ORDINARY MEETING 25 NOVEMBER 2026	5.15

DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR A DWELLING HOUSE & SHORT-TERM ACCOMMODATION – 19 LITARA COURT, PALM COVE – DIVISION 9

PGS | 8/8/1710 | #7915548

PROPOSAL:	MATERIAL CHANGE OF USE FOR A DWELLING HOUSE & SHORT-TERM ACCOMMODATION
LEVEL OF ASSESSMENT:	IMPACT ASSESSMENT
LANDOWNER:	N G HAACK (TTE)
APPLICANT:	N G HAACK (TTE) C/- WILDPLAN PTY LTD PO BOX 8028 CAIRNS QLD 4870
LOCATION OF SITE:	19 LITARA COURT, PALM COVE
PROPERTY:	LOT 228 ON SP218302
ZONE:	LOW DENSITY RESIDENTIAL
PLANNING SCHEME:	CAIRNSPLAN 2016 V3.1
NUMBER OF SUBMISSIONS:	19 SUBMISSIONS (14 PROPERLY MADE)
RISK LEVEL ASSIGNED:	HIGH LEVEL RISK
STATUTORY ASSESSMENT DEADLINE:	25 NOVEMBER 2026
APPLICATION DATE:	3 JULY 2026
DIVISION:	9
APPENDIX:	1. APPROVED PLAN(S) & DOCUMENT(S) 2. NOTICE OF INTENTION TO COMMENCE USE

LOCALITY PLAN



RECOMMENDATION

That Council approves the Development Permit for Material Change of Use for a Dwelling House & Short-term Accommodation over land formally described as Lot 228 on SP218302 situated at 19 Litara Court, Palm Cove subject to the following conditions:

PART 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 – 19 Litara Court, Palm Cove	Prepared by WildPLAN Pty Ltd	17 June 2026
Floor Plan	Prepared by WildPLAN Pty Ltd	16 June 2026
Operational Management Plan	Prepared by WildPLAN Pty Ltd	October 2026

Assessment Manager Conditions

General Requirements		Timing
1.	**Approved Plan(s) and Document(s)** **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.**	**At all times.**
2.	**Maintain the Approved Development** **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.**	**At all times.**
3.	**Currency Period** **This development approval, granted under the provisions of the *Planning Act 2016* (Qld), lapses six (6) years from the day the development approval takes effect, in accordance with the provisions of section 85 of the *Planning Act 2016* (Qld).**	**As stated.**
4.	**Notice of Intention to Commence Use** **Written notice must be given to Council that the development fully complies with this Development Permit.** **Return the attached "Notice of Intention to Commence Use" (attached at Appendix 2).**	**Prior to Commencement of Use.**
5.	**Operational Management Plan** **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:** **a. The property manager may be either:** **i. The landowner; or,** **ii. Property Agent licenced in accordance with Section 26 of the *Property Occupation Act 2014* and registered with the Office of Fair Trading QLD.** **b. When submitting the Notice of Intention to Commence Use, include copies of written notification provided to adjoining landowners informing them of the use.** **c. Refuse bins must be:** **i. screened from the street and adjoining properties;** **ii. placed at the kerbside for weekly collection; and;** **iii. if scheduled collection is missed, alternative collection within 24 hours.**	**As stated** **AND** **At all times.**

	d. A register of complaints must be available for review. The register must include: **i. Date and time of complaint;** **ii. Reason for complaint;** **iii. Name, address and contact information of complainant;** **iv. Resolution actions taken in response to complaint; and,** **v. Time taken to resolve complaint.** **e. Occupancy is limited to a maximum of eight (8) guests per booking.**	
6.	**Limitation of Use** **The approved use of Short-term Accommodation does not facilitate the following:** **a. Home-based businesses; or,** **b. Subleasing of rooms; or,** **c. Events, functions, parties, gatherings or similar; or,** **d. Party house.**	**At all times.**

ADVICE

1.	**Planning Laws** **Information relating to the *Planning Act 2016* (Qld), *Planning Regulation 2017* (Qld) and Development Assessment Rules is located on the Queensland Government's planning website.**
2.	**Definitions** **All terms used in this development approval have those definitions as defined under the *Planning Act 2016* (Qld) and *Planning Regulation 2017* (Qld) (as at the date of the approval), Queensland Development Code and CairnsPlan 2016.** **To the extent of any inconsistency, the order of precedence of the above instruments is as follows:** ***a. Planning Act 2016* (Qld);** ***b. Planning Regulation 2017* (Qld);** **c. Queensland Development Code;** **d. CairnsPlan 2016; and** **e. FNQROC Development Manual.**
3.	**Future Compliance** **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.**

LAND USE DEFINITIONS*

In accordance with Schedule 24 of the *Planning Regulation 2017*, and CairnsPlan 2016 the approved land use of Short-term Accommodation & Dwelling House 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."

***"dwelling house* means a residential use of premises involving—**
(a) 1 dwelling and any domestic outbuildings associated with the dwelling; or
(b) 2 dwellings, 1 of which is a secondary dwelling, and any domestic outbuildings associated with either dwelling."

***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.**

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 19 Litara Court, Palm Cove more formally described as Lot 228 on SP218302. The application is impact assessable within this zone.

The site is within the Low Density Residential Zone. The site has frontage to Litara Court and backs onto an environmental reserve. The development presents as a single storey detached dwelling house. The streetscape has a mixture of single and double storey dwelling houses.

This application is in response to an alleged unlawful use of short-term accommodation within the dwelling house, which resulted in compliance action by way of enforcement notice issued from Council.

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. Occupancy is limited to a maximum of eight (8) guests per booking and 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 to resolve and amenity related disturbances.

The application underwent a Public Notification Period and received a total of 19 submissions, of which 14 were properly made, all being against the development. Of the five (5) not properly made submissions, two (2) were in support of the development and three (3) were against the development.

While this use is impact assessable, the development is considered 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 application has been assessed in accordance with the legislative framework for Impact Assessment, including the *Planning Act 2016*, *Planning Regulation 2017*, Development Assessment Rules and the applicable benchmarks contained in CairnsPlan 2016.

Whilst all properly made submissions objected to the application, officers are satisfied that the amenity concerns raised can be appropriately mitigated through conditions of approval and the Operational Management Plan. The proposal represents an alternative accommodation activity; however, it retains the existing built form, does not increase density and is considered capable of operating in a manner that is compatible with the character and amenity of the locality. Accordingly, the departure from the established land use pattern is not considered of such significance as to outweigh the merits of the proposal, and the application is recommended for approval subject to conditions.

TOWN PLANNING CONSIDERATIONS

Background

A dwelling house was established on the subject site by way of accepted development subject to conditions, with a Final Building Application received on 3 August 2012 (Council Reference: #3723328). A siting dispensation that supported reduced setbacks to the front and side boundaries was endorsed by Council prior to construction, with the endorsement date being 19 July 2012 (Council Reference: #3678649). To date, no further permits or approvals have been permitted at the subject site.

An alleged unlawful use of short-term accommodation has since occurred within the dwelling house, which resulted in compliance action by way of enforcement notice issued from Council on 14 August 2025 (Council Reference: #7712132). The landowner was advised to cease the existing short-term accommodation use and lodge a development application for the use. The subject application is a result of this advice.

Site and Surround

Site Description	
Site Area	Lot Size 624m² The lot is generally rectangular in shape.
Existing Use of Land	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.

Road Frontage	The site has a frontage of approximately 20m to Litara Court.
Topography	The site is generally flat with no known drainage issues.
Vegetation	The site does not have any significant vegetation, however the rear boundary adjoins Council owned land within the Open Space Zone.
Surrounding Land Uses	The area surrounding the subject lot comprises of predominantly residential lots containing dwelling houses. Setback from the site are significant parcels of undisturbed mature vegetation that contribute to the visual amenity and tropical identity of the area.

Overlays:

Overlay	Sub-Overlay
Acid Sulfate Soils	• Land above 5m AHD or below 20m AHD
Airport Environs	• Area of Interest • Procedures for Air Navigation Services – Aircraft Operational (PANS-OPS) Surfaces • 13-kilometre buffer zone
Natural Areas	• MSES Wildlife Habitat (endangered or vulnerable) • MSES Wildlife Habitat (special least concern animal)
Transport Network	• Access road

Proposal

The development seeks to incorporate short-term accommodation into the existing dwelling house which would allow dual-use for long-term and short-term accommodation. The built form would be unchanged by this proposal. Tenancy would be capped at a maximum of eight (8) people. Though the development would still be an accommodation activity, the use is changing to facilitate short-term accommodation which effectively changes how the site functions.

The proposed Operational Management Plan provides details on the following areas of interest:

- Property Management;
  - Standards of property manager
  - Distribution of property manager contact details
- Booking procedures;
- Maximum number of occupants (8 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; and,
- Security, site monitoring and corrective actions.

The proposal is seeking dual-use of the dwelling house for permanent and short-term accommodation at all times, allowing flexibility in how the property can be used and maximising efficiency in housing stock.

Images of the premises are provided below:

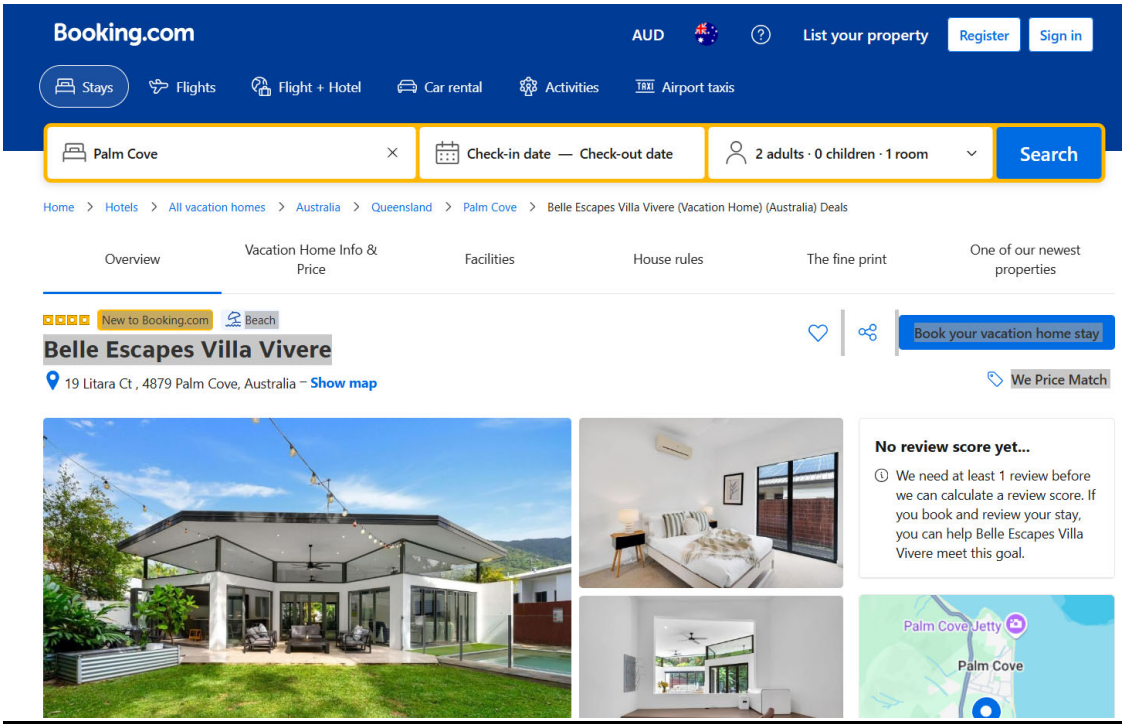


Figure 1: 19 Litara Court, Palm Cove (Source: Booking.com)

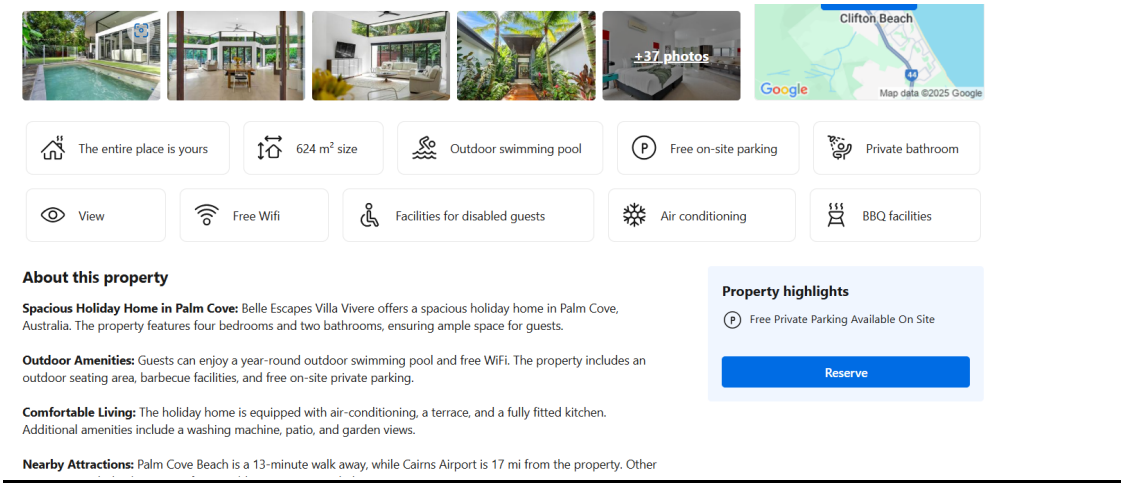


Figure 2: 19 Litara Court, Palm Cove (Source: Booking.com)

This proposal is seeking the interchangeable use of the existing Dwelling House for either permanent residential **or** short-term accommodation purposes. Only one (1) of the two (2) nominated land uses will be in operation at any given point in time - that is, the site will function as either a Dwelling House or as Short-term Accommodation, not both concurrently.

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) FNQ Regional Plan and Infrastructure Plan 2026;
   (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

State Planning Policy	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:
	
	• Agriculture
	  ○ Agricultural land classification – class A and B;
	• Biodiversity;
	  ○ MSES Wildlife habitat (endangered or vulnerable);
	  ○ MSES Wildlifw habitat (special least concern animal);
	• Natural hazard and risk resilience; and,
	  ○ Flood hazard area – local government flood mapping area;
	  ○ Flood hazard area – Level 1 – Queensland floodplain assessment overlay;
	• Strategic airport and aviation facilities;
	  ○ Aviation facility.
	
	The CairnsPlan 2016 advances the SPP except for erosion prone areas and the coastal management district, and therefore all the relevant State interests have been appropriately reflected in CairnsPlan 2016.

FNQ Regional Plan and Infrastructure Plan 2026	The FNQ Regional Plan and Infrastructure Plan 2026 ("the plan") commenced on 8 May 2026 and is not reflected by the CairnsPlan 2016 v3.1. In accordance with the *Planning Regulation 2017*, the assessment has therefore considered the following parts of the plan to the extent relevant: • Chapter 3: Regional growth pattern and areas of regional interest • Chapter 4: Policy outcomes and strategies • Appendix 1: Far North Queensland Infrastructure Plan The proposed development **complies** with the benchmarks of the plan **without conditions**.

Matters Prescribed by Regulation

Schedule 9 of the *Planning Regulation 2017*	**Not Applicable** The application is not for Building Works.
Schedule 10 of the *Planning Regulation 2017*	**Not Applicable** Referral to the State Assessment and Referral Agency (SARA) was not required for the application.
Schedule 12A of the *Planning Regulation 2017*	**Not Applicable** The application is not for Reconfiguring a Lot into 2 or more lots and the construction or extension of a road.

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*.

Strategic Framework	
Settlement Pattern Theme	
Strategic Outcome	**Assessment**
Strategic Outcome 3.3.1(1)	Strategic Outcome 3.3.1(1)(k)(m) states that the regional grows and evolves in a way that: (k) co-locates compatible land-uses; and, (m) maintains and enhances the scenic amenity, tropical character and identity of the region. *Officers response:* *The proposed short-term accommodation is considered be compatible with the existing long-term accommodation as the existing density, built form and nature of the site will be retained. An Operational Management Plan (OMP) will provide mechanisms to monitor and manage guests behaviours, ensuring a compatible level of amenity is achieved between land-uses.* *The development would continue to present as a single detached dwelling house, with no external building works proposed as part of this application. Accordingly, the proposal would not alter the physical appearance of the dwelling and would maintain the existing character and amenity of the streetscape.*
Element – residential areas and activities	
Specific Outcome	**Assessment**
Specific Outcome 3.3.5.1(2)	Specific Outcome 3.3.5.1(2) states 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. *Officers response:* *The proposed short-term accommodation would incorporate an accommodation option that appeals to a wider range of residents given its flexibility in use. The built form would not be altered as part of this application, therefore no changes to the visual character or identity of the area are anticipated*.

Specific Outcome 3.3.5.1(6)	Specific Outcome 3.3.5.1(6) states areas identified for lower density residential development provide predominantly low rise detached Dwelling houses to maintain the low density character of the area. *Officers response:* *The proposed short-term accommodation would be maintained within the existing detached Dwelling house. No changes to the Dwelling typology are proposed as part of this application.*
Element - Economy	
Specific Outcome	**Assessment**
Specific Outcome 3.5.2.1 (1)	Specific Outcome 3.5.2.1 (1) states 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. *Officers response:* *The subject site is located within close proximity to areas of Palm Cove renowned for being a major tourist focal point. Incorporating a short-term accommodation option would enable the opportunity to co-locate compatible land-uses, being tourist accommodation within short commuting distance of a tourist attraction.*
Specific Outcome 3.5.2.1 (5)	Specific Outcome 3.5.2.1 (5) states development that contributes to diversifying the economy is facilitated in locations where it is: (a) compatible with the scale and character of the surrounds and does not adversely impact on the natural environment or supply of agricultural land; (b) highly accessible; (c) designed to avoid areas that are vulnerable to natural hazards; (d) supported by infrastructure necessary to meet the demand of the activity. *Officers response:* *The proposed short-term accommodation use would not alter the scale or character of the existing dwelling house and as such would not introduce new amenity impacts resulting from the built form. The development remains highly accessible under the existing transport network and no changes are proposed as part of this application. The development does not create exposures to natural hazards. The scale and intensity of the dwelling house is not anticipated to increase and as such can continue to be serviced by the existing infrastructure network.*

Element - Tourism	
Specific Outcome	**Assessment**
Specific Outcome 3.5.3.1 (1)	Specific Outcome 3.5.3.1 (1) states 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. *Officers comment* *The development would diversify the current tourist accommodation market within close proximity to Palm Cove key tourism destinations, through introducing a new typology, being short-term accommodation within a detached dwelling house. The application responds to ongoing demand for detached dwelling style visitor accommodation within proximity to Palm Cove's tourism attractions.*
Specific Outcome 3.5.3.1 (2)	Specific Outcome 3.5.3.1 (2) states that tourist accommodation is provided in highly accessible locations and meets the varying needs of visitors to the region. *Officers response:* *The subject site is located within close proximity to areas of Palm Cove renowned for being a major tourist focal point. As such, the location of the development is highly accessible to surrounding tourism locations. The application responds to ongoing demand for detached dwelling style visitor accommodation within proximity to Palm Cove's tourism attractions.*
Specific Outcome 3.5.3.1 (4)	Specific Outcome 3.5.3.1 (4)(a)(c) states tourism development and associated infrastructure is established where it: (a) responds to a new, emerging or innovative tourism trend that will enhance visitor experiences; and, (c) is complementary to and compatible with other land uses. *Officers response:* *The proposed development is conducive to the established trend of short-term accommodation through popular online platforms that appeal to a global audience and provides an independent attraction to residential areas. The typology enhances visitor experiences through providing an attractive, independent accommodation option within close proximity to a major attraction.*

Specific Outcome 3.5.3.1 (8)	Specific Outcome 3.5.3.1 (8) states new tourist accommodation and entertainment areas are planned and developed in appropriate parts of the region. *Officers response:* *When considering what constitutes 'appropriate parts of the region' the following attributes support the location of the proposal:* • *The site is located within 1.5km of Upolu Esplanade, as the crow flies.* • *The site is surrounded by Tourist accommodation zoned land to the east and Low-medium density residential zoned land to the north.* • *The built form of the development would be retained; therefore, it would appear consistent with the identity and character of the area.* • *The site's location between established low density residential development and nearby land zoned for tourist accommodation and low-medium density residential development provides a transitional setting suited to a small-scale accommodation use.* • *This combination of location and development scale would allow the proposal to complement the broader tourism setting while retaining the low-rise, detached dwelling character of the immediate locality.* *The development is considered appropriate considering its size, density and locational merits.*

Relevant Assessment Benchmarks of CairnsPlan 2016

CairnsPlan 2016 Assessment Benchmarks	
Assessment Benchmark	**Assessment**
Low Density Residential Zone Code	**Complies** The proposed development would incorporate variety into the low density dwelling typology currently available within Palm Cove 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 will be managed through an Operational Management Plan to protect the low-intensity residential amenity.
Acid Sulfate Soils Overlay Code	**Complies** No works required.

Airport Environs Overlay Code	**Complies** No works required.
Natural Areas Overlay Code	**Complies** No works required.
Transport Network Overlay Code	**Complies** 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.
Multiple Dwelling & Short-term accommodation Code	**Generally Complies** The development generally achieves the required setbacks, albeit a minor existing encroachment into the front and side boundaries. The existing dwelling house satisfies the requirements of the code in terms of open space, recreational area and design. The reduced side boundary setbacks prevent the development from achieving the required landscaping width. Notwithstanding, these setbacks are existing as is the landscaping present. Therefore, as no further changes are proposed to the built form, no further landscaping is required.
Environmental Performance Code	**Complies** To control potential amenity impacts that may arise as a result of consistent changes in occupancy, an Operational Management Plan that includes a third-party contact 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.
Excavation and Filling Code	**Complies** No works required.
Infrastructure Works Code	**Complies** The development contains existing connections to relevant infrastructure.

Landscaping Code	**Complies** The development would exceed the minimum landscaping requirements through retaining the existing on-site landscaping.
Parking and Access Code	**Complies** The site has a total of two (2) existing car parks, two which meets the requirements for short-term accommodation, being two (2) spaces.
Vegetation Management Code	**Complies** No vegetation damage or removal is proposed.

Local Planning Instrument

Whilst the Planning Scheme does not expressly address all operational aspects of short-term accommodation, these matters have been considered insofar as they relate to the assessment benchmarks concerning residential amenity, character and community expectations.

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.

While the proposal is not specifically envisaged by the Planning Scheme within this context, it remains necessary to assess the development on its merits having regard to the relevant assessment benchmarks and other relevant matters, including the need and impacts, effects on the existing amenity and effects on the housing market.

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 provides a 24/7 contact number for complaint management and resolution.

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 accommodation generally meets 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 is not within close proximity to a significant number of businesses targeting long-term occupants, with the nearby services being a mixture of food and drink outlets, retail stores and short-term accommodation.

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 proximity to businesses targeting short-term accommodation and the ability to control amenity impacts.

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*.

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 16 September 2026. A total of 19 submissions were received during the Public Notification Period, of which 14 were properly made and five (5) were not properly made. All properly made submissions were against the proposal. Two (2) not properly made submissions were in support of the proposal and three (3) not properly made submissions were against the proposal.

MATTERS RAISED IN SUBMISSIONS FOR IMPACT ASSESSABLE DEVELOPMENT

The following matters were raised in properly made submissions.

Issue	How matter was dealt with
Amenity impacts	Submissions raise that the previous unlawful short-term accommodation use of the premises resulted in significant audio, visual and pollution impacts as a result of parties and large gatherings. The Operational Management Plan provided in support of this application and included within the approved plan(s) & document(s) table includes re-active and preventative measures to control amenity related disturbances. As a re-active measure, a property manager is available for 24/7 contact and is required to track complaints within a register, including details of the resolution. Where complaints repeatedly occur guests may be asked to leave. As a preventative measure, a privacy safe noise monitoring system would be installed. Where the noise thresholds are exceeded the property manager is notified and immediate response required. With the incorporation of the OMP, the proposed use has greater control of amenity-related disturbances in comparison to long-term renters where amenity impacts are unable to be controlled by a third party. With the proposed ameliorative measures the short-term accommodation is anticipated to retain a Low density residential amenity.

Antisocial behaviour	Submissions raise concerns that short-term accommodation attracts guests who display antisocial behaviour. The antisocial behaviour has been further described as swearing, loud noise, destructive behaviour and general nuisance. Behavioural impacts are unable to be attributed to a specific group of person(s) or demographic and an entire land-use is unable to be considered based on a specific group of people(s). The OMP provides a control measure in a best-endeavour to reduce antisocial behaviours. Notwithstanding, in the instance where behaviours risk the safety and security of anyone, Queensland Police Service (QPS) remain the authoritative department.
Traffic & parking congestion	Submissions address the increased traffic from short-term accommodation, and the adverse impacts including congestion, on-street car parking and undesirable streetscape amenity. Officers acknowledge that evidence, in the form of photos, has been provided that show a caravan parked within the footpath verge and three vehicles parked along the street. It is acknowledged that this occurred at a stage where the proposed development was not yet formalised. The OMP addresses this issue by ensuring the garage is available for use at all times, with a limit of two (2) vehicles per booking. On-street parking is strictly prohibited.
Refuse management	Submissions raise concerns that refuse bins are left out for long periods of time and remain visible when inside the property. The OMP, specifically section 2.10 Waste Management, clearly articulates the waste management measures that guests are required to comply with, including prompt changeovers following rubbish collection days and the need for placement within a discreet location.
Zoning	Submissions raise concerns that the intentions of the Low density residential zone do not support the use of short-term accommodation. As explored further in the above assessment, the Low density residential zone does not specifically address the accommodation requirement in terms of short-term or long-term accommodation. Rather, this zone seeks to control the built form elements, such as density and visual amenity. Further, inconsistent development is not a category of assessment under the current planning scheme. Rather, the highest level of assessment is impact assessable, which is not equivalent to inconsistent development. Rather, it affords a broad, evaluative assessment of the proposal that considers matters outside of the planning scheme. In considering the proposed use within the low density residential zone, the built form would remain unchanged, whilst the OMP would enable control over behavioural impacts.

Landscaping	Submissions raise concerns that the site does not have adequate landscaping to buffer amenity impacts from neighbouring properties. There are no physical changes requested as part of the application. Therefore, it is reasonable, in Officers opinion, to maintain the existing standard of landscaping. Unlawful vegetation clearing has also been raised. This matter is considered within separate assessments.
Property Values	Submissions raise concerns that the short-term accommodation may reduce the property value of neighbouring residences. Property values are not a planning consideration within the guidelines of the *Planning Act 2016*.
Housing shortage	Submissions draw attention to the current housing shortage and the low vacancy rates for long-term accommodation. While approval may provide an additional opportunity for the dwelling to be used as short-term accommodation, there is insufficient evidence to demonstrate that approval of a single dwelling would result in a material impact on housing availability within the locality. It is noted that the proposed development retains the right to be used as long-term residential use.
Size	Submissions draw attention to the Multiple Dwelling & short-term accommodation code which requires a minimum 800m^2 site area, whereas the site only has a site area of 624m^2. The built form is existing with no physical changes sought. Further, there is no increase in density or capacity within the proposal. As such, the subject site already accommodates the proposed use.
Occupancy	Submissions raise that the proposed occupancy, being 10 people, results in large amenity related impacts. The applicant has considered this issue and in their response to submissions agreed to reduce the capacity to a maximum of eight (8) people. An updated OMP was provided to clarify this. Eight (8) guests is considered an appropriate capacity as this enables two (2) guests per room, which can be an expected capacity produced by a regular dwelling house.
Operational Management Plan	Submissions raise that the control parameters included in the OMP are re-active and therefore do not prevent the issues from occurring in the first place. The OMP includes both preventative and reactive measures, with the main preventative measures being a noise monitoring device that alerts the property manager when the threshold is exceeded. This is considered a reasonable and appropriate preventative measure.

INFRASTRUCTURE CHARGES

Council's Infrastructure Charges Resolution No. 2 of 2021 identifies that an Infrastructure Charge is not required to be levied for the development.

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.

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 property manager and a complaint resource provided to protect the existing amenity in accordance with an approved Operational Management Plan.

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 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.

5. 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 measures.

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 affects the local economy.

To manage this risk, the assessment has therefore focused on establishing a clear evidentiary basis against relevant assessment benchmarks, strategic outcomes and other relevant matters under the Planning Act 2016.

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

Attachment 1 – Approved Plans and Documents #7973930
Attachment 2 – Notice of Intention to Commence Use



Claire Simmons
Executive Manager Development & Planning



Sean Lisle
A/ Director Planning, Growth & Sustainability

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

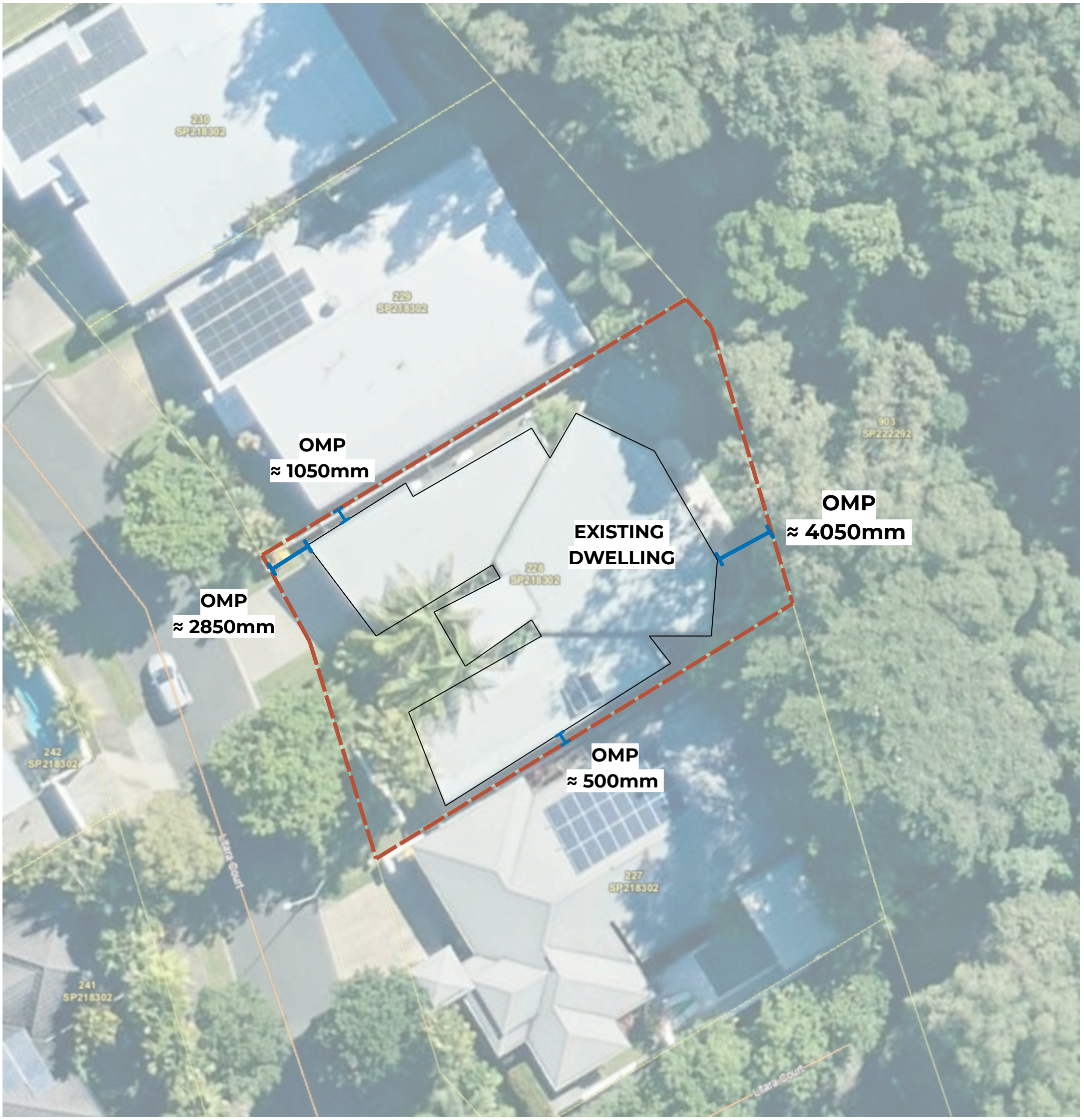
Insert Approved Plans (DM#7973930) as PDF File to Decision Notice

Site Plan - 19 Litara Court, Palm Cove 4879 (Lot 228 on SP218302)

17 June2026

16°45'20"S 145°39'59"E

16°45'20"S 145°40'2"E



16°45'23"S 145°39'59"E

16°45'23"S 145°40'2"E

A product of

Queensland Globe



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Legend located on next page

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0 5 metres

Scale: 1:250

Printed at: A3

Print date: 17/6/2026

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.ht m l

Queensland Government

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

Floor Plan: 19 Litara Court, Palm Cove
Source: Realestate.com.au, 2022
Markups wildPLAN – 16 June 2026



FLOOR PLAN

Plan is not to scale and is indicative of layout. It is for illustrative purposes only. All room sizes and dimensions shown on this plan, including, but not limited to, doors, windows, cabinets are approximate. Property Shots Australia gives no guarantee to the accuracy of the document.

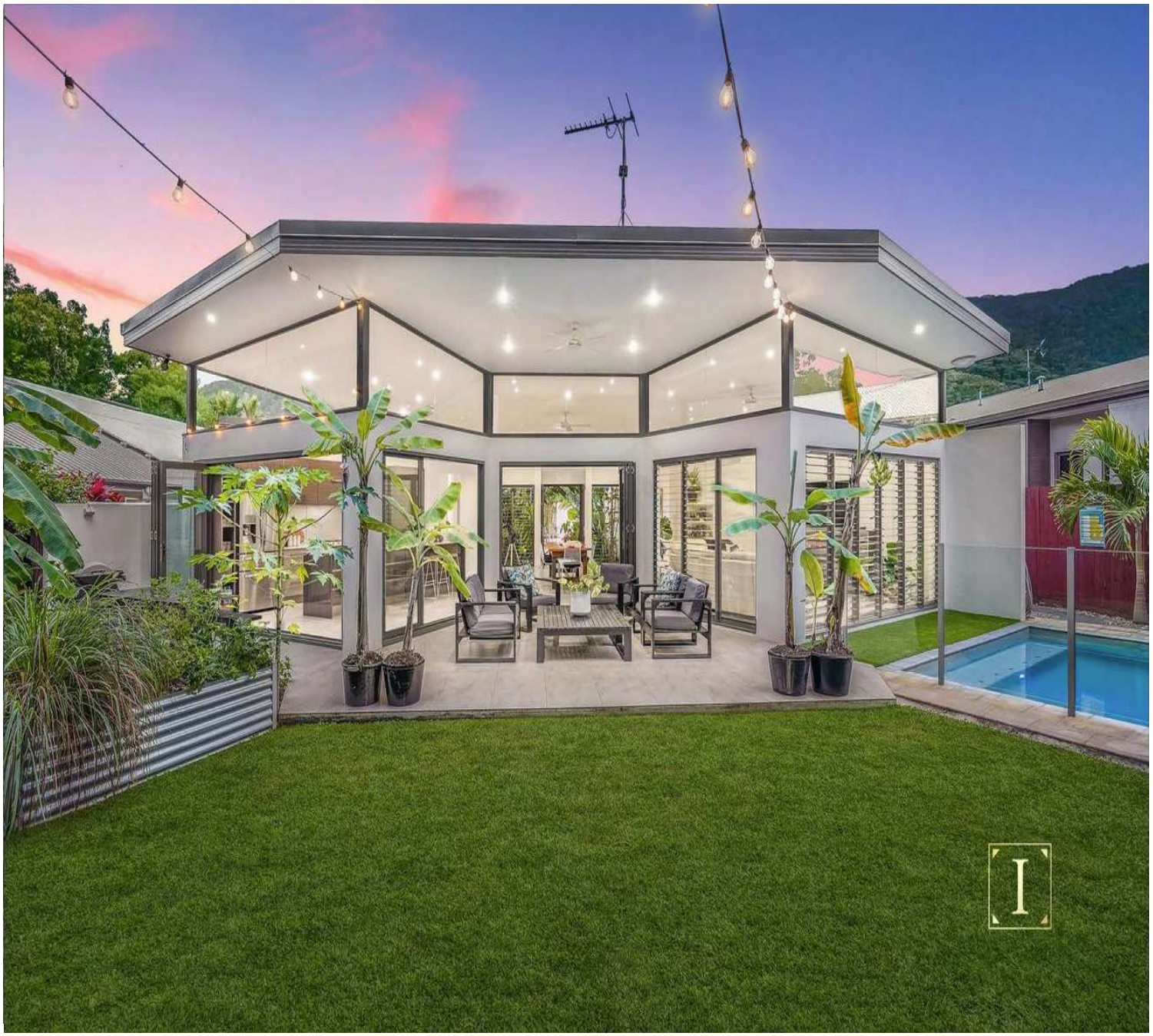
19 Litara Court, Palm Cove

19 Litara Court, PALM COVE
(Lot 228 on SP218302)

OPERATIONAL MANAGEMENT PLAN

SHORT TERM ACCOMMODATION

Applicant: Nicole Gaye Haack
C/- wildPLAN Pty Ltd



A CONTACT DETAILS

Company	wildPLAN Pty Ltd
Representative	Dominic Hammersley
Title	Director, Principal Planner
Phone	0487 967 533
Address	PO Box 8028, Cairns QLD
Email	dominic@wildplan.com.au
Web	www.wildplan.com.au

B DOCUMENT INFORMATION

Client Name	Nicole Gaye Haack C/- wildPLAN Pty Ltd
Project Reference	WP26 055 SCO
Document Reference	WP26 055 SCO OMP

C DOCUMENT HISTORY

Version	Execution Date	Description	Preparation	Review
1.0	12 June 2026	Operational Plan	HG	DH
2.0	1 October 2026	Submissions Response	BK	DH

D DOCUMENT AUTHORISATION

Version	Description	Authorised by	Signature	Execution Date
2.0	Approval	Dominic Hammersley		1 October 2026

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CITATION AND COMMENCEMENT

This Operational Management Plan may be cited as the 19 Litara Court, Palm Cove Operational Management Plan 2026, dated 1 October 2026.

1. OBJECTIVES

This Operational Management Plan sets out operational requirements in respect to Short-Term Accommodation land use on land at 19 Litara Court, Palm Cove, (formally described as Lot 228 on SP218302).

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 19 Litara Court, Palm Cove.

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 assign a response staff member who resides within 20 kilometres of the premises while actively let for Short-Term Accommodation

   iv. 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. Belle Escapes*

   ii. Office address

   iii. Postal address

   iv. Contact name

   v. Email address

   vi. Contact phone (business hours)

   vii. Contact phone (out of hours)

C. 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**.

D. The owners of the following premises are to be provided with the above property manager information prior to the commencement of use and within 24 hours of a change in property management:

   i. 17 Litara Court, Palm Cove; and

   ii. 21 Litara Court, Palm Cove.

2.2 Booking procedures

A. All guest bookings are to be managed exclusively through the property manager (refer **section 2.1 (B)**).

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. 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 **eight (8)** 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 (for check-in and check-out) 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 garage and existing driveway areas, sufficient to accommodate up to three (3) vehicles.

B. On-street parking is not permitted. Guests must use the allocated off-street parking at all times, and 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 19 Litara Court, Palm Cove, 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 10:00 p.m. and 7:00 a.m, during both weekdays and weekends.

C. A privacy-safe noise monitoring system is installed and operational on-site. This is configured to provide automated alerts to the property manager when preset noise thresholds are exceeded, enabling timely intervention and protection of residential amenity.

D. 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.

E. 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 19 Litara Court, Palm Cove 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 property manager provides 24-hour contact, on-call security, and oversees bookings, check-in/out, maintenance, and complaints.

Occupancy and Guest Management

- Maximum occupancy: eight (8) 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 10:00 p.m. – 7:00 a.m.
- Three (3) on-site car spaces; on-street parking not permitted.
- Complaints register maintained and management contact details provided to the owner of adjoining premises.
- Property to be maintained and landscaped to residential standards.

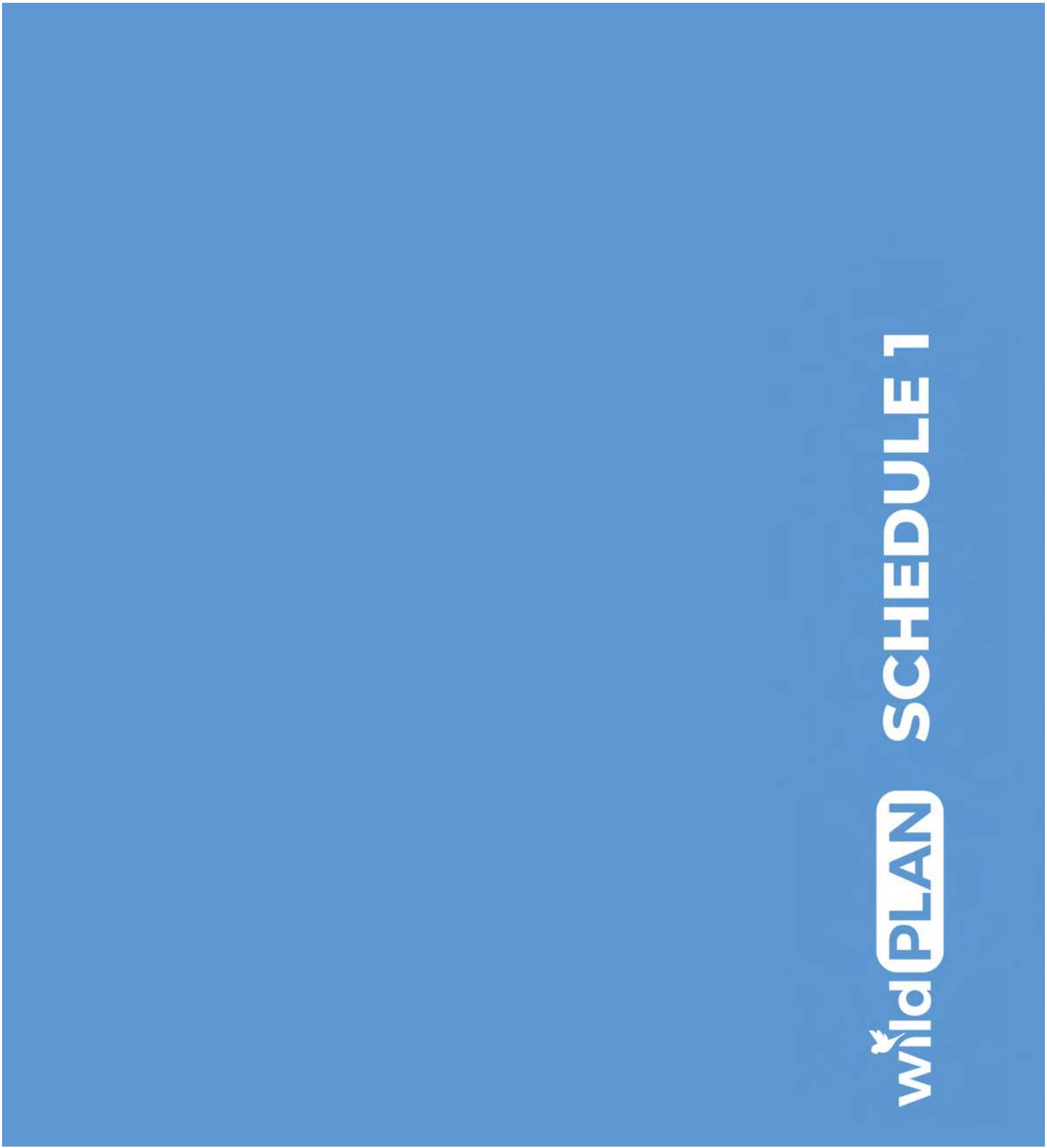
Safety, Waste, and Security

- 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



19 LITARA COURT, PALM COVE

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	8/8/1710
Date of Approval	25 November 2026
Approved Use	Dwelling House & Short-term Accommodation
Location	19 Litara Court, Palm Cove
Property Description	Lot 228 on SP218302

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:	