

**DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE
(DWELLING HOUSE & SHORT-TERM ACCOMMODATION) – 25A CAIRNS
STREET, CAIRNS NORTH – DIVISION 5**

PGS 8/8/1704: #7916107

PROPOSAL: MATERIAL CHANGE OF USE (DWELLING
HOUSE & SHORT-TERM ACCOMMODATION)

LANDOWNER: 25A CAIRNS ST PTY LTD (TTE)

APPLICANT: 25A CAIRNS ST PTY LTD (TTE)
C/- BRAZIER MOTTI PTY LTD
PO BOX 1185
CAIRNS QLD 4870

INTERESTED PARTIES: 25A CAIRNS ST PTY LTD (TTE)
BRAZIER MOTTI PTY LTD

*Note: The identification of interested parties is provided on a
best endeavours basis by Council Officers and may not be
exhaustive.*

LOCATION OF SITE: 25A CAIRNS STREET, CAIRNS NORTH

PROPERTY: LOT 5 ON SP287224

ZONE: LOW-MEDIUM DENSITY RESIDENTIAL ZONE

LOCAL PLAN: NOT APPLICABLE

PLANNING SCHEME: CAIRNSPLAN 2016 V3.1

REFERRAL AGENCIES: NOT APPLICABLE

NUMBER OF SUBMITTERS: FOUR (4) PROPERLY MADE SUBMISSIONS

STATUTORY ASSESSMENT
DEADLINE: 17 AUGUST 2026

APPLICATION DATE: 01 MAY 2026

DIVISION: 5

ATTACHMENTS:

1. APPROVED PLAN(S) & DOCUMENT(S)
2. NOTICE OF INTENTION TO COMMENCE USE

LOCALITY PLAN



RECOMMENDATION

That the Council approves the Development Application for Material Change of Use (Dwelling House & Short-Term Accommodation) over land described as 25A Cairns Street, Cairns North, located on Lot 5 on SP287224, subject to the following:

PART A : MATERIAL CHANGE OF USE

Note: This part applies to the aspect of development relating to a Material Change of Use.

Approved Plan(s) and Document(s)

The term 'approved plan(s) and document(s)' or other similar expressions means:

Drawing or Document	Reference	Date
Site Plan	No. 36666/001-01 Prepared by Brazier Motti	3 June 2026

ASSESSMENT MANAGER CONDITIONS

General Requirements		Timing
1.	Approved Plan(s) and Document(s) The development is to be completed and carried out generally in accordance with the approved plan(s) and document(s) above, except where modified by the conditions of this Development Permit.	At all times.
2.	Maintain the Approved Development Maintain the approved development generally in accordance with the approved plan(s) and document(s), and any relevant approval required by these conditions of approval.	At all times.
3.	Currency Period This development approval, granted under the provisions of the <i>Planning Act 2016</i> (Qld), lapses six (6) years from the day the development approval takes effect, in accordance with the provisions of section 85 of the <i>Planning Act 2016</i> (Qld).	As stated.
4.	Notice of Intention to Commence Use Written notice must be given to Council that the development fully complies with this Development Permit. Return the attached “Notice of Intention to Commence Use” (attached at Appendix 2).	Prior to Commencement of Use.
5.	Operational Management Plan An Operational Management Plan and associated Code of Conduct must be provided to, and approved by, Council, prior to Commencement of Use, addressing the details listed below: a. The property manager may be either: i. The landowner; or, ii. Property Agent licenced in accordance with Section 26 of the <i>Property Occupation Act 2014</i> and registered with the Office of Fair Trading QLD. b. When submitting the Notice of Intention to Commence Use, include copies of written notification provided to adjoining landowners informing them of the approved use over the premises and provide adjoining owners a copy of the Decision Notice for the development. c. Refuse bins must be: i. screened from the street and adjoining properties, ii. placed at the kerbside for weekly collection; and iii. if scheduled collection is missed, alternative collection within 24 hours.	As stated AND At all times.

	d. A register of complaints must be available for review. The register must include: i. Date and time of complaint, ii. Reason for complaint, iii. Name, address and contact information of complainant, iv. Resolution actions taken in response to complaint; and, v. Time taken to resolve complaint. e. Prior to checking in, guests must sign a Code of Conduct that spells out and regulates the following: i. Noise and behavioural expectations, including quiet hours past 10:00pm; ii. No additional visitors; iii. No gatherings, functions or excessive noise generating activities; iv. Vehicle parking arrangements for the site and, v. Waste requirements. <i>The use must operate in accordance with the Code of Conduct</i>	
6.	Limitation of Use a. Where the Dwelling is occupied for permanent accommodation (i.e. defined Dwelling House), the dwelling in its entirety must only be occupied by one (1) Household at any one time. b. Where the Dwelling is occupied for short-term accommodation the dwelling in its entirety must only be occupied by one booking at any one time. c. The dwelling must not be concurrently used for both Dwelling House and Short-term Accommodation. d. The approved use of Dwelling House & Short-term Accommodation does not facilitate the following: i. Home-based businesses; or, ii. Subleasing of rooms; or, iii. Events, functions, parties, gatherings or similar.	At all times.

PART B : INFRASTRUCTURE CHARGES

1. That an Infrastructure Charges Notice will not be issued for the development.

PART C : REFERRAL AGENCY CONDITIONS & REQUIREMENTS

1. That on the information provided in the application, no Referral Agencies are identified as applicable.

ADVICE

1.	Planning Laws Information relating to the <i>Planning Act 2016</i> (Qld), <i>Planning Regulation 2017</i> (Qld) and Development Assessment Rules is located on the Queensland Government's planning website.
2.	Definitions All terms used in this development approval have those definitions as defined under the <i>Planning Act 2016</i> (Qld) and <i>Planning Regulation 2017</i> (Qld) (as at the date of the approval), Queensland Development Code and CairnsPlan 2016v3.1. To the extent of any inconsistency, the order of precedence of the above instruments is as follows: a. <i>Planning Act 2016</i> (Qld); b. <i>Planning Regulation 2017</i> (Qld); c. Queensland Development Code; d. CairnsPlan 2016; and e. FNQROC Development Manual.
3.	Future Compliance This approval does not negate the requirement for compliance of any future use with CairnsPlan 2016 or any future in force planning schemes, all other relevant Local Laws and other statutory requirements.

LAND USE DEFINITIONS*

In accordance with Schedule 24 of the *Planning Regulation 2017*, and CairnsPlan 2016 the approved land use of Dwelling House and Short-Term Accommodation is defined as:

"Dwelling House" means a residential use of premises involving:

- a. 1 dwelling for a single household and any domestic outbuildings associated with the dwelling; or
- b. 1 dwelling for a single household, a secondary dwelling and any domestic outbuildings associated with either dwelling.

"Short-Term Accommodation":

- a. means the use of premises for—
 - i. providing accommodation of less than 3 consecutive months to tourists or travellers; or

- ii. a manager's residence, office, or recreation facilities for the exclusive use of guests, if the use is ancillary to the use in subparagraph (i); but
- b. does not include a hotel, nature-based tourism, resort complex or tourist park.

***This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.**

EXECUTIVE SUMMARY

Council is in receipt of an application for a Development Permit for a Material Change of Use for Short-term Accommodation and a Dwelling house at 25A Cairns Street, Cairns North more formally described as Lot 5 on SP287224. The application is impact assessable in this zone.

The site is within the Low-Medium Density Residential zone. The site has frontage to Cairns Street, the development presents as a double story detached house. The streetscape has primarily double story detached houses

The development proposes to use the existing dwelling house for both Long-Term and Short-Term Accommodation, noting that the Long-Term Accommodation component is already an accepted land use. There are no physical modifications proposed. An Operational Management Plan has been conditioned that requires guests to comply with a Code of Conduct and provides a third-party contact number that is available 24/7 for amenity related disturbances.

The application underwent a Public Notification Period and received a total of four (4) submissions, all four (4) submissions were against the development.

While this use is not anticipated under the Planning Scheme, the development would be consistent with the Code requirements and advance the intentions of the Strategic Framework through responding to the changing needs and expectations of the tourism industry. Therefore, where measures that effectively and efficiently control guest behaviours are incorporated, the character and amenity of the zone would be protected.

The departure from the established land-uses within this zone is not, in this instance, of such significance that the development cannot be supported. Rather, the development proposes an alternative accommodation activity that is compatible with low intensity residential development and would remain visually consistent with the streetscape character and amenity. For the reasons outlined in this report, the application is recommended to be approved, subject to conditions.

TOWN PLANNING CONSIDERATIONS

Background

The only point of interest on file is the issue of a suspected breach of the Planning Act that was issued 1 April 2026. This led to the application being submitted to avoid a Show Cause Notice for the site.

Site and Surround

Site Description	
Site Area	Lot Size: 400m ² Lot shape: The site is rectangular in shape.
Existing Use of Land	The subject lot contains an existing dwelling house and carport. The subject lot has connections to water, sewer, electricity and telecommunications.
Road Frontage	The site has a frontage of approximately (distance) to (Street name)
Topography	The site is flat, with a slight slope to the road.
Vegetation	The site contains little significant vegetation; general landscaping is round throughout the site.
Surrounding Land Uses	The area surrounding the subject lot comprises of predominantly residential lots containing dwelling houses.

Proposal

The proposed development is a Material Change of Use to support a dual approval for Dwelling House and Short-Term Accommodation. This will allow for flexibility for both short-term (AirBnB) and long-term accommodation uses on the site.

No physical changes are proposed for the site, and all services are provided to it. It is located within the Neighbourhood Character Area for Cairns North, as part of the assessment it has been assessed against the codes as well as strategic framework as it was impact assessable.

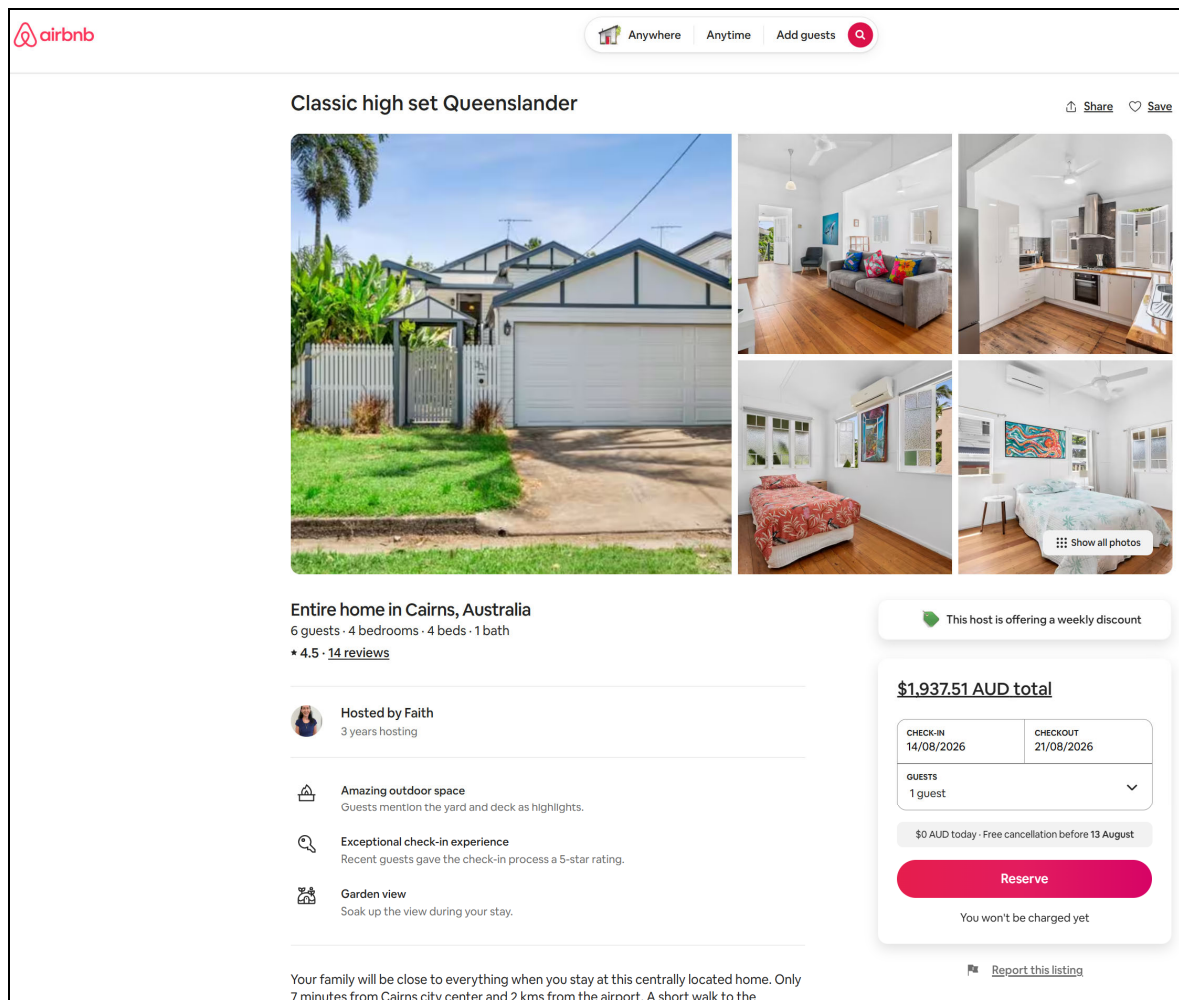


Figure 1: 25A Cairns Street, Cairns North (Source: AirBnB)

Important to this proposal is the size, density, built form and setbacks would not change as a result of this application. As such, any amenity impacts are limited to behavioural impacts only, which the Operational Management Plan has been conditioned to address. The character of the zone is not proposed to be changed.

Materials Assessed in the Application

The applicant provided the following materials during the assessment process:

- Planning Assessment Report prepared by *Brazier Motti*;
- Plans of Development prepared by *Brazier Motti*; and

These materials have been considered in the assessment of the application.

LEGISLATIVE FRAMEWORK

Statutory Planning Considerations

State Planning Policy	The State Planning Policy (SPP) contains the State Interest Policies and Assessment Benchmarks which are applicable to the development. The subject site is affected by the following State Interests: • Natural Hazards Risk & Resilience ○ Flood Hazard Area – Local Government Flood Mapping Area; ○ Medium storm tide inundation area • Strategic Airports and Aviation Facilities ○ Obstacle Limitation Surface Area; ○ Wildlife Hazard Buffer Zone; The CairnsPlan 2016 advances the SPP except for erosion prone areas and the coastal management district, and therefore all the relevant State interests have been appropriately reflected in CairnsPlan 2016.
FNQ Regional Plan 2009-2031	The subject site is within the FNQ Regional Plan 2009-2031 designation - Urban Footprint. The Regional Plan has been appropriately integrated and reflected through the CairnsPlan 2016.

Matters Prescribed by Regulation

Schedule 10 of the Planning Regulation 2017	Referral to the State Assessment and Referral Agency (SARA) was not required for the application.
Schedule 12A of the Planning Regulation 2017	The application is not for Reconfiguring a Lot into 2 or more lots and the construction or extension of a road.

LOCAL CATEGORISING INSTRUMENT

CairnsPlan 2016 v CairnsPlan 2016 v3.1

Strategic Framework Assessment

The development is subject to Impact Assessment and therefore requires assessment against the Strategic Framework of the CairnsPlan 2016, in accordance with section 45 (5) of the *Planning Act 2016*.

Strategic Framework	
Settlement Pattern Theme	
Strategic Outcome	Assessment
Strategic Outcome 3.3.1.1	<i>Strategic Outcome 3.3.1.1(k)(m) states development co-locates compatible land-uses and maintains and enhances the identity of the region.</i>

		The proposed development would co-locate a dual-use of permanent and short-term accommodation within a detached dwelling house. The character and amenity of the site and streetscape would not change, and two (2) compatible accommodation land-uses would be contained within a single structure.
Element – Residential Areas and Activities		
Specific Outcome		Assessment
Specific Outcome 3.3.5.1.2		Specific Outcome 3.3.5.1.2 states that Residential development is located and designed to provide a wide range of living options that maintains and enhances the character and identity of individual communities. The proposed development is in keeping with this as it maintains a mixture of residential uses within a residential area. In doing so it maintains the individual character or the surrounding area.
Element – Places of Significance and Neighbourhood Character		
Specific Outcome		Assessment
Specific Outcome 3.3.10.1.3		Specific Outcome 3.3.10.1.3 states that Neighbourhood character places and existing character elements which contribute to the streetscape and neighbourhood character are retained and protected. The proposed development is in keeping with the existing character of the area as it is located within an existing building which is traditional to the street. There the character is maintained with either land use proposed for the site.
Specific Outcome 3.3.10.1.4		Specific Outcome 3.3.10.4 states that Development within Neighbourhood character areas is consistent with, and complementary and responsive to the distinctive character of the Neighbourhood character place, Neighbourhood character streetscape and neighbourhood character area. The proposed development purposes no changes to the existing shape of the building which is consistent with the neighbourhood character and therefore supports this specific outcome.

Element – Community Health and Wellbeing		
Specific Outcome		Assessment
Specific Outcome 3.3.11.1.10		Specific Outcome 3.3.11.1.10 states that Development is located, designed and operated to ensure the impacts of traffic and transport noise do not cause nuisance to sensitive land uses. The proposed development is located within an established area and is only to formalise the current use on the site. The site contains enough parking for the required codes and will not increase traffic impacts on surrounding sensitive land uses.
Specific Outcome 3.3.11.1.13		Specific Outcome 3.3.11.1.13 states that Development recognises, respects and considers the unique characteristics of individual communities. The proposed development is for residential use and is managed/operated in a way that is respectful of the residential character of the area. It is also supportive of the unique characteristic of the residential community and does not detract from it.
Economy Theme – Element – Tourism		
Specific Outcome		Assessment
Specific Outcome 3.5.3.1.1		Specific Outcome 3.5.3.1.1 states that the Cairns region is a national and international tourist destination that provides a diverse range of tourist accommodation, attractions and experiences that respond to the changing needs and expectations of the tourism industry. Allowing the dual-use of a Dwelling house for both permanent and short-term accommodation would introduce an alternative variety of accommodation that enables tourists to experience the tranquil, lower-density lifestyle that Far North Queensland is renowned for while simultaneously enabling an efficient use of housing stock for existing landowners.
Specific Outcome 3.5.3.1.2		Specific Outcome 3.5.3.1.2 states that tourist accommodation is provided in highly accessible locations and meets the varying needs of visitors to the region. The proposed development is found in the centrally located suburb of Cairns North; this location provides great access to the Airport and other city-based attractions. The site is located a 400m walk to public transport and has required onsite parking. Therefore, this is consistent with the requirements set by this specific outcome.

Specific Outcome 3.5.3.1.4	Specific Outcome 3.5.3.1.4(a)(c) states tourism development and associated infrastructure is established where it: (a) responds to a new, emerging or innovative tourism trend that will enhance visitor experiences; and, (c) is complementary to and compatible with other land uses. The proposed development reflects a new and emerging form of tourist accommodation that is not limited to Cairns, it is seen and implemented at a global level. The trend of Local Governments incorporating provisions to encourage this use is likely to continue as it is reflective of holiday accommodation which has been occurring informally prior to the establishment of the current Planning Provisions. As the use does not change the physical appearance, built form or density of an area it would remain compatible with residential zones with the only difference in land-uses being the reduced timeframe between occupants. It is acknowledged that this raises the potential for behavioural issues which could cause amenity impacts, however mitigation measures that provide an avenue to control and monitor these impacts provides a solution for these issues.
Specific Outcome 3.5.3.1.8	Specific Outcome 3.5.3.1.8 states that new tourist accommodation and entertainment areas are planned and developed in appropriate parts of the region. The location of the proposed short-term accommodation would be within the central established suburb of Cairns North. The sites commutable distance from surrounding natural assets and tourist attractions further encourage the use of this area for tourist accommodation as these features demonstrate compatibility between land-uses and site.
Settlement Pattern Theme	
Strategic Outcome	Assessment
Strategic Outcome 3.6.1	Strategic Outcome 3.6.1.2 states that Development occurs in a way that supports the efficient, orderly and timely provision of infrastructure. The proposed development is within a well-established area and already has connection to required provisioned infrastructure, this is in line with the requirements of this strategic outcome. This is supportive of the outcome as not infrastructure will need to be provisioned.

Relevant Assessment Benchmarks of CairnsPlan 2016

CairnsPlan 2016 Assessment Benchmarks	
Assessment Benchmark	Assessment
Low-Medium Density Residential Code	Generally Complies: The proposed development is for a Material Change of Use to formalise the current land use within the existing form of the building. As no physical changes are proposed for the built form of the development the proposal complies with PO5 in relation to setback requirements. Several assessments against the PO are discussed further below.
Multiple Dwelling and Short-Term Accommodation Code	Complies: The proposed development is for a Material Change of Use to formalise the current land use within the existing form of the building. The development does not comply with AO2.1/2.2 which is in relation to minimum site area and frontages however as it is within an existing approved built form this is considered acceptable. Based on the information provided the development is considered to be compliant with the Multiple Dwelling and Short-Term Accommodation Code.
Dwelling House Code	Complies: The proposed development is for a Material Change of Use to formalise the current land use within the existing form of the building. The proposed development is compliant with the Dwelling House Code based off the provided information and existing built form.
Acid Sulfate Soils Overlay Code	Complies: The proposed development is for a Material Change of Use to formalise the current land use within the existing form of the building. No excavation or filling is proposed as part of the development. Based on this information it is unlikely these actions will result in exposure requiring management under the Acid Sulfate Soils Overlay Code.

Airport Environs Overlay Code	Complies: The proposed development is for a Material Change of Use to formalise the current land use within the existing form of the building. Based on this information the development does not result in impacts on the operation of Cairns International Airport and considered compliant.
Flood and Inundation Hazards Overlay Code	Complies: The proposed development is for a Material Change of Use to formalise the current land use within the existing form of the building. The information provided for the application indicates that the development does not increase the risk to itself or neighbouring lots and therefore complies with the Flood and Inundation Hazards Overlay Code.
Neighbourhood Character Overlay Code	Complies: The proposed development is for a Material Change of Use to formalise the current land use within the existing form of the building. The lot is located in the Neighbourhood Character Overlay within the Cairns North Precinct. The development is located within an existing traditional character Queenslander and proposed no changes to the building. This is consistent with the requirements of the code and does not impact the streetscape or character. Therefore, it is considered to be compliant with the code.
Transport Network Overlay Code	Complies: The proposed development is for a Material Change of Use to formalise the current land use within the existing form of the building. The lot is located on an access and pedestrian access road, based on the land use it is considered that no greater impact will be generated by the land use. Traffic estimated for the development are equal to or less than a standard dwelling house. The crossover and access are not to change, and the lot only draws access from Cairns Street. This information indicates the development is compliant with the Transport Network Overlay Code.

Environmental Performance Code	Complies: The proposed development is for a Material Change of Use to formalise the current land use within the existing form of the building. The use is remaining residential and therefore is not expected to involve activities that would result in amenity changes. It is noted in the application of prompt response from property manager should nuisances occur. A condition has been set to provide contact Operational Management Plan. All other aspects of the development remain the same including but not limited to refuse operation. Based off this information it is considered that the development is compliant with the Environmental Performance Code.
Excavation and Filling Code	Complies: The proposed development is for a Material Change of Use to formalise the current land use within the existing form of the building. There is no excavation or filling proposed for the development as it falls within existing building. It is therefore compliant with the requirements of the Excavation and Filling Code.
Infrastructure Works Code	Complies: The proposed development is for a Material Change of Use to formalise the current land use within the existing form of the building. The development is already connected to required services include electricity, telecommunication, water and sewer. These connections are not changing as part of the development. Standard conditions have been set as per requirements. The development is considered to be compliant with the Infrastructure Works Code.

Landscaping Code	Complies: The proposed development is for a Material Change of Use to formalise the current land use within the existing form of the building. The site already contains sufficient landscaping, with no additional; landscaping proposed. It is considered that the development is compliant with the Landscaping Code.
Parking and Access Code	Complies: The proposed development is for a Material Change of Use to formalise the current land use within the existing form of the building. The development is inclusive of two (2) parking spaces that is in line with the requirements of the code. No additional parks are proposed for the development. It is considered that the proposed development is compliant with Parking and Access Code.
Vegetation Management Code	Complies: The proposed development is for a Material Change of Use to formalise the current land use within the existing form of the building. The development does not propose any changes that would trigger management under the Vegetation Management Code; therefore it complies.

Assessment against the Outcomes of the Relevant Benchmarks

Where non-compliant with an Outcome of a relevant benchmark, a performance-based assessment has been undertaken, as detailed below.

Assessment Benchmark	Performance-based assessment
Low-Medium Zone Code	<i>PO3 - Development is consistent with the purpose and overall outcomes sought for the zone.</i> The proposed development is for Material Change of Use for Dwelling House and Short-Term Accommodation. These uses are considered to be consistent with the purpose of the code in relation to providing a variety of dwelling types. The proposed use is also consistent with provided a high level of residential amenity as the impacts of having short-term accommodation is significantly lower than other possible uses. The approval has been conditioned to include an operational plan as well as point of contact information for management to provide a method of raising impacts.

	<i>PO6 - Development is located, designed, operated and managed to respond to the characteristics, features and constraints of the site and its surrounds.</i> The proposed development is for Material Change of Use for Dwelling House and Short-Term Accommodation. The purpose of this is to provide the opportunity for the site to support both permanent residency or short-term accommodation. It is noted to operate within the character of the surrounding properties and do not detract from the Amenity of the area. <i>PO7 - Development does not adversely affect the residential character and amenity of the area in terms of traffic, noise, dust, odour, lighting or other physical or environmental impacts.</i> The proposed development is for Material Change of Use for Dwelling House and Short-Term Accommodation. The provided information in relation to the use occurring within the existing built form which matches the neighbourhood character of Cairns North and the proposed land uses maintaining the residential character of the area indicate that the amenity of the area will not be significantly impacted by the land-use if impacted at all. Therefore, it is noted to be compliant with the requirements of the codes.
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RELEVANT MATTERS

The development is subject to Impact Assessment and therefore consideration was given to the following relevant matters, in accordance with section 45 of the *Planning Act 2016*.

Local Planning Instrument

Development assessment under CairnsPlan 2016 v3.1 contemplates the physical built form and land-use of proposals, however, is largely silent on operational functions. While the definitions provide a brief outline on operations, the zone and development codes lack depth in distinguishing nuances between scale, intensity and operations that are required to clearly articulate and guide zone and development outcomes.

The zone and development codes provide the quantitative and qualitative outcomes that guide development. Particularly, the Low-Medium Density Residential zone code, Dwelling House code and Multiple Dwelling and Short-Term Accommodation code all discuss the built form elements with no consideration afforded to the operations of the use. In this context, the proposed development is fully compliant with these assessment benchmarks.

Further, the Strategic Framework outlines desired outcomes that align with particular themes related to settlement, natural areas, economy and infrastructure. The intention is to deliver a strategic vision that guides development within the Cairns Region, with particular emphasis on captivating and enhancing the unique lifestyle to encourage international and domestic tourism, being Cairns's major economic driver. Residential development is encouraged to deliver a wide range of living options and tourism accommodation is encouraged where it is easily accessible to tourist attractions and responds to the changing needs and expectations of the tourism industry. In this context, the proposal aligns with the desired outcomes delivered under each theme.

The Tables of Assessment is the most substantial tool to distinguish the ease of which a development can be established within a zone, offering three (3) different levels of assessment with Impact assessment being the highest level and requiring public notification. Notwithstanding, Impact assessable development is not equivalent to inconsistent development or undesirability. It is afforded when development is different from the existing land-uses and therefore the decision should be informed with community awareness. As quoted within *Stephen Family Pastoral Pty Ltd v Local City Council & Anor [2026]*, "*impact assessment requires a broad, evaluative judgement that admits of flexibility to approve an application in the face of non-compliance with a planning scheme*".

Significant to this assessment is how the Planning Scheme wholistically addresses the intentions for residential compared to tourism development. The Scheme's identification of 'Residential Zones' is inclusive of Low, Low-medium, Medium and Tourist Accommodation Zones. This recognises that both long-term and short-term accommodation are residential activities. Further, the Purpose Statement within all residential zone codes, excluding the Tourist Accommodation Zone Code, seeks a variety of dwelling types to be provided. Dwelling types is an umbrella term that is defined as any self-contained residence.

The Planning Scheme does not deliver limitations on the operations of dwelling types, rather it is silent on how particular land-uses are required to operate where they vary from the standard definitions or typology.

Assessing the proposed development against the Planning Scheme demonstrates that this proposal is outside the scope of development that the Scheme contemplated, being the highest level of assessment yet able to comply with all assessment benchmarks. Therefore, consideration of matters outside the Planning Scheme have been utilised including the need and impacts, effects on the existing amenity and effects on the housing market.

Amenity and behavioural impacts

Amenity issues caused by human behaviours have been identified as the primary concern when contemplating Short-Term Accommodation within Dwelling Houses. The Planning Scheme cannot control the behaviours of individuals, whether they are located on a premises operating as Long-Term or Short-Term Accommodation.

Although there is a perception that Short-Term Accommodation increases behavioural disturbances when compared to Long-Term Accommodation, there is limited evidence to support this perspective and Officers note that most amenity-related complaints received at Council are not associated with Short-Term Accommodation. While Short-Term Accommodation results in regular occupancy changes that may involve individuals who generate disharmony, this can be monitored and mitigated through an Operational Management Plan which has been included within the application material. This plan provides a 24/7 contact number indicated on signage at the property frontage for complaints.

With consideration to visual amenity, no physical changes would be required, with only the operational functions altering. Notwithstanding, the streetscape presentation and maintenance standards are notably different when comparing business accommodation with long-term accommodation. Specifically, Short-Term Accommodations generally meet higher standards of maintenance that simultaneously contribute to an attractive streetscape (e.g. lawn & garden maintenance, cleanliness, tidiness etc) in comparison to Long-Term Accommodation where upkeep is at the behest of residents which can result in the depreciation of streetscape amenity when maintenance does not align with an individual's interests. As such, property and streetscape amenity would be maintained through Short-Term Accommodation within residential zones.

Impacts to housing market

A Dwelling House provides Long-Term Accommodation for a family or groups of people. Enabling dual-use for Short-Term Accommodation incorporates a commercial component that departs from typical residential development. This issue has been reviewed at a State level and the Queensland Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) have commissioned a report through The University of Queensland to assess the impact of dwelling houses operating as short-term accommodation on the housing market across of a number of Local Government Areas (LGA's) within Queensland, titled '*A Review of the Impacts of Short-term Rental Accommodation in Queensland*' dated June 2023.

The report findings did not find a clear correlation between housing prices and Short-Term Accommodation, however, did note that the influx of Short-Term Accommodation has simultaneously occurred at the same time as other market shifts (e.g. cost of living crisis) that are anticipated to be greater contributors to current housing pressures. There were positive findings of the impacts of Short-Term Accommodation on local convenience stores such as café's and shops; however, there were negative impacts to businesses targeting long-term residents such as vehicle workshops, healthcare and industrial areas. An influx of more affluent residents has been shown to have a positive effect on local characteristics such as economic stability and vibrancy; however, disamenity from noise and behavioural disturbances has been acknowledged where the premises is opportunistically used for functions such as parties, bachelorettes etc.

With the incorporation of an Operational Management Plan, disamenity impacts are able to be mitigated and reduced, with third-party action elected to provide service efficiency. Further, the approval of Short-Term Accommodation does not facilitate the hosting of events and functions on premises, which would require a separate development application for function facility or similar.

PUBLIC NOTIFICATION

In accordance with Impact Assessment procedures outlined in Part 4: Public Notification of the Development Assessment Rules, the development was publicly notified for a minimum of fifteen (15) business days, with the following actions being carried out:

- Publish a notice at least once in the newspaper circulating generally in the locality,
- Place a notice on the land in the way prescribed under the regulation; and
- Give a notice to the owners of all lots adjoining the premises.

A Notice of Compliance was received on 30 June 2026. Four (4) properly made submissions were received during the Public Notification period. All four (4) of the properly made submissions were against the development.

MATTERS RAISED IN SUBMISSIONS FOR IMPACT ASSESSABLE DEVELOPMENT

The following matters were raised in properly made submissions.

Issue	How matter was dealt with
Inconsistency with the Intent of the Planning Scheme	Submissions argue that the proposed Short-Term Accommodation is inconstant with the intent of the Planning Scheme. With reference being made to the restructure of the community and reduction in available Long-Term Accommodation. Office Acknowledge this perspective of the Submitters, however it is referenced to the Relevant matters above "Local Planning Instruments" where it is recognised that the purposes of the Residential Zone Codes is to provide for a varied and balanced distribution of accommodation options to support the region. The proposed development is for accommodation in an area of established accommodation; the development does not visually impact the streetscape as it presents as any other home. Based of this it is considered to be supporting of the intention of the Residential Zone Codes of the Cairns Plan.
Residential Amenity	Submissions argue that the proposed Short-Term Accommodation would (Has) impacted on the Residential Amenity of the Area. The current experiences with the unlawfully occurring Short-Term Accommodation site has been amenity disturbances from noise, vehicles and in appropriate behaviour. Officers agree that the lawful land-use of the area has so far been long-term accommodation and acknowledge that the existing unlawful operations have generated amenity impacts. An Operational Management Plan has been conditioned to respond to this need, which includes a 24/7 contact number located on a sign at the property frontage. This offers an efficient method to direct complaints. A Registrar of all complaints and resolution actions are required to be kept by the landowner, noting that where complaints elude to uses outside of the scope of Short-Term Accommodation (i.e. events, gatherings etc), this is grounds for further investigation to determine if the use of premises is unlawful.

Traffic, Parking and Safety	Submissions argue that the proposed Short-Term Accommodation would (Has) impact on the traffic, parking and safety of the residential area. Examples provided by the Submissions include reference to hooning and high traffic/parking demands on the site impact on surrounding land uses. Officers agree that the demonstrated impacts of the Short-Term Accommodation on the surrounding land uses, however aspects such as hooning (Burnouts) is not a matter relevant to the Planning Decision and should be referenced to Queensland Police at the time of the incident for them to handle. In relation to parking the development has been assessed against the requirements of the Parking and Access Code and has demonstrated compliance: • Dwelling House requires 2 parking spaces (2 Provided) • Short-Term Accommodation requires 1.75 parks for self-contained units with 3 or more bedrooms (2 Provided)
Commercial Impacts	Submissions argue that the approval of the proposed Short-Term Accommodation will have impact on established commercial Accommodation. Officers note that there are several differences between short-term accommodation within dwelling houses compared to resorts. This includes differences in building typology, affordability, amenity and proximity to services. These key differences mean it is unlikely that the two land-uses would detract from each other as they are marketing different accommodation typologies.
Housing Availability Impacts	Submissions argue that the use of a Dwelling House as Short-Term Accommodation in the midst of housing pressures has been raised as an area of concern. Officers reference under 'Other Relevant Matters' section of this report, housing stressors and short-term accommodation are not directly correlated considering numerous other cost-of-living stressors as well as consideration that holiday accommodation has been an informal, yet active use of a dwelling house for decades.

INFRASTRUCTURE CHARGES

Council's Infrastructure Charges Resolution No. 2 of 2021 identifies that no charges are applicable to the proposed development. In accordance with Schedule 1, Note 3 of the Resolution where a Material Change of Use approves more than one use, and both uses are across the same area, the Base Charge applicable is the highest base charge.

In this scenario, the charge for a dwelling house exceeds that of short-term accommodation. As the dwelling house is existing, it also receives a credit, which results in no additional infrastructure charges.

LOCAL GOVERNMENT INFRASTRUCTURE PLAN (LGIP)

The proposed development is located within the Priority Infrastructure Area. The development does not require the delivery of trunk infrastructure identified within the Local Government Infrastructure Plan to facilitate the development.

PLANNING NOTATIONS

The development approval is required to be notated in the Planning Scheme under section 89 of the *Planning Act 2016* as it is considered to be substantially inconsistent with the planning scheme.

REASONS FOR DECISION

The reasons for this decision are:

1. The proposed development has been assessed in accordance with the provisions of the CairnsPlan 2016 v3.1. While it departs from the existing land-uses within the Low-Medium Density Residential zone, it is consistent with the Zone Code through supplying a Low-Medium Density accommodation type.
2. The operational functions would be managed through an Operational Management Plan to protect the Low-Medium Density Residential amenity and support the co-location of Long-Term and Short-Term Accommodation. Occupant behaviours would be regulated by the landowner and caretaker and a complaint resource provided to protect the existing streetscape amenity.
3. The design and siting of the development is consistent with the physical built-form desired within the Low-Medium Density Residential zone, therefore the visual amenity of the site remains consistent with the existing and desired streetscape.
4. The proposal would provide tourist accommodation in the Inner Suburbs in a manner that maintains the streetscape character and amenity while supporting one of the regions key tourist attractions. This responds to the shift in the tourist accommodation market to typologies that provide privacy, separation and space. As a result, the development is responding to the changing expectations in the tourist industry.
5. The infrastructure requirements to facilitate the proposed development would be of the same density and yield that the existing infrastructure network provides, therefore the development would conform to the existing network.
6. The development would deliver a balance between land-use flexibility and neighbourhood amenity through providing a functional solution that enables co-location of accommodation activities while incorporating amenity protection measures.

RISK MANAGEMENT

Council Finance and the Local Economy

The development is to occur on privately owned land and all costs are the responsibility of the developer.

The development is Impact assessable therefore the appeal period allows the developer and submitters (for properly made submissions) to contest the decision with the Planning & Environment Court (P&E Court). Any decision made in respect to this application is at risk of appeal, which does impose a financial risk to Council which consequently effects the local economy.

To manage this risk, an assessment against the relevant legislation was completed which found that very inconsistent statutory guidelines on whether to support or refuse this proposal are provided. Notwithstanding, there is a significant community appetite to support this form of development given the volume of existing similar operations.

Community and Cultural Heritage

CairnsPlan 2016 sets out framework to ensure appropriate development occurs. The framework is reflected within the overlay, local plan, zone and development codes of which this development application has been assessed against.

Natural Environment

CairnsPlan 2016 sets out framework to ensure appropriate development occurs. The framework is reflected within the overlay, local plan, zone and development codes of which this development application has been assessed against.

ATTACHMENTS

Attachment 1. Approved Plan(s) & Document(s) #[7892540](#)

Attachment 2. Notice of Intention to Comment Use



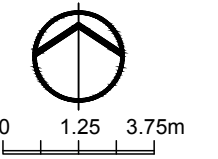
Claire Simmons
Executive Manager Development & Planning



Mark Davey
Director Planning, Growth & Sustainability

ATTACHMENT 1: Approved plan(s) & document(s)

Insert Site Plan #[7892540](#) as an attachment.



Front Elevation of Existing Dwelling

SITE PLAN 25A Cairns Street, Cairns North Lot 5 on SP287224

Locality of Cairns North
Cairns Regional Council

Date: 3/06/2026	
Scale: 1:125	A3
Drawn: WCHO	
Job No: 36666/001-01	
Plan No: 36666/001	A

brazier motti

This plan is conceptual and for discussion purposes only. All areas, dimensions and land uses are preliminary, subject to investigation, survey, engineering, and Local Authority and Agency approvals.

braziermotti.com.au

SURVEYING
TOWNPLANNING
PROJECTMANAGEMENT
MAPPING&GIS



ATTACHMENT 2: Notice of Intention to Commence Use



Notice of Intention to Commence Use

DEVELOPMENT PERMIT *Planning Act 2016*

Development Permit	8/8/1704
Date of Approval	14 July 2026
Approved Use	Dwelling House & Short-Term Accommodation
Location	25A Cairns Street CAIRNS NORTH
Property Description	Lot 5 on SP287224

I/we are hereby notifying Cairns Regional Council of my/our intention to commence the approved use outlined above

on _____ (insert date).

I have read the conditions of the Decision Notice issued and believe that all the applicable conditions have been complied with.

Applicant:

Address:

Contact Phone:

Signature of Applicant/Owner:

Date:
