

## **SCHEDULE 2**

### **Statement of Reasons**

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

SITE DETAILS	
Site Address	28 Mary Street, MOUNT LOFTY QLD 4350
Real Property Description	Lot 1 RP123385
Site Area	632m <sup>2</sup>
Owner	Jami-Lee Hill and George Hill

PROPOSED DEVELOPMENT	
Name of Applicant	Jami-Lee Hill and George Hill
Type of Application	Material Change of Use
Proposed Development	Short-term Accommodation
Level of Assessment	Impact Assessable
Car Parking Spaces	One (1) Carparking Space
Service Vehicle Provision	1 SRV
Submissions Received	Objection: One (1)
	Support: Nil.
Decision	Approval
Decision Date	30 April 2026

ASSESSMENT MATTERS					
Assessment benchmarks	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• Schedules 9 and 10 of the <i>Planning Regulation 2017</i> (as relevant);</li> <li>• <i>State Planning Policy July 2017</i> (as relevant);</li> <li>• South-east Queensland Regional Plan ShapingSEQ 2023 (as relevant);</li> <li>• The Local Government Infrastructure Plan; and</li> <li>• <i>Toowoomba Regional Planning Scheme 2012</i> (Version 28) <ul style="list-style-type: none"> <li>○ Strategic Framework</li> <li>○ Low Density Residential Code</li> <li>○ Medium Density Residential Code</li> <li>○ Neighbourhood Character Overlay Code</li> <li>○ Environmental Standards Code</li> <li>○ Integrated Water Cycle Management Code</li> <li>○ Landscaping Code</li> <li>○ Transport, Access and Parking Code</li> <li>○ Works and Services Code</li> <li>○ Airport Environs Overlay Code</li> </ul> </li> </ul>				
Matters raised in submissions	<table border="1"> <thead> <tr> <th>Issue</th> <th>How matter was dealt with</th> </tr> </thead> <tbody> <tr> <td>Commercial activity operating in a residential area.</td> <td> <p>While acknowledging that Short-term Accommodation developments operate commercially, they are an accommodation activity that can occur in residential areas where impacts are managed.</p> <p>The development proposes reuse of an existing Dwelling House for Short-term Accommodation. This will be at a scale and intensity comparable with the existing use of the site and broadly consistent with residential development in the local area.</p> <p>Recommended conditions include limiting the use one</p> </td> </tr> </tbody> </table>	Issue	How matter was dealt with	Commercial activity operating in a residential area.	<p>While acknowledging that Short-term Accommodation developments operate commercially, they are an accommodation activity that can occur in residential areas where impacts are managed.</p> <p>The development proposes reuse of an existing Dwelling House for Short-term Accommodation. This will be at a scale and intensity comparable with the existing use of the site and broadly consistent with residential development in the local area.</p> <p>Recommended conditions include limiting the use one</p>
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		(1) booking at a time with a maximum occupancy of eight (8) persons at any time. Conditions imposing limits on noise and lighting generated by the proposed use are also recommended. It is considered that the proposed development can be conditioned so as not to unreasonably detract from the existing residential amenity of the area.
	Very likely to be an increase in noise particularly at night.	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 imposing limits on noise and lighting generated by the proposed use are also recommended. It is considered that where imposing these conditions, the use will mitigate potential adverse impacts from traffic, noise and lighting on surrounding properties.
	The increase in motor vehicle traffic on Mary Street and Jellicoe Street particularly on a corner lot would be unwelcome.	
	Car parking on footpaths is already a problem in this area.	The proposed Short-term Accommodation is provided with a single carparking space which complies with the Vehicle Provision Rates under Table 9.4.6:3. The development meets the parking rates required in the planning scheme.
	Well known loss of amenity for the neighbourhood with short term rentals.	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.  Subject to the imposition of relevant conditions, it is considered that the proposed use would not unreasonably detract from the residential amenity of the area.
<b>Reasons for decision</b>	The development was assessed against all of the assessment benchmarks listed above and complies with all of these.	
	<b>Assessment benchmark</b>	<b>Reasons for the approval despite non-compliance with benchmark</b>
	Performance Outcome PO3 of the Low Density Residential Zone Code	The following responses are provided for each element of Performance Outcome PO3:  In response to PO1 above, the Short-term Accommodation will reuse the existing four (4) bedroom Dwelling House for self-contained accommodation that will be let out by one (1) booking at a time, in an 'AirBnB' style arrangement. It is therefore considered that the proposed development is of a scale and intensity that is consistent with the surrounding residential development.  The subject site adjoins a Dwelling house to the west and south. Noting that the proposed operating arrangements of the Short-term Accommodation use and the intention to retain the existing Dwelling House on the subject site, the proposed development is considered to have a similar scale and density to other accommodation activities surrounding accommodation activities.  The use also proposes to maintain the existing one (1) carparking space provided on the subject site which

	<p>complies with the carparking rate prescribed within the <i>Toowoomba Regional Planning Scheme 2012</i> (Version 28).</p> <p>The existing vehicular access from Jellicoe Street to the subject site is to be maintained for the proposed Short-term Accommodation. Given Jellicoe Street is a Local Road, the proposal cannot comply with PO<sub>3</sub> (d). Notwithstanding, the proposed Short-term Accommodation is of a scale and intensity consistent with the existing Dwelling House on the subject site, noting that the Short-term Accommodation will only be let out to one (1) group booking at a time. Accordingly, it is considered that the proposed development will generate traffic consistent with that of the existing Dwelling House, and accordingly will not adversely impact upon the transport network. On balance, it is therefore considered that the proposal is consistent with the Purpose and Overall Outcomes of the Low Density Zone Code (as discussed above).</p> <p>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. It is considered that where these conditions are imposed, the proposed Short-term Accommodation use will not unduly detract from the amenity of surrounding residential uses.</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: <https://developmenti.tr.qld.gov.au/>. When accessing Council's website please use the following Application Number: MCUI/2026/656.