



SOUTH BURNETT
REGIONAL COUNCIL

Officer: Development Engineer - Justin
Direct Telephone: 07 4189 9100
Our Reference: OPW25/0005

26 June 2025

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Dear Sir/Madam

Decision Notice

Planning Act 2016

I refer to your application and advise that on 25 June 2025, Councils delegated authority decided to approve the application in full subject to conditions.

Details of the decision are as follows:

APPLICATION DETAILS

Application No: OPW25/0005
Street Address: 101 Alford Street KINGAROY QLD 4610
Real Property Description: Lot 25 on SP237285
Planning Scheme: South Burnett Regional Council

DECISION DETAILS

Type of Decision: Approval
Type of Approval: Development Permit for Operational Works (Stormwater, Driveway Crossover and Parking)
Date of Decision: 25 June 2025

CURRENCY PERIOD OF APPROVAL

The currency period for this development approval is two (2) years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

INFRASTRUCTURE

Not Applicable.

ASSESSMENT MANAGER CONDITIONS

GENERAL

- ENG1. Compliance with the plans and specifications submitted with Development Application No OPW25/0005, approval conditions, all Council Planning Scheme Policies and Material Change of Use Approval No. MCU23/0030.
- ENG2. This approval extends to Engineering works for Stormwater, Driveway Crossover and Car Parking as detailed, and is conditional upon a set of "Issued for Construction" drawings, amended if required by the conditions of this approval, being submitted to Council for endorsement, prior to pre-start meeting.
- ENG3. Undertake all approved works and works required by conditions of this development approval at no cost to Council.
- ENG4. Pay to Council, inspection fees based on Council's Fees and Charges current at the time of commencement of works and based on the estimated project cost as estimated or accepted by Council prior to the pre-start meeting.
- ENG5. Adhere to the following hours of construction unless otherwise approved in writing by Council:

Monday to Saturday:	6.30am to 6.30pm	Noise permitted
Monday to Sunday:	6.30pm to 6.30am	No noise permitted
Sunday and Public Holidays:		No noise permitted

Do not conduct work or business that causes audible noise from or on the site outside the above hours.

- ENG6. Be responsible to carry out Work Health and Safety legislative requirements.
- ENG7. Ensure all work sites are maintained in a clean, orderly state at all times.
- ENG8. Manage all waste in accordance with the relevant legislation and regulations and dispose of regulated waste at a licensed facility of South Burnett Regional Council by a licensed regulated waste disposal contractor.
- ENG9. Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.
- ENG10. Repair all damages incurred to Council and public utility services infrastructure and assets, as a result of the proposed development, immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damage immediately upon completion of works associated with the development.
- ENG11. Submit to Council, a Certification from a suitably qualified Engineer (RPEQ) that the works have been undertaken in accordance with the approved plans and specifications and to Council's requirements, prior to commencement of the use.

DEVELOPMENT WORKS

- ENG12. Install linemarking to delineate car park spaces in accordance with *AS2890.1 Off-street Parking Facilities*, and *AS2890.6 Off-street parking for people with disabilities*.

- ENG13. Upon removal of the existing crossover, the kerb and channel, verge and footpath shall be reinstated to match the standard adjacent.
- ENG14. Maintain erosion and sedimentation controls at all times during the course of the project and the ensuing defects liability period. Council Officers will inspect and assess the sediment and erosion control measures and temporary fencing implemented, and any alterations and/or supplementary works required must be incorporated.
- ENG15. Implement measures to prevent site vehicles tracking sediment and other pollutants from the site onto adjoining streets during the course of the project, and to prevent dust nuisance during construction and the ensuing defects liability period.
- ENG16. Be responsible for protecting nearby property owners from dust pollution arising from construction and maintenance of the works required by this approval, and comply with any lawful instructions from the Assessment Manager if, in his opinion, a dust nuisance exists.
- ENG17. Waste material as a result of demolition work and excavation work must not be used as fill as described within the *Waste Reduction and Recycling Act 2011*.

EARTHWORKS

- ENG18. Contain cut or fill batters wholly within the subject land. Do not place fill on adjacent properties without providing Council with written permission from the respective property owner(s).
- ENG19. Do not store plant or material on adjoining lands without written permission from the respective property owner(s).
- ENG20. Do not use contaminated material as fill on the site. Undertake any filling using inert materials only, with a maximum particle size of 75mm.
- ENG21. Ensure open drains and fill platforms are constructed with a longitudinal grade on no less than 0.1%.

INSPECTIONS AND TESTING

- ENG22. Provide Council with a minimum of two clear working days notice to undertake compulsory inspections and meetings at the following stages:
- (a) Pre-start meeting with Council, Contractor, Supervising Engineer and developer;
 - (b) at the point of completion of all works before placing on-maintenance; and
 - (c) at the point of requesting Council to accept the works off-maintenance.
- ENG23. Allow Council to enter a work site to which this approval relates and undertake testing or analysis of any part of the construction, and Council is not liable for the rectification of or compensation for any damage caused in the testing or analysis process. Should work be found to be not constructed to specification or of poor quality, any reasonable instruction given by Council Officers must be considered to be a condition of approval and undertaken by the Principal Contractor.
- ENG24. Where complete or incomplete works under this approval adversely affect adjoining properties, Council land, roads or other infrastructure, Council requires by notice, works to be completed.

ENG25. Undertake any works for the safety or health of the community or protection of infrastructure where Council deems it necessary.

The approval is subject to construction being undertaken in accordance with the Approved Plans prepared by Leroy Palmer Consulting Engineers as listed below:

Drawing No.	Rev	Drawing/Plan Title	Date
18766-C06	A	Stormwater Management Plan	28/10/24
1877-C07	A	Stormwater Management Details	28/10/24
1877-C08	A	External Pavement Plan and Details	28/10/24

REFERRAL AGENCIES

Not Applicable.

APPROVED PLANS

The following plans are Approved plans for the development:

Approved Plans

Plan No.	Rev.	Plan Name	Date
18766-C06	A	Stormwater Management Plan, prepared by Leroy Palmer Consulting Engineers.	28/10/24
1877-C07	A	Stormwater Management Details, prepared by Leroy Palmer Consulting Engineers.	28/10/24
1877-C08	A	External Pavement Plan and Details, prepared by Leroy Palmer Consulting Engineers.	28/10/24

REFERENCED DOCUMENTS

Not Applicable.

ADVISORY NOTES

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

ADVICE NOTES

The applicant be advised that:

- ADV1. Prior to commencement of the use or endorsement of the survey plan as applicable, the applicant shall contact Council to arrange a Development Compliance Inspection.
- ADV2. The applicant must ensure compliance with environmental conditions whether required to hold an Environmental Authority or not. These include, but are not limited to water quality, air quality, noise levels, waste waters, lighting and visual quality as a result of any activity or by-product or storage of materials within the confines of the building(s) and property boundaries.
- Any amendment, alteration or addition to the development approval will require further consideration by Council in assessing any changes to the environmental conditions.

ADV3. The *Aboriginal Cultural Heritage Act 2003* (ACHA) is administered by the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs (DATSIMA). The ACHA establishes a duty of care to take all reasonable and practicable measures to ensure any activity does not harm Aboriginal cultural heritage. This duty of care:

- (i) is not negated by the issuing of this development approval;
- (ii) applies on all land and water, including freehold land;
- (iii) lies with the person or entity conducting an activity; and
- (iv) if breached, is subject to criminal offence penalties.

Those proposing an activity involving surface disturbance beyond that which has already occurred at the proposed site must observe this duty of care. Details of how to fulfil this duty of care are outlined in the duty of care guidelines gazetted with the ACHA. The applicant should contact DATSIP's Cultural Heritage Co-ordination Unit on telephone (07) 3224 2070 for further information on the responsibilities of developers under the ACHA.

ADV4. The **relevant period** for the development approval (Operational Work) shall be **two (2) years** starting the day the approval is granted or takes effect. In accordance with Section 85(1)(c) of the *Planning Act 2016* (PA), the development approval for Operational Work lapses if the development does not substantially start within the abovementioned **relevant period**.

An applicant may request Council to extend the **relevant period** provided that such request is made in accordance with Section 86 of the *Planning Act 2016* and before the development approval lapses under Section 85 of the *Planning Act 2016*.

ADV5. Council is to be indemnified against any claims arising from works carried out by the applicant on Council's property.

ADV6. The relevant Planning Scheme for this Development Permit is the South Burnett Regional Council Planning Scheme 2017. All references to the Planning Scheme and Schedules within these conditions refer to the above Planning Scheme.

PROPERTY NOTES

Not Applicable.

VARIATION APPROVAL

Not Applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

Not Applicable.

SUBMISSIONS

Not Applicable.

RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a “negotiated decision notice” will be issued. Only one “negotiated decision notice” may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a “negotiated decision notice”.

OTHER DETAILS

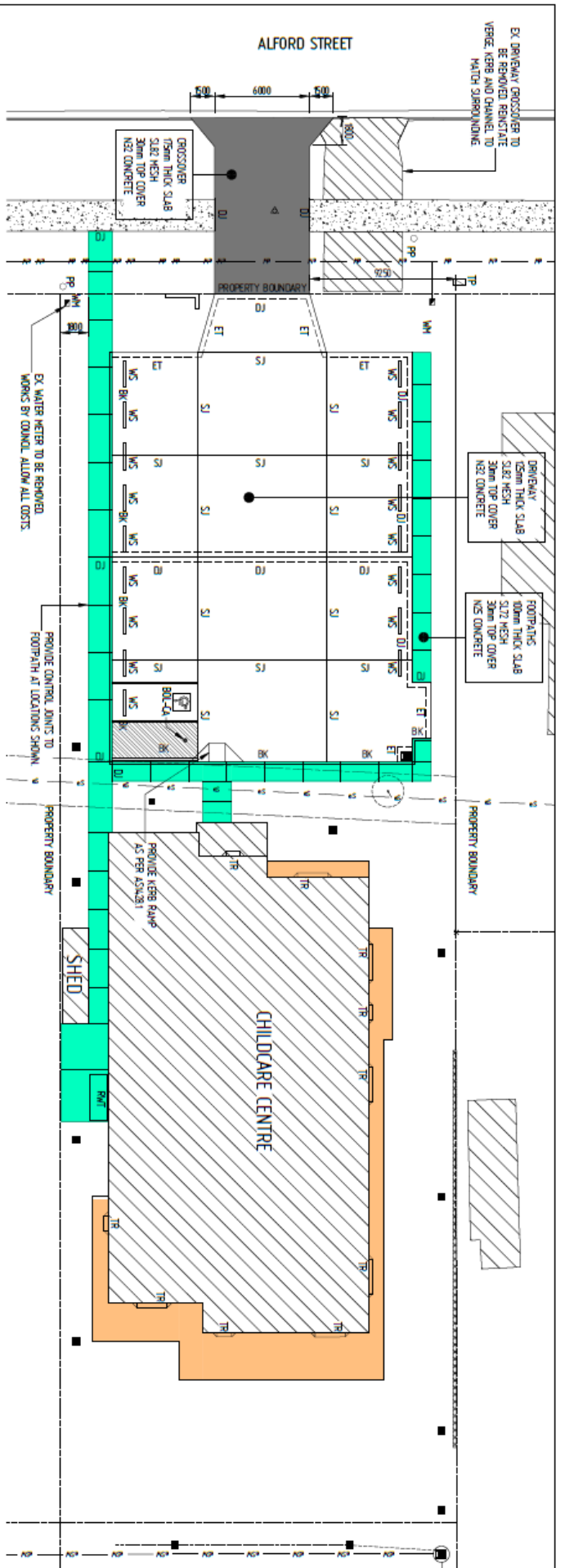
If you wish to obtain more information about Council’s decision, electronic copies are available on line at www.southburnett.qld.gov.au, or at Council Offices.

Yours faithfully



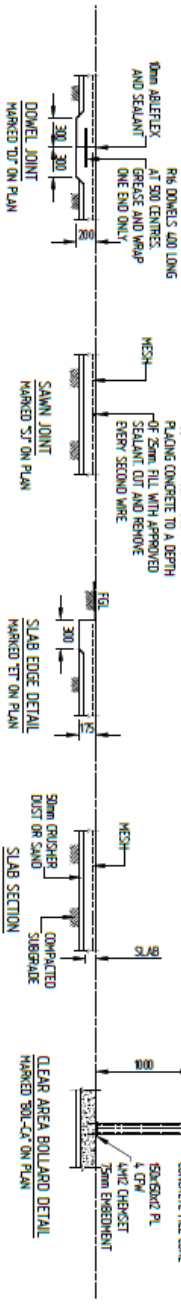
DAVID HURSTHOUSE
COORDINATOR DEVELOPMENT SERVICES

Enc: Approved Plans/Documents
 Appeal Rights



EXTERNAL PAVEMENT PLAN

NOTE
PLAN INCLUDES COLOURED UNDERLAYER
AND IS TO BE PRINTED IN COLOUR



INSPECTION NOTES:
1. PROVIDE THE ENGINEER WITH 24 HOURS NOTICE OF THE CONCRETE CROSSOVER AND DRIVEWAY REINFORCEMENT BEING READY FOR INSPECTION. DO NOT POUR CONCRETE WITHOUT THE APPROVAL OF THE ENGINEER.

LEGEND - EXTERNAL PAVEMENT PLAN

MS	DENOTES PROPRIETARY WHEEL STOP REEF OTHERS
TR	DENOTES THRESHOLD RAMP REEF DETAILS
CONCRETE	DENOTES EXISTING CONCRETE PAVEMENT TO REMAIN
ASPHALT	DENOTES PROPOSED CONCRETE FOOTPATH REEF
GRAVEL	DENOTES PROPOSED CONCRETE FOOTPATH REEF
EXTERNAL PAVEMENT DETAILS	DENOTES PROPOSED CONCRETE FOOTPATH REEF
EXTERNAL STRUCTURAL DETAILS	DENOTES PROPOSED CONCRETE CROSSOVER
DENOTES PROPOSED CONCRETE CROSSOVER	DENOTES PROPOSED CONCRETE CROSSOVER
REFER PLAN AND EXTERNAL PAVEMENT DETAILS	DENOTES PROPOSED CONCRETE CROSSOVER
NEW RETAINING WALL	DENOTES PROPOSED CONCRETE CROSSOVER
EXISTING RETAINING WALL	DENOTES PROPOSED CONCRETE CROSSOVER
BUILDING TO RETAIN REEF STRUCTURAL DRAINAGES	DENOTES PROPOSED CONCRETE CROSSOVER
ELECTRICAL	DENOTES PROPOSED CONCRETE CROSSOVER
TELECOMMUNICATIONS	DENOTES PROPOSED CONCRETE CROSSOVER
GAS MAIN	DENOTES PROPOSED CONCRETE CROSSOVER
WATER MAIN	DENOTES PROPOSED CONCRETE CROSSOVER
STORMWATER MAIN	DENOTES PROPOSED CONCRETE CROSSOVER
SEWER MAIN	DENOTES PROPOSED CONCRETE CROSSOVER

OPERATIONAL WORKS NOTE:
1. OBTAIN OPERATIONAL WORKS APPROVAL FROM SOUTH BURNETT REGIONAL COUNCIL PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION

CONSTRUCTION ISSUE

LEROY PALMER

CONSULTING ENGINEERS

100 ALFORD STREET
KINGGARDY

LEROY PALMER
CONSULTING ENGINEERS
HYDRAULIC ENGINEERING

8766 - 008

Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the *Planning Act 2016* states –
 - (a) Matters that may be appealed to –
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) The person-
 - (i) who may appeal a matter (**the appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the Planning Act 2016)

- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is –
 - (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note –

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund-
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
 - (a) the respondent for the appeal ; and
 - (b) each co-respondent for the appeal; and

- (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court – the chief executive; and
 - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The **service period** is –
 - (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
 - (b) otherwise – 10 business days after the appeal is started.
 - (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
 - (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –**decision** includes-
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or failure to make a decision; and
 - (d) a purported decision ; and
 - (e) a deemed refusal.**non-appealable**, for a decision or matter, means the decision or matter-
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal. However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.