



**Quilpie Shire Council**

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Our Reference: 258280 : Dominique Wells

18 December 2024

RJ Loveday Transport  
PO Box 312  
**QUILPIE QLD 4480**

[loveday.89@hotmail.com](mailto:loveday.89@hotmail.com)

Dear Skye,

**Decision notice - change application**  
(Given under section 83 of the *Planning Act 2016*)

The Quilpie Shire Council received your change application made under section 78 of the Planning Act 2016 on 19 November 2024 for the development approval reference DA02/14.

**Application details**

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<b>Approval Sought:</b>	Minor Change to existing Development Permit
<b>Application Proposal:</b>	Material Change of Use - "Commercial Stockyards"
<b>Category of Assessment:</b>	Code Assessment
<b>Planning Scheme:</b>	Quilpie Shire Planning Scheme 2018

**Location details**

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<b>Street Address:</b>	Sommerfield Road, Quilpie
<b>Real Property Description:</b>	Lot 85 on SP153664

**Decision**

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In relation to the request to make a minor change, Council decided the following:

(Note: Changes made to the conditions are shown in bold.)

**Date of Decision:** 17 December 2024

**Decision Details:** 1. Council issue a change decision notice to the applicant approving the Minor Change to an existing Development Permit for “Commercial Stockyards” on land situated at Sommerfield Road, Quilpie, formally described as Lot 85 on SP153664, reflecting the following changes:

(a) Condition 1 is amended to read:

1. *The development shall be generally in accordance with supporting information supplied by the applicant with the development application and in accordance with the following:*
  - *Eight (8) stockyards including loading ramp;*
  - *A maximum of ~~two~~ **three** hundred (200**300**) head of cattle to be on-site at any time; and*
  - *A maximum period of agistment to be 48 hours for each stock movement.*

### **Details of the approval**

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

### **Conditions**

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

### **Further development permits**

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

- Development Permit – Building Approval (if applicable)

### **Referral agencies for the application**

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There were no referral agencies for this application.

### **Approved plans, specifications and drawings**

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Copies of the following approved plans, specifications and/or drawings are enclosed.

<b>Plan/Document Number</b>	<b>Plan/Document Name</b>	<b>Date</b>
-	Site Plan	-

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

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Approval for this development will lapse if the first change of use under the approval does not start within a period of four (4) years from the date of the original approval.

## **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 2** 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



Justin Hancock  
**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)

1. The development shall be generally in accordance with supporting information supplied by the applicant with the development application and in accordance with the following:
  - Eight (8) stockyards including loading ramp;
  - A maximum of **three** hundred (**300**) head of cattle to be on-site at any time; and
  - A maximum period of agistment to be 48 hours for each stock movement.
2. That the applicant freehold Lot 18 on SP118806 and amalgamate this with Lot 85 on SP153664.
3. All outstanding rates and charges shall be paid to Council prior to the commencement of the use.
4. Appropriate approval is granted for building, plumbing and drainage works.
5. The amenity of the surrounding area is to be protected at all times.
6. For the purposes of transporting livestock, the site is to be accessed or exited solely via the Diamantina Development Road to Sommerfield Road to site or Diamantina Development Road (Brolga Street) to Chipu Street to site.
7. All buildings and structures must be less than 8.5 metres in height and not more than 2 (two) storeys at any point above natural ground level.
8. All buildings and structures must have a setback of not less than 6 metres from any road frontage and have a side boundary clearance of not less than 2.5 metres and a rear boundary clearance of not less than 2.5 metres.
9. All buildings and structures associated with the approved use are designed so that the amenity of the Industrial Zone is maintained.
10. 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. All lighting shall be directed or shielded so as to ensure that no glare directly affects nearby properties or the operational safety of Sommerfield Road.
11. The premises are to be connected to Council's reticulated water supply system.
12. The premises are to have an on-site effluent disposal system in accordance with Schedule 1, Division 4: Standards for Sewerage, Section 4.2.
13. Stormwater is to be collected and discharged in accordance with Schedule 1, Division 5: Standards for Stormwater Drainage, Section 5.1.
14. The applicant must ensure that no effluent is permitted to drain from the site or into any watercourse. All stormwater runoff from the stockyards is to be treated by way of settling pond and natural filtration.

15. Wash down bays or areas are to be constructed to relevant engineering standards and effluent treated as required prior to discharge.
16. The premises shall be connected to the electricity supply grid to the standards of the electricity supply authority.
17. Vehicular access, parking and manoeuvring areas shall be all weather and shall be provided in accordance with Schedule 1, Division 2: Standards for Roads, Carparking, Manoeuvring Areas and Access, Section 2.3 (1).
18. All excavation or filling within 1.5m of any site boundary is battered or retained by a wall that does not exceed 1m in height.
19. All excavation or filling is undertaken in accordance with Schedule 1, Division 1: Standards for Construction Activities, Section 1.1.
20. During construction soil erosion and sediment is to be controlled in accordance with standards contained in Schedule 1, Division 1: Standards for Construction Activities, Section 1.1.
21. Noise, odour and dust transmission shall be minimised by:
  - The planting of a dense vegetation screen along the northern boundary of the stockyards and the western boundary of the premises. The landscaping is to be mulched and a watering system installed.
  - The installation of a watering system throughout the stockyards;
  - Removal of manure monthly or after 5 stock movements whichever is the sooner; and
  - The construction of a compacted gravel pad for the stockyards.
22. All buildings, enclosures and other structures and areas used in the Intensive Animal Industry shall be constructed, maintained and operated in such a manner as to provide, in the opinion of Council, for the effective control of flies, rodents, pests, weeds and odour.
23. For the duration of the use the stockyards are to be certified for organic beef production. Copies of such certification are to be provided to Council upon request.

## 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>	Minor Change to existing Development Permit for a Material Change of Use - “Commercial Stockyards”
<b>Assessment benchmarks</b>	<p>The proposed development was assessed against the following Assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• Schedule 2 of the Planning Act 2016</li> <li>• Schedule 1 of the Development Assessment Rules</li> <li>• <i>The Quilpie Shire Planning Scheme</i> <ul style="list-style-type: none"> <li>○ Part 6.2.4 Township Zone Code</li> <li>○ Part 7.3.1 General Development Code</li> </ul> </li> </ul>
<b>Relevant matters</b>	There are no relevant matters considered applicable for the assessment of the application.
<b>Matters raised in submissions</b>	No properly made submissions were received in relation to the development application.
<b>Reasons for decision</b>	<p>It is considered that the proposal presents no significant inconsistency with the applicable assessment benchmarks. The proposed minor change is not considered to create additional conflicts with the assessment benchmarks.</p> <p>Development conditions have been imposed to ensure compliance to the greatest extent possible. Any inconsistency has been resolved, taking into account the following:</p> <ul style="list-style-type: none"> <li>• the development is a minor change to an existing use that does not constitute substantially different development;</li> <li>• the change remains generally consistent with the relevant outcomes of the current Quilpie Shire Planning Scheme 2018;</li> <li>• the development supports the ongoing operation of an existing business in the Quilpie Shire;</li> <li>• there is an absence of any significant impacts that result from the development.</li> </ul>

## ATTACHMENT 4 – APPROVED PLANS AND SPECIFICATIONS

