prone area</li> <li>• Coastal building line</li> </ul>
Flood and Inundation Hazard	<ul style="list-style-type: none"> <li>• Designated flood hazard area – Flood inundation trigger area</li> <li>• Storm tide inundation hazard area</li> <li>• Inundation hazard area</li> </ul>
Landscape Values	<ul style="list-style-type: none"> <li>• Coastal scenery</li> </ul>
Transport Network	<ul style="list-style-type: none"> <li>• Local route</li> <li>• Principal route</li> <li>• Pedestrian access street</li> <li>• Pedestrian spine</li> <li>• Minor collector road</li> </ul>

## Proposal

The development seeks to provide short-term accommodation into the existing dwelling house which would allow dual-use. The built form would be unchanged by this proposal. Tenancy would be capped at a maximum of ten (10) people. Though the development would still be an accommodation activity, the use is changing to include short-term accommodation which effectively changes how the site functions.

The proposed Operational Management Plan would regulate the following matters:

- Property Management;
  - Standards of property manager
  - Distribution of property manager contact details
- Booking procedures;
- Maximum number of occupants (10 people);
- Period of stay;
  - Minimum two (2) nights
  - Maximum three (3) months
- Arrival and departure procedures;
- Car Parking procedures;
- Complaints register;
- Preservation of character (amenity);
- Safety, noise and traffic management;
- Waste Management; and,
- Site security.

This proposal is seeking to use the dwelling house as long-term accommodation for 3 months and 1 day per calendar year and allow short-term accommodation for the remainder of the year. Guests will be required to comply with all components of the Operational Management Plan which would be provided prior to checking in.

An image of the premises is provided below:

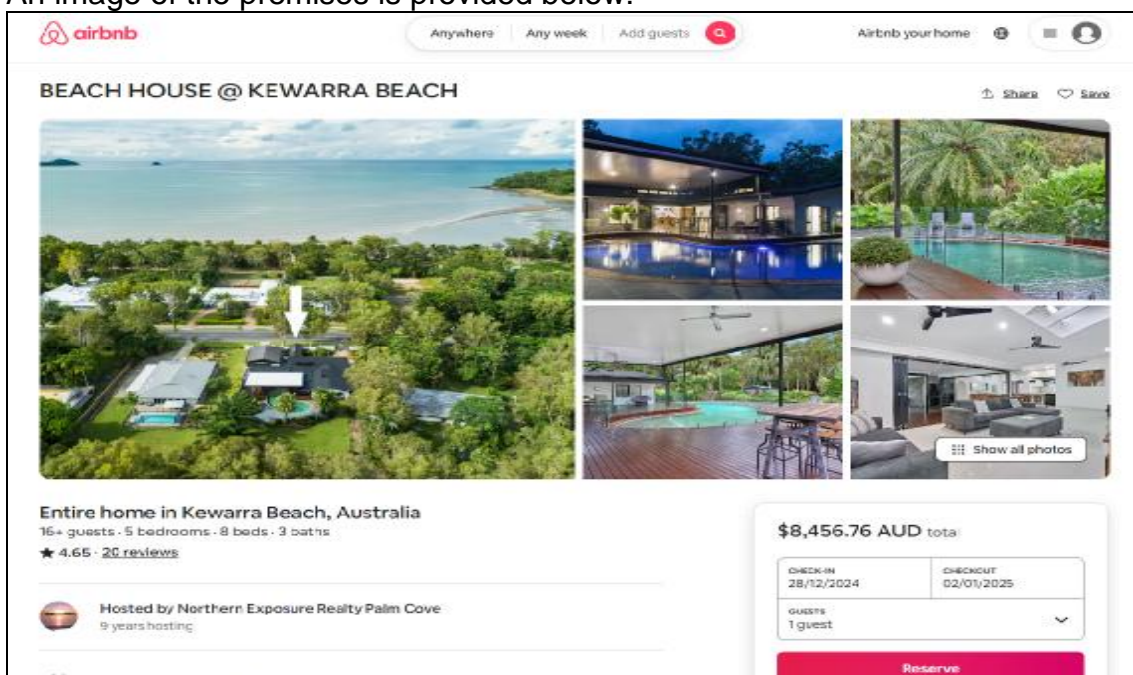


Figure 1: 27 Kewarra Street, Kewarra Beach (Source: AirBnB)

Important to this proposal is the size, density, built form and setbacks would not change as a result of this application. As such, any amenity impacts are limited to behavioural impacts only, which the Operational Management Plan seeks to address. The character of the zone is not proposed to be changed.

## **LEGISLATIVE FRAMEWORK**

The *Planning Act 2016* identifies the criteria for assessing a Development Application. As an Impact Assessable application, the relevant criteria are included in sections 5, 45, 59, 60 and 61 of the *Planning Act 2016* and sections 29, 30, 31 and 32 and schedules 9 and 10 of the *Planning Regulation 2017*. These provisions identify that an Impact Assessment:

1. Must be carried out against the following assessment benchmarks, to the extent that they are relevant to the development i.e. the assessment benchmarks stated in:
  - (a) Cairns Plan 2016 version 3.1 as the relevant local planning instrument in effect when the development application was properly made;
  - (b) Schedules 9 and 10 of the *Planning Regulation 2017*;
  - (c) The Far North Queensland Regional Plan 2009-2031 in effect when the development application was properly made;
  - (d) The State Planning Policy 2017 Part E in effect when the application was properly made;
  - (e) A temporary State Planning Policy applying to the premises in effect when the development application was properly made;
  - (f) Council's LGIP in effect when the application was properly made;
2. May give such weight as Council considers is appropriate, in the circumstances, to an amended or replacement version of the statutory instruments referred to in 1 above that came into effect after the development application was properly made but before it is decided;
3. May give such weight as Council considers is appropriate, in the circumstances, to another relevant statutory instrument that came into effect after the development application is properly made but before it is decided;
4. Must be carried out having regard to:
  - a. Any designation for the premises;
  - b. Any development approval for, and any lawful use of, the premises or adjacent premises; and
  - c. The common material;
5. May be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise; and

6. Must be performed in a way that advances the purposes of the *Planning Act 2016*.

The following section of this report comprises Officers assessment against the prescribed *Planning Act 2016* and *Planning Regulation 2017* criteria.

### Statutory Planning Considerations

<p><b>State Planning Policy</b></p>	<p>The State Planning Policy (SPP) contains the State Interest Policies and Assessment Benchmarks which are applicable to the development. The subject site is affected by the following State Interests:</p> <ul style="list-style-type: none"> <li>• Biodiversity <ul style="list-style-type: none"> <li>○ MSES – Regulated Vegetation (Category R)</li> </ul> </li> <li>• Natural Hazards Risk &amp; Resilience <ul style="list-style-type: none"> <li>○ Flood Hazard Area – Local Government Flood Mapping Area;</li> <li>○ Medium storm tide inundation area</li> <li>○ Bushfire Prone Area</li> <li>○ Flood hazard area – Level 1 – Queensland floodplain assessment overlay</li> </ul> </li> <li>• Strategic Airports and Aviation Facilities <ul style="list-style-type: none"> <li>○ Obstacle Limitation Surface Area;</li> <li>○ Wildlife Hazard Buffer Zone;</li> <li>○ Aviation Facility</li> </ul> </li> </ul> <p>The CairnsPlan 2016 advances the SPP except for erosion prone areas and the Coastal Management District, and therefore all the relevant State interests that apply to this development have been appropriately reflected in CairnsPlan 2016. No further assessment is required or provided.</p>
<p><b>FNQ Regional Plan 2009-2031</b></p>	<p>The subject site is within the FNQ Regional Plan 2009-2031 designation - Urban Footprint.</p> <p>The Regional Plan has been appropriately integrated and reflected through the CairnsPlan 2016.</p>

### Matters Prescribed by Regulation

<p><b>Schedule 10 of the Planning Regulation 2017</b></p>	<p><b>Not Applicable</b></p> <p>The Application did not trigger any Referrals under the triggers identified within Schedule 10 of the Planning Regulation 2017, therefore there are no referral agency responses considered in this assessment.</p>
<p><b>Schedule 12A of the Planning Regulation 2017</b></p>	<p><b>Not Applicable</b></p> <p>The application does not propose the creation of a new road.</p>

## LOCAL CATEGORISING INSTRUMENT

### CairnsPlan 2016 v3.1

#### Strategic Framework Assessment

The development is subject to Impact Assessment and therefore requires assessment against the Strategic Framework of the CairnsPlan 2016, in accordance with section 45 (5) of the *Planning Act 2016*.

<b>Strategic Framework</b>	
<b>Settlement Pattern Theme</b>	
<b>Strategic Outcome</b>	<b>Assessment</b>
Strategic Outcome 3.3.1(1)	<p>Strategic Outcome 3.3.1(1)(k)(m) states: <i>development co-locates compatible land-uses and maintains and enhances the identity of the region.</i></p> <p>The proposed development would co-locate a dual-use of permanent and short-term accommodation within a detached dwelling house. The outcome would be consistent with the identity of the region as a tourism centre, promoting an accommodation activity that is within close proximity to a natural tourist attraction.</p>
<b>Element – residential areas and activities</b>	
<b>Specific Outcome</b>	<b>Assessment</b>
Specific Outcome 3.3.5.1(2)	<p>Specific Outcome 3.3.5.1(2) states: <i>residential development is located and designed to provide a wide range of living options that maintains and enhances the character and identity of individual communities.</i></p> <p>The development would increase the diversity of accommodation options available within the Kewarra Beach catchment, providing both a short-term and long-term proponent that retains the residential amenity through behavioural monitoring and mitigation measures. This development expands the accommodation options within Kewarra Beach and Cairns Northern Beaches.</p>
Specific Outcome 3.3.5.1(6)	<p>Specific Outcome 3.3.5.1(6) states: <i>areas identified for lower density residential development provide predominantly low rise detached Dwelling houses to maintain the low density character of the area.</i></p> <p>The proposed short-term accommodation would be located within a single storey detached dwelling house that would maintain a built form and density consistent with the low density residential zone. The incorporation of short-term accommodation into the existing structure would not change the density or appearance. The development would maintain a low density accommodation activity as preferred in this zone.</p>

<b>Element - Economy</b>	
<b>Specific Outcome</b>	<b>Assessment</b>
Specific Outcome 3.5.2.1 (1)	<p>Specific Outcome 3.5.2.1 (1) states: <i>existing economic activities continue to be facilitated in and around existing allocated areas and where possible are consolidated or co-located with similar or complementary activities.</i></p> <p>The Cairns Northern Beaches is one of Cairns's major tourist attractions, therefore co-location of short-term accommodation that retains the low-density residential amenity within close proximity to the beaches consolidates land-uses and tourism activities.</p>
Specific Outcome 3.5.2.1 (5)	<p>Specific Outcome 3.5.2.1 (5) states: <i>development that contributes to diversifying the economy is facilitated in locations where it is:</i></p> <ul style="list-style-type: none"> <li>(a) <i>compatible with the scale and character of the surrounds and does not adversely impact on the natural environment or supply of agricultural land;</i></li> <li>(b) <i>highly accessible;</i></li> <li>(c) <i>designed to avoid areas that are vulnerable to natural hazards;</i></li> <li>(d) <i>supported by infrastructure necessary to meet the demand of the activity.</i></li> </ul> <p>The proposed development would diversify the local economy through facilitating a tourist accommodation option within an area that is accessible as an existing tourist destination. The built form and physical elements would not be changed, therefore the character, amenity and existing infrastructure connections would be maintained.</p>
<b>Element - Tourism</b>	
<b>Specific Outcome</b>	<b>Assessment</b>
Specific Outcome 3.5.3.1 (1)	<p>Specific Outcome 3.5.3.1 (1) states: <i>the Cairns region is a national and international tourist destination that provides a diverse range of tourist accommodation, attractions and experiences that respond to the changing needs and expectations of the tourism industry.</i></p> <p>The expectations for tourist accommodation are diversifying as a desire for space, separation and accessibility is increasingly observed in the typology of accommodation that tourists are opting for. This has seen the influx of short-term accommodation bookings within dwelling houses. Allowing the dual-use of a dwelling house for both permanent and short-term accommodation would introduce an alternative variety of accommodation that enables tourists to experience a unique low-intensity option within the northern beaches, responding to the changing expectations of the tourism industry.</p>

Specific Outcome 3.5.3.1 (2)	<p>Specific Outcome 3.5.3.1 (2) states: <i>that tourist accommodation is provided in highly accessible locations and meets the varying needs of visitors to the region.</i></p> <p>Considering the building typology, secluded location and proximity to surrounding tourist attractions it is anticipated that tourists who opt for this style of accommodation would have access to a private motor vehicle for their length of stay. The location has a high level of accessibility via motor vehicle.</p>
Specific Outcome 3.5.3.1 (4)	<p>Specific Outcome 3.5.3.1 (4)(a)(c) states: <i>tourism development and associated infrastructure is established where it:</i></p> <p>(a) <i>responds to a new, emerging or innovative tourism trend that will enhance visitor experiences; and,</i></p> <p>(c) <i>is complementary to and compatible with other land uses.</i></p> <p>The proposed development reflects a rapidly emerging form of tourist accommodation. As the use would not affect the physical appearance, built form or density it would remain compatible with lower density residential zones with the only difference in land-uses being the transient nature. It is acknowledged that this raises the potential for behavioural issues which could cause amenity impacts, however management and mitigation measures can control and monitor impacts.</p>
Specific Outcome 3.5.3.1 (8)	<p>Specific Outcome 3.5.3.1 (8) states: <i>new tourist accommodation and entertainment areas are planned and developed in appropriate parts of the region.</i></p> <p>The location of the proposed short-term accommodation would be within close proximity to Kewarra Beach, the Kewarra Beach Resort, food van and carpark. The sites commutable distance from surrounding assets and natural tourist attractions further encourage the use of this area for tourist accommodation as these features demonstrate compatibility between land-uses and the subject site.</p>

### Relevant Assessment Benchmarks of CairnsPlan 2016

<b>CairnsPlan 2016 Assessment Benchmarks</b>	
<b>Assessment Benchmark</b>	<b>Assessment</b>
Low Density Residential Zone Code	<p><b>Complies</b></p> <p>The proposed development would incorporate variety into the low density dwelling typology currently available within Kewarra Beach that would retain the character and amenity of the area and zone. The difference in land-use would be the increased turnover in occupancy associated with tourist accommodation, which would be managed through an Operational Management Plan to protect the low-intensity residential amenity.</p>

Acid Sulfate Soils Overlay Code	<p><b>Complies</b></p> <p>No works required.</p>
Airport Environs Overlay Code	<p><b>Complies</b></p> <p>No works required.</p>
Bushfire Hazard Overlay Code	<p><b>Generally Complies</b></p> <p>The proposed development would be entirely within the Potential Impact Buffer overlay, however is limited to the existing dwelling house. As there is no increase in the scale or size of the dwelling house, and the use would remain an accommodation activity, there is no increased risk to people or property as a result of this application.</p>
Flood and Inundation Hazards Overlay Code	<p><b>Complies</b></p> <p>The existing dwelling house is located outside of areas affected by the overlay.</p>
Natural Areas Overlay Code	<p><b>Complies</b></p> <p>The site has mapping of remnant vegetation at the rear of the property. Notwithstanding, there are no physical works proposed therefore the vegetation would remain undisturbed.</p>
Transport Network Overlay Code	<p><b>Complies</b></p> <p>The development is not anticipated to generate traffic volume greater than the current use and is consistent with the anticipated use of a Minor Collector Road.</p>
Multiple Dwelling and Short-Term Accommodation Code	<p><b>Generally Complies</b></p> <p>The development generally achieves the required setbacks, albeit a minor encroachment into the front and side boundaries that are existing. The existing dwelling house satisfies the requirements of the code in terms of open space, landscaping, recreational area and design.</p>
Environmental Performance Code	<p><b>Complies</b></p> <p>To control potential amenity impacts that may arise as a result of consistent changes in occupancy, an Operational Management Plan that includes a Code of Conduct and provisions for neighbouring sites to contact third-party providers in the case of complaints is incorporated. The development is able to co-locate a compatible land-use that does not unduly impact the existing area.</p>

Excavation and Filling Code	<b>Complies</b> No works required.
Infrastructure Works Code	<b>Complies</b> No works required.
Landscaping Code	<b>Complies</b> The development would exceed the minimum landscaping requirements through retaining the existing on-site landscaping.
Parking and Access Code	<b>Complies</b> The site has a total of four (4) existing car parks, two which exceeds the requirements for short-term accommodation, being two (2) spaces.
Vegetation Management Code	<b>Complies</b> No vegetation damage or removal is proposed.

## RELEVANT MATTERS

The development is subject to Impact Assessment and therefore consideration was given to the following relevant matters, in accordance with section 45 of the *Planning Act 2016*.

### Local Planning Instrument

Development assessment under CairnsPlan 2016 v3.1 contemplates the physical built form and land-use of proposals, however, is largely silent on operational functions. While the definitions provide a brief outline on operations, the zone and development codes lack depth in distinguishing nuances between scale, intensity and operations that are required to clearly articulate and guide zone and development outcomes.

The zone and development codes provide the quantitative and qualitative outcomes that guide development. Particularly, the Low density residential zone code, Dwelling house code and Multiple dwelling and short-term accommodation code all discuss the built form elements with no consideration afforded to the operations of the use. In this context, the proposed development is fully compliant with these assessment benchmarks.

Further, the Strategic Framework outlines desired outcomes that align with particular themes related to settlement, natural areas, economy and infrastructure. The intention is to deliver a strategic vision that guides development within the Cairns Region, with particular emphasis on captivating and enhancing the unique lifestyle to encourage international and domestic tourism, being Cairns's major economic driver.

Residential development is encouraged to deliver a wide range of living options and tourism accommodation is encouraged where it is easily accessible to tourist attractions and responds to the changing needs and expectations of the tourism industry. In this context, the proposal aligns with the desired outcomes delivered under each theme.

The Tables of Assessment is the most substantial tool to distinguish the ease of which a development can be established within a zone, offering three (3) different levels of assessment with Impact assessment being the highest level and requiring public notification. Notwithstanding, impact assessable development is not equivalent to inconsistent development or undesirability. It is afforded when development is different from the existing land-uses and therefore the decision should be informed with community awareness. As quoted within *Stephen Family Pastoral Pty Ltd v Local City Council & Anor [2026]*, “*impact assessment requires a broad, evaluative judgement that admits of flexibility to approve an application in the face of non-compliance with a planning scheme*”.

Significant to this assessment is how the Planning Scheme wholistically addresses the intentions for residential compared to tourism development. The Scheme’s identification of ‘Residential Zones’ is inclusive of Low, Low-medium, Medium and Tourist Accommodation Zones. This recognises that both long-term and short-term accommodation are residential activities. Further, the Purpose Statement within all residential zone codes, excluding the Tourist Accommodation Zone Code, seeks a variety of dwelling types to be provided. Dwelling types is an umbrella term that is defined as any self-contained residence. The Planning Scheme does not deliver limitations on the operations of dwelling types, rather it is silent on how particular land-uses are required to operate where they vary from the standard definitions or typology.

Assessing the proposed development against the Planning Scheme demonstrates that this proposal is outside the scope of development that the Scheme contemplated, being the highest level of assessment yet able to comply with all assessment benchmarks. Therefore, consideration of matters outside the Planning Scheme have been utilised including the need and impacts, effects on the existing amenity and effects on the housing market.

### **Needs and Impact Assessment**

A Needs and Impact Assessment was provided by Cummings Economic which explored the impacts of existing short-term accommodation within dwelling houses, using a cost vs availability analysis to determine whether an oversupply is saturating the market, which could be perceived as driving housing pressures. The report identified a total of 46 properties within Kewarra Beach marketed for short-term accommodation, however this includes a mixture of typologies that is not limited to self-contained accommodation. A total of 25 single detached dwelling houses were identified as operating short-term accommodation.

An evaluation of the cost of short-term accommodation within dwelling houses compared to market availability concludes that there is no oversupply, as costs continue to surge and availability remains limited. As such, there is an opportunity within the market to provide tourist accommodation that also enables landowners to engage in an efficient dual-use of housing stock. This does not restrict the use of a dwelling house for long-term accommodation, rather provides an option for dual-use incorporating short-term accommodation within a structure that presents as a single detached dwelling house.

### **Amenity and behavioural impacts**

Amenity issues caused by human behaviours have been identified as the primary concern when contemplating short-term accommodation within dwelling houses. The Planning Scheme cannot control the behaviours of individuals, whether they are located on a premises operating as long-term or short-term accommodation. Although there is a perception that short-term accommodation increases behavioural disturbances when compared to long-term accommodation, there is limited evidence to support this perspective and Officers note that most amenity-related complaints received at Council are not associated with short-term accommodation.

While short-term accommodation results in regular occupancy changes that may involve individuals who generate disamenity, this can be monitored and mitigated through an Operational Management Plan which has been included within the application material. This plan provide a 24/7 contact number indicated on signage at the property frontage for complaints.

With consideration to visual amenity, no physical changes would be required, with only the operational functions altering. Notwithstanding, the streetscape presentation and maintenance standards are notably different when comparing business accommodation with long-term accommodation. Specifically, short-term accommodations generally meet higher standards of maintenance that simultaneously contribute to an attractive streetscape (e.g. lawn & garden maintenance, cleanliness, tidiness etc) in comparison to long-term accommodation where upkeep is at the behest of residents which can result in the depreciation of streetscape amenity when maintenance does not align with an individuals interests. As such, property and streetscape amenity would be maintained through short-term accommodation within residential zones.

### **Impacts to housing market**

A dwelling house provides long-term accommodation for a family or groups of people. Enabling dual-use for short-term accommodation incorporates a commercial component that departs from typical residential development. This issue has been reviewed at a State level and the Queensland Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) have commissioned a report through The University of Queensland to assess the impact of dwelling houses operating as short-term accommodation on the housing market across of a number of Local Government Areas (LGA's) within Queensland, titled '*A Review of the Impacts of Short-term Rental Accommodation in Queensland*' dated June 2023.

The report findings did not find a clear correlation between housing prices and short-term accommodation, however, did note that the influx of short-term accommodation has simultaneously occurred at the same time as other market shifts (e.g. cost of living crisis) that are anticipated to be greater contributors to current housing pressures. There were positive findings of the impacts of short-term accommodation on local convenience stores such as café's and shops; however, there were negative impacts to businesses targeting long-term residents such as vehicle workshops, healthcare and industrial areas. An influx of more affluent residents has been shown to have a positive effect on local characteristics such as economic stability and vibrancy; however, disamenity from noise and behavioural disturbances has been acknowledged where the premises is opportunistically used for functions such as parties, bachelorettes etc.

When considering the negative and positive findings of this study, it is notable that the location of the proposal within close proximity to Kewarra Beach is not within proximity to businesses targeting long-term occupants, with the only nearby service being a coffee van. With the incorporation of an Operational Management Plan, disamenity impacts are able to be mitigated and reduced, with third-party action elected to provide service efficiency. Further, the approval of short-term accommodation does not facilitate the hosting of events and functions on premises, which would require a separate development application for function facility or similar.

Comparing the context of this site with the findings of the study is favourable to considering short-term accommodation as an appropriate land-use given the separation from businesses targeting long-term occupants and the ability to control amenity impacts.

## **PUBLIC NOTIFICATION**

In accordance with Impact Assessment procedures outlined in Part 4: Public Notification of the Development Assessment Rules, the development was publicly notified for a minimum of fifteen (15) business days, with the following actions being carried out:

- A notice published in the newspaper circulating generally in the locality;
- A notice placed on the land in the way prescribed under the DA Rules; and
- A notice given to the owners of all lots adjoining the premises.

A Notice of Compliance was received on 19 December 2025. No properly made submissions were received during the Public Notification period or throughout the assessment process.

## **INFRASTRUCTURE CHARGES**

Council's Infrastructure Charges Resolution No. 2 of 2021 identifies that no charges are applicable to the proposed development. In accordance with Schedule 1, Note 3 of the Resolution where a Material Change of Use approves more than one use, and both uses are across the same area, the Base Charge applicable is the highest base charge.

In this scenario, the charge for a dwelling house exceeds that of short-term accommodation. As the dwelling house is existing, it also receives a credit, which results in no additional infrastructure charges.

## **LOCAL GOVERNMENT INFRASTRUCTURE PLAN (LGIP)**

The proposed development is located within the Priority Infrastructure Area. The development does not require the delivery of trunk infrastructure to facilitate the development.

### **PLANNING NOTATIONS**

The development approval is required to be notated in the Planning Scheme under section 89 of the *Planning Act 2016* as it is considered to be substantially inconsistent with the planning scheme.

### **REASONS FOR DECISION**

The reasons for this decision are:

1. The proposed development has been assessed in accordance with the provisions of the CairnsPlan 2016 v3.1. While it departs from the existing land-uses within the Low density residential zone, it is consistent with the Zone Code through supplying a low density accommodation type.
2. The operational functions would be managed through an Operational Management Plan to protect the low-density residential amenity and support the co-location of long-term and short-term accommodation. Occupant behaviours would be regulated by the landowner and caretaker and a complaint resource provided to protect the existing streetscape amenity.
3. The design and siting of the development is consistent with the physical built-form desired within the Low density residential zone, therefore the visual amenity of the site remains consistent with the existing and desired streetscape.
4. The proposal would provide tourist accommodation in the northern beaches in a manner that maintains the streetscape character and amenity while supporting one of the regions key tourist attractions. This responds to the shift in the tourist accommodation market to typologies that provide privacy, separation and space. As a result, the development is responding to the changing expectations in the tourist industry.
5. The infrastructure requirements to facilitate the proposed development would be of the same density and yield that the existing infrastructure network provides, therefore the development would conform to the existing network.
6. The development would deliver a balance between land-use flexibility and neighbourhood amenity through providing a functional solution that enables co-location of accommodation activities while incorporating amenity protection.

## **RISK MANAGEMENT**

### **Council Finance and the Local Economy**

The development is to occur on privately owned land and all costs are the responsibility of the developer.

The development is Impact assessable therefore the appeal period allows the developer and submitters (for properly made submissions) to contest the decision with the Planning & Environment Court (P&E Court). Any decision made in respect to this application is at risk of appeal, which does impose a financial risk to Council which consequently effects the local economy.

To manage this risk, an assessment against the relevant legislation was completed which found that very inconsistent statutory guidelines on whether to support or refuse this proposal are provided. Notwithstanding, there is a significant community appetite to support this form of development given the substantial amount of existing operations. This will form an '*Other Relevant Matter*' if required to be considered under at the P&E Court.

### **Community and Cultural Heritage**

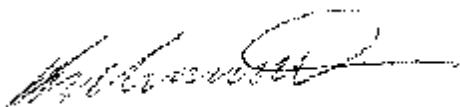
CairnsPlan 2016 sets out framework to ensure appropriate development occurs. The framework is reflected within the overlay, local plan, zone and development codes of which this development application has been assessed against.

### **Natural Environment**

CairnsPlan 2016 sets out framework to ensure appropriate development occurs. The framework is reflected within the overlay, local plan, zone and development codes of which this development application has been assessed against.

## **ATTACHMENTS**

1. Approved Plan(s) & Document(s)
2. Notice of Intention to Comment Use



Brett Nancarrow  
Interim Executive Manager Development & Planning



Mark Davey  
Director Planning, Growth & Sustainability

**APPENDIX 1: APPROVED PLAN(S) & DOCUMENT(S)**

Insert Approved Plans (DM#[7850612](#)) as PDF File to Decision Notice

# Site Plan - 27 Kewarra Street, Kewarra Beach

04 September 2025

16°46'51"S 145°41'14"E

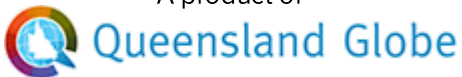
16°46'51"S 145°41'17"E



16°46'54"S 145°41'14"E

16°46'54"S 145°41'17"E

A product of



## Legend

Places: Search Results

44RP728025



0 10 metres

Scale: 1:470

Printed at: A4

Print date: 4/9/2025

Not suitable for accurate measurement.  
Projection: Web Mercator EPSG 102100 (3857)

For more information, visit  
<https://qldglobe.information.qld.gov.au/help-info/Contact-us.html>

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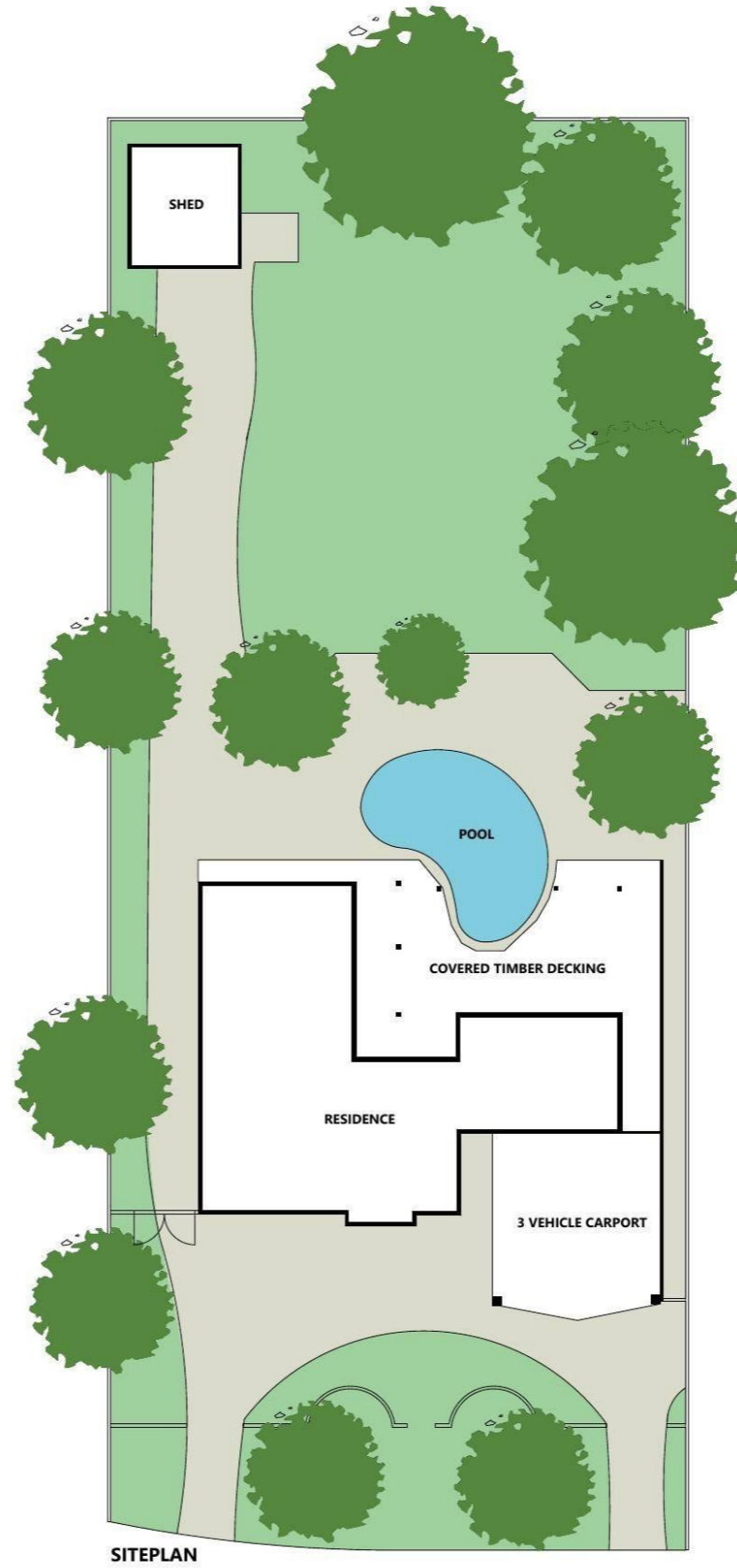
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**Queensland  
Government**

Department of Natural Resources and Mines,  
Manufacturing, and Regional and Rural Development

**Floor Plan**  
27 Kewarra Street, Kewarra Beach  
**Source:** Realestate.com  
Markups by wildPLAN 04 September  
2025





27 Kewarra Street, Kewarra Beach

# OPERATIONAL MANAGEMENT PLAN

SHORT TERM ACCOMMODATION

Applicant: Alison Freer  
C/- wildPLAN Pty Ltd



**A CONTACT DETAILS**

<b>Company</b>	wildPLAN Pty Ltd
<b>Representative</b>	Dominic Hammersley
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**B DOCUMENT INFORMATION**

<b>Client Name</b>	Alison Freer C/- wildPLAN Pty Ltd
<b>Project Reference</b>	WP25 019 FRE
<b>Document Reference</b>	WP25 019 FRE OMP

**C DOCUMENT HISTORY**

Version	Execution Date	Description	Preparation	Review
1.0	29 Oct 2025	Operational Plan	CT	DH
2.0	18 Mar 2026	Final	DH	DH

**D DOCUMENT AUTHORISATION**

Version	Description	Authorised by	Signature	Execution Date
2.0	Final	Dominic Hammersley		18 March 2026

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Schedule 1 – Property Manager Details Form

## **CITATION AND COMMENCEMENT**

This Operational Management Plan may be cited as the Kewarra Street Operational Management Plan 2025, dated 18 March 2026.

## **1. OBJECTIVES**

This Operational Management Plan sets out operational requirements in respect to Short-Term Accommodation land use on land at 27 Kewarra Street, Kewarra Beach (formally described as Lot 44 on RP728025).

The Operational Management Plan seeks to ensure that the operation of the Short-Term Accommodation land use is at all times consistent with the amenity expectations of the Low Density Residential Zone.

The Operational Management Plan establishes requirements in respect to –

- A. Property management
- B. Booking Procedures
- C. Maximum number of occupants
- D. Maximum period of stay
- E. Arrival and departure times for guests
- F. Car parking
- G. Complaints Register
- H. Preservation of character of the surrounding area
- I. Safety, noise and traffic nuisance management
- J. Security, site monitoring and corrective actions.

## 2. OPERATIONAL REQUIREMENTS

The following sub-sections set out the minimum operating requirements for the Short-Term Accommodation land use at 27 Kewarra Street, Kewarra Beach.

### 2.1 Property Management

- A. The premises must be independently managed by a professional property management entity that meets the following minimum requirements:
- i. A local Cairns Real Estate Agent, with a physical office in the Cairns Local Government Area
  - ii. The local Cairns Real Estate Agent must be registered with the Queensland Office of Fair Trading
  - iii. The local Cairns Real Estate Agent must provide an on-call security service.
- B. Cairns Regional Council must be provided with the following property manager information prior to the commencement of use (refer **Schedule 1**):
- i. Entity name e.g. Blue Sky Real Estate
  - ii. Office address
  - iii. Postal address
  - iv. Contact name
  - v. Email address
  - vi. Contact phone (business hours)
  - vii. Contact phone (out of hours)
- C. A sign must be prominently displayed on the fence of the Kewarra Street frontage that identifies the contact number of the Cairns Real Estate Agent required by 2.1A.
- D. In the event that the property manager is changed, Council must be notified within 24 hours by way of issue of the completed form at **Schedule 1**.
- E. The owners of the following premises are to provided with the above property manager information prior to the commencement of use and within 24 hours of a change in property management:
- i. 25 Kewarra Sreet, Kewarra Beach
  - ii. 29 Kewarra Street, Kewarra Beach.

## 2.1 Booking procedures

- A. All guest bookings are to be managed exclusively through the property manager (refer **section 2.1**).
- B. The property will be listed on reputable short-term accommodation platforms, with all reservations subject to pre-screening and verification by the property manager.
- C. The property manager will oversee all aspects of guest management, including booking confirmation, payment processing, communication, and check-in/out coordination.
- D. The property owner will not conduct direct bookings.
- E. Clear terms and house rules are communicated to guests prior to arrival via a guest handbook to ensure compliance with operational requirements and preservation of residential amenity and guest safety.

## 2.3 Maximum number of occupants

- A. The maximum number of occupants permitted at any one time is limited to **ten (10)** persons, inclusive of adults and children.

## 2.4 Maximum period of stay

- A. Guest turnover is expected to occur on a weekly basis and with a mandatory minimum two-night booking policy.

*Note - This approach maintains low guest frequency and reduces the potential for excessive traffic or amenity impacts.*

- B. The maximum period of stay for Short-Term accommodation guests is 3 months.

## 2.5 Arrival and departure procedures

- A. Guest arrival and departure times are restricted to between 8:00 a.m. and 7:00 p.m. to minimise disturbance to neighbouring properties.
- B. Check-in and check-out is managed by the appointed property manager, who coordinates key collection and property orientation.

## 2.6 Car parking

- A. The premises provides adequate on-site car parking within the existing driveway areas, sufficient to accommodate up to three (3) vehicles.
- B. On-street parking is not encouraged, and guests are advised of parking arrangements prior to arrival to avoid obstructing public roadways or adjoining driveways.

## **2.7 Complaints Register**

- A. The property manager is to maintain a 24-hour contact number (refer **section 2.1**) for neighbouring residents to report any concerns or complaints.
- B. All complaints are to be recorded in a digital register detailing the nature of the issue, time, date and resolution provided.
- C. Immediate response procedures are implemented for excessive noise, parking issues, or behavioural complaints. The agent will investigate and, where necessary, issue written warnings or terminate bookings for non-compliant guests.
- D. The property is to be maintained in a neat and orderly condition at all times to ensure compatibility with the surrounding residential character (refer **section 2.8** for additional requirements).
- E. Council is to be provided a copy of the complaints register by the property manager upon request.

## **2.8 Preservation of character of the surrounding area**

- A. The dwelling and its grounds will be regularly inspected by the property manager to ensure compliance with maintenance standards and visual amenity.
- B. Landscaping will be maintained in accordance with the high standards exhibited on Kewarra Street, with lawns mowed, gardens tended, and waste properly stored and appropriately screened. External lighting will remain subdued and directed away from adjoining properties.

## **2.9 Safety, noise and traffic nuisance management**

- A. Guests are informed of house rules via the guest handbook prohibiting parties, loud gatherings, or amplified music.
- B. Quiet hours are enforced between 9:00 p.m. and 7:00 a.m, during both weekdays and weekends.
- C. The managing agent will respond promptly to any reported disturbances. The property is fitted with standard residential safety features including smoke alarms, and compliant pool fencing.
- D. Traffic generation from the use is minimal and consistent with that of a typical dwelling, with no adverse impacts anticipated on the local road network.

## **2.10 Waste management**

- A. Waste management is conducted in accordance with Cairns Regional Council's collection schedules.
- B. General waste and recycling bins are stored discreetly on-site and placed for collection no earlier than the evening before designated pick-up days.

- C. Guests are provided with clear instructions regarding bin use and recycling requirements.
- D. The property manager's assigned maintenance team is responsible for ensuring bins are returned to their proper storage areas promptly after collection. Overflow or illegal dumping of waste is strictly prohibited

**2.11 Security, site monitoring and corrective actions**

- A. The property is monitored by the property manager through routine inspections and guest compliance checks.
- B. Appropriate outdoor lighting and secure locks are installed to maintain property security.
- C. The property manager maintains an on-call response service to attend the site in the event of emergencies or reported breaches. Any incidents are documented in a digital register managed by the real estate agency, with corrective measures implemented as required to prevent recurrence

### 3. SUMMARY

This Operational Management Plan supports the use of the property at 27 Kewarra Street for Short-Term Accommodation. The plan outlines measures to ensure the use remains lawful and consistent with the quiet amenity and residential character of the area.

#### Management and Operations

A licensed local real estate agency, registered with the Queensland Office of Fair Trading, is to manage all Short-Term Accommodation activities. The agency provides 24-hour contact, on-call security, and oversees bookings, check-in/out, maintenance, and complaints.

#### Occupancy and Guest Management

- Maximum occupancy: ten (10) persons.
- Short-Term Accommodation stays to not exceed 3 months
- Check-in/out: between 8:00 a.m. – 7:00 p.m.

#### Amenity and Neighbourhood Protection

- No amplified noise or parties; quiet hours 9:00 p.m. – 7:00 a.m.
- Three (3) on-site car spaces; on-street parking discouraged.
- Complaints register maintained and management contact details provided to the owner of adjoining premises.
- Property to be maintained and landscaped to residential standards.

#### Safety, Waste, and Security

- Smoke alarms and pool fencing installed in compliance with regulations.
- Waste managed per Council schedule; bins stored discreetly.
- Routine inspections and incident reporting undertaken by the managing agent.

The plan ensures that the property's operation as Short-Term Accommodation maintains residential amenity, neighbourhood character, and compliance with Council conditions and policies while providing a clear, enforceable structure for ongoing property management.

**SCHEDULE 1 – PROPERTY MANAGER DETAILS FORM**



**SCHEDULE 1**

# 27 Kewarra Street, Kewarra Beach

## Short-Term Accommodation Operational Management Plan – Property Manager Details Form

### PROPERTY MANAGER DETAILS

**Company Name**

**Contact name**

**Contact number** (business hours)

**Contact number** (out of hours)

**Email**

### PHYSICAL ADDRESS

– *Street*

– *Suburb*

– *State*

– *Postcode*

### POSTAL ADDRESS

– *As Above*

– *Street / PO Box*

– *Suburb*

– *State*

– *Postcode*

### PROPERTY MANAGER DECLARATION

**Signature:**

**Date:**

---

## APPENDIX 2: NOTICE OF INTENTION TO COMMENCE USE



### Notice of Intention to Commence Use

#### DEVELOPMENT PERMIT *Planning Act 2016*

Development Permit	8/8/1692
Date of Approval	25 September 2025
Approved Use	Short-term Accommodation & Dwelling House
Location	27 Kewarra Street Kewarra Beach
Property Description	Lot 44 on RP728025

I/we are hereby notifying Cairns Regional Council of my/our intention to commence the approved use outlined above

on \_\_\_\_\_ (insert date).

I have read the conditions of the Decision Notice issued and believe that all the applicable conditions have been complied with.

Applicant:

Address:

Contact Phone:

Signature of Applicant/Owner:

Date:
