

REPORT TITLE	Material Change of Use – Impact – Short-term Accommodation located at 228A Campbell Street, NEWTOWN QLD 4350
AUTHOR	Planning Officer (Shokhida Safarova)
Application No.	MCUI/2021/3730

PURPOSE OF REPORT

To consider a Development Application for Material Change of Use – Impact – Short-term Accommodation located at 228A Campbell Street, NEWTOWN QLD 4350

EXECUTIVE SUMMARY

The Development Application seeks an approval for a Material Change of Use for Short-term Accommodation located at 228A Campbell Street, Newtown. The subject site is located in the General Precinct of the Low Density Residential Zone of the *Toowoomba Regional Planning Scheme 2012*. The site has an area of 544m² and has frontage to Campbell Street. The site contains a Dwelling House with a total Gross Floor Area (GFA) of 130m².

The subject site adjoins detached Dwelling Houses to the west, east and south.

The applicant proposes to reuse the existing dwelling for Short-term Accommodation. The existing dwelling would be retained in its current form. The existing dwelling is an elevated single storey building with three (3) bedrooms, open plan dining and living areas. The established landscaping and vegetation are to be retained. The proposed use will be serviced by the existing vehicle crossover and driveway to Campbell Street. One (1) parking space is available in the garage and parking is available on driveway for guests on-site.

The Development Application requires impact assessment and has undergone public notification. Two (2) properly made submissions were received supporting the development.

Overall, the proposed development is considered to generally comply with the relevant assessment benchmarks of the *Toowoomba Regional Planning Scheme 2012*. Where applicable, the development can be conditioned to comply with the relevant assessment benchmarks. Accordingly, it is recommended that the proposed development be approved subject to reasonable and relevant conditions.

RECOMMENDATION

APPROVED - Application No. MCUI/2021/3730 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, subject to the following requirements:
 - 1.1 Rooms cannot be let individually; and
 - 1.2 The premises must not accommodate more than six (6) persons at a time.
2. This Development Approval does not imply or comprise an approval for any uses other than that listed in Condition 1.

CARRY OUT & MAINTAIN DEVELOPMENT

3. 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.
4. Unless otherwise stated, all conditions must be complied with prior to the commencement of use and thereafter.

5. 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 Works approval.
6. The development must be maintained generally in accordance with the Approved Plans and Documents subject to or modified by any conditions of this Development Approval.

APPROVED PLANS

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

Plan No: N/A
Description: Site Plan and Floor Plan, prepared by the Applicant and received by Council on 5 July 2021
Amendments: Nil

APPROVED DOCUMENT

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

Document: N/A
Description: Noise Complaints Management Procedure, prepared by Applicant and received 30 September 2021
Amendments: Nil

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

9. 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.

COMMENCEMENT OF USE

10. Submit to Council a Notice of Intention to Commence the Approved Use. The notice must:
 - 10.1 Be submitted to the Manager, Development Services within a minimum of ten (10) business days prior to commencement of the approved use;
 - 10.2 Nominate the day the approved use is intended to commence; and
 - 10.3 Include evidence (i.e. copies of decision notice(s), photographic proof, and statement(s) of compliance with the conditions of this approval from suitably qualified persons) which demonstrates that all conditions of this approval have been complied with.

WORKS

STORMWATER DRAINAGE

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

DAMAGE TO SERVICES & ASSETS

12. Any damage caused to existing services and assets as a result of the development works must be repaired at no cost to the asset owner in accordance with the following timing:
 - 12.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or

- 12.2 Where otherwise, as soon as reasonably possible, but no later than completion of the works associated with the development or prior to the commencement of use, whichever is the earlier.
13. Any repair work which includes alteration to the alignment, or the level of existing services and assets must first be referred to the relevant service authority for approval.
14. Construction, alterations and any repairs to Council infrastructure is undertaken in accordance with Council's relevant policies and requirements at no cost to Council.

Note: Council must be notified of any damage to water and sewer immediately 131 872.

TRANSPORT, VEHICULAR ACCESS & PARKING

ON-SITE CAR PARKING, SERVICE BAYS & MANOEUVRING

15. The premises must be provided with at least two (2) on-site car parking space. Car parking and maneuvering areas must be maintained generally as shown on the Approved Plans listed within this Development Approval.

AMENITY & OPERATION OF USE

16. All buildings, structures and fences as well as the subject land must be maintained in a clean and tidy manner at all times.
17. All fixed mechanical plant must be contained within the building or visually screened to all street frontages, public viewing locations and adjoining premises.
18. Open storage areas, loading areas, bin storage areas and other unsightly areas, must be screened from view from all street frontages and public places.

ENVIRONMENT & WASTE

ACOUSTIC AMENITY – NOISE LIMITS

19. 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 2008* when measured at any sensitive receptor.
20. 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 – MECHANICAL PLANT

21. All "refrigeration equipment", "pumps", "regulated devices", and "air conditioning equipment" as defined by the *Environmental Protection Act 1994* must be designed, installed, operated and maintained to comply with the noise standards as specified within the *Environmental Protection Act 1994*.
22. Any fixed mechanical plant that causes either tonal (L_{eq}) sound (e.g. from basement car-park or kitchen exhaust, air conditioning unit or pool filtration unit), or impulse (L_{max}) sound, must be enclosed, shielded or positioned to ensure that noise emissions do not exceed the following noise limits when measured at any sensitive place or commercial place:
- 22.1 Before 7.00AM, if it makes a noise of more than 3dB(A) above the background noise level (L_{90}); or

- 22.2 From 7.00AM to 10.00PM, if it makes a noise of more than 5dB(A) above the background noise level (L₉₀); or
- 22.3 After 10.00PM, if it makes a noise of more than 3dB(A) above the background noise level (L₉₀).

ACOUSTIC AMENITY - COMPLAINTS MANAGEMENT

- 23. The endorsed Noise Complaints Management Procedure listed within this Decision Notice must be implemented, maintained and modified where necessary to maintain compliance with the requirements of this Development Approval at all times.
- 24. 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

- 25. 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*.
- 26. 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.

AIR QUALITY & AMENITY - AIR RELEASE LIMITS

- 27. Odours or airborne contaminants which are noxious or offensive to public amenity or safety, likely to cause environmental harm or environmental nuisance or exceed the Air Quality Objectives listed in the *Environmental Protection (Air) Policy 2019* as measured at any sensitive receptor place must not be released to the atmosphere.
- 28. Where considered warranted by Council and when requested in writing to do so, an air quality investigation must be undertaken to investigate a complaint of air pollution, odour or dust nuisance. In such circumstances, a qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the Air Release 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.

WASTE MANAGEMENT (BIN PROVISION & STORAGE)

- 29. Refuse storage facilities must be provided generally in accordance with the Approved Plans listed within this Development Approval and the following:
 - 29.1 Provision of 1 x 240L wheelie bin for general waste and 1 x 240L wheelie bin for recyclable waste for development;
 - 29.2 Provision of a hardstand impervious area within the curtilage of the premises for the permanent storage location of wheelie bins, having minimum dimensions of 0.36 m² (600mm x 600mm) per wheelie bin and located no closer than 2m to any fresh air intake of a habitable room;
 - 29.3 Refuse storage facilities must be screened from public vantage points with a minimum 1.5m high built enclosure or solid screen fencing; and
 - 29.4 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)

30. Unless otherwise endorsed by Council in a waste management plan, arrangements for waste removal are provided in accordance with the following requirements:
- 30.1 Provision of a level area at the kerbside for the temporary storage of wheelie bins on collection days having minimum dimensions of 1m² (1,000mm x 1,000mm) per wheelie bin;
 - 30.2 General waste must be collected and removed at periods not exceeding seven days; and
 - 30.3 Bins must be stored at their place of permanent storage other than times ahead of or during waste removal.

B. ADVICES:

GENERAL ADVICE

INFRASTRUCTURE CHARGES

- 1) Infrastructure charges are now 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) Any works impacting outside the property boundary will require a permit under Subordinate Local Law 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation) 2011. Please contact Council's Road Operations Branch through our Customer Service Centre on 131 872. The application can be found on Council's website at www.tr.qld.gov.au.
- 4) The development has only been assessed in accordance with the provisions of the *Toowoomba Regional Planning Scheme*. 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.

WHEN APPROVAL STARTS TO HAVE EFFECT

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

STREET TREE DISTURBANCE & REMOVAL APPROVAL

- 8) This Development Approval does not infer or give approval to the owners or occupiers of the subject land to disturb or remove street trees. A separate Street Tree Disturbance or Removal Approval is required where a street tree is expected to be disturbed or removed. Please contact Council's Parks and Recreation Branch via Council's Customer Service Centre for further information in respect of street trees.

FIRE ANTS

- 9) 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 *Plant Protection Act 1989* apply, compliance with statutory provisions must be achieved.

REASONS FOR RECOMMENDATION

The proposed development has been assessed with regard to the applicable assessment matters as identified within this report and the attached Statement of Reasons (refer to Schedule 1 **Attachment 3**). 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.



Rodney O'Brien,
Senior Planner, Development Services

Decision Date: 5 October 2021

CORPORATE PLAN REFERENCE

- Strategic Action 2.3.3** Ensure development aligns with community sentiment, through effective and efficient assessment, with the planning scheme, planning instruments, codes and legislation.

BACKGROUND

SITE DETAILS				
Site Address	228A Campbell Street, NEWTOWN QLD 4350			
Real Property Description	Lot 1 RP74665			
Site Area	544m ²			
Owner	Peter Harley Young and Catherine Mary Young			
SITE CHARACTERISTICS				
Current Land Use	Dwelling House			
Site Frontage/s	Campbell Street (14m)			
Road/s	Order of Road	Width of Road Reserve	Width of Pavement	Road Material
Campbell Street	Collector	15m	8m	Asphalt
Easements	Nil			
Existing Structures	Dwelling and ancillary outbuilding			
Infrastructure	Sewer main intersects the site with maintenance hole located in the south western part			
Topography	The site has a gentle fall from south to north			
Street Trees	One tree			
Other Features	Nothing to note			
PLANNING SCHEME SITE DATA				
Current Planning Scheme	Toowoomba Regional Planning Scheme 2012 (Version 26)			Adopted: 30/04/2021
Zone	Low Density Residential			
Precinct	General			

Overlays	Airport Environs Overlay - 3km Wildlife Hazard Buffer Zones - Lighting Area Buffer (6km) Neighbourhood Character	
Infrastructure Charges Resolution	<i>Charges Resolution No. 4</i>	Adopted: 25/08/2020
SURROUNDS:		
Direction	Land Use	Zone/Precinct
North	Multiple Dwelling	Low Density Residential/General
East	Dwelling House	Low Density Residential/General
South	Dwelling House	Low Density Residential/General
West	Dwelling House	Low Density Residential/General
Other Features	Nothing to note	

APPLICATION HISTORY			
Application No.	Description	Decision Date	Decision
OW/2018/4974	Operational Works for Stormwater and Crossover	28/02/2019	Approved
Other	No further relevant details.		

PROPOSED DEVELOPMENT		
Name of Applicant	Catherine Mary Young and Peter Harley Young	
Type of Application	Development Permit for a Material Change of Use	
Proposed Development	Short-term Accommodation	
Variations Sought	Not Applicable	
Level of Assessment	Impact Assessable	
Gross Floor Area	135m ²	
Impervious Area	200m ²	
Site Cover	4%	
Car Parking Spaces	2	
Service Vehicle Provision	N/A	
Submissions Received	Objection:	No submissions were received opposing the development
	Support:	Two (2) properly submissions were received supporting the development
Decision Making Period Ends	27 October 2021	

CONSULTATION UNDERTAKEN

Referral Agency/ies

Not Applicable.

Internal Referrals

Internal Referral Partner	Referral / Response
Development Engineering and Plumbing	Provided draft conditions
Development Services Environmental	Provided draft conditions

Water and Waste	Provided draft conditions
Infrastructure Charges Unit	To prepare an Infrastructure Charges Notice in accordance with <i>Charges Resolution No. 4</i> to accompany an approval of the development.

Public Notification

The Notice of Compliance was received by Council on 7 September 2021. 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 13 August 2021;
- Placing a notice on the land from 12 August until 3 September 2021; and
- Notifying owners of all land adjoining the site on 11 August 2021.

No submissions were received opposing the development.
Two (2) submissions were received supporting the development.

ISSUES, RISKS AND RESPONSES – ASSESSMENT

Categorising Instrument – *Planning Regulation 2017*:

PLANNING REGULATION 2017	
<i>Prohibited Developments</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 for Reconfiguring a Lot as defined in Part 1 of Schedule 12A of the Regulation.

REGIONAL PLANS	
<i>Shaping SEQ – South East Queensland Regional Plan 2017</i>	The subject site is mapped within the bounds of the <i>Shaping SEQ – South East Queensland Regional Plan 2017</i> (SEQRP). The SEQRP 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 2041. 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 subject site is in a Restricted Area under the Darling Downs Regional Plan, therefore the provisions of the Plan are not applicable.

STATE PLANNING POLICY (SPP) July 2017	
Interests	Assessment Comments
Housing Supply and Diversity	The Department of State Development, Infrastructure, Local Government and Planning interactive mapping (DAMS) which accompanies the SPP does not include mapping associated with this State Interest. However, the policies identified for this interest in Part E of the SPP do not apply to proposed development.
Livable Communities	The Department of State Development, Infrastructure, Local Government and Planning interactive mapping (DAMS) which accompanies the SPP does not include mapping associated with this State Interest. However, the policies identified for this interest in Part E of the SPP do not apply to proposed development.

Water Quality	<p>The Department of State Development, Infrastructure, Local Government and Planning interactive mapping (DAMS) which accompanies the SPP identifies that this interest is applicable to the subject property.</p> <p>However, the assessment benchmarks identified in Part E of the SPP do not apply to the proposed development.</p>
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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 proposed development was assessed against applicable themes and elements of the Strategic Framework of the Planning Scheme and found to be consistent with all relevant specific outcomes and land use strategies.

The development was assessed against all of the Planning Scheme codes listed above and is considered to comply except as follows:

LOW DENSITY RESIDENTIAL ZONE CODE:

Assessment Criteria	Assessment Comments
<p><u>Purpose</u></p> <p>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. 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.</p> <p><u>Overall Outcomes relevant to the proposed development</u></p> <p>(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;</p>	<p>The proposed development does not comply with Performance Outcome PO3. However, the proposed development is considered to be consistent with the purpose of the zone code for the following reasons:</p> <ul style="list-style-type: none"> • The proposed Short-term Accommodation would provide tourist accommodation at a density and scale similar to a Dwelling House and conserve the amenity and lifestyle of the local residents. • The acoustic amenity of residents in the area can be preserved through conditions for noise limits and restricted number of guests. <p><u>Overall Outcomes</u></p> <p>(i) The proposed Short-term Accommodation will utilise the existing dwelling of a scale that is consistent with the surrounding low density residential area. The proposed Short-term Accommodation does not have direct access to a distributor or higher level road; however, the site is located approximately 220m from Taylor Street (Sub-arterial road) and will generate traffic similar to a Dwelling House use. The proposal includes two (2) on-site car parking spaces that would meet the needs generated by the development. Therefore, it is considered, that the proposed use would not detract from the residential amenity of the area.</p>

(j) development maintains a high level of residential amenity avoiding uses that introduce adverse impacts such as excessive traffic, noise, dust, odour, lighting and other locally specific impacts.	(j) The proposed Short-term Accommodation will be allowed to accommodate a maximum of six (6) persons at any one time to avoid adverse impacts from excessive traffic and noise impacts from the use. Therefore, it is considered that the proposed development would maintain a level of residential amenity.
Performance Outcome	Acceptable Outcome
PO ₁ The zone accommodates predominantly dwelling houses and other housing forms at a low density scale and intensity.	AO _{1.1} Uses which are consistent with the intent of the zone include: (a) dwelling house; and (b) dual occupancy, except where located in the Clifford Park Stables and Park Residential Precincts
Alternate Outcome	
The applicant submits:	
<i>“The proposed development is consistent with the intent for the site will operate without unreasonable impact on the surrounding residences.”</i>	
Officer Comment	
The proposed development is not listed as an accommodation activity consistent with the intent of the zone and does not comply with Acceptable Outcome AO.1.1. The proposed development would use the existing three-bedroom dwelling house retaining the low-density scale. The proposed use would have an intensity similar to a Dwelling House use. The proposed use of the existing Dwelling House for Short-term Accommodation would not prevent the predominant use of the zone for dwelling houses and other housing forms. Accordingly, the proposed development is considered to comply with the Performance Outcome PO1.	
Performance Outcome	Acceptable Outcome
PO3 Short-term accommodation occurs where: (a) it is of a small scale that is consistent with the intensity of development in the surrounding residential area; (b) adjoining or located on the opposite side of a road to existing Short-term accommodation or other Accommodation activities of a similar scale and density; (c) all car parking needs can be met on site; (d) have direct vehicle access to a distributor, sub-arterial and regional arterial level road that is not a State-controlled road; and (e) do not unduly detract from the amenity of nearby residences.	No acceptable outcome is nominated.
Alternate Outcome	
The applicant submits:	
<i>“The proposed development is consistent with the intent for the site will operate without unreasonable impact on the surrounding residences.”</i>	
Officer Comment	
The proposed Short-term Accommodation will utilise the existing dwelling and is considered to be consistent with the residential uses in the surrounding area. The proposed use adjoins dwelling house uses to the east, west and south. The proposed use will be provided with two (2) car parking spaces on-site. The subject site does not have direct access to a distributor or higher-level road and therefore, does not comply with part (d) of PO3. However, the site is located approximately 220m from a Sub-arterial road (Taylor Street) and will generate traffic similar to a Dwelling House use and is considered to be consistent with the purpose of the zone code.	

TRANSPORT, ACCESS AND PARKING CODE:

Performance Outcome	Acceptable Outcome
PO2 Provision is made for on-site vehicle parking to meet the demand likely to be generated by the development and to avoid on-street parking where that would adversely impact on the safety or capacity of the road network or unduly impact on local amenity.	AO2.2 Where not in the Principal Centre Zone or Mixed Use Zone Car parking is provided at the rates set out in Table 9.4.6:3 to this Code.
Alternate Outcome	
The applicant submits:	
<i>"No change is proposed to the current access and parking on the site. This includes maintaining all vehicles (including cleaners) within the boundary of the property."</i>	
Officer Comment	
The proposed development is provided with two (2) on-site car parking spaces but does not provide a dedicated parking for a Small Rigid Vehicle (SRV). Therefore, the proposed development does not comply with Acceptable Outcome AO.2.3. However, the proposed development would have the same scale and intensity as a Dwelling House use and would not require an SRV dedicated parking. Nevertheless, an SRV can be accommodated on the existing driveway to avoid on-street parking. Accordingly, the proposed development is considered to comply with the Performance Outcome PO2.	
PO16 Car parking and associated access arrangements are located and designed to avoid dominating the road frontage of the site or otherwise detracting from streetscape character.	AO16.1 Car parking is provided either at the rear of the development or beneath buildings.
Alternate Outcome	
The applicant submits:	
<i>"The development will utilise existing parking arrangements located within the double-bay garage and on the driveway. Due to the low-scale, residential nature of the development, the proposed car parking and access arrangements will not dominate the road frontage or detract from the streetscape character."</i>	
Officer Comment	
The proposed development will utilise the existing dwelling with the garage that does not comply with Acceptable Outcome AO16.1. However, the existing car parking and associated access would provide sufficient access and parking for vehicles associated with the proposed use and do not dominate the road frontage of the site or impact the streetscape character. Accordingly, the proposed development is considered to comply with the Performance Outcome PO16.	

LANDSCAPING CODE:

Performance Outcome	Acceptable Outcome
PO1 Landscape design is developed by a suitable qualified landscape professional and demonstrates an integrated approach to planning/development issues and documents both hard and soft works proposed for the development.	AO1.1 Landscape documentation is prepared by the landscape professional identified in Table 9.4.4:2.
Alternate Outcome	
The applicant submits:	
<i>"The existing landscaping is of a high quality and will be maintained."</i>	
Officer Comment	
The proposed development will utilise premises with the established landscaping. No changes to the existing landscaping being proposed. Accordingly, the proposed development is considered to comply with the Performance Outcome PO1.	

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:

Not Applicable.

Other Relevant Matters

Not applicable.

FINANCIAL / RESOURCE IMPLICATIONS

Infrastructure charges will be applied in accordance with Council's *Charges Resolution No.4*.

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.

SCHEDULES

Schedule 1 Statement of Reasons

SCHEDULE 1

Statement of Reasons

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

SITE DETAILS	
Site Address	228A Campbell Street, NEWTOWN QLD 4350
Real Property Description	Lot 1 RP74665
Site Area	544m ²
Owner	Peter Harley Young and Catherine Mary Young

PROPOSED DEVELOPMENT		
Name of Applicant	Peter Harley Young and Catherine Mary Young	
Type of Application	Development Permit for a Material Change of Use	
Proposed Development	Short-term Accommodation	
Level of Assessment	Impact	
Gross Floor Area	130 m ²	
Impervious Area	160 m ²	
Site Cover	26%	
Car Parking Spaces	Two (2)	
Service Vehicle Provision	Nil	
Submissions Received	Objection:	No submissions were received opposing the development
	Support:	Two (2) properly submissions were received supporting the development
Decision	Approval	
Decision Date	5 October 2021	

ASSESSMENT MATTERS						
Assessment benchmarks	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • <i>State Planning Policy July 2017</i>; • <i>South-east Queensland Regional Plan 2017</i>; • The Local Government Infrastructure Plan; and • <i>Toowoomba Regional Planning Scheme 2012 (Version 26)</i> <ul style="list-style-type: none"> ○ 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; and ○ Works and Services Code. 					
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.					
	<table border="1" style="width: 100%;"> <thead> <tr> <th style="width: 50%;">Assessment benchmark</th> <th style="width: 50%;">Reasons for the approval despite non-compliance with benchmark</th> </tr> </thead> <tbody> <tr> <td>Low Density Residential Zone Code</td> <td rowspan="2">The proposed development does not comply with Performance Outcome PO3 (d). However, the proposed development is considered to be generally consistent with the overall outcomes and purpose of the zone code for the following reasons:</td> </tr> <tr> <td>PO3 Short-term accommodation occurs where:</td> </tr> </tbody> </table>	Assessment benchmark	Reasons for the approval despite non-compliance with benchmark	Low Density Residential Zone Code	The proposed development does not comply with Performance Outcome PO3 (d). However, the proposed development is considered to be generally consistent with the overall outcomes and purpose of the zone code for the following reasons:	PO3 Short-term accommodation occurs where:
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Low Density Residential Zone Code	The proposed development does not comply with Performance Outcome PO3 (d). However, the proposed development is considered to be generally consistent with the overall outcomes and purpose of the zone code for the following reasons:					
PO3 Short-term accommodation occurs where:						

	<p>(a) it is of a small scale that is consistent with the intensity of development in the surrounding residential area;</p> <p>(b) adjoining or located on the opposite side of a road to existing Short-term accommodation or other Accommodation activities of a similar scale and density;</p> <p>(c) all car parking needs can be met on site;</p> <p>(d) have direct vehicle access to a distributor, sub-arterial and regional arterial level road that is not a State-controlled road; and</p> <p>(e) do not unduly detract from the amenity of nearby residences.</p>	<ul style="list-style-type: none"> • The proposed Short-term Accommodation would provide tourist accommodation at a density and scale similar to a Dwelling House and conserve the amenity and lifestyle of the local residents. • The acoustic amenity of surrounding residents can be 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 six (6). <p><u>Overall Outcomes</u></p> <p>(k) The proposed Short-term Accommodation will utilise the existing dwelling which is at scale that is consistent with the surrounding low density residential area. The proposed Short-term Accommodation does not have direct access to a distributor or higher-level road; however, the site is located approximately 220m from Taylor Street (a Sub-arterial road) and will generate traffic similar to a Dwelling House use. The proposal includes two (2) on-site car parking spaces that would meet the needs generated by the development. Therefore, subject to conditions, the proposed use would not detract from the residential amenity of the area.</p> <p>(l) It is recommended that the proposed Short-term Accommodation be allowed to accommodate a maximum of six (6) persons at any one time to avoid adverse impacts from excessive traffic and noise from the use. Therefore, it is considered that the proposed development can maintain an acceptable level of residential amenity.</p>
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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: <http://www.tr.qld.gov.au/payments-self-service-laws/web-apps/pdonline/8892-planning-and-development-online>. When accessing Council's website please use the following Application Number: MCUI/2021/3730