

27 June 2012

Insite Strategies Pty Ltd  
25 Nullamanna Road  
CAMP MOUNTAIN QLD 4520

Dear Mr J Coyle

- RE: – Development Application for Request to Change Existing Approval (Kensington Stage 1-3) Preliminary Approval Overriding the Planning Scheme for Non-Urban land to be assessed under the Kensington Plan of Development (Mixed use of Industry, Commercial and Community Land) at Johanna Boulevard, Kensington; land described as Lot 1 & 2 on SP177129, County Cook, Parish Bundaberg;
- Planning Scheme for Bundaberg City.

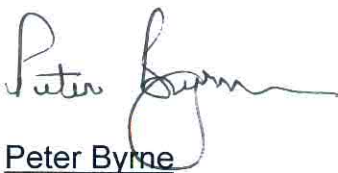
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I acknowledge receipt of your Development Application for Request to Change Existing Approval (Kensington Stage 1-3) Preliminary Approval Overriding the Planning Scheme for Non-Urban land to be assessed under the Kensington Plan of Development (Mixed use of Industry, Commercial and Community Land) at Johanna Boulevard KENSINGTON; land described as Lot: 2 SP: 177129, Lot: 1 SP: 177129, County Cook, Parish Bundaberg lodged with Council on 20 February 2012. The above development application has been assessed by Council and approved in full with conditions under delegation by the Planning Committee on 21 June 2012.

Attached hereto please find the Decision Notice.

Please quote Council's application number: 325.2005.14095.6 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this matter or wish to schedule a meeting, please contact Aaron Kelly on phone 1300 883 699.

Yours faithfully



Peter Byrne  
Chief Executive Officer

Our Reference: 325.2005.14095.6  
Your Reference: P1901  
Contact Person: Aaron Kelly



# Notice of Decision on Request to Change a Development Approval

*Sustainable Planning Act 2009, s.369*

Applicant's Ref: P1901  
Council Ref: 325.2005.14095.6  
Contact Officer: Aaron Kelly  
Contact Number: 1300 883 699

27 June 2012

Insite Strategies Pty Ltd  
25 Nullamanna Road  
CAMP MOUNTAIN QLD 4520

## Re: Request to Change Development Approval (s.369)

Development Permits for:

- (A) Material Change of Use – Preliminary Approval overriding the Planning Scheme for Non-Urban Land [to be assessed under the Kensington Plan of Development]. Proposed Use: Mixed use of Industry, Commercial and Community); and
- (B) Reconfiguring a Lot – Code Assessment – Subdivision – Seventy (70) Lots – Formerly Lots 1 and 2 on S.P. 177129, County Cook, Parish Bundaberg (Lots 9 - 21, 28-38 and 44-56 on SP203501, Lots 24-27 on SP205688, Lots 4 and 6 on SP239488, Lots 1, 2 and 5 and Common Property on SP221759, Lots 1 – 7 and Common Property on SP212183, Lots 1 – 8 and 57 - 71 on SP216542, County Cook, Parish Bundaberg)

- At Johanna Boulevard and Commercial Street, Kensington

I wish to advise that the above request was received by Council on 20 February, 2012 and approved at Councils Meeting under delegation by the Planning Committee on 21 June 2012 as follows:

### Request to Change a Development Approval

Council has considered the request to Change a Development Approval and agrees to the changes and adopted the revised Kensington Plan of Development (POD) 1 (Revision 1 – February 2012) – copy attached.

The details relating to the change of approval area set out below. All changes are highlighted in ***bold italics***:

- Amended to Condition (1)

As a result of the substitution of the amended Plan of Development Condition (1) of the Decision Notice will require an amendment, viz:

Deletion of Condition 1, thereto reading as follows:

- (1) *Development of the site shall be in accordance with Barlow, Greg and Associates Pty. Ltd.'s Drawing Nos. B/1273 L01D, dated August, 2004 (Layout Plan), B/1719 ST01A, dated 4th October, 2006 and the "Kensington Plan of Development – POD–1";*

And insertion of the following in its stead:

- (1) *Development of the site shall be in accordance with Barlow, Greg and Associates Pty. Ltd.'s Drawing Nos. B/1273 L01D, dated August, 2004 (Layout Plan), B/1719 ST01A, dated 4th October, 2006 and the "Kensington Plan of Development – POD–1 (**Rev 1 – February, 2012**)";*

- Amendment to Condition (2)

As a result of the substitution of the amended Plan of Development Condition (2) of the Decision Notice will require an amendment, viz:

- (2) The currency period for the "Kensington Plan of Development (POD–1)" and Building Works Approval assessed against the Ecology Protection Overlay/Code shall be for 15 years after the date the approval takes effect under the provisions of "The Integrated Planning Act 1997";

And insertion of the following in its stead:

- (2) The currency period for the "Kensington Plan of Development (POD–1) (**Rev 1 – February, 2012**)" and Building Works Approval assessed against the Ecology Protection Overlay/Code shall be for 15 years after the date the approval takes effect under the provisions of "The Integrated Planning Act 1997";

Please also be advised that at Council's meeting of 21 June 2012, Council resolved that "in respect of land included within this Kensington Plan of Development (POD) 1 (Revision 1 – February 2012) that Council waive further Infrastructure Charges both for the subject change to the Development Approval and all further Code Assessable applications within the Kensington Plan of Development and this be reflected in any future Infrastructure Charges notice for approved development. It being noted that all Impact Assessable development will be subject to Council's Adopted Infrastructure Charges Policies.

A copy of the decision notice for the original application is attached dated 24 February, 2006, showing the changes highlighted in **bold italics**. The Decision Notice also incorporates the changes and modifications to the Decision Notice dated 14 July, 2006, 17 November, 2006, 13 July, 2007, 17 November, 2007 and 5 August, 2008.

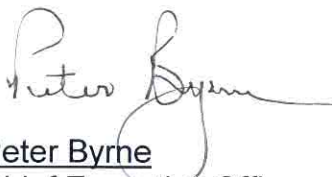
### **Appeal rights**

If the responsible entity for deciding this request is the assessment manager or a concurrence agency, the person who made the request to change the development approval may appeal against the decision in this notice to the Planning and Environment Court by lodging a written notice of appeal with the registrar of the Court. You may also have a right to appeal to the Building and Development Dispute Resolution Committee.

For more information about your appeal rights and how to commence an appeal, see the *Sustainable Planning Act 2009*, chapter 7, parts 1 and 2.

If the responsible entity for deciding this request is the assessment manager, an entity that gave the responsible entity a notice under the *Sustainable Planning Act 2009*, section 373 or a pre-request response may appeal against the decision in this notice to the Planning and Environment Court by lodging a written notice of appeal with the registrar of the Court. You may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more information about your appeal rights and how to commence an appeal, see the *Sustainable Planning Act 2009*, chapter 7, parts 1 and 2.

If you wish to discuss this matter further, please contact Aaron Kelly on the above telephone number.

A handwritten signature in black ink, appearing to read "Peter Byrne". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Peter Byrne  
Chief Executive Officer

## DECISION NOTICE

To:

Messrs. Pressler Properties Pty. Ltd.  
C/- Insite Strategies Pty. Ltd.  
P.O. Box 471  
**BUNDABERG QLD 4670**

This Amended notice shows the changes approved at Council's Planning Committee Meeting on 21 June 2012 and previous changes and modifications to the decision notice dated 14 July, 2006, 17 November, 2006, 13 July, 2007, 17 November, 2007 and 5 August, 2008 is provided in accordance with Section 376(2)(b) of the *Sustainable Planning Act 2009*. The approved changes are highlighted in ***Bold Italics***.

The Development Application – Comprising:–

1. Material Change of Use – Preliminary Approval overriding the Planning Scheme for Non–Urban Land [to be assessed under the Kensington Plan of Development]. Proposed Use: Mixed use of Industry, Commercial and Community); and
2. Reconfiguring a Lot – Code Assessment – Subdivision – Seventy (70) Lots, cancelling Lots 1 and 2 on S.P. 177129, County Cook, Parish Bundaberg

– situated at Johanna Boulevard, Kensington, in a “Non–Urban” Precinct, has been assessed and is approved with Conditions. The Decision was made by Bundaberg City Council on 23rd February, 2006.

The following Schedule provides all the relevant details.

1. **Referral/Concurrence Agencies** – Queensland Department of Main Roads, Locked Bag 486, Bundaberg.
2. **Conditions** –

(A) **Assessment Manager's Conditions**

General

- (1) Development of the site shall be in accordance with Barlow, Greg and Associates Pty Ltd's Drawing Nos B/1273 L01D, dated August 2004 (Layout Plan), B/1719 ST01A, dated 4 October 2006 and the “Kensington Plan of Development – POD–1 (***Rev 1 – February 2012***)” (all attached);
- (2) The currency period for the “Kensington Plan of Development (POD–1) (***Rev 1 – February 2012***)” and Building Works Approval assessed against the Ecology Protection Overlay/Code shall be for 15 years after the date the approval takes effect under the provisions of “The Integrated Planning Act 1997”;
- (3) The stages are to be constructed sequentially, i.e., Stage 1 is to be completed before Stages 2 and 3;

## Stage 1

### Water

- (1) The Applicant shall provide for the reticulation of water supply to each and every Lot into which the land is proposed to be reconfigured by supplying all necessary materials and works including structures and equipment and performing all necessary works at the expense of the Applicant. New reticulation for the development shall comprise:–
  - (a) a 225 mm main to link existing stubs in Joanna Boulevard and Commercial Avenue.  
To enable the sealing of a Final Plan of Survey for Stage 1 of this Development, Council is prepared to accept a Cash Bond / Bank Guarantee, satisfactory to Council, subject to the following provisos:–
    - (i) work comprising this Condition is to be completed within Twelve (12) Months of Council's endorsement and sealing of a final Plan of Survey for Stage 1 of this Development;
    - (ii) if at the expiry of the Twelve (12) Months period referred to in (i) above, this work has not been completed – Council will take up the Cash Bond / Bank Guarantee and complete the works at the full expense of the Applicant;
    - (iii) the Amount of the Cash Bond / Bank Guarantee shall be that amount as determined by Council (to cover the completion of Condition (1)(a) if works are to be undertaken by Council), at the date of lodgement of the Final Plan of Survey for Stage 1;
  - (b) 150 mm reticulation for all new Twenty (20) metre road reserves;
  - (c) all new 150 mm mains are to be constructed to Five (5) metres beyond the respective stage boundaries. A sluice valve shall be placed at the stage boundary and the new mains shall terminate with a fire hydrant, cap and thrust block;
- (2) Where a water main is not located within an immediate property frontage, the Applicant shall provide a 150 mm ring main to cater for the future supply requirements to new lots. The ring main shall have road crossings with a minimum separation of Five (5) metres, be located astride the common property boundary and include the provision of a hydrant for clean out purposes;
- (3) A 200 mm service conduit shall be provided to be used in the future provision of water supply to each Lot. The conduit shall be located in close proximity to Lot side boundaries;

### Sewerage

- (1) The Applicant shall provide for the reticulation of sewerage to each and every Lot into which the land is proposed to be reconfigured, by supplying all necessary materials and works including structures and equipment and performing all necessary works at the expense of the Applicant. The reticulation shall:–

- (a) be designed at a depth to suit the new trunk reticulation to be constructed by Council downstream of the site in Saltwater Creek corridor;
  - (b) not include any mains laid at less than the minimum grades adopted in the Bundaberg City Council Engineering Design Planning Scheme Policy;
- (2) [Deleted]
- (3) (5) Payment to Council of Sewerage Headworks External – being a contribution towards Sewerage Works – ‘Johanna Boulevard Area’ as detailed in Council’s adopted Policy for Contribution towards Sewerage Headworks and Sewerage Works External.
- The amount of required contribution is \$124,940.90 as at September 2006.
- (4) The contribution is required to be paid to Council at the time of lodgement of a Final Plan of Survey for endorsement and seal and shall be subject to Consumer Price Index Adjustment at the date of payment – with a base date of September 2006 (CPI 157.5);
  - (5) For existing reticulation to be retained within the development design, the alignment of such reticulation shall be at 1.5 metres from any property boundary. If existing reticulation does not meet this requirement, it shall be abandoned with new reticulation designed and provided to suit;
  - (6) Dedication of 2.5 metre wide Sewer Easements, at no cost to Council, to contain the new Sewer reticulation where it traverses the Lots created from property boundary to property boundary, including the balance area. The Easements shall be located to provide a minimum distance of One (1) metre between the Easement Boundary and the Sewer Reticulation. The Easement Documentation shall be acceptable to Council, be in favour of Council and shall be prepared at the full cost of the Applicant.
  - (8) Prior to the commencement of the defects liability period all sewerage infrastructure shall be inspected with a CCTV unit and an infrastructure condition report prepared for Council approval. Further, all sewerage infrastructure shall be inspected with a CCTV unit and an infrastructure condition report prepared for Council approval prior to the conclusion of the defects liability period. All costs associated with the inspections shall be borne by the Applicant;

#### Water Supply and Sewerage Headworks Contribution

- (9) (a) Water Supply and Sewerage Headworks Contributions in accordance with Council’s adopted Policies shall be paid to Council at the time of lodgement of a Final Plan of Survey for endorsement and seal by Council.
- Contributions required, if paid by 31st July, 2007 are \$265,115.49 for Water Supply Headworks, and \$365,060.41 for Sewerage Headworks.

If not paid by 31 July 2007, Contribution amounts will be adjusted annually (at 1 August), following the release of the All Groups CPI (Brisbane) for 30 June (as published by the Australian Bureau of Statistics);

- (b) Payment of Water Supply and Sewerage Headworks Contribution shall be made to Council at the time of lodgement of a Final Plan of Survey with Council for endorsement and sealing;
- (c) Execution of the necessary Water Supply and Sewerage Headworks Agreement between the Applicant and Council. All costs associated with the preparation and execution of the Agreement, including Stamp Duty as assessed by the Stamp Duty Office, are to be borne by the Applicant;

#### Stormwater Drainage

- (10) Stormwater drainage shall be designed and constructed in accordance with the requirements of the Queensland Urban Drainage Manual and the Bundaberg City Council, i.e., a piped system with a capacity to cater for Q10ARI minor flows and overland Q100ARI major flows;
- (11) The point of discharge for stormwater generated within the development shall be the existing detention basin located within Lot 2 on SP177129;
- (12) All Lots must be provided with Q100ARI local flooding immunity from flows within the development road or drainage reserves;
- (13) The surface of each Lot must be shaped to drain directly to either a road or drainage reserve as no inter-allotment drainage will be permitted within the development unless it can be demonstrated that Lot filling, shaping, retaining walls or other methods are not physically able to be constructed;
- (14) Each Lot is to be provided with a stormwater point of connection to the underground drainage system within the development road and drainage reserves;
- (15) The removal of the detention basin within Lot 1 on SP177129 and the obsolete open drains through the site will require the alteration and/or extinguishment of associated Drainage Easements. New Easements shall be dedicated to suit the new drainage infrastructure, both in size and location, for the proposed Lot Reconfiguration;
- (16) Flowpaths traversing the development Lots shall be contained within Easements of sufficient width to transport the Q100ARI flow, including freeboard to the Lots. The documentation shall be acceptable to Council and be prepared at the full cost of the Applicant. Easements or reserves which do not contain Q100ARI piped drainage shall be provided with 'low flow' concrete inverts for their full length;

#### Roadworks and Car Parking



- (17) The layout shall be as per Barlow Gregg and Associates' Drawing No B/1719-ST01A, dated 4 October 2006. The new roads shall be constructed to the following requirements:—
- (a) New road reserves shall be of a minimum dedicated width of Twenty (20) metres;
  - (b) Pavement construction shall be as follows:—
    - (i) Johanna Boulevard shall be widened to a paved width of Fourteen (14) metres measured from kerb line to kerb line;
    - (ii) Twenty (20) metre reserves shall be paved to a width of Twelve (12) metres measured from kerb line to kerb line;
  - (c) Road formation for the frontages of the proposed Lots shall remove existing unsealed road shoulders and roadside V-drains, providing compaction, reinstatement and footpath formation in accordance with Council's Engineering Design Planning Scheme Policy;
  - (d) Barrier concrete kerb and channelling is to be provided to the standard adopted by the Council from time to time in its Statement of Policy to the full frontage of all Lots;
  - (e) Each proposed road is to be designed both in layout and structural strength to cope with the frequencies and weights of traffic likely to use it, as determined by Council. The design shall be carried out by a Chartered Professional Engineer in accordance with methods detailed in Bundaberg City Council's Engineering Design Planning Scheme Policy. All roads are to be surfaced with asphaltic concrete;
  - (f) Truncation of all corners shall be a minimum of Six (6) metres. Dedication of the truncated areas as "Road Reserve" free of cost to Council shall be undertaken;
- (18) Pavement construction and asphaltic concrete sealing is required either side of Johanna Boulevard. The widening shall extend from the new kerb and channelling alignment to the existing full depth pavement of the main carriageway and not to the existing seal edge;
- (19) Required road widening shall incorporate the provision of a Ten (10) metre taper at the southern end of either side of Johanna Boulevard to transition into the existing gravel shoulder and V-drain road formation;
- (20) Supply and erection of necessary street signs and posts. The Applicant shall liaise with the Bundaberg City Council for determination of the names for new development roadways;
- (21) A temporary sealed turn-around shall be provided for the end of each internal roadway at the development stage boundaries;

- (22) A pathway shall be provided within all footpath areas and shall be constructed to the requirements of Council Drawing 13977 to a width of 1.5 metres;

Buffers

(23) The Applicant shall provide either:–

- (a) a buffer strip commencing approximately 100 metres south of the Commercial Avenue Road Reserve for the full width of the Balance Lot. The function of the Buffer Strip is to provide a separation between the Urban Uses approved in this Approval and any Agricultural activities on the balance of Lot 2 on S.P. 177129. The Buffer Strip is to remain open, i.e., undeveloped and free from agricultural purposes.

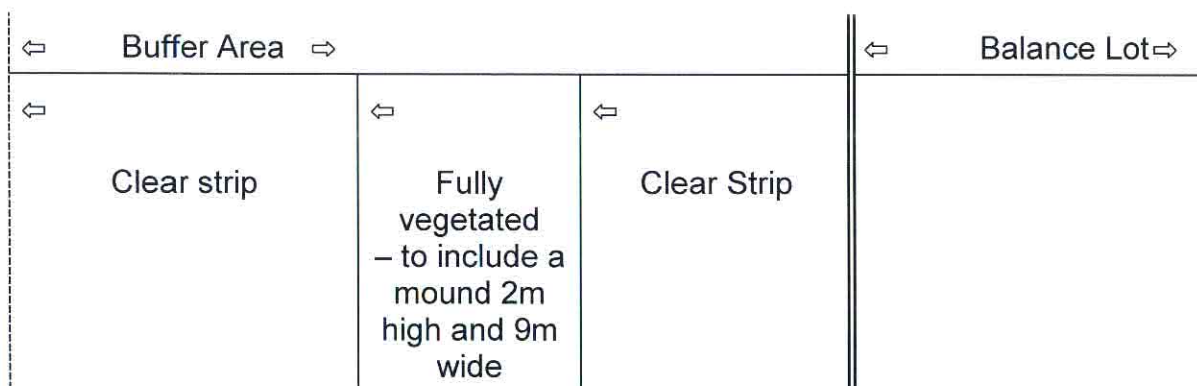
This Buffer Strip shall remain in place until such time Council approves development on the land containing the buffer that removes the need to buffer the Development from Agricultural Uses; or

- (b) (i) A buffer area, commencing approximately 100 metres south of the Commercial Avenue road reserve, to be incorporated within the development to minimise land use conflict between adjoining Non–Urban land, and the proposed development of the subject land;

(ii) The said buffer area is to be provided as follows:–

- (1) A buffer commencing approximately 100 metres south of the Commercial Avenue road reserve for the full width of the balance Lot to ensure an effective barrier between the adjoining Non–Urban lands and future development and with regard to such buffer area:–

(A) It shall comprise the following:–



Reference Marks:

⋮ Boundary between Residential Development and Buffer Area

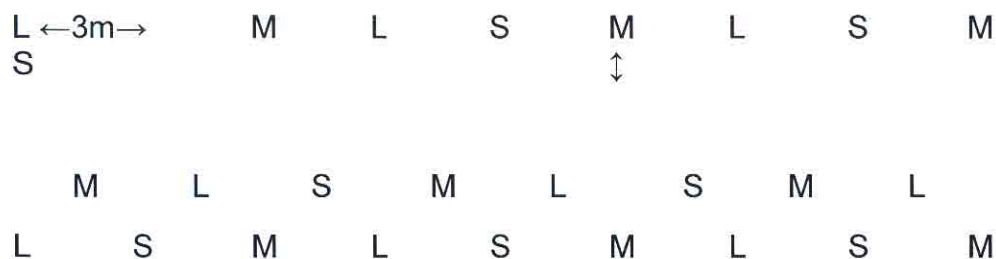
|| Boundary between agricultural land and Buffer area

| Median between Cleared strips and Vegetation Strip

- (B) The Ten (10) metre (A) cleared strip referred to in sub-clause (A) hereof shall be grassed and will be kept mown and otherwise maintained in good condition by the Applicant;
  - (C) The Ten (10) metre (B) cleared strip referred to in sub-clause (A) hereof shall be kept clear by the Applicant of vegetation and other flammable material in accordance with the requirements of Section 64(2)(b) of the Fire Service Act 1990;
- (2) No development shall be established within 300 metres of the balance Lot until the Buffers in the Clause are established to the reasonable satisfaction of Council;
- (c) The Twenty (20) metre fully vegetated strip referred to in Sub-clause (A) hereof shall be densely planted with suitable mature trees and shrubs. Such trees and shrubs are:–
  - (1) To be provided with an automatic drip watering system to be approved by Council. This watering system shall be provided with approved testable backflow prevention devices to the requirements of the “Plumbing and Drainage Act 2002”, and kept in good order/operation by the Applicant;
  - (2) To be well established with abundant foliage and density prior to Council sealing any Final Plan of Survey;
  - (3) Plant species to be selected from the following list, ensuring plants chosen include a broad range of leaf morphology (size and shape). Plant species are available from Forestry Nursery:–

Large	Medium	Small
Blepharocarya	Acacia Aulacocarpa	Backhousia
Involucrigera	Acmena Smithii	Citriodora
Caesalpinia Ferrea	Allocasuarina	Callistemon Polandii
Cassia Brewsterii	Littoralis	Callistemon Tinaroo
Casuarina	Allocasuarina	Leptospermum
Cunninghamii	Torulosa	Brachyandrum
Capaniopsis	Buckinghamia	Leptospermum
Anacardioides	Celcissima	Polygalifolium
Eucalyptus Citriodora	Callistemon	Melaleuca
Eucalyptus Microcorys	Salignus	Linearifolia
Flindersia Brayleyana	Callistemon	Xanthostemon
Flindersia Australia	Formosa	Chrysanthus
Lophostemon Confertus	Eucalyptus	
Melaleuca Dealbatha	Ptychocarda	
Melaleuca	Pararchidendron	
Lleucadendra	Pruinosum	
	Randia Fitzalanina	
	Syzygium	
	Leuhmannii	
	Schotia	
	Brachypetala	

The area to be planted should undergo soil preparation including cultivation by ripping and hoeing, correct plant nutrients, irrigation and mulching after planting to achieve optimum results. The break should consist of rows of plants with Three metres between plants and Three (3) metres between rows of large, medium and small trees and shrubs. If space allows, the above should be repeated, e.g. L=Large, M=Medium, S=Small:—



The plants referred to as medium and large are to be a minimum pot size of 200 mm at the time of planting.

Provided always that in determining the species of trees to be planted, a determination shall be made so that provided the trees so recommended are planted and cared for in a manner usual to such trees, then the provisions of Clause (c)(3) can be complied with within Two (2) Years of establishment;

### Electricity and Telecommunications

- (24) The Applicant shall provide for the supply of underground electricity to each Lot of the proposed Lot Reconfiguration. Further, the Applicant shall arrange for Street Lighting by way of provision of underground conduits and cables, poles and street lights. Arrangements for electricity supply to the development shall be arranged by liaison and agreement with the local energy provider;
- (25) The Applicant shall be responsible for the provision of telecommunications to the Lot in the proposed Lot Reconfiguration. Arrangements for service and infrastructure supply shall be arranged by liaison and agreement with the local service provider;

### Filling of Land

- (26) Any material placed in a potential building pad or material that will need to support a structure will require structural certification. Lot material shall be tested and certified in accordance with the requirements of Council Planning Scheme 'Filling and Excavation Code'. Upon certification, the following note shall be provided on Council's Property Database – "*Lot has been filled, fill is structurally certified*".

Certification details shall include any existing site fill and provision of final Lot levels. Such certification is to be provided prior to the sealing of the development Plan of Survey;

- (27) The existing detention basin within Lot 1 on SP177129 and the associated open drains made obsolete by the reconfiguration drainage design shall be backfilled and reinstated to the finished surface of the proposed Lots. all works shall be subject to the compaction and certification requirements of the Council's Planning Scheme 'Filling and Excavation Code';

### Final Plan of Survey

- (28) Lodgement of a Final Plan of Survey, together with three (3) certified copies thereof with Council, for endorsement of Council's consent and seal on such Plan.

## **Stage 2**

### Water

- (1) The Applicant shall provide for the reticulation of water supply to each and every Lot into which the land is proposed to be reconfigured by supplying all necessary materials and works including structures and equipment and performing all necessary works at the expense of the Applicant. 150 mm reticulation will be required within the new development road reserve;
- (2) Where a water main is not located within an immediate property frontage, the Applicant shall provide a 150 mm ring main to cater for the future supply requirements to new lots. The ring main shall have road crossings with a minimum separation of Five (5) metres, be located astride the common property boundary and include the provision of a hydrant for clean out purposes;

### Sewerage

- (3) The Applicant shall provide for the reticulation of sewerage to each and every Lot into which the land is proposed to be reconfigured, by supplying all necessary materials and works including structures and equipment and performing all necessary works at the expense of the Applicant. The reticulation shall:—
  - (a) be designed at a depth to suit the new trunk reticulation to be constructed by Council downstream of the site in Saltwater Creek corridor;
  - (b) not include any mains laid at less than the minimum grades adopted in the Bundaberg City Council Engineering Design Planning Scheme Policy;
- (4) Payment to Council of Sewerage Headworks External – being a contribution as outlined within Council’s Sewerage Contribution Scheme for ‘Pressler External Sewerage’ as adopted by Council. The contribution amount shall be subject to Consumer Price Index adjustment at the date of payment. If paid in 2005/2006, the contribution shall be \$51,488.35;
- (5) For existing reticulation to be retained within the development design, the alignment of such reticulation shall be at 1.5 metres from any property boundary. If existing reticulation does not meet this requirement, it shall be abandoned with new reticulation designed and provided to suit;
- (6) Dedication of 2.5 metre wide Sewer Easements, at no cost to Council, to contain the new Sewer reticulation where it traverses the Lots created from property boundary to property boundary, including the balance area. The Easements shall be located to provide a minimum distance of One (1) metre between the Easement Boundary and the Sewer reticulation. The Easement Documentation shall be acceptable to Council, be in favour of Council and shall be prepared at the full cost of the Applicant;
- (7) Prior to the commencement of the defects liability period all sewerage infrastructure shall be inspected with a CCTV unit and an infrastructure condition report prepared for Council approval. Further, all sewerage infrastructure shall be inspected with a CCTV unit and an infrastructure condition report prepared for Council approval prior to the conclusion of the defects liability period. All costs associated with the inspections shall be borne by the Applicant;

### Water Supply and Sewerage Headworks Contribution

- (8) (a) Payment to Council of Water Supply and Sewerage Headworks Contributions in accordance with Council’s adopted Policies, and are those as calculated using the rates as applicable in the adopted Council Budget at the time of Payment.  
  
Contributions required, if paid in 2005/2006 are \$107,055.07 for Water Supply Headworks, and \$147,413.37 for Sewerage Headworks.

If Contributions are not paid within Six (6) Months of the date of approval, Contribution amounts shall be reviewed in accordance with Council's Adopted Policies at the time of payment;

- (b) Payment of Water Supply and Sewerage Headworks Contribution shall be made to Council at the time of lodgement of a Final Plan of Survey with Council for endorsement and sealing;
- (c) Execution of the necessary Water Supply and Sewerage Headworks Agreement between the Applicant and Council. All costs associated with the preparation and execution of the Agreement, including Stamp Duty as assessed by the Stamp Duty Office, are to be borne by the Applicant;

#### Stormwater Drainage

- (9) Stormwater drainage shall be designed and constructed in accordance with the requirements of the Queensland Urban Drainage Manual and the Bundaberg City Council, i.e., a piped capacity for Q10 ARI minor flows and overland Q100ARI major flows;
- (10) All Lots must be provided with Q100ARI local flooding immunity from flows within the development road or drainage reserves;
- (11) The surface of each Lot must be shaped to drain directly to either a road or drainage reserve as no inter-allotment drainage will be permitted within the development unless it can be demonstrated that Lot filling, shaping, retaining walls or other methods are not physically able to be constructed;
- (12) Each Lot is to be provided with a stormwater point of connection to the underground drainage system within the development road and drainage reserves;
- (13) The Applicant shall dedicate Drainage Easements to suit the new drainage infrastructure, both in size and location, for the proposed Lot Reconfiguration. The Easement Documentation shall be acceptable to Council, be in favour of Council and shall be prepared at the full cost of the Applicant;
- (14) Flowpaths traversing the development Lots shall be contained within easements of sufficient width to transport the Q100ARI flow, including freeboard to the Lots. The documentation shall be acceptable to Council and be prepared at the full cost of the Applicant. Easements or reserves which do not contain Q100ARI piped drainage shall be provided with 'low flow' concrete inverts for their full length;

#### Roadworks and Car Parking

- (15) The layout shall be as per Barlow Gregg and Associates' Drawing No B/1719-ST01, dated October 2005, submitted with the Application. The new roads shall be constructed to the following requirements:—

- (a) New road reserves shall be of a minimum dedicated width of Twenty (20) metres with a paved width of Twelve (12) metres measured from kerb line to kerb line;
  - (b) Barrier concrete kerb and channelling is to be provided to the standard adopted by the Council from time to time in its Statement of Policy to the full frontage of all Lots;
  - (c) Each proposed road is to be designed both in layout and structural strength to cope with the frequencies and weights of traffic likely to use it, as determined by Council. The design shall be carried out by a Chartered Professional Engineer in accordance with methods detailed in Bundaberg City Council's Engineering Design Planning Scheme Policy. All roads are to be surfaced with asphaltic concrete;
  - (d) Truncation of all corners shall be a minimum of Six (6) metres. Dedication of the truncated areas as "Road Reserve" free of cost to Council shall be undertaken;
- (16) A pathway shall be provided within all footpath areas and shall be constructed to the requirements of Council Drawing 13977 to a width of 1.5 metres;

#### Electricity and Telecommunications

- (17) The Applicant shall provide for the supply of underground electricity to each Lot of the proposed Lot Reconfiguration. Further, the Applicant shall arrange for Street Lighting by way of provision of underground conduits and cables, poles and street lights. Arrangements for electricity supply to the development shall be arranged by liaison and agreement with the local energy provider;
- (18) The Applicant shall be responsible for the provision of telecommunications to the Lot in the proposed Lot Reconfiguration. Arrangements for service and infrastructure supply shall be arranged by liaison and agreement with the local service provider;

#### Filling of Land

- (19) Any material placed in a potential building pad or material that will need to support a structure will require structural certification. Lot material shall be tested and certified in accordance with the requirements of Council Planning Scheme 'Filling and Excavation Code'. Upon certification, the following note shall be provided on Council's Property Database – "*Lot has been filled, fill is structurally certified*".

Certification details shall include any existing site fill and provision of final Lot levels. Such certification is to be provided prior to the sealing of the development Plan of Survey;

#### Final Plan of Survey

- (20) Lodgement of a Final Plan of Survey, together with three (3) certified copies thereof with Council, for endorsement of Council's consent and seal on such Plan.



### Stage 3

#### Water

- (1) The Applicant shall provide for the reticulation of water supply to each and every Lot into which the land is proposed to be reconfigured by supplying all necessary materials and works including structures and equipment and performing all necessary works at the expense of the Applicant. New reticulation for the development shall comprise:—
  - (a) a 225 mm main along the road reserve to Johanna Boulevard south of the roundabout;
  - (b) 150 mm reticulation for Commercial Street west of the existing roundabout to the Hinkler Airport boundary;
  - (c) all new mains are to be constructed to Five (5) metres beyond the respective stage boundaries. A sluice valve shall be placed at the stage boundary and the new mains shall terminate with a fire hydrant, cap and thrust block;
- (2) Where a water main is not located within an immediate property frontage, the Applicant shall provide a 150mm ring main to cater for the future supply requirements to new lots. The ring main shall have road crossings with a minimum separation of Five (5) metres, be located astride the common property boundary and include the provision of a hydrant for clean out purposes;

#### Sewerage

- (3) The Applicant shall provide for the reticulation of sewerage to each and every Lot into which the land is proposed to be reconfigured, by supplying all necessary materials and works including structures and equipment and performing all necessary works at the expense of the Applicant. The reticulation shall:—
  - (a) be designed at a depth to suit the new trunk reticulation to be constructed by Council downstream of the site in Saltwater Creek corridor;
  - (b) not include any mains laid at less than the minimum grades adopted in the Bundaberg City Council Engineering Design Planning Scheme Policy;
- (4) Payment to Council of Sewerage Headworks External – being a contribution as outlined within Council’s Sewerage Contribution Scheme for ‘Pressler External Sewerage’ as adopted by Council.  

The amount of the required contribution is \$120,518.52 as at September 2006.

The contribution is required to be paid to Council at the time of lodgement of a Final Plan of Survey for endorsement and seal and shall be subject to Consumer Price Index Adjustment at the date of payment – with a base date of September 2006 (CPI 157.5);
- (5) For existing reticulation to be retained within the development design, the alignment of such reticulation shall be at 1.5 metres from any

property boundary. If existing reticulation does not meet this requirement, it shall be abandoned with new reticulation designed and provided to suit;

- (6) Dedication of 2.5 metre wide Sewer Easements, at no cost to Council, to contain the new Sewer reticulation where it traverses the Lots created from property boundary to property boundary, including the balance area. The Easements shall be located to provide a minimum distance of One (1) metre between the Easement boundary and the Sewer reticulation. The Easement Documentation shall be acceptable to Council, be in favour of Council and shall be prepared at the full cost of the Applicant;
- (7) Prior to the commencement of the defects liability period all sewerage infrastructure shall be inspected with a CCTV unit and an infrastructure condition report prepared for Council approval. Further, all sewerage infrastructure shall be inspected with a CCTV unit and an infrastructure condition report prepared for Council approval prior to the conclusion of the defects liability period. All costs associated with the inspections shall be borne by the Applicant;

#### Water Supply and Sewerage Headworks Contribution

- (8) (a) Payment to Council of Water Supply and Sewerage Headworks Contributions in accordance with Council's adopted Policies, and are those as calculated using the rates as applicable in the adopted Council Budget at the time of Payment.

Contributions required, if paid in 2005/2006 are \$252,483.85 for Water Supply Headworks, and \$347,666.81 for Sewerage Headworks.

If Contributions are not paid within Six (6) Months of the date of approval, Contribution amounts shall be reviewed in accordance with Council's Adopted Policies at the time of payment;

- (b) Payment of Water Supply and Sewerage Headworks Contribution shall be made to Council at the time of lodgement of a Final Plan of Survey with Council for endorsement and sealing;
- (c) Execution of the necessary Water Supply and Sewerage Headworks Agreement between the Applicant and Council. All costs associated with the preparation and execution of the Agreement, including Stamp Duty as assessed by the Stamp Duty Office, are to be borne by the Applicant;

#### Stormwater Drainage

- (9) Stormwater drainage shall be designed and constructed in accordance with the requirements of the Queensland Urban Drainage Manual and the Bundaberg City Council, i.e., a piped capacity for Q10ARI minor flows and overland Q100ARI major flows. The drainage system shall be designed to:-
  - (a) cater for the existing stormwater flows within the commercial Street road reserve including flows from adjacent properties.

These flows shall be limited to the designed capacity of the detention basin within Lot 2 on SP177129;

- (b) accommodate both the minor and major design storms for the balance area of Lot 2 on SP177129, including flowpaths and easements through Lots as required;
- (10) All Lots must be provided with Q100ARI local flooding immunity from flows within the development road or drainage reserves;
- (11) Inter-allotment drainage (Level 3) shall be provided to all Lots in accordance with the requirements of the Queensland Urban Drainage Manual;
- (12) Each Lot is to be provided with a stormwater point of connection to the underground drainage system within the development road and drainage reserves;
- (13) Flowpaths traversing the development Lots shall be contained within easements of sufficient width to transport the Q100ARI flow, including freeboard to the Lots. The documentation shall be acceptable to Council and be prepared at the full cost of the Applicant. Easements or reserves which do not contain Q100ARI piped drainage shall be provided with 'low flow' concrete inverts for their full length;
- (14) The proposed corridor between Lots 59 and 60 shall be:–
  - (a) Dedicated as “Park and Drainage Reserve” free of cost to Council;
  - (b) Of a sufficient width designed to accommodate either:–
    - (i) piped drainage of a capacity for Q100ARI flows; or
    - (ii) piped drainage of a capacity for Q10ARI flows with overland flowpaths to be provided for a capacity of Q100ARI less piped flow, including adequate freeboard to the satisfaction of Council; and
  - (c) Provided with a minimum Two (2) metre concrete path from the existing kerb and channelling to the top of the detention basin batter slope. The end of the path shall receive scour protection. The batters of the corridor shall be provided with an artificial surface;

#### Roadworks and Car Parking

- (15) The layout shall be as per Barlow Gregg and Associates' Drawing No B/1719–ST01A, dated 4 October 2006. The new roads shall be constructed to the following requirements:–
  - (a) Johanna Boulevard shall be of a minimum dedicated width of Thirty (30) metres;
  - (b) Pavement shall be constructed as follows:–
    - (i) Johanna Boulevard shall be widened to a paved width of Fourteen (14) metres measured from kerb line to kerb line;

- (ii) Commercial Street shall be paved to a width of Twelve (12) metres measured from kerb line to kerb line;
  - (c) Road formation for the frontages of the proposed Lots shall remove existing unsealed road shoulders and roadside V-drains, providing compaction, reinstatement and footpath formation in accordance with Council's Engineering Design Planning Scheme Policy;
  - (d) Barrier concrete kerb and channelling is to be provided to the standard adopted by the Council from time to time in its Statement of Policy to the full frontage of all Lots;
  - (e) Each proposed road is to be designed both in layout and structural strength to cope with the frequencies and weights of traffic likely to use it, as determined by Council. The design shall be carried out by a Chartered Professional Engineer in accordance with methods detailed in Bundaberg City Council's Engineering Design Planning Scheme Policy. All roads are to be surfaced with asphaltic concrete;
- (16) Pavement construction and asphaltic concrete sealing is required either side of Johanna Boulevard and Commercial Street where full width pavement does not exist. The widening shall extend from the new kerb and channelling alignment to the existing full depth pavement of the main carriageway and not to the existing seal edge;
- (17) Pavement works shall include the regrading of the V-drain and gravel road shoulder on the southern side of Commercial Street opposite proposed Lots 1 and 2 to transition the V-drain into the new works required in the frontage of proposed Lot 70. Works shall also include a Ten (10) metre taper west of Lot 70;
- (18) Works within Johanna Boulevard shall include:—
- (a) the provision of barrier kerb and channelling, road widening, footpath formation and 1.5 metre concrete ribbon provision to the full frontages of Lot 5 on S.P. 177129 and the proposed 2.069 Ha reserve on Saltwater Creek;
  - (b) design elements to permit Q100ARI stormwater flows to enter the Saltwater Creek channel to each side of the road reserve in the locality of the existing hydraulic structure. Works shall enable the crossing to be free from inundation during Q100ARI events and shall include the provision of non-erodible spillways as required;
  - (c) the provision of scour protection to each batter of the Saltwater Creek crossing as well as gabion and rock mattress placement in erodible areas surrounding the upstream and downstream headwalls and at the outlets for the site drainage system. Specific details shall be addressed at the development Operational Works Application;
- (19) Supply and erection of necessary street signs and posts. The Applicant shall liaise with the Bundaberg City Council for determination of the names for new development roadways;

- (20) A temporary sealed turn-around shall be provided for the end of each internal roadway at the development stage boundaries;
- (21) A pathway shall be provided within all footpath areas and shall be constructed to the requirements of Council Drawing 13977 to a width of 1.5 metres;

#### Parkland

- (22) Parkland shall be provided at a rate of 10% of the Stage 3 development area. This parkland is to be provided within the balance area south of Commercial Avenue in a location to the satisfaction of Council;

#### Electricity and Telecommunications

- (23) The Applicant shall provide for the supply of underground electricity to each Lot of the proposed Lot Reconfiguration. Further, the Applicant shall arrange for Street Lighting by way of provision of underground conduits and cables, poles and street lights. Arrangements for electricity supply to the development shall be arranged by liaison and agreement with the local energy provider;
- (24) The Applicant shall be responsible for the provision of telecommunications to the Lot in the proposed Lot Reconfiguration. Arrangements for service and infrastructure supply shall be arranged by liaison and agreement with the local service provider;

#### Filling of Land

- (25) Any material placed in a potential building pad or material that will need to support a structure will require structural certification. Lot material shall be tested and certified in accordance with the requirements of Council Planning Scheme 'Filling and Excavation Code'. Upon certification, the following note shall be provided on Council's Property Database – "*Lot has been filled, fill is structurally certified*".

Certification details shall include any existing site fill and provision of final Lot levels. Such certification is to be provided prior to the sealing of the development Plan of Survey;

- (26) The open drains made obsolete by the reconfiguration drainage design shall be backfilled and reinstated to the finished surface of the proposed Lots. All works shall be subject to the compaction and certification requirements of the Council's Planning Scheme 'Filling and Excavation Code';

#### Final Plan of Survey

- (27) Lodgement of a Final Plan of Survey, together with three (3) certified copies thereof with Council, for endorsement of Council's consent and seal on such Plan.

#### Sewerage – Temporary Pump Lift Station

- (28) A temporary pump 'lift' station shall be constructed as part of the reticulation. The Station shall:
  - (a) be designed for a design life of 5 years;
  - (b) be located within the reserve;

- (c) discharge to the existing reticulation within the Saltwater Creek corridor;
- (d) be designed for ease of conversion to a system chamber once it is decommissioned to integrate into the external gravity reticulation;
- (e) be decommissioned at the full cost of the Applicant once external gravity reticulation has been completed by the Bundaberg City Council.

(A) **Referral/Concurrence Agency Conditions** – Queensland Department of Main Roads – By letter dated 13 July 2005, the Department advised it has no requirements in relation to the subject Application.

3. **Approval Type** –

- (a) Development Permit for Material Change of Use (Preliminary Approval Overriding the Planning Scheme) for a period of Fifteen (15) years after the date the approval takes effect;
- (b) Development Permit for Reconfiguring a Lot;
- (c) Development Permit for Building Works Assessable against the Ecology Protection Overlay/Code for Lots 1 – 70, for a period of Fifteen years (15) after the date the approval takes effect.

4. **Further Development Permits required** – Each stage of the Lot Reconfiguration requires a Development Application for Operational Works for the proposed development incorporating internal and external roadworks, stormwater drainage, sewerage and water reticulation and filling of land to Bundaberg City Council specifications. The Application shall include a 'Development Construction Management Plan' to address issues of erosion and traffic control, dust, site access and public complaints.

5. **Compliance with Codes for Self Assessable Development** – The Applicant may need to comply with the following codes for Self Assessable Development related to the Development Approved – Planning Scheme for Bundaberg City's "Signs Code".

6. **Properly made Submissions** (for Applications subject to Impact Assessment only) Were any properly made submissions made about the Application? – Yes

Queensland Department of Natural Resources and Mines, PO Box 1167, Bundaberg.

7. **Rights of Appeal** –

(A) **Appeals by Applicants** – An Applicant may appeal to the Court against any part of the decision, the code identified, or the length of the currency period. An Applicant Appeal must be started within Twenty (20) Business Days after the date the Decision Notice or Negotiated Decision Notice is given to the Applicant.

A Copy of the Decision Notice or Negotiated Decision Notice is given to each Principal Submitter within Five (5) Business Days after the earliest of the following happenings:–

- (a) The Applicant gives written notice that the Applicant does not intend to make representations;
- (b) The Applicant Appeals; or

(c) The Applicant Appeal Period ends.

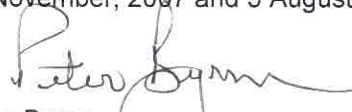
(B) **Appeals by Submitters** – A Submitter may appeal to the Court about the giving of a Development Approval, including any Conditions (or lack of Conditions) or other provisions of the Approval, or the length of a currency period for the approval. The Appeal must be started within Twenty (20) Business Days after the date the Decision Notice or Negotiated Decision Notice is given to the Submitter. If a person withdraws a Submission before the Application is decided, the person may not appeal the Decision.

(C) See attached extract pages from the “Integrated Planning Act 1997”.

8. **Assessment Manager** – Bundaberg City Council.

Peter Byrne  
Chief Executive Officer  
24th February, 2006

I certify that this is a true copy of the original approval dated 24<sup>th</sup> February, 2006 incorporating the approved changes dated 21 June 2012 and previous changes and modifications to the decision notice dated 14 July, 2006, 17 November, 2006, 13 July, 2007, 17 November, 2007 and 5 August, 2008.



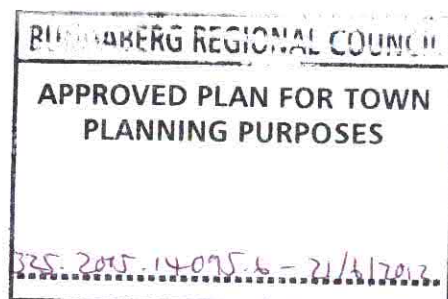
Peter Byrne  
Chief Executive Officer

# PLAN OF DEVELOPMENT 1

## Kensington Commercial Industry Estate

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## **PRELIMINARY**

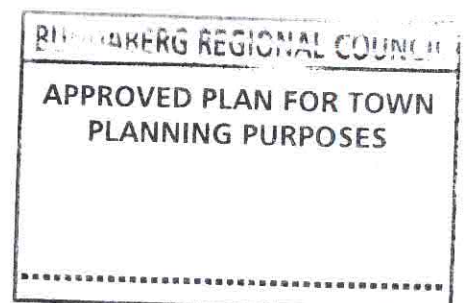
This document is in two parts

### **Part 1**

Part 1 is set out as an introduction to the Kensington Plan of Development – POD 1. It identifies the land subject to the Plan of Development; nominates an extended currency period for the Preliminary Approval; and includes paragraphs that link the Plan of Development to the Preliminary Approval.

### **Part 2**

Part 2 is the statutory Plan of Development which incorporates a new Development Assessment Table for development within the Plan of Development Area; and sets out a Code against which future applications would be assessed. (Kensington Plan of Development Code)



## **PART 1—INTRODUCTION**

### **1.1 Aspect of Development subject to the Preliminary Approval**

Development for a Material Change of Use, Reconfiguring a lot, Building Work and Operational Work

### **1.2 Citation**

This Preliminary Approval shall be cited as the **Kensington Plan of Development - Preliminary Approval Number: POD 1.**

### **1.3 Land**

This Preliminary Approval applies to the following land:

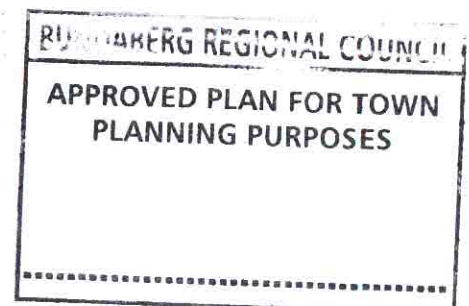
**Street Address:** Johanna Boulevard and Commercial Avenue, Kensington, Bundaberg.

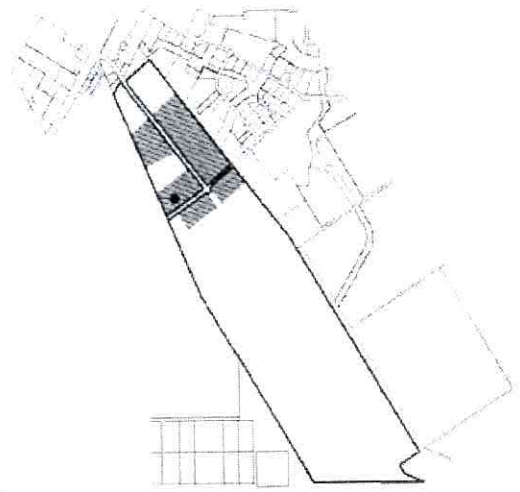
**Real Property Description:** Lot 1 and part of lot 2 on SP 177129, Parish of Bundaberg, County of Cook.

The land subject to the provisions of the Plan of Development is shown on Figure 1.

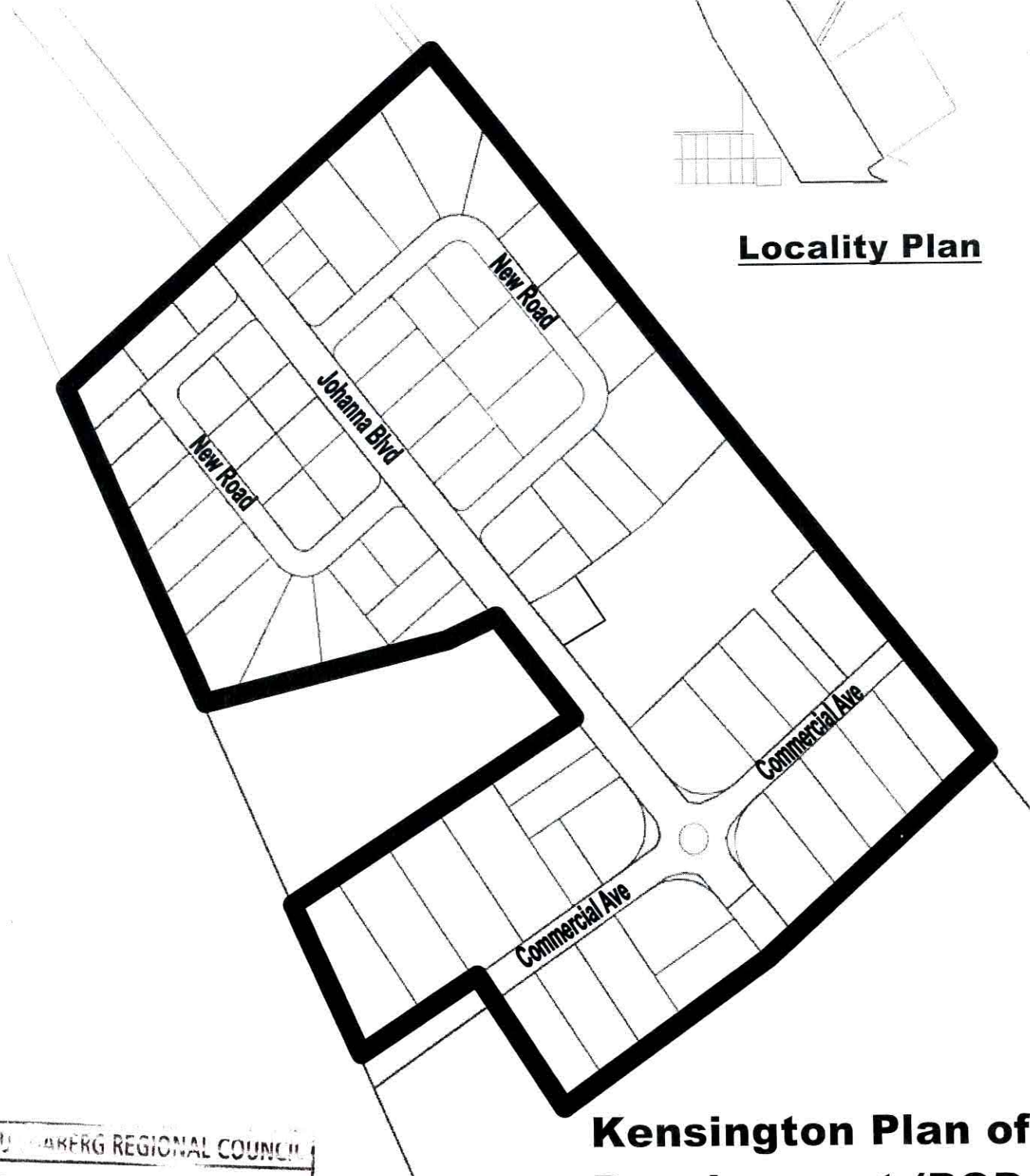
### **1.4 Preliminary Approval**

- (1) This Preliminary Approval is granted in accordance with section 3.1.5 of the *Integrated Planning Act 1997* as amended and as in force as at May 2005 (the Act), and is subject to the specific provisions contained herein and to the conditions of development attached.





**Locality Plan**



# **Kensington Plan of Development (POD1)**

**(Figure 1)**

BUENAVISTA REGIONAL COUNCIL  
APPROVED PLAN FOR TOWN  
PLANNING PURPOSES

The approval will take effect in accordance with section 3.5.19 of the Act, and the currency period will be in accordance with the provisions set out in section 1.5 of the Preliminary Approval.

### 1.5 Currency Period

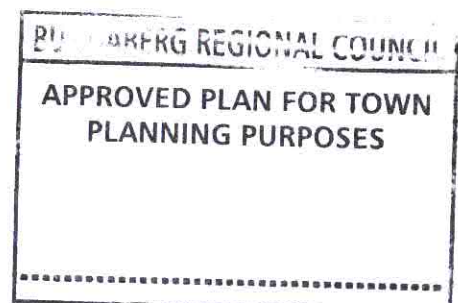
- (1) In terms of the provisions of section 3.5.21 of the Act the currency period for this Preliminary Approval is set at 15 years from the date the approval takes effect, and any extension of this period is to be considered in accordance with the provisions of section 3.5.22.

### 1.6 Plan of Development

Any development on the land subject to this Preliminary Approval is to comply with the Plan of Development number POD 1, approved by Council on 2 February 2006 and amended in April 2012. This Plan of Development (POD 1) includes an assessment table and a code applying to development of the land, in accordance with section 3.1.6 of the *Integrated Planning Act 1997*.

### 1.7 Relevant Planning Provisions

Any development on the land subject to this Preliminary Approval is also to comply with the provisions of Council's Local Laws, Planning Scheme (Bundaberg City Plan), and Development Manual to the extent that they have not been varied by this approval. Where this Preliminary Approval conflicts with the relevant requirements of the Bundaberg City Planning Scheme, local laws, or development manual the approval shall prevail.



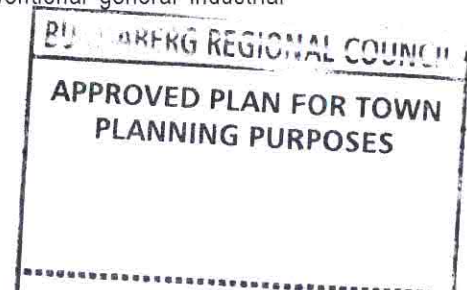
## **PART 2—KENSINGTON PLAN OF DEVELOPMENT**

### **2.1 Description**

Commercial Industry Development at Johanna Boulevard and Commercial Avenue, Kensington, Bundaberg, on land described as Lot 1 and part of lot 2 on SP 177129, Parish of Bundaberg, County of Cook, as shown on figure 1.

### **2.2 Background**

- (1) This Plan of Development is an integral part of a Preliminary Approval for the above described land and has been prepared in accordance with section 3.1.6 of the Act. It contains definitions specific to the Plan of Development area; sets out a development assessment table applicable within the area; and incorporates a code against which future development applications will be assessed.
- (2) In recognition of the sites proximity to the Bundaberg Regional Airport and the potential for Commercial Avenue and Johanna Boulevard to become major entry corridors for air passengers to Bundaberg there is a need to ensure that development abutting and in close proximity to these corridors is of a high standard of design and is landscaped to provide a fitting image for the city.
- (3) To achieve this image and provide a high amenity commercial and industry area this Plan of Development broadens the uses within the Plan area beyond what would be expected in a conventional general industrial



area, to include not just industry but also compatible commercial and community uses that do not necessarily require or suit a shopping centre location; or that serve, administer or have a synergy with industry activities. In addition the Plan of Development is intended to encourage the establishment of enterprises that have a functional relationship with the aviation or air transport industry.

### 2.3 Definitions

**The Act** – means the *Integrated Planning Act 1997* as amended

**Aviation or Industry Related Business** — Any commercial, retail, office or business use that predominantly serves the commercial and industrial activities or workforce in the general area.

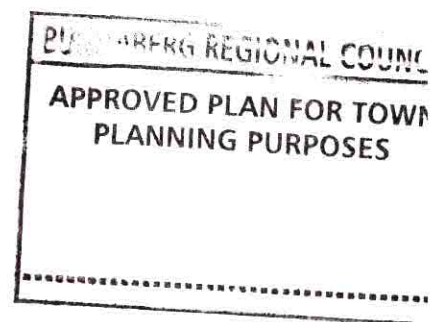
**Convenience Store** – means a retail outlet selling groceries, meats, fruit and vegetables, delicatessen lines, seafood, newsagency lines or similar products for the day to day needs of the community. A use for the purpose of Convenience Store is limited to a maximum 750 square metres gross floor area.

**Pharmacy** – means the use of premises for the dispensing of medication and ancillary pharmaceutical products to the general public together with associated sale of health and medical supplies and products. A use for the purpose of Pharmacy is limited to a maximum 750 square metres gross floor area.

**Post Office** — means an outlet operating as an agency for Australia Post. A use for the purpose of Post Office also includes the ancillary retail sale of related merchandise including stationary, paper products, office requisites, and packaging. A use for the purpose of Post Office is limited to a maximum 750 square metres gross floor area.

**Newsagency** – means a retail outlet selling newsagency lines to the general public together with any associated sale of books, stationary, or confectionary; or acting as a lotto agency, or dry cleaning agency; and selling or providing any similar ancillary products or services. A use for the purpose of Newsagency is limited to a maximum 750 square metres gross floor area.

**Take Away Liquor Outlet** – means the use of premises for the wholesale or retail sale of spirits, wine or beer for consumption off the premises, and includes any facilities for tasting or sampling product on-site.



## 2.4 Development within the Kensington Plan of Development Area

Any application for development within the Kensington Plan of Development Area will be made in accordance with the Development Assessment Tables, and assessed against the Purpose, Performance Criteria and Solutions set out in the code.

## 2.5 Development Assessment Tables

### 2.5.1 Development Assessment Table – Building Work, Operational Work, and Reconfiguring a Lot

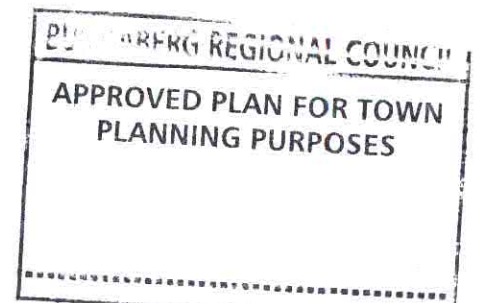
The Building Work, Operational Work and Reconfiguring Lot components of the development assessment table for Precinct 2f of Local Area 2 – Southern Industrial area (as at May 2005 — Planning Scheme for Bundaberg City Version 1.01), will remain applicable to the subject site. In addition to the applicable codes called up in these assessment tables all applications for building work, operational work and to reconfigure a lot will be subject to the Plan of Development Code incorporated in this Preliminary Approval. In the case of a conflict between the Plan of Development Code and any other applicable code the Plan of Development Code will prevail.

### 2.5.2 Development Assessment Table – Material Change of Use

Development for a material change of use in the Kensington Plan of Development (POD 1) area is subject to the Development Assessment Table in this section and the codes called up as applicable codes. In addition to the applicable codes called up in the Development Assessment Table, development for a Material Change of Use in the Plan of Development area is subject to the Ecology Protection Code, the Bundaberg Airport Code, the Acid Sulfate Soils Code, and the Indigenous and Non — European Cultural Heritage Code in the Bundaberg City Plan.

### 2.5.3 Development Assessment Table – Ecology Protection Overlay Table

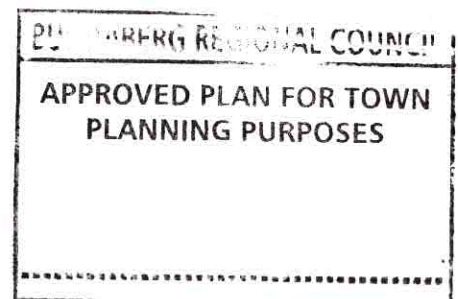
The Building Works component of the Ecology Protection Overlay within the Kensington Plan of Development area, specifically Lots 1 – 70 is Exempt Development assessed against the Ecology



Protection Code. Material Change of Use, Operational Works and Reconfiguring Lot components remain applicable.

**2.5.4 Development Assessment Table – All Other Overlays**

All assessable development against the Acid Sulfate Soils and Bundaberg Airport Overlay remain applicable.

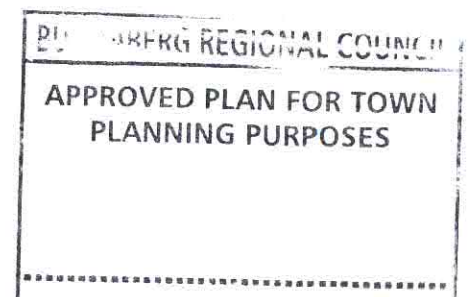




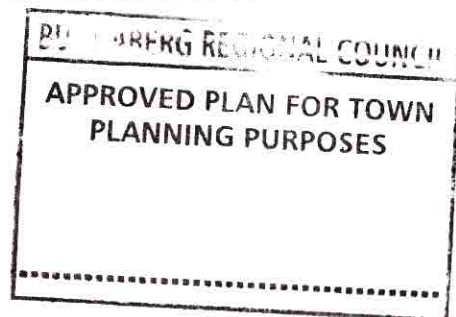
**Development Assessment Table for the Kensington Plan of Development Area (POD 1)**

<b>MATERIAL CHANGE OF USE</b>		
Development identified in the development assessment table as self—assessable that does not comply with the acceptable solutions of the relevant codes is code assessable. A shaded area within the development assessment table represents impact assessable development that is unlikely to be consistent with the Kensington Plan of Development or the Bundaberg City Plan.		
<b>Defined Use</b>	<b>Type of Assessment</b>	<b>Primary Codes Other Codes<sup>1</sup></b>
Agriculture	Impact Assessable	<b>Not Applicable</b>
Aviation or Industry Related Business	Code Assessable	<b>Kensington Plan of Development Code</b> <i>Infrastructure Services Code</i> <i>Signs Code</i> <i>Landscaping Code</i> <i>Vehicle Parking and Access Code</i>
Animal Husbandry	Impact Assessable	<b>Not Applicable</b>
Caretaker's Residence	Code Assessable	<b>Kensington Plan of Development Code</b> House Code
Commercial Activity A	Impact Assessable	<b>Not Applicable</b>
Commercial Activity B other than Shop.	Self Assessable	<b>Kensington Plan of Development Code</b> <i>Infrastructure Services Code</i> <i>Signs Code</i> <i>Landscaping Code</i> <i>Vehicle Parking and Access Code</i>
Commercial Activity B for the purpose of Shop	Impact Assessable	<b>Not Applicable</b>
Commercial Activity C other than Department store, Major shopping complex, or Supermarket	Code Assessable	<b>Kensington Plan of Development Code</b> <i>Infrastructure Services Code</i> <i>Signs Code</i> <i>Landscaping Code</i> <i>Vehicle Parking and Access Code</i>

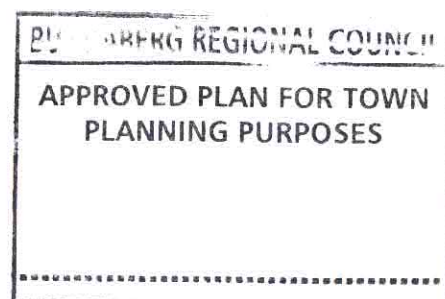
<sup>1</sup> In the case of a conflict between the Kensington Plan of Development Code and any of the "Other Codes" listed in this column the Kensington Plan of Development Code will prevail.



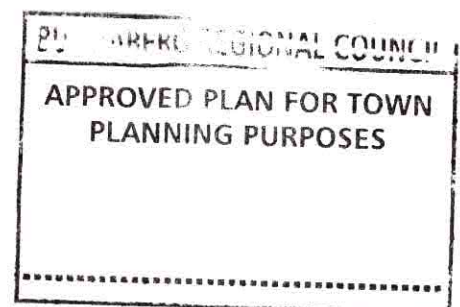
<b>MATERIAL CHANGE OF USE</b>		
Development identified in the development assessment table as self—assessable that does not comply with the acceptable solutions of the relevant codes is code assessable. A shaded area within the development assessment table represents impact assessable development that is unlikely to be consistent with the Kensington Plan of Development or the Bundaberg City Plan.		
<b>Defined Use</b>	<b>Type of Assessment</b>	<b>Primary Codes Other Codes<sup>1</sup></b>
Commercial Activity C for the purpose of Department store, Major shopping complex, or Supermarket	Impact Assessable	<b>Not Applicable</b>
Community Activity- Other than Community hall, Youth centre.	Code Assessable	<b>Kensington Plan of Development Code</b> <i>Infrastructure Services Code</i> <i>Signs Code</i> <i>Landscaping Code</i> <i>Vehicle Parking and Access Code</i>
Community Activity- Community hall, Youth centre.	Impact Assessable	<b>Not Applicable</b>
Community Infrastructure	Code Assessable	<b>Kensington Plan of Development Code</b> <i>Flood Management Code</i> <i>Infrastructure Services Code</i> <i>Signs Code</i> <i>Landscaping Code</i> <i>Vehicle Parking and Access Code</i>
Convenience Store	Self Assessable	<b>Kensington Plan of Development Code</b> <i>Infrastructure Services Code</i> <i>Signs Code</i> <i>Landscaping Code</i> <i>Vehicle Parking and Access Code</i>
Industry – Food related	Impact Assessable	<b>Not Applicable</b>
Industry – General	Self Assessable	<b>Kensington Plan of Development Code</b> <i>Infrastructure Services Code</i> <i>Signs Code</i> <i>Landscaping Code</i> <i>Vehicle Parking and Access Code</i>



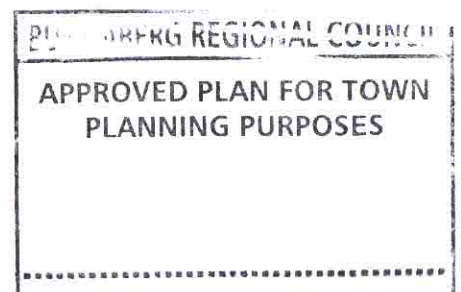
<b>MATERIAL CHANGE OF USE</b>		
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<b>Defined Use</b>	<b>Type of Assessment</b>	<b>Primary Codes Other Codes<sup>1</sup></b>
Industry – Light	Self Assessable	<b>Kensington Plan of Development Code</b> <i>Infrastructure Services Code</i> <i>Signs Code</i> <i>Landscaping Code</i> <i>Vehicle Parking and Access Code</i>
Industry – Service	Self Assessable	<b>Kensington Plan of Development Code</b> <i>Infrastructure Services Code</i> <i>Signs Code</i> <i>Landscaping Code</i> <i>Vehicle Parking and Access Code</i>
Industry – Noxious, Offensive or Hazardous	Impact Assessable	<b>Not Applicable</b>
Newsagency	Self Assessable	<b>Kensington Plan of Development Code</b> <i>Infrastructure Services Code</i> <i>Signs Code</i> <i>Landscaping Code</i> <i>Vehicle Parking and Access Code</i>
Park	Exempt Development	<b>Not Applicable</b>
Pharmacy	Self Assessable	<b>Kensington Plan of Development Code</b> <i>Infrastructure Services Code</i> <i>Signs Code</i> <i>Landscaping Code</i> <i>Vehicle Parking and Access Code</i>
Post Office	Self Assessable	<b>Kensington Plan of Development Code</b> <i>Infrastructure Services Code</i> <i>Signs Code</i> <i>Landscaping Code</i> <i>Vehicle Parking and Access Code</i>



<b>MATERIAL CHANGE OF USE</b>		
Development identified in the development assessment table as self—assessable that does not comply with the acceptable solutions of the relevant codes is code assessable. A shaded area within the development assessment table represents impact assessable development that is unlikely to be consistent with the Kensington Plan of Development or the Bundaberg City Plan.		
<b>Defined Use</b>	<b>Type of Assessment</b>	<b>Primary Codes Other Codes<sup>1</sup></b>
Recreation Indoor- other than nightclub, theatre	Code Assessable	<b>Kensington Plan of Development Code</b> <i>Infrastructure Services Code</i> <i>Signs Code</i> <i>Landscaping Code</i> <i>Vehicle Parking and Access Code</i>
Recreation Indoor- for nightclub, theatre	Impact Assessable	<b>Not Applicable</b>
Recreation Outdoor	Impact Assessable	<b>Not Applicable</b>
Residential Single Unit	Impact Assessable	<b>Not Applicable</b>
Residential Display Home	Impact Assessable	<b>Not Applicable</b>
Residential Dual Occupancy	Impact Assessable	<b>Not Applicable</b>
Residential Multi Unit – Motel located on Johanna Boulevard or Commercial Avenue	Code Assessable	<b>Kensington Plan of Development Code</b> <i>Infrastructure Services Code</i> <i>Signs Code</i> <i>Landscaping Code</i> <i>Vehicle Parking and Access Code</i>
Residential Multi Unit – Other than Motel located on Johanna Boulevard or Commercial Avenue	Impact Assessable	<b>Not Applicable</b>
Residential Special	Impact Assessable	<b>Not Applicable</b>
Special Use	Impact Assessable	<b>Not Applicable</b>
Take Away Liquor Outlet	Code Assessable	<b>Kensington Plan of Development Code</b> <i>Infrastructure Services Code</i> <i>Signs Code</i> <i>Landscaping Code</i> <i>Vehicle Parking and Access Code</i>



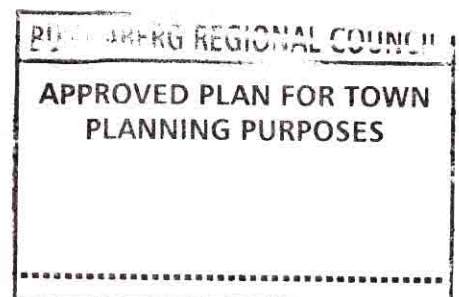
<b>MATERIAL CHANGE OF USE</b>		
<p>Development identified in the development assessment table as self—assessable that does not comply with the acceptable solutions of the relevant codes is code assessable. A shaded area within the development assessment table represents impact assessable development that is unlikely to be consistent with the Kensington Plan of Development or the Bundaberg City Plan.</p>		
<b>Defined Use</b>	<b>Type of Assessment</b>	<b>Primary Codes Other Codes<sup>1</sup></b>
Utilities	Code Assessable	<b>Kensington Plan of Development Code</b> <i>Infrastructure Services Code</i> <i>Signs Code</i> <i>Landscaping Code</i> <i>Vehicle Parking and Access Code</i>
Other (not defined)	Impact Assessable	<b>Not Applicable</b>



## 2.6 Kensington Plan of Development Code

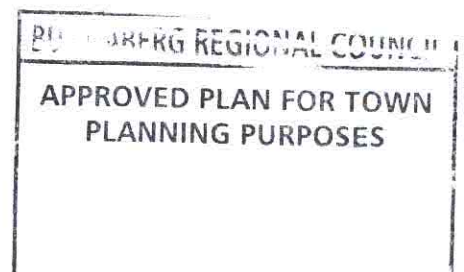
### 2.6.1 Purpose of the code

- (1) The purpose of the code is to ensure that—
  - (a) development contributes to—
    - (i) an efficient, effective and functionally integrated mixed commercial industry precinct;
    - (ii) a high quality streetscape that establishes an appealing entry statement to the city from Bundaberg Airport;
    - (iii) a high amenity Commercial Industry Precinct that is typified by visually pleasing buildings that are visually compatible with each other, are of a similar physical character, and developed so as not to result in any significant emissions of light or noise.

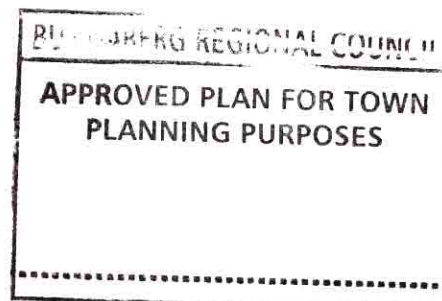


## 2.7 Performance Criteria and Acceptable and Probable Solutions

PERFORMANCE CRITERIA		SOLUTIONS	
<i>The purpose of the code may be achieved if the following criteria are satisfied</i>		<b>SELF ASSESSMENT – Acceptable Solutions</b> ( <i>illustrate how compliance with the Performance Criteria is to be achieved</i> )	
		<b>CODE ASSESSMENT – Probable Solutions</b> ( <i>illustrate how compliance with the Performance Criteria may be achieved</i> )	
<b>Applicable to all development</b>			
P1.	The design, scale and siting of buildings and other works: (a) Creates a high quality and visually appealing building form; and (b) Contributes positively to the streetscape; and (c) Results in buildings that are visually compatible with and of a similar physical character to adjoining and nearby buildings within the Plan of Development area; and (d) Results in buildings that avoid long unarticulated facades or roofs by incorporating changes in setback, variations in parapet design, variation in roof heights and slopes, and other design treatments.	A1.1	Front walls of buildings have a maximum unbroken length of 15 metres
		A1.2	Any ground storey office, entrance foyer, building forecourt or display window is oriented or opens toward the footpath of the primary street frontage of the site, irrespective of any secondary access to or from a carpark located other than at the front of the building.
		A1.3	Buildings are not more than 15 metres high.
		A1.4	Site cover does not exceed 75%.
		A1.5	Buildings are set back not less than 6 metres from the primary road frontage, or less than 4.5 metres from any other road frontage. (wording changed to align with POD 2)
P2.	Noise and light emissions do not adversely affect amenity.	A2.1	External lighting is provided in accordance with Australian Standard AS 4282 for commercial activities A, B and C; and in accordance with AS 2560 for other uses.
		A2.2	Any noise produced by the use does not exceed the background noise level plus 10 dB(A) (6am - 10pm) or background noise level plus 3 dB(A) (10pm - 6am) measured as the adjusted maximum sound pressure level at any noise sensitive place.
		A2.3	Illumination levels 1.5m outside the site do not exceed 8 Lux.
P3.	Disposal of wastewater does not result in harm to the environment or human health.	A3.1	Wastewater is disposed of to Council's sewerage system unless A3.5 or A3.6 are adopted; and
		A3.2	Noise generating equipment utilised to pre-treat liquid waste is acoustically baffled to comply with A2.2 of this Code; and
		A3.3	Covers are provided over odour generating industrial processes with odour stripping of waste air; and
		A3.4	There is no discharge of liquid waste to local streams, natural

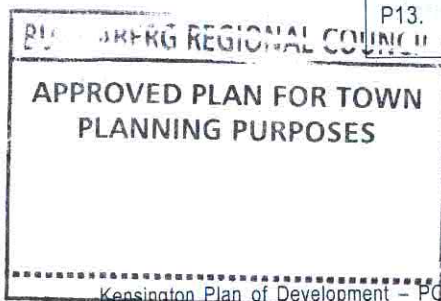


PERFORMANCE CRITERIA		SOLUTIONS	
<i>The purpose of the code may be achieved if the following criteria are satisfied</i>		<b>SELF ASSESSMENT – Acceptable Solutions</b> ( <i>illustrate how compliance with the Performance Criteria is to be achieved</i> )	
		<b>CODE ASSESSMENT – Probable Solutions</b> ( <i>illustrate how compliance with the Performance Criteria may be achieved</i> )	
		wetlands, dry watercourses or Council’s stormwater system; and	
		A3.5 Liquid wastes that cannot be disposed of to the sewerage system in accordance with the <i>Sewerage and Water Supply Act</i> are to be disposed of off-site to an approved waste disposal facility; and	
		A3.6 Where industrial on-site treatment systems are provided, the associated off-site sludge disposal is to an approved waste disposal facility.	
P4.	Solid waste disposal does not result in harm to the environment.	A4.1	Solid wastes are disposed of in accordance with the <i>Environmental Protection (Waste) Policy 2000</i> and <i>Environmental Protection (Waste Management) Regulations 2000</i> .
P5.	Parking, access, manoeuvring, and outdoor storage areas do not generate dust, noise or drainage problems.	A5.1	All vehicle parking, access and manoeuvring areas and any outdoor storage areas are Asphaltic Concrete (AC) sealed or concrete sealed; and drained; and are constructed with a physical kerb or barrier that prevents vehicular access to landscaped areas and other unsealed parts of the site.
P6.	Stormwater drainage discharge does not result in adverse water quality impacts in receiving waters or environments.	A6.1	All stormwater from the site will be conveyed by an underground piped system to outlet to the existing approved detention basin.
		A6.2	Each outlet has stormwater quality improvement devices fitted.
		A6.3	All allotments have separator pits installed in their carpark areas.
		A6.4	All drainage infrastructure is provided in accordance with the Queensland Urban Drainage Manual.
P7.	Motels are designed and constructed to:	A7.1	Motels are designed in accordance with the applicable Acceptable Solutions contained within the Queensland Development Code – Part 13;
(a)	Contribute to the cohesive design theme of the area in terms of building materials, orientation, setback, location and screening of carparking areas as set out in P7 to P10 (and associated solutions) of this code;	A7.2	Motels comply with A7, A8.1 or A8.2, and A10.1;
		A7.3	No unscreened window is closer to a side or rear boundary than 3m at ground floor level and 6m above ground floor level.
		A7.4	A 1.8m (minimum height) screen fence is provided along the side and rear boundaries of the site;
		A7.5	Side and rear boundary setbacks are equal to half the height of the building at any point, but not less than 3m.
(b)	Provide a high level of amenity for guests in terms of function and privacy;	A7.6	Motel buildings have maximum site coverage of 40% of the site area.
		A7.7	Garbage bin storage areas are provided and screened from the street and adjoining properties;
(c)	Provide adequate on-site services;	A7.8	Lighting is provided to all pedestrian paths between public and shared areas, parking areas and building entries;
		A7.9	Lighting is shielded so as not to shine into adjacent properties;
(d)	provide for security of guests; and	A7.10	Pedestrian and carparking access is clearly defined, visible to the street and provides direct access to buildings;

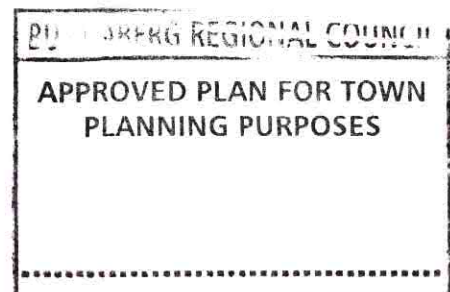


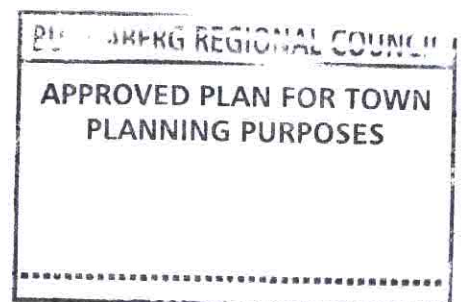
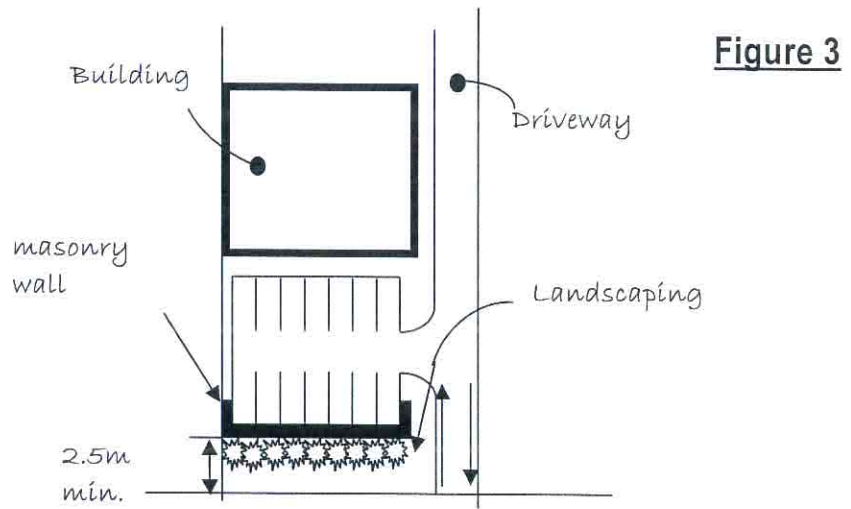
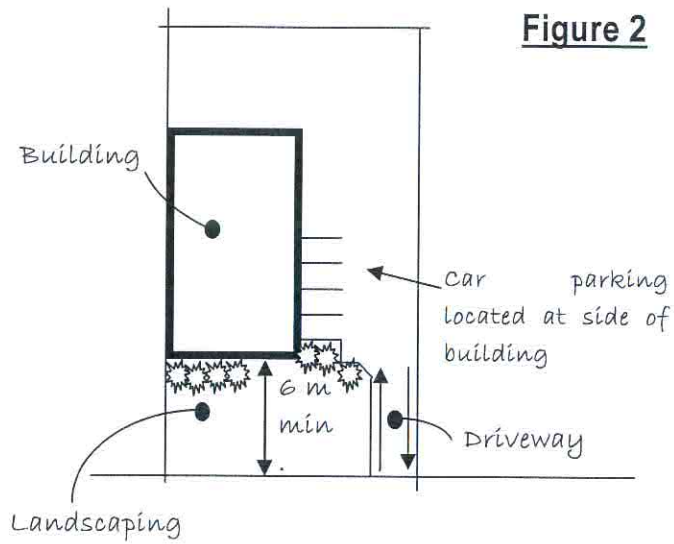


PERFORMANCE CRITERIA		SOLUTIONS	
<i>The purpose of the code may be achieved if the following criteria are satisfied</i>		<b>SELF ASSESSMENT – Acceptable Solutions</b> ( <i>illustrate how compliance with the Performance Criteria is to be achieved</i> )	
		<b>CODE ASSESSMENT – Probable Solutions</b> ( <i>illustrate how compliance with the Performance Criteria may be achieved</i> )	
(e)	Do not have an adverse impact on the amenity of the area;	A7.11	Levels of lighting associated with the motel are in accordance with Australian Standards AS 1158 and AS 4282;
		A7.12	Parking areas, driveways, plant and equipment and communal facilities are not located adjacent to residential buildings on adjoining land; and
		A7.13	On-site landscaping having an area of not less than 20% of the total area of the site is provided and maintained.
Applicable to development on Sites with a street frontage to Johanna Boulevard or Commercial Avenue			
P8.	Facades of buildings are constructed predominantly of masonry and have a high visual amenity.	A8	The facades of buildings (other than shade devices, entry porticos, and similar) facing Johanna Boulevard and those facing Commercial Avenue are constructed from tilt up slab, brick, masonry, or similar; and are painted; or rendered and painted.
P9.	Building materials do not incorporate highly reflective materials.	A9	Any windows incorporate clear, or non-reflective tinted glass; and any steel feature wall or shade device is painted.
P10.	Car parking areas are not visually intrusive when viewed from the street, and are set back and screened from any street frontage.	A10.1	Carparking areas are not located between the front of the building and any street frontage but to the side or rear of the building; and are located a minimum of 6 metres from any street frontage (as illustrated in figure 2 at the end of the code).
			<b>OR</b>
		A10.2	Carparking areas are set back a minimum of 2.5 metres from any street frontage and are screened from the frontage by a painted masonry or stone wall, with associated landscaping. The wall is to be a minimum of 800 mm above the car parks pavement surface at all points along the wall (as illustrated in figure 3 at the end of the code).
P11.	Outdoor display areas are set back from any street frontage and screened so as not to be visually intrusive when viewed from any street.	A11.1	Outdoor display areas are set back a minimum of 2.5 metres from any street frontage and are screened from the frontage by a painted masonry or stone wall, with associated landscaping. The wall is to be a minimum of 600 mm above the display areas pavement surface at all points along the wall (as illustrated in figure 3 at the end of the code).
P12.	Outdoor storage areas, loading and unloading areas, and non-passenger vehicle parking areas are set back from any street frontage and screened so as not to be visually intrusive when viewed from any street.	A12.1	Outdoor storage areas; loading and unloading areas; and non-passenger vehicle parking areas are located to the side or rear of the building and are setback a minimum of 15 metres from any street frontage. These areas are screened from any street by either the building; a masonry wall; or dense landscaping, or a combination of these.
Applicable to development on Sites with a street frontage to other than Johanna Boulevard or Commercial Avenue			
P13.	Car parking areas and outdoor display areas are	A13	Car parking areas and outdoor display areas are set back a minimum of 1.5 metres from any street frontage and are



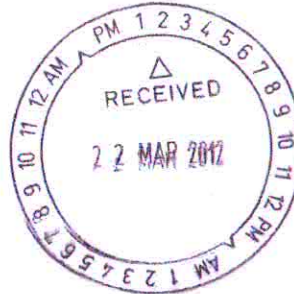
PERFORMANCE CRITERIA		SOLUTIONS	
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		<b>CODE ASSESSMENT – Probable Solutions</b> ( <i>illustrate how compliance with the Performance Criteria <b>may</b> be achieved</i> )	
	not visually intrusive when viewed from the street.		screened from the street by the planting of trees, shrubs and ground covers within the 1.5 metre setback area.
P14.	Outdoor storage areas are not visually intrusive when viewed from any street.	A14	Outdoor storage areas are located to the side or rear of the building and not between the building and any street frontage.





21 March 2012

Mr Peter Byrne  
Chief Executive Officer  
Bundaberg Regional Council  
PO Box 3130  
Bundaberg Qld 4670



Dear Mr Byrne

**RELEVANT ENTITY RESPONSE NOTICE – NO OBJECTION**

**Bundaberg Regional Council: Isis Highway (Bundaberg – Childers)**  
**Applicant: Pressler Properties Pty Ltd**  
**Proposal: Preliminary approval overriding the planning scheme for material change of use – Stages 1 to 3 - Kensington Commercial Industry and superpark**  
**Subject land: Lots 1 & 2 on SP177129**  
**Situated at Commercial Avenue & Johanna Boulevard, Kensington**  
**Access location: 19A at 4.654L**

The Department of Transport and Main Roads (the department) received a copy of the request to change the abovementioned development approval in accordance with Section 372 of the *Sustainable Planning Act 2009* (SPA) on 22 February 2012.

The department as a relevant entity has considered the proposed changes to the development approval in accordance with its jurisdiction.

The department advises that it has no objection to the change/s being made.

Pursuant to Section 374(1)(d) of the SPA, the responsible entity must assess the request to change the development approval having regard to this relevant entity response notice.

The responsible entity must give written notice of its decision on the request to the department under Section 376(1)(c) of the SPA.

Department of Transport and Main Roads  
Bundaberg Office - Wide Bay/Burnett Region  
21-23 Quay Street, Bundaberg Qld 4670  
Locked Bag 486 Bundaberg Queensland 4670  
ABN 39 407 690 291  
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Our ref 500/397(1) P20485 P20487  
Your ref 325.2005.14009.5  
Enquiries Bryan Richters  
Telephone 07 4154 0200  
Facsimile 07 4152 3878  
Website [www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)  
Email: [bundaberg.office@tmr.qld.gov.au](mailto:bundaberg.office@tmr.qld.gov.au)

If you have any queries or wish to seek clarification about any of the details in this response, please contact Bryan Richters, Development Control Officer on (07) 4154 0200.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Doug Wass', is positioned above the printed name.

Doug Wass  
**Regional Director (Wide Bay/Burnett)**

C/c Mr John Coyle  
Insite Strategies Pty Ltd (Brisbane)  
25 Nullamanna Road  
Camp Mountain Qld 4520



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ABN 72 427 835 198

*26/6/12.....*

Department of Main Roads  
PO Box 486  
BUNDABERG QLD 4670

For your information.

File No: *325-2012-14095-6*  
Contact Person: *A. Kelly.....*

