

REPORT TITLE	Material Change of Use - Impact - Short Term Accommodation located at 28 Mary Street, MOUNT LOFTY QLD 4350
AUTHOR	Planning Officer (Elliott Barber)
Application No.	MCUI/2026/656

PURPOSE OF REPORT

To consider a Development Application for a Material Change of Use - Impact - Short Term Accommodation located at 28 Mary Street, MOUNT LOFTY QLD 4350.

EXECUTIVE SUMMARY

The report considers a Development Application seeking a Development Permit for a Material Change of Use for a Short-term Accommodation. The site is located at 28 Mary Street and is described as Lot 1 RP123385. The site is located in the Low Density Residential Zone (General Precinct) under the *Toowoomba Regional Planning Scheme 2012 (Version 28)* and is currently occupied by a Dwelling House and associated shed.

The proposal seeks to retain the existing four (4) bedroom dwelling house on-site for self-contained accommodation that can be let out to one (1) booking at a time arrangement. No additional buildings or structures are proposed.

The subject site is located within the Neighbourhood Character and Neighbourhood Character Places Overlays. Given the nature of the proposal, no changes are proposed to the existing dwelling on the subject site and therefore the development is considered to meet the requirements of the Neighbourhood Character Overlay Code.

Under the *Toowoomba Regional Planning Scheme 2012 (Version 28)*, the proposed Material Change of Use for a Short-term Accommodation is subject to Impact Assessment. One (1) properly made submission regarding the proposed Short-term Accommodation was received by Council during the Public Notification Period. The concerns raised in the submission have been addressed in the 'Public Notification' section of this report.

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 proposal is considered to comply with relevant assessment provisions or, to the extent of non-compliance, is considered capable of being conditioned to comply. Therefore, the development application is recommended for approval subject to relevant and reasonable conditions.

RECOMMENDATION

APPROVED - Application No. MCUI/2026/656 for a Development Permit for a 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 a 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 (1) group 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. Unless otherwise stated, all conditions must be complied with prior to the commencement of use and thereafter.
3. 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.
4. 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

5. 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: Nil.

Description: Site Plan and Floor Plan, prepared by Property Projects Australia Pty Ltd and received by Council 30 January 2026.

Amendments: Nil

APPROVED DOCUMENT

6. 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 Procedure

Description: Noise Complaints Procedure, prepared by Property Projects Australia Pty Ltd and received by Council 30 January 2026.

Amendments: Nil

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

7. 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.

AMENITY & OPERATION OF USE

8. 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

PROVISION OF VEHICULAR ACCESS

9. The vehicle access from the subject land to Jellicoe Street must be sealed from the kerb and channel to the property boundary. Such works must be constructed as specifically required below:
 - 9.1 The vehicle access (crossing the verge) must be constructed generally in accordance with the Institute of Public Works Engineering Australasia *Drawings RSD-100 Residential Driveways Sheet 1 of 2 and RSD-101 Residential Driveways Sheet 2 of 2*, and in accordance with *Australian Standard AS 2890 – Parking Facilities (Part 1 and as relevant Part 2)*;
 - 9.2 The vehicle access (crossing of the verge) must be located a minimum of one (1) metre clear of existing power poles, streetlights or any signage;
 - 9.3 The relocation of all existing services must be clear of the access that will serve the subject land; and

- 9.4 The relevant service authorities must be contacted and their requirements complied with.
- 9.5 The final design and layout of the vehicle accesses, or any modification of existing property accesses, must be in accordance with the accepted development assessment benchmarks in the Works and Services Code in the *Toowoomba Regional Planning Scheme 2012* prior to any construction works within the road reserve.

ON-SITE CAR PARKING

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

ENVIRONMENT & WASTE

ACOUSTIC AMENITY - MECHANICAL PLANT

11. 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*.
12. 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:
- 12.1 Before 7.00AM, if it makes a noise of more than 3dB(A) above the background noise level (L_{90}); or
- 12.2 From 7.00AM to 10.00PM, if it makes a noise of more than 5dB(A) above the background noise level (L_{90}); or
- 12.3 After 10.00PM, if it makes a noise of more than 3dB(A) above the background noise level (L_{90}).

ACOUSTIC AMENITY - COMPLAINTS MANAGEMENT

13. The approved Noise Complaint Management Procedure (NCMP) 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.
14. 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.
15. House Rules relating to acceptable noise emissions are to be prepared and clearly displayed on the premises at all times. The House Rules are to define the responsibilities for guests of the property and includes information related to noise restrictions, complaint investigation and a ‘no party policy’.

AIR QUALITY & AMENITY - AIR RELEASE LIMITS

16. 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.

17. 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.

OUTDOOR LIGHTING IMPACT MITIGATION

18. Outdoor lighting associated with the use must be designed, sited, and installed to comply with the relevant parameters of *Australian Standard AS4282-2023 Control of the obtrusive effects of outdoor lighting*.
19. 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)

20. Refuse storage facilities must be provided generally in accordance with the Approved Plans listed within this Development Approval and the following:
 - 20.1 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;
 - 20.2 Provision of a bin store with an impervious hardstand base for the permanent storage location of all wheelie bins, each having minimum dimensions of 0.36m² (600mm x 600mm) per wheelie bin, located no closer than 2m to any fresh air intake of a habitable room;
 - 20.3 Refuse storage facilities must be screened from public vantage points with a minimum 1.5m high built enclosure or solid screen fencing;
 - 20.4 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
 - 20.5 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)

21. Unless otherwise endorsed by Council in a waste management plan, arrangements for waste removal are provided in accordance with the following requirements:
 - 21.1 Collection by a refuse vehicle from the kerbside.
 - 21.2 Bins must be located in a manner that allows the refuse vehicle to pick them up automatically without the driver having to relocate them;
 - 21.3 General waste must be collected and removed at periods not exceeding seven (7) days;
 - 21.4 Bins must be stored at their place of permanent storage other than times ahead of or during waste removal; and
 - 21.5 The waste collection method must ensure that waste is adequately managed to prevent escape of contamination.

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.

EXCAVATION & FILLING

- 7) The *Toowoomba Regional Planning Scheme 2012* (TRPS) declares excavation and filling activity involving less than 50m³ of material and excavation and filling activity to a depth or height lower than 1m to be accepted development. Any combination of excavation or filling where 50m³ or more of fill is deposited on, or 50m³ or more of excavated material is removed from the premises and excavation or filling is not associated with 'Building Work' as defined under the *Planning Act 2016*, must obtain an Operational Work approval from Council before commencing site works.

ENVIRONMENTAL HARM

- 8) 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.

BUILDING APPROVAL REQUIRED FOR CERTAIN FENCES & RETAINING WALLS

- 9) A Development Approval for Building Work is required for the following:
- 9.1 Fences where:
- The fence is part of a pool fence; or
 - The fence is over 2m in height (from natural ground level); or
 - The fence is attached to a retaining wall and the combined mean height is over 2.4m in height from natural ground level;
- 9.2 Retaining walls where:
- The wall is retaining fill having a height greater than 1m in height above the wall's natural ground surface; or
 - The wall is located within 1.5m of a building or another retaining wall; or
 - There is a load or surcharge imposed above the retaining wall (i.e. driveway, batter, building or the like); and
- 9.3 Retaining walls and/or fences are sited within 1.5m of a property boundary line and the combined height of the structures exceeds 2m (including where the retaining wall is less than 1m).

BUILDING OVER, OR NEAR, COUNCIL INFRASTRUCTURE

- 10) Any construction carried out near or over existing Council services should be in accordance with Council's adopted Policy (*Queensland Development Code NMP 1.4 – Excavation and Piling Near Sewers, Stormwater Drains and Water Mains*) and Council's Planning Scheme Policy SC6.3 PSP No. 3– *Water and Wastewater Infrastructure*. A Concurrence Agency referral of the Building Work Application to Council's Water and Wastewater Services Branch may be required.

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 RECOMMENDATION:

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: 30 April 2026

BACKGROUND

SITE DETAILS				
Site Address	28 Mary Street, MOUNT LOFTY QLD 4350			
Real Property Description	Lot 1 RP123385			
Site Area	632m ²			
Owner	Jami-Lee Hill and George Hill			
SITE CHARACTERISTICS				
Current Land Use	Dwelling house			
Site Frontage/s	~88.6 - Mary Street, and ~126m - Jellicoe Street			
Road/s	Order of Road	Width of Road Reserve	Width of Pavement	Road Material
Mary Street	Distributor	~19m	~10m	Bitumen
Jellicoe Street	Distributor	~18m	~10m	Bitumen
Easements	Nil.			
Existing Structures	Dwelling house and ancillary buildings			
Infrastructure	Council's reticulated sewer infrastructure traverses through the northeastern corner of the site.			
Topography	The site falls from ~667.5 metres AHD to ~665.25 metres AHD in a southwestern direction across the site.			
Street Trees	One (1) street tree located along Mary Street frontage.			
Other Features	Nothing to note			
PLANNING SCHEME SITE DATA				
Current Planning Scheme	<i>Toowoomba Regional Planning Scheme 2012 (Version 28)</i>			Adopted: 28/11/2022
Zone	Low Density Residential			
Precinct	General			
Overlays	Airports Environs Overlay <ul style="list-style-type: none"> 8km Wildlife Hazard Buffer Zones Lighting Area Buffer (6 km) Neighbourhood Character Overlay			
Infrastructure Charges Resolution	<i>Charges Resolution No. 7.</i>			Adopted: 19/08/2025
SURROUNDS:				
Direction	Land Use	Zone/Precinct		
North	Dwelling house and ancillary buildings	Low Density Residential Zone / General Precinct		
East				
South				
West				
Other Features	Nothing to note			
APPLICATION HISTORY				
No further relevant details.				

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
Decision Making Period Ends	21 May 2026

CONSULTATION UNDERTAKEN

Referral Agency/ies

Not Applicable.

Internal Referrals

Internal Referral Partner	Referral / Response
Development Infrastructure and Growth	Reviewed the application and provided draft conditions.
Water Infrastructure Services	Reviewed the application and provided draft conditions.
Infrastructure Charges Unit	To prepare an Infrastructure Charges Notice in accordance with <i>Charges Resolution No. 7</i> .

Public Notification

The Notice of Compliance was received by Council on 30 March 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 4 March 2026;
- Placing a notice on the land from 4 March 2026 until 26 March 2026; and
- Notifying owners of all land adjoining the site on 3 March 2026.

One (1) submission was received opposing 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
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 (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.</p>

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.	It is considered that the proposed development will not unreasonably detract from the existing residential amenity of the area.
Well known loss of amenity for the neighbourhood with short term rentals.	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. 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.

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 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 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 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>	Not applicable

STATE PLANNING POLICY (SPP) July 2017	
Interests	Assessment Comments
Natural Hazards, Risk and Resilience	The interactive mapping which accompanies the SPP identifies that this interest is applicable to the subject property ('Flood hazard area – Local Government flood mapping area'). In accordance with Part 2, Table 2.1:2 in the Planning Scheme, the Minister has identified that the SPP July 2017 State interest – natural hazards, risk and resilience (those parts related to flooding) have been appropriately reflected in the Planning Scheme and no further assessment against the SPP is required.

Local Categorising Instrument – Toowoomba Regional Planning Scheme 2012:

The proposed development was assessed against the following assessment benchmarks:

- Strategic Framework
- Low Density Residential Code
- Medium Density Residential Code
- Neighbourhood Character Overlay Code
- Environmental Standards Code
- Integrated Water Cycle Management Code
- Landscaping Code
- Transport, Access and Parking Code
- Works and Services Code
- Airport Environs Overlay Code

The development was assessed against all of the assessment benchmarks listed above and is considered to comply with particular regard to the following:

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	This element is not directly relevant to the proposed development.
Community Identity and Diversity	The proposal is considered to comply with the applicable strategic and specific outcomes of this element.
Natural Resources and Landscaping	This element is not directly relevant to the proposed development.
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
<p><u>Purpose</u></p> <p><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></p> <p><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. Nonresidential 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></p> <p><u>Overall Outcomes that are particularly relevant to the proposed development:</u></p>	<p>The proposed development does not achieve compliance with Performance Outcome 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:</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. 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.

<p>(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></p> <p><i>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;</i></p>	<p><u>Overall Outcomes</u></p> <p>(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 (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.</p> <p>(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 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. Therefore, it is considered that the proposed development will not unreasonably detract from the existing residential amenity of the area.</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 Low Density Residential Zone Code.</p>
<p>Performance Outcome</p>	<p>Acceptable Outcome</p>
<p>PO₁ The zone accommodates predominantly dwelling houses and other housing forms at a low density scale and intensity.</p>	<p>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</p>
<p>Officer Comment</p>	
<p>The proposed development, being for Short-term Accommodation, does not meet the requirements of AO_{1.1}. Notwithstanding, the Short-term Accommodation will reuse the existing four (4) bedroom neighbourhood character Dwelling House for self-contained accommodation that will be let out by one (1) booking at a time, in an 'AirBnB' style arrangement, totalling a maximum of eight (8) occupants.</p> <p>It is noted that conditions of approval have been recommended to ensure the Short-term Accommodation is only let out to one (1) group at a time and that no more than eight (8) persons can be accommodated at the site at any one time.</p> <p>It is considered that the proposed development will provide a low density form of accommodation, which has a similar intensity to that expected for a Dwelling House.</p>	
<p>Performance Outcome</p>	<p>Acceptable Outcome</p>
<p>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;</p>	<p>No acceptable outcome is nominated.</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>	
<p>Officer Comment</p>	
<p>The following responses are provided for each element of Performance Outcome PO₃:</p> <p>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.</p> <p>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.</p> <p>The use also proposes to maintain the existing one (1) carparking space provided on the subject site which 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 PO₃ (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>	

<p>Transport, Access and Parking Code</p>	
<p>Performance Outcome</p>	<p>Acceptable Outcome</p>
<p>PO₁ Vehicular access arrangements, including driveway crossovers:</p> <p>(a) are appropriate for:</p> <p>(i) the capacity of the parking area;</p> <p>(ii) the volume, frequency and type of vehicle useage; and</p> <p>(iii) the function and configuration of the access road;</p> <p>(b) minimise any potentially adverse impact on:</p> <p>(i) the safety and efficiency of the road and pedestrian/cycle paths;</p> <p>(ii) the safety and efficiency of the road and footpath users;</p> <p>(iii) the integrity of any infrastructure within the road reserve; and</p> <p>(iv) the safety of access to adjacent properties.</p>	<p>AO_{1.2} Except where in a Rural Zone, vehicular access and driveway crossovers:</p> <p>(a) do not require the modification, relocation, or removal of any existing infrastructure (e.g. street trees, fire hydrants, water meters, manholes or stormwater gully pits);</p> <p>(b) do not affect or are not adjacent to a traffic island, speed control device, car parking bay, bus stop, or other structure within the roadway;</p> <p>(c) do not require removal or modification of any existing kerbing, traffic island, speed control device, car parking bay, bus stop, or other structure within the road reserve;</p> <p>(d) do not require any change to existing footpath/verge profiles, including table drains (where relevant);</p> <p>(e) do not have access restricted by an access restriction strip or link reserve;</p> <p>(f) do not access an unformed or unkerbed road;</p>

<p>(c) protect the amenity of premises in the vicinity by:</p> <p>(i) maintaining the predominant vehicular access pattern in the street, including consistent width, grade and location;</p> <p>(ii) preserving the residential amenity of the streetscape, including noise and visual impact, and consideration of existing landscaping by considering:</p> <p>(A) use of materials which integrate with the streetscape (e.g. existing crossovers and driveways, etc);</p> <p>(B) minimising the width and grade of the access;</p> <p>(C) minimising impacts on the appearance of the streetscape by retaining existing vegetation, including approved landscaping; and</p> <p>(iii) (D) locating the access to minimise the impact of vehicle noise on neighbouring/adjoining properties.</p>	<p>(g) are constructed from reinforced concrete;</p> <p>(h) are perpendicular to the road edge; and</p> <p>(i) are provided in accordance with the Australian Standard AS 2890.1 – Off Street Car Parking and Australian Standard AS 2890.2 (where relevant) and the relevant standard drawing in Engineering Standards – Roads and Drainage Infrastructure.</p>
<p>Officer Comment</p>	
<p>The existing driveway crossover from Jellicoe Street does not comply with the relevant standard drawing outlined in the Engineering Standards – Roads and Drainage Infrastructure under PSP No. 2. To address this, Condition 9 is recommended, requiring the driveway crossover to be constructed in accordance with Council's standards.</p>	

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 relevant matters were considered as part 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 section/s of the *Human Rights Act 2019*:

Section 15 – Recognition and equality before the law
Section 24 – Property rights

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 matters 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	3	Zoning and Infrastructure
Attachment	2	of	3	Aerial Imagery of Subject Site
Attachment	3	of	3	Proposed Floor and Site Plan

SCHEDULES

Schedule	1	Statement of Reasons
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ATTACHMENTS



Attachment 1 of 3 Zoning and Infrastructure



Attachment 2 of 3 Aerial Imagery of Subject Site



SITE PLAN



FLOOR PLAN

LEGEND: — SUBJECT SITE - 28 MARY STREET, MOUNT LOFTY (LOT 1 ON RP123385)

SCALE: NTS SOURCE: NEARMAP
 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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SCHEDULE 2

Statement of Reasons

Statement of Reasons
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 ²
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"> • 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 (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 ○ Low Density Residential Code ○ Medium Density Residential Code ○ Neighbourhood Character Overlay Code ○ Environmental Standards Code ○ Integrated Water Cycle Management Code ○ Landscaping Code ○ Transport, Access and Parking Code ○ Works and Services Code ○ Airport Environs Overlay Code 				
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>
	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>				

		(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.
Reasons for decision	The development was assessed against all of the assessment benchmarks listed above and complies with all of these.	
	Assessment benchmark	Reasons for the approval despite non-compliance with benchmark
	Performance Outcome PO3 of the Low Density Residential Zone Code	The following responses are provided for each element of Performance Outcome PO ₃ : In response to PO ₁ 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 PO₃ (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.