

Request to change an existing approval template

(Sustainable Planning Act 2009 version 1.1 effective March 2010)

This template may be used for giving a written notice asking the responsible entity to make a permissible change to a development approval under section 369 of the *Sustainable Planning Act 2009* (SPA). It should be noted that if the responsible entity for the request has a form for the request, the request must be made using that form.

This template must be lodged with the following entity (the responsible entity) as applicable:

- if the change is to a condition imposed by a Minister under chapter 6, part 11, division 1 of SPA the template must be lodged with the Minister that imposed the condition
- if the approval was given by a Minister under chapter 6, part 11, division 2 of SPA the template must be lodged with the Minister that gave the approval
- if the change is to a condition of the approval imposed by a concurrence agency the template must be lodged with the concurrence agency
- if the approval was given by the Planning and Environment Court the template must be lodged with the Planning and Environment Court
- in all other cases the template must be lodged with the assessment manager for the original development application.

Attach extra pages if there is insufficient space on this template. Terms used in this template having the meaning given in the *Sustainable Planning Act 2009*.

1. Who is making the request?

Name/s (individual or company name in full)	Michael Lyons Family Trust
For companies, contact name	C/- Matt Norton, FSA Consulting
Postal address	PO Box 2175 Toowoomba QLD 4350
Contact phone number	0439 536 646
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
e-mail address (non-mandatory)	matt.norton@o2group.com.au @

2. What are the details of the existing approval sought to be changed?

Type of approval	Identification number	Date decision notice or negotiated decision notice issued	Name of entity that issued the approval or imposed the condition sought to be changed
<input checked="" type="checkbox"/> Development permit	MCUI/2014/2812	29 September 2014	Toowoomba Regional Council
<input type="checkbox"/> Preliminary approval			

3. Is the approval for a mobile and temporary environmentally relevant activity (ERA)?

- No
 Yes—complete table A and then go to question 5

Table A—name of each local government area in which the mobile and temporary ERA is proposed to operate/ is operating

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4. Location of the premises (complete table B and/or table C as applicable. Identify each lot in a separate row)

Table B—street address/lot for the premises or street address/lot on plan for the land adjoining or adjacent to the premises

- street address/lot on the plan
 street address/lot on plan for the land adjoining or adjacent to the premises (appropriate for development in water e.g. jetty, pontoon)

Street address				Lot on plan description		Local government area (e.g. Logan, Cairns)
Unit no.	Street no.	Street name and official suburb/ locality name	Post-code	Lot no.	Plan type and plan no.	
	308	Mount Sibley Road, Nobby	4360	17 & 20	A3423	Toowoomba Regional Council

Table C—premises coordinates (appropriate for development in remote areas, over part of a lot or in water e.g. channel dredging in Moreton Bay)

Coordinates (note: place each set of coordinates in a separate row)				Zone reference	Datum	Local government area (if applicable)
Easting	Northing	Latitude	Longitude			
					<input type="checkbox"/> GDA94 <input type="checkbox"/> WGS84 <input type="checkbox"/> Other	Michael Ly

5. Details of the proposed change

Increase in capacity from 99SCU to 150SCU. No change to feedlot layout

6. Is owner's consent required for this request? (refer to notes at the end of this form for more information)

No

Yes—complete either table D or table E as applicable

Table D

Name of owner of the land

Michael Lyons

MICHAEL LYONS

I, the above-mentioned owner of the land, consent to the making of this request.

Signature of owner of the land

m. Lyons

Date

10-4-17

Table E

Name of owner of the land

The owner's written consent is attached

7. Does the request involve a state resource prescribed under the *Sustainable Planning Regulation 2009*, schedule 14? (e.g. the application involves state land, or taking quarry materials. Refer to the notes at the end of this form for more information)

- No Yes—the written agreement of the chief executive from whom evidence would need to be obtained under the *Sustainable Planning Act 2009*, section 254(1) must be attached.

8. Has a pre-request response notice been given for this request?

- No
 Yes—a copy of the pre-request response notice must be attached to this request

9. Is a copy of this request required to be given to another entity under section 372 of the *Sustainable Planning Act 2009*? (refer to notes at the end of this form for more information)

- No
 Yes—complete Table F

Table F

A copy of this request has been provided to the entities identified below (provide details for each entity given a copy of the request and the date the copy was given)

<input checked="" type="checkbox"/> Assessment manager for the original application	Toowoomba Regional Council
<input type="checkbox"/> Concurrence agencies for the original application	
<input type="checkbox"/> Any other entity prescribed by a regulation	

10. Provide details of any other supporting information attached to this request

Supporting information provided in attached letter.

Notes for completing this template

- This template is not an approved form under the *Sustainable Planning Act 2009*. The entity responsible for deciding the request may have their own form for the purpose of making a written request to change an existing development approval. A change to an existing development approval may involve:
 - a change to an approval given by the assessment manager
 - a change to a condition imposed by a concurrence agency
 - a change to an approval given by the Minister under a Ministerial call in
 - a change to a condition imposed by the Minister under a Ministerial direction
 - a change to an approval given by the Planning and Environment Court

Question 6:

- Under section 371 of the Sustainable Planning Act 2009, if the person making the request is not the owner of the land to which the approval relates, the request must be accompanied by the owner's consent.
- However, owner's consent is not required if the approval:
 - relates to land that was acquisition land to which section 263(2)(d) of the Sustainable Planning Act 2009 applied when the application for the approval was made
 - is for building work or operational work for the supply of community infrastructure on land designated for the community infrastructure, or
 - the consent of the owner would not be required under section 263(1) of the Sustainable Planning Act 2009 if a development application were made for the requested change
- Also, owners' consent is not required if the responsible entity is satisfied that:
 - the number of owners of the land make it impracticable to obtain owners' consent, and the requested change does not materially affect the owners' land, or
 - having regard to the nature of the proposed change, the owner has unreasonably withheld consent and the requested change does not materially affect the owner's land.

Question 7:

- Section 370(3) and (4) of the Sustainable Planning Act 2009 requires that if an application for the development approval were made at the time of making this request and evidence under section 264(1) of the Sustainable Planning Act 2009 would be required to support the application, this request must be accompanied by the written agreement of the chief executive from whom evidence would be required under section 264(1). (Section 264 of the Sustainable Planning Act 2009 provides that if a development involves a State resource, a regulation may require the application to be supported by certain evidence prescribed under the regulation. Schedule 14 of the Sustainable Planning Regulation 2009 prescribes the State resources for which evidence is required to be given, and the evidence required, to support the application.)

Question 9:

- Section 372 of the Sustainable Planning Act 2009 requires that a copy of the request be given to:
 - the assessment manager for the original application, if the request is made to a concurrence agency, the Minister, or the court
 - any concurrence agencies for the original application, if the request is made to the assessment manager for the original application, the Minister or the court
 - any other entity prescribed by a regulation.
- However, a copy of the request is not required to be given to an entity that has given a pre-request response notice for the request.

OFFICE USE ONLY

Date received		Reference numbers	
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PART OF OZUDP

Our ref: 17TOO-1130/1701066

10 April 2017

Development Services
 Toowoomba Regional Council
 PO Box 3021
 TOOWOOMBA QLD 4350

To Whom It May Concern

RE: REQUEST FOR A CHANGE TO A DEVELOPMENT APPROVAL (MCUI/2014/2812) – MT SIBLEY ROAD FEEDLOT INCREASE IN STANDARD CATTLE UNITS (SCU)

A development approval for a 99 SCU feedlot at 308 Mount Sibley Road, Nobby was issued by the Toowoomba Regional Council (TRC) on 29 September 2014. Michael Lyons of the Michael Lyons Family Trust, now wishes to expand the capacity of the feedlot to 150 SCU without making any changes to the approved layout. Nadia McLeod (TRC) stated, in an email dated 6 April 2017, that this expanded capacity would be considered a permissible change. The additional capacity will not require an environmental authority from the Department of Agriculture and Fisheries as the minimum threshold for ERA 2 – Intensive animal feedlotting, is more than 150 SCU.

The approved feedlot (99 SCU) was designed with a stocking density of approximately 20.25 m² per SCU. This is a very low stocking density for a feedlot as, generally, feedlots have stocking densities of 9-20 m² per SCU. With a total capacity of 150 SCU, the feedlot has a stocking density of 13.5 m² per SCU, which is standard for feedlots in South East Queensland. A revised separation distance calculation using the S-factor method (Table 1) outlined in the *National Guidelines for Beef Cattle Feedlots in Australia* (2012) (National Guidelines).

Table 1 – Revised S-Factor Separation Distances (150 SCU)

Receptor Number	Direction	Receptor Type S2	Terrain S3	Vegetation S4	S1	S2	S3	S4	S5	Separation Distances (m)	
										Required	Available
R1	N	Rural farm residence	Flat terrain	Crops only, no tree cover	57	0.3	1.0	1.0	1.0	209	830
R2	SE	Rural farm residence	Flat terrain	Crops only, no tree cover	57	0.3	1.0	1.0	1.0	209	780

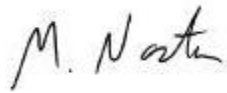
The size of the sedimentation basin and effluent holding pond is determined by the total surface area of the controlled drainage area (CDA). As there is no change to the surface area of the CDA, no change to the sedimentation basin and effluent holding pond will be required. The original system was conservatively sized for the CDA, which results in a greater effluent treatment and holding capacity than recommended in the National Guidelines.

Feedlot management will continue to be undertaken in accordance with the approved document "Feedlot Development Application Supporting Information Report – Micro-Feedlot (99 SCU) at Mount Sibley Road" and associated National Feedlot Accreditation Scheme Quality Assurance Manual.

Please see attached the original development approval, approved plans and request for a change to a development approval application form.

Please contact Michael Lyons on 0418 159 556 for payment of the application fees.

Regards

A handwritten signature in black ink that reads 'M. Norton'.

Matt Norton
Senior Agricultural Scientist

