

16 October 2014

Insite SJC
John Coyle
25 Nullamanna Road
CAMP MOUNTAIN QLD

Notice
Request to Change a Development Approval
Sustainable Planning Act 2009 s.376

Thank you for your Request to Change a Development Approval in respect of Development Permits for:

- (A) Material Change of Use – Preliminary Approval Over-riding the Planning Scheme for “Non Urban” Land [to be assessed under the Kensington Aviation Business Precinct and Kensington Superpark Precinct Plan of Development 2) [Proposed use: Mixed use of Industry, Commercial and Community];
- (B) Reconfiguring a Lot – 49 lots (comprising 47 Aviation Business Precinct lots including 7 Community Title Lots with direct access to taxiway, plus Lots 48 (being 3.0 hectares) and Lot 49 (being 9.782 hectares); and
- (C) Preliminary approval for Operational Works associated with the Reconfiguring a Lot

at Johanna Boulevard, Commercial Street, Nasho Court, Maria Street, Eva Street and Enid Ethel Drive, Kensington; land described as Lots 20 and 21 on SP261848 and Lots 1 and 9 - 49 on SP225014; lodged with Council on 14 August 2014 and originally approved on 25 February 2008; incorporating changes on 6 August 2009 and subsequent changes made on 25 July 2012 and 27 November 2012. I wish to advise that Council determined the above Request on 14 October 2014. Details of the Council’s decision are:

DECISION

- Approved in full subject to conditions

The approved changes are set out as follows:

- Decision Notice (part 4) – Approved Plans – Approved plan documentation varied to reflect additional approved plan reference as follows:

Plan / Doc No.	Plan / Doc Name	Prepared by	Date
<i>P1901.1B</i>	<i>Kensington Park Estate – Stage 4 Internal Sub-Staging Plan</i>	<i>(Original Plan by VDM Consulting)</i>	<i>4 August 2014</i>

- Delete Condition 1;

- Include new Condition 1A to read as follows:-
The development may be staged in accordance with the stage boundaries shown on the Approved Plans.
- Amend Condition 27 to read as follows:-
 - (i) Construction of a roundabout at the intersection of Johanna Boulevard and the new twenty (20) metre wide road (running north-south) in accordance with Austroads, Part 6;
 - (ii) Construction of a roundabout at the intersection of the new twenty (20) metre road (running north-south) and future stub road adjacent to the proposed Super Park, in accordance with Austroads, Part 6.
- Amend Condition 32 to read as follows:-
The Applicant will undertake the following intersection upgrades in accordance with Austroads' requirements:-
 - (a) Commercial Street/Enterprise Street: Construct a thirty (30) metre left turn lane on the Enterprise Street east approach; and
 - (b) Enterprise/Fitzgerald Street/Maynard Street: Construct twenty (20) metres left turn lanes on the Maynard Street, Fitzgerald Street and Enterprise Street approaches; or
 - (c) Alternatively, the applicant may enter into an infrastructure agreement with Council to provide alternative infrastructure to that listed in items (a) and (b).
- Amend Condition 45 to read as follows:-
The taxiway must be designed in layout, pavement width and structural strength to cope with the frequencies and weights of aircraft likely to use it. The taxiway must be paved with asphalt. It must be constructed prior to Council endorsing the community title scheme plan of subdivision and community management statement or prior to any use commencing on Lot 1 SP225014, whichever occurs sooner.
- Amend Condition 46 to read as follows:-
The Applicant must enter into a legal agreement with Bundaberg City Council with respect to aircraft access to the Bundaberg Airport (Lot 35 SP254546) from the proposed taxiway. Access and infrastructure associated with the access are matters determined within this legal agreement. No access for aircraft must be allowed from the air access lot/s to the airport until the applicant constructs a taxiway from the air access lot/s to connect with the airport's existing taxiways or runways.

A copy of the decision notice for the original application is included within Schedule 1, showing the changes in ***bold italics***.

APPEAL RIGHTS

Appeal Rights are set out in Schedule 2.

If you wish to discuss this matter further, please contact Lee-Anne Manski on the above telephone number.

Yours sincerely



Michael Ellery

Group Manager Development

SCHEDULE 1–Original Decision Notice

SCHEDULE 2–SPA extract on appeal rights



SCHEDULE 1

6 August 2009

Pressler Properties Pty Ltd
C/- Insite Strategies Pty Ltd
PO Box 471
BUNDABERG QLD 4670

Attn: Mr John Coyle

I certify that this is a true copy of the original approval dated 6 August, 2009 (as amended by Notice to Change an Existing Approval dated 25 July 2012), incorporating the approved changes dated 14 October 2014.

Peter Byrne
Chief Executive Officer

Negotiated Decision Notice *Integrated Planning Act 1997 Section 3.5.17*

This Decision Notice includes changes approved on 14 October 2014. Changes are in ***bold italics***.

Dear Sir

RE: – Request for a Negotiated Decision Notice in respect of Decision Notice issued on 25 February 2008 for:

- (a) Material Change of Use – Preliminary Approval over-riding the Planning Scheme for Non-Urban Land (to be assessed under the Kensington Aviation Business Precinct and Kensington Super Park Precinct Plan of Development 2) [Proposed use: Mixed use Industry, Commercial and Community; and
- (b) Reconfiguring a Lot – 49 lots (comprising 47 Aviation Business Precinct lots including 7 Community Title Lots with direct access to a taxiway, plus Lots 48 (being 3.0 hectares) and Lot 49 (being 9.782 hectares) – Formerly Lot 2 on SP177129, County Cook, Parish Bundaberg (Land described as Lot 1 and Lots 8 through to 50 on SP225014 and Lots 61 through to 65 on SP216542, County Cook, Parish Bundaberg)
- (c) Preliminary approval for Operational Works associated with the Reconfiguring a Lot

- at Johanna Boulevard, Kensington; land described as Lot 2 on SP177129, County Cook, Parish Bundaberg;

- Planning Scheme for Bundaberg City.

I refer to the above-described Negotiated Decision Notice request, received by Council on 10 March, 2008. This request has been assessed by Council under delegation.

This negotiated decision notice replaces the decision notice previously issued, dated 25 February 2008 and the "draft" Negotiated Decision Notice dated 18 June, 2009.

1. **Nature of the Changes**

The nature of the changes are:-

1.1 Condition 5 – Water Supply has been amended by the addition of the following:

“Installation of a valve at the boundary of Stages 4 and 5, and the Stage 4 component to be live only”.

1.2 Condition 6 – Water Supply: has been replaced by the following new Condition (6):

“(6) Water reticulation and service layout shall be in accordance with Barlow Gregg VDM Drawing No. B/2133-36 Revision B – Water Reticulation”

1.3 Condition 19 – Stormwater has been replaced by the following new Condition (19):

“(19) The detention basin referred to in Condition (18) shall be modified by the addition of non-erodible facing to ensure design stormwater levels up to and including the 100 year ARI event are not increased in Saltwater Creek as a result of this development.

Whilst Council accepts no liability for any works carried out, in this instance Council is in agreement to meet 50% (to a maximum amount of \$25,000) of the cost of proposed works to provide a gabion rock facing to the detention basin constructed on Saltwater Creek within the Kensington Estate development, as per Option B (rated to 8 metres/second) of Quotation submitted by VDM Consulting”

1.4 Condition 24 – Environmental: has been deleted;

1.5 Condition 32 – Roadworks: has been amended by the addition of the following clause to this condition:

“(c) It is understood that these works would be of a temporary nature, and Council would at Stage 4 accept a Bond for fulfilment of these works. This Bond will be held until the intent of these conditions is fulfilled at Stage 5;

1.6 Condition 47 – Fencing: has been replaced by the following new Condition 47:-

(47) Fencing and Gates on the common property boundary between all POD2 Precinct lots (excluding the Super Park) and the Airport (Lot 1 on RP900820) are to be constructed in accordance Annexure B – Indicative Specifications of Gate and Fence as contained in the “Airpark (Commercial) Licence Deed”;

1.7.1 Condition 26 – Roadworks - Substitution of “Drawing No. B/2019 M01A” with the new plan number: **“Drawing No B/2019 M01 J No. 1 of 1 dated 15 May 2009”.**

1.8 Condition 44 – Parkland – has been amended, and now reads as follows:

“(44) Transfer to Council as Freehold Land of Lot 49 – being an area of land not less than 9.782 hectares in accordance with “Super Park Deed” between Council of the City of Bundaberg and Pressler Properties Pty Limited. Lot 48 – being an area of 3.0 hectares – is to be dedicated to the State of Queensland as Public Use Land in accordance with the “Super Park Deed”.”

2. *Details of Approval*

Combined Application – Impact Assessable – comprising –

- (a) Material Change of Use – Preliminary Approval over-riding the Planning Scheme for Non-Urban Land (to be assessed under the Kensington Aviation Business Precinct and Kensington Super Park Precinct Plan of Development 2) [Proposed use: Mixed use Industry, Commercial and Community; and
- (b) Reconfiguring a Lot – 49 lots (comprising 47 Aviation Business Precinct lots including 7 Community Title Lots with direct access to a taxiway, plus Lot 48 (3.0 hectares) and Lot 49 (being 9.782 hectares)
- (c) Preliminary approval for Operational Works associated with the Reconfiguring a Lot

3. *Referral Agencies*

This Application required Referral Co-Ordination via -

Department of Local Government, Planning, Sport & Recreation
PO Box 15031,
CITY EAST 4002

And was referred to the following Agencies:

State Controlled Road Matters

Queensland Department of Main Roads
PO Box 486
BUNDABERG Q. 4670

Transport

Queensland Department of Transport
Principal Manager (Land Use)
GPO Box 213
BRISBANE Q. 4001

Remnant Vegetation

Department of Natural Resources and Water
PO Box 1167 BUNDABERG Q. 4670

Plan/ Document Number	Plan/Document Name	Prepared By	Date
P1502-004 Rev 3	Plan of Development 2 – Kensington Aviation Business Precinct and Kensington Super Park Precinct (Rev 1 – Feb 2012)	Insite Strategies	Rev 1 – Feb 2012 Stamped "Bundaberg Regional Council - Approved Plan for Town Planning Purposes"
B/2019 M01B J No. 1 of 1	Proposed Subdivision Layout Plan – Kensington Park Estate – Stage 4 – Lot 2 on SP177129 for Pressler Properties Pty Ltd	Barlow Gregg CDM Consulting Engineers	15 May 2009
B/2133 36 B No. 36 of 43	Water Reticulation Layout Plan – Kensington Park Estate – Stage 4 – Lot 1 & part of Lot 2 on SP177129 for Pressler properties Pty Ltd	Barlow Gregg VDM Consulting	06 June 2008
P1901.1B	Kensington Park Estate – Stage 4 Internal Sub-Staging Plan	(Original Plan by VDM Consulting)	4 August 2014

4. **Assessment Manager's Conditions and Advices**

Assessment Manager's Conditions: As per attached Schedule 1.
Assessment Manager's Advices: As per attached Schedule 2.

5. **Referral Agency's Response**

Concurrence Agencies: The Queensland Department of Main Roads, by Referral Agency's Response letter dated 14th December, 2007 and their further letter dated 22nd January, 2008 advise their requirements (copy letter attached for information).

The Queensland Department of Natural Resources and Water, by Referral Agency Response letter dated 14th August, 2007 advise their requirements (copy letter attached for information).

Queensland Transport, by Amended Concurrence Agency Response letter dated 21st January, 2009 advise that they have no requirements (copy letter attached for information).

Advice Agencies: The Queensland Department of Natural Resources and Water, by Referral Agency Response letter dated 14th August, 2007 advise their Third Party response (copy letter attached for information).

6. **Further Development Permits Required**

The following development permits are necessary to allow the development to be carried out:-

(a) Operational Works – Assessable against the Planning Scheme for Bundaberg City. The Lot Reconfiguration requires a Development Application for Operational Works for the proposed development, incorporating internal and external

roadworks, stormwater drainage, sewerage and water supply 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;

8. Submissions

There were no properly made submissions about the application.

9. Rights of Appeal

Attached is an extract from the *Integrated Planning Act 1997* which details your appeal rights regarding this decision.

10. When the Development Approval Takes Effect

This development approval takes effect as per set out by s 3.5.19 of the *Integrated Planning Act 1997*.

Yours faithfully

Peter Byrne
Chief Executive Officer

Enclosures: Schedule 1 – Assessment Manager's Conditions;
Schedule 2 – Assessment Manager's Advises;
Concurrence Agency's Conditions;
Approved Plans & Plan of Development (POD);
Extract from the *Integrated Planning Act 1997*.
... Information copy to:

Department of Local Government, Planning, Sport
& Recreation
PO Box 15031,
CITY EAST 4002

Queensland Department of Main Roads
PO Box 486
BUNDABERG Q. 4670

Queensland Department of Transport
Principal Manager (Land Use)
GPO Box 213
BRISBANE Q. 4001

Department of Natural Resources and Water
PO Box 1167
BUNDABERG Q. 4670

I certify that this is a true copy of the original approval dated 6 August, 2009 (as amended by Notice to Change an Existing Approval dated 25 July 2012), incorporating the approved changes dated 14 October 2014.

Peter Byrne
Chief Executive Officer

Schedule 1(A)
Assessment Manager's Conditions
(Negotiated Decision Notice)
Development Permit for Material Change of Use
– Impact Assessment

Council Reference:	325.2006.17762.1
Negotiated Decision Date:	5 August 2009
Applicant:	Pressler Properties Pty Ltd
Property Owner:	Pressler Properties Pty Ltd
Real Property Description:	Lot 2 on SP177129, County Cook, Parish Bundaberg
Location:	Johanna Boulevard, Commercial Street, Eva Street, Nasho Court, Maria Street and Enid Ethel Drive, Kensington
Approved Use:	Combined Application for (a) Material Change of Use – Preliminary Approval over-riding the Planning Scheme for Non-Urban Land (to be assessed under the Kensington Aviation Business Precinct and Kensington Super Park Precinct Plan of Development 2) [Proposed use: Mixed use Industry, Commercial and Community; and (b) Reconfiguring a Lot – 49 lots (comprising 47 Aviation Business Precinct lots including 7 Community Title Lots with direct access to a taxiway, plus Lot 48 (3.0 hectares) and Lot 49 (9.782 hectares) (Land described as Lot 1 and Lots 8 through to 50 on SP225014 and Lots 61 through to 65 on SP216542, County Cook, Parish Bundaberg) (c) Preliminary approval for Operational Works associated with the Reconfiguring a Lot
Precinct:	Non-urban (Local Area 2)

Amended Development Conditions

(A) Assessment Manager's Conditions

General

(1) Deleted;

(1)(A) *The development may be staged in accordance with the stage boundaries shown on the Approved Plans;*

Currency Periods

- (2) This plan of development (POD2) takes effect on the day the Application is approved;
- (3) The relevant periods of this approval are increased as follows:
- (a) Where Section 3.5.21(1)(a) of the Act states a relevant period of four (4) years for a development approval for Material Change of Use - this is increased to ten (10) years;
- (b) Where Section 3.5.21(2)(a) of the Act states a relevant period of two (2) years for applications for Lot Reconfiguration not requiring Operational Works, this is increased to five (5) years;

- (c) Where Section 3.5.21(2)(b) of the Act states a relevant period of four (4) years for applications for Lot Reconfiguration requiring Operational Works, this is increased to seven (7) years;
- (d) Where Section 3.5.21(3)(a) of the Act states a relevant period of two (2) years for development other than a Material Change of Use or Lot Reconfiguration, this increased to twelve (12) years;

Water Supply

- (4) The Applicant shall provide for the reticulation of water supply to each and every Lot, including Parkland, into which the land is proposed to be subdivided, by supplying all necessary materials and works, including structures and equipment and performing all necessary works at the expense of the Applicant. Works shall include network modelling with main sizing to be finalised at the development Operational Works application.
- (5) The provision of water reticulation for the development shall include the construction of a 375 mm trunk water main from the western property boundary with the Airport (Lot 1 on RP900820), along Commercial Street, Johanna Boulevard to the eastern property boundary at the future point of the intersection with the Eggmolesse Street extension and the extension of Low Street.

Reimbursement for construction of this trunk infrastructure is detailed in this Decision Notice. It being noted that this water main is not required to provide adequate water supply to this development (ie Stage 4) as part of this application, but is required for further development on the Balance Area. Installation of a valve at the boundary of Stages 4 and 5, and the Stage 4 component to be live only.

- (6) Water reticulation and service layout shall be in accordance with Barlow Gregg VDM Drawing No. B/2133-36 Revision B – Water Reticulation;
- (7) Water supply and sub-meter provisions to the Community Title Lots shall be installed in accordance with the Standard Plumbing and Drainage Regulations;
- (8) Fire hydrants and sluice valves shall be provided at the termination of reticulation at the Stage boundaries;
- (9) A looped water reticulation will be required throughout the development;

Sewerage

- (10) The Applicant shall provide for the reticulation of sewerage to each and every Lot, including Parkland, into which the land is proposed to be subdivided, by supplying all necessary materials and works including structures and equipment and performing all necessary works at the full expense of the Applicant;
- (11) The design shall be of sufficient depth to service all likely development on proposed Lot 47 (Super Park). The layout shall be generally in accordance with Barlow Gregg's Drawing No B/2133 - Sewerage Reticulation Layout Plan;
- (12) Dedication of 2.5 metre wide sewerage easements, at no cost to Council, to contain the 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 and be prepared at the full cost of the Applicant;

- (13) 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 Headworks Contributions – Internal

- (14) Water Supply 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 with Council for endorsement and sealing as follows:-

Industry - 19.03ha @ 45ep/ha - 856.35 ep

Public Open Space - 12.78ha @ nil eh/ha = Nil eps

Total eps = 856.35 x \$505.96 x 1.33 = \$576,260 (a)

Contributions (equivalent to 856.35 eps) required, if paid by 31st July, 2008 are \$576,260.00 for Water Supply Headworks - Internal.

Council is prepared to credit the cost of the 375mm water main as per External Works Policy Contribution towards Water Supply Headworks and Water Supply External - Airport/Fitzgerald Street Area including Bundaberg Industrial Park (Adopted December, 2007) = \$459,800.00 (b), viz:-

\$576,260 minus \$459,800 = \$116,460

If contributions are not paid by 31st July, 2008, contribution amounts shall be adjusted annually (at 1st August) following the release of the All Groups CPI (Brisbane) for 30th June (as published by the Australian Bureau of Statistics) in accordance with the relevant Headworks Policies pertaining to (a) and (b);

Sewerage Headworks Contributions- Internal

- (15) 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 with Council for endorsement and sealing.

Millbank Catchment

Industry - 19.03ha @ 45ep/ha - 856.35 ep

Public Open Space - 12.78ha @ nil ep/ha = Nil eps

Total eps = 856.35 eps

Contributions required (equivalent to 856.35 eps), if paid by 31st July, 2008 are \$793,503.33 for Sewerage Headworks.

If contributions are not paid by 31st July, 2008, contribution amounts shall be adjusted annually (at 1st August) following the release of the All Groups CPI (Brisbane) for 30th June (as published by the Australian Bureau of Statistics);

Sewerage Headworks Contributions - External

- (16) Payment to Council of Sewerage Headworks - External - Johanna Boulevard Area (adopted by Council 23rd February, 2006). The required Contribution is \$409,727.47 - equivalent to 856.35 eps - being \$445.37 per ep (Base Date December, 2007 CPI 163.4). This amount shall be subject to adjustment by CPI (Brisbane) All Groups, at the date of payment.

This amount is payable at the time of lodgment of a Final Plan of Survey for the proposed development;

Stormwater Drainage

- (17) Stormwater drainage shall be designed and constructed in accordance with the requirements of the Queensland Urban Drainage Manual and Bundaberg City Council, ie a piped system with a capacity to cater for Q10ARI flows with overland flowpaths to be provided for a capacity of Q100ARI less piped flows;
- (18) The point of discharge for stormwater generated by the development shall be the existing detention basin on the side of Saltwater Creek;
- (19) The detention basin referred to in Condition (18) shall be modified by the addition of non-erodible facing to ensure design stormwater levels up to and including the 100 year ARI event are not increased in Saltwater Creek as a result of this development.

Whilst Council accepts no liability for any works carried out, in this instance Council is in agreement to meet 50% (to a maximum amount of \$25,000) of the cost of proposed works to provide a gabion rock facing to the detention basin constructed on Saltwater Creek within the Kensington Estate development, as per Option B (rated to 8 metres/second) of Quotation submitted by VDM Consulting;

- (20) 100ARI flowpaths and stormwater pipe systems traversing proposed Parkland or proposed Lots shall be contained within easements of sufficient width to transport the Q100ARI flow with adequate freeboard and/or pipe systems to the satisfaction of Council. The easement documentation shall be acceptable to Council and be prepared at the full cost of the Applicant;
- (21) All Lots must be provided with Q100ARI local flooding immunity from flows within the development road reserves and external reserves;
- (22) (i) The surface of each Lot must be shaped to drain directly to the road reserve or drainage reserve. The need for inter-allotment drainage shall be determined at Operational Works stage;
- (ii) Should inter-allotment drainage be accepted for use by Council, inter-allotment drainage (level 3) will be planned and designed in accordance with the requirements of the Queensland Urban Drainage Manual;
- (23) Each Lot shall be provided with a stormwater point of connection to the underground drainage system within the development road and drainage reserves;

Environmental

- (24) [Deleted];
- (25) The drainage system for the development shall also consist of the following:-
- (i) Energy dissipation devices on all piped stormwater outlets;

- (ii) Turfing behind all new development kerb and channelling;
- (iii) Erosion protection of the base and betters of any open drainage path; and
- (iv) Constructed open channels shall incorporate native grasses;

Roadworks

- (26) The layout shall be in accordance with Barlow Gregg and Associates Pty. Ltd's Drawing No B/2019 M01 J No 1 of 1 dated 15 May 2009. The new roads shall be constructed to the following requirements:
- (i) Extension of Johanna Boulevard - median separated dual pavements each paved to a width of 7.5 metres measured from kerb lip to kerb lip;
 - (ii) All other roadways (30 metre and 20 metre road reserves) - minimum paved width of 11.1 metres measured from kerb lip to kerb lip;
 - (iii) Road formation for the frontages of proposed Lots 1 and 10 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;
 - (iv) Upright concrete kerb and channelling shall be provided on each side of the new roads to the standard adopted by Council from time to time in its Statement of Policy;
 - (v) 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 "Design and Construction Standards and Guidelines - Stormwater and Roadworks". All roads are to be surfaced with asphaltic concrete;
- (27) (i) **Construction of a roundabout at the intersection of Johanna Boulevard and the new twenty (20) metre wide road (running north-south) in accordance with Austroads, Part 6;**
- (ii) **Construction of a roundabout at the intersection of the new twenty (20) metre road (running north-south) and future stub road adjacent to the proposed Super Park, in accordance with Austroads, Part 6;**
- (28) Supply and erection of necessary street signs and posts. The Applicant shall liaise with Bundaberg City Council for determination of the names for the new development roadways;
- (29) The cul-de-sac bulb shall provide for a minimum twenty (20) metre turning circle measured from the face of kerbing;
- (30) 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;
- (31) Temporary sealed turn-around areas shall be provided for at the end of the roadways at stage boundaries;

Roadways - External

- (32) **The Applicant will undertake the following intersection upgrades in accordance with Austroads' requirements:-**

- (a) **Commercial Street/Enterprise Street: Construct a thirty (30) metre left turn lane on the Enterprise Street east approach; and**
- (b) **Enterprise/Fitzgerald Street/Maynard Street: Construct twenty (20) metres left turn lanes on the Maynard Street, Fitzgerald Street and Enterprise Street approaches; or**
- (c) **Alternatively, the applicant may enter into an infrastructure agreement with Council to provide alternative infrastructure to that listed in items (a) and (b).**

Footpaths

- (33) 1.5 metres wide (minimum) pathways shall be provided along each side of the thirty (30) metres wide divided roadways, excluding the frontages to the Balance Area;
- (34) 1.5 metres wide (minimum) pathways shall be provided along each side of all other roadways;

Buffers

- (35) The Applicant shall provide either:
 - (i) a buffer strip commencing approximately one hundred (100) metres south of the Stage boundary for the full width of the Balance Area. The function of the buffer strip is to provide a separation between the urban uses approved in this Decision Notice and any agricultural activities on the balance of Lot 2 on S.P. 203501. The buffer strip is to remain open, ie, 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
 - (ii) a buffer area, commencing approximately one hundred (100) metres south of the southern boundary of the POD2 development area for the full width of the balance Lot to ensure an effective barrier between the adjoining 'Non-Urban' precinct lands and future development and with regard to such buffer area:

(A) It shall comprise the following:-

⇐ Buffer Area ⇐			⇐Balance Lot
⇐ 10m ⇐ (A) ⇐	⇐	⇐	
Clear Strip	Fully vegetated to include a mound 2 metres high and 9 metres wide	Clear Strip	

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 cleared strip referred to in sub-clause (A) hereof shall be grassed and will be kept mown and otherwise maintained in good conditions by the Applicant;
- (C) The ten (10) metre 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;

No development shall be established within three hundred (300) metres of the Balance Lot until the Buffers in this Clause are established to the reasonable satisfaction of Council;

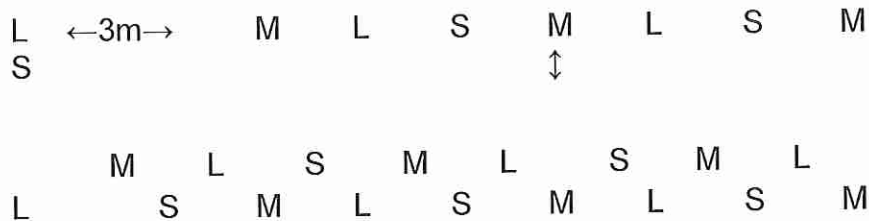
- (iii) The twenty (20) metre fully vegetated strip referred to in Sub-clause (A) hereof shall be densely planted with suitable mature trees and shrubs. Such trees and shrubs are:–

- (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 endorsing any Final Plan of Survey;
- (3) 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 Salignus	Melaleuca Linearifolia
Eucalyptus	Callistemon Formosa	Xanthostemon
Microcorys	Eucalyptus	Chrysanthus
Flindersia Brayleyana	Ptychocarda	
Flindersia Australia	Pararchidendron	
Lophostemon	Pruinosum	
Confertus	Randia Fitzalania	
Melaleuca Dealbatha	Syzygium	
Melaleuca	Leuhmannii	
Lleucadendra	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 200mm 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 this Clause can be complied with within two (2) years of establishment;

Filling of Land

- (36) Any placement of fill material within the subject land shall comply with the Council’s Planning Scheme Filling and Excavation Code. All fill material to be placed on the subject land shall be tested and structurally certified in accordance with the Code. Such certification is to be provided prior to the sealing of the Development Plan of Survey;

Electricity and Communications

- (37) The Applicant shall provide for the supply of underground electricity to each Lot of the proposed Lot Reconfiguration. Arrangements for electricity supply to the development shall be made by liaison for installation of the required works and entering into an agreement with local energy provider;
- (38) The Applicant shall make arrangements with Ergon Energy to remove the existing pole stay on the subject land from the Ergon overhead powerline on the Airport Site. This work shall be undertaken at no cost to Council;
- (39) Padmount transformer locations, where possible, are to be located within the road reserve fronting proposed or existing parkland or drainage reserves;
- (40) Electrical crossings are generally to be to the opposite Lot boundary to water service crossings;
- (41) Street lighting to new roads and intersections shall be by way of provision of underground conduits and cables, poles and street lights.

The design and provision of street lighting shall be in accordance with Australian Standard 1158:2006. The applicable lighting category to Johanna Boulevard shall be Lighting Category V4. Street lighting to other roads shall be Lighting Category P4;

- (42) The Applicant shall be responsible for the provision of telecommunications to each Lot in the proposed Lot Reconfiguration. Arrangements for service and infra-structure supply shall be arranged by liaison and agreement with the local service provider;

Entrance Statement/Signs

- (43) Any entrance statement/sign is to comply with Council's "Development Entry Statements Policy" and Planning Scheme for Bundaberg City's "Signs Code";

Parkland

- (44) Transfer to Council as Freehold Land of Lot 49 – being an area of land not less than 9.782 hectares in accordance with "Super Park Deed" between Council of the City of Bundaberg and Pressler Properties Pty Limited. Lot 48 – being an area of 3.0 hectares – is to be dedicated to the State of Queensland as Public Use Land in accordance with the "Super Park Deed";

Taxiway

- (45) ***The taxiway must be designed in layout, pavement width and structural strength to cope with the frequencies and weights of aircraft likely to use it. The taxiway must be paved with asphalt. It must be constructed prior to Council endorsing the community title scheme plan of subdivision and community management statement or prior to any use commencing on Lot 1 SP225014, whichever occurs sooner;***
- (46) ***The Applicant must enter into a legal agreement with Bundaberg City Council with respect to aircraft access to the Bundaberg Airport (Lot 35 SP254546) from the proposed taxiway. Access and infrastructure associated with the access are matters determined within this legal agreement. No access for aircraft must be allowed from the air access lot/s to the airport until the applicant constructs a taxiway from the air access lot/s to connect with the airport's existing taxiways or runways;***

Fencing

- (47) Fencing and Gates on the common property boundary between all POD2 Precinct lots (excluding the Super Park) and the Airport (Lot 1 on RP900820) are to be constructed in accordance Annexure B – Indicative Specifications of Gate and Fence as contained in the "Airpark (Commercial) Licence Deed";

Final Plan of Survey

- (48) Lodgement of a Final Plan of Survey, for endorsement of Council's consent and seal on such Plan.

End of Schedule 1(A)

Schedule 2
Assessment Manager's Advices
(Negotiated Decision Notice)

Development Permit for Material Change of Use
Impact Assessment

Council Reference:	325.2006.17762.1
Negotiated Decision Date:	5 th August 2009
Applicant:	Pressler Properties Pty Ltd
Property Owner:	Pressler Properties Pty Ltd
Real Property Description:	Lot 2 on SP177129, County Cook, Parish Bundaberg
Location:	Johanna Boulevard, Commercial Street, Eva Street, Nasho Court, Maria Street and Enid Ethel Drive, Kensington
Approved Use:	<p>Combined Application for</p> <p>(a) Material Change of Use – Preliminary Approval overriding the Planning Scheme for Non-Urban Land (to be assessed under the Kensington Aviation Business Precinct and Kensington Super Park Precinct Plan of Development 2) [Proposed use: Mixed use Industry, Commercial and Community; and</p> <p>(b) Reconfiguring a Lot – 49 lots (comprising 47 Aviation Business Precinct lots including 7 Community Title Lots with direct access to a taxiway, plus Lot 48 (3.0 hectares) and Lot 49 (9.782 hectares) (Land described as Lot 1 and Lots 8 through to 50 on SP225014 and Lots 61 through to 65 on SP216542, County Cook, Parish Bundaberg)</p> <p>(c) Preliminary approval for Operational Works associated with the Reconfiguring a Lot</p>
Precinct:	Non-urban (Local Area 2)

Development Advice

Rates and Charges

- A. In accordance with the Integrated Planning Act, all rates, charges or any expenses being a charge over the subject land under any Act shall be paid prior to the Plan of Survey being endorsed by Council.

End of Schedule 2



Department of
**State Development,
Infrastructure and Planning**

Our reference: SPD-0814-010756
Your reference: P1901.1B
Council reference: 325.2006.17762.2

11 September 2014

InsiteSJC
25 Nullamanna Road
Camp Moutain Qld 4520
john@insitesjc.com.au

Dear Mr Coyle

Notice about request for permissible change—relevant entity

Maria Street, Enid Ethel Drive, Eva Street, Nasho Court, Johanna Boulevard and Commercial Street, Kensington, Qld - Lot 1 and Lots 9 to 49 on SP225014; and Lots 20 and 21 on SP261848 (former lot 8 on SP225014)

(Given under section 373(1) of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning received a copy of the request for a permissible change under section 372(1) of the *Sustainable Planning Act 2009* on 28 August 2014 advising the department, as a relevant entity, of the request for a permissible change made to the responsible entity under section 369 of the *Sustainable Planning Act 2009*.

The department understands that the proposed changes are as follows:

- Delete Condition Number 32 (a), (b) and (c) imposed by Bundaberg Regional Council regarding undertaking intersection upgrades for Commercial/Enterprise Street and Enterprise/Fitzgerald/Maynard Street;
- Change Condition 27(i) imposed by Bundaberg Regional Council regarding construction of a roundabout at the intersection of Johanna Boulevard and the new road (running north-south) to read twenty (20) metre wide new road and remove reference to thirty (30) metre wide new road as Johanna Boulevard is the only thirty (30) metre wide road in stage 4 in accordance with approved drawings;



Schedule 2 – SPA Extract on Appeal Rights

Part 1 – APPEALS TO THE PLANNING AND ENVIRONMENT COURT

461 Appeals by applicants.

- (1) An applicant for a development application may appeal to the court against any of the following—
 - (a) the refusal, or the refusal in part, of the development application;
 - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the applicant's appeal period) after—
 - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 Appeals by submitters—general.

- (1) A submitter for a development application may appeal to the court only against—
 - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
 - (a) the giving of a development approval;
 - (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
 - (a) withdraws the submission before the application is decided; or
 - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the submitter's appeal period) after the decision notice or negotiated decision notice is given to the submitter.

463 Additional and extended appeal rights for submitters for particular development applications.

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a prescribed concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
 - (a) if the prescribed concurrence agency is the chief executive (environment)—development for an aquacultural ERA; or

- (b) if the prescribed concurrence agency is the chief executive (fisheries)—development that is—
 - (i) a material change of use of premises for aquaculture; or
 - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
 - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive (fisheries);
 - (b) a referral agency’s response mentioned in subsection (2).

464 Appeals by advice agency submitters.

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
 - (a) any part of the approval relating to the assessment manager’s decision about any part of the application requiring impact assessment under section 314; or
 - (b) any part of the approval relating to the assessment manager’s decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

Part 2 – APPEALS TO THE BUILDING & DEVELOPMENT DISPUTE RESOLUTION COMMITTEE

S 519 Appeal by applicant—particular development application for material change of use of premises.

- (1) This section applies to a development application if the application is only for a material change of use of premises that involves the use of a prescribed building.
- (2) However, this section does not apply to the development application if any part of the application required impact assessment and any properly made submissions were received by the assessment manager for the application.
- (3) The applicant for the development application may appeal to a building and development committee against any of the following—
 - (a) the refusal, or the refusal in part, of the application;
 - (b) any condition of the development approval and another matter, other than the identification or inclusion of a code under section 242, stated in the development approval;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the application.
- (4) An appeal under subsection (3)(a), (b), (c) or (d) must be started within 20 business days (the **applicant’s appeal period**) after—
 - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (5) An appeal under subsection (3)(e) may be started at any time after the last day a decision on the matter should have been made.

522 Appeal by applicant—condition of particular development approval

- (1) This section applies to a development application if—
 - (a) the application is only for a material change of use that involves the use of a building classified under the BCA as a class 2 building; and
 - (b) the proposed development is for premises of not more than 3 storeys; and
 - (c) the proposed development is for not more than 60 sole-occupancy units.

- (2) However, this section does not apply to the development application if any part of the application required impact assessment and any properly made submissions were received by the assessment manager for the application.
- (3) The applicant for the development application may appeal to a building and development committee against a condition of the development approval.
- (4) The appeal must be started within 20 business days (the **applicant's appeal period**) after—
- (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (5) In this section—
- sole-occupancy unit**, in relation to a class 2 building, means a room or other part of the building used as a dwelling by a person to the exclusion of any other person.
- storey** means a space within a building between 2 floor levels, or a floor level and a ceiling or roof, other than—
- (a) a space containing only—
 - (i) a lift shaft, stairway or meter room; or
 - (ii) a bathroom, shower room, laundry, water closet or other sanitary compartment; or
 - (iii) accommodation for not more than 3 motor vehicles; or
 - (iv) a combination of any things mentioned in subparagraph (i), (ii) or (iii); or
 - (b) a mezzanine.