

From: "Mary McCarthy" <Mary@northpointplanning.com.au>
Sent: Tue, 5 May 2026 16:16:07 +1000
To: "Development Assessment" <developmentassessment@townsville.qld.gov.au>
Cc: "Jake Kidner" <jake.kidner@townsville.qld.gov.au>; "Cassie James" <Cassie.James@townsville.qld.gov.au>; "Hello" <hello@northpointplanning.com.au>
Subject: NP25.099 | Lodgement of Development Application - MCU - Caretaker's Accommodation - 829 Brabon Road, Beach Holm (MCU26/0027)
Attachments: NP25.099 - Cover Letter.pdf, NP25.099 - Development Application.pdf

Good afternoon,

Please be advised that we act on behalf of the applicant, A. and A. Brabon. For Council's consideration, please find **attached** the proposed development application for a Material Change of Use - Caretaker's Accommodation on land located at 829 Brabon Road, Beach Holm.

We look forward to receipt of Council's Confirmation Notice.

Please feel free to contact me should you have any questions.

Kind regards,
Mary

Mary McCarthy
Senior Town Planner



E mary@northpointplanning.com.au

P (07) 4440 5282

W www.northpointplanning.com.au

A 613 Flinders Street | PO Box 4
Townsville Q 4810

This email and its attachments are confidential, and you should notify the sender if you have incorrectly received this email and delete the copy you have received. Any redistribution or reproduction of part or all of the contents in any form is prohibited. The content and opinions cannot be used to promote any product, goods, or services without the sender's prior written consent.



Our Reference: NP25.099
RB.MM

5 May 2026

Assessment Manager
Townsville City Council
PO Box 1268
TOWNSVILLE QLD 4810

Attention: Planning and Development

Dear Sir/Madam,

Application for Material Change of Use – Caretaker’s Accommodation located at 829 Brabon Road, Beach Holm and formally identified as Lot 256 on SP253223.

On behalf of the Applicant, please accept this correspondence and the accompanying planning report as a properly made development application in accordance with the *Planning Act 2016*.

The application seeks a Development Permit for Material Change of Use – Caretaker’s Accommodation located at 829 Brabon Road, Beach Holm and formally identified as Lot 256 on SP253223.

In accordance with Council’s schedule of fees and charges, the assessment fee for the application is \$2,336. Payment will be issued on receipt of lodgement.

Please do not hesitate to contact the undersigned should you have any queries in relation to this application.

Yours faithfully,



Mary McCarthy

SENIOR PLANNER
Northpoint Planning

Encl. Development Application

Development Application

Material Change of Use –
Caretaker's Accommodation



Northpoint
Planning

829 Brabon Road, Beach Holm
Lot 256 on SP253223

5 May 2026
Reference: NP25.099

Client: A. & A. Brabon

Project: 829 Brabon Road, Beach Holm

Date: 5 May 2026



Project Reference: NP25.099

Contact: Mary McCarthy

Prepared by: Mary McCarthy – Northpoint Planning

Document Verification

Revision		Author	Reviewer
1	Draft	R.B	M.M
2	Final draft	R.B	M.M
3	Final	M.M	

Approval			
Author Signature		Approver Signature	
Name	R. Bull	Name	M. McCarthy
Title	Student Planner	Title	Senior Planner

Northpoint Planning

ABN 52 352 159 357

E hello@northpointplanning.com.au

W www.northpointplanning.com.au

Disclaimer: Northpoint Planning retains copyright and ownership of the contents of this document, including all tables, plans, drawings, figures and other work produced by Northpoint Planning. Unless expressly approved by Northpoint Planning, this document may not be reproduced in full or in part, except for the client and for the purpose for which it was created.

This report is commissioned by and prepared for the exclusive use of the Client and is subject to and issued in accordance with the agreement between the Client and Northpoint Planning. Northpoint Planning is not responsible and will not be liable to any other person or organisation for or in relation to any matter dealt within this report, or for any loss or damage suffered by any other person or organisation arising from matters dealt with or conclusions expressed in this report.



Table of Contents

1.0	EXECUTIVE SUMMARY.....	4
2.0	SITE AND SURROUNDING ENVIRONMENT.....	6
2.1.	SUBJECT SITE AND SURROUNDS.....	6
3.0	PROPOSED DEVELOPMENT.....	8
3.1.	GENERAL OVERVIEW.....	8
3.2.	PROPOSAL PLANS.....	9
3.3.	USE DEFINITION.....	9
3.4.	ACCESS AND PARKING.....	9
3.5.	INFRASTRUCTURE SERVICES.....	9
3.6.	STORMWATER DRAINAGE.....	9
3.7.	LANDSCAPING.....	10
4.0	LEGISLATIVE FRAMEWORK.....	11
4.1.	STATE PLANNING POLICY.....	11
4.2.	NORTH QUEENSLAND REGIONAL PLAN.....	11
4.3.	STATE DEVELOPMENT AND ASSESSMENT PROVISIONS.....	11
4.4.	LOCAL PLANNING INSTRUMENT.....	11
4.5.	ASSESSMENT BENCHMARKS.....	11
5.0	PLANNING ASSESSMENT.....	13
5.1.	STRATEGIC FRAMEWORK.....	13
5.2.	RURAL ZONE CODE.....	13
5.3.	HEALTHY WATERS CODE.....	14
5.4.	LANDSCAPE CODE.....	14
5.5.	TRANSPORT IMPACT, ACCESS AND PARKING CODE.....	14
5.6.	WORKS CODE.....	15
5.7.	AIRPORT ENVIRONS OVERLAY CODE.....	15
5.8.	BUSHFIRE HAZARD OVERLAY CODE.....	15
5.9.	COASTAL ENVIRONMENT OVERLAY CODE.....	15
5.10.	FLOOD HAZARD OVERLAY CODE.....	16
5.11.	LANDSLIDE HAZARD OVERLAY CODE.....	18
5.12.	NATURAL ASSETS OVERLAY CODE.....	19
6.0	OTHER RELEVANT MATTERS.....	20
7.0	CONCLUSION AND RECOMMENDATIONS.....	21



Appendices

- Appendix 1: DA Form 1, Title Search, Easement Documents and Landowner's Consent
- Appendix 2: SmartMap and SARA Mapping
- Appendix 3: Site Plan and Subject Site & Surrounds
- Appendix 4: Development Plans

Tables

- Table 1: Application Summary
- Table 2: Easements and Encumbrances
- Table 3: Proposal Plans

Figures

- Figure 1: Site Location
- Figure 2: 3D Render Front Perspective
- Figure 3: Coastal Environmental Overlay Extent
- Figure 4: Flood Hazard Overlay Extent Across Subject Site
- Figure 5: New Flood Risk Mapping
- Figure 6: Location of Proposed Development Footprint



1.0 Executive Summary

In accordance with s 51 of the *Planning Act 2016* (the Act) this development application seeks a development permit for Material Change of Use – Caretaker’s accommodation.

The subject site is located at 829 Brabon Road, Beach Holm and comprises an area of 517,900m² (51.79ha). The site is currently improved by two existing dwelling houses, one of which is the original homestead that has been retained through multiple generations however is now derelict and uninhabitable. Other associated shed structures are located on the property.

The site adjoins Black River to the west and features an internal access track that traverses the site from Lynwood Avenue to the north providing informal access to the residents of Beach Holm. The topography of the site slopes gently towards the north, west, and south with contours ranging from 5m ADHD at the centre of the site, gradually falling to 2m AHD.

The proposed development involves the construction of a new dwelling for the purpose of a Caretaker’s accommodation, comprising a Gross Floor Area (GFA) of 232.35m². Vehicle access to the subject site is achieved via the existing access location from Brabon Road, connecting via Lynwood Avenue to the east. The proposed development involves a single storey slab on ground dwelling, with landscaping and articulation of the façades providing a positive contribution to the amenity of the subject site and the locality.

The subject site is located within the Rural zone within the Mixed farming precinct of the *Townsville City Plan 2014* (the planning scheme). Given the proposed development involves a Caretaker’s accommodation within this zone, and the development will result in more than two dwellings of any kind on a lot, the development application is subject to Impact assessment.

The site is located within the Food hazard overlay as containing areas of low, medium and high flood hazard. It is also located within the Coastal hazard overlay, indicating areas of medium and high storm tide inundation, as well as and erosion prone area. Further, the site is mapped within the Bushfire hazard overlay, containing area of medium and high bushfire hazard. The Landslide hazard overlay map identifies the subject site as containing areas of low landslide hazard, whilst the Natural assets overlay highlights regions of high and very high environmental significance.

Assessment of the proposed development against the provisions of all relevant benchmarks has been undertaken and outlined in this town planning report. As outlined in this town planning report, the proposed development achieves the nominated assessment criteria.

The proposed development is considered appropriate for the location, and it is therefore requested that the application be approved subject to reasonable and relevant conditions.

Table 1: Application Summary

Application Summary	
Address	829 Brabon Road, Beach Holm
Real Property Description	Lot 256 on SP253223
Area of Lot	517,900m ²
Easements	<ul style="list-style-type: none">▪ Easement A on SP338027 in Lot 256 on SP253223▪ Easement no. 715556439 in Lot 257 on SP253223▪ Easement no. 716731679 in Lot 318 on SP196179
Applicant	A. & A. Brabon
Purpose of Proposal	Caretaker’s accommodation
Type of Application	Material Change of Use
Category of Assessment	Impact



Application Summary	
SARA Mapping	<ul style="list-style-type: none"> ▪ Coastal management district ▪ Coastal area - erosion prone area ▪ Coastal area - medium storm tide inundation area ▪ Coastal area - high storm tide inundation area ▪ Fish habitat areas - Queensland waterways for waterway barrier works ▪ Fish habitat areas - Major (tidal) ▪ Wetland protection trigger area ▪ Regulated vegetation management map (Essential habitat, Category B on the vegetation management map) ▪ Maritime safety – Navigable waterways
Referral Agencies	Nil
Public Notification	Required
Zoning	Rural zone, Mixed farming precinct
Overlays	<ul style="list-style-type: none"> ▪ Airport environs overlay ▪ Bushfire hazard overlay ▪ Coastal hazard overlay ▪ Flood hazard overlay ▪ Landslide hazard overlay ▪ Natural assets environmental importance overlay



2.0 Site and Surrounding Environment

2.1. Subject Site and Surrounds

The subject site is located at 829 Brabon Road, Beach Holm and is formally identified as Lot 256 on SP253223. The subject site comprises an area of 517,900m² and is currently improved by two dwelling houses, one of which is the original homestead. The homestead is currently vacant and is to be retained on site in recognition of its historical value and longstanding connection to the property and the Brabon family. The balance of the site is predominantly vacant and sparsely vegetated.

The subject site has frontage to Brabon Road along its southeastern property boundary. An existing access track traverses the site from Lynwood Avenue to the east, providing informal access to properties located to the north.

The Certificate of Title confirms the landowner for Lot 256 on SP253223 to be Diana Elizabeth Brabon and that the subject site is affected by three easements as illustrated in Table 2 below (refer **Appendix 1**).

Table 2: Easements and Encumbrances

Easement	Purpose	Encumbrances
Easement A on SP338027 in Lot 256 on SP253223	Access	<ul style="list-style-type: none">Burdening Lot 256 on SP253223Benefiting Lot 318 on SP196179
Easement no. 715556439 in Lot 257 on SP253223	Water Supply	<ul style="list-style-type: none">Benefiting Lot 256 on SP253223Burdening Lot 257 on SP253223
Easement no. 716731679 in Lot 318 on SP196179	Access	<ul style="list-style-type: none">Benefiting Lot 256 on SP253223Burdening Lot 318 on SP196179

The immediate surrounding area comprises a mix of land uses, including rural, residential development including single detached dwelling houses, areas of dense bushland, and the Black River to the west. The wider locality includes Coles Bushland Beach and a 7-Eleven service station to the east, Bushland Beach Esplanade to the north, and the Bruce Highway Corridor to the south.

The subject site is located within the Rural zone within the Mixed farming precinct of the planning scheme and is identified within the Flood Hazard Overlay as containing area of high, medium, and low flood hazard across the site. Additionally, the site is located within the Coastal Hazard Overlay of the planning scheme, containing area of high and medium storm tide inundation within the site and erosion prone area to the western and southern sides of the allotment. Further, the site is mapped within the Bushfire hazard overlay, containing area of medium and high bushfire hazard. The Landslide hazard overlay map identifies the subject site as containing areas of low landslide hazard, whilst the Natural assets overlay highlights regions of high and very high environmental significance.

The subject lot and surrounding locality are illustrated in Figure 1 overleaf.



3.0 Proposed Development

3.1. General Overview

The proposed development involves the construction of a third dwelling on the subject site for the purpose of a caretaker's residence of the rural property and is accordingly defined as a Caretaker's accommodation.

The proposed Caretaker's accommodation is designed as a single storey, slab on ground construction.

Access to the development is to be provided via the existing access arrangements from Brabon Road and the existing internal access track transversing the site.

The proposed development involves the following:

- Construction of one (1) new single storey dwelling for the purpose of a Caretaker's residence, located centrally within the subject site and outside mapped local and State overlay / hazard areas.
- Building setbacks exceeding 100m from all boundaries.
- Separation distance more than 100m from existing structures on site.
- Articulated building facades achieved through variations in built form, materials and colours.
- Landscaping to the Caretaker's accommodation frontage, to increase visual amenity.
- A covered, rear patio with an area of 56.69m².
- A master retreat located within the western side of the building.
- Proposed Caretaker's accommodation incorporating a total GFA of 232.35m².

The proposed development is illustrated in Figure 2 below.

Figure 2: 3D Render Front Perspective





3.2. Proposal Plans

The proposed development is illustrated in the development plans listed below in Table 3, prepared by 5 By Design Co (refer **Appendix 4**).

Table 3 – Proposal Plans

Plan title	Number	Issue	Date
Cover Sheet	CD01	D	20-02-2026
Site Plan	CD02	D	13-08-2025
Floor Plan	CD03	D	20-02-2026
Elevations	CD04	D	20-02-2026

3.3. Use Definition

In accordance with schedule 1 of the planning scheme, the use is defined as a Caretaker's accommodation. A Caretaker's accommodation is defined as *the use of premises for a dwelling for a caretaker of a non-residential use on the same premises*.

3.4. Access and Parking

The proposed development is afforded access via the existing access location and internal access track from Brabon Road off Lynwood Avenue. Specifically, an access track is located centrally to the subject site from the Lynwood Avenue and Brabon Road intersection. The track also provides access to the existing dwellings on site located south of the proposed development footprint, as well as informal access to Beach Holm residents located to the north (Lot 318 on SP196179).

In accordance with schedule 6.10 of the planning scheme, the required parking rates for a Caretaker's accommodation is:

- One (1) space.

The proposed development provides for the required number of on-site car parking spaces, with multiple covered parking opportunities within the existing structures on site and ample opportunity for informal on-site parking.

3.5. Infrastructure Services

The subject site has no existing connection to Council's reticulated water or sewer network, with all existing onsite infrastructure to be maintained.

The proposed Caretaker's accommodation can be provided with all necessary infrastructure services, including connection to a private water supply and the provision of an on-site wastewater treatment system. The proposed development can be appropriately connected to telecommunications and electrical networks.

3.6. Stormwater Drainage

The proposed development has been suitably designed to maintain the existing drainage pattern of the subject site to the extent possible.

The subject site retains a sloping topography to the north, south and to the west towards Black River.



3.7. Landscaping

All existing landscaping within the subject site will be retained to the best extent possible. As there is minimal landscaping within proximity to the proposed development footprint, it is anticipated that additional landscaping will be implemented in conjunction with the proposed development. Indicative landscaping is shown on the development plans.

The proposed development does not involve the removal or alteration of any street tree.



4.0 Legislative Framework

4.1. State Planning Policy

In accordance with section 26 of the *Planning Regulation 2017*, assessment against the State Planning Policy (SPP) is required to the extent the provisions of the SPP are appropriately integrated within the planning scheme.

For the purposes of this development application, it is considered all relevant provisions of the State Planning Policy are appropriately integrated with the planning scheme and no additional standalone provisions are relevant for assessment.

4.2. North Queensland Regional Plan

The subject site is located within the North Queensland Regional Plan (NQRP) and includes land mapped as containing Regional biodiversity values in the southern portion of site. The proposed development is located outside of this mapped area. On this basis and having regard to the nature and scale of the proposal, it is considered that all matters relevant to assessment of the development under the NQRP are appropriately reflected in the planning scheme. Therefore, no further assessment against the NQRP is required.

4.3. State Development and Assessment Provisions

In accordance with schedule 10 of the *Planning Regulation 2017*, referral of the development application is not required. Although the Development Assessment Mapping System shows the subject site as being included within the erosion prone area, medium storm tide inundation area, and high storm tide inundation area, referral of the development application for coastal protection matters is not required under Schedule 10, Part 17, Division 3, Table 6 of the *Planning Regulation 2017*, as:

- the proposed development will not involve operational work to be carried out completely or partially in an erosion prone area; and
- the proposed development will not involve building work, carried out completely or partially within an erosion prone area in a coastal management district; and
- the building work does not involve increasing the gross floor area on the premises by 1,000m² or more.

4.4. Local Planning Instrument

In accordance with section 51 of the *Planning Act 2016*, the proposed development requires assessment against the local government planning scheme, in this case being the *Townsville City Plan (2014)*.

In accordance with Table 5.5.1 of the planning scheme, the proposed development requires impact assessment given the proposal involves a Caretaker's accommodation within the Rural zone.

4.5. Assessment Benchmarks

Pursuant to Table 5.5.1 of the planning scheme, the proposal requires Impact assessment and is therefore assessable against the planning scheme in its entirety.

Accordingly, the proposed development is assessed against the following planning scheme benchmarks:

- Strategic framework.
- Rural zone code.
- Healthy waters code.
- Landscape code.
- Transport impact, access and parking code.



- Works code.
- Airport environs overlay code.
- Bushfire hazard overlay code.
- Coastal environment overlay code.
- Flood hazard overlay code.
- Landslide hazard overlay code.
- Natural assets environmental importance overlay code.

Assessment against the relevant benchmarks is provided within Section 5.



5.0 Planning Assessment

5.1. Strategic Framework

The strategic framework sets the strategic direction for Townsville and ensures development is appropriately located and managed.

The strategic framework provides for four themes that collectively represent the intent of the planning scheme:

- (i) *Shaping Townsville;*
- (ii) *Strong, connected community;*
- (iii) *Environmentally sustainable future; and*
- (iv) *Sustaining growth.*

It is considered the proposed development furthers the intent of the above four themes and their corresponding strategic outcomes. In particular:

- The proposal is consistent with the Strategic Framework as it supports the ongoing use of rural land while maintaining the established rural character of the locality.
- The application seeks approval for a Caretaker's accommodation for rural land.
- The proposed Caretaker's accommodation will accommodate family members directly involved in the management and operation of the property, supporting the efficient and ongoing use of the land for rural purposes.
- The development aligns with the Strategic Framework's intent to protect and enhance rural land, support agricultural productivity, and avoid encroachment of incompatible urban uses.
- The proposed development is domestic in scale for Caretaker's purposes and will remain ancillary to the primary rural use of the land, maintaining the rural character and function of the site.
- The proposal is not expected to result in unreasonable adverse amenity impacts on surrounding properties, having regard to the large allotment size, separation distances and established rural setting.
- The proposal can be adequately serviced by on-site water supply, septic infrastructure, access and parking, without causing unreasonable impacts on surrounding properties.
- Overall, the development represents a low-impact and functional form of accommodation that supports the long-term viability and management of the rural land, consistent with the intent of the Rural zone and Mixed farming precinct.

5.2. Rural Zone Code

The purpose of the Rural zone code is to:

- (a) *provide for a wide range of rural uses including cropping, intensive horticulture, intensive animal industries, animal husbandry, animal keeping and other primary production activities;*
- (b) *provide opportunities for non-rural uses that are compatible with agriculture, the environment, and the landscape character of the rural area where they do not compromise the long-term use of the land for rural purposes; and*
- (c) *protect or manage significant natural features, resources, and processes, including the capacity for primary production.*

The purpose of the zone will also be achieved through the following additional overall outcomes for the Mixed farming precinct:

- (a) *this precinct contains low intensity animal husbandry with some potential for cropping.*
- (b) *animal keeping (being kennels and catteries), intensive animal industries, aquaculture and rural industries establish where they:*



- (i) are able to be located on less productive land within the precinct;*
 - (ii) are adequately separated from rural dwellings and other sensitive land uses;*
 - (iii) do not diminish the productive capacity of other land nearby; and*
 - (iv) do not diminish water quality, natural, scenic or environmental values, including remnant vegetation;*
- (c) subdivision of lots below 400ha in the Ross River Dam catchment and 40ha elsewhere generally does not occur.*

The proposal is consistent with the Rural zone purpose as it supports the ongoing use of the land for mixed farming while maintaining the rural character of the locality providing for a Caretaker's accommodation. The proposed Caretaker's accommodation is domestic in scale and provides for a premises to support the existing and on-going use of the rural land. Specifically, the proposed use will promote the productive capacity of the land. Its siting, separation from adjoining properties, and existing vegetation buffer ensure no unreasonable amenity impacts. Overall, the development is a low-impact and appropriate outcome within the Rural zone and Mixed farming precinct.

5.3. Healthy Waters Code

The purpose of the Healthy waters code is to ensure development manages stormwater and wastewater as part of the integrated total water cycle and in ways that help protect the environmental values specified in the Environmental Protection (Water) Policy 2009.

The proposed development is considered to further the purpose and overall outcomes of the Healthy waters code. It is considered that any impact to stormwater drainage facilities is negligible given the size of the allotment, all overland stormwater flow and patterns are maintained. Further, the proposed development will be suitably serviced by onsite wastewater and water infrastructure.

Given the nature of the development, further assessment against the Healthy waters code is not considered necessary.

5.4. Landscape Code

The purpose of the Landscape code is to ensure landscaping in both the private and public domains is designed and constructed to a high standard, provides a strong contribution to the city image, is responsive to the local character, site and climatic conditions and remains fit for purpose over the long-term.

The proposed development is considered to further the purpose and overall outcomes of the Landscape Code. The proposed development does not propose any removal of existing onsite vegetation, with the proposed Caretaker's accommodation located within an existing cleared area on the subject site. The proposed development plans include indicative landscaping to the frontage of the proposed built form.

The proposed development does not involve the removal or alternation to any street trees.

Given the nature of the development, for a Caretaker's accommodation on rural land, further assessment against the Landscape code is not considered necessary.

5.5. Transport Impact, Access and Parking Code

The purpose of the Transport impact, access and parking code is to ensure appropriate provision for transport and end of trip facilities, and to facilitate, as far as practicable, an environmentally sustainable transport network.

In accordance with schedule 6.10 of the planning scheme, the required car parking rate for a Caretaker's accommodation is one (1) space.



The proposed development is considered to further the purpose and overall outcomes of the Transport impact, access and parking code noting there is ample area for on-site car parking within proximity to the proposed Caretaker's residence.

Retention of all existing undercover carparking arrangements associated with the subject site are to be retained.

Given the nature of the development, further assessment against the Transport impact, access and parking code is not considered necessary.

5.6. Works Code

The purpose of the Works code is to *ensure development is provided with a level of infrastructure which maintains or enhances community health, safety and amenity and which avoids or minimises impacts on the natural environment.*

The proposed development is considered to further the purpose and overall outcomes of the Works code. The site is currently utilising on site water and wastewater systems, and such servicing will be maintained within the proposed development.

Given the nature of the development and size of the allotment, further assessment against the Works code is not considered necessary.

5.7. Airport Environs Overlay Code

The purpose of the Airport environs overlay code is to ensure the safe and efficient operations of the airport, RAAF base and aviation facilities are protected.

The proposed development is consistent with the purpose of the Airport environs overlay code. The proposed development involves the construction of a single storey building to the subject site. Therefore, the proposed development is not considered to impact the safe and efficient operations of the airport, RAAF base and aviation facilities.

Given the nature of the development, further assessment against the Airport environs overlay code is not considered necessary.

5.8. Bushfire Hazard Overlay Code

The purpose of the Bushfire hazard overlay code is to *ensure that development does not:*

- a) *increase the extent or the severity of bushfire hazard; or*
- b) *increase the risk to life, property, community and the environment.*

The subject lot is mapped within the Bushfire hazard overlay as containing areas of medium and high bushfire hazard. The proposed development is consistent with the purpose and overall outcomes of the Bushfire hazard overlay code.

The proposed development is located outside of any bushfire hazard areas on the site, with hazardous areas limited to the eastern boundary and southern portion of the site. The proposed development does not propose any change to existing built form within the hazard area nor an increase in density within these areas.

Given the nature of the development, further assessment against the Bushfire hazard overlay code is not considered necessary.

5.9. Coastal Environment Overlay Code

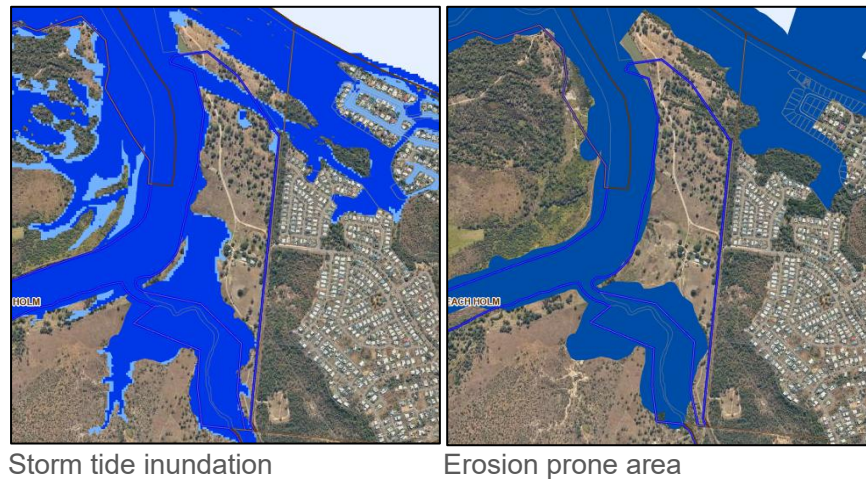
The purpose of the Coastal environment overlay Code is to *ensure development in the coastal zone is planned, designed, constructed and operated to:*



- a) *avoid risk to people and property from coastal hazards, including storm tide inundation and coastal erosion, and taking into account the predicted effects of climate change; and*
- b) *manage the coast to protect coastal resources and allow for the natural fluctuations of coastal processes as far as possible.*

The subject site is mapped within the Coastal environment overlay as containing area of medium and high storm tide inundation and erosion prone area. The extent of the storm tide inundation and erosion prone area is demonstrated in Figure 3 below.

Figure 3: Coastal Environment Overlay Extent



The proposed development is considered to be consistent with the purpose and overall outcomes of the Coastal environment overlay code, specifically given:

- The proposal is consistent with the purpose of the Coastal environment overlay code, which seeks to avoid risk to people and property from coastal hazards and protect coastal processes.
- While the subject site is partially mapped within storm tide inundation and erosion prone areas, the proposed Caretaker's accommodation is located wholly outside these mapped hazard areas.
- The development is domestic in scale and will not interfere with coastal processes or contribute to coastal erosion.
- Existing overland flow paths across the site are maintained, with no increase in risk from coastal hazards.
- The proposal does not introduce additional risk to people or property and protects the natural functioning of the coastal environment.

Given the nature of the development, further assessment against the Coastal environment overlay code is not considered necessary.

5.10. Flood Hazard Overlay Code

The purpose of the Flood hazard overlay code is to *manage development outcomes in flood hazard areas so that risk to life, property, community, economic activity and the environment during future flood events is minimised, and to ensure that development does not increase the potential for flood damage on-site or to other property.*

The subject site is identified as containing areas of low, medium and high flood hazard area within the Flood hazard overlay of the planning scheme. However, more recently released updated flood risk mapping from Townsville City Council identifies an increase of flood risk with mapping indicating



very low, low, medium, high, and very high flood risk across the site. Refer to Figure 4 & 5 below for existing and updated identified flood hazard across the site.

Figure 4 – Flood Hazard Overlay Extent Across Subject Site

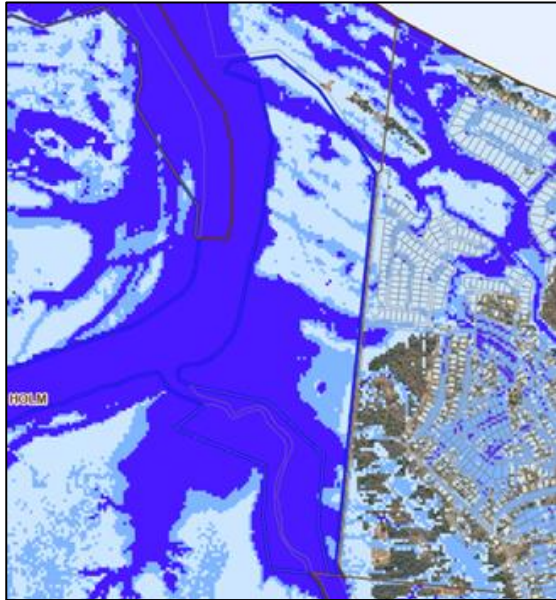


Figure 5 – New Flood Risk Mapping



The proposed development footprint is appropriately located within the low and very low flood risk areas, centrally positioned on the site and away from higher risk portions of the land demonstrated in Figure 6 overleaf. The siting of the development footprint therefore represents an appropriate response to the mapped flood hazard context.

Further, flood risk to people and property can be suitably mitigated through built form design, including the provision of minimum floor levels above the defined flood event (1% AEP). The proposed development achieves a minimum habitable floor level being 0.5m above the defined flood event of 5.01m AHD.

The development is not expected to increase flood impacts on the site or adjoining land. Accordingly, the proposal is considered to achieve the intent and relevant outcomes of the Flood hazard overlay code, and no further detailed assessment against the code is considered necessary.



Figure 6 – Location of Proposed Development Footprint



5.11. Landslide Hazard Overlay Code

The purpose of the Landslide hazard overlay code is to *manage development so that there is no increase to the extent or the severity of a landslide hazard and risk to life, property, community and the environment during landslide events is avoided.*

The proposed development is considered to further the purpose of the overall outcomes of the Landslide hazard overlay code. The subject site is partially mapped within the Landslide hazard overlay as containing area of very low landslide hazard area to the southern half of the subject site. The site is not mapped in areas containing steep slope greater than 23°.

The proposed building footprint is located central to the subject site and within the northern fringe of the mapped very low landslide hazard area. Council's contour mapping indicates that the proposed building footprint is located at a generally flat area of the site, specifically being at 5m AHD.

The proposed development is consistent with the purpose of the Landslide hazard overlay code. The proposed building footprint is located within the mapped low landslide hazard area. Future development on the site can be appropriately designed and constructed to respond to any geotechnical constraints identified through the building design process and will be designed and certified by a Registered Practicing Engineer of Queensland (RPEQ).

Additionally, the site maintains existing access arrangements that are safe and efficient, with no impact on emergency egress or vehicle safety.

Overall, the development presents a low-risk outcome and is consistent with the intent of the Landslide hazard overlay code, ensuring the safety of people, property and infrastructure is not compromised.



Given the nature of the development and hazard across the site, further assessment against the Landslide hazard overlay code is not considered necessary.

5.12. Natural Assets Overlay Code

The purpose of the Natural assets overlay code is to:

- a) *protect areas of environmental significance, and the ecological processes and biodiversity values of terrestrial and aquatic ecosystems;*
- b) *maintain ecosystem services and other functions performed by Townsville's natural areas; and*
- c) *protect water quality, ecosystem health and the natural hydrological functioning of waterways, wetlands and their riparian areas.*

The subject site is identified within the Natural assets overlay as containing area of high and very high environmental importance, to parts of the northern and southern portions of the site. The proposed building footprint is located central to the site and entirely outside the extent of the mapped Natural assets environmental importance overlay, avoiding disturbance to the mapped environmentally significant areas. Accordingly, the proposed Caretaker's accommodation will not result in the loss or degradation of ecological values.

In consideration of the above, the proposed development complies with the purpose of the Natural assets overlay code of the planning scheme and further assessment of the code is not considered necessary.



6.0 Other Relevant Matters

In accordance with section 45(5)(b) of the Act, the following are other relevant matters considered applicable to assessment of this development application:

- The subject site is of a significant scale and the proposed development will allow for Caretaker's accommodation to help manage the operations of the site.
- The proposed development is located within a rural landholding and will not be visually prominent when viewed from surrounding local roads or adjoining properties.
- When considered in the context of the overall landholding, the development footprint represents a small proportion of the total site area. Accordingly, the proposal does not fragment the landholding or diminish its rural viability.
- The development will not adversely affect visual amenity or landscape character, nor will it result in an intensification of development that is inconsistent with the rural landscape. The proposal maintains the low-density, non-urban character of the locality and avoids the introduction of built form that would detract from the rural setting.
- The proposed development is to retain the applicant's historical connection to the site and maintenance of the rural land for future generations.



7.0 Conclusion and Recommendations

This town planning report has been prepared by Northpoint Planning on behalf of A. & A. Brabon in association with a Development Application for a Material Change of Use – Caretaker’s accommodation located at 829 Brabon Road, Beach Holm and formally described as Lot 256 on SP253223.

The subject site is located within the Rural zone, Mixed Farming Precinct of the planning scheme. An assessment against the relevant benchmarks has been undertaken and is outlined in detail in this town planning report.

The proposal is consequently considered appropriate development in the context in which it is located and has been suitably demonstrated to comply with the relevant assessment benchmarks. It is therefore recommended Council approve the proposed development, subject to reasonable and relevant conditions.



Appendix 1

DA Form 1 – Development application details

Approved form (version 1.6 effective 2 August 2024) made under section 282 of the Planning Act 2016.

This form **must** be used to make a development application **involving code assessment or impact assessment**, except when applying for development involving only building work.

For a development application involving **building work only**, use *DA Form 2 – Building work details*.

For a development application involving **building work associated with any other type of assessable development (i.e. material change of use, operational work or reconfiguring a lot)**, use this form (*DA Form 1*) and parts 4 to 6 of *DA Form 2 – Building work details*.

Unless stated otherwise, all parts of this form **must** be completed in full and all required supporting information **must** accompany the development application.

One or more additional pages may be attached as a schedule to this development application if there is insufficient space on the form to include all the necessary information.

This form and any other form relevant to the development application must be used to make a development application relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994*, and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. For the purpose of assessing a development application relating to strategic port land and Brisbane core port land, any reference to a planning scheme is taken to mean a land use plan for the strategic port land, Brisbane port land use plan for Brisbane core port land, or a land use plan for airport land.

Note: All terms used in this form have the meaning given under the *Planning Act 2016*, the *Planning Regulation 2017*, or the *Development Assessment Rules (DA Rules)*.

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) <i>(individual or company full name)</i>	A. & A. Brabon C/- Northpoint Planning
Contact name <i>(only applicable for companies)</i>	Mary McCarthy
Postal address <i>(P.O. Box or street address)</i>	PO Box 4
Suburb	Townsville
State	Queensland
Postcode	4810
Country	Australia
Contact number	(07) 44405282
Email address <i>(non-mandatory)</i>	hello@northpointplanning.com.au mary@northpointplanning.com.au
Mobile number <i>(non-mandatory)</i>	
Fax number <i>(non-mandatory)</i>	
Applicant's reference number(s) <i>(if applicable)</i>	NP25.099
1.1) Home-based business	
<input type="checkbox"/> Personal details to remain private in accordance with section 264(6) of <i>Planning Act 2016</i>	

2) Owner's consent

2.1) Is written consent of the owner required for this development application?

- Yes – the written consent of the owner(s) is attached to this development application
 No – proceed to 3)

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)

Note: Provide details below and attach a site plan for any or all premises part of the development application. For further information, see DA Forms Guide: Relevant plans.

3.1) Street address and lot on plan

- Street address **AND** lot on plan (all lots must be listed), **or**
 Street address **AND** lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).

a)	Unit No.	Street No.	Street Name and Type	Suburb
		829	Brabon Road	Beach Holm
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4818	256	SP253223	Townsville
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

Note: Place each set of coordinates in a separate row.

- Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

- Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

3.3) Additional premises

- Additional premises are relevant to this development application and the details of these premises have been attached in a schedule to this development application
 Not required

4) Identify any of the following that apply to the premises and provide any relevant details

- In or adjacent to a water body or watercourse or in or above an aquifer

Name of water body, watercourse or aquifer: Black River

- On strategic port land under the *Transport Infrastructure Act 1994*

Lot on plan description of strategic port land:

Name of port authority for the lot:

- In a tidal area

Name of local government for the tidal area (if applicable): Townsville City Council

Name of port authority for tidal area (if applicable): Port of Townsville Limited

<input type="checkbox"/> On airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i>
Name of airport: <input type="text"/>
<input type="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>
EMR site identification: <input type="text"/>
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>
CLR site identification: <input type="text"/>

5) Are there any existing easements over the premises?

Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see [DA Forms Guide](#).

- Yes – All easement locations, types and dimensions are included in plans submitted with this development application
- No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect

a) What is the type of development? *(tick only one box)*

- Material change of use Reconfiguring a lot Operational work Building work

b) What is the approval type? *(tick only one box)*

- Development permit Preliminary approval Preliminary approval that includes a variation approval

c) What is the level of assessment?

- Code assessment Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

Caretaker's accommodation

e) Relevant plans

Note: *Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms guide: Relevant plans](#).*

- Relevant plans of the proposed development are attached to the development application

6.2) Provide details about the second development aspect

a) What is the type of development? *(tick only one box)*

- Material change of use Reconfiguring a lot Operational work Building work

b) What is the approval type? *(tick only one box)*

- Development permit Preliminary approval Preliminary approval that includes a variation approval

c) What is the level of assessment?

- Code assessment Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

e) Relevant plans

Note: *Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).*

- Relevant plans of the proposed development are attached to the development application



6.3) Additional aspects of development

- Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application
- Not required

6.4) Is the application for State facilitated development?

- Yes - Has a notice of declaration been given by the Minister?
- No

Section 2 – Further development details**7) Does the proposed development application involve any of the following?**

- | | |
|------------------------|---|
| Material change of use | <input checked="" type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument |
| Reconfiguring a lot | <input type="checkbox"/> Yes – complete division 2 |
| Operational work | <input type="checkbox"/> Yes – complete division 3 |
| Building work | <input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i> |

Division 1 – Material change of use

Note: This division is only required to be completed if any part of the development application involves a material change of use assessable against a local planning instrument.

8.1) Describe the proposed material change of use

Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m ²) (if applicable)
Caretaker's accomodation	Caretaker's accommodation means the use of premises for a dwelling for a caretaker of a non-residential use on the same premises.		232.35m ²

8.2) Does the proposed use involve the use of existing buildings on the premises?

- Yes
- No

8.3) Does the proposed development relate to temporary accepted development under the Planning Regulation?

- Yes – provide details below or include details in a schedule to this development application
- No

Provide a general description of the temporary accepted development	Specify the stated period dates under the Planning Regulation

Division 2 – Reconfiguring a lot

Note: This division is only required to be completed if any part of the development application involves reconfiguring a lot.

9.1) What is the total number of existing lots making up the premises?

--

9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)

- | | |
|---|--|
| <input type="checkbox"/> Subdivision (complete 10) | <input type="checkbox"/> Dividing land into parts by agreement (complete 11) |
| <input type="checkbox"/> Boundary realignment (complete 12) | <input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road (complete 13) |

14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)

\$

PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application

Townsville City Council

16) Has the local government agreed to apply a superseded planning scheme for this development application?

- Yes – a copy of the decision notice is attached to this development application
- The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
- No

PART 5 – REFERRAL DETAILS

17) Does this development application include any aspects that have any referral requirements?

Note: A development application will require referral if prescribed by the Planning Regulation 2017.

- No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6

Matters requiring referral to the **Chief Executive of the Planning Act 2016:**

- Clearing native vegetation
- Contaminated land (*unexploded ordnance*)
- Environmentally relevant activities (ERA) (*only if the ERA has not been devolved to a local government*)
- Fisheries – aquaculture
- Fisheries – declared fish habitat area
- Fisheries – marine plants
- Fisheries – waterway barrier works
- Hazardous chemical facilities
- Heritage places – Queensland heritage place (*on or near a Queensland heritage place*)
- Infrastructure-related referrals – designated premises
- Infrastructure-related referrals – state transport infrastructure
- Infrastructure-related referrals – State transport corridor and future State transport corridor
- Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels
- Infrastructure-related referrals – near a state-controlled road intersection
- Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas
- Koala habitat in SEQ region – key resource areas
- Ports – Brisbane core port land – near a State transport corridor or future State transport corridor
- Ports – Brisbane core port land – environmentally relevant activity (ERA)
- Ports – Brisbane core port land – tidal works or work in a coastal management district
- Ports – Brisbane core port land – hazardous chemical facility
- Ports – Brisbane core port land – taking or interfering with water
- Ports – Brisbane core port land – referable dams
- Ports – Brisbane core port land – fisheries
- Ports – Land within Port of Brisbane's port limits (*below high-water mark*)
- SEQ development area
- SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
- SEQ regional landscape and rural production area or SEQ rural living area – community activity
- SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
- SEQ regional landscape and rural production area or SEQ rural living area – urban activity
- SEQ regional landscape and rural production area or SEQ rural living area – combined use
- SEQ northern inter-urban break – tourist activity or sport and recreation activity



Queensland
Government

- SEQ northern inter-urban break – community activity
- SEQ northern inter-urban break – indoor recreation
- SEQ northern inter-urban break – urban activity
- SEQ northern inter-urban break – combined use
- Tidal works or works in a coastal management district
- Reconfiguring a lot in a coastal management district or for a canal
- Erosion prone area in a coastal management district
- Urban design
- Water-related development – taking or interfering with water
- Water-related development – removing quarry material (*from a watercourse or lake*)
- Water-related development – referable dams
- Water-related development – levees (*category 3 levees only*)
- Wetland protection area

Matters requiring referral to the local government:

- Airport land
- Environmentally relevant activities (ERA) (*only if the ERA has been devolved to local government*)
- Heritage places – Local heritage places

Matters requiring referral to the Chief Executive of the distribution entity or transmission entity:

- Infrastructure-related referrals – Electricity infrastructure

Matters requiring referral to:

- The **Chief Executive of the holder of the licence**, if not an individual
- The **holder of the licence**, if the holder of the licence is an individual
- Infrastructure-related referrals – Oil and gas infrastructure

Matters requiring referral to the Brisbane City Council:

- Ports – Brisbane core port land

Matters requiring referral to the Minister responsible for administering the Transport Infrastructure Act 1994:

- Ports – Brisbane core port land (*where inconsistent with the Brisbane port LUP for transport reasons*)
- Ports – Strategic port land

Matters requiring referral to the relevant port operator, if applicant is not port operator:

- Ports – Land within Port of Brisbane’s port limits (*below high-water mark*)

Matters requiring referral to the Chief Executive of the relevant port authority:

- Ports – Land within limits of another port (*below high-water mark*)

Matters requiring referral to the Gold Coast Waterways Authority:

- Tidal works or work in a coastal management district (*in Gold Coast waters*)

Matters requiring referral to the Queensland Fire and Emergency Service:

- Tidal works or work in a coastal management district (*involving a marina (more than six vessel berths)*)

18) Has any referral agency provided a referral response for this development application?

- Yes – referral response(s) received and listed below are attached to this development application
- No

Referral requirement	Referral agency	Date of referral response

Identify and describe any changes made to the proposed development application that was the subject of the referral response and this development application, or include details in a schedule to this development application (*if applicable*).

PART 6 – INFORMATION REQUEST

19) Information request under the DA Rules

I agree to receive an information request if determined necessary for this development application

I do not agree to accept an information request for this development application

Note: By not agreeing to accept an information request I, the applicant, acknowledge:

- that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties
- Part 3 under Chapter 1 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules or
- Part 2 under Chapter 2 of the DA Rules will still apply if the application is for state facilitated development

Further advice about information requests is contained in the [DA Forms Guide](#).

PART 7 – FURTHER DETAILS

20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)

Yes – provide details below or include details in a schedule to this development application

No

List of approval/development application references	Reference number	Date	Assessment manager
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			

21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)

Yes – a copy of the receipted QLeave form is attached to this development application

No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid

Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)

Amount paid	Date paid (dd/mm/yy)	QLeave levy number (A, B or E)
\$		

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?

Yes – show cause or enforcement notice is attached

No

23) Further legislative requirements

Environmentally relevant activities

23.1) Is this development application also taken to be an application for an environmental authority for an **Environmentally Relevant Activity (ERA)** under section 115 of the *Environmental Protection Act 1994*?

- Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below
- No

Note: Application for an environmental authority can be found by searching “ESR/2015/1791” as a search term at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.

Proposed ERA number:		Proposed ERA threshold:	
Proposed ERA name:			

- Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.

Hazardous chemical facilities

23.2) Is this development application for a **hazardous chemical facility**?

- Yes – *Form 536: Notification of a facility exceeding 10% of schedule 15 threshold* is attached to this development application
- No

Note: See www.business.qld.gov.au for further information about hazardous chemical notifications.

Clearing native vegetation

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation that the chief executive of the *Vegetation Management Act 1999* is satisfied the clearing is for a relevant purpose under section 22A of the *Vegetation Management Act 1999*?

- Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)
- No

Note: 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.
2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

Environmental offsets

23.4) Is this development application taken to be a prescribed activity that may have a significant residual impact on a **prescribed environmental matter** under the *Environmental Offsets Act 2014*?

- Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter
- No

Note: The environmental offset section of the Queensland Government’s website can be accessed at www.qld.gov.au for further information on environmental offsets.

Koala habitat in SEQ Region

23.5) Does this development application involve a material change of use, reconfiguring a lot or operational work which is assessable development under Schedule 10, Part 10 of the Planning Regulation 2017?

- Yes – the development application involves premises in the koala habitat area in the koala priority area
- Yes – the development application involves premises in the koala habitat area outside the koala priority area
- No

Note: If a koala habitat area determination has been obtained for this premises and is current over the land, it should be provided as part of this development application. See koala habitat area guidance materials at www.desi.qld.gov.au for further information.

Water resources

23.6) Does this development application involve **taking or interfering with underground water through an artesian or subartesian bore, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water under the *Water Act 2000***?

Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development

No

Note: Contact the Department of Resources at www.resources.qld.gov.au for further information.

DA templates are available from planning.statedevelopment.qld.gov.au. If the development application involves:

- Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1
- Taking or interfering with water in a watercourse, lake or spring: complete DA Form 1 Template 2
- Taking overland flow water: complete DA Form 1 Template 3.

Waterway barrier works

23.7) Does this application involve **waterway barrier works**?

Yes – the relevant template is completed and attached to this development application

No

DA templates are available from planning.statedevelopment.qld.gov.au. For a development application involving waterway barrier works, complete DA Form 1 Template 4.

Marine activities

23.8) Does this development application involve **aquaculture, works within a declared fish habitat area or removal, disturbance or destruction of marine plants**?

Yes – an associated *resource* allocation authority is attached to this development application, if required under the *Fisheries Act 1994*

No

Note: See guidance materials at www.daf.qld.gov.au for further information.

Quarry materials from a watercourse or lake

23.9) Does this development application involve the **removal of quarry materials from a watercourse or lake under the *Water Act 2000***?

Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development

No

Note: Contact the Department of Resources at www.resources.qld.gov.au and www.business.qld.gov.au for further information.

Quarry materials from land under tidal waters

23.10) Does this development application involve the **removal of quarry materials from land under tidal water under the *Coastal Protection and Management Act 1995***?

Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development

No

Note: Contact the Department of Environment, Science and Innovation at www.desi.qld.gov.au for further information.

Referable dams

23.11) Does this development application involve a **referable dam** required to be failure impact assessed under section 343 of the *Water Supply (Safety and Reliability) Act 2008* (the *Water Supply Act*)?

Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the *Water Supply Act* is attached to this development application

No

Note: See guidance materials at www.resources.qld.gov.au for further information.



Tidal work or development within a coastal management district

23.12) Does this development application involve **tidal work or development in a coastal management district**?

- Yes – the following is included with this development application:
- Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)
 - A certificate of title
- No

Note: See guidance materials at www.desi.qld.gov.au for further information.

Queensland and local heritage places

23.13) Does this development application propose development on or adjoining a place entered in the **Queensland heritage register** or on a place entered in a local government's **Local Heritage Register**?

- Yes – details of the heritage place are provided in the table below
- No

Note: See guidance materials at www.desi.qld.gov.au for information requirements regarding development of Queensland heritage places. For a heritage place that has cultural heritage significance as a local heritage place and a Queensland heritage place, provisions are in place under the Planning Act 2016 that limit a local categorising instrument from including an assessment benchmark about the effect or impact of, development on the stated cultural heritage significance of that place. See guidance materials at www.planning.statedevelopment.qld.gov.au for information regarding assessment of Queensland heritage places.

Name of the heritage place:		Place ID:	
-----------------------------	--	-----------	--

Decision under section 62 of the Transport Infrastructure Act 1994

23.14) Does this development application involve new or changed access to a state-controlled road?

- Yes – this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)
- No

Walkable neighbourhoods assessment benchmarks under Schedule 12A of the Planning Regulation

23.15) Does this development application involve reconfiguring a lot into 2 or more lots in certain residential zones (except rural residential zones), where at least one road is created or extended?

- Yes – Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered
- No

Note: See guidance materials at www.planning.statedevelopment.qld.gov.au for further information.

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist

I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17	<input checked="" type="checkbox"/> Yes
Note: See the <i>Planning Regulation 2017</i> for referral requirements	
If building work is associated with the proposed development, Parts 4 to 6 of DA Form 2 – Building work details have been completed and attached to this development application	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable
Supporting information addressing any applicable assessment benchmarks is with the development application	<input checked="" type="checkbox"/> Yes
Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see DA Forms Guide: Planning Report Template .	
Relevant plans of the development are attached to this development application	<input checked="" type="checkbox"/> Yes
Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans .	
The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable

25) Applicant declaration

- By making this development application, I declare that all information in this development application is true and correct
- Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*

Note: It is unlawful to intentionally provide false or misleading information.

Privacy – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager’s and/or referral agency’s website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, Planning Regulation 2017 and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the Planning Regulation 2017, and the access rules made under the *Planning Act 2016* and Planning Regulation 2017; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 9 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received: Reference number(s):

Notification of engagement of alternative assessment manager

Prescribed assessment manager	
Name of chosen assessment manager	
Date chosen assessment manager engaged	
Contact number of chosen assessment manager	
Relevant licence number(s) of chosen assessment manager	

QLeave notification and payment

Note: For completion by assessment manager if applicable

Description of the work	
QLeave project number	
Amount paid (\$)	Date paid (dd/mm/yy)
Date receipted form sighted by assessment manager	
Name of officer who sighted the form	

Queensland Titles Registry Pty Ltd
 ABN 23 648 568 101

Title Reference: 50919126	Search Date: 17/09/2025 16:28
Date Title Created: 16/07/2013	Request No: 53401777
Previous Title: 50660033	

ESTATE AND LAND

Estate in Fee Simple
 LOT 256 SURVEY PLAN 253223
 Local Government: TOWNSVILLE

REGISTERED OWNER

Dealing No: 715199208 12/07/2013
 DIANA ELIZABETH BRABON

EASEMENTS, ENCUMBRANCES AND INTERESTS

- Rights and interests reserved to the Crown by Deed of Grant No. 10620250 (POR 318)
- EASEMENT No 715556439 22/01/2014 at 11:21 benefiting the land over THE WHOLE OF THE LAND
- EASEMENT No 716731679 03/09/2015 at 14:27 benefiting the land over THE WHOLE OF THE WITHIN LAND
- EASEMENT No 722406021 12/04/2023 at 12:56 burdening the land to LOT 318 ON SP196179 OVER EASEMENT A ON SP338027

ADMINISTRATIVE ADVICES

Dealing	Type	Lodgement Date	Status
711987155	VEG NOTICE VEGETATION MANAGEMENT ACT 1999	15/10/2008 11:48	CURRENT

UNREGISTERED DEALINGS

NIL

Corrections have occurred - Refer to Historical Search
 Caution - Charges do not necessarily appear in order of priority
 ** End of Current Title Search **

EASEMENT



715556439

TE 600

\$157.40
22/01/2014 11:21

Duty Imprint

Client No: 1051184 *Duties Act 2001*

Transaction No: 507-488-799

Duty Paid \$ NIL Exempt

UTI \$ —

Date: 17/01/14 Signed: [Signature]

1. **Grantor** **Lodger** (Name, address, email & phone number) **Lodger Code**

Diana Elizabeth Brabon **BOLTON CLEARLY + KERN** **023**
PO Box 1099, TOWNSVILLE 4810

2. Description of Easement/Lot on Plan	County	Parish	Title Reference
Servient Tenement (burdened land) Lot 257 on SP 253223	Elphinstone	Bohle	50919127
*Dominant Tenement (benefited land) Lot 256 on SP253223	Elphinstone	Bohle	50919126

* not applicable if easement in gross

3. **Interest being burdened** **4. # Interest being benefited**

Fee Simple Fee Simple
not applicable if easement in gross

5. **Grantee** Given names Sumame/Company name and number (include tenancy if more than one)

Diana Elizabeth Brabon

6. **Consideration** **7. Purpose of easement**

\$1.00 Water supply

8. **Grant/Execution**

The Grantor for the above consideration grants to the Grantee the easement over the servient tenement for the purpose stated in item 7 and the Grantor and Grantee covenant with each other in terms of the attached schedule.

Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994

signature.....
full name..... Mark Budel
qualification..... Solicitor

Witnessing Officer

(Witnessing officer must be in accordance with Schedule 1 of the Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

6/1/13
Execution Date

[Signature]
Diana Elizabeth Brabon
Grantor's Signature

signature.....
full name..... Mark Budel
qualification..... Solicitor

Witnessing Officer

(Witnessing officer must be in accordance with Schedule 1 of the Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

6/1/13
Execution Date

[Signature]
Diana Elizabeth Brabon
Grantee's Signature

Title Reference 50919127

1. DEFINITIONS AND INTERPRETATION

1.1 The following definitions and those on the Form 9 apply unless the context requires otherwise:

- (a) **"Easement"** means this easement including the schedules to it and any later amendments or variations made by the parties in writing.
- (b) **"Grantee"** means Diana Elizabeth Brabon, its successors, administrators and assigns and any person rightfully claiming through or under a trust from the Grantee, an estate or interest in the Land.
- (c) **"Grantor"** means Diana Elizabeth Brabon and their successors, administrators and assigns and any person rightfully claiming through or under a trust from the Grantor, an estate or interest in the Land.
- (d) **"Option Deed"** means the Option Deed dated 5 April 2012 in respect of Lot 256.
- (e) **"Servient Tenement"** means the land described as the "Servient Tenement" at item 2 of the Land Title Act 1994 Form 9.
- (f) **"Vehicles"** means any laden or unladen vehicle, machinery, item of plant, or equipment of any description.
- (g) **"Watercourse"** means a channel or any other artificial or natural watercourse of whatever nature (including the embankments) used by the Grantee for the retention and/or conveyance of water and anything mixed in the water on, over or under the Servient Tenement.
- (h) **"Watercourse Equipment"** means all equipment and fixtures installed in, on or under the Servient Tenement including, but not limited to:
 - (i) engines, motors, pumps, electrical machinery and/or any other machinery equipment;
 - (ii) engine sheds, marker posts and plates or other structures of any kind; and
 - (iii) pipelines.

which the Grantee, in its absolute discretion, deems necessary to provide for the conveyance of water and any material mixed in the water on, over or under the Servient Tenement whether the equipment causes the movement of water over a Watercourse for the purposes of the Grantee or diverts the flow of water for the use of the water by a third party.

- (i) **"Watercourse Works"** means inspecting, maintaining, replacing, cleansing, amending, enlarging, repairing, altering, replacing and removing a Watercourse or any Watercourse Equipment and includes without limitation:
 - (i) water quality testing;
 - (ii) constructing and maintaining pipelines; and
 - (iii) digging into, sinking shafts in, erecting scaffolding on and opening and breaking up the soil of the Servient Tenement, or any part or parts of the Servient Tenement including the subsurface.
- (j) **"Workmen"** means agents, officers, employees, inspectors, invitees and contractors of the Grantee including without limitation engineers, surveyors and their labourers.

Title Reference 50919127

- 1.2 In the interpretation of this Easement, unless the context otherwise requires:
- (a) headings are for convenience only and do not affect the interpretation;
 - (b) the singular includes the plural and the plural includes the singular;
 - (c) a person includes an individual and a corporation;
 - (d) a reference to a right or obligation of any party comprising two or more people confers that right, or imposes that obligation, jointly and severally on the parties;
 - (e) a reference to legislation includes an amendment or substitution of the legislation referenced and any regulation or statutory instrument issued under it;
 - (f) unless stated otherwise, one word or provision does not limit the effect of another;
 - (g) a reference to the whole includes a reference to part; and
 - (h) all obligations are taken to be required to be performed properly and punctually.
- 1.3 This Easement is governed by the law of the State of Queensland and the parties submit to the non-exclusive jurisdiction of the courts of that State.

2. GRANT OF EASEMENT – WATERCOURSE

- 2.1 The Grantor hereby grants and transfers to the Grantee this Easement over the Servient Tenement for:
- (a) the passage or conveyance of water (including anything mixed in the water) and for any other associated purpose;
 - (b) the construction, use and maintenance of a Watercourse on, over or under the Servient Tenement;
 - (c) the construction, use and maintenance of Watercourse Equipment;
 - (d) the right of lateral or subjacent support from adjoining land for any Watercourse and any Watercourse Equipment; and
 - (e) free and uninterrupted access to the Servient Tenement for the purposes of conducting Watercourse Works and inspecting any Watercourse.
- 2.2 For the purposes of clause 2.1(e) the Grantee's right of access includes the right:
- (a) to enter the Servient Tenement with Workmen;
 - (b) to enter the Servient Tenement with or without Vehicles;
 - (c) to bring onto the Servient Tenement or to remove from it any materials, tools and anything else the Grantee, in its absolute discretion, determines necessary;
 - (d) to do such works incidental to the Watercourse Works as the Grantee in its absolute discretion deems appropriate;

Title Reference 50919127

- (e) to bring onto the Servient Tenement any Vehicles, materials, tools, Watercourse Equipment and anything else the Grantee, in its absolute discretion, deems necessary; and
- (f) to have access through, over and across land adjoining the Servient Tenement by a convenient route or means of access provided that the Grantee uses the land adjoining the Servient Tenement in a manner which does not unreasonably interfere with the development of the Servient Tenement.

3. USE OF THE SERVIENT TENEMENT

- 3.1 The Grantor covenants with the Grantee that it will not take any action or do anything which damages or obstructs a Watercourse or any Watercourse Equipment installed in or placed on, under or over the Servient Tenement. In the event that the Grantor breaches this covenant then the Grantee may carry out or have carried out, any works necessary to remove any obstruction to a Watercourse or to Watercourse Equipment and/or to otherwise restore relevant Watercourse and/or Watercourse Equipment and shall be entitled to recover the costs of such works from the Grantor as a liquidated debt.
- 3.2 The Grantor warrants that it shall at all times refrain from using the Servient Tenement or the adjacent land in a manner likely to obstruct or unreasonably hinder access to or use of the Servient Tenement by the Grantee.
- 3.3 Nothing in this Easement shall restrict the rights of the Developer under the Option Deed to develop the Servient Tenement in accordance with the provisions of the Option Deed.

4. CROSSING

- 4.1 The Grantee shall construct, at the Grantor's cost and to a standard determined by the Grantee, such crossings over Watercourse which the Grantee, in its sole and absolute discretion, considers necessary to enable the Grantor or the occupiers of the Grantor's land situate on each side of the Servient Tenement to cross over a Watercourse.
- 4.2 The Grantor indemnifies the Grantee from any loss or damage arising from the actions of the Grantor, to the Grantee, its Workmen or other authorised persons sustain from the use or construction of a crossing, or from the failure of the crossing to be repaired or maintained by the Grantor

5. CONDITIONS OF GRANT

- 5.1 The grant of this Easement is subject to the following:
 - (a) any Watercourse and all Watercourse Equipment installed in or placed upon the said Servient Tenement shall at all times remain the property of the Grantee.
 - (b) for the purpose of gaining access to the Servient Tenement the Grantee shall be entitled to pull down or break open any fencing on or adjacent to the Servient Tenement.
- 5.2 In lieu of reinstating any fence pulled down in accordance with clause 5.1(b), the Grantee may install a gate the quality of the materials and workmanship of which (except with the Grantor's consent) shall be not less than the quality of the materials and workmanship of the existing fence. All such gates shall become the property of the owner of the relevant fence and thereafter shall be maintained by the said owner.

6. GRANTOR'S WARRANTY AND INDEMNITY

- 6.1 The Grantor warrants that it has the full capacity to enter into this Easement.

Title Reference 50919127

6.2 The Grantee is hereby granted the right of quiet enjoyment of its rights arising pursuant to this Easement and the benefit of this Easement is received from the Grantor and taken by the Grantee without interruption or disturbance by the Grantor, and free and discharged from, all estates, encumbrances, claims or demands as either before or after the date hereof have been or shall be made, occasioned or suffered by the Grantor.

7. TITLE DEED AND MORTGAGEE'S CONSENT

7.1 The Grantor shall make available the relevant Title Deed (if any) to enable registration of this grant of Easement.

7.2 In the event that there is a mortgage or other security registered over the land then the Grantee shall, if requested by the Grantor and at the Grantee's cost, obtain the mortgagee's consent to the registration of this easement.

8. COST

8.1 Each party will pay their own costs for the preparation of this Easement.

8.2 The Grantee shall pay for the execution, stamping and registration of this grant of this Easement.

9. NOTICES

9.1 Any notice or other communication given by a party in connection with this Easement is deemed to have been duly given when made in writing and signed by the party or, in the case of a corporation, by any authorised officer of the corporation and sent by prepaid post or facsimile to:

(a) the last known residential or business address of the other party (in the case of an individual);
or

(b) the registered office of the other party (in the case of a corporation).

9.2 Any notice or other communication sent by post shall be deemed to have been received at the expiration of 2 business days after the date of posting.

9.3 Any notice or other communication sent by facsimile shall be deemed to have been received upon production by the sending party's facsimile machine of a transmission report indicating the facsimile has been successfully sent.

10. GENERAL PROVISIONS

10.1 No variation, modification or waiver of any provision of this Easement will be of any effect unless it is in writing signed by the parties. Any variation, modification or waiver will be effective only to the extent to or for which it may be made or given.

10.2 No failure, delay, relaxation or indulgence by any party in exercising any legal, equitable, contractual, statutory or other right, power, authority, benefit, privilege, remedy, discretion or cause of action conferred on that party by this Easement will operate as a waiver of it, nor will any single or partial exercise or any single failure to exercise preclude any other or future exercise of a right, power, authority, benefit, privileged, remedy, discretion or cause under or in connection with this Easement.

10.3 The Grantor and Grantee must do all things and sign all deeds and other documents, which may be reasonably required by the other party so as to carry out and give effect to the terms and intentions of this Easement.

1. Lot on Plan Description	County	Parish	Title Reference
LOT 257 ON SP253223	ELPHINSTONE	BOHLE	50919127

2. Instrument/document being consented to

Instrument/document type Easement

Dated 06/11/2013

Names of parties DIANA ELIZABETH BRABON as Grantor and DIANA ELIZABETH BRABON as Grantee

3. Instrument/document under which consent required

Instrument/document type Caveat

Dealing No. 715185352

Name of consenting party MAIDMENT LAND PTY LTD ACN 154 889 004.....

4. Execution by consenting party

The party identified in item 3 consents to the registration of the instrument/document identified in item 2.

Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994

.....signature

.....full name

.....qualification

Witnessing Officer

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

Mortgagee's Australian Credit Licence

Privacy Statement

Collection of this information is authorised by the Land Title Act 1994 the Land Act 1994 and the Water Act 2000 and is used to maintain the publicly searchable registers in the land registry and the water register. For more information about privacy in DNRM, see the department's website.

12, 12, 2013
Execution Date
Consenting Party's Signature
Maidment Land Pty Ltd
ACN 154 889 004

PARTNERS
P Logan :: JK Guy :: S Kelly
M Budd :: JA Bligh :: DR Sampson



24 January 2014

The Registrar
Department of Natural Resources & Mines
Level 3, State Government Building
187-209 Stanley Street
Cnr Walker Street
TOWNSVILLE QLD 4810

By delivery

Our Ref: MB:85322/kt

Dear Sirs


DOCUMENT NO. 715556439

We refer to the requisition issued on 24 January 2014 with respect to the above document.

We confirm that the whole of Lot 257 on SP253223 is being burned by this Easement.

We look forward to receiving the registration confirmation statement in due course.

Yours faithfully
BOULTON CLEARY & KERN

for: 
Mark Budd
Partner

J:\MATTERS\85322\1741297.doc

Boulton Cleary & Kern Lawyers :: ABN 32 986 001 197
39 Martinez Avenue, West End Qld 4810
P O Box 1099, Townsville Qld 4810
:: Tel 07 4772 9200 :: Fax 07 4772 9222
:: info@bck.com.au :: www.bck.com.au



Julie Bligh
:: Accredited specialist in Personal Injuries Law
Mark Budd
:: Accredited specialist in Property Law

Liability limited by a scheme approved under Professional Standards Legislation.

EASEMENT



716731679

\$168.60
03/09/2015 14:27

Client No: 1051184 Duty Imprint _____ Dates Act 2001 _____
 Transaction No: 510-522-329
 Duty Paid \$ NIL Exempt
 UTI \$ _____
 Date: 03/09/15 Signed: [Signature]

TE 600

1. **Grantor**
Diana Elizabeth Brabon

Lodger (Name, address, email & phone number)
BOULTON CLEARY & KERN, Solicitors
PO Box 1099
Townsville Qld 4810
Tel: (07) 4772 9200 Ref: MB:86177

Lodger Code
023

2. Description of Easement/Lot on Plan	County	Parish	Title Reference
Servient Tenement (burdened land) Lot 318 on SP 196179	ELPHINSTONE	BOHLE	50660034
*Dominant Tenement (benefited land) Lot 256 on SP253223	ELPHINSTONE	BOHLE	50919126

* not applicable if easement in gross

3. **Interest being burdened**
Fee Simple

4. **# Interest being benefited**
N/A
not applicable if easement in gross

5. **Grantee** Given names Surname/Company name and number (include tenancy if more than one)
Diana Elizabeth Brabon

6. **Consideration**
\$1.00

7. **Purpose of easement**
Access

8. **Grant/Execution**
The Grantor for the above consideration grants to the Grantee the easement over the servient tenement for the purpose stated in item 7 and the Grantor and Grantee covenant with each other in terms of the attached schedule.

Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994

signature [Signature]

full name Mark Budd

qualification Solicitor

Witnessing Officer
(Witnessing officer must be in accordance with Schedule 1 of the Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

20/8/15 [Signature]
Execution Date **Grantor's Signature**
Diana Elizabeth Brabon

signature [Signature]

full name Mark Budd

qualification Solicitor

Witnessing Officer
(Witnessing officer must be in accordance with Schedule 1 of the Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

20/8/15 [Signature]
Execution Date **Grantee's Signature**
Diana Elizabeth Brabon

Title Reference 50660034

1. DEFINITIONS AND INTERPRETATION

1.1 The following definitions and those on the Form 9 apply unless the context requires otherwise:

- (a) **"Easement"** means this easement including the schedules to it and any later amendments or variations made by the parties in writing; and
- (b) **"Local Government"** means the Townsville City Council.

1.2 In the interpretation of this Easement, unless the context requires otherwise:

- (a) Headings are for convenience only and do not affect interpretation;
- (b) The singular includes the plural and the plural includes the singular;
- (c) A person includes an individual and a corporation;
- (d) A reference to any party to this Easement includes its successors and assigns;
- (e) A reference to a right or obligation of any part comprising two or more people confers that right, or imposes that obligation, on each of them individually and both (or all) of them together;
- (f) A reference to legislation includes an amendment of or substitution for it and a regulation or statutory instrument issued under it;
- (g) Unless stated otherwise, one word or provision does not limit the effect of another;
- (h) Reference to the whole includes part; and
- (i) All obligations are taken to be required to be performed properly and punctually.

1.3 This Easement is governed by Queensland law.

2. GRANT OF EASEMENT

2.1 The Grantor grants and transfers to the Grantee an easement of right of way over the Servient Tenement as a vehicle and pedestrian access-way on the terms set out in this Easement.

2.2 The right of way conferred by clause 2.1 of this Easement:

- (a) Is granted in common with the rights of the Grantor and all person duly authorised by the Grantor;
- (b) May be exercised by the Grantee and other persons duly authorised by the Grantee including the Grantee's Agents, Servants, Employees, Customers and Patrons of the Dominant Tenement;
- (c) May be exercised with or without vehicles; and
- (d) Permits passing and repassing over the Servient Tenement and camping on the Servient Tenement at all times of the day and night.

3. TERM OF EASEMENT

3.1 The Grantor shall have the right to use the Servient Tenement from the date of this document pursuant to the terms of this document until the Dominant Tenement is no longer owned by Diana Elizabeth Brabon or a child, grandchild or great grandchild of Diana Elizabeth Brabon.

Title Reference 50660034

4. USE OF THE SERVIENT TENEMENT

4.1 The Grantor and the Grantee must not:

- (a) Do or permit anything to be done on the Servient Tenement which may cause any nuisance to any person in the vicinity of the Servient Tenement;
- (b) Cause any rubbish or litter to be or accumulate on the Servient Tenement;
- (c) Allow any vehicle or any thing to remain on the Servient Tenement so as to impede the movement of pedestrians or vehicles on or across the Servient Tenement;
- (d) Cause or allow any obstruction or other hindrance to be erected accumulated or formed on the Servient Tenement so as to impede the access across the Servient Tenement or the exercise of any right ancillary to the right hereby conferred without the prior consent in writing of the other party; or
- (e) Erect a gate on the Servient Tenement unless consent to the construction of the gate is given by both the Grantee and Grantor in writing and both the Grantee and Grantor must be provided with a key or such other device as is necessary to unlock the gate and gain access to the Servient Tenement

5. MAINTENANCE OF SERVIENT TENEMENT

5.1 The cost of maintaining the Servient Tenement shall be borne by the Grantor.

6. NOTICES

6.1 Any notice or other communication given by a party in connection with this Easement is deemed to have been duly given when made in writing and signed by the party or, in the case of a corporation, by any authorised officer of the party and sent by prepaid post or facsimile to:

- (a) The last known residential or business address of the other part (in the case of an individual); or
- (b) The registered office or last known business address of the other party (in the case of a corporation).

6.2 Any notice or other communication sent by post shall be deemed to have been received at the expiration of three (3) business days after the date of posting.

6.3 Any notice or other communication sent by facsimile shall be deemed to have been received upon production by the sending party's facsimile machine of a transmission report indicating the facsimile has been successfully sent.

7. DISPUTE RESOLUTION

7.1 Any dispute which arises between the Grantor and the Grantee to this Easement may be determined by a solicitor of the Supreme Court of Queensland appointed by the President at the relevant time of the Queensland Law Society Incorporated at the request of the Grantor or the Grantee.

7.2 The solicitor shall act as an expert not as an arbitrator and the solicitor's determination is final and binding on both parties.

7.3 The costs of the solicitor's determination shall be borne equally by the Grantor and the Grantee.

7.4 This method of determination of any dispute is without prejudice to the rights of any party to have the dispute judicially determined by a Queensland Court of competent jurisdiction.

8. COSTS

8.1 The Grantee and the Grantor must pay their own costs (including legal costs) in relation to the preparation, negotiation, and execution of this Easement.

Title Reference 50660034

8.2 The Grantor must pay all stamp duty, registration fees, local government fees and survey fees in connection with this Easement.

9. GENERAL

9.1 No variation, modification or waiver of any provision of this Easement will be of any effect unless it is in writing signed by the parties or (in the case of a waiver) by the party giving it. Any variation, modification or waiver will be effective only to the extent to or for which it may be made or given.

9.2 No failure, delay, relaxation or indulgence by any party in exercising any legal, equitable, contractual, statutory or other right, power, authority, benefit, privilege, remedy, discretion or cause of action conferred on that party by this Easement will operate as a waiver of it, nor will any single or partial exercise nor any single failure to do so preclude any other or future exercise under this Easement.

9.3 The Grantor and Grantee must do all things and sign all deeds and other documents which may be reasonably required by the other party so as to carry out and give effect to the terms and intentions of this Easement.

9.4 The parties agree that the Easement will not be varied, amended or surrendered without the written consent of the Local Government.

Landowner's consent to the making of a development application under the *Planning Act 2016*

I, DIANA ELIZABETH BRABON,

as owner(s) of premises identified as:

Lot 256 on SP253223 and located at 829 Brabon Road, Beach Holm

consent to the making of a development application under the *Planning Act 2016* by Northpoint Planning on the premises described above.

Diana Elizabeth Brabon

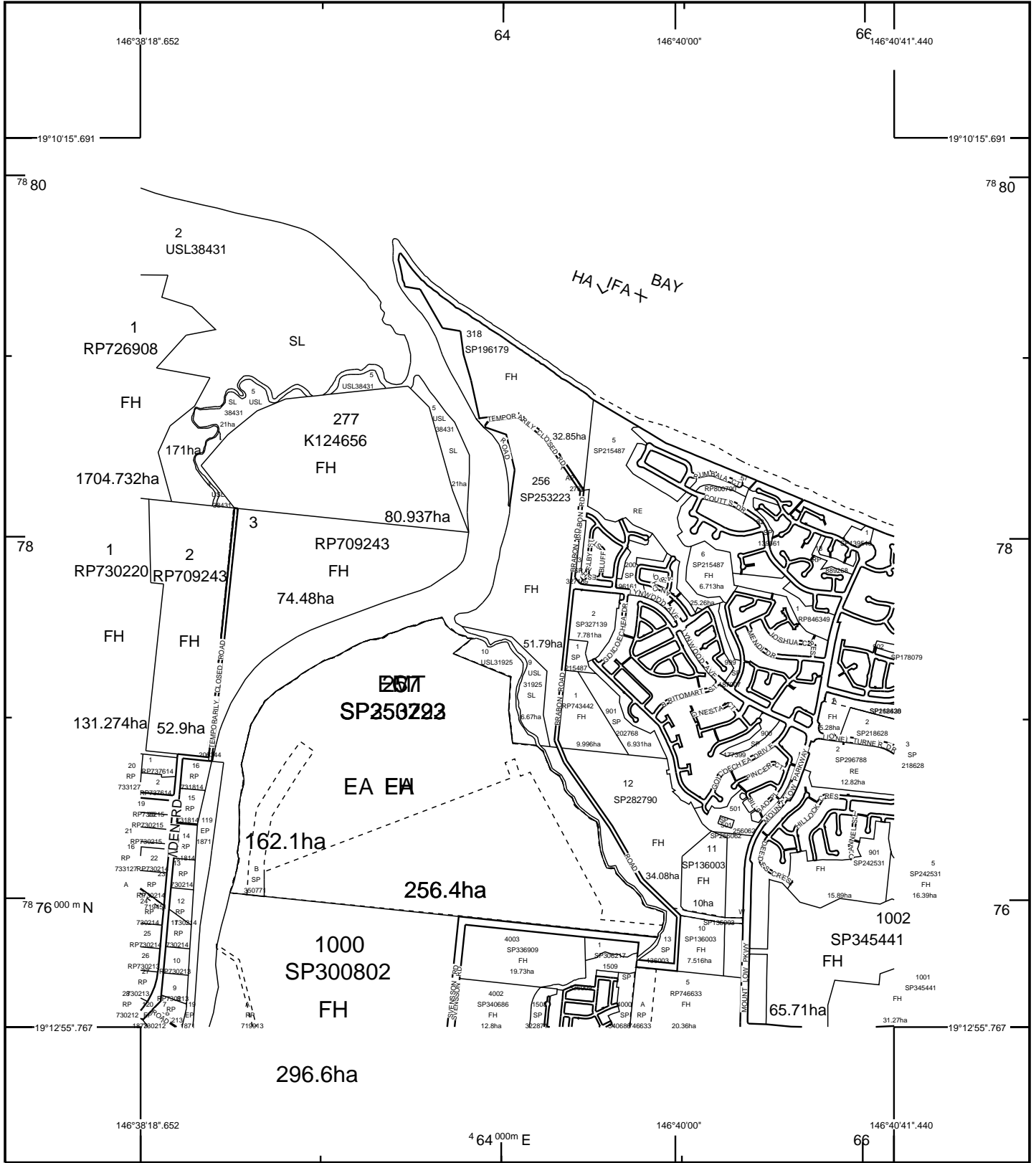
Signature

6/11/25.

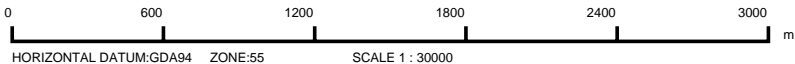
Date



Appendix 2

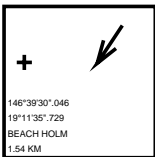


STANDARD MAP NUMBER
8259-42314



SmartMap

MAP WINDOW POSITION & NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

DCDB	256/SP253223
Lot/Plan	51.79ha
Area/Volume	FREEHOLD
Tenure	TOWNSVILLE CITY
Local Government	BEACH HOLM
Locality	31925/861
Segment/Parcel	

CLIENT SERVICE STANDARDS

PRINTED 04/04/2025

DCDB 03/04/2025 (Lots with an area less than 1.000ha are not shown)

Users of the information recorded in this document (the Information) accept all responsibility and risk associated with the use of the Information and should seek independent professional advice in relation to dealings with property.

An External Product of SmartMap Information Services
Based upon an extraction from the Digital Cadastral Data Base



Queensland Government
(c) The State of Queensland, (Department of Resources) 2025.



Matters of Interest for all selected Lot Plans

Coastal management district

Coastal area - erosion prone area

Coastal area - medium storm tide inundation area

Coastal area - high storm tide inundation area

Queensland waterways for waterway barrier works

Major (tidal)

Wetland protection area trigger area

Regulated vegetation management map (Category A and B extract)

Matters of Interest by Lot Plan

Lot Plan: 256SP253223 (Area: 517900 m²)

Coastal management district

Coastal area - erosion prone area

Coastal area - medium storm tide inundation area

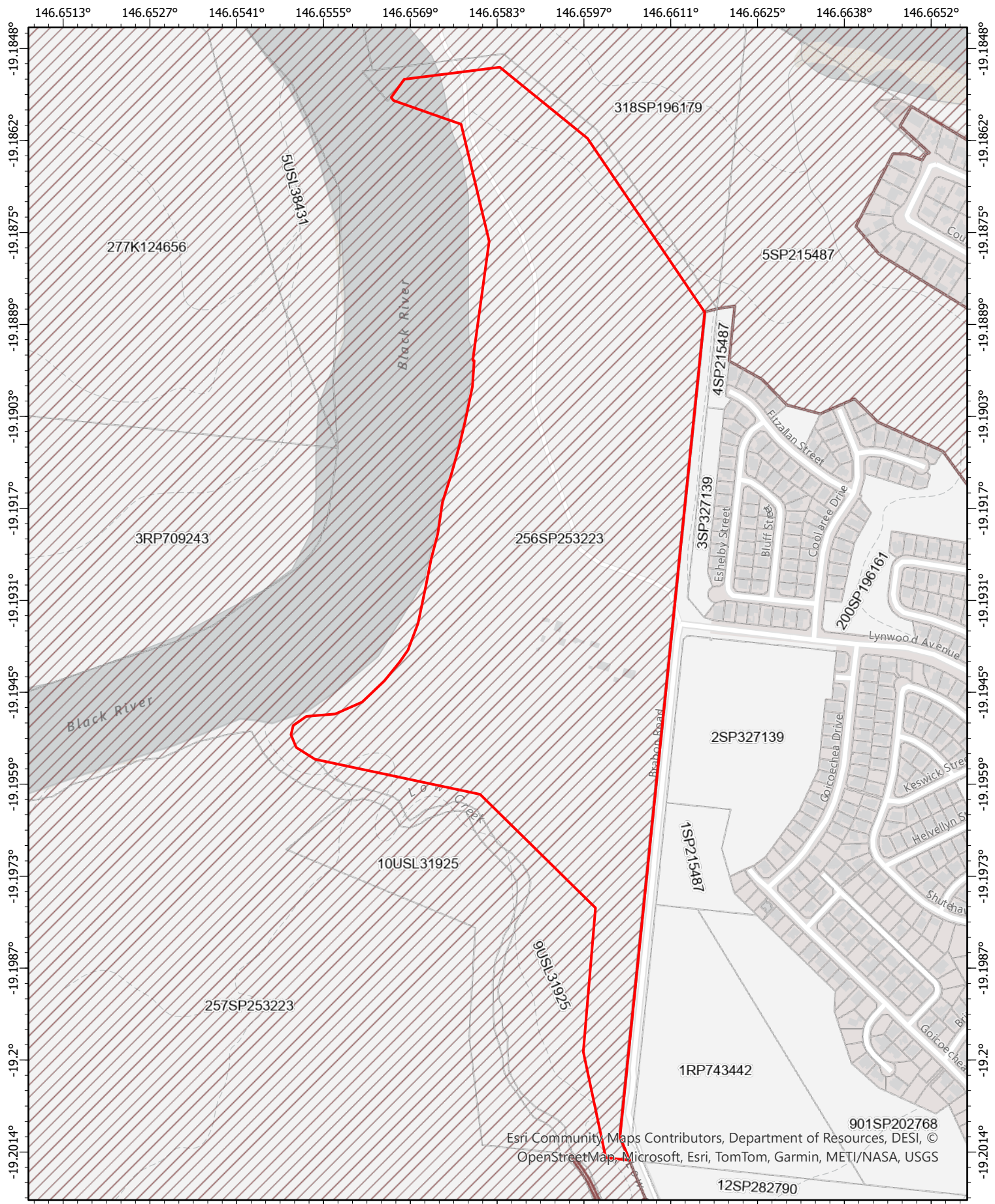
Coastal area - high storm tide inundation area


Queensland waterways for waterway barrier works

Major (tidal)

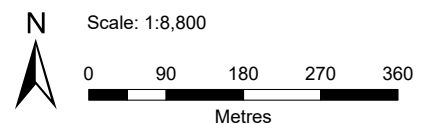
Wetland protection area trigger area

Regulated vegetation management map (Category A and B extract)



 Coastal management district

Date: 04/04/2025



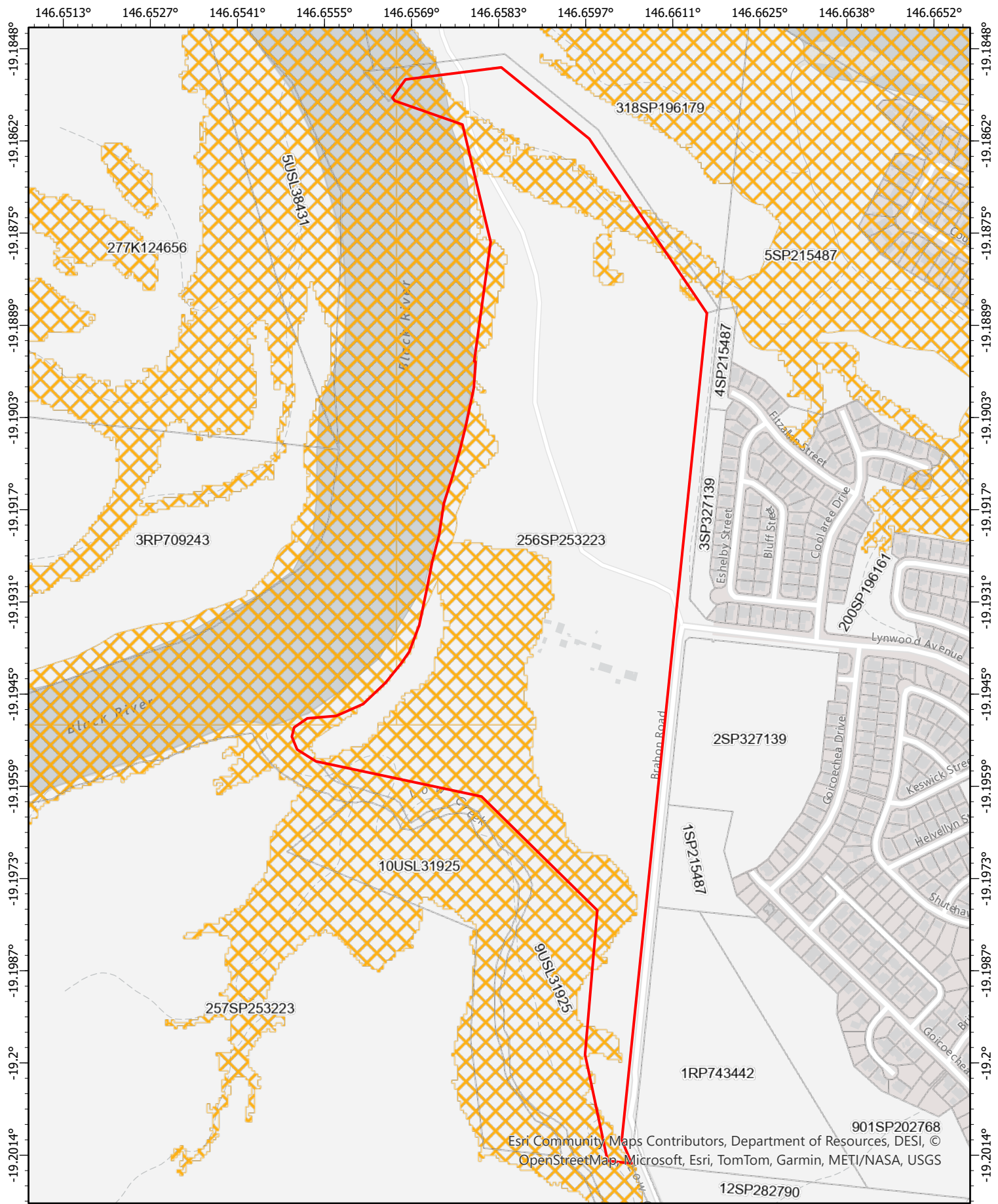
Queensland Government




Disclaimer This map has been generated from the information supplied to the Queensland Government for the purposes of the Development Assessment Mapping System. The map generated has been prepared with due care based on the best available information at the time of publication. The State of Queensland holds no responsibility for any errors, inconsistencies or omissions within this document. Any decisions made by other parties based on this document are solely the responsibility of those parties.

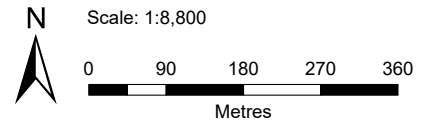
© The State of Queensland 2025.

Document Set ID: 28344075
Version: 1, Version Date: 07/05/2026



 Coastal area - erosion prone area

Date: 04/04/2025

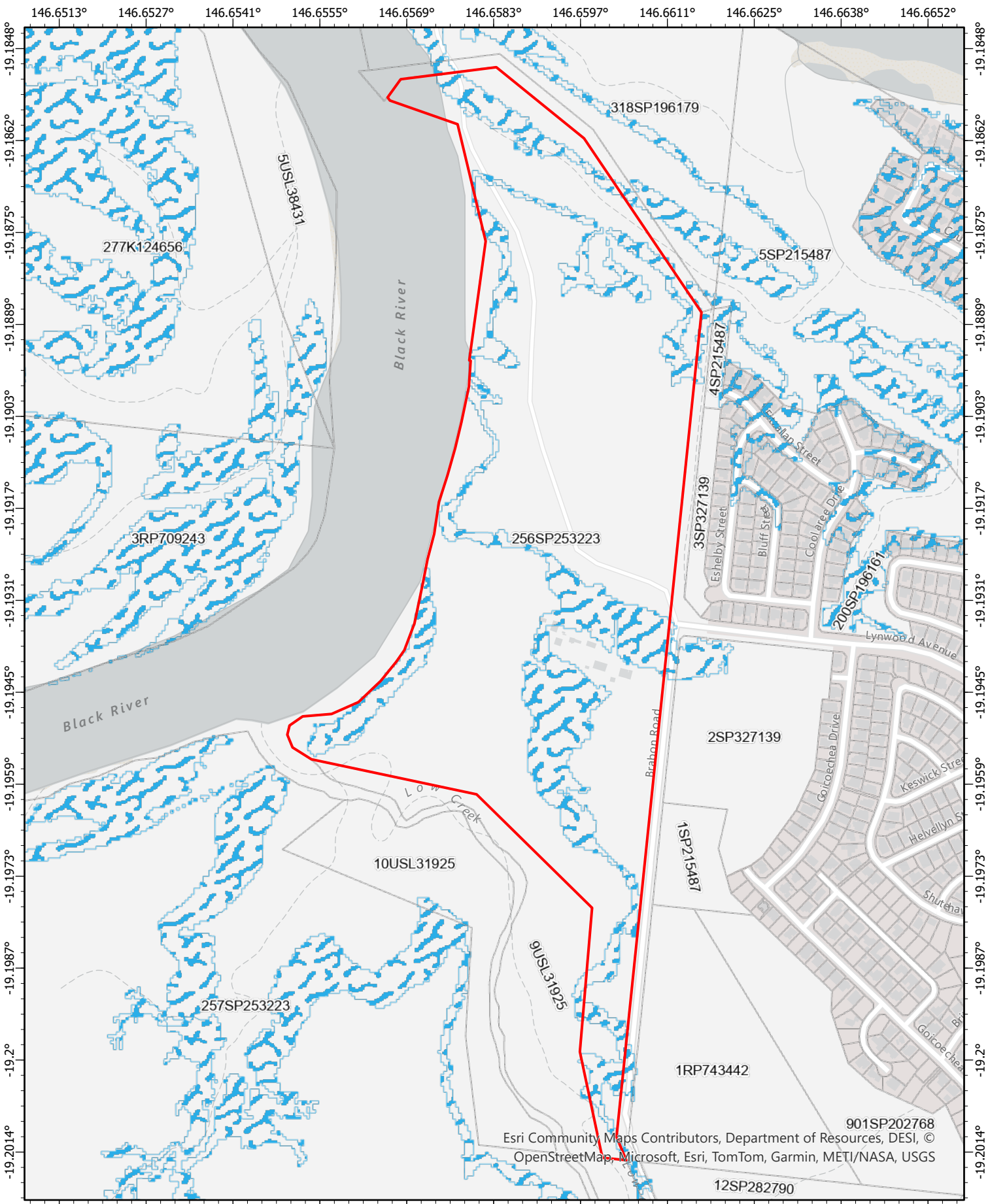



Queensland
Government

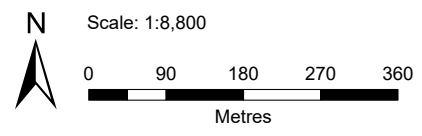


Disclaimer This map has been generated from the information supplied to the Queensland Government for the purposes of the Development Assessment Mapping System. The map generated has been prepared with due care based on the best available information at the time of publication. The State of Queensland holds no responsibility for any errors, inconsistencies or omissions within this document. Any decisions made by other parties based on this document are solely the responsibility of those parties.

© The State of Queensland 2025.



 Coastal area - medium storm tide inundation area



Date: 04/04/2025

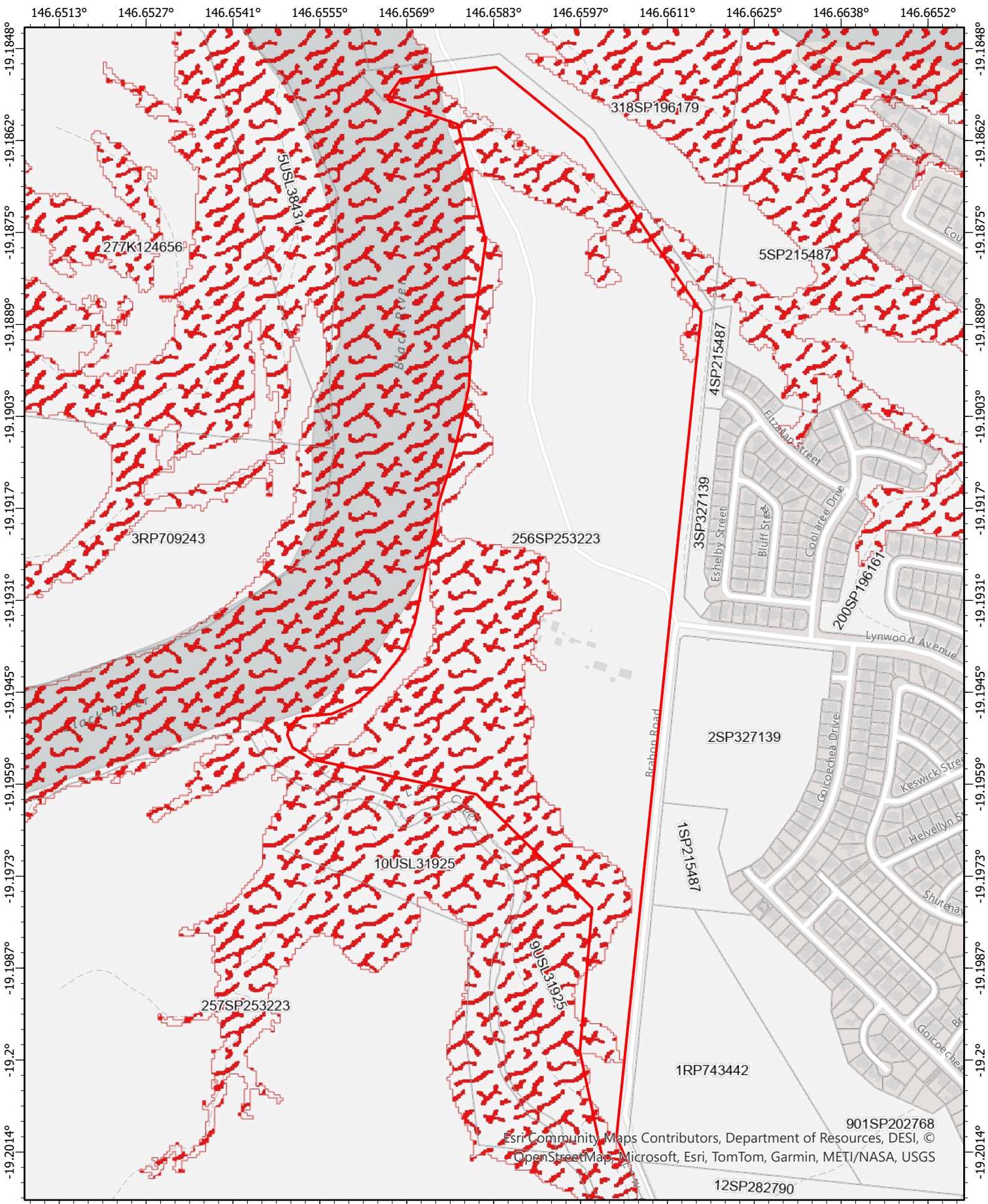
Disclaimer This map has been generated from the information supplied to the Queensland Government for the purposes of the Development Assessment Mapping System. The map generated has been prepared with due care based on the best available information at the time of publication. The State of Queensland holds no responsibility for any errors, inconsistencies or omissions within this document. Any decisions made by other parties based on this document are solely the responsibility of those parties.


Queensland Government



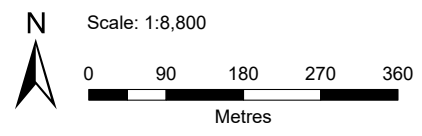
© The State of Queensland 2025.

Document Set ID: 28344075
Version: 1, Version Date: 07/05/2026



 Coastal area - high storm tide inundation area

Date: 04/04/2025



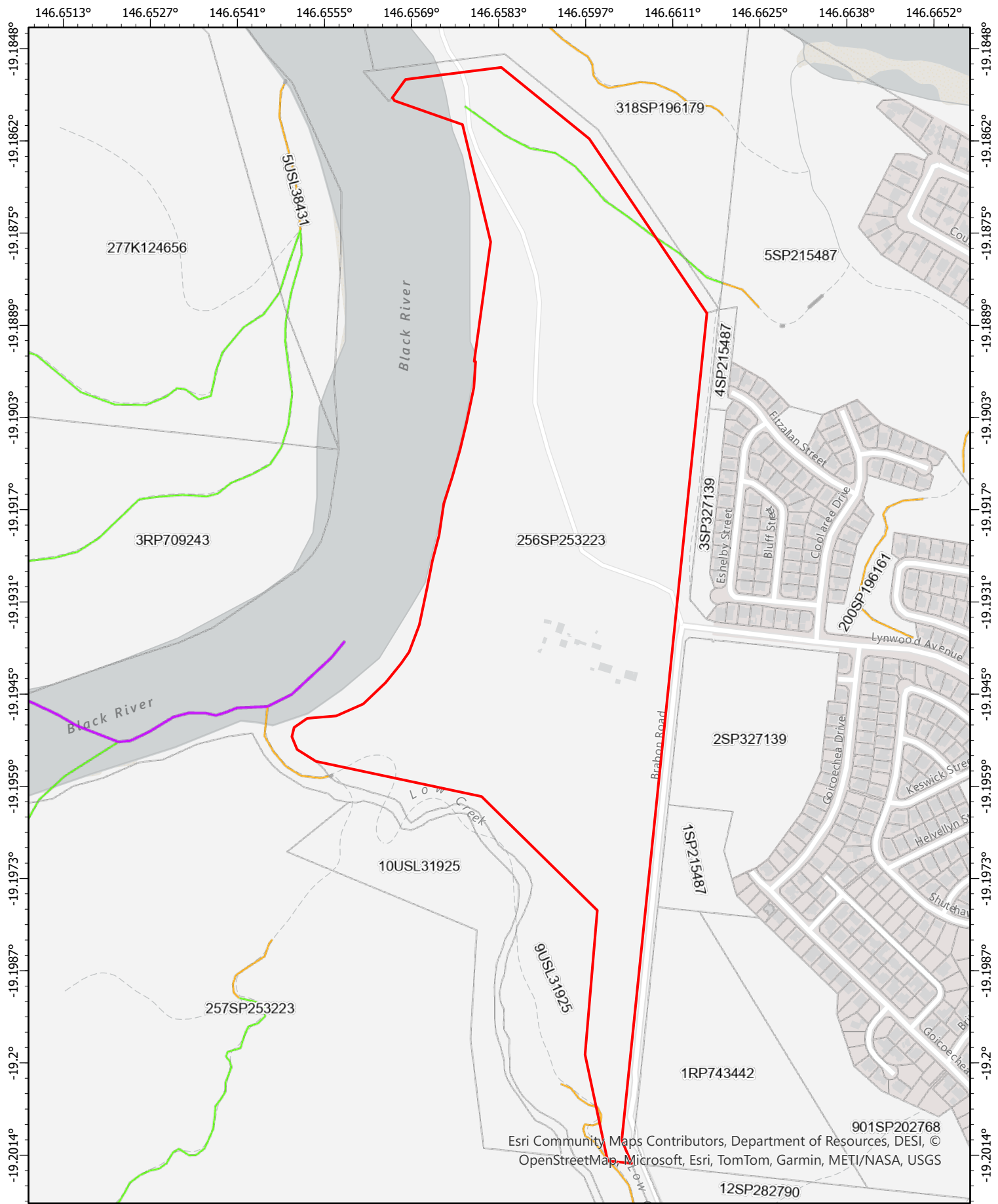
Disclaimer This map has been generated from the information supplied to the Queensland Government for the purposes of the Development Assessment Mapping System. The map generated has been prepared with due care based on the best available information at the time of publication. The State of Queensland holds no responsibility for any errors, inconsistencies or omissions within this document. Any decisions made by other parties based on this document are solely the responsibility of those parties.

Queensland Government



© The State of Queensland 2025.

Document Set ID: 28344075
Version: 1, Version Date: 07/05/2026



Queensland waterways for waterway barrier works

Risk of impact

Low

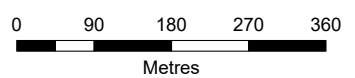
Moderate

Major

Major (tidal)



Scale: 1:8,800



Date: 04/04/2025

Esri Community Maps Contributors, Department of Resources, DESI, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, METI/NASA, USGS

Disclaimer This map has been generated from the information supplied to the Queensland Government for the purposes of the Development Assessment Mapping System. The map generated has been prepared with due care based on the best available information at the time of publication. The State of Queensland holds no responsibility for any errors, inconsistencies or omissions within this document. Any decisions made by other parties based on this document are solely the responsibility of those parties.

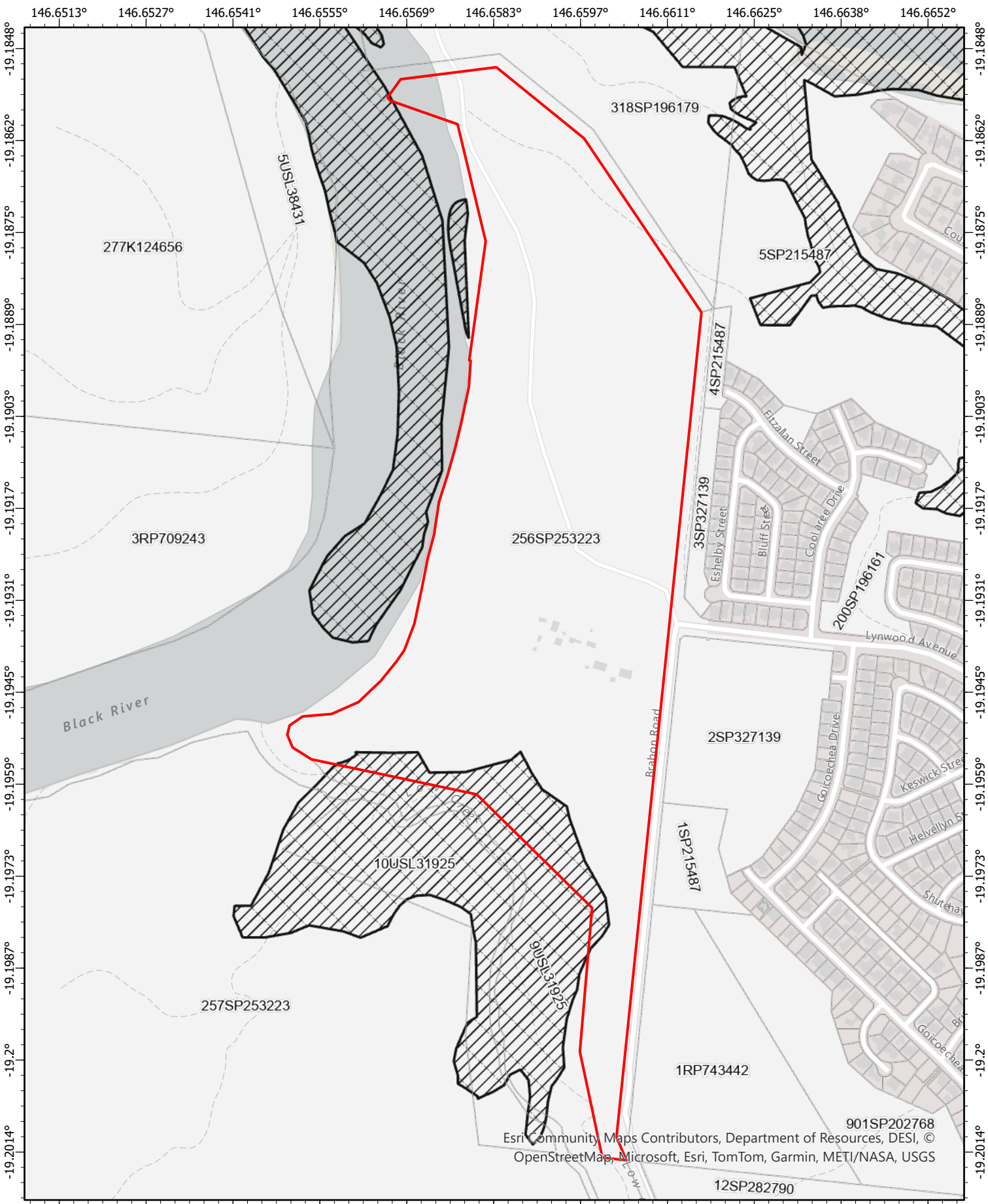
Document Set ID: 28344075


Version: 1, Version Date: 07/05/2026

Queensland Government

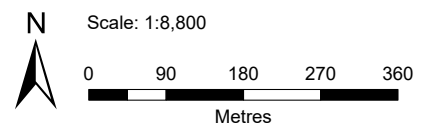


© The State of Queensland 2025.



 Major (tidal)

Date: 04/04/2025

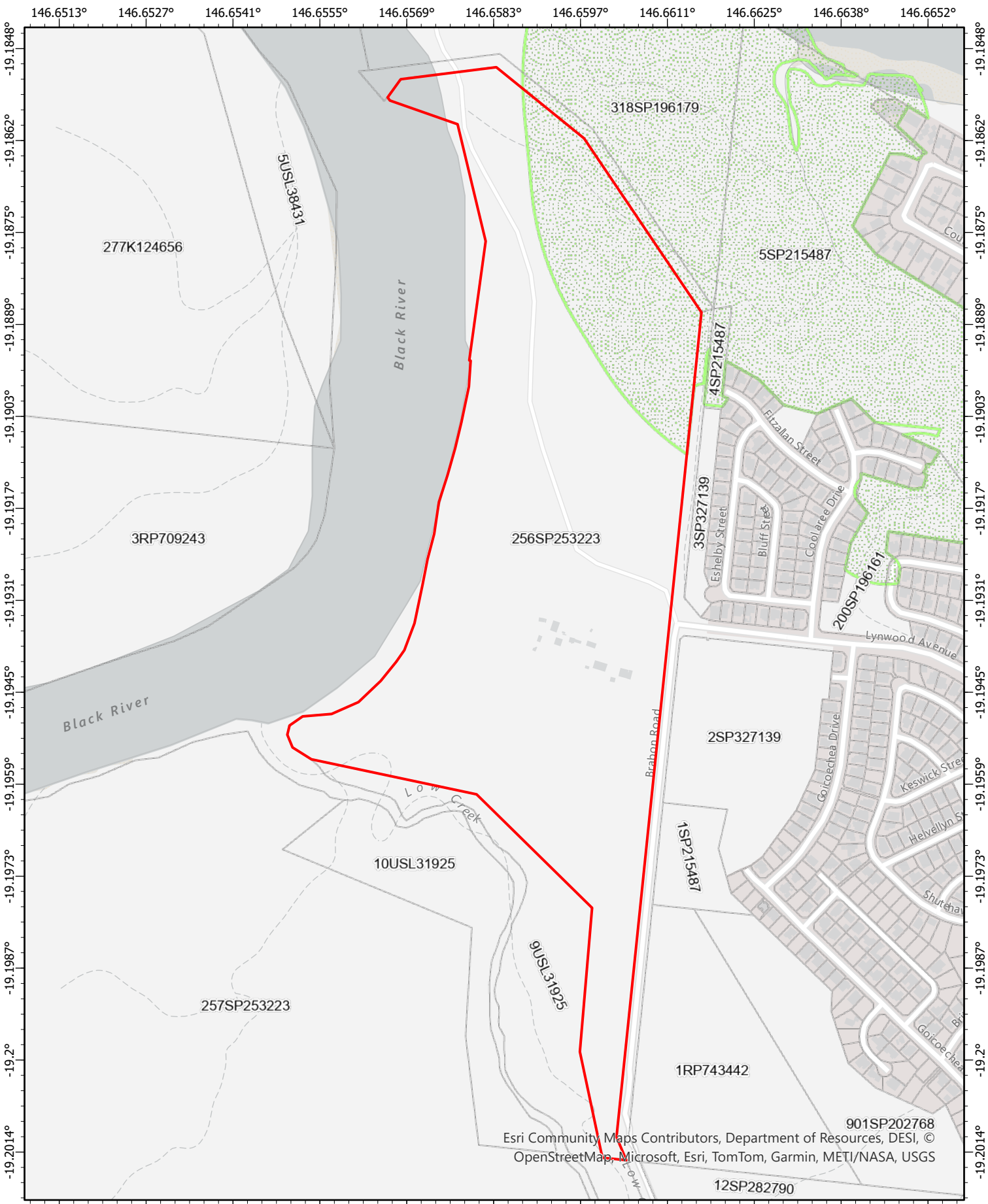



Queensland
Government

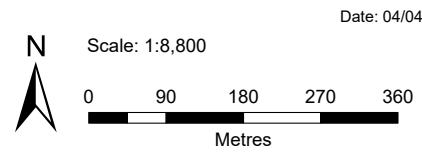


Disclaimer This map has been generated from the information supplied to the Queensland Government for the purposes of the Development Assessment Mapping System. The map generated has been prepared with due care based on the best available information at the time of publication. The State of Queensland holds no responsibility for any errors, inconsistencies or omissions within this document. Any decisions made by other parties based on this document are solely the responsibility of those parties.

© The State of Queensland 2025.



 Wetland protection area trigger area



Date: 04/04/2025

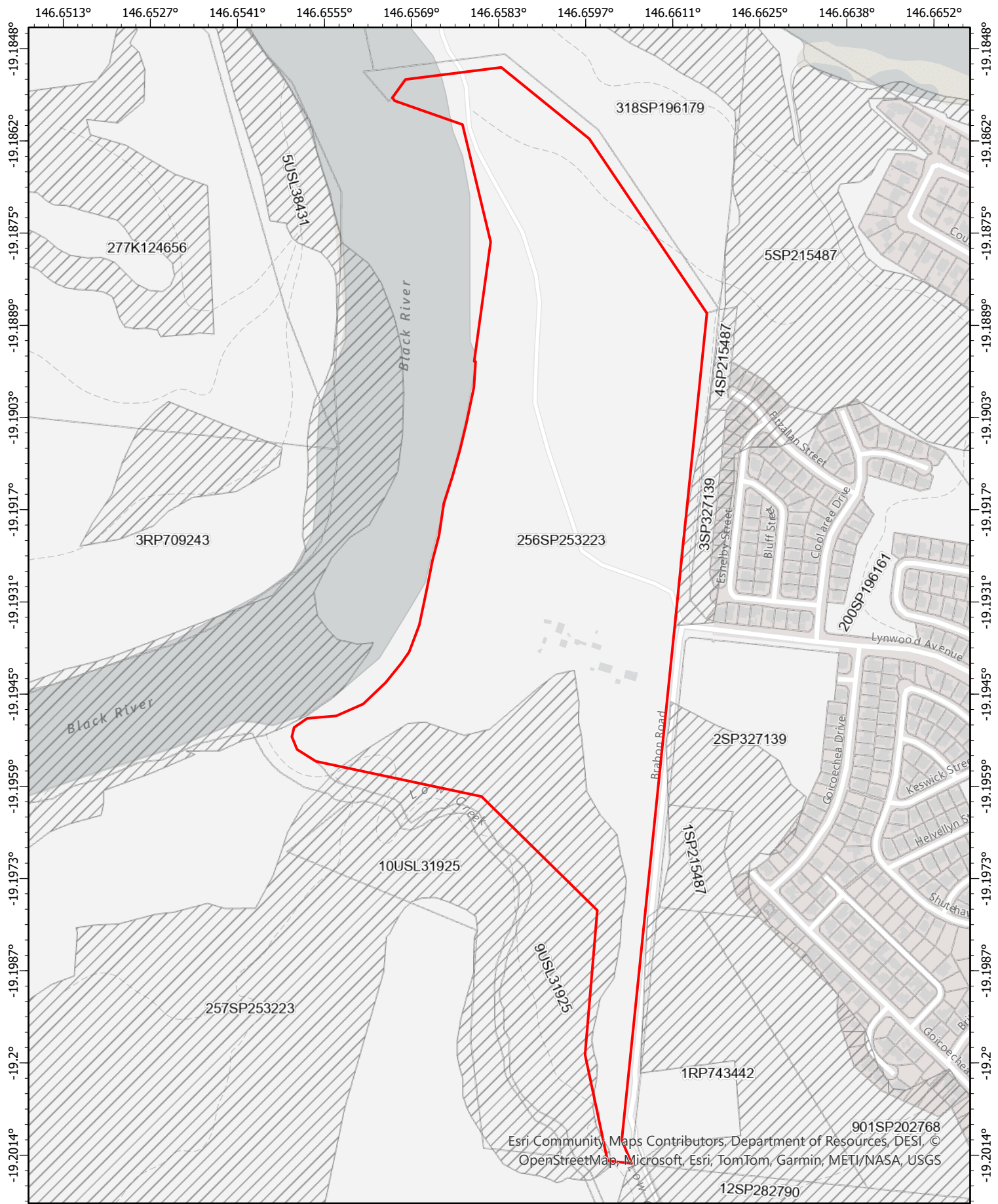
Esri Community Maps Contributors, Department of Resources, DESI, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, METI/NASA, USGS

Disclaimer This map has been generated from the information supplied to the Queensland Government for the purposes of the Development Assessment Mapping System. The map generated has been prepared with due care based on the best available information at the time of publication. The State of Queensland holds no responsibility for any errors, inconsistencies or omissions within this document. Any decisions made by other parties based on this document are solely the responsibility of those parties.
Document Set ID: 28344075
Version: 1, Version Date: 07/05/2026

Queensland Government



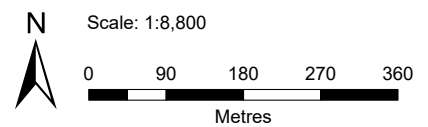
© The State of Queensland 2025.



Regulated vegetation management map (Category A and B extract)

 Category B on the regulated vegetation management map

Date: 04/04/2025



Disclaimer This map has been generated from the information supplied to the Queensland Government for the purposes of the Development Assessment Mapping System. The map generated has been prepared with due care based on the best available information at the time of publication. The State of Queensland holds no responsibility for any errors, inconsistencies or omissions within this document. Any decisions made by other parties based on this document are solely the responsibility of those parties.

Document Set ID: 28344075. This map is subject to the full terms and conditions available on the department's website.

Version: 1, Version Date: 07/05/2026

Queensland Government



© The State of Queensland 2025.



Appendix 3

Site Plan

829 Brabon Road, Beach Holm | Lot 256 on SP253223 & Easement A on SP338027 in Lot 256 on SP253223

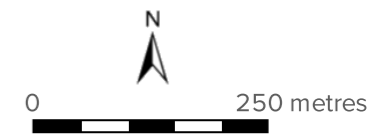
19°11'3"S 146°38'47"E

19°11'3"S 146°40'13"E



19°12'6"S 146°38'47"E

19°12'6"S 146°40'13"E



Scale: 1:7999

Printed at: A3

Print date: 23/3/2026

Not suitable for accurate measurement.
Projection: Web Mercator EPSG 102100 (3857)

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

Includes material © State of Queensland 2026. You are responsible for ensuring that the map is suitable for your purposes. The State of Queensland makes no representation or warranties in relation to the map contents and disclaims all liability.

If imagery is displayed, imagery includes material © CNES reproduced under license from Airbus DS, all rights reserved © 21AT © Earth-i, all rights reserved, © Planet Labs PBC, 2025



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

Site Plan

829 Brabon Road, Beach Holm | Lot 256 on SP253223 & Easement A on SP338027 in Lot 256 on SP253223

Attribution

Vantor

Includes material © State of Queensland (Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development); © Commonwealth of Australia (Geoscience Australia); © 21AT, © Earth-i, all rights reserved, 2026.

© State of Queensland (Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development) 2025

© State of Queensland (Department of Resources) 2024



Appendix 4

PROPOSED NEW RESIDENCE
 VARDY BUILDING
 829 BRABON ROAD, BEACH HOLM

5 BY DESIGN CO PTY LTD

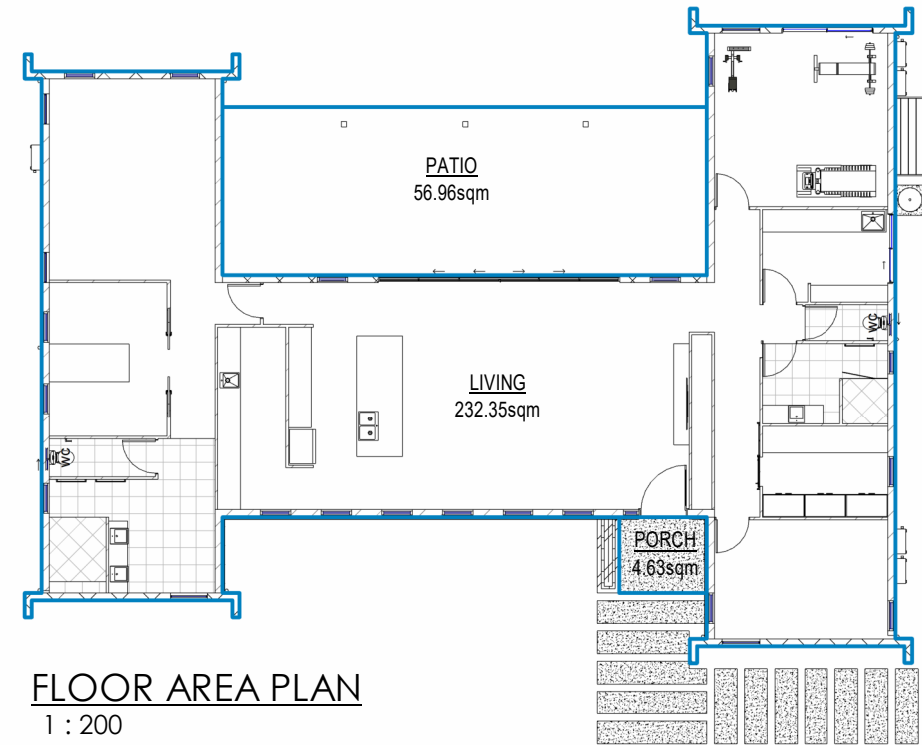
A: Shop 2, 5 Tavern Street, Kirwan,
 Townsville, Qld 4817
 P: 0401 122 827
 E: michael@5bydesign.com.au

QBCC LICENCE No. 15372991

DO NOT SCALE THE DRAWINGS. VERIFY ALL DIMENSIONS
 BEFORE COMMENCING ANY WORKS. THIS DRAWING
 AND DESIGN HEREIN SHALL REMAIN THE PROPERTY OF 5
 BY DESIGN CO PTY LTD. IT MAY NOT BE COPIED IN FULL
 OR PART WITHOUT THE WRITTEN PERMISSION.



3D PERSPECTIVE - FRONT



FLOOR AREA PLAN
 1 : 200



3D PERSPECTIVE - REAR

FLOOR AREA SCHEDULE

LIVING	232.35 m ²
PATIO	56.96 m ²
PORCH	4.63 m ²
GRAND TOTAL	293.94 m ²

DRAWING SHEET INDEX

CD01	COVER SHEET	D
CD02	SITE PLAN	D
CD03	FLOOR PLAN	D
CD04	ELEVATIONS	D

Client:
VARDY BUILDING

Site Address:
**829 BRABON ROAD, BEACH
 HOLM**

COVER SHEET

CD01

25-048

13-08-2025

1 : 200
 @ Sheet Size A3

MF

NR

PROPOSED NEW RESIDENCE

Rev.	Amendments	By	Date
D	FACADE AND LAYOUT CHANGES	MF	20-02-2026
C	DESIGN CHANGES	NR	26-11-2025
B	DESIGN CHANGES	NR	25-07-2025
A	DESIGN CHANGES	NR	24-06-2025

**CONCEPT
 DESIGN**

D

Notes

Builder

Project details

Sheet Name:

Job No.

Date:

Scale:

Ckd by:

Drw by:

Project Status:

Revisions

Phase:

Revision No.

PLANNING ASSESSMENT

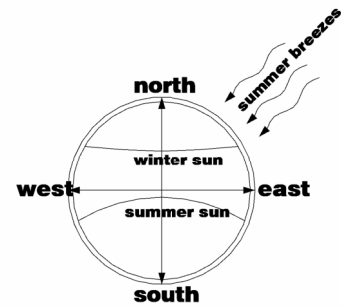
TOWNSVILLE CITY COUNCIL PLANNING AREA
 DWELLING HOUSE
 LOW DENSITY RESIDENTIAL ZONE.
 ASSESSMENT LEVEL: SELF-ASSESSABLE.

1% AEP FLOOD ASSESSMENT

FLOOR LEVELS IN ACCORDANCE WITH TCC CITY PLAN PART 8.2.6
 FLOOD HAZARD OVERLAY.
 WHERE DEVELOPMENT IS LOCATED WITHIN A HAZARD AREA SHOWN
 ON OVERLAY MAP OM-06.1:
 a) FLOOR LEVELS OF ALL HABITABLE ROOMS ARE A MIN OF 300mm
 ABOVE THE DEFINED FLOOD LEVEL;
 b) FLOOD LEVELS OF ALL NON-HABITABLE ROOMS (OTHER THAN
 CLASS 10 BUILDINGS) ARE ABOVE THE DEFINED FLOOD EVENT.

FLOOD HAZARD : LOW (EXEMPT) MIN FLOOR LEVEL :300mm

NORTH POINT



DRIVEWAYS / CROSSOVERS

DRIVEWAYS AND CROSSOVERS WITHIN THE ROAD
 VERGE TO BE IN ACCORDANCE WITH LOCAL AUTHORITY
 STANDARD SPECIFICATIONS AND DRAWINGS.
 REFER TO LOCAL AUTHORITY FOR REQUIREMENTS.

PROPERTY DESCRIPTION

LOT No: 256 on PLAN No: SP253223
 SITE AREA : 517900 m² SITE COVER : N/A

SITE PLAN 1 : 2500

Rev.	Description	Date
D	FACADE AND LAYOUT CHANGES	20-02-2026
C	DESIGN CHANGES	26-11-2025
B	DESIGN CHANGES	25-07-2025
A	DESIGN CHANGES	24-06-2025

DO NOT SCALE THE DRAWINGS.
 VERIFY ALL DIMENSIONS BEFORE
 COMMENCING ANY WORKS. THIS
 DRAWING AND DESIGN HEREIN
 SHALL REMAIN THE PROPERTY OF 5 BY
 DESIGN CO PTY LTD. IT MAY NOT BE
 COPIED IN FULL OR PART WITHOUT
 THE WRITTEN PERMISSION.



QBCC LICENCE No. 15372991

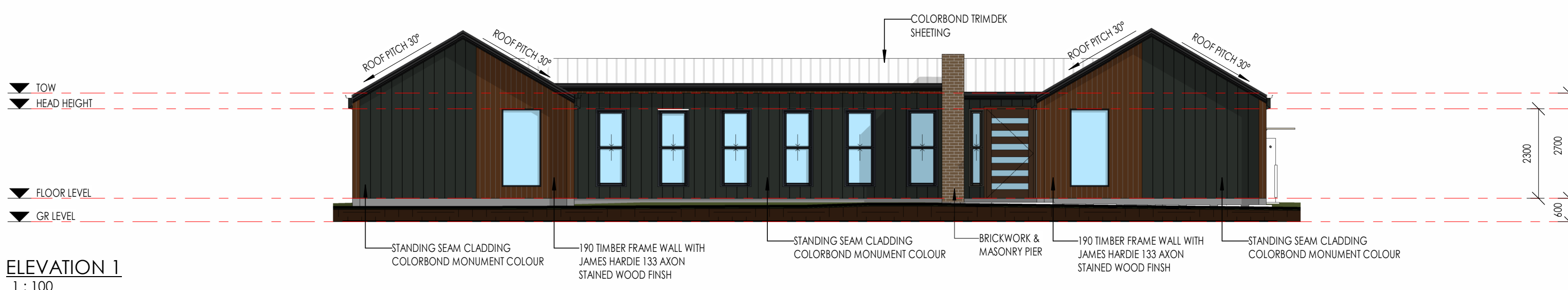
Client:
 VARDY BUILDING
Site Address:
 829 BRABON ROAD, BEACH HOLM

MF NR 13-08-2025 As indicated @ Sheet Size A3 25-048

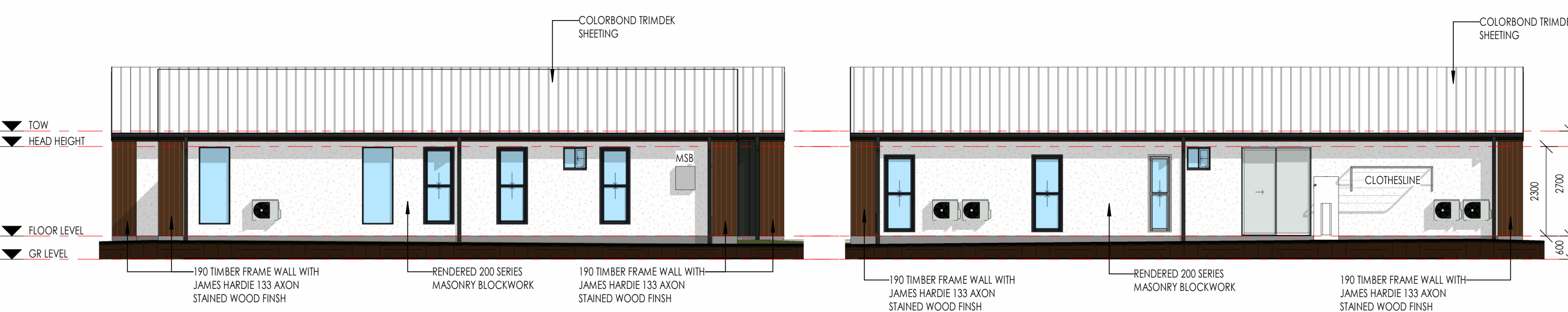
CD02

CONCEPT DESIGN

D

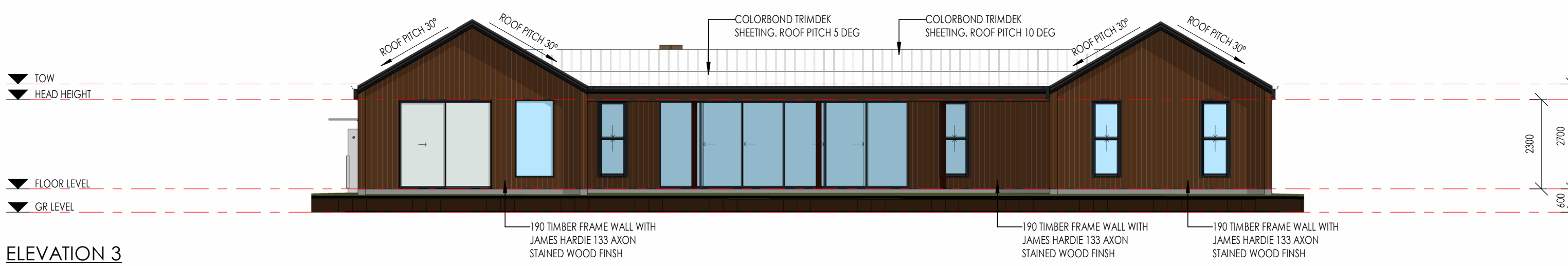


ELEVATION 1
1 : 100



ELEVATION 2
1 : 100

ELEVATION 4
1 : 100



ELEVATION 3
1 : 100



DO NOT SCALE THE DRAWINGS. VERIFY ALL DIMENSIONS BEFORE COMMENCING ANY WORKS. THIS DRAWING AND DESIGN HEREIN SHALL REMAIN THE PROPERTY OF 5 BY DESIGN CO PTY LTD. IT MAY NOT BE COPIED IN FULL OR PART WITHOUT THE WRITTEN PERMISSION.

Client:
VARDY BUILDING
Site Address:
829 BRABON ROAD, BEACH HOLM

ELEVATIONS		CD04 25-048		PROPOSED NEW RESIDENCE	
Sheet Name:	Date:	Sheet No.	Job No.	Project Status:	Phase:
13-08-2025	1 : 100	MF	NR	CONCEPT DESIGN	
@ Sheet Size A3		Checked by:	Drawn by:		

Rev.	Amendments	By	Date
D	FACADE AND LAYOUT CHANGES	MF	20-02-2026
C	DESIGN CHANGES	NR	26-11-2025
B	DESIGN CHANGES	NR	25-07-2025
A	DESIGN CHANGES	NR	24-06-2025

D