

DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE (DWELLING HOUSE & SHORT-TERM ACCOMMODATION) – 302 TOOGOOD ROAD, BAYVIEW HEIGHTS – DIVISION 3

PGS 8/8/1706: {7899767}

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

LANDOWNER: BAYVIEWNEST PTY LTD (TTE)

APPLICANT: STARTRISE MANAGEMENT PTY LTD
C/- WILDPLAN PTY LTD
PO BOX 8028
CAIRNS QLD 4870

INTERESTED PARTIES: BAYVIEWNEST PTY LTD (TTE)
WILDPLAN 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: 302 TOOGOOD ROAD, BAYVIEW HEIGHTS

PROPERTY: LOT: 248 RP: 731281

ZONE: LOW DENSITY RESIDENTIAL ZONE

LOCAL PLAN: NONE APPLICABLE

PLANNING SCHEME: CAIRNSPLAN 2016 V3.1

REFERRAL AGENCIES: NONE

NUMBER OF SUBMITTERS: THREE (3) PROPERLY MADE

STATUTORY ASSESSMENT DEADLINE: 1 SEPTEMBER 2026

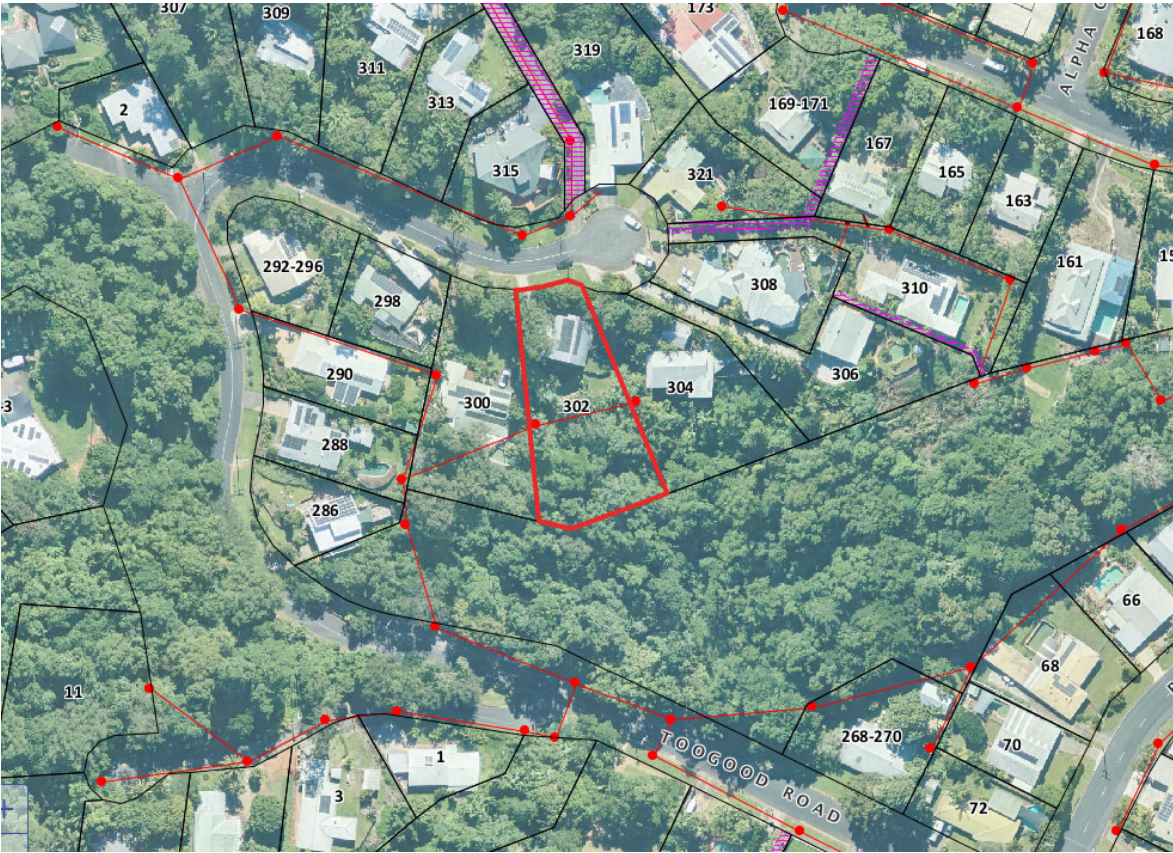
APPLICATION DATE: 8 MAY 2026

DIVISION: 3

ATTACHMENTS:

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

LOCALITY PLAN



RECOMMENDATION

That Council approves the development application for a Material Change of Use (Dwelling House & Short-term Accommodation) over land described as 302 Toogood Road, Bayview Heights, located at Lot 248 on RP731281, subject to the following:

PART A: MATERIAL CHANGE OF USE

Approved Plan(s) and Document(s)

The term ‘approved drawing(s) and / or document(s)’ or other similar expressions means:

Drawing or Document	Reference	Date
Site Plan - – 302 Toogood Road, Bayview Heights	Prepared by wildPLAN Pty Ltd provided in page 64 of application material (DM#7875820)	7 May 2026

Floor plan – 302 Toogood Road, Bayview Heights	Source: Floor Plan by LJ Hooker Cairns Beaches Markups by wildPLAN Pty Ltd	7 May 2025
Operational Management Plan – Short Term Accommodation	Project Reference: WP25 082 BAI, prepared by wildPLAN Pty Ltd	August 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 The use must operate in accordance with the Operational Management Plan included in the Approved Plan(s) and Document(s). Specifically, the Plan must be upheld through providing the following measures: a. The property manager may be either: - The landowner, if the property manager is the owner, they must reside within 40km of the premise; or, - Property Agent, with an office within the Cairns Local Government area and licenced in accordance with Section 26 of the <i>Property Occupation Act 2014</i> and registered with the Office of Fair Trading QLD.	As stated; AND At all times.

	b. When submitting the Notice of Intention to Commence Use, include copies of written notification provided to adjoining landowners informing them of the use. 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. d. A registrar of complaints must be available for review. The registrar 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. Guests must sign an agreement to follow the Code of Conduct provided in Appendix A prior to checking in.	
6.	Limitation of Use The approved use of Short-term Accommodation does not facilitate the following: a. Home-based businesses; or, b. Subleasing of rooms; or, c. Events, functions, parties, gatherings or similar.	At all times.

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 2016. 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.
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LAND USE DEFINITIONS*

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

“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 a development application seeking a Development Permit for Material Change of Use (Short-Term Accommodation & Dwelling House) at 302 Toogood Road, Bayview Heights, more formally described as Lot 248 on RP731281. The application is impact assessable in this zone.

Specifically, the proposed development seeks to facilitate dual-use of the existing dwelling house through allowing both short-term and long-term accommodation to be established within the existing built form. It is intended that the residential uses will be able to be used interchangeably, creating an accommodation option that responds to changing lifestyle needs, tourism and housing markets. Short-term and long-term accommodation is not proposed to occur simultaneously (i.e. only one (1) of the land uses can operate at any given time).

The development for short-term accommodation is small scale and limits the number of guests to 10 at one time for a maximum period of three months. The proposal would incorporate an *Operational Management Plan* to ensure that the Short-Term Accommodation component of development is monitored and controlled by a property manager and upheld through enforceable conditions that form part of the proposal. These include for example: a 24-hour contact number for neighbouring residents to report any concerns or complaints, immediate response procedures and preservation of neighbourhood amenity.

The development has undergone a public notification period, with a total of three (3) properly made submissions being received. All submissions received were 'against' the proposed development.

This application has been lodged in response to a Notice of 'Suspected Breach of the *Planning Act 2016*' issued over the site for short-term accommodation (AirBnB) activities. The proposed development seeks to make lawful the short-term accommodation component of development at the site. Short-term accommodation is impact assessable development, being an unanticipated land-use at this site.

While this use is not anticipated under the Planning Scheme, the development is considered 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. 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. The retention of the opportunity to utilise the house for long term permanent accommodation ensures the use can also respond to changes in the housing market.

For the reasons outlined in this report, the application is recommended to be approved, subject to conditions.

TOWN PLANNING CONSIDERATIONS

Background

Councils' records show that building approval for the construction of a Dwelling House was issued in 1986 with additional building approvals for additions and alterations to the Dwelling House being issued since that time.

Regulatory Compliance issued a Notice of Suspected Breach of Planning Scheme for the unlawful operations of Short-term accommodation (AirBnB) which resulted in this Development Application being lodged.

Following a review of Council records, there are no existing Development Permits for Short-term Accommodation within a Dwelling House.

Site and Surround

Site Description	
Site Area	Lot Size: 2,041m ² Lot shape: The lot is irregular in shape, with a standard width frontage, increasing in width towards the rear. The angled side and rear boundaries contribute to an elongated, tapering configuration that provides a larger rear portion than street frontage.

Existing Use of Land	The subject lot contains an existing Dwelling House and swimming pool. The subject lot has connections to water, sewer, electricity and telecommunications.
Road Frontage	The site has a frontage of approximately 20 metres to Toogood Road.
Topography	The site is identified on the Potential Landslip Hazard Overlay (Potential Landslide Category) with variation in elevation occurring across the site, with site fall toward the reserve (at a rate of 20 metres over approximately 70 metres); however, the existing Dwelling House is established on a benched platform suitable to the residential use.
Vegetation	The site contains landscaping trees and vegetation along the frontage and dense vegetation to the rear of the allotment which borders a reserve owned by Council.
Surrounding Land Uses	The area surrounding the subject lot comprises of predominantly residential lots containing dwelling houses.

Overlays:

Overlay	Sub-Overlay
Airport Environs	• Area of Interest • Obstacle Limitation Surface (OLS) 151m AHD • Procedures for Air Navigation Services – Aircraft Operational (PANS-OPS) Surfaces • Wildlife hazard – 8km buffer zone
Natural Areas	• MSES – Regulated vegetation (category R)
Hillslopes	• Hillslopes Area
Potential Landslip Hazard	• Potential landslide category
Transport Network	• Access Road

Proposal

The development seeks to provide Short-term Accommodation into the existing Dwelling House which would allow dual-use. The built form would be unchanged by this proposal. Tenancy would be capped at a maximum of ten (10) people. Though the development would still be an accommodation activity, the use is changing to include Short-term Accommodation which effectively changes how the site functions.

An Operational Management Plan has been prepared to support the application that regulates the following matters:

- Property Management;
 - Standards of property manager
 - Distribution of property manager contact details
 - On-call security Service provided by property management
- Booking procedures;
- Maximum number of occupants (10 people);

- Period of stay;
 - Minimum two (2) nights
 - Maximum three (3) months
- Arrival and departure procedures;
- Car Parking procedures;
- Complaints register, including;
 - The property manager maintaining a 24-hour contact number for neighbouring residents to report any concerns or complaints;
 - Immediate response procedures are implemented for excessive noise, parking issues, or behavioural complaints.
- Preservation of character (amenity);
- Safety, noise and traffic management;
- Waste Management; and
- Security, site management and corrective actions.

This proposal is seeking the interchangeable use of the existing Dwelling House for either permanent residential **or** short-term accommodation purposes. Only one (1) of the two (2) nominated land uses will be in operation at any given point in time - that is, the site will function as either a Dwelling House or as Short-term Accommodation, not both concurrently.

A key aspect of the proposal is that it does not involve any changes to the existing scale, density, built form, or setback arrangements of the development. Consequently, any potential impacts associated with the proposal relate primarily to the operation of the use rather than to physical changes to the site or built environment. These operational matters are proposed to be managed through the Operational Management Plan, which establishes measures to minimise impacts on surrounding properties and maintain residential amenity. As no alterations to the existing development are proposed, the established character and appearance of the zone will be retained.

Materials Assessed in the Application

The applicant provided the following materials during the assessment process:

- Planning Assessment Report prepared by *wildPLAN*;
- Plans of Development prepared by *wildPLAN*; and
- Operational Management Plan, prepared by *wildPLAN*.

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

LEGISLATIVE FRAMEWORK

The *Planning Act 2016* identifies the criteria for assessing a Development Application. As an Impact Assessable application, the relevant criteria are included in sections 5, 45, 59, 60 and 61 of the *Planning Act 2016* and sections 29, 30, 31 and 32 and schedules 9 and 10 of the *Planning Regulation 2017*. These provisions identify that an Impact Assessment:

1. Must be carried out against the following assessment benchmarks, to the extent that they are relevant to the development i.e. the assessment benchmarks stated in:

- a. Cairns Plan 2016 version 3.1 as the relevant local planning instrument in effect when the development application was properly made;
 - b. Schedules 9 and 10 of the *Planning Regulation 2017*;
 - c. The Far North Queensland Regional Plan 2009-2031 in effect when the development application was properly made;
 - d. The State Planning Policy 2017 Part E in effect when the application was properly made;
 - e. A temporary State Planning Policy applying to the premises in effect when the development application was properly made;
 - f. Council's LGIP in effect when the application was properly made;
2. May give such weight as Council considers is appropriate, in the circumstances, to an amended or replacement version of the statutory instruments referred to in 1 above that came into effect after the development application was properly made but before it is decided;
 3. May give such weight as Council considers is appropriate, in the circumstances, to another relevant statutory instrument that came into effect after the development application is properly made but before it is decided;
 4. Must be carried out having regard to:
 - a. Any designation for the premises;
 - b. Any development approval for, and any lawful use of, the premises or adjacent premises; and
 - c. The common material;
 5. May be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise; and
 6. Must be performed in a way that advances the purposes of the *Planning Act 2016*.

The following section of this report comprises Officers assessment against the prescribed *Planning Act 2016* and *Planning Regulation 2017* criteria.

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: • Biodiversity ○ MSES – Regulated Vegetation (Category R) • Natural Hazards Risk & Resilience ○ Flood Hazard Area – Local Government Flood Mapping Area • Strategic airport and aviation facilities; 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.
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FNQ Regional Plan 2009-2031	As the application was lodged prior to commencement of the FNQ Regional Plan and Infrastructure Plan 2026 on 8 May 2026, the application is subject to assessment against the superseded FNQ Regional Plan 2009-2031. The development 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 v3.1.
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Matters Prescribed by Regulation

Schedule 10 of the Planning Regulation 2017	Not Applicable The Application did not trigger any Referrals under the triggers identified within Schedule 10 of the Planning Regulation 2017, therefore there are no referral agency responses considered in this assessment.
Schedule 12A of the Planning Regulation 2017	Not Applicable The proposed development does not involve the creation of a new road.

LOCAL CATEGORISING INSTRUMENT

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 facilitate the dual use of a detached dwelling for both permanent and short-term accommodation. The existing character and amenity of the site and locality would be maintained, as the two complementary accommodation uses would operate within the existing built form and are considered compatible with the identity of the location.

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 proposal aligns with this outcome by retaining a diversity of residential uses within a residential setting. As a result, the established character of the locality would be maintained without detriment to the surrounding area.
Specific Outcome 3.3.5.1(6)	Specific Outcome 3.3.5.1(6) states areas identified for lower density residential development provide predominantly low rise detached dwelling houses to maintain the low density character of the area. The subject site is located within the Low Density Residential Zone, being a zone that seeks low density residential development. Notwithstanding, the proposed use would not change the existing built form, being a 3 bedroom, 2 bathroom single detached double storey dwelling house. As such, the proposal would not compromise the specific outcome through maintaining the existing lower density dwelling house, maintaining the character of the area.
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 formalises the use within an established area, it is not anticipated to alter existing traffic conditions. The site contains adequate parking to comply with the relevant assessment benchmarks, and the development would not adversely affect 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 residential in nature and would be managed and operated in a manner that is compatible with the established residential character of the area. The development supports the unique qualities of the local residential community and would not detract from its character or amenity.

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. The proposal facilitates the provision of Short-term Accommodation within an established residential area, contributing to the diversity of accommodation available across the Cairns region. By formalising the accommodation use, the development supports visitor choice and provides an alternative form of tourist accommodation that complements the broader accommodation network without requiring significant new development or infrastructure.
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 scale and nature of the use are compatible with the surrounding residential environment and enable the continued provision of accommodation for visitors seeking a residential-style experience. In doing so, the development responds to changing market expectations for flexible and varied accommodation options while supporting the ongoing attractiveness of the Cairns region as a tourism destination.
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 represents a contemporary form of tourist accommodation that has been widely adopted both nationally and internationally. This accommodation model reflects changing visitor preferences and evolving trends within the tourism industry Importantly, the use does not alter the physical appearance, built form, or residential density of the locality. As such, it remains compatible with the established character of residential areas, with the primary distinction from traditional residential occupation being the shorter duration of guest stays. It is acknowledged that Short-term Accommodation has the potential to give rise to behavioural issues that may affect residential amenity.

	However, where appropriate management and operational measures are implemented, these potential impacts can be effectively monitored and addressed. Accordingly, the use can coexist with surrounding residential development while maintaining the amenity and character of the locality
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 site is suitably located to support Short-term accommodation, being established within an urban area with Access to existing services, community facilities, transport networks, and tourist attractions and natural assets further encourage the use of this area for tourist accommodation as these features demonstrate compatibility between land-uses and site.

Relevant Assessment Benchmarks of CairnsPlan 2016

CairnsPlan 2016 Assessment Benchmarks	
Assessment Benchmark	Assessment
Low Density Residential Zone	Complies. The proposed development would introduce greater diversity of use within the range of low-density residential accommodation available in the locality while maintaining the established character and amenity of the area and zone. The primary distinction from surrounding land uses is the increased occupancy turnover associated with tourist accommodation; however, this would be effectively managed through the Operational Management Plan to safeguard the residential amenity of the area.
Multiple Dwelling and Short-Term Accommodation Code	Complies. The proposed development involves formalising the use within the current building footprint. The development does not comply with Acceptable Outcome 7.3 which requires a setback of 2 metres from the side boundary for a 1 or 2 storey building. The current dwelling provides a setback of 1.5 metres from the eastern side boundary. The proposal is contained within an existing approved building and does not involve any changes to the established built form. The non-compliance will not result in any changes to the streetscape amenity or impact the light and ventilation to the neighbouring allotment. The amenity of the built form will remain unaltered, and the implementation of an Operational Management Plan for the Short-term Accommodation use will ensure that there are no additional amenity impacts to the neighbouring allotments. Based on the information provided, the development is considered to comply with the requirements of the Multiple Dwelling and Short-Term Accommodation Code.

Dwelling House Code	Complies. The proposed additional use of Short-term Accommodation will not result in any alterations to the existing Dwelling House.
Airport Environs Overlay Code	Complies. The proposed development is not anticipated to impact upon the safety, efficiency and/or operational integrity of the Cairns Airport and associated aviation facilities.
Potential Landslip Hazard overlay	Complies. The proposal does not include any changes to the built form onsite.
Transport Network Overlay	Complies. The development is not anticipated to generate traffic volume greater than the current use and is consistent with the anticipated use of an Access Road.
Environmental Performance Code	Complies. Potential amenity impacts associated with occupancy turnover are mitigated through the Operational Management Plan, which includes an arrival and departure procedures, maximum occupancy numbers, and a mechanism for neighbouring landowners to lodge, and quickly resolve complaints. As a result, the proposed land use can be appropriately integrated into the locality without adversely affecting the amenity or character of the surrounding area.
Natural Areas Overlay	Complies. The site has mapping of remnant vegetation at the rear of the property. Notwithstanding, there are no physical works proposed and therefore the vegetation would remain undisturbed.
Excavation and Filling Code	Complies. The development does not involve any physical changes on the allotment, no excavation or filling will occur.
Infrastructure Works Code	Complies. The development does not involve any physical changes on the allotment, the site contains existing connections to all services.
Landscaping Code	Complies. There are no physical changes to the property as a result of the development. There is existing landscaping on the allotment which exceeds the requirements of the code.

Parking and Access Code	Complies. The site has a total of two (2) existing covered car parking spaces as well as one (1) uncovered carparking space which exceeds the requirements of the code which requires two (2) carparking spaces.
Vegetation Management Code	Complies. No vegetation damage or removal is proposed.

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 Density Residential Zone Code	
PO1 <i>"The height of all buildings and structures is in keeping with the amenity of adjoining premises and the residential character of the area."</i>	Acceptable Outcome 1.1 requires that buildings and structures are not more than 8.5 metres and 2 storeys in height. The existing Dwelling House on the allotment is approximately 9.5 metres in height. The development does not propose any alterations to the existing built form of the Dwelling House. The existing Dwelling House forms part of the residential character of the area which has been established since its construction in 1986. The height of the Dwelling House will not introduce any new impacts to the residential amenity or character of the area.
Multiple Dwelling and Short-Term Accommodation Code	
PO7 <i>"Development is sited so that the setback from boundaries:</i> <i>(a) maintain the character and amenity of the streetscape and surrounding area</i> <i>(b) retains daylight access for adjoining premises;</i> <i>(c) provides privacy and amenity for residents and occupants on site and on adjoining premises;</i> <i>(d) provides for appropriate landscaping."</i>	Acceptable Outcomes 7.3 requires development to be setback not less than 2 metres for a 1 and 2 storey building. The existing Dwelling House is sited approximately 1.5 metres from the eastern side boundary. The existing Dwelling otherwise complies with AO7.3. The development does not propose any changes to the existing built form onsite. The portion of the Dwelling which encroaches into the side boundary clearance is a corner of the front of the dwelling which increases to over 8 metres from the side boundary at the rear of the dwelling. The dwelling on the neighbouring allotment is approximately 8 metres from the common side boundary and is positioned further back on the allotment resulting in the structures being approximately 18 metres apart.

	The proposed Short-term Accommodation use will not result in any changes to the privacy or amenity to the residents of the adjoining allotment.
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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 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 Logan 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 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 disamenity, 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 for complaints resolution and monitoring.

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 establish a clear causal relationship between short-term accommodation and housing supply pressures. While the use of dwelling houses for short-term accommodation has the potential to reduce the availability of housing stock for permanent residents, the report found that housing market outcomes are influenced by a range of interconnected factors, including housing demand, economic conditions, population growth and housing delivery constraints. The report concluded that these broader market forces are likely to have a greater influence on housing availability than short-term accommodation alone.

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 etc.

When considering the findings of this study, it is notable that the location of the proposal at the end of Toogood Road is not within proximity to businesses targeting long-term occupants. With the incorporation of an Operational Management Plan, potential 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.

Comparing the context of this site with the findings of the study is favourable to considering short-term accommodation as an appropriate land-use given the separation from businesses targeting long-term occupants and the ability to control amenity impacts.

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 14 July 2026. Three (3) properly made submissions were received during the Public Notification period.

MATTERS RAISED IN SUBMISSIONS FOR IMPACT ASSESSABLE DEVELOPMENT

The following matters were raised in properly made submissions.

Issue	How matter was dealt with
History of noise complaints at the property from operating an unlawful BnB	The submissions raise concerns regarding an application for a Development Permit to retrospectively approve the use of 302 Toogood Road as ongoing short-term accommodation (Airbnb) alongside its residential use. The objector notes that the application was lodged only after Council identified the property as operating unlawfully and issued a Notice of Suspected Breach. Key concerns include a documented history of noise complaints affecting neighbouring residents, inadequate and potentially misleading parking provisions resulting in guest vehicles parking on Toogood Road and impacting traffic safety, and the risk of setting an undesirable precedent by approving a use that commenced without the necessary approvals. The submission also questions the effectiveness of the proposed management measures, such as quiet hours and noise monitoring, unless they are formalised as enforceable conditions of approval. <u><i>Response:</i></u> Amenity has been given careful consideration as a key aspect of the assessment of the proposed use. While it is acknowledged that short-term accommodation has the potential to generate amenity impacts, it is noted that similar impacts can also arise from permanent residential occupation. In this regard, the proposed use incorporates management and monitoring measures that provide a greater capacity to oversee guest behaviour and respond to issues if they arise, thereby offering a level of control that may not be available in all long-term residential situations. By supporting the development, Council retains the ability to impose conditions requiring the operation of the premises to be carried out in accordance with an approved Operational Management Plan. The Plan establishes clear expectations for guest behaviour, provides a 24-hour contact number for the reporting of complaints, and requires the maintenance of a complaints register, including details of any incidents and the actions taken to resolve them. These measures provide a structured framework for monitoring and managing potential amenity impacts and facilitate timely responses to issues as they arise. As a result, the proposed use offers a greater degree of oversight and accountability in relation to amenity management than may typically be available for an owner-occupied residential premises.

Parking constraints and Traffic impacts	Submissions state that the application claims on-site parking as available. In practice the steep driveway renders the garage and any space at the base of the driveway inaccessible to guests, particularly those arriving in unfamiliar hire cars. The inevitable consequence is street parking, which have been directly observed by neighbours. <u>Response</u> 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) Parking has been provided on site in accordance with the above requirements. Whilst the driveway is steep, it is not inaccessible and in addition to the parking spaces provided in the existing garage, there is an uncovered space in front of the dwelling which provides parking.
Enforceability of proposed management measures	Submitters raised concerns that the proposed Operational Management Plan would likely be ineffective as these measures are voluntarily proposed by the applicant and are not currently enforceable conditions of approval. The submitter questions the effectiveness of relying on self-regulation, particularly given that the property was operating as unauthorised short-term accommodation at the time noise complaints were reportedly occurring. Consequently, concerns are raised as to whether sufficient confidence can be placed in the applicant's commitment to managing noise impacts on neighbouring properties without formal and enforceable approval conditions. <u>Response:</u> The Operational Management Plan ensures that the applicant is required to actively manage the short-term accommodation use through measures such as designated quiet hours, guest communication protocols and noise monitoring systems aimed at minimising impacts on neighbouring properties. Compliance with any approval conditions, as well as other applicable legislation relating to noise and nuisance, remains subject to Council's enforcement powers. The concerns regarding previous unauthorised operation of the premises are noted; however, the purpose of the current application is to assess whether the proposed use is appropriate having regard to the applicable planning framework. The assessment considers the suitability of the land use, the characteristics of the site, and the effectiveness of proposed mitigation measures. On this basis, it is considered that potential noise impacts can be appropriately managed and do not warrant refusal of the application.

Inconsistency with Short-term accommodation use in Low Density Residential zone	Submissions stated that short-term accommodation is inconsistent with the intent of the Low Density Residential Zone, as the transient nature of guests can generate levels of noise, traffic and activity that may detract from the character and amenity of an established residential neighbourhood. <u>Response</u> The application has been assessed having regard to the potential impacts of the use on the surrounding residential area, including matters such as noise, traffic, parking and overall neighbourhood amenity. The proposed use is to operate from an existing dwelling and does not involve any expansion of the building footprint or alteration to the established residential character of the site. As a result, the proposal will retain the appearance and function of a dwelling within the streetscape. The proposal includes operational management measures intended to minimise potential impacts on adjoining properties, and Council retains the ability to impose conditions of approval where necessary to ensure the use operates in a manner that protects residential amenity.
Waste Management	Submissions raise concerns regarding waste management associated with the short-term accommodation use, noting that following guest stays the property's bins are frequently filled beyond capacity, with additional rubbish left around the bins and unable to be collected during scheduled waste services. The submitter states that, on several occasions, they have personally removed and stored the overflow waste to enable collection at a later date. It is argued that this represents an ongoing and observable impact on neighbouring residents and demonstrates deficiencies in the management of waste generated by the short-term accommodation use. <u>Response</u> Waste management issues are operational matters that can be appropriately addressed through ongoing property management practices and do not, in themselves, indicate that the proposed use is unsuitable for the site. Guests will be provided with instructions regarding waste disposal and the property manager will be responsible for ensuring waste is appropriately stored and presented for collection.
Amenity, Property Values and Character of zone	Submissions contend that the ongoing operation of short-term accommodation is inconsistent with the intended character of the Low Density Residential Zone. It is argued that residents reasonably expect the area to maintain a predominantly residential character and that the introduction of a commercial short-term accommodation use may adversely affect neighbourhood amenity. Further, it is observed that neighbouring property owners made decisions to live and invest in the area based on its residential zoning and that the continued operation of short-term accommodation has the potential to diminish both the residential character of the locality and surrounding property values. <u>Response</u> The application has been assessed against the relevant provisions of the planning scheme, including those relating to residential amenity, scale, intensity and compatibility with the surrounding locality.

	The proposed use will operate from an existing dwelling and does not involve any physical changes to the built form of the property. Consequently, the residential appearance and established streetscape character of the locality will be maintained. While concerns have been raised regarding potential impacts on neighbouring residents, the assessment has considered matters such as noise, traffic, parking and property management arrangements. Subject to the proposed management measures and any conditions of approval considered necessary by Council, it is not anticipated that the use will result in unacceptable impacts on the amenity of the surrounding area. The submitter's comments regarding potential impacts on surrounding property values are noted. However, property values are not a matter that can be given significant weight in the assessment of a development application under the Planning Act 2016. The assessment must instead focus on the proposal's compliance with the applicable planning framework and its potential land use impact.
Ability to contact Property manager	Submissions raise concerns regarding the unpredictable nature of short-term accommodation and its potential impacts on neighbouring residents. It is stated that periods of disruptive behaviour occurs intermittently and without warning. Concerns are raised regarding the unpredictable nature of short-term accommodation and its potential impacts on neighbouring residents. It is further asserted that this uncertainty is an inherent characteristic of short-term accommodation that cannot be fully addressed through management measures. The submitter also questions the effectiveness of the proposed property management arrangements, expressing a lack of confidence that an on-call property manager would respond promptly or be able to effectively intervene during late-night incidents. <u><i>Response</i></u> It is recognised that guest occupancy levels and guest behaviour may vary over time and that neighbouring residents may not have advance knowledge of when the accommodation will be occupied. However, the potential for occasional noise and activity associated with visitors is not unique to short-term accommodation and can also occur in traditional residential environments. The assessment must therefore consider whether the proposed use is capable of operating in a manner that maintains an acceptable level of residential amenity, rather than whether all impacts can be entirely eliminated The Operational Management Plan, which forms a condition of approval, proposes a range of management measures. The plan includes information regarding property management and on-call security services. These measures are intended to minimise potential impacts on surrounding properties and provide a mechanism for addressing issues should they arise. While concerns have been expressed regarding the responsiveness and effectiveness of the proposed management arrangements, there is insufficient evidence to conclude that the measures would be ineffective if appropriately implemented and monitored.

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 development does not require the delivery of trunk infrastructure identified within the Local Government Infrastructure Plan to facilitate the development.

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 Density Residential zone, it is consistent with the Zone Code through supplying a low density accommodation type.
2. The operational functions would be managed through an Operational Management Plan to protect the Low Density Residential amenity and support the co-location of Long-Term and Short-Term Accommodation. Occupant behaviours would be regulated by the property owner and a complaint resource provided to protect the existing amenity in accordance with an approved Operational Management Plan.
3. The design and siting of the development is consistent with the physical built-form desired within the Low Density Residential Zone, therefore the visual amenity of the site remains consistent with the existing and desired streetscape.
4. 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.
5. 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.

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) #[7939155](#)
Attachment 2 - Notice of Intention to Commence Use



Claire Simmons
Executive Manager Development & Planning



Sean Lisle
A/Director Planning, Growth & Sustainability

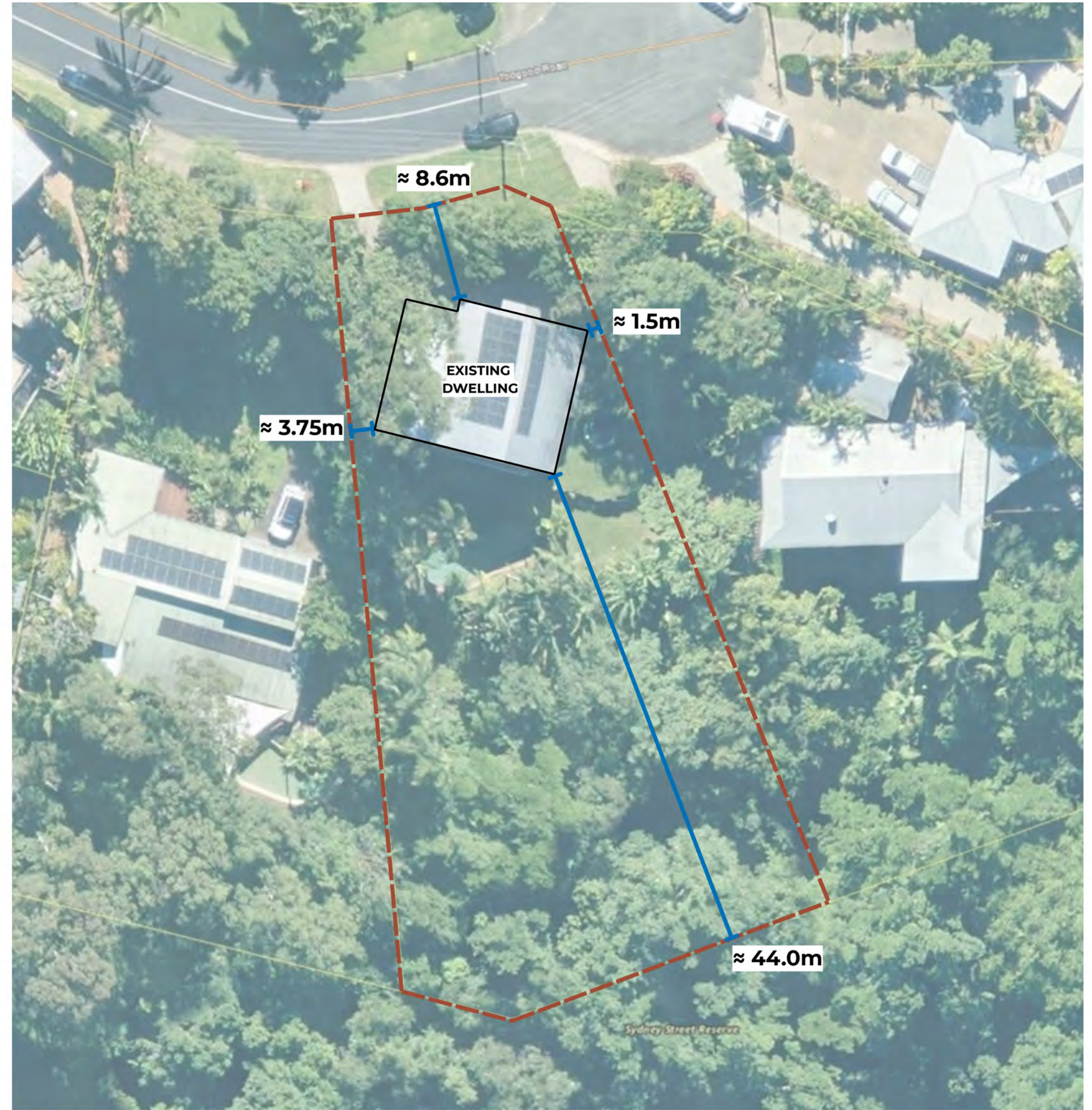
ATTACHMENT 1: Approved plan(s) & document(s) - #[7939155](#)

Site Plan - 302 Toogood Road, Bayview Heights 4870

7 May 2026

16°57'15"S 145°43'16"E

16°57'15"S 145°43'19"E



16°57'18"S 145°43'16"E

16°57'18"S 145°43'19"E

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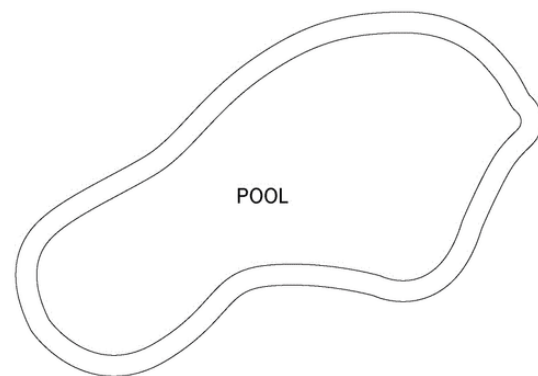
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Printed at: A3
Print date: 7/5/2026
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Projection: Web Mercator EPSG 102100 (3857)

For more information, visit <https://qldglobe.information.qld.gov.au/help-info/Contact-us.htm>



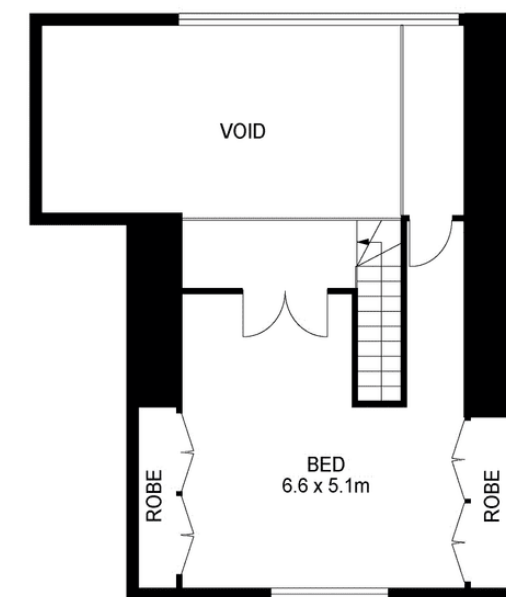
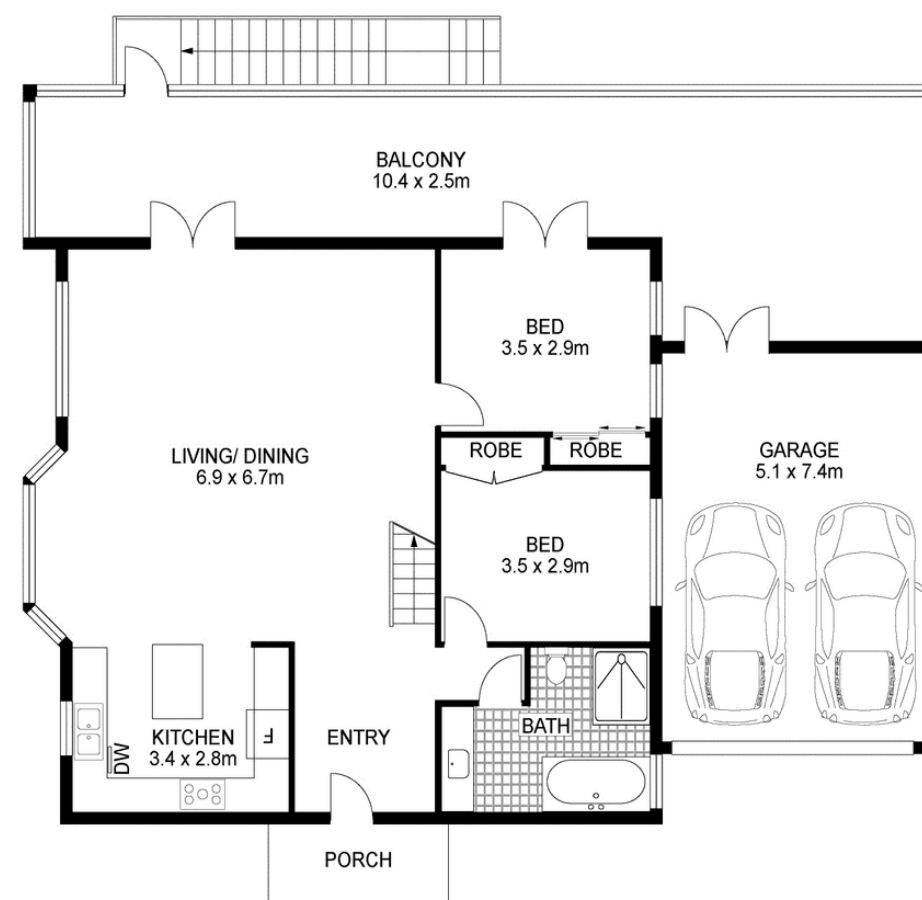
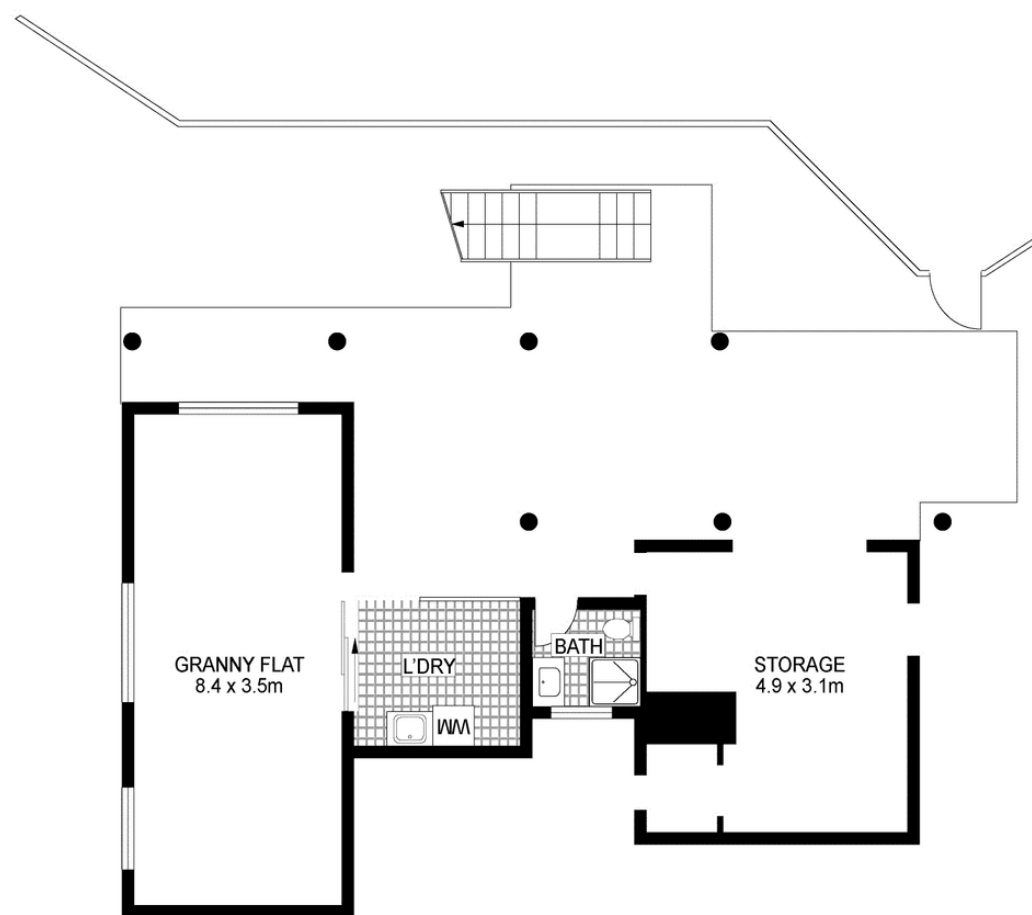
**Queensland
Government**

Department of Natural Resources and Mines, Manufacturing, and Regional and Rural Development



Floor Plan:
302 Toogood Road, Bayview Heights

Source:
Floor Plan by LJ Hooker Cairns Beaches
Markups by wildPLAN – 7 May 2025



INT: 230 m²

Scale in metres. Indicative only. Dimensions are approximate. All information contained herein is gathered from sources we believe to be reliable. However, we cannot guarantee its accuracy and interested persons should rely on their own enquiries.

302 Toogood Road, Bayview Heights



302 Toogood Road, Bayview Heights
(Lot 248 on RP731281)

OPERATIONAL MANAGEMENT PLAN

SHORT TERM ACCOMMODATION

Applicant: Startrise Management Pty Ltd
C/- wildPLAN Pty Ltd



A CONTACT DETAILS

Company	wildPLAN Pty Ltd
Representative	Dominic Hammersley
Title	Director, Principal Planner
Phone	0487 967 533
Address	PO Box 8028, Cairns QLD
Email	dominic@wildplan.com.au
Web	www.wildplan.com.au

B DOCUMENT INFORMATION

Client Name	Startrise Management Pty Ltd C/- wildPLAN Pty Ltd
Project Reference	WP25 082 BAI
Document Reference	WP25 082 BAI OMP

C DOCUMENT HISTORY

Version	Execution Date	Description	Preparation	Review
1.0	5 May 2026	Operational Management Plan	AC	DH
2.0	4 June 2026	Adjoining property details amended	AC	DH
3.0	28 July 2026	Submissions Response	AC	DH
4.0	12 August 2026	Further Submissions Response	AC	DH

D DOCUMENT AUTHORISATION

Version	Description	Authorised by	Signature	Execution Date
4.0	Further Submissions Response	Dominic Hammersley		12 August 2026

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CITATION AND COMMENCEMENT

This Operational Management Plan may be cited as the 302 Toogood Road, Bayview Heights Operational Management Plan 2026, dated 12 August 2026.

1. OBJECTIVES

This Operational Management Plan sets out operational requirements in respect to Short-Term Accommodation land use on land at 302 Toogood Road, Bayview Heights (formally described as Lot 248 on RP731281).

The Operational Management Plan seeks to ensure that the operation of the Short-Term Accommodation land use is at all times consistent with the amenity expectations of the Low Density Residential Zone.

The Operational Management Plan establishes requirements in respect to:

- A. Property management
- B. Booking Procedures
- C. Maximum number of occupants
- D. Maximum period of stay
- E. Arrival and departure times for guests
- F. Car parking
- G. Complaints Register
- H. Preservation of character of the surrounding area
- I. Safety, noise and traffic nuisance management
- J. Security, site monitoring and corrective actions.

2. OPERATIONAL REQUIREMENTS

The following sub-sections set out the minimum operating requirements for the Short-Term Accommodation land use at 302 Toogood Road, Bayview Heights.

2.1 Property Management

- A. The premises must be independently managed by the landowner; or, a professional property management entity that meets the following minimum requirements:
 - i. A local Cairns Real Estate Agent, with a physical office in the Cairns Local Government Area
 - ii. The local Cairns Real Estate Agent must be registered with the Queensland Office of Fair Trading
 - iii. The local Cairns Real Estate Agent must provide an on-call security service.
- B. Where managed by the landowner, the landowner must reside within 20 kilometres of the premises while actively let for Short-Term Accommodation.
- C. Cairns Regional Council must be provided with the following property manager information prior to the commencement of use (refer **Schedule 1**):
 - i. Entity name e.g. Blue Sky Real Estate
 - ii. Office address
 - iii. Postal address
 - iv. Contact name
 - v. Email address
 - vi. Contact phone (business hours)
 - vii. Contact phone (out of hours)
- D. In the event that the property manager is changed, Council must be notified within 24 hours by way of issue of the completed form at **Schedule 1**.
- E. The owners of the following premises are to provided with the above property manager information prior to the commencement of use and within 24 hours of a change in property management:
 - i. 300 Toogood Road, Bayview Heights;
 - ii. 304 Toogood Road, Bayview Heights; and
 - iii. 272-284 Toogood Road, Bayview Heights (Lot 318 on SP300702).

2.1 Booking procedures

- A. All guest bookings are to be managed exclusively through the property manager (refer **section 2.1**).
- B. The property will be listed on reputable short-term accommodation platforms, with all reservations subject to pre-screening and verification by the property manager.
- C. The property manager will oversee all aspects of guest management, including booking confirmation, payment processing, communication, and check-in/out coordination.
- D. The property owner will not conduct direct bookings.
- E. Clear terms and house rules are communicated to guests prior to arrival via a guest handbook to ensure compliance with operational requirements and preservation of residential amenity and guest safety.

2.3 Maximum number of occupants

- A. The maximum number of occupants permitted at any one time is limited to **ten (10)** persons, inclusive of adults and children.

2.4 Maximum period of stay

- A. Guest turnover is expected to occur on a weekly basis and with a mandatory minimum two-night booking policy.
Note - This approach maintains low guest frequency and reduces the potential for excessive traffic or amenity impacts.
- B. The maximum period of stay for Short-Term accommodation guests is 3 months.

2.5 Arrival and departure procedures

- A. Guest arrival and departure times are restricted to between 8:00 a.m. and 7:00 p.m. to minimise disturbance to neighbouring properties.
- B. Check-in and check-out is managed by the appointed property manager, who coordinates key collection and property orientation.

2.6 Car parking

- A. The premises provides adequate on-site car parking within the garage (which is to be kept vacant for the use of guests for car parking) and existing driveway areas, sufficient to accommodate up to three (3) vehicles.
- B. On-street parking is not encouraged, and guests are directed to use off-street parking at all times and are advised of parking arrangements prior to arrival to avoid obstructing public roadways or adjoining driveways.

2.7 Complaints Register

- A. The property manager is to maintain a 24-hour contact number (refer **section 2.1**) for neighbouring residents to report any concerns or complaints.
- B. All complaints are to be recorded in a digital register detailing the nature of the issue, time, date and resolution provided.
- C. Immediate response procedures are implemented for excessive noise, parking issues, or behavioural complaints. The agent will investigate and, where necessary, issue written warnings or terminate bookings for non-compliant guests.
- D. The property is to be maintained in a neat and orderly condition at all times to ensure compatibility with the surrounding residential character (refer **section 2.8** for additional requirements).
- E. Council is to be provided a copy of the complaints register by the property manager upon request.

2.8 Preservation of character of the surrounding area

- A. The dwelling and its grounds will be regularly inspected by the property manager to ensure compliance with maintenance standards and visual amenity.
- B. Landscaping will be maintained in accordance with the high standards exhibited on 302 Toogood Road, Bayview Heights, with lawns mowed, gardens tended, and waste properly stored and appropriately screened. External lighting will remain subdued and directed away from adjoining properties.

2.9 Safety, noise and traffic nuisance management

- A. Guests are informed of house rules via the guest handbook prohibiting parties, loud gatherings, or amplified music.
- B. Quiet hours are enforced between 10:00 p.m. and 7:00 a.m, during both weekdays and weekends.
- C. A noise monitoring system is installed and operational on-site. This is configured to provide automated alerts to the property manager when preset noise thresholds are exceeded, enabling timely intervention and protection of residential amenity.
- D. The managing agent will respond promptly to any reported disturbances. The property is fitted with standard residential safety features including smoke alarms, and compliant pool fencing.
- E. Traffic generation from the use is minimal and consistent with that of a typical dwelling, with no adverse impacts anticipated on the local road network.

2.10 Waste management

- A. Waste management is conducted in accordance with Cairns Regional Council's collection schedules.

- B. General waste and recycling bins are stored discreetly on-site and placed for collection no earlier than the evening before designated pick-up days.
- C. Guests are provided with clear instructions regarding bin use and recycling requirements.
- D. The property manager's assigned maintenance team is responsible for ensuring bins are returned to their proper storage areas promptly after collection, being no later than 24 hours after collection. Overflow or illegal dumping of waste is strictly prohibited

2.11 SECURITY, SITE MONITORING AND CORRECTIVE ACTIONS

- A. The property is monitored by the property manager through routine inspections and guest compliance checks.
- B. Appropriate outdoor lighting and secure locks are installed to maintain property security.
- C. The property manager maintains an on-call response service to attend the site in the event of emergencies or reported breaches. Any incidents are documented in a digital register managed by the real estate agency, with corrective measures implemented as required to prevent recurrence.

3. SUMMARY

This Operational Management Plan supports the use of the property at 302 Toogood Road, Bayview Heights for Short-Term Accommodation. The plan outlines measures to ensure the use remains lawful and consistent with the quiet amenity and residential character of the area.

Management and Operations

Where not managed by the owner, a licensed local real estate agency, registered with the Queensland Office of Fair Trading, is to manage all Short-Term Accommodation activities. The agency provides 24-hour contact, on-call security, and oversees bookings, check in/out, maintenance, and complaints.

Occupancy and Guest Management

- Maximum occupancy: ten (10) persons.
- Short-Term Accommodation stays to not exceed 3 months
- Check-in/out: between 8:00 a.m. – 7:00 p.m.

Amenity and Neighbourhood Protection

- No amplified noise or parties; quiet hours 10:00 p.m. – 7:00 a.m.
- Three (3) on-site car spaces; on-street parking discouraged.
- Complaints register maintained and management contact details provided to the owner of adjoining premises.
- Property to be maintained and landscaped to residential standards.

Safety, Waste, and Security

- Smoke alarms and pool fencing installed in compliance with regulations.
- Waste managed per Council schedule; bins stored discreetly.
- Routine inspections and incident reporting undertaken by the managing agent.

The plan ensures that the property's operation as Short-Term Accommodation maintains residential amenity, neighbourhood character, and compliance with Council conditions and policies while providing a clear, enforceable structure for ongoing property management.

SCHEDULE 1.

Property Manager Details Form

302 TOOGOOD ROAD, BAYVIEW HEIGHTS, QUEENSLAND 4870

SHORT-TERM ACCOMMODATION OPERATIONAL MANAGEMENT PLAN –
PROPERTY MANAGER DETAILS FORM

PROPERTY MANAGER DETAILS

Company Name

Contact name

Contact number (business hours)

Contact number (out of hours)

Email

PHYSICAL ADDRESS

– *Street*

– *Suburb*

– *State*

– *Postcode*

POSTAL ADDRESS

– *As Above*

– *Street / PO Box*

– *Suburb*

– *State*

– *Postcode*

PROPERTY MANAGER DECLARATION

Signature:

Date:

ATTACHMENT 2: Notice of Intention to Commence Use



Notice of Intention to Commence Use

DEVELOPMENT PERMIT *Planning Act 2016*

Development Permit	8/8/1706
Date of Approval	13 September 2026
Approved Use	Dwelling House & Short-term Accommodation
Location	302 Toogood Road BAYVIEW HEIGHTS
Property Description	Lot 248 on RP731281

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:
