



Special Meeting of Council

MINUTES

Thursday 20 February 2025

Quilpie Shire Council Boardroom
50 Broлга Street, Quilpie



**MINUTES OF QUILPIE SHIRE COUNCIL
SPECIAL COUNCIL MEETING
HELD AT THE QUILPIE SHIRE COUNCIL BOARDROOM, 50 BROLGA STREET, QUILPIE
ON THURSDAY, 20 FEBRUARY 2025 AT 10:00 AM**

1 OPENING OF MEETING

The Mayor declared the meeting open at 10:09 AM.

2 ATTENDANCE

Mayor Ben Hall (via Zoom), Cr Roger Volz (Deputy Mayor), Cr Lyn Barnes (via Zoom), Cr Tony Lander, Cr Milan Milosevic.

In Attendance: Mr Justin Hancock (Chief Executive Officer) (via Zoom), Ms Lisa Hamlyn (Director Corporate and Community Services), Ms Sharon Frank (Manager Finance and Administration), Kasey Davie (Procurement Officer), Callie Dabovich (Secretariat).

3 APOLOGIES

Nil

4 DECLARATIONS OF INTEREST

Chapter 5B of the Local Government Act 2009 (the Act) requires Councillors to declare a Prescribed or Declarable Conflict of Interest. The Declaration is to be made in writing to the Chief Executive Officer, before the next Council meeting.

Nil.

5 INFRASTRUCTURE SERVICES

5.1 T04 24-25 QSC-CONCRETE FLOODWAY REPLACEMENT

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with a recommendation to award T04 24-25 QSC - Concrete Floodway Replacement.

RESOLUTION NO: (QSC048-02-25)

Moved: Cr Milan Milosevic

Seconded: Cr Roger Volz

That Council:

1. Subject to funding approval and finalisation, award T04 24-25 QSC - Concrete Floodway Replacement to Culvert Works Pty Ltd for an amount of \$825,280.00 including GST (\$750,254.54 excluding GST); and
2. Delegate power to the Chief Executive Officer, pursuant to section 257 of the *Local Government Act 2009* to negotiate, finalise and execute any and all matters associated with

or in relation to this project and contract including without limitation any options and/or variations as per Council's procurement policy.

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6 GOVERNANCE

6.1 DEVELOPMENT APPLICATION - MATERIAL CHANGE OF USE LOT 83 SP153664

EXECUTIVE SUMMARY

The purpose of this report is for Council to decide the Development Application for a Material Change of Use to establish "Transport Depot" (Aircraft Storage) on land situated at 87 Sommerfield Road, Quilpie, formally described as Lot 83 on SP153664.

RESOLUTION NO: (QSC049-02-25)

Moved: Cr Lyn Barnes

Seconded: Cr Roger Volz

That Council:

1. Receive this report; and
2. Council issue a decision notice to the applicant approving the Development Application for a Material Change of Use to establish a "Transport Depot" (Aircraft Storage) on land situated at 87 Sommerfield Road, Quilpie, formally described as Lot 83 on SP153664, subject to the listed conditions and general advice:

General Advice

- I. The relevant planning scheme for this development is the *Quilpie Shire Planning Scheme*. All references to the 'Planning Scheme' and 'Planning Scheme Schedules' within these conditions refer to this planning scheme.
- II. In the Planning Scheme:
Transport Depot means "Premises used for the storage, for commercial or public purposes, of more than one motor vehicle. The use includes premises for the storage of taxis, buses, trucks, heavy machinery and uses of a like nature. The term may include the ancillary servicing, repair and cleaning of vehicles stored on the premises."
- III. All Aboriginal Cultural Heritage in Queensland is protected under the *Aboriginal Cultural Heritage Act 2003* and penalty provisions apply for any unauthorised harm. Under the legislation a person carrying out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage. This applies whether or not such places are recorded in an official register and whether or not they are located in, on or under private land. The developer is responsible for implementing reasonable and practical measures to ensure the Cultural Heritage Duty of Care Guidelines are met and for obtaining any clearances required from the responsible entity.

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- IV. The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard, persons and entities involved in the operation of the approved works are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm to adjoining premises.
 - V. It is the responsibility of the developer to obtain all necessary permits and submit all necessary plans to the relevant authorities for the approved use.
 - VI. In completing an assessment of the proposed development, council has relied on the information submitted in support of the development application as true and correct. any change to the approved plans and documents may require a new or changed development approval. it is recommended that the applicant contact council for advice in the event of any potential change in circumstances.

Development Conditions

Use

1. The approved development is a Material Change of Use – “Transport Depot” (Aircraft Storage) as defined in the Planning Scheme and as shown on the approved plans.
2. A development permit for building works must be obtained prior to commencing construction of the use.
3. Prior to commencement of use, certification must be provided from a suitably qualified person that the site complies with relevant CASA Guidelines AC 139.R-01 and AC 91-29 v1.3.
4. All aircraft approaches must be from the south of the site. No aircraft movements are permitted over land in the Township Zone (Residential Precinct).
5. A maximum number of four (4) aircraft are permitted to be stored on site at any one time.

Compliance Inspection

6. All conditions relating to the establishment of the approved development must be fulfilled prior to the approved use commencing, unless otherwise noted within these conditions.
7. Prior to the commencement of use, the applicant shall contact Council and arrange a development compliance inspection.

Approved and Amended Plans and Documents

8. All works and operations are to be carried out generally in accordance with the approved plans listed in the following table. Where the approved plans conflict with the Assessment Manager's conditions, the Assessment Manager's conditions shall take precedence.

Table 1 Approved Plans

Plan / Document Number	Plan / Document Name	Date
Plan 01	Proposed Site Plan	n.d.
Job No. HTTO66656, Sheet 1 of 8	Foundation Plan and Member Layout	5/2/2025
Job No. HTTO66656, Sheet 8 of 8	Elevations	5/2/2025

9. The proposed site plan must be amended to show a dedicated aircraft landing point.

Development Works

10. During the course of constructing the works, the developer shall ensure that all works are carried out by appropriately qualified persons and the developer and the persons carrying out and supervising the work shall be responsible for all aspects of the works, including public and worker safety, and shall ensure adequate barricades, signage and other warning devices are in place at all times.
11. The developer is responsible for locating and protecting any Council and public utility services, infrastructure and assets that may be impacted on during construction of the development. Any damage to existing infrastructure (kerb, road pavement, existing underground assets, etc.) that is attributable to the progress of works on the site or vehicles associated with the development of the site shall be immediately rectified in accordance with the asset owners' requirements and specifications and to the satisfaction of the asset owners' representative(s).
12. All works on or near roadways shall be adequately signed in accordance with the "Manual for Uniform Traffic Control Devices – Part 3, Works on Roads".

Applicable Standards

13. All works must comply with:
- The development approval conditions;
 - Any relevant Acceptable Solutions of the applicable codes of the planning scheme for the area;
 - Council's standard designs for such work where such designs exist;
 - Any relevant Australian Standard that applies to that type of work.

Despite the requirements of paragraphs a-d above, Council may agree in writing to an alternative specification. This alternative specification prevails over those specified in paragraphs a-d in the event of any inconsistency.

The developer must also ensure that any works do not conflict with any requirements imposed by any concurrence lawful requirements outside those stated above.

Stormwater Drainage

14. Stormwater drainage is to be provided in accordance with:
 - a) Queensland urban drainage manual, 3rd Edition, Queensland Department of Energy and Water Supply, 2013;
 - b) Pilgrim, DH, (ed)., Australian Rainfall & Runoff – A Guide to Flood Estimation, Institution of Engineers, Australia, Barton, ACT, 1987.
15. Stormwater must not be discharged to adjoining properties and must not pond on the property being developed, or adjoining properties during the development process or after the development has been completed. The developer shall ensure that in all cases, discharge of stormwater runoff from the development drains freely to the legal point/s of discharge for the development.
16. There must be no increases in any silt loads or contaminants in any overland flow from the property being developed during the development process and after the development has been completed.
17. The stormwater disposal system must be designed to include appropriate pollution control devices or methods to ensure no contamination or silting of creeks or other waterways.

Avoiding Nuisance – General

18. No nuisance is to be caused to adjoining properties and occupiers by the way of noise smoke, dust, rubbish, contaminant, stormwater discharge or siltation at any time.
19. Lighting of the site, including any security lighting, shall be such that the lighting intensity does not exceed 8.0 lux at a distance of 1.5 metres from the site at any property boundary.
20. All lighting shall be directed or shielded so as to ensure that no glare directly affects nearby properties or roadways.
21. The area and its surrounds shall be kept in an orderly fashion, free of rubbish and clear of weeds and long grasses. The approved development and the premises are to be maintained in a clean and tidy condition and not to pose any health and safety risks to the community.
22. Unless otherwise approved in writing by the Council, aircraft landing hours are restricted to:
 - a) 01 October – 31 March - 6.30am to 6.30pm, Monday to Saturday
 - b) 01 April – 30 September – 7.00am to 5.00pm, Monday to Saturday
23. Work or business which causes audible noise must not be conducted from or on the subject land outside the above times or on Sundays or Public Holidays.

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24. Noise emissions from the development shall not cause environmental harm or nuisance to nearby properties or “Sensitive Land Uses” in accordance with the Environmental Protection (Noise) Policy 2008 (Qld) and Environment Protection (Impact of Proposals) Act 1974 (Cth).
 25. Air emissions from the development shall not cause environmental harm of nuisance to adjoining properties or “Sensitive Land Uses” in accordance with the Environmental Protection (Air) Policy 2008.

Avoiding Nuisance – Dust

26. Dust emanating as result of activities carried out onsite (both during construction and post construction) must be continually monitored and suppressed in order to prevent any dust drifting onto road networks and nearby properties and sensitive land uses.
27. All land within a 25m radius of the dedicated landing point must be:
 - a) Constructed with a concrete, asphalt or a two-coat bitumen seal surface; OR
 - b) Watered prior to every aircraft arrival and departure; OR
 - c) Planted and maintained with a grass surface. Grass must be maintained to manage dust emissions.

Refuse Storage

28. Adequate refuse storage areas and facilities must be provided on the site to service the approved development.
29. At all times while the use continues, waste containers shall be provided on the site and maintained in a clean and tidy state and emptied, and the waste removed from the site on a regular basis. All waste containers are to be located in a convenient and unobtrusive position and shielded from the view of users of the premises, travelling public and neighbours, and accessible by the vehicles used by Council, its agents and/or others.
30. All waste generated on-site must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction & Recycling Act 2011*.

Landscaping

31. A minimum of 10% of the site must be landscaped. Landscaping areas should be planted between the aircraft landing areas and residential areas to the north of the site.
32. Prior to commencement of the use, submit to Council a landscaping plan showing all proposed landscaping areas and species.

Access and Manoeuvring

33. Site access from the edge of the existing bitumen from Sommerfield Road to the property boundary, shall be constructed to a sealed industrial standard to the satisfaction of and at no cost to Council.
34. The landowner is responsible for the construction and maintenance of vehicle crossovers from the road carriageway to the property boundary and for obtaining any approvals that may be required, and for complying with the applicable designs and standards. Should any damage be caused at the approved access locations, it is the landowner's responsibility to ensure this is reinstated. Any repair works are to be undertaken in consultation with Council and at the landowner's expense.
35. All vehicles accessing the development site must be able to enter and leave in forward direction. Reversing out of the development site is not permitted. Vehicle manoeuvres in this regard are to be totally contained within the development site boundaries.
36. All aircraft must land at the dedicated landing point.
37. The dedicated aircraft landing point must be constructed with a concrete, asphalt or a two-coat bitumen seal surface.
38. Car parking and manoeuvring areas are to be designed in accordance with:
 - a) AS2890.1 – Parking Facilities;
 - b) Austroads AP-34/95 - Design Vehicles and Turning Path Templates; and
 - c) The 'Access to Premises Standard' (Vol 1 of the National Construction Code).

Earthworks and Construction

39. During construction, erosion controls and silt collection measures are to be put in place to protect environmental values and mitigate potential impacts to adjoining properties and roadways.

Provision of Services

40. The development must be provided with an adequate supply of water in accordance with the applicable standards and policies.
41. The site must be connected to an on-site effluent disposal system, in accordance with Schedule 1, Division 4: Standards for Sewerage Supply, Section 4.2; Standards for On-site Sewerage, AS1547 and the Queensland Plumbing and Waste Water Code. Make provision for adequate on-site disposal areas as required.
42. The development must be connected to an adequate electricity supply system in accordance with the relevant building standards, requirements and specifications (as relevant).

43. If the premises is connected to a telecommunications service, then such works shall be undertaken in accordance with the relevant service provider's requirements and specifications along with relevant building standards, requirements and specifications (as relevant).
44. All services installation connections to the respective networks, must comply with (i) the development approval conditions, (ii) any relevant provisions in the planning scheme for the area, (iii) Council's standard designs for such work where such design exist, (iv) any relevant Australian Standard that applies to that type of work and (v) any alternative specifications that Council has agreed to in writing and which the development must ensure do not conflict with any requirements imposed by any applicable laws and standards.

Advertising Signage

45. Any advertising signage associated with the approved use must be fully contained within the development site boundaries and must not encroach on adjoining properties or roads.
46. Any free standing advertising signage or structure constructed on the subject site shall be designed by an RPEQ (Structural) Engineer and certification provided for both design and construction.

No Cost to Council

47. The developer is responsible for meeting all costs associated with the approved development unless there is specific agreement by other parties, including the Council, to meeting those costs. This includes toe costs of any services and infrastructure required in connection with the establishment of the development.

Latest Versions

48. Where another condition refers to a specific published standard, manual or guideline, including specifications, drawings, provisions and criteria within those documents, that condition shall be deemed as referring to the latest versions of those publications that are publicly available at the time the first operational works or compliance approval is lodged with the assessment manager or approval agency for those types of works to be performed or approved, unless a regulation or law requires otherwise.

Application Documentation

49. It is the developer's responsibility to ensure all entities associated with this Development Approval have a legible copy of the Decision Notice and the Approved Plans and Approved Documents bearing 'Council Approval'.

Individuals or Organisations to which the report applies:

Council's decision regarding this matter is likely to affect the applicant, the land owner of the premises and the adjacent properties.

Context:

Determination of development application sits outside the scope of officer delegations and a decision is required to be made by Council resolution.

Proposal:*Characteristics of the Site*

The site currently contains a Dwelling House and Domestic Outbuilding. The site is located within the Township Zone (Industrial Precinct) under the Quilpie Shire Planning Scheme.

The site has a total area of 1.085ha and has frontage to Sommerfield Road on the northern property boundary.

Proposed Development

The proposed development application seeks to establish an aircraft storage shed on the site. The shed will be 24m x 10m, with an additional 6m wide awning along the front. The applicant states that the shed will be used to safely store helicopters, with four (4) helicopters landing at the site 3-4 times per week.

The applicant states that the intended use is for the safe storage of aircraft during severe weather events and that aircraft will only be attending the site when passing through or not working. The applicant states that helicopters can approach the shed from the southern side of the premises to minimise residential noise pollution.

Vehicle access to the site is via Sommerfield Road.



Figure 1 Plan1 - Proposed Site Plan

Legislation, Local Laws, State Policies and Other Regulatory Requirements

The proposal constitutes a Material Change of Use as defined under the *Planning Act 2016* being the establishment of a new use on the premises. The proposed use is defined as a Transport Depot in the Quilpie Shire Planning Scheme.

Transport Depot means “Premises used for the storage, for commercial or public purposes, of more than one motor vehicle. The use includes premises for the storage of taxis, buses, trucks, heavy machinery and uses of a like nature. The term may include the ancillary servicing, repair and cleaning of vehicles stored on the premises.”

Under Table 5.5.4 of the Quilpie Shire Planning Scheme, a Material Change of Use to establish a Transport Depot is subject to Code assessment in the Township Zone where located within the Industrial Precinct. The proposed use requires a development permit to be issued by Council prior to the commencement of use.

Pursuant to Section 45 of the *Planning Act 2016*, a Code Assessable application is an assessment that must be carried out only -

- (a) against the assessment benchmarks in a categorising instrument for the development; and

(b) *having regard to any matters prescribed by regulation.*

The Assessment Benchmarks applicable to the development assessment are:

1. The Regional Plan (i.e. South West Regional Plan);
2. The State Planning Policy; and
3. The Quilpie Shire Planning Scheme.

Regional Plan

The South West Regional Plan is a statutory instrument intended to assist in managing change and shaping the prospects of rural communities in the South West region. The regional plan sets out desired regional outcomes, which identify aspirations for the region.

The *Quilpie Shire Planning Scheme*, specifically the strategic framework, appropriately advances the *South West Regional Plan 2009* as they apply in the planning scheme area. No further assessment against the relevant regional plans is therefore required to be undertaken.

State Planning Policy (SPP)

The *Quilpie Shire Planning Scheme* appropriately integrates all SPP matters relevant to the Quilpie Shire, therefore an independent assessment of the proposal against the SPP is not required.

Council Policies or Asset Management Plans:

The Quilpie Shire Planning Scheme is applicable to the assessment of the Development Application. The relevant sections of the planning scheme are:

- Part 6 Zones
 - Part 6.2.4 Township Zone Code
- Part 7 Development Codes
 - Part 7.3.1 General Development Code

Part 6.2.4 Township Zone Code

The proposed development complies with the Purpose and Overall Outcomes of the Township zone because;

- The proposal is for the establishment of a new industrial use in the industrial precinct. The use support surrounding rural industries serviced by the applicant's aircraft operations.
- While the proposal has the potential to impact on nearby land uses, conditions can be applied to manage adverse impacts.
- The proposal does not compromise the safety or efficiency of the road network;
- The proposal is serviced by on-site infrastructure where reticulated infrastructure is not available.

The proposed development has also been assessed against the Performance and Acceptable Outcomes of the Township Zone Code. The proposed development complies with all relevant assessment benchmarks, with exceptions outlined in Table 2.

Table 2 Performance and Acceptable Outcomes of the Township Zone Code Exceptions

Performance outcomes	Response
For assessable development	
<p>PO6</p> <p>Commercial and industrial uses that support and service the residential areas are centrally located where they can be conveniently and safely accessed without having an adverse impact on residential amenity including privacy, safety, noise, odour and fumes, lighting and traffic generation.</p>	<p>Performance Solution</p> <p>The proposal has the potential to impact residential amenity from noise, lighting and dust emissions, particularly during take-off and landing activities. Conditions have been applied to restrict the number of aircraft stored on site at any one time, as well as to limit the hours in which aircraft can access the site.</p>
Quilpie Industrial Precinct	
<p>PO1</p> <p>Industrial development does not result in sensitive land uses located outside of the industrial precinct being affected by industrial air, noise and odour emissions.</p>	<p>Performance Solution</p> <p>As noted above, the proposal has the potential to impact sensitive land uses outside the industrial precinct. Conditions have been applied to restrict the number of aircraft stored on site at any one time, as well as to limit the hours in which aircraft can access the site.</p>

Part 7.3.1 General Development Code

The proposed development complies with the Purpose and Outcomes of the General Development Code because;

- The proposed development will not adversely impact any areas of state environmental significance;
- The proposal has a safe and efficient site layout;
- The proposal will not detract from the Shire's unique building design;
- An appropriate level of servicing infrastructure will be provided to the development;
- No earthworks are proposed on site that would impact natural drainage paths; and
- The development does not conflict with the ongoing operation of the stock route network.

The proposed development has also been assessed against the Performance and Acceptable Outcomes of the General Development Code. The proposed development complies with all relevant assessment benchmarks, with exceptions outlined in Table 3.

Table 3 Performance and Acceptable Outcomes of the General Development Code Exceptions

Performance outcomes	Response
For assessable development	
AO2 Except in the Quilpie commercial precinct, a minimum of 10% of the total development area is landscaped.	Condition to Comply Conditions have been applied to ensure 10% of the site is landscaped, with landscaping areas prioritised on the northern side of the shed between activity areas and nearby land in the residential precinct.
AO10 Car parking is provided at rates as per table 7.3.1.2	Alternative Solution The proposal does not include any formalised car parking spaces. Table 7.3.1.2 requires 1 space per 50m ² of Gross Floor Area. To comply, the development requires eight car parking spaces. Given the scale of the premises, it is considered that adequate car parking areas are available on the site for all light vehicles and service (heavy) vehicles to enter and exit in a forward gear.
AO15.1 In the Township zone, all development is connected to QSC's reticulated water supply network in accordance with: <ul style="list-style-type: none"> • Water Services Association of Australia (WSAA), 2011, "WSA 03-11 Water Supply Code of Australia" Version 3.1. • Queensland Department of Energy and Water Supply, 2010, Planning Guidelines for Water Supply and Sewerage. In the Recreation and Open Space, Rural and Rural Residential zones, a potable water supply is provided.	Alternative Solution The subject site is located outside of Council's Priority Infrastructure Area and is not mapped as being within the Water Supply or Sewerage Service Catchments. As a result, on-site water and wastewater systems are provided to service the existing dwelling. It is considered that the use of on-site systems are acceptable for the scale of the proposed use. No extensions to the network are required to service the development.
AO15.2 In the Township zone, all development is connected to QSC's reticulated sewerage network. In the Recreation and Open Space, Rural, and Rural Residential zones, sewage disposal is provided generally in accordance with the Queensland Plumbing and Wastewater Code.	

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There being no further business the Mayor declared the meeting closed at 10:12 AM.

I hereby certify that the foregoing is a true record of the Minutes of the Proceedings of the Special Meeting held on the Thursday, 20 February 2025.

Submitted to the Council Meeting held on Tuesday, 18 March 2025.

 Cr Ben Hall

Mayor of Quilpie Shire Council

 Date