



**Quilpie Shire Council**

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ABN 53 680 434 639

Our Reference: 260207 : Dominique Wells

24 February 2025

Shane and Lauran Wendelborn  
PO Box 102  
**QUILPIE QLD 4480**

Dear Shane and Lauran

**Decision notice—Approval (with conditions)**  
(Given under section 63 (2) of the *Planning Act 2016*)

I acknowledge the below application was properly made on 5 February 2025.

**Application details**

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Approval Sought:	<b>Development Permit</b>
Application Proposal:	<b>Material Change of Use – “Transport Depot” (Aircraft Storage)</b>
Category of Assessment:	<b>Code Assessment</b>
Planning Scheme:	<b>Quilpie Shire Planning Scheme</b>

**Location details**

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Street Address:	<b>87 Sommerfield Road Street, Quilpie</b>
Real Property Description:	<b>Lot 83 on SP153664</b>

**Decision**

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I wish to advise that, on 20 February 2025, the above development application was approved in full subject to relevant, reasonable and enforceable conditions (refer to the conditions contained in **Attachment 1**) by the Quilpie Shire Council.

## Details of the approval

This application is not taken to have been approved (a deemed approval) under section 64(5) of the *Planning Act 2016*.

The following approval is given:

	<b>Planning Regulation 2017 reference</b>	<b>Development Permit</b>	<b>Preliminary Approval</b>
Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material Change of Use	N/A	<input checked="" type="checkbox"/>	

## Conditions

This approval is subject to conditions in **Attachment 1**.

## Further development permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- Development Permit – Building Works

## Properly made submissions

Not applicable – The application did not require public notification.

## Approved plans, specifications and drawings

Copies of the following approved plans are enclosed.

<b>Plan/Document Number</b>	<b>Plan/Document Name</b>	<b>Date</b>
Plan 01	Proposed Site Plan ( <i>amended in red by Council</i> )	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

## **Currency period for the approval (s.85 of the *Planning Act 2016*)**

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This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016*

## **Appeal rights**

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The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For certain applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

### Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*.

**Attachment 3** is an extract from the *Planning Act 2016* that sets out the applicant's appeal rights.

To stay informed about any appeal proceedings which may relate to this decision visit:

<https://planning.dsdmip.qld.gov.au/planning/our-planning-system/dispute-resolution/pe-court-database>.

Please do not hesitate to contact Dominique Wells on (07) 4656 0500 should you wish to discuss this matter further.

Yours faithfully



Lisa Hamlyn  
**ACTING CHIEF EXECUTIVE OFFICER**

Enc:

- Attachment 1 - Assessment Manager Conditions of Approval (Quilpie Shire Council)
- Attachment 2 - Appeal Provisions
- Attachment 3 - Statement of Reasons
- Attachment 4 - Approved Plans and Specifications



## ATTACHMENT 1 –ASSESSMENT MANAGER CONDITIONS OF APPROVAL (QUILPIE SHIRE COUNCIL)

### 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 & 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.

Plan/Document Number	Plan/Document Name	Date
Plan 01	Proposed Site Plan ( <i>amended in red by Council</i> )	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:
  - a) the development approval conditions;
  - b) any relevant Acceptable Solutions of the applicable codes of the planning scheme for the area;
  - c) Council's standard designs for such work where such designs exist;
  - d) 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; and
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) 1 October – 31 March - 6.30am to 6.30pm, Monday to Saturday
  - (b) 1 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.
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 or 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 the 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'.

#### **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.

- 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.

## ATTACHMENT 2 – PLANNING ACT EXTRACT APPEAL RIGHTS

### Chapter 6 Dispute resolution Part 1 Appeal rights

#### 229 Appeals to tribunal or P&E Court

(1) Schedule 1 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.

(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
  - (d) schedule 1, table 1, item 1—each principal submitter for
  - (e) the development application; and
  - (f) for an appeal about a change application under
  - (g) schedule 1, table 1, item 2—each principal submitter for
  - (h) the change application; and
  - (i) each person who may elect to become a co-respondent
  - (j) for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
  - (k) for an appeal to the P&E Court—the chief executive; and
  - (l) 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 is 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 the 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.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.



### ATTACHMENT 3 – STATEMENT OF REASONS

The following information is provided in accordance with section 63 of the *Planning Act 2016*.

<b>Description of Development</b>	Material Change of Use – “Transport Depot” (Aircraft Storage)
<b>Assessment benchmarks</b>	<p>The proposed development was assessed against the following Assessment benchmarks:</p> <p><i>The Quilpie Shire Planning Scheme 2018</i></p> <ul style="list-style-type: none"><li>• Part 6 Zones<ul style="list-style-type: none"><li>○ Part 6.2.4 Township Zone Code</li></ul></li><li>• Part 7 Development Codes<ul style="list-style-type: none"><li>○ Part 7.3.1 General Development Code</li></ul></li></ul>
<b>Relevant matters</b>	No relevant matters were identified in the assessment of the application.
<b>Matters raised in submissions</b>	No applicable – this application was not required to be publicly notified.
<b>Reasons for decision</b>	<p>It is considered that the proposal presents no significant inconsistency with the applicable assessment benchmarks. Development conditions have been imposed to ensure compliance to the greatest extent possible.</p> <p>Any residual inconsistency with the assessment benchmarks has been considered against the following relevant matters:</p> <ul style="list-style-type: none"><li>• The proposal is for the establishment of a new industrial use in the industrial precinct. The use supports surrounding rural industries serviced by the applicant’s aircraft operations.</li><li>• While the proposal has the potential to impact on nearby land uses, conditions can be applied to manage adverse impacts.</li><li>• The proposal does not compromise the safety or efficiency of the road network;</li><li>• The proposal is serviced by on-site infrastructure where reticulated infrastructure is not available.</li></ul>

## ATTACHMENT 4 – APPROVED PLANS AND SPECIFICATIONS

