



# **Blackall-Tambo**

## **Regional Council**

Blackall-Tambo Regional Council

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ABN: 42 062 968 922

## **DECISION NOTICE**

### **APPROVAL**

*PLANNING ACT 2016, SECTION 63*

I refer to your application and advise that on 17 July 2024, Blackall-Tambo Regional Council decided to approve the application in full, subject to conditions. Details of the decision are as follows:

#### **1. APPLICATION DETAILS**

**Application Number:** DA 57-2023-2024  
**Properly Made Date:** 07 June 2024  
**Decision Date:** 17 July 2024  
**Planning Scheme:** Blackall-Tambo Region Planning Scheme 2020

#### **2. APPLICANT DETAILS**

**Name:** Michele Frost & Kirri Charters  
**Postal Address:** PO Box 813  
ROMA QLD 4455  
**Email Address:** [Jacque.leigh@hotmail.com](mailto:Jacque.leigh@hotmail.com)

#### **3. PROPERTY DETAILS**

**Street Address:** 16 Edward Street, Tambo  
**Real Property Description:** Lot 3 on RP619346  
**Local Government Area:** Blackall-Tambo Regional Council

#### **4. DECISION DETAILS**

The following type of approval has been issued:

- Development Permit for Material Change of Use for Short-term accommodation

## 5. CURRENCY PERIOD

This development approval will lapse at the end of the period set out in section 85(1)(a) of the *Planning Act 2016*.

## 6. ASSESSMENT MANAGER CONDITIONS

### 1.0 PARAMETERS OF APPROVAL

- 1.1 The Developer is responsible for ensuring compliance with this development approval and the conditions of the approval by an employee, agent, contractor or invitee of the Developer at all times unless otherwise stated.
- 1.2 Where these conditions refer to "Council" in relation to requiring Council to approve or be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken and completed prior to commencement of the use and to Council's satisfaction, unless otherwise stated in a development condition.
- 1.4 The cost of all works associated with the construction of the development including services, facilities and/or public utility alterations required are met at no cost to the Council or relevant utility provider, unless otherwise stated in a development condition.
- 1.5 The developer is required to have repaired any damage to existing infrastructure that may have occurred during any works carried out for the development. To the extent the damage is deemed to create a hazard to the community, it must be repaired immediately.
- 1.6 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

### 2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

Plan/Document Name	Plan/Document Number	Revision Number	Date
Site Plan	DA57-2023-2024	-	07/06/2024 (Received date)
Operational Management Plan for Short-term Accommodation	-	-	22/04/2024

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.

### **3.0 LIMITATIONS OF USE**

- 3.1 The total number of guests at any one time must not exceed six (6).
- 3.2 Guests of the Short-term accommodation are limited to a maximum stay of three (3) consecutive months at any one time.
- 3.3 Two onsite car spaces are to be available at all times to guests.

### **4.0 SITE MANAGEMENT PLAN**

- 4.1 Carry out the development in accordance with the Operational Management Plan for Short-term Accommodation dated 22/04/2024.

### **5.0 ENVIRONMENTAL HEALTH**

- 5.1 Undertake the approved development so there is no environmental nuisance or detrimental effect on any surrounding land uses and activities by reason of the emission of noise, dust, vibration, odour, fumes, smoke, vapour, steam, soot, wastewater, waste products, oil or otherwise.
- 5.2 In accordance with the Environmental Protection (Waste Management) Regulations, all waste storage areas must be kept in a clean, tidy condition, and sufficient waste containers and services are to be provided to cater for the containment and removal of all waste generated on the site. Waste must be removed to a lawful landfill.

### **6.0 ASSET MANAGEMENT**

- 6.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.

## **7. ADVISORY NOTES**

- A. Prior to commencing any construction activities, the applicant/developer will be required to obtain further development permits for building work, and plumbing and drainage work, and potentially for operational work, as required under relevant legislation for this work.
- B. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements. Any provisions contained in this approval relating to the enforcement of any of the conditions shall be in addition to all other rights, powers and privileges that the Council may possess or obtain, and nothing contained in these conditions shall be construed so as to prejudice, affect or otherwise derogate or limit these rights, powers and privileges of the Council.
- C. General environmental duty under the Environmental Protection Act 1994 and subordinate legislation prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.
- D. This development approval does not authorise any activity that may harm Aboriginal cultural heritage. It is advised that under section 23 of the Aboriginal Cultural Heritage Act 2003, a person who carries out an activity must take all reasonable and practicable

measures to ensure the activity does not harm Aboriginal cultural heritage (the “cultural heritage duty of care”).

## 8. STATEMENT OF REASONS

### 8.1 Description of Development

The development application is for a Development Permit for Material Change of Use for Short-term accommodation approved as per Decision Notice DA 57-2023-2024.

### 8.2 Assessment Benchmarks

The following are the benchmarks that are applicable to this development:

Benchmark applying for the development	Benchmark reference
<ul style="list-style-type: none"><li>Township Zone Code</li><li>General Development Code</li></ul>	<i>Blackall-Tambo Region Planning Scheme 2020</i>

### 8.3 Relevant Matters

Nil.

### 8.4 Matters Raised in Submission

The application did not require public notification.

### 8.5 Reason for Decision

The development application is approved and the reasons for the decision are based on findings on material questions of fact:

- Short-term accommodation is an appropriate use in the Township Zone;
- The proposal involves the reuse of existing buildings which are of a scale and character that is compatible with buildings in surrounding area;
- The development is adequately serviced by vehicle access, reticulated water, onsite sewer and electricity and telecommunications services;
- Development does not conflict with the State Planning Policy 2017 and Central West Regional Plan 2009.

## 9. PROPERLY MADE SUBMISSIONS

The application did not require public notification.

## 10. REFERRAL AGENCIES

The development application did not require referral to any referral agencies.


## 11. FURTHER DEVELOPMENT PERMITS REQUIRED

- No further development permits are required.

## 12. RIGHTS OF APPEAL

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016* (included in the attachment to this decision notice). For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

## 13. DELEGATED PERSON



MJ Løllback  
**CHIEF EXECUTIVE OFFICER**

25 July 2024

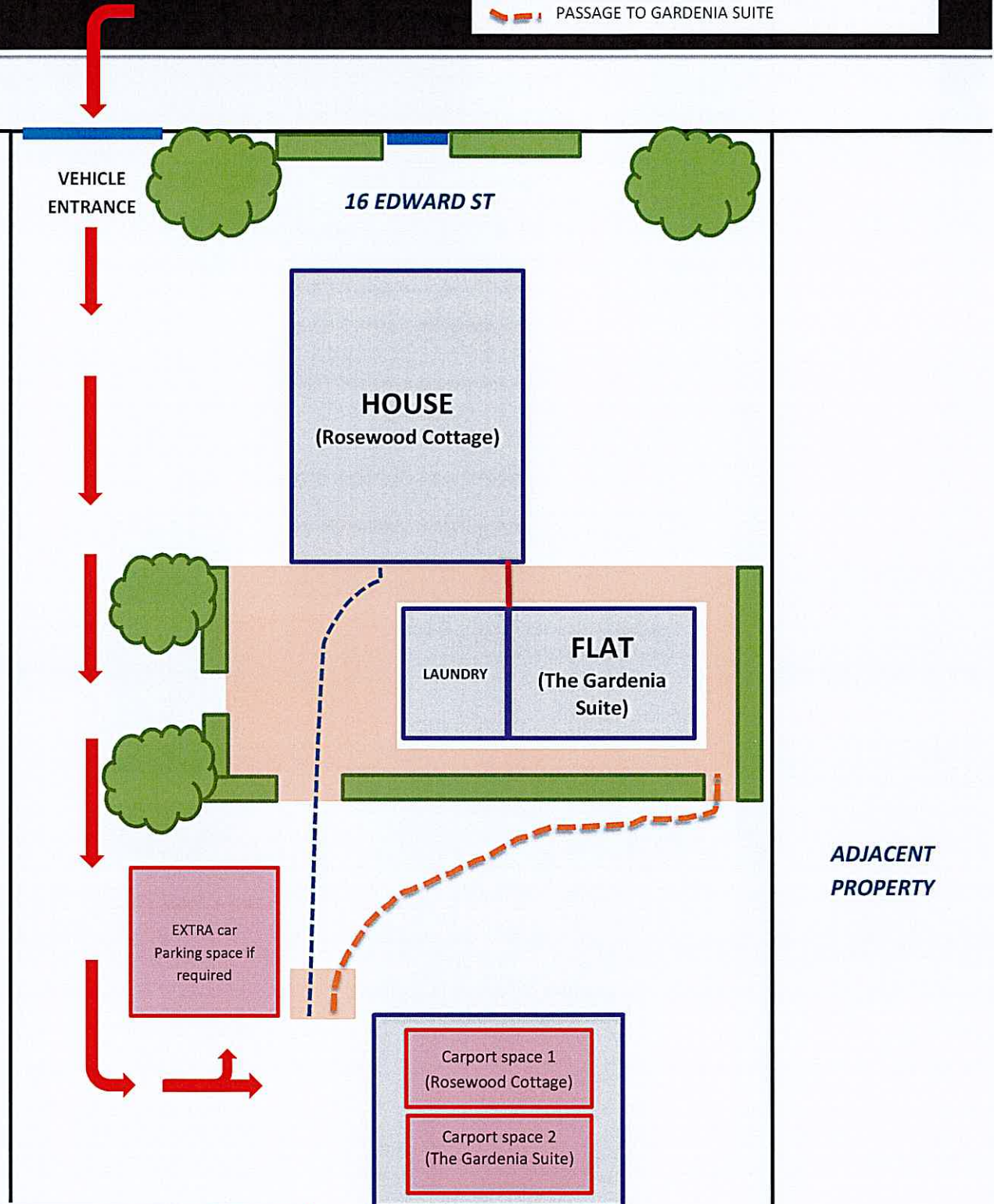
Encl: **Attachment A** – Approved Plan  
**Attachment B** – Operational Management Plan  
**Attachment C** – Appeal Provisions

**Attachment A – Approved Plan**

# SITE PLAN

16 Edward street, Tambo, QLD.

- PROPERTY BOUNDARY
- GATE
- BUILDING/STRUCTURE BOUNDARY
- VEHICLE ACCESS/ PARKING SPACE
- PETITION/PRIVACY BARRIER
- PATIO AREA/ PATHWAY
- PASSAGE TO ROSEWOOD COTTAGE
- PASSAGE TO GARDENIA SUITE
- GARDEN/TREE



ADJACENT PROPERTY

ADJACENT PROPERTY

BLACKALL-TAMBO REGIONAL COUNCIL

DIGITALLY STAMPED  
APPROVED PLAN

Development Application: Development Permit for a Material Change of Use for Short-term accommodation  
Address: 16 Edward Street, Tambo described as Lots 3 on RP619346

Referred to in Council's Decision Notice for DA 57-2023-2024

Approval Date: 17 July 2024  
Application Number: DA 57-2023-2024

SHED/GARAGE

**Attachment B – Operational Management Plan**



# 16 EDWARD ST TAMBO

## ROSEWOOD COTTAGE & THE GARDENIA SUITE

BLACKALL-TAMBO REGIONAL COUNCIL

DIGITALLY STAMPED  
APPROVED PLAN

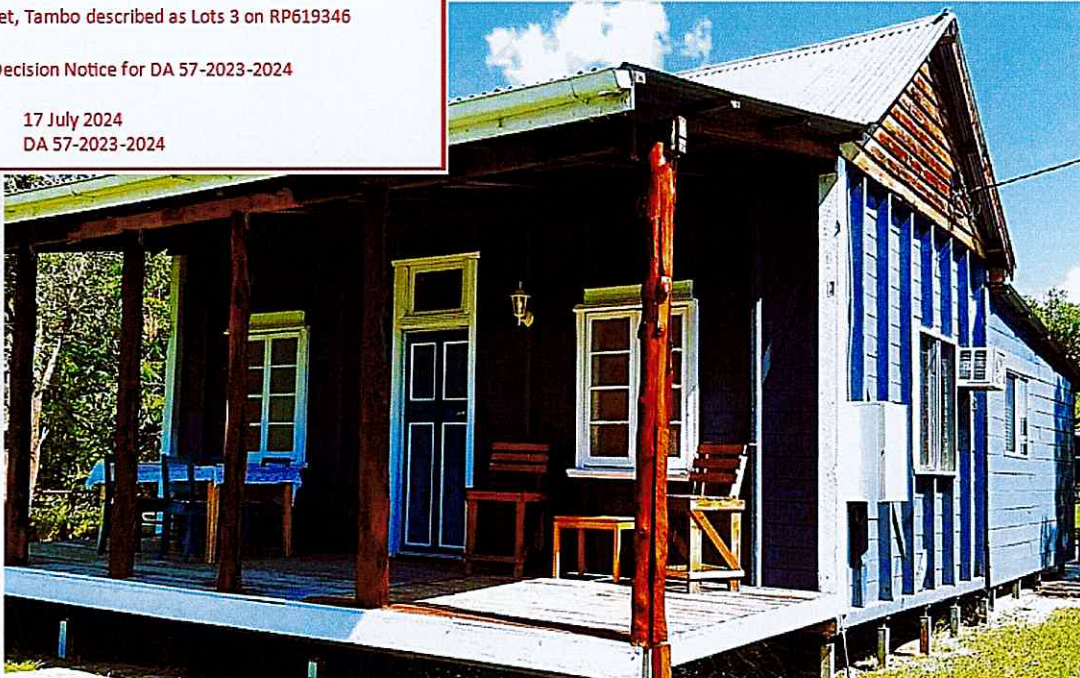
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### OPERATIONAL MANAGEMENT PLAN FOR SHORT-TERM ACCOMMODATION

22. 4. 24

PROPERTY ADDRESS:  
16 EDWARD ST, TAMBO QLD 4478

# Table of Contents

16 EDWARD ST  
TAMBO

01	Cover Page
02	Contents Page
03	Background & overview
04	Objectives of Management Plan
05	Booking requirements
06	Guest screening procedures
07	Check-in & check-out procedure
08	Guest handbook
09	Mitigation & complaints procedure
10	Use & maintenance
11	Safety
12	Hygiene, comfort & waste management
13	Security
14	Car parking
15	House Rules
16	Development Approval
17	Summary

### 3. BACKGROUND & OVERVIEW

16 Edward street Tambo was purchased in 2021 by Michele & Kirri Frost, a mother-daughter team, who have a love for old houses and history. The property needed some long awaited TLC and now after almost 3 years, it stands proud as a property fit to airbnb!

#### ROSEWOOD COTTAGE

Guests can take a step back in time when they stay in this quaint 150 year old cottage. Filled with rustic charm and period features, utilising modern conveniences and optimised for guest comfort, Rosewood Cottage has two bedrooms, with a queen bed, double bed, and spare camp stretcher, available for up to 4 guests (ages 12+) per booking. Guests can enjoy free WiFi, a spacious, modern kitchen and bathroom and air conditioning throughout. Winter time is a treat with the electric fireplace. Lay back on the recliner lounge to enjoy a cinema-like experience with the large wall mounted TV, a Telstra TV box and a NETFLIX subscription with unlimited shows and movies. The bathroom is equipped with both shower and separate bath for those who want to lay back and soak in all the tranquility with a complimentary bath pamper pack.

And a 19th century cottage wouldn't be complete without its iconic front verandah for those who enjoy a cuppa in the fresh country air, or a breakfast watching the sun rise. It's also an excellent vantage point to spot the native birds in the nearby bottle trees. On the opposite side of the house, the "sun lounging" patio allows guests the opportunity to catch some extra sun, a luxury pastime in the colder months. And the giant bottle trees scattered around the property offer the most beautiful shade any time of the day.

#### THE GARDENIA SUITE

Tucked away behind the cottage, a garden suite named "The Gardenia Suite", is the perfect little hide-away for singles or couples who want to enjoy some peace and tranquility in a quiet street. The Suite has its own private ensuite and patio and offers guest a kitchenette for simple meals. Guests are able to use the shared laundry for washing, drying and ironing clothes, and the grounds and garden offer plenty of space to sit and relax under the bottles trees.

A large 2 bay carport allocates parking for both the cottage and the suite, and plenty of space for maneuvering large vehicles. The property is conveniently located just less than 500m (5 minute walk) from the CBD, local tennis courts, pool and the parks.

For simple contact and availability of the hosts, Michele & Kirri Frost are contactable via the below contact details:

M: 0408463976

E: [rosewoodcottage@outlook.com.au](mailto:rosewoodcottage@outlook.com.au)

Our contact details are made available to all guests. We (or a dedicated caretaker) are contactable 24/7 and typically able to attend the property in person within 2 minutes in the case of an emergency.

Short-term accommodation is a unique experience, and the guiding principles of our Code of Conduct are to treat this property as your own home, respect your neighbours & leave it as you find it.

Airbnb and short-term accommodation deliver a great economic contribution to the Blackall-Tambo region and are of enormous benefit to local businesses, residents, guests, and the tourism sector.

Part of our management procedures & guest handbooks include providing local recommended tips for nearby shops, restaurants, cafes, entertainment, sights, attractions & much more. This local spending allows local business in the council area to thrive and continue or expand their operations. We find from speaking with the business owners and staff they are very grateful for this contribution we provide.

## 4. OBJECTIVES & MANAGEMENT PLAN

To clearly outline and demonstrate the professional management procedures implemented by Michele and Kirri to ensure the smooth operational management of the subject property whilst mitigating perceived disruptions to the local amenity & surrounding areas.

## 5. BOOKING REQUIREMENTS

We anticipate an occupancy rate of a 50% and above

We do not specify a mandatory minimum stay length, however we encourage guests to stay additional nights with promotional specials and discounts for multiple night stays.

We also have a booking cut-off time after 7:00pm to prevent last minute and late-night bookings to occur from opportunistic and likely undesirable guests.

## 6. GUEST SCREENING PROCEDURES

When a guest requests or books a stay at this property, we can view or determine whether the guest's profile includes their required verification steps:

- Contact details including full name(s), phone number & e-mail address
- Acceptance of our stipulated house rules
- Confirmed payment
- Profile photo (if set)
- Government issued ID (such as driver's licence or passport)
- Written reviews/recommendations from other hosts
- Their overall star rating which can be categorised for items such as observance of house rules, cleanliness & communication
- Total number of guests & location based
- Their reason for visiting Tambo & booking the property

We can then further screen the potential guest by cross referencing linked social media accounts, obtaining names of all guests, requiring government issued ID that all guests are required to submit upon successful booking confirmation. We have set a "pre-booking questionnaire" requesting applicable responses in relation to the above.

Once we have carried out a thorough check of the prospective guest, we then have a right to refuse, accept or cancel the reservation. Prior or after acceptance of the booking, we also send our "party screening" message which essentially reiterates our stance on no parties to be hosted at the premises and encourages guests to cancel their booking if that is their intent.

Our set of house rules are displayed both on the online listing and in our comprehensive guest handbook which is located inside the property in the kitchen. A copy of the house rules are also sent to the guest via online/email Three (3) times. First time with the initial welcome message, the second time 3 days prior to check in, and the third time on the day of check in. We can add additional house rules to suit the property, location, neighbourhood, or councils desires.

The Airbnb platform is one of the main platforms we will list on and most of our communication is done through the application itself as we are backed by Airbnb's platform, "professional host" support and \$1m USD host guarantee & \$1m USD host protection insurance underwritten by Lloyd's of London. The cottage and suite will also be available on Booking.com.au, Vrbo.com.au, Tripadvisor.com.au and our own website We also have a separate private insurance policy for the property and business.

Once a guest is confirmed, our direct phone numbers are automatically exchanged for any further required communication. We privately message our guests before, during and after their stays and all the correspondence is saved for our own records.

For peace of mind and assurance of how rare significant issues are, Brent Thomas, former Head of Public Policy of Airbnb Australia has said on record that just a mere 0.004% of claims through Airbnb are for amounts exceeding \$1000.

## 7. CHECK IN & CHECK OUT PROCEDURE

Check-in is from 3:00pm until 8pm. We obtain from the guests their arrival time so we can then match it with the security cameras so we can keep track of the correct number of guests entering the property and cars also.

The property includes detailed visual and written easy check in instructions and guests find them extremely easy to follow and do not cause any disruption in checking in or out of our property.

Check-out is at 10am or earlier on their departure date.

A secured tamper resistant lockbox is installed onsite at the property for guests to check-in and check-out with ease. We also offer a 'meet & greet' service and like to find out when their estimated time of arrival will be and may offer to meet the guest from time to time to welcome them to the property if required.

Our check-in instructions are issued to guests three (3) days prior to their arrival and are issued through the relevant online booking platform for safety & security. The guests will be issued with detailed check-in instructions to guide them through the whole process, they will receive a photo of the property, how to access the lockbox, how to access the front/back door, a photo of the parking space and where the council bin is located.

## 8. GUEST HANDBOOK

When a guest checks in, they are encouraged to read our 'Guest Handbook' which provides them with all the important information they need to know to have an enjoyable, safe & respectful stay. This handbook lists the property owners/hosts contact details, emergency contact details, emergency plan, house rules, parking rules, bin collection day, public transport, nearby amenities, sights, and attractions in the area and more.

Guests will also always have access to the relevant online booking platform during their stay (through the use of free WiFi) and are required to communicate with their property owners/hosts on this platform so all details pertaining to their booking are documented. The online booking platform also provides guests with the hosts contact details. The guest handbook which we have created is very comprehensive which significantly mitigates any risk and issues regarding the stays.

## 9. MITIGATION & COMPLAINTS PROCEDURE

We are contactable 24/7 and our phone numbers and e-mail addresses are provided to our guests upon confirmation of booking and are also advertised in the property for easy access.

We are more than happy to provide these contact details to nearby neighbours for us to be even more effective in managing our property. In all our online listings, which the guest(s) must agree to before, or just after booking (depending on the booking platform) with us and the also included in the guest handbook, we have extensively listed our house rules in respect to the property and other nearby residents of the surrounding area & amenity. Priority is given to adherence of our noise and parking policy.

If guests fail to adhere to our house rules, they will be at risk of having their booking cancelled immediately. We, police, security, or other engaged professionals may attend in person to have the guest/s removed, lockbox code and door lock/s may also be required to be changed depending on the circumstances.

If we receive any complaints about guests, they will be dealt with immediately upon receipt of said complaint. We will contact the guests informing them of the situation and any breach of house rules and based on severity of the breach then the reservation may be terminated.

Guests and visitors must not create noise which is offensive and excessive to occupiers of neighbouring properties especially between 8pm and 7am Monday to Saturday and 8pm – 9am on Sunday and public holidays, during arrival, and during departure, and at any time throughout the occupancy.

- Offensive and excessive noise is prohibited and may result in termination of permission to occupy the property, eviction, and extra charges for damage, security, and other expenses, which may be deducted under the terms and conditions.
- Guests and visitors must not engage in any anti- social behaviour and must minimize their impact upon the residential amenity of neighbours and local community.

Professionals and/or police may be engaged to attend during & after normal business hours to minimise disruptions to neighbours.

Any complainant will be kept informed throughout the process and will be encouraged to provide evidence to support the cause of us taking swift action. From receipt of a complaint, it is extremely rare for an issue to extend beyond just a few minutes, and we aim to resolve all issues within 30 minutes – 1 hour total.

Real time noise monitoring may also be installed in the property for noise mitigation.

This technological device will enable three important criteria to appease non-conformance to the House Rules outlining “excessive noise after 8pm”.

- Peaceful Night's Sleep - Assurance that if a noise nuisance is created by guests, the management is aware before complaint calls need to be made.
- Protection Against Complaints - Time stamped data allows management to quickly validate or invalidate a complaint about noise, in real-time or post check-out of guests are often easy targets for false, perceived, or real noise complaints.
- Proactive Prevention - With early awareness of a noise issue, management can proactively prevent larger problems. This can always be done in a friendly, positive manner. Guests generally want to follow the rules and appreciate friendly outreach

## 10. USE & MAINTENANCE

The owners/hosts of the property have real-time access of the bookings calendar and may regularly schedule maintenance works in between guests stays to ensure the property is kept up to our property and guest's expectations. Property maintenance is monitored regularly and if reported is resolved swiftly either during or after guest's stays depending on the severity so that the appearance of the property meets or exceeds the standard of neighbouring properties and strata by-laws. The property is well maintained and looked after by the owners and the appropriate contractors are engaged to carry out works when necessary.

## 11. SAFETY

The property includes compliant circuit breakers and Smoke Alarms. A licenced electrician may be required to provide an electrical safety certificate from time to time to make sure the property is compliant and safe. We also offer a standard first aid kit, snake bite kit, and a fire blanket in the kitchen nearby the stove.

If required by the Blackall-Tambo regional council, we can consider fire extinguishers, extra fire blankets and implementing an emergency safety plan in case of a fire.

In our detailed guest handbook, guests are provided with the contact details for the local police station, hospitals & fire station, other important contacts and that our emergency contact number is '000'.

A list of the emergency contacts is situated on the wall beside the landline phone for ease of use and navigation in the case of an emergency.

Battery operated lanterns are distributed throughout the property (in each bedroom and in the kitchen and living area) in the case of a power outage. All important safety information is sent to the guest 3 days prior to check in and are included in the guest guidebook



## 12. HYGEINE, COMFORT & WASTE MANAGEMENT

Rubbish is to be disposed in accordance with the local council policies, strata by-laws & procedures for weekly collection on Wednesday. Any excess rubbish must not be left in sight of a public area and is removed by housekeeping. Guests are notified & reminded to place all rubbish in bins at the property.

The cleaning & housekeeping team are also asked to attend and assist with rubbish disposal at checkout and if the property is vacant. Bin location & contents are monitored by housekeeping at each check-out and we may gather photo/evidence of this so we can effectively & efficiently maintain the bins to mitigate risk of problems.

The property includes a fully functional kitchen/kitchenette with fridge and pantry for food storage in each dwelling and there has never been problems with vermin or pests – if this changes then we can send professional pest control companies to rectify this swiftly and implement measures to prevent occurrence in future.

The linen and towels are washed onsite between every guest stay, following strict hygiene/sanitary guidelines, using water 60 degrees or greater. The linen/towels are hung out to dry, before being ironed, folded and stored in our lockable linen storage cupboard.

Exhaust fans & air conditioning/heating appliances are regularly checked by the housekeeping teams and repaired or replaced if required, guests are also encouraged to report maintenance to us immediately upon discovery so that swift resolution can be made.

A washing machine and clothes line are provided for guest convenience to use during their stay to wash their clothes as required.

## 13. SECURITY

We have installed 4 WiFi surveillance cameras around the exterior of the premises. one (1) by the front door, Two (2) by the back door showing 2 different angles and one (1) pointed at the driveway.

Footage provides an expansive view of the front door/yard and back door/yard of the property which are the only entry points, this is to further ensure compliance and observance of house rules.

These Surveillance cameras also have the ability for real time audio capture (although due to state law we have this feature disabled), inter com system for conversing with guests, as well as siren alarm which can be activated by the owners through the mobile app, live video and motion sensor recordings stored in the cloud for 30 days.

All camera functions are managed through the mobile app on the owners phone.

## 14. CAR PARKING

The property comes with four (4) allocated car-bays. Both are undercover. One (1) bay for each dwelling, and Two (2) extra.

Short-term tourist guests will often have just one car between them. However during the booking process, guests will be able to provide us with further information regarding the number of vehicles. Although there is street parking, we do not advertise this as being available for guests and certainly do not expect any parking issues from our experience as short term guests typically have less cars than long term residents.

Further, we provide details for local taxi and bus companies.

As stated in our online listing, in the house rules section under 'Things to Know' is our parking information, it is also listed again in the 'Space' section of the listing

As the property will be used for residential purposes, we expect no excessive number of trips to and from the property and we further request that consent is granted for visitors and guests to further mitigate and monitor the usage of the property & parking.

## 15. HOUSE RULES

Guests are required to follow house rules during their stay. These rules are able to be viewed on our listing, in which the guest must agree to prior to booking. Upon booking, an automatic message is forwarded to the guest with a copy of the full house rules again with a message requesting that the guest follows the rules as a condition of their stay.

The house rules are sent again three (3) days before arrival, and a third time on the day of arrival.

A framed set of house rules are also displayed on the wall in a prime position in the house, and included in the guest hand book situated on the kitchen counter bench.

The rules are designed primarily to prevent disruptions in the house, neighbourhood and environment, encourage respectful behaviour and stipulate what is not permitted such as pets, smoking, parties/events, candles, etc. If rules are observed to be broken, then we may ask the guest/s to leave.

The house rules are as follows...

# HOUSE RULES

- ❖ Please Note: There are surveillance cameras in use on the outside of premises.

## FORBIDDEN ACTIVITIES

- ❖ Parties/events are not permitted
- ❖ No smoking inside
- ❖ Strictly no candles or campfires/bonfires
- ❖ No illegal substances allowed on premises
- ❖ No illegal activities permitted
- ❖ No Pets allowed
- ❖ Please respect the noise curfew. This is a residential area. Please keep noise to a minimum between 6pm and 7am. Furthermore, please refrain from unreasonably loud noise at any time. i.e revving up of vehicles, subwoofers, loud music, etc.

If forbidden activities are observed during/after your stay you may be asked to leave with no refund given and/or reported to the relevant authorities and booking website for guest misconduct. You will also have to pay any compensatory costs that may be incurred.

## UNAUTHORISED GUESTS

- ❖ We do not allow unauthorised guests to stay or use the property. Only guests, who have been booked, paid for and names provided are authorised to use the house.

Otherwise, for each unauthorised guests who uses the house, regardless of whether or not the guest sleeps the night, will incur a \$50 fee per day/night, which will be charged to you via the booking platform.

## CHECK IN/CHECK OUT TIMES

- ❖ Please respect the check in and check out times. Check in is from 3pm to 9pm. Check out is until 10am.

You may request early or late check in/check out. A \$50 early check in/late check out fee applies.

## HOUSEKEEPING

- ❖ A maximum of one (1) bed is allocated per guest. You are welcome to choose any bed you wish. It may be appropriate to shut off doors to any rooms not being used. If more beds (than the total number of guests) are used or disarrayed, then an additional linen fee of \$25 per extra bed will apply.
- ❖ Please leave furniture and decor in place. Otherwise an additional staging fee may apply, starting at \$25.
- ❖ You will need to pay for any damages or breakages.
- ❖ Please leave the house in a decent condition. While we do not expect the house to be left in the exact condition you found it, we do kindly request the following:
  - Please be kind & clean up after yourself.
  - Please clean the stove/oven after use.
  - Please ensure dishes are washed, dried & put away in the place you found them.
  - Please don't eat or drink in the bedrooms
  - Please pack up used board games, card decks & books & return to the cabinet.
  - Please take care and do your best to keep dining chair upholstery, sofa fabric and bed linen free of stains.
  - Please take rubbish out upon checkout

Otherwise an additional cleaning fee may apply, starting at \$25.

- ❖ Please take extra care of your keys. Lost keys will incur a replacement fee of \$100.
- ❖ Please use the check-out checklist provided upon checking out.
- ❖ Last but not least... Enjoy your stay 😊

## 16. DEVELOPMENT APPROVAL

The site is subject to development approval which can be reviewed on the Blackall-Tambo Regional councils website.

The site has been approved by council for material change of use to operate as an Airbnb as of June 2023.

Any future developments will require council approval, and the appropriate steps will be taken for any such development.

## 17. SUMMARY

We are committed to implementing the careful, safe and professional management procedures of our Airbnb/short term stay business to ensure the smooth operational management of the subject property. We are fully prepared for mitigating perceived disruptions to the local amenity & surrounding areas.

We have made efforts to prevent the neighbourhood, environment, residents and guests from encountering any potential hazards or disruptions that could possibly arise as a result of the short term stay, no matter how rare an occurrence or how unlikely it may be.

In summary, we are fully committed to actively implementing the management procedures outlined in this management plan to ensure the smooth operational management of the subject property whilst mitigating perceived disruptions to the local amenity & surrounding areas.

## **Attachment C – Appeal Provisions**

## Attachment 3 - Extract of Appeal Provisions

Chapter 6 Dispute resolution

[s 229]

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- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.
- (3) In this section—
- conduct** means an act or omission.
- representative** means—
- (a) of a corporation—an executive officer, employee or agent of the corporation; or
- (b) of an individual—an employee or agent of the individual.
- state of mind**, of a person, includes the person's—
- (a) knowledge, intention, opinion, belief or purpose; and
- (b) reasons for the intention, opinion, belief or purpose.

## Chapter 6 Dispute resolution

### Part 1 Appeal rights

#### 229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
- (a) matters that may be appealed to—
- (i) either a tribunal or the P&E Court; or
- (ii) only a tribunal; or
- (iii) only the P&E Court; and
- (b) the person—
- (i) who may appeal a matter (the *appellant*); and
- (ii) who is a respondent in an appeal of the matter; and

- 
- (iii) who is a co-respondent in an appeal of the matter;  
and
  - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
- (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
  - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
  - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
  - (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
    - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
    - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or

- (iii) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note—*

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
  - (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund—
    - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

## **230 Notice of appeal**

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—



- 
- (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
  - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
  - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
  - (f) for an appeal to the P&E Court—the chief executive; and
  - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
- (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
  - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.

- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

### **231 Non-appealable decisions and matters**

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
- decision* includes—
- (a) conduct engaged in for the purpose of making a decision; and
  - (b) other conduct that relates to the making of a decision; and
  - (c) the making of a decision or the failure to make a decision; and
  - (d) a purported decision; and
  - (e) a deemed refusal.

*non-appealable*, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise,

whether by the Supreme Court, another court, any tribunal or another entity; and

- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

### **232 Rules of the P&E Court**

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

## **Part 2 Development tribunal**

### **Division 1 General**

#### **233 Appointment of referees**

- (1) The Minister, or chief executive, (the *appointer*) may appoint a person to be a referee, by an appointment notice, if the appointer considers the person—
  - (a) has the qualifications or experience prescribed by regulation; and
  - (b) has demonstrated an ability—
    - (i) to negotiate and mediate outcomes between parties to a proceeding; and
    - (ii) to apply the principles of natural justice; and
    - (iii) to analyse complex technical issues; and
    - (iv) to communicate effectively, including, for example, to write informed succinct and well-organised decisions, reports, submissions or other documents.

## Schedule 1 Appeals

section 229

### 1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
  - (a) the P&E court; or
  - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
  - (a) the refusal, or deemed refusal of a development application, for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (b) a provision of a development approval for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (c) if a development permit was applied for—the decision to give a preliminary approval for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (d) a development condition if—
    - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and

- 
- (ii) the building is, or is proposed to be, not more than 3 storeys; and
  - (iii) the proposed development is for not more than 60 sole-occupancy units; or
  - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
  - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
  - (g) a matter under this Act, to the extent the matter relates to the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
  - (h) a decision to give an enforcement notice—
    - (i) in relation to a matter under paragraphs (a) to (g); or
    - (ii) under the *Plumbing and Drainage Act 2018*; or
  - (i) an infrastructure charges notice; or
  - (j) the refusal, or deemed refusal, of a conversion application; or
  - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
- (a) for a matter in subsection (2)(a) to (d)—
    - (i) a development approval for which the development application required impact assessment; and
    - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
  - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.

- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
  - (a) column 1 states the appellant in the appeal; and
  - (b) column 2 states the respondent in the appeal; and
  - (c) column 3 states the co-respondent (if any) in the appeal; and
  - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.
- (8) In this section—  
*storey* see the Building Code, part A1.1.

<b>Table 1</b> <b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>
1. Development applications For a development application other than an excluded application, an appeal may be made against— <ul style="list-style-type: none"><li>(a) the refusal of all or part of the development application; or</li><li>(b) the deemed refusal of the development application; or</li><li>(c) a provision of the development approval; or</li><li>(d) if a development permit was applied for—the decision to give a preliminary approval.</li></ul>

<b>Table 1 Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	1 A concurrence agency that is not a co-respondent  2 If a chosen assessment manager is the respondent—the prescribed assessment manager  3 Any eligible advice agency for the application  4 Any eligible submitter for the application
2. Change applications For a change application other than an excluded application, an appeal may be made against— (a) the responsible entity's decision on the change application; or (b) a deemed refusal of the change application.			

<b>Table 1 Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 The applicant</p> <p>2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice</p>	<p>The responsible entity</p>	<p>If an affected entity starts the appeal—the applicant</p>	<p>1 A concurrence agency for the development application</p> <p>2 If a chosen assessment manager is the respondent—the prescribed assessment manager</p> <p>3 A private certifier for the development application</p> <p>4 Any eligible advice agency for the change application</p> <p>5 Any eligible submitter for the change application</p>
<p>3. Extension applications</p> <p>For an extension application other than an extension application called in by the Minister, an appeal may be made against—</p> <p>(a) the assessment manager’s decision on the extension application; or</p> <p>(b) a deemed refusal of the extension application.</p>			



<b>Table 1 Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 The applicant</p> <p>2 For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application</p>	<p>The assessment manager</p>	<p>If a concurrence agency starts the appeal—the applicant</p>	<p>If a chosen assessment manager is the respondent—the prescribed assessment manager</p>
<p><b>4. Infrastructure charges notices</b></p> <p>An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds—</p> <p>(a) the notice involved an error relating to—</p> <p style="padding-left: 20px;">(i) the application of the relevant adopted charge; or</p> <p><i>Examples of errors in applying an adopted charge—</i></p> <ul style="list-style-type: none"> <li>• the incorrect application of gross floor area for a non-residential development</li> <li>• applying an incorrect ‘use category’, under a regulation, to the development</li> </ul> <p style="padding-left: 20px;">(ii) the working out of extra demand, for section 120; or</p> <p style="padding-left: 20px;">(iii) an offset or refund; or</p> <p>(b) there was no decision about an offset or refund; or</p> <p>(c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or</p> <p>(d) for an appeal to the P&amp;E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p>			

<b>Table 1</b> <b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice	—	—
<p>5. Conversion applications</p> <p>An appeal may be made against—</p> <p>(a) the refusal of a conversion application; or</p> <p>(b) a deemed refusal of a conversion application.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The local government to which the conversion application was made	—	—
<p>6. Enforcement notices</p> <p>An appeal may be made against the decision to give an enforcement notice.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the enforcement notice	The enforcement authority	—	If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government

<b>Table 2 Appeals to the P&amp;E Court only</b>			
<p>1. Appeals from tribunal</p> <p>An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of—</p> <p>(a) an error or mistake in law on the part of the tribunal; or</p> <p>(b) jurisdictional error.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A party to the proceedings for the decision	The other party to the proceedings for the decision	—	—
<p>2. Eligible submitter appeals</p> <p>For a development application or change application other than an excluded application, an appeal may be made against the decision to approve the application, to the extent the decision relates to—</p> <p>(a) any part of the development application or change application that required impact assessment; or</p> <p>(b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency's referral response—the concurrence agency</p>	Another eligible submitter for the application

<b>Table 2 Appeals to the P&amp;E Court only</b>			
<p>3. Eligible submitter and eligible advice agency appeals</p> <p>For a development application or change application other than an excluded application, an appeal may be made against a provision of the development approval, or a failure to include a provision in the development approval, to the extent the matter relates to—</p> <p>(a) any part of the development application or change application that required impact assessment; or</p> <p>(b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p> <p>3 An eligible advice agency for the development application or change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency’s referral response—the concurrence agency</p>	<p>Another eligible submitter for the application</p>
<p>4. Compensation claims</p> <p>An appeal may be made against—</p> <p>(a) a decision under section 32 about a compensation claim; or</p> <p>(b) a decision under section 265 about a claim for compensation; or</p> <p>(c) a deemed refusal of a claim under paragraph (a) or (b).</p>			

<b>Table 2 Appeals to the P&amp;E Court only</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person dissatisfied with the decision	The local government to which the claim was made	—	—
<p><b>5. Registered premises</b> An appeal may be made against a decision of the Minister under chapter 7, part 4.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 A person given a decision notice about the decision</p> <p>2 If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the affected area for the registered premises who is dissatisfied with the decision</p>	The Minister	—	If an owner or occupier starts the appeal—the owner of the registered premises
<p><b>6. Local laws</b> An appeal may be made against a decision of a local government, or conditions applied, under a local law about—</p> <p>(a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or</p> <p>(b) the erection of a building or other structure.</p>			

<b>Table 2 Appeals to the P&amp;E Court only</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who— (a) applied for the decision; and (b) is dissatisfied with the decision or conditions.	The local government	—	—

<b>Table 3 Appeals to a tribunal only</b>			
<p>1. Building advisory agency appeals</p> <p>An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	<p>1 A concurrence agency for the development application related to the approval</p> <p>2 A private certifier for the development application related to the approval</p>

<b>Table 3 Appeals to a tribunal only</b>			
<p><b>2. Inspection of building work</b> An appeal may be made against a decision of a building certifier or referral agency about the inspection of building work that is the subject of a building development approval under the Building Act.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant for the development approval	The person who made the decision	—	—
<p><b>3. Certain decisions under the Building Act and the <i>Plumbing and Drainage Act 2018</i></b> An appeal may be made against—</p> <p>(a) a decision under the Building Act, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act; or</p> <p>(b) a decision under the <i>Plumbing and Drainage Act 2018</i>, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who received, or was entitled to receive, an information notice about the decision	The entity that made the decision	—	—
<p><b>4. Local government failure to decide application under the Building Act</b> An appeal may be made against a local government's failure to decide an application under the Building Act within the period required under that Act.</p>			

<b>Table 3 Appeals to a tribunal only</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive notice of the decision	The local government to which the application was made	—	—
<p>5. Failure to make a decision about an application or other matter under the <i>Plumbing and Drainage Act 2018</i></p> <p>An appeal may be made against a failure to make a decision under the <i>Plumbing and Drainage Act 2018</i>, other than a failure by the Queensland Building and Construction Commission to make a decision, within the period required under that Act, if an information notice about the decision was required to be given under that Act.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive an information notice about the decision	The entity that failed to make the decision	—	—