



# **ORDINARY MEETING**

## **MINUTES**

**9 DECEMBER 2025**

The resolutions contained within these minutes will be confirmed at the Ordinary Council Meeting on the 16 December 2025.

## TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT .....	1
3	LEAVE OF ABSENCE / APOLOGIES .....	2
	NIL .....	2
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	3
5	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA .....	3
6	DEPUTATIONS.....	3
	NIL .....	3
7	BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS .....	3
	NIL .....	3
8	PRESENTATION OF PETITIONS.....	3
	NIL .....	3
9	NOTICES OF MOTION .....	3
	NIL .....	3
10	QUESTIONS ON NOTICE .....	3
	NIL .....	3
11	COMMITTEE REPORTS.....	3
	NIL .....	3
12	AUDIT, RISK AND IMPROVEMENT COMMITTEE REPORTS.....	3
	NIL .....	3
13	REPORTS.....	4
	13.1 D-489-2022 - MATERIAL CHANGE OF USE FOR SHOPS, HEALTH CARE SERVICE, FOOD AND DRINK OUTLET AND CHILD CARE CENTRE.....	4
14	URGENT BUSINESS\QUESTIONS .....	19
15	CLOSURE OF MEETING.....	19

**MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 9 DECEMBER 2025 COMMENCING AT 2:00PM (SPECIAL)**

**1 OPENING**

**2 PRESENT**

Members Present:

Mayor, Councillor Adam Belot  
Deputy Mayor, Councillor Pat Eastwood  
Councillor Glenda Mather  
Councillor Rhodes Watson  
Councillor Lance Warcon  
Councillor Andrea Friend

Officers in Attendance:

Alastair Dawson – Interim Chief Executive Officer  
Michael Kriedemann – General Manager Infrastructure  
Katrina Paterson – General Manager Communities and Environment  
Andrea Ellis – General Manager Corporate Services  
Kristy Mansfield - Chief People and Performance Officer

### 3 LEAVE OF ABSENCE / APOLOGIES

#### 3.1 LEAVE OF ABSENCE - COUNCILLOR WADE ROTHERY

File No: GV 14.4.1

Responsible Officer: Alastair Dawson - Interim Chief Executive Officer

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#### SUMMARY

*Councillor Wade Rothery has requested leave of absence for the Special Council Meeting on 9 December 2025 due to personal reasons.*

#### COUNCIL RESOLUTION

THAT leave of absence be granted to Councillor Wade Rothery **DIVISION:**

Crs A Belot, P Eastwood, G Mather, L Warcon and R Watson voted in the affirmative.

Cr A Friend voted in the negative.

Moved by: Councillor Warcon

Seconded by:

**MOTION CARRIED UNANIMOUSLY / LOST**

**4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Nil

**5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA**

Nil

**6 DEPUTATIONS**

Nil

**7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS**

Nil

**8 PRESENTATION OF PETITIONS**

Nil

**9 NOTICES OF MOTION**

Nil

**10 QUESTIONS ON NOTICE**

Nil

**11 COMMITTEE REPORTS**

Nil

**12 AUDIT, RISK AND IMPROVEMENT COMMITTEE REPORTS**

Nil

## 13 REPORTS

### 13.1 D-489-2022 - MATERIAL CHANGE OF USE FOR SHOPS, HEALTH CARE SERVICE, FOOD AND DRINK OUTLET AND CHILD CARE CENTRE

**File No:** D-489-2022

**Attachments:**

1. Overlay Map
2. Architectural Plans

**Responsible Officer:** Greg Abbotts - Manager Development and Environment  
Katrina Paterson - General Manager Communities and Environment  
Alastair Dawson - Interim Chief Executive Officer

**Author:** Jenna Davies - Principal Planning Officer

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#### SUMMARY

*Applicant:* Yeppoon Railway Trust

*Real Property Address:* Lot 1 on SP230820

*Area of Site:* 1.562 hectares

*Planning Scheme:* Livingstone Planning Scheme 2018

*Planning Scheme Zone:* Major Centre

*Planning Scheme Overlays:* OM01 Acid Sulfate Soils  
OM15 Drainage Problem Area  
OM17 Flood Hazard Area  
OM20 Road Hierarchy  
OM26 State Heritage Register  
OM27 Height Limits

*Existing Development:* Vacant

*Level of Assessment:* Code assessable

*Submissions:* Not applicable

*Referral matters:* Nil

*Infrastructure Charge Area:* Charge Area 2

#### ***Suspension of Standing Orders***

#### **COUNCIL RESOLUTION**

2:17 PM

That pursuant to s2.18.1(i) and s2.18.27 of Livingstone Shire Council's Meeting Procedures Policy the provisions of the Meeting Procedures be suspended to allow adequate time for informal discussion on Item 13.1 - prior to entering into formal debate.

**Moved by:** Councillor Friend

**MOTION CARRIED UNANIMOUSLY**

***Resumption of Standing Orders*****COUNCIL RESOLUTION**

3:18 PM

That pursuant to s2.18.1(i) and s2.18.27 of Livingstone Shire Council's Meeting Procedures Policy the provisions of the Meeting Procedures be resumed.

**Moved by:** Councillor Friend

**MOTION CARRIED UNANIMOUSLY**

**COUNCIL RESOLUTION****RECOMMENDATION A**

That in relation to the Planning and Environment Court appeal for a Development Permit for a Material Change of Use for Shops, Health care service, Food and drink outlet and Child care centre, made by Yeppoon Railway Trust, on Lot 1 on SP230820 and located at 33 James Street, Yeppoon, Council resolves to resolve the appeal.

**RECOMMENDATION B**

That in relation to the Planning and Environment Court appeal for a Development Permit for a Material Change of Use for Shops, Health care service, Food and drink outlet and Child care centre, made by Yeppoon Railway Trust, on Lot 1 on SP230820 and located at 33 James Street, Yeppoon, Council resolves to Approve the application as the assessment manager is satisfied that the reasons for refusal have been addressed.

**RECOMMENDATION C**

That in relation to the Planning and Environment Court appeal for a Development Permit for a Material Change of Use for Shops, Health care service, Food and drink outlet and Child care centre, made by Yeppoon Railway Trust, on Lot 1 on SP230820 and located at 33 James Street, Yeppoon, Council resolves to Approve the application subject to the following reasonable and relevant conditions:

1.0 **ADMINISTRATION**

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the commencement of use, unless otherwise stated.
- 1.6 The following further Development Permits, Licences and Approvals must be obtained prior to the commencement of any works associated with its purposes:
  - 1.6.1 Operational Works:

- (i) Road Works;
- (ii) Access Works;
- (iii) Water works;
- (iv) Sewerage works;
- (v) Stormwater works;
- (vi) Earthworks;

1.6.2 Building works; and

1.6.3 Plumbing and Drainage works.

1.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

1.8 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

## 2.0 APPROVED PLANS AND DOCUMENTS

2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Rev</u>	<u>Dated</u>
Proposed site plan <i>Note: the following information on this plan is not approved:</i> 1) All works within James Street road reserve (frontage) 2) The unlimited access crossover to James Street	DA-100	W	16.04.2025
Roof Plan	DA-101	F	16.04.2025
Site Elevations	DA-200	F	16.04.2025
Building Elevations	DA-201	F	16.04.2025
Building Elevations	DA-202	F	16.04.2025
Building Elevations	DA-203	E	16.04.2025
Site Sections	DA-300	E	16.04.2025
Perspectives	DA-900	F	16.04.2025
Perspectives	DA-901	E	16.04.2025
Perspectives	DA-902	F	16.04.2025
Material Palette	DA-002	E	16.04.2025
Acoustic Report	2022254 R01E 33 James Street Yeppoon ENV.docx	R01 E	9 April 2025



Site Based Stormwater Management Plan	22181	E	April 2025
Flood Impact Assessment Report	J10065	1.1	10 April 2025
REMEDIATION PLAN AND SAMPLING & ANALYSIS QUALITY PLAN	Draft	2	25 October 2022
James Street Central – Transport Engineering Report	7336	1	14/02/2025
James Street Central Landscape RFI Response	-	F	31 March 2025
JAMES STREET YEPPOON ROAD CONCEPTUAL LAYOUT – CONCEPT	23-027-CON	A	27 June 2025

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of a Development Application for Operational Works.
- 3.0 **ROAD, ACCESS AND PARKING WORKS**
- 3.1 A Development Permit for Operational Works (road, access and parking works) must be obtained prior to the commencement of any road works associated with the development.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).
- 3.3 The proposed access crossover at James Street must be left-in-left-out only. The existing medium separation facility must not be removed.
- 3.4 The proposed access crossover at Jeffries Street must be exit-only. Appropriate design of the crossover must be provided under any application for Operational Works (road and access works).
- 3.5 Appropriate design of the crossover at Park Street must be provided as part of an application for Operational Works (road and access works).
- 3.6 The existing medium separation facility on James Street, near the existing access to Keppel Bay Plaza, must be further extended to restrict U-turn movements from James Street west bound lane to enter the site.
- 3.7 The diverge length including taper for the Channelised Left-Turn lane to enter the site must be minimum 62m long.
- 3.8 All proposed parking spaces along the James Street frontage must be parallel parking bays, including a single RV park, generally in accordance with the James Street Yeppoon, Road Conceptual Layout (refer to condition 2.1). The existing parking bays along the frontage are parallel parking and must be maintained or upgraded if necessary. Details of the on-street parking must be provided with the application for Operational Works (road works).

- 3.9 A Bus set-down area, including all weather shelter must be designed and constructed in accordance with the *Public Transport Infrastructure Manual*. The bus set-down area must be located on James Street frontage, generally in accordance with the James Street Yeppoon, Road Conceptual Layout (refer to condition 2.1). Details of the bus set-down area must be provided with the application for Operational Works (road works).
- 3.10 A raised pedestrian “wombat” crossing must be provided across James Street, approximately to connect the pathway networks on both sides of James Street, generally in accordance with the James Street Yeppoon, Road Conceptual Layout (refer to condition 2.1). Details of the crossing must be provided with the application for Operational Works (road works).
- 3.11 The existing pathway (and adjacent landscaping) along James Street must be maintained and upgraded if necessary.
- 3.12 A concrete pathway, with a minimum width of 1.5 metres, must be constructed on the southern side of Jeffries Street, from Braithwaite Street to the site.
- 3.13 A concrete pathway, with a minimum width of 1.5 metres, must be constructed on the west side of Park Street, from Normanby Street to the site.
- 3.14 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for Access and Mobility"*. All pathways located within a road reserve or public use land must be provided with public space lighting in accordance with *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*.
- 3.15 All pathways must incorporate kerb ramps at all road crossing points.
- 3.16 The end of Jeffries Street to the exit point of the site must be upgraded with turning facilities to allow for U-turn movements by waste collection vehicles. A swept path analysis must be provided to support the proposed design.
- 3.17 The end of Park Street to the entry/exit point of the site must be upgraded with turning facilities to allow for U-turn movements by waste collection vehicles. A swept path analysis must be provided to support the proposed design.
- 3.18 Traffic calming devices must be provided to control vehicle speeds within the site. Details of traffic calming devices and practical access to adjacent allotments must be demonstrated in any application for a Development Permit for Operational Works (road works).
- 3.19 A minimum of 129 off-street parking spaces (including universal access spaces) must be provided.
- 3.20 Twelve (12) overflow parking spaces on future development area must be provided. The car parks must be marked for staff. The spaces must be incorporated into a scheme for the Future Development Area when future development is proposed.
- 3.21 Access, parking and associated vehicle manoeuvring areas must be sealed.
- 3.22 All ingress and egress movements to and from the development must be in a forward direction.
- 3.23 Universal access spaces must be provided in accordance with *Australian Standard AS 2890.6. 2009 "Off-Street parking for people with disabilities"*.
- 3.24 Stormwater runoff from parking and vehicular manoeuvring areas must be collected on the site and drained to a lawful point of discharge in accordance with *Queensland Urban Drainage Manual*.
- 3.25 All vehicle operations associated with the proposed use must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standards AS1742.1 "Manual of Uniform Traffic Control Devices"*.

3.26 Any redundant vehicular crossing(s) must be removed and replaced with Council's standard kerb and channel in accordance with the *Capricorn Municipal Development Guidelines*.

3.27 A footpath must be constructed within the laneway to the east of the site, from James Street connecting to the existing footpath to the north. The width must match the existing footpath in the laneway.

#### 4.0 WATER WORKS

4.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works on the site.

4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, the *Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (water works).

4.3 The development must be connected to Council's reticulated water network.

4.4 A new water connection point must be provided.

4.5 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.

#### 5.0 SEWERAGE WORKS

5.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the site.

5.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (sewerage works).

5.3 The development must be connected to Council's reticulated sewerage network.

5.4 Under any application of Operational Works (sewerage works), an updated alignment and elevation profile of the proposed re-alignment works of the existing 225mm diameter sewer main across the site must be provided. The new alignment of the sewer main could be within the lot but must be cost-effective.

5.5 Easements must be provided over all sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.

5.6 A new sewerage connection point must be provided.

5.7 Sewerage access chambers located below a Q100 flood event area, must be provided with bolt down lids.

5.8 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy duty trafficable lid must be provided in the trafficable area.

#### 6.0 STORMWATER WORKS

6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.

6.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).

6.3 All stormwater including roof water and allotment runoff must achieve demonstrated lawful discharge and must not adversely affect the upstream or downstream land or

- damage infrastructure when compared to pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or cause an actionable nuisance.
- 6.4 The potential pollutants in stormwater runoff, discharged from the site must be managed in accordance with Urban Stormwater Quality Planning Guidelines and State Planning Policy.
- 6.5 The existing stormwater mains along James Street, starting from the proposed connection point of the proposed 375mm stormwater main, at the location of the proposed access crossover to James Street, ending at the connection point to the existing culverts along Arthur Street, must be upgraded to 600mm diameter.
- 6.6 The existing northern and eastern boundary stormwater drainage easement must be maintained in entirety, until Operational Works (stormwater works) application approval when pending agreement with Council the easement can be amended or extinguished.
- 6.7 A minimum vertical space of 1.2 metres must be provided underneath the proposed SHOP 2, to provide reasonable space for security of maintaining the overflow path for flows up to 1% Annual Exceedance Probability (AEP) events. The undercroft area of proposed SHOP 2 must be designed as a maintenance-free concrete surface for the conveyance of 1% AEP event overland flows.
- 6.8 All maintenance and management of the undercroft area must be carried out by the owner / operator having control of the approved development and at no cost to Council.
- 6.9 All fencing around the undercroft area must be designed and constructed to collapse under debris load to prevent unacceptable blockage.
- 6.10 After any flood event, the undercroft area must be restored in full to pre-flood state, including but not limited to;
- 6.10.1 Clean up of debris and rubbish
  - 6.10.2 Removal of mud and silt deposits
  - 6.10.3 Restoration of collapsible fence to its designed condition
- 6.11 Any proposed stormwater system to be connected to the existing 1050mm culvert across Braithwaite Street, must not be implemented before Council has confirmed the design of stormwater works of Normanby Street upgrading. (Refer to the Advisory Notes)
- 6.12 Any application for Operational Works Permit (Stormwater) must include an updated Flood Impact Assessment Report, with updated 2D hydraulic model, that confirms and demonstrates the following;
- no unacceptable worsening of stormwater characteristics;
  - compliance with the Council AECOM Report date 28 March 2025 titled "Drain Street and Normanby Street Stormwater Analysis" (in effect the current stormwater master plan of the area); and
  - incorporate all the following conditions.
- 6.13 Any proposed stormwater mains to be connected to the existing 1050mm culvert across Braithwaite Street, must not be implemented before Council has confirmed the design of stormwater works of Normanby Street upgrading. (Refer to the Advisory Notes).
- 7.0 EARTHWORK
- 7.1 A Development Permit for Operational Works (earthworks) must be obtained prior to the commencement of any earthworks on the site.
- 7.2 All site earthworks must be undertaken in accordance with *Australian Standard*,

*AS3798 "Guidelines on Earthworks for Commercial and Residential Developments".*

- 7.3 Earthworks must be undertaken such that stormwater runoff is managed and discharged lawfully and must not adversely affect the adjoining properties compared to pre-development conditions or damage infrastructure.
- 7.4 Any earthwork that results in batter slopes, which exceed twenty-five (25) per cent, must be separately certified by an engineer who qualifies as a registered professional engineer of Queensland as having been designed and constructed in accordance with best practice and as being structurally stable and safe.
- 7.5 An Acid Sulfate Soil investigation must be completed as part of the detailed geotechnical investigation conducted for the site. If Acid Sulfate Soils are present, an Acid Sulfate Soil Management Plan must be prepared.

**8.0 PLUMBING AND DRAINAGE WORKS**

- 8.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any plumbing and drainage works on the site.
- 8.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act* Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 8.3 The development must be connected to Council's reticulated sewerage and water.
- 8.4 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's sewerage reticulation. Arrester traps must be provided where commercial or non-domestic waste water is proposed to be discharged into the reticulated system.
- 8.5 Hoses must be provided at the refuse container area (refer to condition 15.12), and washdown must be drained to the sewer in accordance with a Plumbing and Drainage Permit and Sewerage Trade Waste Permit.

**9.0 BUILDING WORKS**

- 9.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.
- 9.2 The locations of structures must comply with the Queensland Development Code (MP1.4: Building Over or near relevant infrastructure).
- 9.3 The floor level of the proposed buildings must be designed in accordance the approved Flood Impact Assessment Report (refer to Condition 2.1), or any subsequent updating of this report which is approved.
- 9.4 Any fencing along the eastern side property boundary adjoining the laneway must have a minimum transparency of fifty (50) per cent (with consideration given to the flood impact assessment report).
- 9.5 Acoustic barriers must be in accordance with the recommendations of the approved Acoustic Report and the Flood Impact Assessment Report (refer to condition 2.1).

**10.0 LANDSCAPING WORKS**

- 10.1 The landscaping works on site, must be generally in accordance with the approved landscaping plans (refer condition 2.1).

- 10.2 Plant 16, carissa 'desert star', is considered invasive and is not approved to be used on site.
- 10.3 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 10.4 Root barriers must be provided between proposed trees and relevant infrastructure.
- 10.5 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (i) obstruct sight visibility zones as defined in the *Austroads 'Guide to Traffic Engineering Practice'* series of publications;
  - (ii) adversely affect any road lighting or public space lighting; or
  - (iii) adversely affect any Council infrastructure, or public utility plant.
- 10.6 All landscaping must be constructed and or established, prior to the commencement of the use.
- 10.7 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).

#### 11.0 ELECTRICITY AND TELECOMMUNICATIONS

- 11.1 Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities, prior to the commencement of the use.

#### 12.0 ASSET MANAGEMENT

- 12.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 12.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 12.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the issue of the Compliance Certificate for the Survey Plan. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

#### 13.0 ENVIRONMENTAL

- 13.1 Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan certified by a suitably qualified person which addresses, but is not limited to, the following matters:
- (i) Site remediation works;
  - (ii) water quality and drainage;
  - (iii) erosion and silt/sedimentation management plan;
  - (iv) acid sulphate soils;

- (v) vegetation management and clearing;
  - (vi) top soil management;
  - (vii) interim drainage plan during construction;
  - (viii) construction programme including instruction times;
  - (ix) emergency vehicle access;
  - (x) noise and dust suppression; and
  - (xi) waste management.
- 13.2 The Environmental Management Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.
- 13.3 Site remediation works must be undertaken prior to or in conjunction with site redevelopment works, in accordance with the remediation plan and sampling & analysis quality plan (refer to condition 2.1) and must:
- 13.3.1 Ensure the site is suitable for any future land use and able to be removed from the Environmental Management Register;
  - 13.3.2 Protect the environment by ensuring that identified areas of soil contamination are remediated such that they do not constitute a contamination source for the site and surrounding properties; and
  - 13.3.3 Comply with contaminated land legislative requirements, guidelines and standards.
- 13.4 Submit, as part of a Development Application for Operational Works, a site-specific Erosion and Sediment Control Plan, which is certified by Certified Professional in Erosion and Sediment Control (CPESC) or suitably qualified Registered Professional Engineer of Queensland (RPEQ) with experience in writing erosion and sediment control plans.
- 13.5 The Erosion and Sediment Control Plan must:
- 13.5.1 Be prepared in accordance with the local best practice engineering reference standards and guidelines identified in SC7.13.3.1. of the Livingstone Planning Scheme 2018.
  - 13.5.2 Demonstrate how the design objectives identified in Table 9.3.2.4.7. of the Development Works Code of the Livingstone Planning Scheme 2018 in effect at the time of making a Development Application for Operational Work will be achieved.  
  
*Advice Note: High efficiency sediment basins are the most effective way to achieve this outcome. Regular sampling must be undertaken in accordance with a sampling program specified in the site specific EMP and evidence of water quality leaving the site must be provided to an authorised officer upon request.*
  - 13.5.3 Identify sampling locations and sampling frequency. The water quality of discharge flows must be measured at each concentrated discharge point from the site and achieve < 50mg/L total suspended solids (or 60ntu) and maintain pH in the range 6.5 to 8.5 at the point of discharge from the site.
  - 13.5.4 Identify suitable stages of works in order to minimise the area of soil exposed

at any one time. Soil disturbances must be staged into manageable sized areas to ensure adequate erosion and sediment control management and progressive stabilisation of disturbed surfaces.

13.5.5 Set suitable hold points throughout the construction phase.

13.5.6 Identify short (temporary) and long-term (permanent) stabilisation measures for all exposed soils.

1.1.1 For peak flow for the 1-year and 100-year ARI event, use constructed sediment basins to attenuate the discharge rate of stormwater from the site.

13.5.7 All site entry/exit points must have a suitable and approved rumble strip to minimum 15m in length and to fit the width of the entry which prevents vehicle tracked sediment leaving the site.

13.5.8 No works can commence on the site unless and until an Environmental Management Plan and an Erosion and Sediment Control Plan has been approved by Council as part of Development Permit for Operational Works.

13.6 An Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available onsite for inspection by Council Officers during those works.

#### 14.0 OPERATING PROCEDURES – CHILD CARE CENTRE

14.1 The development and operations must be in accordance with the approved Acoustic Report (refer to condition 2.1), including the recommendations in section 8 of the report.

14.2 The Child care centre use must not exceed a maximum capacity of 108 children.

14.3 The hours of operation are restricted to between 7am-6pm, Monday to Friday, in accordance with the recommendations of the approved Acoustic Report.

14.4 Once detailed internal plans and number of children in each age group are finalised for the proposed childcare centre, a detailed noise assessment must be conducted by a suitably qualified acoustic consultant to determine the required acoustic treatments and management controls (in accordance with the acoustic report).

#### 15.0 OPERATING PROCEDURES - GENERAL

15.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in adjoining roads.

15.2 The development and operations must be in accordance with the approved Acoustic Report (refer to condition 2.1), including the recommendations in section 8 of the report.

15.3 Any new mechanical plant, including refrigeration motors and air conditioning units, must be designed to comply with the noise criteria stated in Section 6.1 of the approved Acoustic report, with an assessment by a qualified acoustic engineer to be conducted prior to installation.

15.4 Where necessary, air conditioning units are to be provided with acoustic screening to meet the standards set out in the *Environmental Protection Regulation 2019*.



- 15.5 A compliance assessment of the mechanical plant, on completion of the development must be completed, to ensure it complies at nearby residences.
- 15.6 Delivery vehicles are restricted to:
- i) 0700 hours to 1900 hours, Monday to Saturday;
  - ii) 0800 hours to 1700 hours on Sundays;
  - iii) No delivery vehicles are permitted on Public Holidays; and
  - ii) outside of peak hours of service.
- 15.7 Noise from the activity must not cause an environmental nuisance.
- 15.8 If the development is found to be creating a noise nuisance, the Acoustic report must be revised by the owner/operator within three (3) months, and submitted to Council for approval with additional mitigation measures. Council may require any noise mitigation measures identified in the assessment to be implemented within appropriate timeframes.
- 15.9 Undertake the activity in a manner that does not allow environmental nuisance or detrimental effect on any surrounding land uses and activities of the emission of noise, vibration, fumes, smoke, vapour, steam, soot, ash, wastewater, waste products, grit, oil, particles dust, light, odour which must not go beyond the boundaries of the property during all stages of the development including earthworks, construction and operation as stated in the *Environmental Protection Act 1994* and subordinate legislation.
- 15.10 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with '*Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting*'.
- 15.11 A 1.8 metre high screen fence must be provided to the northern and eastern property boundary, adjacent to Tenancy 06. Consideration must be given to the flood impact assessment report requirements for fences.
- 15.12 The development must be provided with refuse containers and a container storage area that:
- 15.12.1 is fully enclosed and any openings face internal to the site;
  - 15.12.2 is screened from view from a public place by a solid screen fence (with consideration given to the flood impact assessment report), wall or dense vegetation having a minimum height of 1.5 metres;
  - 15.12.3 is large enough to accommodate one (1) or more industrial bins of a size appropriate to the nature and scale of the use;
  - 15.12.4 The minimum overhead clearance required for refuse collection is 6.5 metres. Access for the collection of bulk bins is not to be impeded by any overhead obstructions such as trees, wires or other structures. This minimum height clearance must be maintained at all times.
  - 15.12.5 has an imperviously sealed pad, on which to stand the bin(s), and which is drained to an approved waste disposal system; and
  - 15.12.6 is within proximity to a hose cock.

- 15.13 Private waste contractor collection activities associated with the use is restricted to;
- i) 0700 hours to 1800 hours, Monday to Friday;
  - ii) 0800 hours to 1800 hours, weekends.
- 15.14 Any building plant must be screened from view of the street by one or more of the following:
- 15.14.1 a solid screen fence (with consideration given to the flood impact assessment report), or
  - 15.14.2 a roof design feature; or
  - 15.14.3 a wall; or
  - 15.14.4 dense vegetation; or
  - 15.14.5 be located within, underneath or central to the building so as to not be visible from the street.
- 15.15 The development must contain:
- i) appropriately designed and sited numbering which clearly identifies the street address and any individual tenancies or dwelling units at the premises; and
  - ii) appropriately designed and sited signage for way finding and premises identification.
- 15.16 The eastern wall of the health care service (illustrated as shop 01 on the approved plans), must be painted, materials varied, or painted with public artwork, in consultation with Council (refer to Note 7).
- 16.0 ADVERTISING DEVICE
- 16.1 Advertising device(s) must be in accordance with the requirements of the Development works code (outcomes relating to advertising devices), or alternatively a Development Permit for Operational works, must be obtained prior to the installation.

#### ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under Section 23 of the Aboriginal Cultural Heritage Act 2003, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage (the “cultural heritage duty of care”). Maximum penalties for breaching the duty of care are listed in the Aboriginal Cultural Heritage legislation. The information on Aboriginal Cultural Heritage is available on the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs website [www.datsima.qld.gov.au](http://www.datsima.qld.gov.au)

NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act* prohibits unlawful environmental nuisance caused by noise, aerosols, particles dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.

NOTE 3. General Safety Of Public During Construction

The *Workplace Health and Safety Act* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to

ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 4. Water and Sewerage Services

In accordance with the *Water Supply (Safety & Reliability) Act 2008*, it is an offence to interfere with a service provider's infrastructure. Livingstone Shire Council is the service provider and Infrastructure is the department responsible for water and sewerage services. Alterations to existing services consequential to necessary connections to existing sewerage and / or water infrastructure must be at the responsibility and cost of the Developer. Please contact Infrastructure for further information. Negotiation with other service authorities such as Telstra and Ergon may also be required to adequately affect these connections.

NOTE 5. Private Works

Council can provide cost estimates for any water and sewerage connection works as requested.

NOTE 6. Licensable Activities

Should an activity licensable by Livingstone Shire Council be proposed for the premises, Council's Environmental Health Unit must be consulted to determine whether any approvals are required. Such activities may include food business licensing for canning/bottling activities; or devolved Environmental Relevant Activity. Approval for such activities is required before 'fit out' and operation.

NOTE 7. Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with Council policies. The charges are presented on an Infrastructure Charges Notice which has been supplied with this decision notice.

NOTE 8. Eastern elevation wall of Health care service to laneway and Placemaking

An opportunity exists to undertake place making on the large wall to the laneway frontage, including paint, articulation, artwork or plantings. Further information is available online here: <https://www.livingstone.qld.gov.au/placemaking>

Please refer to the [Placemaking Strategy Document](#) for examples of existing wall treatments and similar should be incorporated in to the design and construction of the proposed wall. Please contact Council if you require further information.

### **INFRASTRUCTURE CHARGES**

Infrastructure charges are levied pursuant to the *Adopted Infrastructure Charges Resolution (No.4) LSC 2019*. The details and breakdown of the charges are outlined below:

Charge area:	The subject site is located within charge area 2
Calculation:	<p>The charge is calculated in accordance with Table 3 - Adopted charge for development Uses within the Priority Infrastructure Area, as follows:</p> <ol style="list-style-type: none"> <li>1. Shop at 2,377.92 square metres of gross floor area at \$70.00 per square metre (<i>total \$166,454.40</i>); and</li> <li>2. Food and drink outlet at 153.76 square metres of gross floor area at \$70.00 per square metre (<i>total \$10,763.20</i>);</li> <li>3. Health care service at 846.84 square metres of gross floor area at \$70.00 per square metre (<i>total \$59,278.80</i>);</li> <li>4. Child care centre at 717.52 square metres of gross floor area at \$70.00 per square metre (<i>total \$50,226.40</i>)</li> <li>5. impervious area of 5,550.94 square metres (comprising of 4,096.04</li> </ol>

	square metres under roof and 1,454.9 square metres of sealed areas) at \$10.00 per square metre ( <i>total \$55,509.40</i> ) 6. less a <b>credit</b> of \$25,000.00.
Credit:	The above calculation takes into account a credit of \$25,000.00 for the existing allotment pursuant to Part 4.0 of Council's <i>Adopted infrastructure Charges Resolution (No.4) LSC 2019</i> . The credit is calculated as follows: 1. one (1) existing lot at \$25,000.00 per lot.
Offset:	No offsets are applicable to the development.
Networks Covered:	Apportionment of charges over the following networks: Transport Parks & Community Facilities Water Sewerage Stormwater

A total contribution of \$317,232.20 is payable and will be reflected in an Infrastructure Charges Notice for the development.

#### **RECOMMENDATION D**

That in relation to the Planning and Environment Court appeal for a Development Permit for a Material Change of Use for Shops, Health care service, Food and drink outlet and Child care centre, made by Yeppoon Railway Trust, on Lot 1 on SP230820 and located at 33 James Street, Yeppoon, Council resolves to issue an Infrastructure Charges Notice for the amount of \$474,842.00.**DIVISION:**

Crs A Belot, P Eastwood, L Warcon and R Watson voted in the affirmative.

Crs A Friend and G Mather voted in the negative.

**Moved by:** Deputy Mayor, Councillor Eastwood

**Seconded by:** Councillor Warcon

**MOTION CARRIED**

**14 URGENT BUSINESS\QUESTIONS**

**15 CLOSURE OF MEETING**

There being no further business the meeting closed at 3:30 pm.

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Mayor Adam Belot  
CHAIRPERSON

UNCONFIRMED