

REPORT TITLE	Material Change of Use – Impact – Short Term Accommodation located at 12 Chamberlain Street, NORTH TOOWOOMBA QLD 4350
AUTHOR	Planning Officer (Cassidy Pugh)
Application No.	MCUI/2026/2757

PURPOSE OF REPORT

To consider a Development Application for Material Change of Use – Impact – Short Term Accommodation located at 12 Chamberlain Street, NORTH TOOWOOMBA QLD 4350

EXECUTIVE SUMMARY

This report considers a Development Application seeking a Development Permit for Material Change of Use for Short-term Accommodation at 12 Chamberlain Street, North Toowoomba, formally described as Lot 13 and 14 RP16519.

The proposal seeks to retain the existing four bedroom dwelling house on-site for Short-term Accommodation purposes which will be used as self-contained accommodation that can be let out to one booking at a time in an Airbnb style arrangement. No additional buildings or structures are proposed on-site as a result of the Material Change of Use.

An Acoustic Complaints Management Procedure has been provided by the applicant and will be implemented to ensure that guests staying on-site will not have any adverse impact on the acoustic amenity of neighbouring properties.

The site is located within the General Precinct of the Low Density Residential Zone and mapped as being affected by the Airport Environs Overlay under the Toowoomba Regional Planning Scheme 2012 (Version 28) (the Planning Scheme). Under Table 5.5:1 of the Planning Scheme, the proposed development is subject to Impact Assessment.

As the proposed development was impact assessable, the application underwent public notification. One (1) properly made submission opposing the development was received. . Concerns relating to security, safety, noise, amenity of surrounding dwellings, housing crisis, traffic and business competition were raised in the submission. The matters raised in submissions were considered in the assessment of the development application. Further details about the matters raised and consideration of these matters are detailed within the report.

The proposed development has been assessed against the applicable benchmarks and having regard to all relevant matters as identified within this report. The proposed development is considered to achieve compliance with applicable assessment benchmarks, or to the extent of non-compliance, is capable of being conditioned to comply. The proposed development is considered to be acceptable having regard to all relevant matters. On this basis, the proposed development is recommended for approval subject to the conditions of the recommendation.

RECOMMENDATION

APPROVED - Application No. MCUI/2026/2757 for a Development Permit for Material Change of Use – Impact – Short Term Accommodation, pursuant to the provisions of Section 60 of the *Planning Act 2016* and subject to the conditions listed below.

ASSESSMENT MANAGER CONDITIONS

APPROVED USE

1. This Development Approval is for a Material Change of Use for Short-term Accommodation. The use is subject to the following requirements:
 - 1.1 The premises must only be rented to, let to or occupied by one associated group/s at any one time;

- 1.2 Rooms must not be rented, let or occupied individually; and
- 1.3 A maximum of eight (8) persons may be accommodated at the premises at any one time.

CARRY OUT & MAINTAIN DEVELOPMENT

2. The development must comply with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they are not varied by this Development Approval.
3. Unless otherwise stated, all conditions must be complied with prior to the commencement of use and thereafter.
4. Complete all building work associated with this Development Approval, including work required by any of the conditions of this Development Approval prior to the commencement of use. Such building work is to be carried out generally in accordance with the Approved Plans and Documents and, where the building work is assessable development, in accordance with a current Building Work approval.
5. The development must be maintained generally in accordance with the Approved and Amended Plans and Documents subject to or modified by any conditions of this Development Approval.

APPROVED PLANS

6. The development must be carried out generally in accordance with the Approved Plan listed below, subject to the conditions of this Development Approval:

Plan No: -

Description: Site Plan, prepared by Property Projects Australia and received by Council on 27 April 2026.

Amendments: Amended in BLUE to identify existing landscaping along eastern boundary.

Plan No: -

Description: Floor Plan, prepared by Property Projects Australia and received by Council on 30 March 2026.

Amendments: Amended in BLUE to identify existing landscaping along eastern boundary.

APPROVED DOCUMENTS

7. The development must be carried out generally in accordance with the Approved Document listed below, subject to the conditions of this Development Approval:

Document: Complaints Management Procedure

Description: Acoustic Complaints Management Plan, prepared Property Projects Australia and received by Council on 23 July 2026.

Amendments: Nil

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

8. A legible copy of the Development Approval, including the Approved and Amended Plans and Documents bearing Council's approved stamp must be available on the subject land for inspection at all times during earthworks and construction.

WORKS

STORMWATER DRAINAGE

9. All land adjoining the development must be protected from ponding or nuisance from stormwater resulting from the development for the life of the development.

AMENITY & OPERATION OF USE

VISUAL AMENITY

10. All buildings, structures and fences as well as the subject land must be maintained in a clean and tidy manner at all times.
11. Open storage areas, loading areas, bin storage areas and other unsightly areas, must be screened from view from all street frontages and public places.

TRANSPORT, VEHICULAR ACCESS & PARKING

ON-SITE CAR PARKING, SERVICE BAYS & MANOEUVRING

12. The premises must be provided with a minimum of one (1) on-site car parking spaces. Car parking and manoeuvring areas must be:
 - 12.1 Maintained as originally constructed and kept and used exclusively for vehicle parking and manoeuvring.

ENVIRONMENT & WASTE

ACOUSTIC AMENITY – NOISE LIMITS

13. Noise from activity associated with the use of the subject land must not exceed the Acoustic Quality Objectives listed in the Environment Protection (Noise) Policy 2019 when measured at any sensitive receptor.
14. Where considered warranted by Council and when requested in writing to do so, a noise investigation must be undertaken to investigate a complaint of noise nuisance. In such instances, a suitably qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the Noise Emission Limits listed within this Development Approval have been exceeded. The results of the investigation must be provided to Council within 28 days of the request or a longer period if specified in any such request. Measurement of noise emissions (adjusted for tonality and impulse) must be generally in accordance with the most recent version of *Australian Standard AS1055.1 Acoustics – Description and measurement of environmental noise - General procedures*.

ACOUSTIC AMENITY - COMPLAINTS MANAGEMENT

15. The Approved Complaints Management Procedure listed within this Development Approval must be implemented, maintained and modified where necessary to maintain compliance with the requirements of this Development Approval at all times.
16. A record of all noise complaints and investigation results including corrective actions must be maintained and made available for inspection at any time upon request by Council.

OUTDOOR LIGHTING IMPACT MITIGATION

17. Outdoor lighting associated with the use must be designed, sited, and installed to comply with the relevant parameters of *Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor lighting*.
18. Where considered warranted by Council and when requested in writing to do so, a lighting impact investigation must be undertaken to investigate a complaint of light nuisance. In such circumstances, a suitably qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the lighting levels listed within this Development Approval have been exceeded. The results of the investigation must be provided to Council within 28 days of the request or a longer period if specified in any such request.

WASTE MANAGEMENT (BIN PROVISION & STORAGE)

19. Refuse storage facilities must be provided generally in accordance with the Approved Plans listed within this Development Approval and the following:
 - 19.1 The size, mix and capacity of bins provided must be sufficient to accommodate the type and level of waste likely to be generated from the development having regard to the frequency of disposal or collection;

- 19.2 Refuse storage facilities must be screened from public vantage points with a minimum 1.5m high built enclosure or solid screen fencing.
- 19.3 Wheelie bin carting routes must allow bins to be easily maneuvered, devoid of steps and steep rises and not extend through any habitable room or other room of a building other than a garage; and
- 19.4 Bins must be kept in a clean state and in good repair and fitted with tight-fitting lid assemblies designed to prevent ingress of pests and water.

WASTE MANAGEMENT (REMOVAL)

- 20. Unless otherwise endorsed by Council in a waste management plan, arrangements for waste removal are provided in accordance with the following requirements:
 - 20.1 Disposal of waste generated must be undertaken in accordance with the *Environmental Protection Regulation 2019*;
 - 20.2 Collection by a refuse vehicle from the kerbside;
 - 20.3 Bins must be located in a manner that allows the refuse vehicle to pick them up automatically without the driver having to relocate them;
 - 20.4 General waste must be collected and removed at periods not exceeding seven days;
 - 20.5 Bins must be stored at their place of permanent storage other than times ahead of or during waste removal; and
 - 20.6 The waste collection method must ensure that waste is adequately managed to prevent escape of contamination.

LANDSCAPING

LANDSCAPING WORKS

- 21. Unless otherwise approved in writing by Council, all existing landscaped areas as shown on the Approved Plans must be maintained for the life of the development, and in a manner that ensures healthy, sustained and vigorous plant growth. All plant material must be allowed to grow to full form and be replaced when its life expectancy is reached.

GENERAL ADVICES:

INFRASTRUCTURE CHARGES

- 1) Infrastructure charges are levied by way of an Infrastructure Charges Notice, issued pursuant to Section 119 of the *Planning Act 2016*.

OTHER LAWS & REQUIREMENTS

- 2) This Development Approval relates to development requiring approval under the *Planning Act 2016* only. It is the approval holder's responsibility to obtain any other necessary approvals, licenses or permits required under State and Federal legislation or Council local law, prior to carrying out the development. Information with respect to other Council approvals, licenses or permits may be found on the Toowoomba Regional Council website. For information about State and Federal requirements please consult with these agencies directly.
- 3) Carrying out works on a road or interfering with the road or its operation will require a permit under *Subordinate Local Law No. 1.15 (2020)*. The application form can be found on Council's website at www.tr.qld.gov.au. For further information contact the Road Operations Branch through Council's Customer Service Centre on 131 872.

- 4) The development has only been assessed in accordance with the provisions of the *Toowoomba Regional Planning Scheme 2012*. No assessment has been made in respect of the provisions of the *Building Code of Australia* and/or the *Queensland Development Code*.

WHEN APPROVAL STARTS TO HAVE EFFECT

- 5) This Development Approval starts to have effect in accordance with the provisions of Section 71 of the *Planning Act 2016*.

WHEN APPROVAL LAPSES

- 6) This Development Approval will lapse in accordance with the provisions contained in Sections 85 and 88 of the *Planning Act 2016*, unless otherwise stated elsewhere within this Development Approval.

ENVIRONMENTAL HARM

- 7) The *Environmental Protection Act 1994* (EP Act) states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm.

Environmental harm includes environmental nuisance. In this regard persons and entities involved in the civil, earthworks, construction and operational phases of this development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the EP Act as any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.

Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Administering Authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

FIRE ANTS

- 8) The State of Queensland has been declared a quarantine area for the Red Imported Fire Ant. Should this approval involve the movement of restricted items from areas of known infestation the provisions of the *Biosecurity Act 2014* apply, compliance with statutory provisions must be achieved.

ADVERTISING SIGNS

- 9) Placing an advertising device on premises is accepted development where complying with the assessment benchmarks that form the requirements for accepted development in the Advertising Devices Code in the *Toowoomba Regional Planning Scheme 2012*. A separate Operational Work approval will be required for any Advertising Devices not complying with the assessment benchmarks that form the requirements for accepted development in the Advertising Devices Code.

REASONS FOR RECOMMENDATION

The proposed development has been assessed with regard to the applicable assessment benchmarks as identified within this report and the attached Statement of Reasons (refer to Schedule 1). The proposed development generally complies with the assessment benchmarks or it can be conditioned to comply. Where the applicant has not provided sufficient information, conditions have been imposed to ensure compliance.

DELEGATE'S DECISION:

I have reviewed the report for this application in accordance with the Relevant Instruments, Statutory and Non-Statutory Provisions and in accordance with Council's process and procedures. I agree with the responsible officer's recommendation that the application be Approved subject to the conditions contained in the recommendation. I exercise delegation in accordance with the delegations adopted by the Toowoomba Regional Council.

A handwritten signature in black ink, appearing to read 'E. Hinchliffe'.

Emily Hinchliffe, Lead Senior Planner
Planning Branch

Decision Date: 27 July 2026

BACKGROUND

SITE DETAILS				
Site Address	12 Chamberlain Street, NORTH TOOWOOMBA QLD 4350			
Real Property Description	Lot 13 and 14 RP16519			
Site Area	809m ²			
Owner	WR Baron Pty Ltd			
SITE CHARACTERISTICS				
Current Land Use	Dwelling House			
Site Frontage/s	20m frontage to Chamberlain Street			
Road/s	Order of Road	Width of Road Reserve	Width of Pavement	Road Material
Chamberlain Street	Local	15m	6.5m	Asphalt
Easements	Nil			
Existing Structures	Dwelling house and ancillary garage.			
Infrastructure	Council sewer main traverses the centre of the site in an east to west direction. Council water main runs along road reserve.			
Topography	The site falls in a north east to south west direction, from 616.25m AHD to 615.25m AHD.			
Street Trees	One (1) existing street tree along the frontage of the subject site.			
Other Features	Nil			
PLANNING SCHEME SITE DATA				
Current Planning Scheme	Toowoomba Regional Planning Scheme 2012 (Version 28)			Adopted: 28 Nov 2022
Zone	Low Density Residential Zone			
Precinct	General Precinct			
Overlays	Airport Environs Overlay 8km Wildlife Hazard Buffer Zone - Lighting Area Buffer (6 km)			
Infrastructure Charges Resolution	Charges Resolution No. 7			Adopted: 19 August 2025
SURROUNDS:				
Direction	Land Use		Zone/Precinct	
North	Residential dwelling		Low Density Residential Zone/ General Precinct	
East	Residential dwelling		Low Density Residential Zone/ General Precinct	
South	Residential dwelling		Low Density Residential Zone/ General Precinct	
West	Residential dwelling		Low Density Residential Zone/ General Precinct	
Other Features	Nothing to note			

PROPOSED DEVELOPMENT	
Name of Applicant	WR Baron Pty Ltd
Type of Application	Material Change of Use
Proposed Development	Short Term Accommodation
Variations Sought	Not Applicable
Level of Assessment	Impact Assessable

Gross Floor Area	As per existing	
Impervious Area	As per existing	
Site Cover	As per existing	
Car Parking Spaces	Two (2) car parking spaces within the existing double garage.	
Submissions Received	Objection:	One (1)
	Support:	Nil
Decision Making Period Ends	27 July 2026	

CONSULTATION UNDERTAKEN

Referral Agency/ies

Not Applicable.

Internal Referrals

Internal Referral Partner	Referral / Response
Development Engineering	Recommended conditions of approval
Water and Waste	Recommended conditions of approval
Infrastructure Charges Unit	Preparing an Infrastructure Charges Notice in accordance with <i>Charges Resolution No. 7</i>

Public Notification

The Notice of Compliance was received by Council on 29 May 2025. The information attached to the notice confirms that the public notification of the application was undertaken in accordance with the requirements of Part 4 of the *Planning Act 2016*. The Notice of Compliance states the public notification included:

- Publishing a notice in the Chronicle on 6 May 2026;
- Placing a notice on the land from 6 May 2026 until 27 May 2026; and
- Notifying owners of all land adjoining the site on 5 May 2026.

One (1) submission was received opposing the development.
No submissions were received supporting the development.

A summary of the matters raised in the submission/s and Council officer responses are outlined in the Table below:

Issue	How matter was dealt with
Security, Safety, Noise and Amenity Concerns of Surrounding Dwellings The submission raised concerns regarding the protection of residential amenity, including potential impacts associated with noise, disturbances, vehicle parking, street congestion, increased turnover of occupants and antisocial behaviour.	The proposed use is considered compatible with the existing residential use, as the dwelling will continue to function in much the same way it currently does. Conditions of approval have been recommended to ensure the proposed short-term accommodation is only be let out by one (1) booking at a time by a maximum number of eight (8) occupants. Conditions have also been recommended to ensure that noise from activity associated with the use does not exceed the Acoustic Quality Objectives listed in the <i>Environment Protection (Noise) Policy 2019</i> at surrounding sensitive receptors. Additionally, a Noise Complaint Management Procedure was submitted as part of the application and is recommended to be endorsed with the procedures implemented, maintained and modified where necessary to maintain compliance with these conditions.

	Therefore, it is considered that the proposed development will not adversely impact upon the existing acoustic amenity of the area. The Planning Scheme prescribes a car parking rate of one (1) space per unit for Short-term Accommodation use. Notwithstanding, the existing premises' double garage and driveway provide three (3) car parking spaces, which exceeds the requirement for short-term accommodation. Conditions of approval will be imposed on the Short-term Accommodation to ensure the car parking requirements of the Planning Scheme are met on-site. Due to this, it is considered that the development is provided with sufficient on-site parking spaces to meet the demand generated by the development. While general unruly behaviour is not a matter assessed or regulated under the Planning Scheme or the Planning Act 2016, the required management procedures will assist in responding to and addressing any noise-related issues that may arise. Changes in the occupants of development is not a matter that can be considered in the assessment of the Development Application.
Housing Crisis The submission raised concerns regarding the potential impact of the proposed use on housing availability.	The proposed development has been assessed against the requirements of the <i>Toowoomba Regional Planning Scheme 2012</i> (version 28) with particular regard to the Low Density Residential Zone Code. In this regard, the Purpose and Overall Outcomes of the Low Density Residential Zone identifies that short-term accommodation uses can be established within the zone where such uses are of a small scale and they maintain the residential amenity of surrounding residential locality. It is considered that the proposed Short-term accommodation is consistent with the Purpose and Overall Outcomes of the Low Density Residential Zone Code. A full assessment of the proposals consistency with the Low Density Residential Zone Code is provided within this report under the heading "ISSUES, RISKS AND RESPONSES – ASSESSMENT" below.
Competition with Existing Businesses The submission raised concerns regarding the potential economic impacts of the proposal, including increased competition for existing accommodation providers within the locality.	The proposed development is limited in scale and provides short-term accommodation for a single party at any one time. As such, it is not considered likely to adversely affect the operation or viability of existing accommodation providers within the locality, which are generally of a larger scale and cater to multiple guests or groups simultaneously. Consequently, the proposal is not expected to result in significant economic impacts on established accommodation businesses.

ISSUES, RISKS AND RESPONSES – ASSESSMENT

Categorising Instrument – *Planning Regulation 2017*:

PLANNING REGULATION 2017	
<i>Prohibited Development</i>	The proposed development is not prohibited development in accordance with the <i>Planning Regulation 2017</i> .
<i>Infrastructure Charges</i>	The <i>Planning Regulation 2017</i> provides for the levying of infrastructure charges on development approvals.
<i>Schedules 9 and 10</i>	Schedules 9 and 10 categorises particular development and details the relevant assessment benchmarks for development as relevant. The proposed development is not development categorized by Schedule 9 or 10 and no Assessment Benchmarks are relevant.

REGIONAL PLANS	
<i>Shaping SEQ – South East Queensland Regional Plan 2023</i>	The subject site is mapped within the bounds of the <i>Shaping SEQ – South East Queensland Regional Plan 2023</i> (ShapingSEQ). ShapingSEQ identifies that the subject site is within the Urban Footprint, which is intended to identify the land required for the region's urban development needs up to 2046. The development application is consistent with the land use intent for the Urban Footprint as it proposes an urban use within the bounds of the Urban Footprint.
<i>Darling Downs Regional Plan October 2013</i>	The <i>Darling Downs Regional Plan 2013</i> (DDRP) is a statutory regional plan that is intended to provide planning policy to address planning matters that are of State interest and specific to the Darling Downs region. The subject site is located within the Restricted Area 384 of the DDRP as it is located within the SEQRP and accordingly the DDRP has no requirements.

STATE PLANNING POLICY (SPP) July 2017	
Interests	Assessment Comments
Housing Supply and Diversity	No applicable assessment benchmarks.
Livable Communities	No applicable assessment benchmarks.
Agriculture	No applicable assessment benchmarks.
Development and Construction	No applicable assessment benchmarks.
Mining and Extractive Resources	No applicable assessment benchmarks.
Tourism	No applicable assessment benchmarks.
Biodiversity	No applicable assessment benchmarks.
Cultural Heritage	No applicable assessment benchmarks.
Water Quality	No applicable assessment benchmarks.
Emissions and Hazardous Activities	No applicable assessment benchmarks.
Natural Hazards, Risk and Resilience	The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) interactive mapping (DAMS) which accompanies the SPP identifies that this interest is applicable to the subject property being mapped in the Flood hazard area – Local Government flood mapping area. The Minister has identified that the SPP as it relates to flooding has been appropriately reflected within the <i>Toowoomba Regional Planning Scheme 2012</i> (Version 28). As the Planning Scheme identifies that the subject site is not impacted by flood hazard, the assessment benchmarks identified in Part E of the SPP do not apply to the proposed development.
Energy and Water Supply	No applicable assessment benchmarks.
Infrastructure Integration	No applicable assessment benchmarks.
Transport Infrastructure	No applicable assessment benchmarks.
Strategic Airports and Aviation Facilities	No applicable assessment benchmarks.

Local Categorising Instrument – *Toowoomba Regional Planning Scheme 2012*:

The proposed development was assessed against the following assessment benchmarks:

- Strategic Framework
- Airport Environs Overlay Code
- Low Density Residential Zone Code
- Medium Density Residential Code
- Environmental Standards Code
- Integrated Water Cycle Management Code

- Landscaping Code
- Transport, Access and Parking Code
- Works and Services Code

The development was assessed against all of the assessment benchmarks listed above and is considered to comply without exception as follows:

STRATEGIC FRAMEWORK:

Theme	Assessment Comments
Settlement Pattern	The proposal is considered to comply with the applicable strategic and specific outcomes of this element.
Natural Environment	The proposal is considered to comply with the applicable strategic and specific outcomes of this element.
Community Identity and Diversity	The proposal is considered to comply with the applicable strategic and specific outcomes of this element.
Natural Resources and Landscaping	The proposal is considered to comply with the applicable strategic and specific outcomes of this element.
Access and Mobility	The proposal is considered to comply with the applicable strategic and specific outcomes of this element.
Infrastructure and Services	The proposal is considered to comply with the applicable strategic and specific outcomes of this element.
Economic Development	The proposal is considered to comply with the applicable strategic and specific outcomes of this element.

LOW DENSITY RESIDENTIAL ZONE CODE:

Assessment Criteria	Assessment Comments
<u>Purpose</u> <i>The purpose of the Low Density Residential Zone code is to provide for a variety of low density dwelling types, including dwelling houses and community uses and small-scale services, facilities and infrastructure that cater for local residents.</i> <i>The amenity and lifestyle of residents in the Low Density Residential Zone is conserved while providing mechanisms to promote and implement a mix of housing forms at a density appropriate to each locality. Non-residential uses are small scale and low intensity uses that service the day to day needs of the immediate local residential community and do not undermine the viability of a nearby centre.</i> <u>Overall Outcomes that are particularly relevant to the proposed development:</u> (i) <i>small scale short-term accommodation occurs only on land with direct access to a road at the distributor, sub-arterial and regional arterial level in the road hierarchy and in proximity to existing development of a similar nature, in buildings of a scale that is consistent with the surrounding residential area, all car parking needs can be met on site, and the use does not detract from the residential amenity of the area.</i> (j) <i>development maintains a high level of residential amenity avoiding uses that</i>	The proposed development does not achieve compliance with Performance Outcomes PO₁ and PO₃ of the Low Density Residential Zone Code. However, the proposed development is considered to be generally consistent with the Purpose and relevant Overall Outcomes of the Low Density Residential Zone Code for the following reasons: <u>Purpose</u> • The proposed development seeks to retain the existing Dwelling House on the subject site, repurposing it for a Short-term Accommodation use in an Airbnb style arrangement. Accordingly, the development will retain a low density dwelling form which will conserve the amenity and lifestyle of the local residents. • The amenity of surrounding residents will be further protected through conditions requiring the use to comply with the relevant criteria for noise limits and restricting the number of guests to a maximum of eight (8) persons. <u>Overall Outcomes</u> (i) The proposed Short-term Accommodation will be accommodated within an existing Dwelling House which is at a scale that is consistent with the surrounding low density residential area. The proposed Short Term Accommodation use will not have direct access to a distributor or higher-level road. However, it is considered that the proposed development will generate traffic consistent with that of the existing Dwelling House on the subject site, and accordingly will not adversely impact upon the transport network. Further the proposal includes two

<i>introduce adverse impacts such as excessive traffic, noise, dust, odour, lighting and other locally specific impacts;</i>	(2) on-site car parking spaces that would meet the needs generated by the development. Therefore, subject to the imposition of relevant conditions, it is considered that the proposed use would not detract from the residential amenity of the area. (j) It is recommended that the proposed Short-term Accommodation use be conditioned to only be let out by one (1) booking at a time with a maximum occupancy of eight (8) persons at any time. Further, conditions provided limits of noise and lighting generated by the proposed use are also recommended. It considered that where imposing these conditions, the use will mitigate potential adverse impacts from traffic, noise and lighting on surrounding properties. Therefore, it is considered that the proposed development will not unreasonably detract from the existing residential amenity of the area. Overall, based on the above assessment it is considered that the proposed development complies, or can be suitably conditioned to comply with the Purpose and the relevant Overall Outcomes sought within the Low Density Residential Zone.
Performance Outcome	Acceptable Outcome
<i>PO₁</i> <i>The zone accommodates predominantly dwelling houses and other housing forms at a low density scale and intensity.</i>	<i>AO_{1.1}</i> <i>Uses which are consistent with the intent of the zone include:</i> <i>(a) dwelling house; and</i> <i>(b) dual occupancy, except where located in the Clifford Park Stables and Park Residential Precincts</i>
Alternate Outcome	
The applicant submits: <i>"Complies (AO1.1)</i> <i>The proposed development involves the adaptive reuse of the dwelling house from Residential Dwelling to Short-Term Accommodation. As no building or landscaping works are proposed, the development retains the low density scale and intensity in line with its residential surroundings."</i>	
Officer Comment	
The development does not involve the physical alteration or change to the existing dwelling onsite. The existing built form is consistent with the scale of other development within the locale and is in keeping with the established character of the area. The development will be let out by one (1) group at a time of no more than eight (8) people. It is therefore considered that the intended development will provide a low scale form of accommodation, which has a similar intensity to that expected for a Dwelling House. Due to the above, it is considered that the development is consistent with the density of the Low Density Residential Zone in keeping with the Purpose and Overall Outcomes of the Low Density Residential Zone Code (as discussed above).	
Performance Outcome	Acceptable Outcome
<i>PO₃</i> <i>Short-term accommodation occurs where:</i> <i>(a) it is of a small scale that is consistent with the intensity of development in the surrounding residential area;</i> <i>(b) adjoining or located on the opposite side of a road to existing Short-term accommodation or other</i>	<i>No acceptable outcome is nominated.</i>

<i>Accommodation activities of a similar scale and density;</i> <i>(c) all car parking needs can be met on site;</i> <i>(d) have direct vehicle access to a distributor, sub-arterial and regional arterial level road that is not a State-controlled road; and</i> <i>(e) do not unduly detract from the amenity of nearby residences.</i>	
Alternate Outcome	
The applicant submits: “Complies (PO3). a) <i>The proposed development retains the existing residential dwelling on the site and does not propose any additional works. Therefore, the small-scale intensity is retained, in line with surrounding residential areas.</i> b) <i>the proposed use will utilise the existing dwelling and be let out on a ‘whole house’ basis. As such, it will remain consistent with the existing residential dwellings within the area. Further, it is located in close proximity to existing short-term accommodation facilities.</i> c) <i>The proposed development retains the existing parking configuration with two (2) under-cover parking spaces in the garage plus at least two (2) parking spaces in the driveway.</i> d) <i>The proposed development retains the existing vehicle access arrangement which involves one (1) crossover to Chamberlain Street. Due to the nature of the development and the controlled occupancy rates, it is deemed appropriate for the proposed use.</i> e) <i>The proposed development will retain the existing intensity of occupancy and build, which will remain in line with the existing amenity of nearby residences.”</i>	
Officer Comment	
As discussed above in response to Performance Outcome PO₁, the development retains the existing dwelling house which will be let out by one (1) group of a maximum of eight (8) people at any one time consistent with the scale, density and intensity of surrounding Dwelling Houses and residential uses. Further, the use also proposes to maintain the existing two (2) carparking spaces provided on the subject site which exceeds the car parking rate of one (1) space per unit prescribed within the Planning Scheme. Conditions of approval have been recommended to limit the number of persons who may occupy the premises at one time, and to impose limits of noise and lighting generated by the proposed use. Further, a Noise Complaint Management Procedure was submitted as part of the application and is recommended to be endorsed with the procedures implemented, maintained and modified where necessary to maintain compliance with the planning scheme requirements at all times. Accordingly, it is considered that the proposed short-term will not unduly detract from the amenity of nearby residences. Whilst it is noted that the proposed development does not gain direct access to a higher-order road, it is located approximately 190m from a regional arterial road (Ruthven Street), the Short-term Accommodation is expected to generate a number of traffic/trips generally consistent with the current dwelling use, noting that the Short-term Accommodation will only be let out to one (1) group booking at a time. Further, sufficient parking spaces are provided onsite. On this basis, it is not anticipated that the proposed Short-Term Accommodation will negatively impact the integrity of the transport network. On balance, given the scale of the development and operational requirements imposed through conditions it is not considered that the development will detract from the residential amenity of the area in keeping with the Purpose and Overall Outcomes of the Low Density Residential Zone.	

MEDIUM DENSITY RESIDENTIAL CODE:

Performance Outcome	Acceptable Outcome
PO₁₂ <i>The privacy of residents of the development or adjoining premises is protected when they are</i>	AO_{12.1} <i>Habitable room windows of a dwelling are separated a minimum of 9m from a habitable room window or private</i>

<i>inside a dwelling or in a private open space area.</i>	<i>open space of another dwelling on the same or an adjoining site.</i> OR AO_{12.2} <i>Where there is a direct view within 9m into a habitable room or private open space of another dwelling on the same or an adjoining site:</i> <i>(a) The elements with the view such as windows, balconies, or terraces of a dwelling must be screened in accordance with AO13.3; or</i> <i>(b) The Windows have translucent glazing up to or sill heights of at least, 1.5m from the internal floor level; or</i> <i>(c) A solid fence or masonry wall with a minimum height of 1.5m is positioned between the elements with the view.</i> AND AO_{12.3} <i>Where screening is used, it:</i> <i>(a) is a solid translucent screen or a louvre perforated panel, trellis or the like that has a maximum of 50% open to solid ratio; and</i> <i>(b) is a fixed, permanent element of a design that complements the style, detailing and materials of the development.</i>
Alternate Outcome	
The applicant submits: <i>“Complies (PO12)</i> <i>The proposed development involves the adaptive reuse of the existing dwelling, and will not alter the built form, fencing and screening, or number of occupants to take residence. Therefore, the privacy of adjoining residential dwellings is retained at the current level which exceeds the levels needed for exceptional personal amenity.”</i>	
Officer Comment	
The entry sitting area, Bedroom 4 and dining room, located on the eastern side of the dwelling, do not achieve the required 9 m separation distance to habitable rooms on the adjoining property at 10 Chamberlain Street. However, supporting documentation (recent photographs (Attachment 6) demonstrates that recent landscaping has been planted along the extent of the eastern boundary. The establishment and ongoing growth of the proposed landscaping species will contribute to maintaining privacy and residential amenity for occupants of the site and adjoining properties. A condition requiring all existing landscaping to be maintained is recommended for approval to ensure privacy and amenity. Furthermore, the site and floor plans will be marked up by Council to outline the extent of existing landscaping along the eastern boundary.	

Local Categorising Instrument – Variation Approval:

Not Applicable

Local Categorising Instrument – Temporary Local Planning Instrument:

Not Applicable

Local Categorising Instrument – Preliminary Approval:

Not Applicable

Local Categorising Instrument – Local Government Infrastructure Plan:

The subject site is located within the Priority Infrastructure Area.

Other Relevant Matters

No further relevant matters considered in the assessment of this application.

FINANCIAL / RESOURCE IMPLICATIONS

Infrastructure charges will be applied in accordance with Council's *Charges Resolution No.7*.

Human Rights Act 2019 CONSIDERATIONS

The *Human Rights Act 2019* provides that it is unlawful for a public agency to act or make a decision in a way that is not compatible with human rights, or to fail to give proper consideration to a human right. This necessitates understanding the human rights that are protected. When making decisions or taking actions, consideration needs to be given to how that may impact on a person's human rights. Where there is a restriction on a person's human rights the restriction must be no greater than is justifiable to protect the rights of others or the community at large.

In assessing this application consideration has been given to the following sections of the *Human Rights Act 2019*:

Section 24 – Property rights
Section 25 – Privacy and reputation

It is the opinion of the decision maker that no human rights have been limited.

CONCLUSION

The development has been assessed with regard to the applicable assessment benchmark as identified within this report and the attached Statement of Reasons (refer to Schedule 1). The proposed development generally complies with the assessment benchmarks or it can be conditioned to comply. Where the applicant has not provided sufficient information, conditions have been imposed to ensure compliance. It is therefore recommended that the development application be approved subject to the conditions identified above.

ATTACHMENT/S

Attachment	1	of	6	Aerial Imagery
Attachment	2	of	6	Zoning Map
Attachment	3	of	6	Overlay Map
Attachment	4	of	6	Proposed Site Plan
Attachment	5	of	6	Proposed Floor Plan
Attachment	6	of	6	Eastern Boundary Existing Landscaping

SCHEDULES

Schedule	1	Statement of Reasons
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ATTACHMENTS



Attachment 1 of 6 Aerial Imagery



Attachment 2 of 6 Zoning Map



Attachment 3 of 6 Overlay Map



LEGEND: — SUBJECT SITE - 12 CHAMBERLAIN STREET, NORTH TOOWOOMBA (LOT 13 AND 14 ON RP16519)

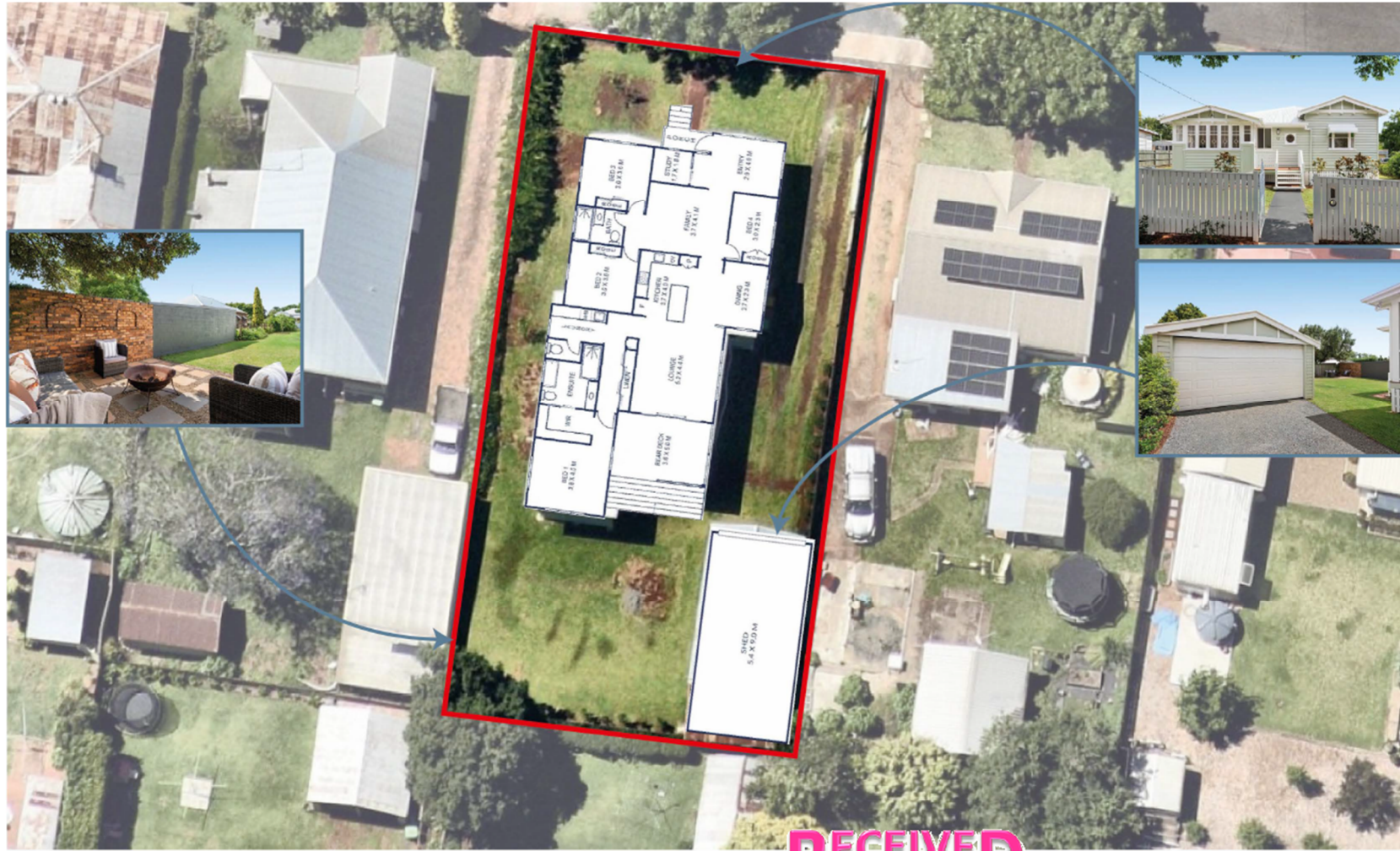
SCALE: NTS SOURCE: NEARMAP, QLD GLOBE, REAL WAY PROPERTY

THE CONTENT OF THIS DOCUMENT INCLUDES THIRD PARTY DATA. PROPERTY PROJECTS AUSTRALIA PTY LTD DOES NOT GUARANTEE THE ACCURACY OF SUCH DATA.



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Attachment 4 of 6 Proposed Site Plan



LEGEND: — SUBJECT SITE - 12 CHAMBERLAIN STREET, NORTH TOOWOOMBA (LOT 13 AND 14 ON RP16519)

RECEIVED
30/03/2026
TOOWOOMBA
REGIONAL COUNCIL

SCALE: NTS SOURCE: NEARMAP, QLD GLOBE, REAL WAY PROPERTY
THE CONTENT OF THIS DOCUMENT INCLUDES THIRD PARTY DATA. PROPERTY PROJECTS AUSTRALIA PTY LTD DOES NOT GUARANTEE THE ACCURACY OF SUCH DATA.



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Attachment 5 of 6 Proposed Plan



Attachment 6 of 6 Eastern Boundary Existing Landscaping

SCHEDULE 1

Statement of Reasons

Statement of Reasons
Section 63(4) and (5) of the *Planning Act 2016*

SITE DETAILS	
Site Address	12 Chamberlain Street, NORTH TOOWOOMBA QLD 4350
Real Property Description	Lot 13 and 14 RP16519
Site Area	809.00m ²
Owner	WR Baron Pty Ltd

PROPOSED DEVELOPMENT		
Name of Applicant	WR Baron Pty Ltd	
Type of Application	Material Change of Use	
Proposed Development	Short Term Accommodation	
Level of Assessment	Impact Assessable	
Gross Floor Area	As per existing	
Impervious Area	As per existing	
Site Cover	As per existing	
Car Parking Spaces	Two (2) car parking spaces within the existing double garage.	
Submissions Received	Objection:	One (1)
	Support:	Nil.
Decision	Approval	
Decision Date	27 July 2026	

ASSESSMENT MATTERS		
Assessment benchmarks	The proposed development was assessed against the following assessment benchmarks: • Schedules 9 and 10 of the <i>Planning Regulation 2017</i> (as relevant); • <i>State Planning Policy July 2017</i> (as relevant); • South-east Queensland Regional Plan ShapingSEQ 2023/Darling Downs Regional Plan (as relevant); • The Local Government Infrastructure Plan; and • <i>Toowoomba Regional Planning Scheme 2012</i> (Version 28) ○ Strategic Framework ○ Airport Environs Overlay Code ○ Low Density Residential Zone Code ○ Medium Density Residential Code ○ Environmental Standards Code ○ Integrated Water Cycle Management Code ○ Landscaping Code ○ Transport, Access and Parking Code ○ Works and Services Code	
Relevant matters	No further relevant matters considered in the assessment of this application.	
Matters raised in submissions	Issue	How matter was dealt with
	Security, Safety, Noise and Amenity Concerns of Surrounding Dwellings The submission raised concerns regarding the protection of residential amenity, including potential impacts associated with noise, disturbances,	The proposed use is considered compatible with the existing residential use, as the dwelling will continue to function in much the same way it currently does. Conditions of approval have been recommended to ensure the

	vehicle parking, street congestion, increased turnover of occupants and antisocial behaviour.	proposed short-term accommodation is only be let out by one (1) booking at a time by a maximum number of eight (8) occupants. Conditions have also been recommended to ensure that noise from activity associated with the use does not exceed the Acoustic Quality Objectives listed in the <i>Environment Protection (Noise) Policy 2019</i> at surrounding sensitive receptors. Additionally, a Noise Complaint Management Procedure was submitted as part of the application and is recommended to be endorsed with the procedures implemented, maintained and modified where necessary to maintain compliance with these conditions. Therefore, it is considered that the proposed development will not adversely impact upon the existing acoustic amenity of the area. The Planning Scheme prescribes a car parking rate of one (1) space per unit for Short-term Accommodation use. Notwithstanding, the existing premises' double garage and driveway provide three (3) car parking spaces, which exceeds the requirement for short-term accommodation. Conditions of approval will be imposed on the Short-term Accommodation to ensure the car parking requirements of the Planning Scheme are met on-site. Due to this, it is considered that the development is provided with sufficient on-site parking spaces to meet the demand generated by the development. While general unruly behaviour is not a matter assessed or regulated under the Planning Scheme or the Planning Act 2016, the required management procedures will assist in responding to and addressing any noise-related issues that may arise. Changes in the occupants of development is not a matter that can be considered in the assessment of the Development Application.
	Housing Crisis	The proposed development has been assessed against the requirements of the <i>Toowoomba Regional Planning Scheme 2012</i> (version 28) with

	The submission raised concerns regarding the potential impact of the proposed use on housing availability.		particular regard to the Low Density Residential Zone Code. In this regard, the Purpose and Overall Outcomes of the Low Density Residential Zone identifies that short-term accommodation uses can be established within the zone where such uses are of a small scale and they maintain the residential amenity of surrounding residential locality. It is considered that the proposed Short-term accommodation is consistent with the Purpose and Overall Outcomes of the Low Density Residential Zone Code. A full assessment of the proposals consistency with the Low Density Residential Zone Code is provided within this report under the heading “ISSUES, RISKS AND RESPONSES – ASSESSMENT” below.
	Competition with Existing Businesses The submission raised concerns regarding the potential economic impacts of the proposal, including increased competition for existing accommodation providers within the locality.		The proposed development is limited in scale and provides short-term accommodation for a single party at any one time. As such, it is not considered likely to adversely affect the operation or viability of existing accommodation providers within the locality, which are generally of a larger scale and cater to multiple guests or groups simultaneously. Consequently, the proposal is not expected to result in significant economic impacts on established accommodation businesses.
Reasons for decision	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exception listed below.		
	Assessment benchmark	Assessment benchmark	
	Performance Outcomes PO₁ and PO₃ of the Low Density Residential Zone Code.	The proposed development does not achieve compliance with Performance Outcomes PO₁ and PO₃ of the Low Density Residential Zone Code. However, the proposed development is considered to be generally consistent with the Purpose and relevant Overall Outcomes of the Low Density Residential Zone Code for the following reasons: <u>Purpose</u> - The proposed development seeks to retain the existing Dwelling House on the subject site, repurposing it for a Short-term Accommodation use in an Airbnb style arrangement. Accordingly, the development will retain a low density dwelling form which will conserve the amenity and lifestyle of the local residents. - The amenity of surrounding residents will be further protected through conditions requiring the use to comply with the relevant criteria for noise limits and	

		restricting the number of guests to a maximum of eight (8) persons. <u>Overall Outcomes</u> (k) The proposed Short-term Accommodation will be accommodated within an existing Dwelling House which is at a scale that is consistent with the surrounding low density residential area. The proposed Short Term Accommodation use will not have direct access to a distributor or higher-level road. However, it is considered that the proposed development will generate traffic consistent with that of the existing Dwelling House on the subject site, and accordingly will not adversely impact upon the transport network. Further the proposal includes two (2) on-site car parking spaces that would meet the needs generated by the development. Therefore, subject to the imposition of relevant conditions, it is considered that the proposed use would not detract from the residential amenity of the area. (l) It is recommended that the proposed Short-term Accommodation use be conditioned to only be let out by one (1) booking at a time with a maximum occupancy of eight (8) persons at any time. Further, conditions provided limits of noise and lighting generated by the proposed use are also recommended. It considered that where imposing these conditions, the use will mitigate potential adverse impacts from traffic, noise and lighting on surrounding properties. Therefore, it is considered that the proposed development will not unreasonably detract from the existing residential amenity of the area. Overall, based on the above assessment it is considered that the proposed development complies, or can be suitably conditioned to comply with the Purpose and the relevant Overall Outcomes sought within the Low Density Residential Zone.
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For further details on the assessment of this development application, please see the Delegated Report available for public viewing on the Toowoomba Regional Council Planning and Development Online website at: <https://developmenti.tr.qld.gov.au/>. When accessing Council's website please use the following Application Number: [MCUI/2026/2757](#)