
REPORT TITLE	Material Change of Use – Impact – Short Term Accommodation located at 8 James Court, COTSWOLD HILLS QLD 4350
AUTHOR	Planning Officer (Cassidy Pugh)
Application No.	MCUI/2026/2322

PURPOSE OF REPORT

To consider a Development Application for Material Change of Use – Impact – Short Term Accommodation located at 8 James Court, COTSWOLD HILLS QLD 4350.

EXECUTIVE SUMMARY

This report considers a Development Application seeking a Development Permit for Material Change of Use for Short-term Accommodation at 8 James Court, Cotswold Hills, described as Lot 160 RP906942.

The proposal seeks to retain the existing five (5) 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.

The site is located within the 4000m² minimum Precinct of the Rural 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 5.5:18 of the Planning Scheme, the proposed development is subject to Impact Assessment.

A Noise 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.

As the proposed development was impact assessable, the application underwent public notification. No properly made submissions regarding the proposed development were received by Council.

The proposed development has been assessed against the applicable benchmarks as outlined within the 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. On this basis, the proposed development is recommended for approval subject to the conditions of the recommendation.

RECOMMENDATION

APPROVED - Application No. MCUI/2026/2322 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

PLANNING

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 at any one time;
 - 1.2 Rooms must not be rented, let or occupied individually; and
 - 1.3 A maximum of ten (10) 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, Revision 1, prepared by Precinct Urban Planning and received by Council on 18 March 2026.

Amendments: Nil

Plan No: -

Description: Floor Plan, Revision 1, prepared by Precinct Urban Planning and received by Council on 18 March 2026.

Amendments: Nil

APPROVED DOCUMENT

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: Noise Complaints Management Procedure

Description: Complaints Management Procedure, prepared by Precinct Urban Planning and received by Council on 18 March 2026.

Amendments: Nil

WORKS

STORMWATER DRAINAGE

8. 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

9. All buildings, structures and fences as well as the subject land must be maintained in a clean and tidy manner at all times.
10. 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

11. The premises must be provided with a minimum of one (1) on-site car parking space. Car parking and manoeuvring areas must be:

- 11.1 Maintained as originally constructed and kept and used exclusively for vehicle parking and manoeuvring.

ENVIRONMENT & WASTE

ACOUSTIC AMENITY - NOISE LIMITS

12. 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.
13. 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

14. The approved 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.
15. 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

16. 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*.
17. 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)

18. Refuse storage facilities must be provided generally in accordance with the Approved Plans listed within this Development Approval and the following:
 - 18.1 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;
 - 18.2 Refuse storage facilities must be screened from public vantage points with a minimum 1.5m high built enclosure or solid screen fencing;
 - 18.3 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
 - 18.4 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)

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

LANDSCAPING

LANDSCAPING WORKS

20. 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.



Krys den Hertog, Principal Planner
Planning Branch

Decision Date: 24 June 2026

BACKGROUND

SITE DETAILS				
Site Address	8 James Court, COTSWOLD HILLS QLD 4350			
Real Property Description	Lot 160 RP906942			
Site Area	7974.00m ²			
Owner	Julie Maree Kerin and William James Mulholland			
SITE CHARACTERISTICS				
Current Land Use	Dwelling			
Site Frontage/s	18m frontage to James Court			
Road/s	Order of Road	Width of Road Reserve	Width of Pavement	Road Material
James Street	Local	20-28m	7m	Asphalt
Easements	Nil.			
Existing Structures	Dwelling House and ancillary structures			
Infrastructure	Council water main runs along James Court road reserve. Council stormwater main and pits located south of the site. Site is located within the Oakey Water Zone. Street light and electricity box located along western street frontage of the site.			
Topography	The site falls in a west to east direction, from 579.25m AHD to 559.25m AHD.			
Street Trees	Nil.			
Other Features	Nil.			
PLANNING SCHEME SITE DATA				
Current Planning Scheme	Toowoomba Regional Planning Scheme 2012 (Version 28)			Adopted: 28 Nov 2022
Zone	Rural Residential Zone			
Precinct	4000m minimum Precinct			
Overlays	Airport Environs Overlay • 8km Wildlife Hazard Buffer Zone • Lighting Area Buffer (6 km) • Light Restriction Zone D			
Infrastructure Charges Resolution	Charges Resolution No. 7			Adopted: 19 August 2025
SURROUNDS:				
Direction	Land Use	Zone/Precinct		
North	Dwelling.	Rural Residential Zone/4000m minimum Precinct		
East	Reserve for Parks and Gardens	Open Space/No Precinct Applicable		
South	Reserve for Parks and Gardens	Open Space/No Precinct Applicable		
West	Dwelling	Rural Residential Zone/4000m minimum Precinct		
Other Features	Pedestrian pathway located north of the subject site.			

PROPOSED DEVELOPMENT	
Name of Applicant	Julie Maree Kerin and William James Mulholland
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	Four (4) car parking spaces in total, comprising of two (2) within the existing garage and two (2) spaces on the existing driveway. Only one (1) required to comply with assessment benchmarks.	
Submissions Received	Objection:	Nil
	Support:	Nil
Decision Making Period Ends	26 June 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 22 May 2026. 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 28 April 2026;
- Placing a notice on the land from 28 April 2026 until 21 May 2026; and
- Notifying owners of all land adjoining the site on 23 April 2026.

No properly made submissions regarding the development were received by Council.

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

	<p>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.</p> <p>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.</p>
<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) <i>July 2017</i>	
Interests	Assessment Comments
Housing Supply and Diversity	No applicable assessment benchmarks.
Livable Communities	No applicable assessment benchmarks.
Agriculture	<p>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.</p> <p>The subject site is mapped as containing Important Agricultural Areas and Agricultural Land Classification – class A and B.</p> <p>However, as the proposal involves the reuse of an existing dwelling within an area established for rural-residential uses, and is not considered to alter the existing character or function of the neighbourhood, the development application is considered to be consistent with the relevant policy outcomes.</p>
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	<p>The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) interactive mapping which accompanies the SPP identifies that this interest is applicable to the subject property, being wildlife hazard buffer zone.</p> <p>Given that the proposed development involves use of an existing building and noting the nature of the proposed development, it is considered that the development will not attract wildlife that could pose a hazard to aircraft. As</p>

	such, it is Accordingly, the proposed development is considered to comply with the requirements of the State Planning Policy.
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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
- Rural 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 except 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.

RURAL RESIDENTIAL ZONE CODE:

Assessment Criteria	Assessment Comments
<p><u>Purpose:</u></p> <p><i>The purpose of the zone is to provide for residential development on large lots where Local Government infrastructure and services may not be provided and where the intensity of residential development is generally dispersed. Development for large residential lots provides for a range of residential housing styles to meet the needs of the community. Development maintains a semi-rural landscape character and expansion of these localities does not occur.</i></p> <p><u>Overall Outcomes that are particularly relevant to the proposed development:</u></p> <p><i>(a) the development of large residential lots with limited provision of</i></p>	<p>The proposed development is considered to not fully satisfy Performance Outcome PO₁ of the Rural Residential Zone Code, given that Short Term Accommodation is not intended to directly service the day-to-day needs of local residents. However, the proposed development is considered to be generally consistent with the Purpose and relevant Overall Outcomes of the Rural Residential Zone Code for the following reasons:</p> <p><u>Purpose:</u></p> <ul style="list-style-type: none"> • 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. The use will retain the built form, scale, and appearance of a typical dwelling, thereby maintaining the dispersed, large-lot residential pattern and semi-rural landscape character of the area. The dwelling will continue to function in a manner consistent with

<p><i>infrastructure and services is facilitated within this zone only;</i></p> <p><i>(b) development within the zone preserves the environmental and topographical features of the land by integrating an appropriate scale of residential activities amongst these features;</i></p> <p><i>(f) development provides a high level of residential amenity;</i></p> <p><i>4,000m² Precinct</i></p> <p><i>(3) The overall outcomes for this precinct are:</i></p> <p><i>(a) provide for a very low density residential character located accessible and near to urban areas.</i></p>	<p>residential uses. Accordingly, the development is considered to align with the purpose of the zone.</p> <p><u>Overall Outcomes:</u></p> <p>(a) The proposed Short-term Accommodation use is to be accommodated within an existing Dwelling House on an established large residential lot, and will continue to operate in a manner consistent with a low-intensity residential use. Accordingly, the development maintains the intent of the zone in facilitating large residential lots with limited infrastructure and services.</p> <p>(b) The proposed Short-term Accommodation use is to be accommodated within an existing Dwelling House and does not involve any changes or additions to the built form. As such, the development will not impact the existing environmental or topographical features of the land. Accordingly, the proposal preserves the environmental and topographical characteristics of the site while maintaining a low-intensity use.</p> <p>4,000m² Precinct</p> <p>(a) As the proposed Short-term Accommodation use will be accommodated within the existing Dwelling House, the proposed development will retain the very low-density residential character of the area and is appropriately located within a locality that is accessible to nearby urban services.</p> <p>Accordingly, the proposal is consistent with the intended character of the zone, providing for a low-density residential use in proximity to urban areas.</p> <p>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 Rural Residential Zone.</p>
<p>Performance Outcome</p>	<p>Acceptable Outcome</p>
<p><i>PO₁ The zone accommodates very low density forms of housing and other small-scale uses that service the day to day needs of local residents.</i></p>	<p><i>AO_{1.1} Uses which are consistent with the intent of the zone include:</i></p>

	<ul style="list-style-type: none"> (a) animal husbandry; (b) child care centre; (c) community residence; (d) cropping; (e) dwelling house; (f) emergency services; (g) health care services; (h) home based business; (i) major electricity infrastructure; (j) roadside stall; (k) rural works' accommodation; (l) shop; (m) substation; (n) veterinary services; and (o) recreation activities where for small scale outdoor sport and recreation uses. <p>AO_{1.2} Uses which are inconsistent with the intent of the zone include:</p> <ul style="list-style-type: none"> (a) business activities (other than those listed in AO_{1.1}); (b) rural activities (other than animal husbandry, cropping and roadside stalls); (c) entertainment activities; (d) industry activities; and (e) recreation activities (other than small scale outdoor sport and recreation).
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Alternate Outcome

The applicant submits:

“Performance Outcome: *The proposed Short Term Accommodation is a residential use and involves the reuse of an existing dwelling on a large rural residential lot. No changes will be made to the premises to accommodate the use and the existing very low density character will be maintained. The small-scale use will be rented to one party/household at any one time and as such, will operate in a similar manner to how a dwelling house will operate. As such, the proposed use complies with the performance outcome.*”

Officer Comment

The proposed development does not achieve compliance with AO_{1.1} as a Short Term Accommodation use is proposed. It is also considered that the proposal does not fully satisfy the Performance Outcome, given that Short Term Accommodation is not intended to directly service the day-to-day needs of local residents.

Notwithstanding this, the proposed Short Term Accommodation is to be operated within an existing Dwelling House and is of a scale consistent with the surrounding large-lot residential area. The proposed use will not alter the existing character or amenity of the locality and will continue to function in a manner comparable to and of similar intensity to that expected for a Dwelling House. Accordingly, the proposal maintains the very low-density form sought for the zone.

Furthermore, 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 ten (10) persons at any time. Further, conditions provided limits of noise and lighting generated by the proposed use are also recommended.

Due to the above, it is considered that the development is consistent with the density of the Rural Residential Zone in keeping with the Purpose and Overall Outcomes of the Rural Residential Zone Code (as discussed above).

Performance Outcome	Acceptable Outcome
PO ₄ <i>Development maintains a high level of residential amenity within the site and for surrounding areas, having regard to noise, odour, lighting, access to sunlight, privacy and outlook.</i>	<i>No acceptable outcome is nominated.</i>

Alternate Outcome

The applicant submits:

“Complies: *The operation of the use will be similar to how a dwelling house is used, however to ensure that*

*the amenity of the area is protected, a Complaints Management Plan has been prepared and submitted in support of this application, to ensure that if there are any issues, the matter is recorded and addressed in a timely manner. Refer to **Appendix D.***

Officer Comment

Acknowledgement of compliance with Performance Outcome:

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. Due to this, and as well as for the reasons outlined in the Officer Comment above, it is considered that the proposed Short-term Accommodation will maintain a high level of residential amenity.

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 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. It is therefore recommended that the development application be approved subject to the conditions identified above.

ATTACHMENT/S

Attachment 1 of 5 Aerial Imagery
Attachment 2 of 5 Zoning Map
Attachment 3 of 5 Overlay Map
Attachment 4 of 5 Proposed Site Plan
Attachment 5 of 5 Proposed Floor Plan

SCHEDULES

Schedule 1 Statement of Reasons

ATTACHMENTS



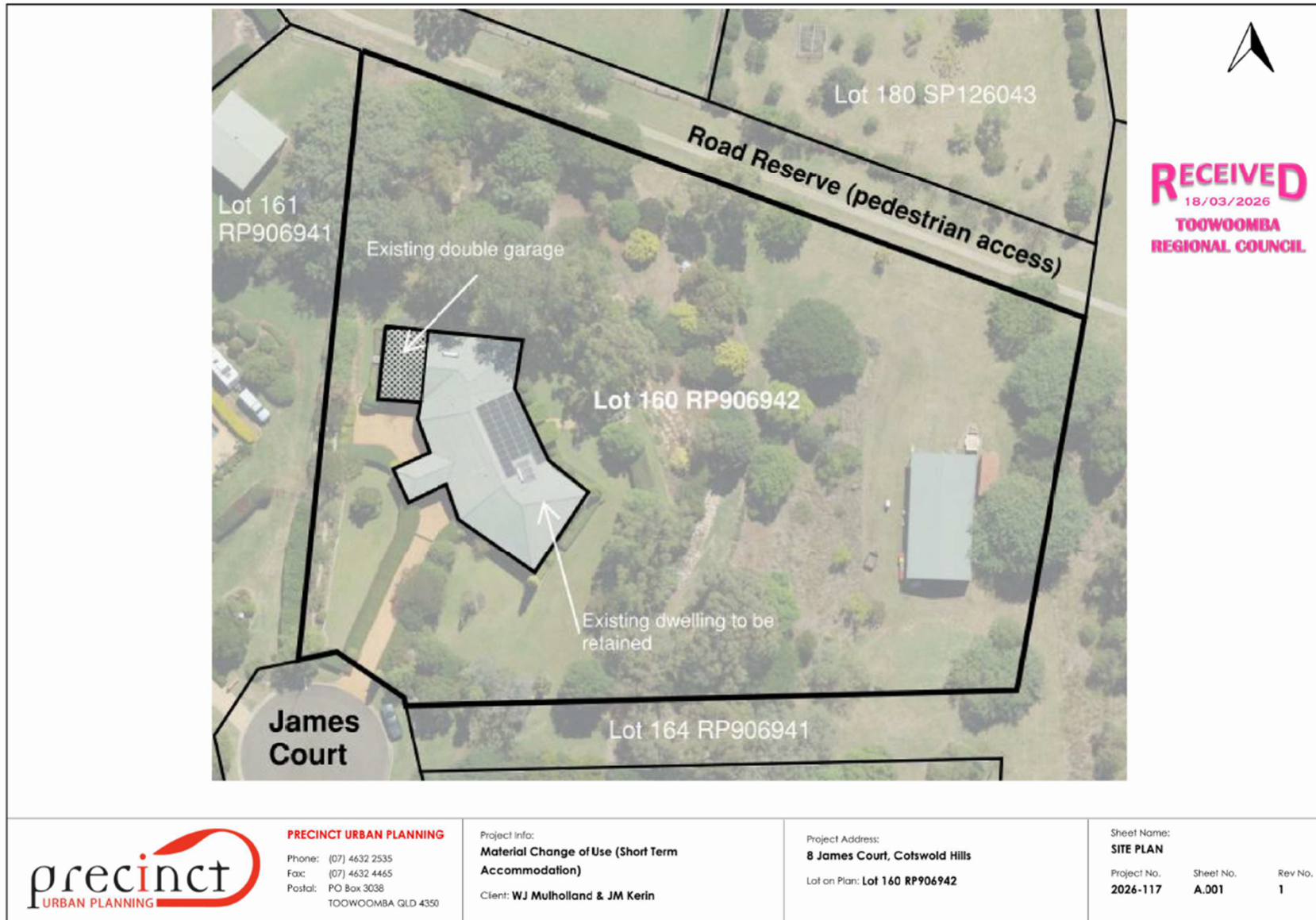
Attachment 1 of 5 Aerial Imagery



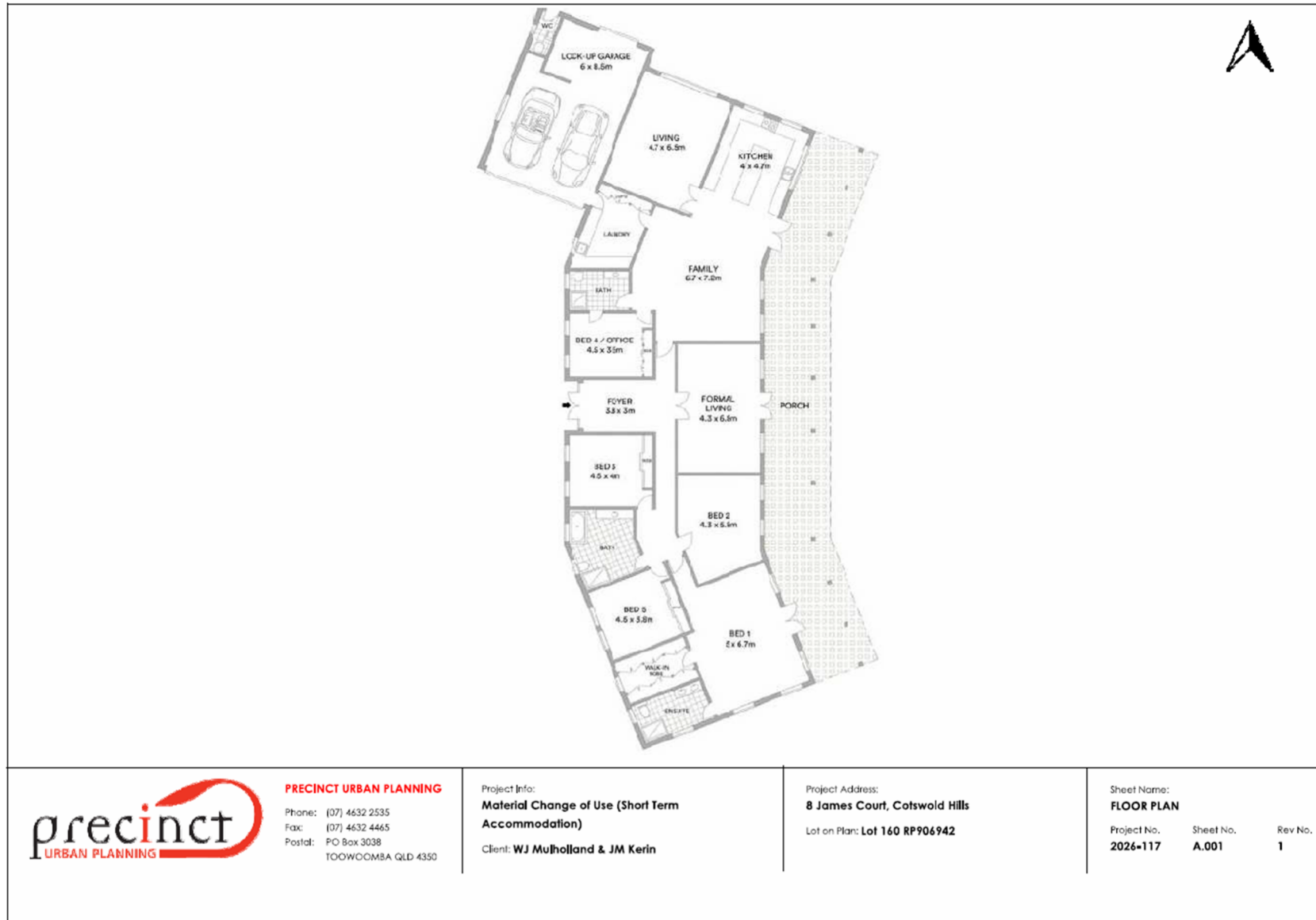
Attachment 2 of 5 Zoning Map



Attachment 3 of 5 Overlay Map



Attachment 4 of 5 Proposed Site Plan



PRECINCT URBAN PLANNING
 Phone: (07) 4632 2535
 Fax: (07) 4632 4465
 Postal: PO Box 3038
 TOOWOOMBA QLD 4350

Project Info:
Material Change of Use (Short Term Accommodation)
 Client: **WJ Mulholland & JM Kerin**

Project Address:
8 James Court, Cotswold Hills
 Lot on Plan: **Lot 160 RP906942**

Sheet Name:
FLOOR PLAN
 Project No. 2026-117 Sheet No. A.001 Rev No. 1

SCHEDULE 1

Statement of Reasons

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

SITE DETAILS	
Site Address	8 James Court, COTSWOLD HILLS QLD 4350
Real Property Description	Lot 160 RP906942
Site Area	7974.00m ²
Owner	Julie Maree Kerin and William James Mulholland

PROPOSED DEVELOPMENT	
Name of Applicant	Julie Maree Kerin and William James Mulholland
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	Four (4) car parking spaces in total, comprising of two (2) within the existing garage and two (2) spaces on the existing driveway. One (1) conditioned in accordance with the assessment benchmarks.
Submissions Received	Objection: Nil
	Support: Nil
Decision	Approval
Decision Date	24 June 2026

ASSESSMENT MATTERS				
Assessment benchmarks	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • 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) <ul style="list-style-type: none"> ▪ Strategic Framework ▪ Airport Environs Overlay Code ▪ Rural 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.			
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"> <thead> <tr> <th>Assessment benchmark</th> <th>Reasons for the approval despite non-compliance with benchmark</th> </tr> </thead> <tbody> <tr> <td>Performance Outcome PO₁ of the Rural Residential Zone Code:</td> <td>The proposed development is considered to not fully satisfy Performance Outcome PO₁ of the Rural Residential Zone Code, given that Short Term Accommodation is not intended to directly service the day-to-day needs of local residents. However, the</td> </tr> </tbody> </table>	Assessment benchmark	Reasons for the approval despite non-compliance with benchmark	Performance Outcome PO ₁ of the Rural Residential Zone Code:
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	<p><i>PO₁ The zone accommodates very low density forms of housing and other small-scale uses that service the day to day needs of local residents.</i></p>	<p>proposed development is considered to be generally consistent with the Purpose and relevant Overall Outcomes of the Rural Residential Zone Code for the following reasons:</p> <p><u>Purpose:</u></p> <ul style="list-style-type: none"> 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. The use will retain the built form, scale, and appearance of a typical dwelling, thereby maintaining the dispersed, large-lot residential pattern and semi-rural landscape character of the area. The dwelling will continue to function in a manner consistent with residential uses. Accordingly, the development is considered to align with the purpose of the zone. <p><u>Overall Outcomes:</u></p> <p>(c) The proposed Short-term Accommodation use is to be accommodated within an existing Dwelling House on an established large residential lot, and will continue to operate in a manner consistent with a low-intensity residential use. Accordingly, the development maintains the intent of the zone in facilitating large residential lots with limited infrastructure and services.</p> <p>(d) The proposed Short-term Accommodation use is to be accommodated within an existing Dwelling House and does not involve any changes or additions to the built form. As such, the development will not impact the existing environmental or topographical features of the land. Accordingly, the proposal preserves the environmental and topographical characteristics of the site while maintaining a low-intensity use.</p> <p>4,000m² Precinct</p> <p>(b) As the proposed Short-term Accommodation use will be accommodated within the existing Dwelling House, the proposed development will retain the very low-density residential character of the area and is appropriately located within a locality that is accessible to nearby urban services.</p> <p>Accordingly, the proposal is consistent with the intended character of the zone, providing for a low-density residential use in proximity to urban areas.</p> <p>Overall, based on the above assessment it is considered that the proposed development complies, or can be suitably conditioned to comply with the Purpose</p>
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		and the relevant Overall Outcomes sought within the Rural 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/2026/2322.