T 07 4051 6946
E admin@urbansync.com.au
O Level 1, 17 Aplin Street, Cairns
M PO Box 2970, Cairns Q 4870
ABN 83 169 940 649

21 December 2022

**Our Ref: 21-740**
**Your Ref:** 2207-30073 SRA

**Department of State Development, Infrastructure, Local Government and Planning**
PO Box 2358
CAIRNS QLD 4870

Attention: Anthony Westbury – Planning Officer (Anthony.Westbury@dsdilgp.qld.gov.au)

Dear Anthony,

**RE: RESPONSE TO SARA'S INFORMATION REQUEST FOR A MATERIAL CHANGE OF USE FOR A SHOPPING CENTRE AND FOOD AND DRINK OUTLET AT 232 BYRNES STREET AND CLOSE AVENUE, MAREEBA.**

## 1 INTRODUCTION

Urban Sync are providing guidance and development advice in respect of the above describe project works on behalf of Mareeba 232 Pty Ltd (the 'Applicant') in respect of this land and the continued assessment by the State Assessment Referral Agency (SARA). This submission responds to SARA's Information Request issued on 31 August 2022. In support of this response, we attach the following documents:

- Updated Site Plan from Thomson Adsett as **Attachment 1**;
- Engineering Advice and Concept Plan for the Byrnes Street Median Treatment Extension from Trinity Engineering as **Attachment 2**;
- Updated Swept Paths from SLR as **Attachment 3;** and
- Correspondence to Mareeba Shire Council on Changes to Plans of Development as **Attachment 4**.

Where relevant, this response to SARA's Information Request refers to the 'common material' submitted with the development application including a description of the proposal, development plans and commentary dealing with the relevant planning benchmarks and assessment matters.

Urban Sync confirm that in accordance with Part 3, s13.2(a) of the Development Assessment Rules s68(1) of the *Planning Act 2016* and in dealing with the above outlines a response to all the information requested by SARA Officers and we request that the SARA consider their assessment through to completion.

## 2 BACKGROUND

The updated site plan in **Attachment 1** reflects several minor changes to the plans of development which include:

- Removal of the standalone 'Shop' and increase in on-site car parking spaces;
- Amendments to the 'Direct to Boot' area;
- Amendments to the refuse and loading areas; and

- Amendments to the supermarket roof line and external footpath.

These changes have been made in response to the SARA Information Request and Advice Notice, as well as Council's Informal request for further information. A request has been sent to Council to have this, as well as the fact that the changes are 'Minor Changes' which in turn, ensures the development assessment process does not stop as a result of the changes (see **Attachment 4**). Confirmation from Council that the development assessment process does not stop as a result of these changes will be provided to SARA in early 2023.

Notes:

- A full set of updated plans will be provided to SARA in early 2023; and
- A full set of updated swept paths reflecting the changes have been included as additional information in **Attachment 3**.

# 3 INFORMATION REQUEST ITEMS

**State Code 1: Development in a State-controlled Road Environment:**

***1.*** **Issue: Truck only entry / exit access**

*"The application material has not demonstrated compliance with 'PO15 – PO16 and PO31 – PO32' of State Code 1: Development in a State-controlled Road Environment.*

*Development Plan A1.02 prepared by Thomson Adsett illustrates that the proposed truck only entry / exit is located opposite a painted median. The painted median legally allows vehicles to enter and leave access by crossing the median. This allows for right-in and right-out movement.*

*Currently, there is a vehicular access to a service station located opposite to the proposed truck only entry / exit. There are safety concerns as to how allowed right-in and right-out vehicular movements will interact with a heavy vehicle entering and exiting via the proposed truck only access.*

*The proposed truck only entry / exit is located within the functional area of the Byrnes Street / Herberton Street T-intersection. The proposed development has not demonstrated if right-in heavy vehicle movements will have a worsening impact on the operating performance of the state-controlled intersection".*

**Action:**

*"Provide a safety audit for both vehicular access locations including the functional area of the Byrnes Street/ Herberton Street T-intersection.*

*The safety audit should:*

- *Demonstrate compliance with 'PO15 – PO16 and PO31 – PO32' of State Code 1: Development in a State-controlled Road Environment.*
- *Provide recommendations and mitigation measures to ensure that vehicular movements from each vehicular access does not worsen or impact the function of Byrnes Street and the functional area of the Byrnes Street / Herberton Street T-intersection.'*

**Applicant's Response:**

During a meeting with SARA and DTMR representatives on 4 October 2022, DTMR confirmed that undertaking a 'Road Safety Audit' is not considered to be warranted on this occasion. Instead, DTMR advised that the key safety matter in this instance related to vehicle manoeuvres into and out of the adjacent service station and how these manoeuvres MAY conflict with vehicle manoeuvres into and out of the loading area of the proposed development. As a result, the project team have expanded on the existing road safety audit and sought to prepare a concept sketch. Please refer to **Attachment 2** for engineering advice on this matter and the referenced concept sketch. The installation of the measures proposed on the concept sketch demonstrate how ingress and egress to/from both the proposed development and service station across the road can be performed safely. This will ensure the proposed development will not impact upon or worsen the function of Byrnes Street or the Byrnes Street/Herberton

Street intersection and this in turn, ensures the proposed development complies with PO15, PO16, PO31 and PO32 of State Code 1.

***2.*** **<u>Issue:</u> Main Accesses**

*"The application material has not demonstrated compliance with 'PO15 – PO16' of State Code 1: Development in a State-controlled Road Environment.*

*The proposed shopping centre, food and drink outlet and shop development has not indicated the size of the largest vehicle or demonstrated that the largest vehicle can enter and exit the main shopping centre, food and drink outlet and shop complex via Byrnes Street and Rankin Street."*

**<u>Action:</u>**

*"Confirm the largest vehicle that will enter and exit the development site via the Byrnes Street left-in / left-out vehicular access and via the proposed left-in / left-out / right-out vehicular access via Rankin Street.*

*Demonstrate via a swept path analysis that the proposed vehicular access design via Byrnes Street and Rankin Street can accommodate the largest vehicle that will enter and exit the development site".*

**<u>Applicant's Response:</u>**

Please refer to **Attachment 3** for commentary from SLR on this matter, of which includes the requested swept paths. This demonstrates that the required design vehicles can safely enter and exit the site from all proposed ingress/egress locations and in turn, compliance with PO15 and PO16 has now been demonstrated.

***3.*** **<u>Issue:</u> Road Frontages**

*"The application has not demonstrated compliance with 'PO1 – PO3 and PO7' of State Code 1: Development in a State-controlled Road Environment. Site Plan A1.01 and Development Plan A1.02 prepared by Thomson Adsett illustrates that the proposed development will remove all of the existing car parking within the state-controlled road corridor. No information has been provided as to how this area is to be rehabilitated once the existing car parking is removed."*

**<u>Action:</u>**

*"Provide concept plan/s illustrating planned treatment works including proposed landscaping / accesses / parking arrangements along the Byrnes Street and Rankin Street road frontages".*

**<u>Applicant's Response:</u>**

The plans of development submitted with the application illustrates the proposed works along the Byrnes Street frontage i.e., ALL car parking spaces will be removed and this area replaced with a footpath, kerb, accesses to the site and grassed areas.

Notes:

- An 'in-principle' agreement from Mareeba Shire Council for the removal of the on-street spaces on Byrnes Street is expected to be forthcoming and will be provided to SARA as soon as possible; and
- The project teams traffic engineer has advised that landscaping i.e., trees/vegetation in the modified area along Byrnes Street would affect sight line along this section of Byrnes Street and as such, no landscaping other than grass will be provided in this area.

# 4 CONCLUSION

Urban Sync are instructed by Mareeba 232 Pty Ltd (the 'Applicant') in respect of this land and the continued assessment by SARA. This response has sought to address the matters raised by SARA in their Information Request dated 31 August 2022 and in particular, has demonstrated that with some additional median treatments being provided along Byrnes Street and Rankin Street, the proposed development can comply with all relevant performance outcomes of State Code 1.

Urban Sync confirm that in accordance with s68(1) of the *Planning Act 2016* and in dealing with Part 3, s13.2(a) of the Development Assessment Rules, the above outlines a response to all the information requested by SARA. Accordingly, the proposed development should now be approved subject to reasonable and relevant conditions of approval.

We trust this information is sufficient for your purposes. Should you require any additional information or wish to discuss this request in further detail, please do not hesitate to contact me.

Yours faithfully,

Matt Ingram
Senior Planner
**E** matt@urbansync.com.au | **T** 07 4051 6946 | **M** 0488 200 229

# ATTACHMENT 1:

# UPDATED PLANS OF DEVELOPMENT (THOMSON ADSETT)

## DEVELOPMENT SCHEDULE

| PROPOSED USES | GFA | GLAR |
|---|---|---|
| SUPERMARKET | 3655m² | 3603m² |
| SHOPS | 814m² | 796m² |
| AMENITIES | 90m² | |
| **TOTAL CENTRE** | **4559m²** | **4399m²** |
| FAST FOOD | 270m² | 270m² |
| **TOTAL** | **4829m²** | **4669m²** (5/100m2) |

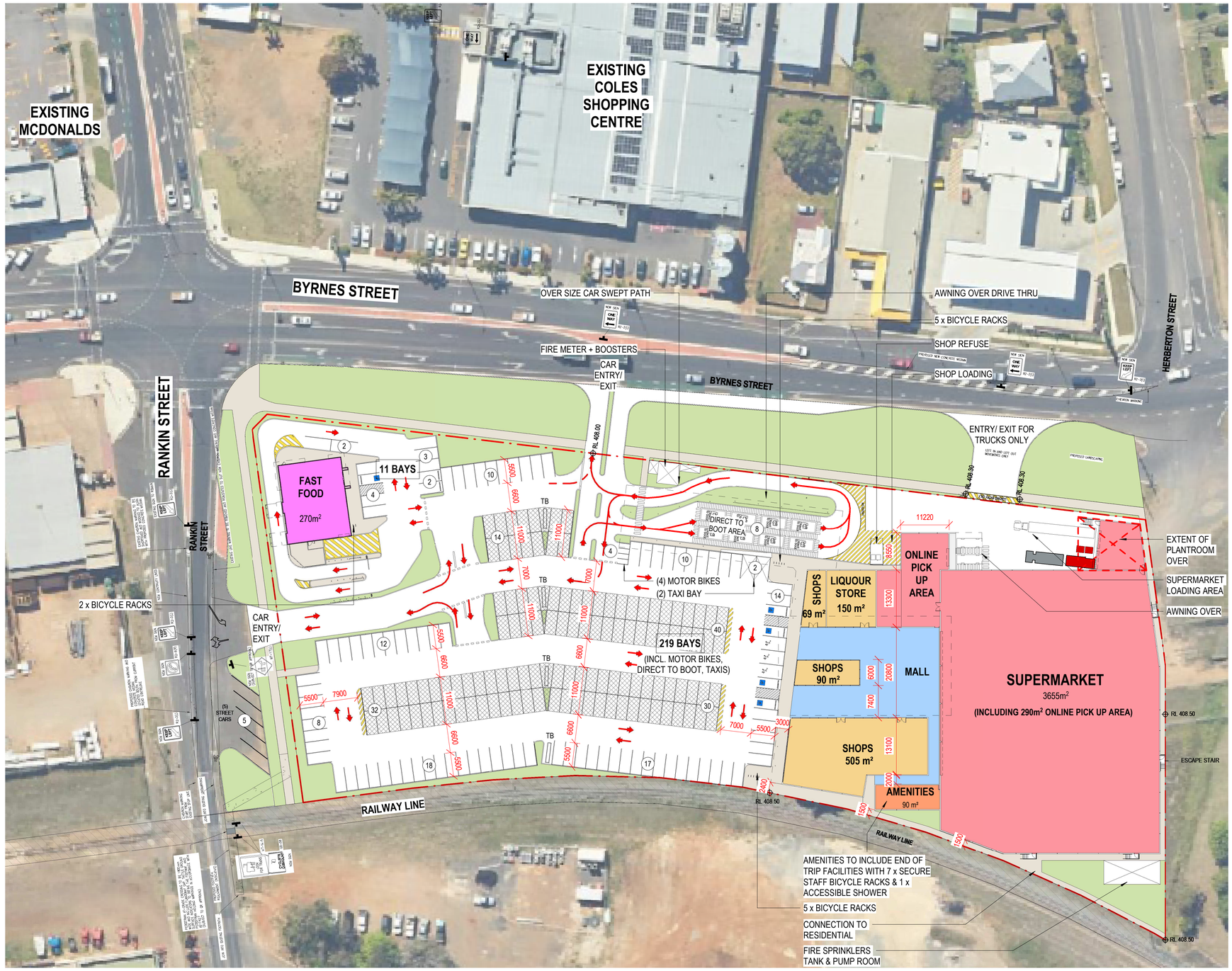
| **CAR PARKING SCHEDULE** | |
|---|---|
| CARS FAST FOOD | 11 |
| CARS CENTRE (INCL. MOTOR BIKES, DIRECT TO BOOT + TAXIS) | 219 |
| ON SITE CARS | 230 |
| STREET CARS | 5 |
| **TOTAL CARS PROVIDED** | **235** |
| TOTAL CARS REQUIRED | 186 |

NOTE:
CARS REQUIRED IS BASED ON:
1/50 UP TO 400m² GFA
1/25 ABOVE 400m² GFA

**NOTE: SUPERMARKET GLAR EXCLUDES EXTERNAL WALLS AND LOADING DOCK**

COVERED CARPARKS

AREA OF ENCLOSED MALL / PASSAGE - 637m²




1 SITE PLAN
1 : 500

**DEVELOPMENT APPLICATION**

0 25 50 75 125 250 m

**MAREEBA NEIGHBOURHOOD SHOPPING CENTRE**

232 BYRNES STREET, MAREEBA

MAREEBA 232 PTY LTD

© Copyright Thomson Adsett Pty Ltd.
ABN 76 105 314 654
Dimensions take precedence over scaling. Do not measure off drawings as print sizes may vary

Telephone +61 7 3840 9999
bne@thomsonadsett.com
Level 9, 470 St Pauls Terrace
Fortitude Valley
Qld 4006 Australia
thomsonadsett.com

thomson adsett

**TA # 19.0298.17**

**SITE PLAN**

As indicated @ A1 | 19/12/2022

**A1.01** | **rev. 18A**

# ATTACHMENT 2:

# CIVIL PLANS (TRINITY ENGINEERING)

Trinity Engineering and Consulting
design | consult | manage

1 December 2022

Mareeba 232 Pty Ltd
C/- Urban Sync Pty Ltd
PO Box 2970
Cairns QLD 4870

**Attention:** Matt Ingram

Dear Matt,

**232 BYRNES STREET, MAREEBA**
**ADVICE ON SARA INFORMATION REQUEST**

This letter seeks to address Item 1 of SARA Information Request dated 31st August 2022 for proposed development at 232 Byrnes Street by providing necessary mitigation measures.

The mitigation measures include concrete median and signage on Byrnes Street along the eastern site boundary. Refer drawing 1604-001 attached.

Based on the SARA approval dated 7 February 2019 for the service station development located opposite to the proposed truck only entry / exit (SARA reference 1804-4780 SRA), the access for the service station on Byrnes Street was designed to be left-in only and does not permit right-in/right-out manoeuvres. Therefore, the proposed concrete median will not have negative impact on the function of the service station.

The proposed concrete median will limit the truck only entry/exit access to left-in and left-out manoeuvres only. Restricting right-in and right-out manoeuvres from the truck only entry/exit access prevents potential conflicts with traffic travelling southward on Byrnes Street/ traffic entering the service station.

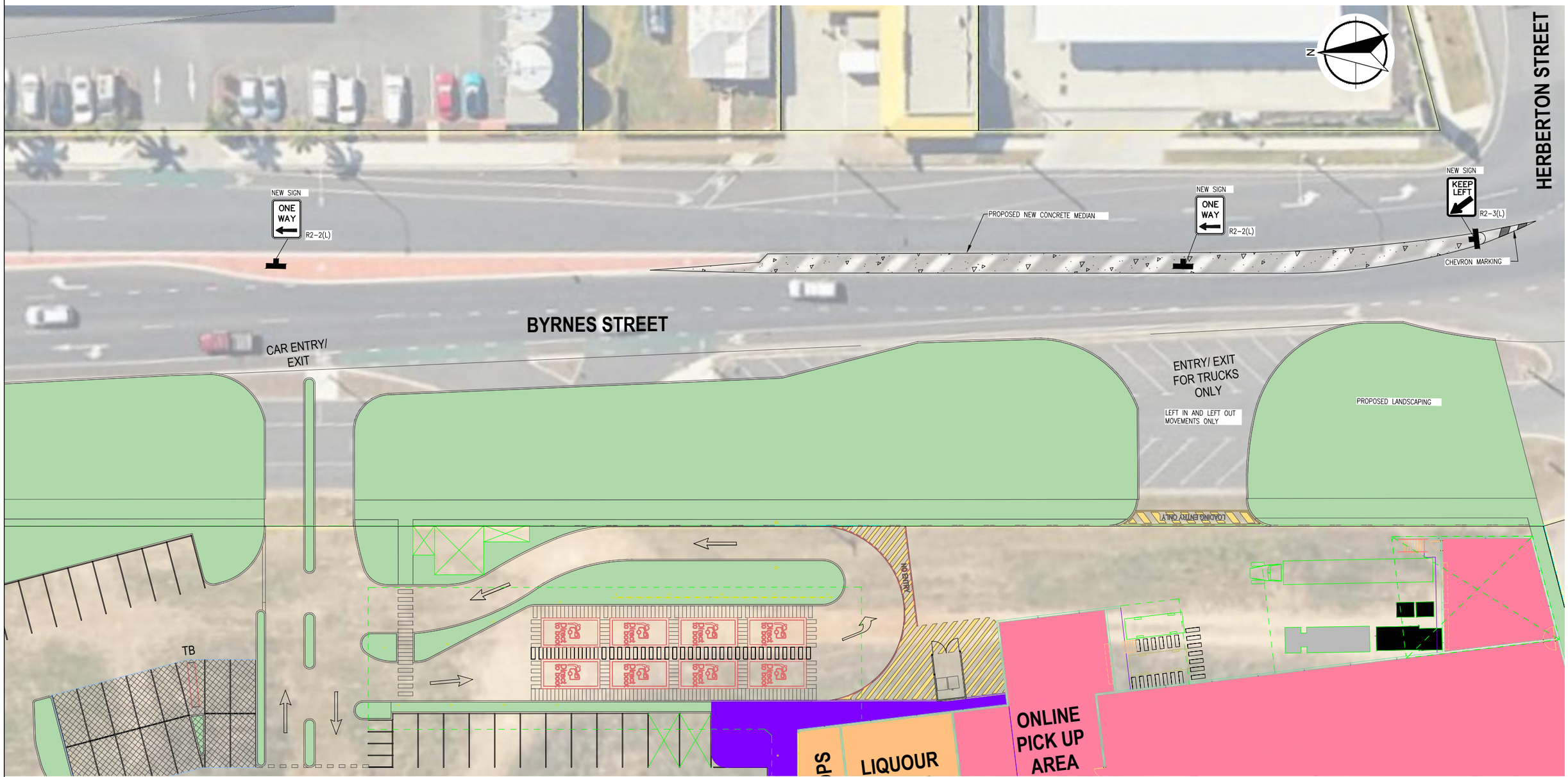
The proposed concrete median and signage are considered mitigation measures that ensure vehicular movements from each vehicular access does not worsen or impact the function of Byrnes Street and the functional area of the Byrnes Street / Herberton Street T-intersection.

Yours sincerely

**TRINITY ENGINEERING AND CONSULTING**

Joe Chen
Civil Engineer

Encl: TEC Drawing 1604-001(B)




PLAN
SCALE 1:200

**CONCEPT ONLY**

| Revisions | | | | | |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| B | MINOR AMENDMENT | – | – | 28/11/22 | |
| A | CONCEPT ISSUE | – | – | 25/11/22 | |
| No. | Description | Reviewed | Approved | Date | |

0 2 4 6 8 10m
SCALE 1:200 (A1 SIZE)

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ABN 78 610 181 130

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Trinity Engineering and Consulting

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21-23 Sheridan Street | PO Box 7963
Cairns QLD 4870
Email: admin@trinityengineering.com.au

Scale (A1 size): 1:200

Drawing is not to be used for construction unless approved.

Client: MAREEBA 232 PTY LTD

Project: 232 BYRNES STREET, MAREEBA

Title: BYRNES STREET MEDIAN EXTENSION CONCEPT

| Drawn | Designed | Drawing Check | Design Check | Approved | RPEQ | Date | Drawing No. | Revision |
|---|---|---|---|---|---|---|---|---|
| LB | JC | | | | | | 1604-001 | B |

# ATTACHMENT 3:

# UPDATED SWEPT PATHS (SLR)

29 November 2022

620.30842-L01-v1.0-20221129.docx

Wilcon Projects
384 Keilor Road
Niddrie, VIC 3042

Attention: Kris Wilson

Dear Kris

## Proposed Shopping Centre
## 232 Byrnes Street, Mareeba
## SARA Information Request - Response to Traffic Matters

Reference is made to the Information Request (IR) issued by the State Assessment and Referral Agency (SARA) on 31 August 2022 in relation to the abovementioned development application, a copy of which is provided at Attachment A for reference. In response to this IR, SLR Consulting (Australia) Pty Ltd (SLR) has prepared this cover letter addressing the requested actions for compliance with the performance outcomes of State Code 1 of the State Development Assessment Provisions (SDAP).

The actions requested within the IR are reproduced in *bold italics* herein followed by a response as required.

### Issue 2: Main accesses

*The application material has not demonstrated compliance with 'PO15 – PO16' of State code 1: Development in a state-controlled road environment.*

*The proposed shopping centre, food & drink outlet and shop development has not indicated the size of the largest vehicle or demonstrated that the largest vehicle can enter and exit the main shopping centre, food & drink outlet and shop complex via Byrnes Street and Rankin Street.*

### Action:

*Confirm the largest vehicle that will enter and exit the development site via the Byrnes Street left-in / left-out vehicular access and via the proposed left-in / left-out / right-out vehicular access via Rankin Street.*

*Demonstrate via a swept path analysis that the proposed vehicular access designs via Byrnes Street and Rankin Street can accommodate the largest vehicle that will enter and exit the development site.*

As per the vehicular access provisions documented within SLR's Traffic Impact Assessment (TIA) report dated July 2022, Section 6.2 states the following:

- Access 1: Byrnes Street (main access) – "*The form of the intersection including the driveway design has been based on the swept path requirements of B99 passenger vehicles…*".

It is envisaged that a B99 vehicle will be the largest vehicle required to use this vehicle crossover. Vehicles larger than this will be accommodated by the remaining two vehicle crossovers which have been designed to accommodate service and refuse vehicles.

- Access 3: Rankin Street – "*The form of the intersection including the driveway design has been based on the swept path requirements of a HRV…".*

  It is envisaged that a HRV will be the largest vehicle required to use this vehicle crossover. This vehicle type will enter / exit via Rankin Street outside of the shopping centre's typical business hours for servicing of the food & drink outlet. It is unlikely that an opposing vehicle will be present at this access when the HRV is manoeuvring in / out, however, to demonstrate the available width to accommodate both a HRV and a B99 vehicle, these two vehicle templates have been shown on SK01.

Refer to Attachment B for swept path sketches demonstrating the vehicle crossover designs can accommodate the abovementioned access arrangements.

Yours sincerely

BRENDYN RHEINBERGER
Associate - Transport Advisory

Checked/
Authorised by: JB

# ATTACHMENT A

SARA Information Request

Queensland Government

SARA reference: 2207-30073 SRA
Applicant reference: 21-740
Council reference: CU/22/0003

31 August 2022

Mareeba 232 Pty Ltd
C/- Urban Sync Pty Ltd
PO Box 2970
CAIRNS QLD 4870
justin@urbansync.com.au

Attention: Justin Phipps

Dear Sir/Madam

# SARA information request – Shopping Centre, Food and Drink Outlet and Shop at 232 Byrnes Street and Close Street, Mareeba

(Given under section 12 of the Development Assessment Rules)

This notice has been issued because the State Assessment and Referral Agency (SARA) has identified that information necessary to assess your application against the relevant provisions of the State Development Assessment Provisions has not been provided.

| **State Code 1: Development in a state-controlled road environment** | |
|---|---|
| 1. | **<u>Issue:</u> Truck only entry / exit access**<br>The application material has not demonstrated compliance with 'PO15 – PO16 and PO31 – PO32' of State code 1: Development in a state-controlled road environment.<br>Development Plan A1.02 prepared by Thomson Adsett illustrates that the proposed truck only entry / exit is located opposite a painted median. The painted median legally allows vehicles to entry and leave accesses by crossing over the median. This allows for right-in and right-out movements.<br>Currently, there is a vehicular access to a service station located opposite to the proposed truck only entry / exit. There are safety concerns as to how allowed right-in and right-out vehicular movements will interact with a heavy vehicle entering and exiting via the proposed truck only access.<br>The proposed truck only entry / exit is located within the functional area of the Byrnes Street / Herberton Street T-intersection. The proposed development has not demonstrated if right-in heavy vehicle movements will have a worsening impact on the operating |



Far North Queensland regional office
Ground Floor, Cnr Grafton and Hartley Street, Cairns
PO Box 2358, Cairns QLD 4870

| | |
|---|---|
| | performance of the state-controlled road intersection.<br><br>***Action:***<br>Provide a safety audit for both vehicular access locations including the functional area of the Byrnes Street / Herberton Street T-intersection.<br>The safety audit should:<br>• demonstrate compliance with 'PO15 – PO16 and PO31 – PO32' of State code 1: Development in a state-controlled road environment<br>• provide recommendations and mitigation measures to ensure that vehicular movements from each vehicular access does not worsen or impact the function of Byrnes Street and the functional area of the Byrnes Street / Herberton Street T-intersection |
| 2. | **Issue: Main accesses**<br>The application material has not demonstrated compliance with 'PO15 – PO16' of State code 1: Development in a state-controlled road environment.<br>The proposed shopping centre, food & drink outlet and shop development has not indicated the size of the largest vehicle or demonstrated that the largest vehicle can enter and exit the main shopping centre, food & drink outlet and shop complex via Byrnes Street and Rankin Street.<br><br>***Action:***<br>Confirm the largest vehicle that will enter and exit the development site via the Byrnes Street left-in / left-out vehicular access and via the proposed left-in / left-out / right-out vehicular access via Rankin Street.<br>Demonstrate via a swept path analysis that the proposed vehicular access designs via Byrnes Street and Rankin Street can accommodate the largest vehicle that will enter and exit the development site. |
| 3. | **Issue: Road frontages**<br>The application material has not demonstrated compliance with 'PO1 – PO3 and PO7' of State code 1: Development in a state-controlled road environment. Site Plan A1.01 and Development Plan A1.02 prepared by Thomson Adsett illustrates that the proposed development will remove all of the existing car parking within the state-controlled road corridor. No information has been provided as to how this area is to be rehabilitated once the existing car parking is removed.<br><br>***Action:***<br>Provide concept plan/s illustrating planned treatment works including proposed landscaping / accesses / parking arrangements along the Byrnes Street and Rankin Street road frontages. |

**How to respond**

You have three months to respond to this request and the due date to SARA is **1 December 2022.** You may respond by providing either: (a) all of the information requested; (b) part of the information requested; or (c) a notice that none of the information will be provided. Further guidance on responding to an information request is provided in section 13 of the Development Assessment Rules (DA Rules).

It is recommended that you provide all the information requested above. If you decide not to provide all the information requested, your application will be assessed and decided based on the information provided to date.

You are requested to upload your response and complete the relevant tasks in MyDAS2.

As SARA is a referral agency for this application, a copy of this information request will be provided to the assessment manager in accordance with section 12.4 of the DA Rules.

If you require further information or have any questions about the above, please contact Anthony Westbury, Planning Officer, on 40373214 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

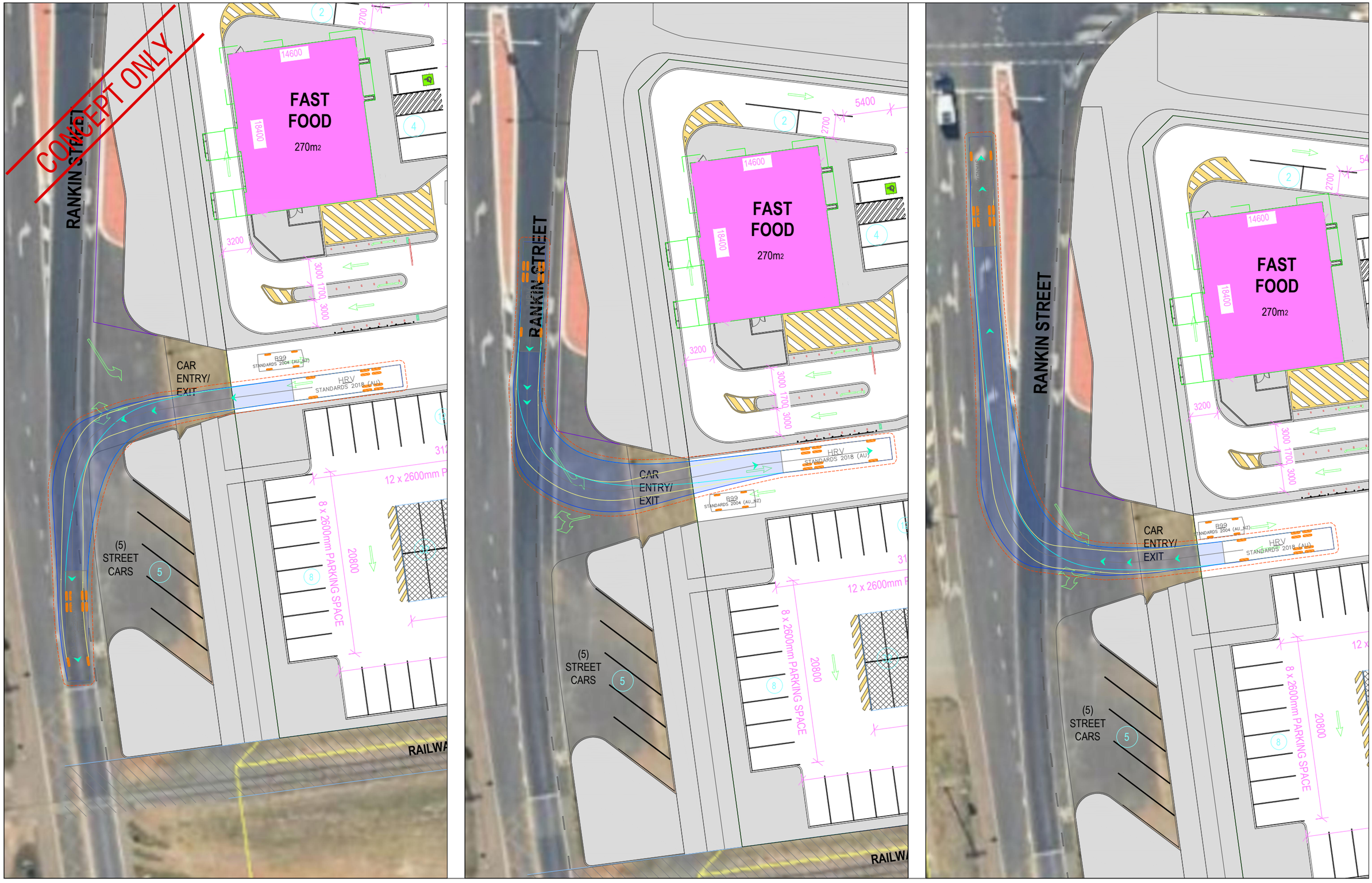
Brett Nancarrow
Manager (Planning)

cc Mareeba Shire Council, planning@msc.qld.gov.au

| **Development details** | | |
|---|---|---|
| Description: | Development permit | Material Change of Use for a Shopping Centre, Food and Drink Outlet, and Shop |
| SARA role: | Referral agency | |
| SARA trigger: | Schedule 10, Part 9, Division 4, Subdivision 3, Table 4 (Planning Regulation 2017) - Material change of use near a state-controlled road, intersection, and railway | |
| SARA reference: | 2207-30073 SRA | |
| Assessment criteria: | State code 1: Development in a state-controlled road environment<br>State code 2: Development in a railway environment<br>State code 6: Protection of State transport networks | |

# ATTACHMENT B

## Swept Path Sketches

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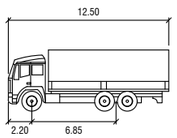
L16 175 EAGLE STREET
BRISBANE CITY 4000
AUSTRALIA
T: 61 7 3858 4800
www.slrconsulting.com

*The content contained within this document may be based on third party data.*
*SLR Consulting Australia Pty Ltd does not guarantee the accuracy of any such information.*

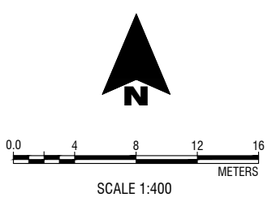
| | |
|---|---|
| Project No: | 620.30842 |
| Date: | 29/11/2022 |
| Drawn by: | BR |
| Scale: | AS SHOWN |
| Sheet Size: | A3 |
| Projection: | - |

SWEPT PATH LEGEND
- Vehicle Path
- Vehicle Body
- Body Clearance
- Front Wheels




HRV

| | meters |
|---|---|
| Width | : 2.50 |
| Track | : 2.50 |
| Lock to Lock Time | : 6.0 |
| Steering Angle | : 36.7 |




SCALE 1:400

Wilcon Projects

Mareeba Byrnes St Supermarket

**Rankin Street Driveway**
**HRV Swept Paths**

FIGURE SK01

CONCEPT ONLY

ELEC PADMOUNT TRANSFORMER

FIRE METER + BOOSTERS

ELECTRIC SERVICES (MSB, COMMS)

FEATURE BLADE SCREEN WALL

AWNING OVER DRIVE TH

SCREENED SHOP REFUS

BYRNES STREET

CAR ENTRY/ EXIT

RL 408.00

RL 408.80

RL 409.00

10

5500

26000

10 x 2600mm PARKING SPACE

6600

11000

TB

DIRECT TO BOOT AREA

8

B99 STANDARDS 2004 (AU_NZ)


SLR
L16 175 EAGLE STREET
BRISBANE CITY 4000
AUSTRALIA
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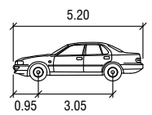
| | |
|---|---|
| Project No: | 620.30842 |
| Date: | 29/11/2022 |
| Drawn by: | BR |
| Scale: | AS SHOWN |
| Sheet Size: | A3 |
| Projection: | - |

SWEPT PATH LEGEND

- Vehicle Path
- Vehicle Body
- Body Clearance
- Front Wheels




B99

| | meters |
|---|---|
| Width | : 1.94 |
| Track | : 1.84 |
| Lock to Lock Time | : 6.0 |
| Steering Angle | : 33.9 |

N

0.0 2.5 5 7.5 10
METRES

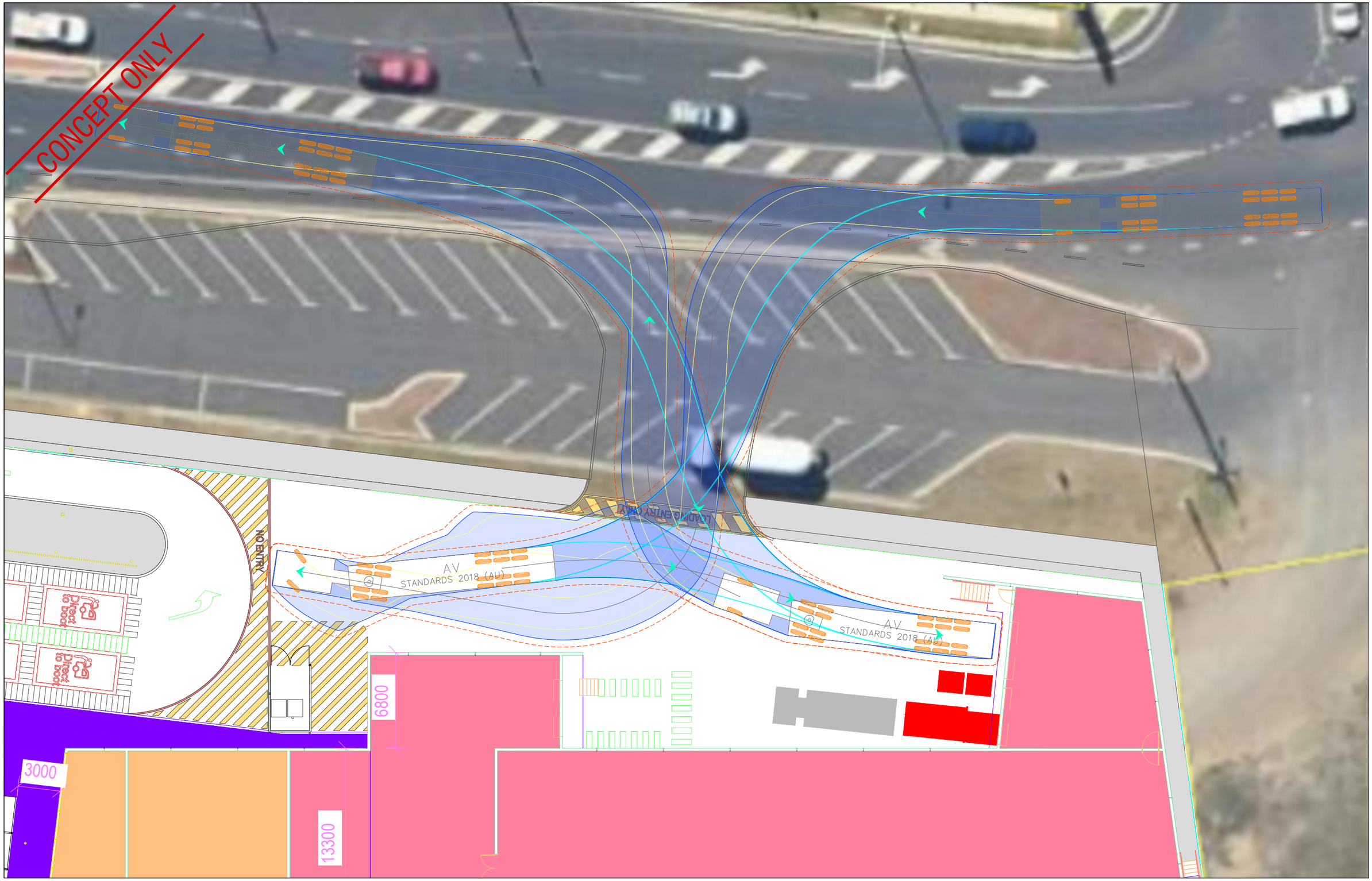
SCALE 1:250

Wilcon Projects

Mareeba Byrnes St Supermarket

**Byrnes Street Driveway**
**B99 Swept Paths**

FIGURE SK02

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L16 175 EAGLE STREET
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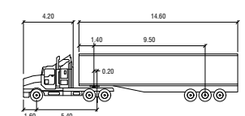
*SLR Consulting Australia Pty Ltd does not guarantee the accuracy of any such information.*

| | |
|---|---|
| Project No: | 620.30842 |
| Date: | 14/10/2022 |
| Drawn by: | BR |
| Scale: | AS SHOWN |
| Sheet Size: | A3 |
| Projection: | - |

SWEPT PATH LEGEND

- Vehicle Path
- Vehicle Body
- Body Clearance
- Front Wheels




AV

meters

| | | | |
|---|---|---|---|
| Tractor Width | : 2.50 | Lock to Lock Time | : 6.0 |
| Trailer Width | : 2.50 | Steering Angle | : 28.3 |
| Tractor Track | : 2.50 | Articulating Angle | : 72.0 |
| Trailer Track | : 2.50 | | |

N

0.0 2.5 5 7.5 10
METRES

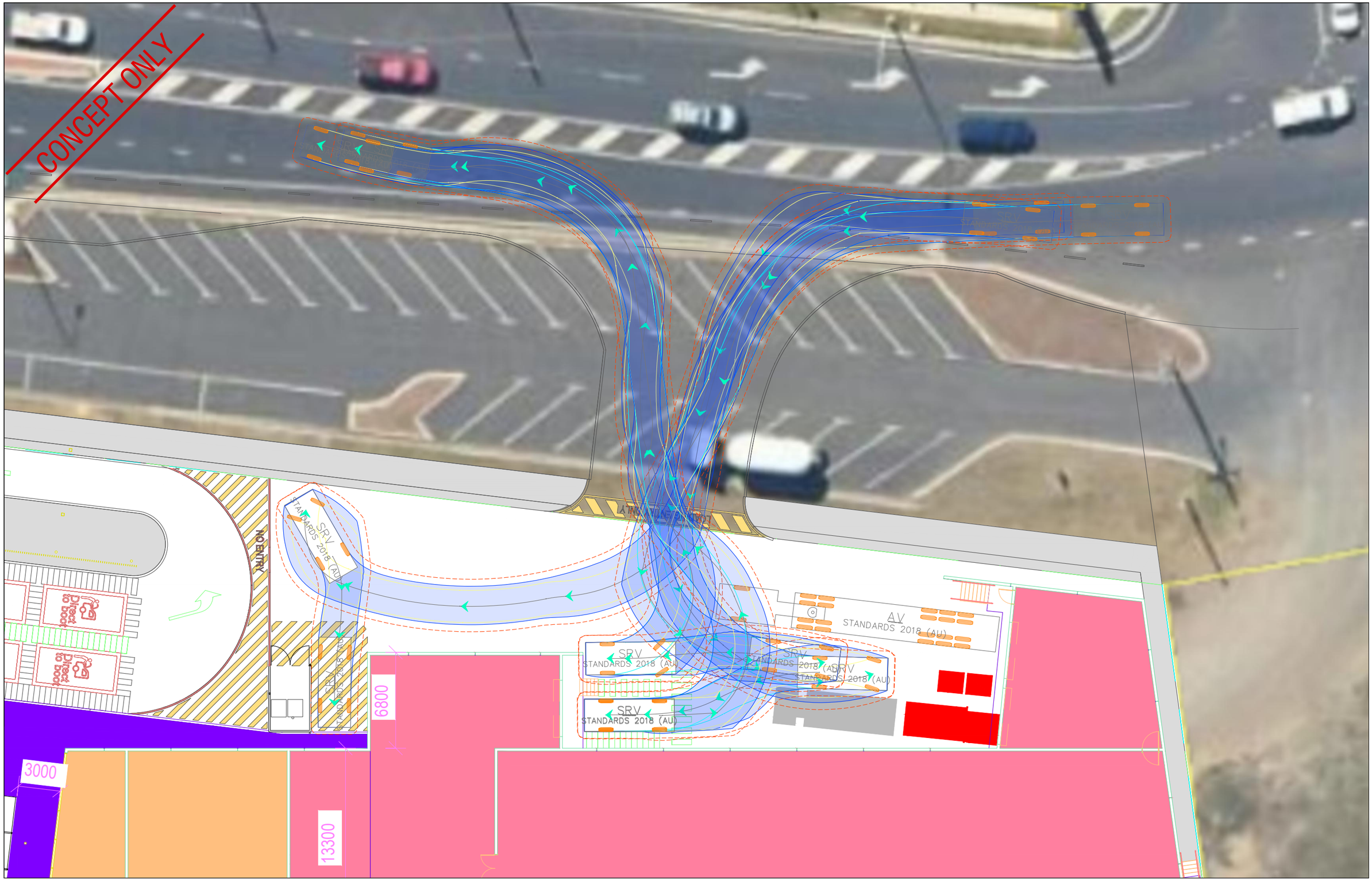
SCALE 1:250

Wilcon Projects

Mareeba Byrnes St Supermarket

**Swept Path Assessment Articulated Vehicle**

FIGURE D0200




SLR
L16 175 EAGLE STREET
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www.slrconsulting.com

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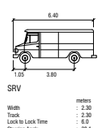
| | |
|---|---|
| Project No: | 620.30842 |
| Date: | 14/10/2022 |
| Drawn by: | BR |
| Scale: | AS SHOWN |
| Sheet Size: | A3 |
| Projection: | - |

SWEPT PATH LEGEND
- Vehicle Path
- Vehicle Body
- Body Clearance
- Front Wheels




N

0.0 2.5 5 7.5 10
METRES
SCALE 1:250

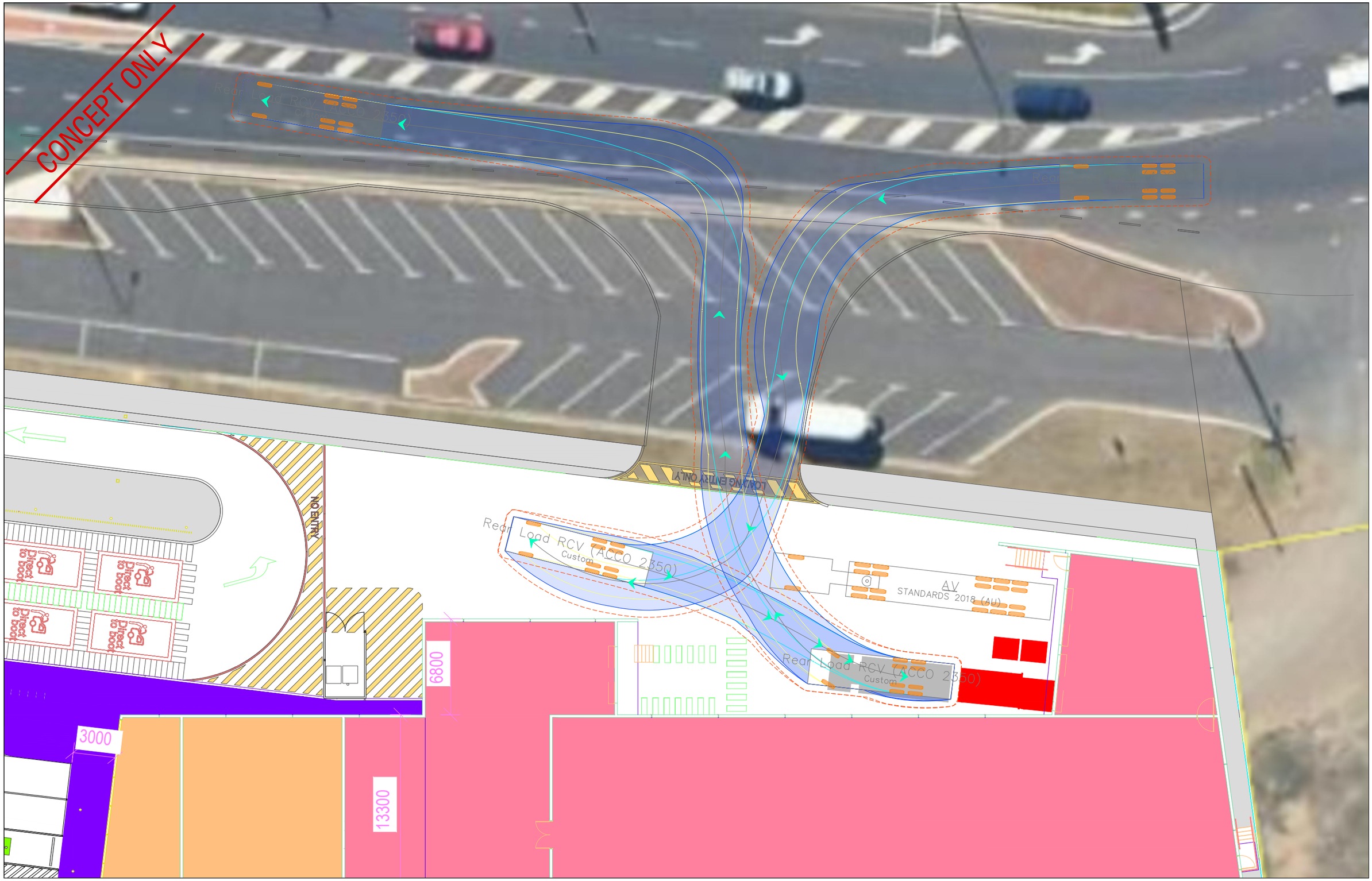
Wilcon Projects

Mareeba Byrnes St Supermarket

**Swept Path Assessment SRV**

FIGURE D0201

CONCEPT ONLY





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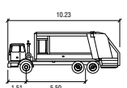
| | |
|---|---|
| Project No: | 620.30842 |
| Date: | 14/10/2022 |
| Drawn by: | BR |
| Scale: | AS SHOWN |
| Sheet Size: | A3 |
| Projection: | - |

SWEPT PATH LEGEND

- Vehicle Path
- Vehicle Body
- Body Clearance
- Front Wheels




Rear Load RCV (ACCO 2350)

meters

| | |
|---|---|
| Width | : 2.50 |
| Track | : 2.50 |
| Lock to Lock Time | : 6.0 |
| Steering Angle | : 40.3 |

N

0.0 2.5 5 7.5 10
METRES

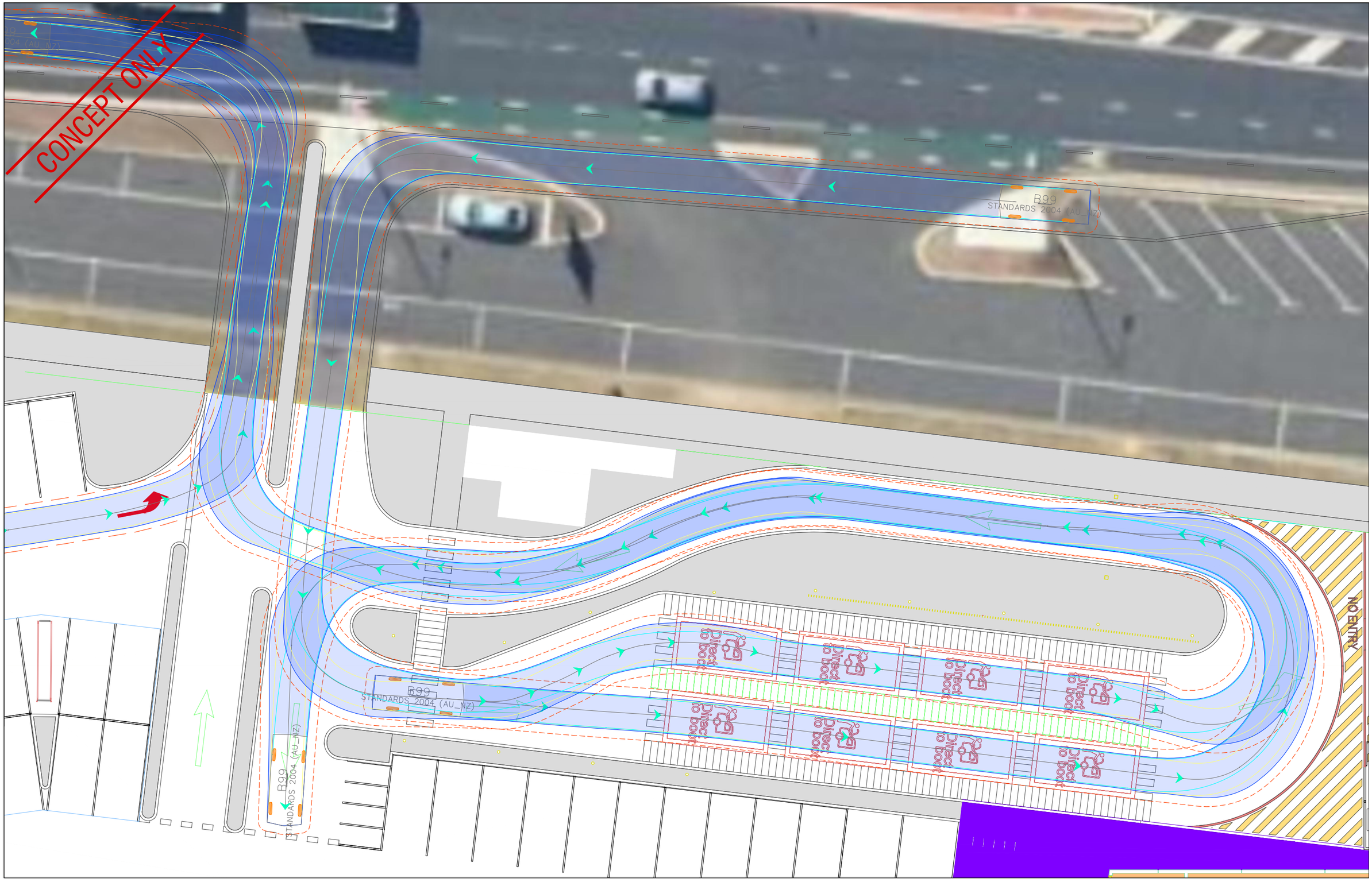
SCALE 1:250

Wilcon Projects

Mareeba Byrnes St Supermarket

**Swept Path Assessment**
**Rear Load RCV**

FIGURE D0202

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| | |
|---|---|
| Project No: | 620.30842 |
| Date: | 19/10/2022 |
| Drawn by: | BR |
| Scale: | AS SHOWN |
| Sheet Size: | A3 |
| Projection: | - |

SWEPT PATH LEGEND
- Vehicle Path
- Vehicle Body
- Body Clearance
- Front Wheels

B99

| | meters |
|---|---|
| Width | : 1.94 |
| Track | : 1.84 |
| Lock to Lock Time | : 6.0 |
| Steering Angle | : 33.9 |

N

0.0 2.0 4 6 8
METRES
SCALE 1:200

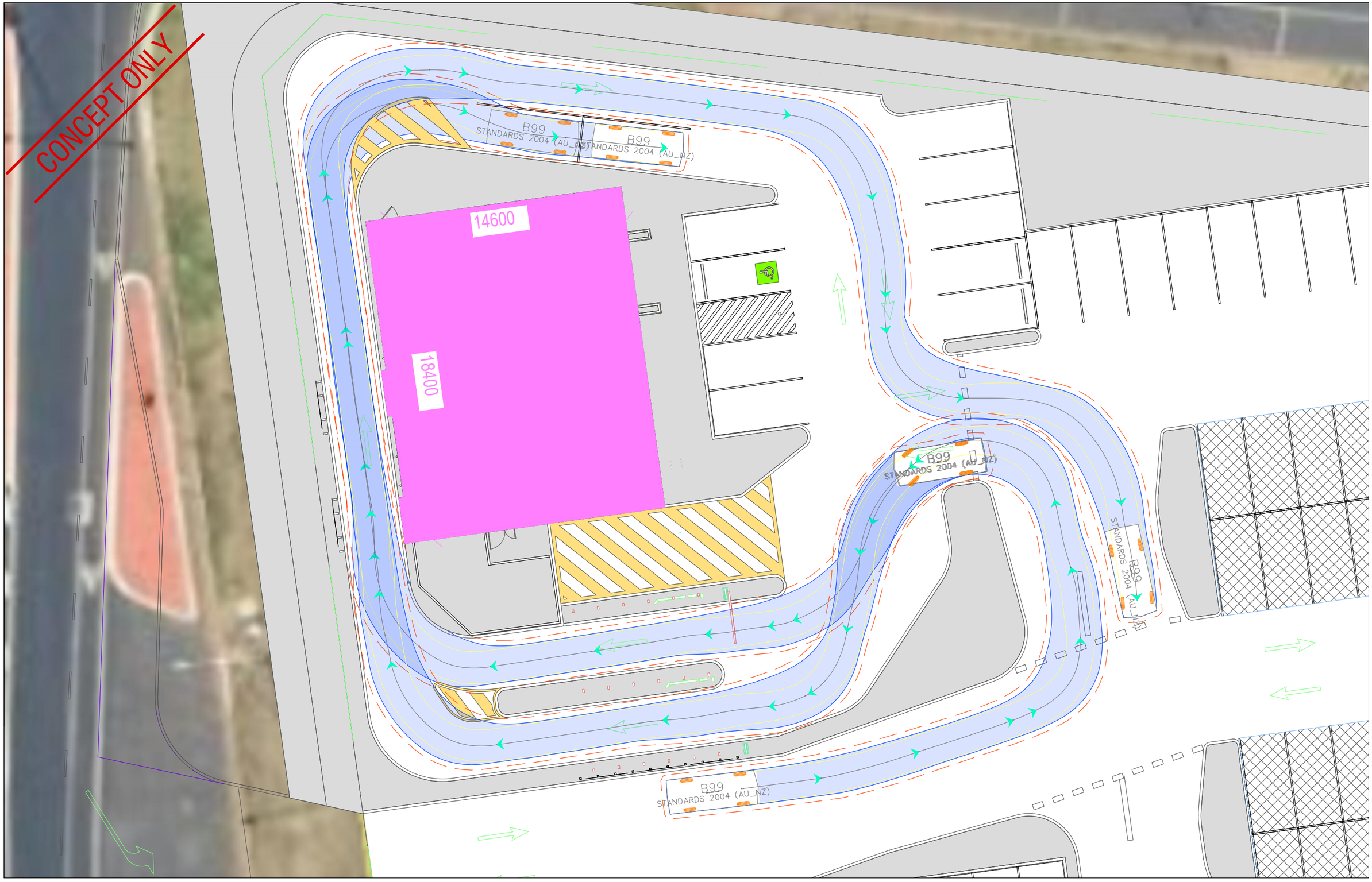
Wilcon Projects

Mareeba Byrnes St Supermarket

**Swept Path Assessment**
**B99 Entry & DTB Circulation**

FIGURE D0203

CONCEPT ONLY





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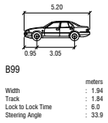
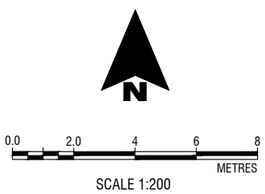
| | |
|---|---|
| Project No: | 620.30842 |
| Date: | 14/10/2022 |
| Drawn by: | BR |
| Scale: | AS SHOWN |
| Sheet Size: | A3 |
| Projection: | - |

SWEPT PATH LEGEND

- Vehicle Path
- Vehicle Body
- Body Clearance
- Front Wheels




SCALE 1:200

Wilcon Projects

Mareeba Byrnes St Supermarket

**Swept Path Assessment**
**B99 Drive Thru**

FIGURE D0204

# ATTACHMENT 4:

# NOTICE OF CHANGES TO COUNCIL

T 07 4051 6946
E admin@urbansync.com.au
O Level 1, 17 Aplin Street, Cairns
M PO Box 2970, Cairns Q 4870
ABN 83 169 940 649

21 December 2022

**Our Ref: 21-740**
**Your Ref: MCU/22/003**

**Chief Executive Officer**
Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880

Attention: Mr Carl Ewin – Planning Officer (Carle@msc.qld.gov.au)

Dear Carl,

**RE: NOTICE TO MAREEBA SHIRE COUNCIL AS THE ASSESSMENT MANAGER AND IN ACCORDANCE WITH S26.1 OF THE DA RULES, OF CHANGES TO A DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A SHOPPING CENTRE AND FOOD AND DRINK OUTLET AT 232 BYRNES STREET AND CLOSE AVENUE, MAREEBA.**

## 1 INTRODUCTION

We refer to the above-described matter and advise that Urban Sync Pty Ltd continue to represent Mareeba 232 Pty Ltd in respect to the proposed development application that was initially lodged with Mareeba Shire Council (Council) on 25 March 2022 to support the establishment of a new mixed use commercial development (the 'proposed development') over Lot 78 on SP298287 at 232 Byrnes Street and part of Lot 20 on NR7137 at Close Avenue, Mareeba (the 'site').

On 31 August 2022, the State Assessment and Referral Agency (SARA) issued an Information Request and Advice Notice and on 25 July 2022, Council issued an informal request for further information via email. Since this time, the project team have been looking at the matters raised by SARA and Council and have been working on a number of amendments to the project that will ensure that the proposed development is able to operate safely and efficiently while ensuring compliance with the relevant standards. This will in turn, allow a suitable response to be provided to the SARA Information Request and Advice Notice, as well as Council's Informal request for further information.

The purpose of this correspondence is to notify Mareeba Shire Council (Council), as Assessment Manager for the Development Application, that:

- In accordance with section 52(3) of the *Planning Act 2016,* there has been changes made to the development application; AND
- That these changes are 'minor changes' and as a result, the development assessment process does not stop as a result of the changes; AND
- Should there be some doubt that the proposed changes are in fact 'minor changes', demonstrate that the proposed changes have also been made in order to suitably respond to the SARA Information Request and Advice Notice, as well as Council's Informal request for further information and as a result, in accordance with Section 26.1 of the DA Rules, the development assessment process does not stop as a result of the changes.

In summary, this correspondence demonstrates beyond a reasonable doubt that in accordance with section 52(3) of the *Planning Act 2016* and Section 26.1 of the DA Rules, the development assessment process does not stop as a result of the changes. In support of this letter, we attach the following documents:

- Amended Site Plan prepared by Thomson Adsett in **Attachment 1**;
- Amended DA Form 1 as **Attachment 2**; and
- Updated Swept Paths as **Attachment 3**.

## 2 PROPOSED CHANGES

The technical assessment undertaken by the project team in looking to respond to the SARA Information Request and Advice Notice, as well as Council's Informal request for further information has resulted in the following changes being made to the proposed development:

- **Removal of the Standalone 'Shop' and Increase in on-site Car Parking Spaces:**

  The removal the standalone 'Shop' and addition of an extra sixteen (16) car parking spaces in the north-western corner of the site was undertaken in order to:

  - Assist with addressing Council's informal request for further information; and
  - Assist with offsetting the loss of on-street car parking spaces in Byrnes Street (a Council requirement).

  Discussions have been ongoing with Council about the offsetting of the on-street spaces in Byrnes Street and while discussions have progressed significantly, no formal agreement has been reached at this time (an agreement is however, expected in the near future). In addition, Council identified in their informal request for further information that the required manoeuvring areas for service vehicles needed to service the standalone shop had some minor areas of non-compliance. Further review of these manoeuvres by the project team highlighted they were unable to be resolved without the loss of some car parking spaces (the need for a DDA space in this portion of the site also resulted in the loss of an additional car parking space). As the future tenant will not allow the loss of ANY car parking spaces from the submitted design, a decision was made to remove the shop and provide additional on-site car parking spaces in this area (see **Attachment 1**). This has ensured the future tenant remains committed to the site AND provides additional on-site spaces to help offset the removal of the Byrnes Street car parking spaces (should this be required).

  Note: This has resulted in the approval being sought changing to – **Development Permit for a Material Change of Use for a Shopping Centre and Food and Drink Outlet.** An updated DA Form 1 has been provided in **Attachment 2** for completeness. Due to this change, the description on the public advertising material will state: **Development Permit for a Material Change of Use for a Shopping Centre and Food and Drink Outlet.**

- **Amendments to the 'Direct to Boot' Area:**

  The amendments to the direct to boot area was undertaken in order to provide a more function internal configuration in this area. The amendments to the 'Direct to Boot', area involves:

  - The increase in spaces from six (6) to eight (8) spaces;
  - Changes in the direction of traffic flow utilising the direct to boot area; and
  - Creation of a 'Right' in option to the direct to boot area'.

  While addressing item 2 of the SARA Information Request, the project team encountered some minor conflicts with the internal manoeuvring area adjacent to the main entry of the site AND direct to boot area. In order to address these minor conflicts, the above listed changes were made to the direct to boot area (see **Attachment 1**). Ultimately, these amendments/adjustments have been undertaken to improve the safety and efficiency of vehicles manoeuvring throughout the site.

Updated Swept Path diagrams for the revised direct to boot area are provided in **Attachment 3**.

- **Amendments to the Refuse and Loading Areas:**

The amendments to the refuse and loading areas were undertaken to provide a more function internal configuration in this area. The amendments to the refuse and loading area involves:

- Slight relocation of the Shop refuse area; and
- Minor changes to the loading area (removal of electrical services, pad mount transformer, level changes etc.)

While addressing item 1 of the SARA Information Request, the project team encountered some minor conflicts with the internal loading area. In order to address these minor conflicts, the above listed changes were made to the refuse and loading areas. Ultimately, these amendments/adjustments have been undertaken to improve the safety and efficiency of vehicles manoeuvring throughout the site.

Updated Swept Path diagrams for the refuse area and loading area are provided in **Attachment 3**.

- **Amendments to Supermarket Roof Line and Footpath:**

Minor amendments have been made to the Supermarket roof line were undertaken in order to suitably address Item 4 of the SARA Advice Notice which raised concerns around the roof/awning being in proximity to the Railway Corridor and the ability to maintain this roof/awning wholly on-site without needing to rely on access to the Railway Corridor. As a result, the plans were amended to provide 1.5m – 2.4m setbacks to the Railway Corridor which allows sufficient room of access and maintenance (see **Attachment 1**).

Amendments to the Rankin Street footpath location were also undertaken directly in response to Item 5 of the SARA Advice Notice which required that the proposed pedestrian footpath be re-routed so that it aligns with the railway level crossing and joins to the footpath in Frew Street to ensure that safe and connected access is provided over the railway network (see **Attachment 1**).

## 2.1 Proposed Changes Summary

In summary, the proposed changes outlined above have been made as a result of works associated with reviewing and addressing the SARA Information Request and Advice Notice, as well as Council's Informal request for further information. As a result, in accordance with 26.1 of the Development Assessment Rules, the development assessment process does not stop as a result of the above listed changes.

# 3 MINOR CHANGE TEST

In order to demonstrate beyond reasonable doubt that the development assessment process does not stop as a result of the changes, commentary is provided below in **Table 1** and **Table 2** against the relevant statutory and non-statutory tests to demonstrate that the changes are also in fact 'minor changes' (in accordance with section 52(3) of the *Planning Act 2016*, if the change is a minor change, the development assessment process does not stop). The below commentary demonstrates that the changes meet the 'Minor Change' tests made available under the PA and are hence, the development assessment process in this instance, does not stop.

*Table 1: Test under Schedule 2 of the PA*

| Tests | Consideration of the proposed change |
|---|---|
| ***A minor change, means a change that -*** | |
| *For a **development application** -* | |

| | |
|---|---|
| *does not result in substantially different development; and* | Please refer to the commentary provided under **Table 2** below which reflects on the tests associated with 'substantially different development' |
| *If a development application for the development, including the change, were made when the change application is made would not cause –* | |
| *(a) The inclusion of prohibited development in the application; or* | The change relates specifically to amendments to the overall layout as described in section 2. None of these changes trigger any prohibited development under the PA, nor per Schedule 10, Parts 2-5, Parts 10-11 and Parts 16 and 20, of the *Planning Regulations 2017*. |
| *(b) Referral to a referral agency if there were no referral agencies for the development application; or* | Not applicable – there were referral agencies for the development application. |
| *(c) Referral to an extra referral agencies; or* | The development application was required to be referred to SARA due to the site's proximity to the State-controlled Road (Byrnes Street) and State-controlled Road Intersections. In accordance with Schedule 10 of the PR, the changes being proposed do not trigger ANY additional referral agencies, chief executive or otherwise. |
| *(d) A referral agency, in assessing the application under section 55(2), to assess the application against, or have regard to, a matter, other than a matter the referral agency must have assessed the application against, or had regard to, when the application was made; or* | As above, the changes do not trigger any additional referral agencies. As a result, the referral agency that has been triggered is not required to assess the development application (including the changes) against anything over the above the original assessment requirements (being State Codes 1, 2 and 6). |
| *(e) Public notification if public notification was not required for the development application.* | Not applicable - Public Notification is required for the development application. |

The Development Assessment Rules under the PA provides further guidance to assist in determining whether a change may constitute 'substantially different development'. The phrase 'substantially different development' is not defined in the PA. Hence, the assessment of whether the effect of a change would, or would not, result in a 'substantially different development' involves matters of fact and degree, which should be considered broadly and fairly. Accordingly, and to determine that the changes do not in fact, result in 'substantially different development', an assessment of the changes against the 'substantially different development' criteria listed under Schedule 1 of the DA Rules is provided below in **Table 2**.

*Table 2: Substantially Different Development Test*

| Tests | Consideration of the Proposed Change |
|---|---|
| *Involves a new use* | The changes do not result in the inclusion of a new use. |
| *Results in the application applying to a new parcel of land* | The changes do not result in the development application needing to apply for inclusion of a new parcel of land (all changes are included in the original parcels of land and/or undertaken within the adjacent road reserve (footpath additions) which are not required to be included in the development application). |

| | |
|---|---|
| *Dramatically changes the built form in terms of scale, bulk and appearance* | The changes described in section 2 above will result in minor changes to the built form i.e., removal of standalone shop, changes to car parking layout and removal of a small section of awning from the shopping centre. That said, when considering the proposed changes in context of the entire development, they cannot be considered 'dramatic' by any reasonable person. |
| *Changes the ability of the proposal to operate as intended. For example, reducing the size of a retail complex may reduce the capacity of the complex to service the intended catchment* | The changes being sought will not result in the ability of the proposed development to operate as intended and will not affect its ability to service the intended catchment (see Economic Needs Assessment included with the development application in which it is fair to form the view that the removal of 196m$^2$ of retail/commercial space will not impact on the economic benefits or the proposed development ability to suitably service the locality). |
| *Removes a component that is integral to the operation of the development* | The change does not seek to remove any integral component of the approved development. We acknowledge that the standalone 'Shop' land use is proposed to be removed; however, this aspect of the proposed development is not 'integral' to the development as a whole. Instead, as it has turned out, the car parking spaces that have replaced the standalone shop have proved to be more 'integral' to the development than the standalone shop itself. Thus, even with the removal of the standalone shop, the proposed development will still be able to operate as a convenience shopping centre/supermarket and fast food offering. |
| *Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site* | The changes have been undertaken specifically to address road and traffic impacts that SARA and Council have identified in their Information Request and Advice Notices. The changes will improve the on-site efficiencies, result in less traffic demand (marginally) and provide additional car parking. As such, the changes will in turn, result in a better outcome in terms of traffic flow internal and external to the site. |
| *Introduces new impacts or increases the severity of known impacts* | The changes have been undertaken in response to Information Requests and Advice Notices issued by SARA and Council and have been undertaken as a means to rectify identified issues. As a result, the changes will not result in any new impacts or the increase the severity of any existing impacts. |
| *Removes an incentive or offset component that would have balanced a negative impact of the development* | Not applicable. There were no incentives and/or offsets that supported this application. |
| *Impacts on infrastructure provision, location or demand* | This application seeks to remove the standalone 'Shop' and hence, will actually result in a lesser impact on the provision of infrastructure over and above which was originally submitted. |

# 4 CONCLUSION

This correspondence has sought to identify serval small changes to the proposed development and most importantly, that these changes are not only 'minor changes', but that they have also been made in response to the SARA Information Request and Advice Notice, as well as Council's Informal request for further information.

This correspondence has therefore, demonstrated beyond a reasonable doubt that in accordance with section 52(3) of the *Planning Act 2016* and Section 26.1 of the DA Rules, the development assessment process does not stop as a result of the proposed changes.

Should you require any further information or clarification on any matters regarding this application, please do not hesitate to contact me using the below details.

Yours faithfully,

Matt Ingram
Senior Planner
**E** matt@urbansync.com.au | **T** 07 4051 6946 | **M** 0488 200 229

# ATTACHMENT 1:

# AMENDED SITE PLAN (THOMSON ADSETT)

## DEVELOPMENT SCHEDULE

| PROPOSED USES | GFA | GLAR |
|---|---|---|
| SUPERMARKET | 3655m² | 3603m² |
| SHOPS | 814m² | 796m² |
| AMENITIES | 90m² | |
| **TOTAL CENTRE** | **4559m²** | **4399m²** |
| FAST FOOD | 270m² | 270m² |
| **TOTAL** | **4829m²** | **4669m²** (5/100m2) |

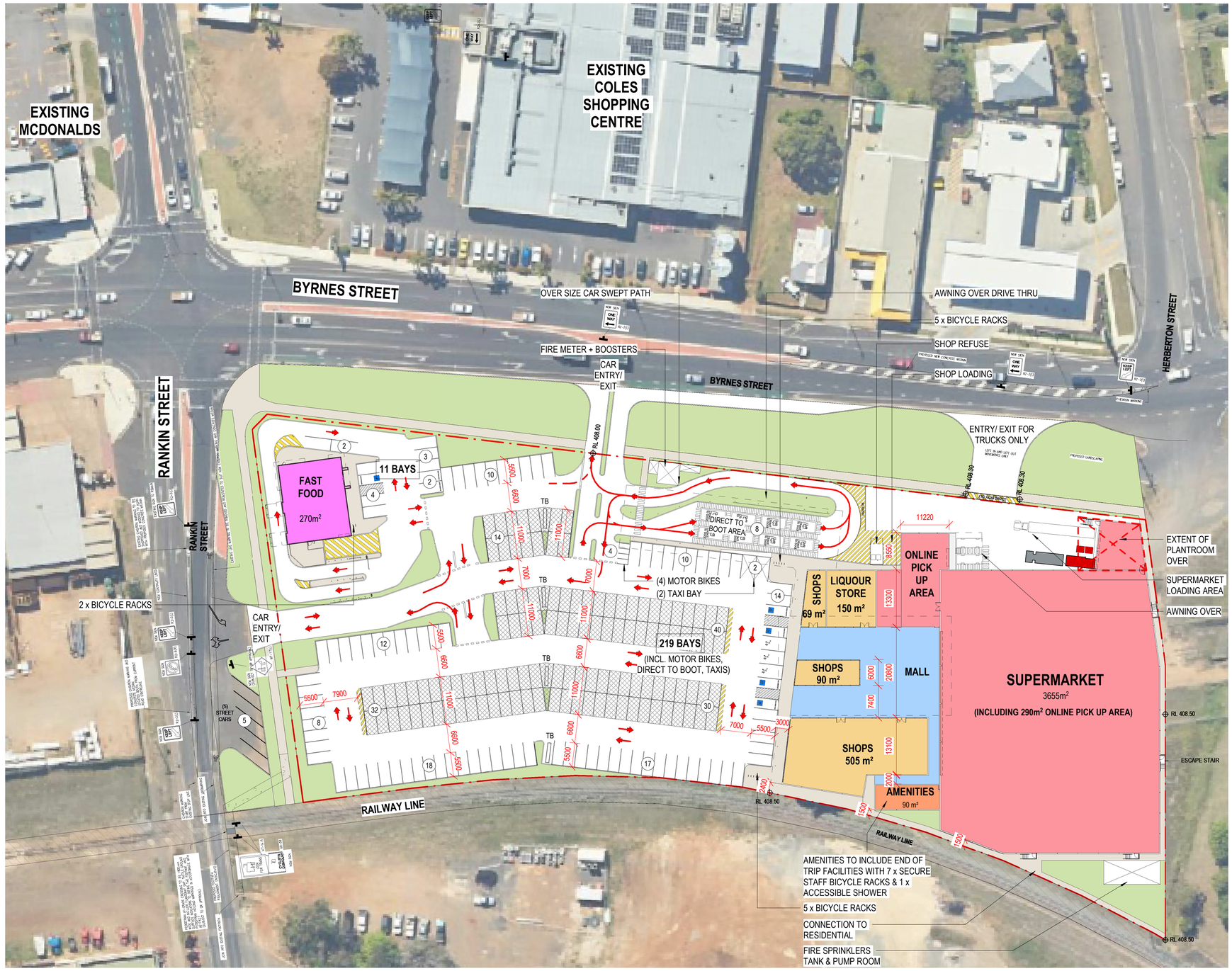
| **CAR PARKING SCHEDULE** | |
|---|---|
| CARS FAST FOOD | 11 |
| CARS CENTRE (INCL. MOTOR BIKES, DIRECT TO BOOT + TAXIS) | 219 |
| ON SITE CARS | 230 |
| STREET CARS | 5 |
| **TOTAL CARS PROVIDED** | **235** |
| TOTAL CARS REQUIRED | 186 |

NOTE:
CARS REQUIRED IS BASED ON:
1/50 UP TO 400m² GFA
1/25 ABOVE 400m² GFA

**NOTE: SUPERMARKET GLAR EXCLUDES EXTERNAL WALLS AND LOADING DOCK**

COVERED CARPARKS

AREA OF ENCLOSED MALL / PASSAGE - 637m²




1 SITE PLAN
1 : 500

**DEVELOPMENT APPLICATION**

0 25 50 75 125 250 m

**MAREEBA NEIGHBOURHOOD SHOPPING CENTRE**

232 BYRNES STREET, MAREEBA

MAREEBA 232 PTY LTD

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ABN 76 105 314 654
Dimensions take precedence over scaling. Do not measure off drawings as print sizes may vary

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thomson adsett

**TA # 19.0298.17**

**SITE PLAN**

As indicated @ A1 | 19/12/2022

**A1.01** | **rev. 18A**

# ATTACHMENT 2:

# AMENDED DA FORM 1

# DA Form 1 – Development application details

***Approved form (version 1.3 effective 28 September 2020) made under section 282 of the Planning Act 2016.***

This form **must** be used to make a development application **involving code assessment or impact assessment**, except when applying for development involving only building work.

For a development application involving **building work only**, use *DA Form 2 – Building work details*.

For a development application involving **building work associated with any other type of assessable development (i.e. material change of use, operational work or reconfiguring a lot)**, use this form (*DA Form 1*) **and** parts 4 to 6 of *DA Form 2 – Building work details*.

Unless stated otherwise, all parts of this form **must** be completed in full and all required supporting information **must** accompany the development application.

One or more additional pages may be attached as a schedule to this development application if there is insufficient space on the form to include all the necessary information.

This form and any other form relevant to the development application must be used to make a development application relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994*, and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008.* For the purpose of assessing a development application relating to strategic port land and Brisbane core port land, any reference to a planning scheme is taken to mean a land use plan for the strategic port land, Brisbane port land use plan for Brisbane core port land, or a land use plan for airport land.

***Note:*** *All terms used in this form have the meaning given under the Planning Act 2016, the Planning Regulation 2017, or the Development Assessment Rules (DA Rules).*

## PART 1 – APPLICANT DETAILS

| 1) Applicant details | |
|---|---|
| Applicant name(s) (*individual or company full name*) | Mareeba 232 Pty Ltd |
| Contact name *(only applicable for companies)* | C/- Matt Ingram of Urban Sync Pty Ltd |
| Postal address *(P.O. Box or street address)* | PO Box 2970 |
| Suburb | Cairns |
| State | Queensland |
| Postcode | 4870 |
| Country | Australia |
| Contact number | (07) 4051 6946 |
| Email address *(non-mandatory)* | admin@urbansync.com.au |
| Mobile number *(non-mandatory)* | |
| Fax number *(non-mandatory)* | |
| Applicant's reference number(s) *(if applicable)* | 21-740 |

| 2) Owner's consent |
|---|
| 2.1) Is written consent of the owner required for this development application? |
| ☒ Yes – the written consent of the owner(s) is attached to this development application<br>☐ No – proceed to 3) |

# PART 2 – LOCATION DETAILS

**3) Location of the premises** *(complete 3.1) or 3.2), and 3.3) as applicable)*

***Note**: Provide details below and attach a site plan for any or all premises part of the development application. For further information, see DA Forms Guide: Relevant plans.*

**3.1) Street address and lot on plan**

☒ Street address **AND** lot on plan (*all lots must be listed*), ***or***

☐ Street address **AND** lot on plan for an adjoining or adjacent property of the premises *(appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).*

| | | | | |
|---|---|---|---|---|
| a) | Unit No. | Street No. | Street Name and Type | Suburb |
| | | 232 | Byrnes Street | Mareeba |
| | Postcode | Lot No. | Plan Type and Number *(e.g. RP, SP)* | Local Government Area(s) |
| | 4880 | 78 | SP298287 | Mareeba Shire Council |
| b) | Unit No. | Street No. | Street Name and Type | Suburb |
| | | | Close Avenue | Mareeba |
| | Postcode | Lot No. | Plan Type and Number *(e.g. RP, SP)* | Local Government Area(s) |
| | 4880 | 20 | NR7137 | Mareeba Shire Council |

**3.2) Coordinates of premises** *(appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)*

***Note**: Place each set of coordinates in a separate row.*

☐ Coordinates of premises by longitude and latitude

| Longitude(s) | Latitude(s) | Datum | Local Government Area(s) *(if applicable)* |
|---|---|---|---|
| | | ☐ WGS84<br>☐ GDA94<br>☐ Other: | |

☐ Coordinates of premises by easting and northing

| Easting(s) | Northing(s) | Zone Ref. | Datum | Local Government Area(s) *(if applicable)* |
|---|---|---|---|---|
| | | ☐ 54<br>☐ 55<br>☐ 56 | ☐ WGS84<br>☐ GDA94<br>☐ Other: | |

**3.3) Additional premises**

☐ Additional premises are relevant to this development application and the details of these premises have been attached in a schedule to this development application

☒ Not required

**4) Identify any of the following that apply to the premises and provide any relevant details**

☐ In or adjacent to a water body or watercourse or in or above an aquifer

Name of water body, watercourse or aquifer:

☐ On strategic port land under the *Transport Infrastructure Act 1994*

Lot on plan description of strategic port land:

Name of port authority for the lot:

☐ In a tidal area

Name of local government for the tidal area *(if applicable)*:

Name of port authority for tidal area *(if applicable)*:

☐ On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*

Name of airport:

| | |
|---|---|
| ☒ Listed on the Environmental Management Register (EMR) under the *Environmental Protection Act 1994* | |
| EMR site identification: | 45685 |
| ☐ Listed on the Contaminated Land Register (CLR) under the *Environmental Protection Act 1994* | |
| CLR site identification: | |

**5) Are there any existing easements over the premises?**

*Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see DA Forms Guide.*

☐ Yes – All easement locations, types and dimensions are included in plans submitted with this development application

☒ No

# PART 3 – DEVELOPMENT DETAILS

## Section 1 – Aspects of development

**6.1) Provide details about the first development aspect**

a) What is the type of development? *(tick only one box)*

☒ Material change of use ☐ Reconfiguring a lot ☐ Operational work ☐ Building work

b) What is the approval type? *(tick only one box)*

☒ Development permit ☐ Preliminary approval ☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

☐ Code assessment ☒ Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots)*:

Material Change of Use for a Shopping Centre and Food and Drink Outlet

e) Relevant plans

***Note**: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms guide: Relevant plans.*

☒ Relevant plans of the proposed development are attached to the development application

**6.2) Provide details about the second development aspect**

a) What is the type of development? *(tick only one box)*

☐ Material change of use ☐ Reconfiguring a lot ☐ Operational work ☐ Building work

b) What is the approval type? *(tick only one box)*

☐ Development permit ☐ Preliminary approval ☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

☐ Code assessment ☐ Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots)*:

e) Relevant plans

***Note**: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans.*

☐ Relevant plans of the proposed development are attached to the development application

**6.3) Additional aspects of development**

☐ Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application

☒ Not required

## Section 2 – Further development details

| 7) Does the proposed development application involve any of the following? | |
|---|---|
| Material change of use | ☒ Yes – complete division 1 if assessable against a local planning instrument |
| Reconfiguring a lot | ☐ Yes – complete division 2 |
| Operational work | ☐ Yes – complete division 3 |
| Building work | ☐ Yes – complete *DA Form 2 – Building work details* |

### Division 1 – Material change of use

***Note**: This division is only required to be completed if any part of the development application involves a material change of use assessable against a local planning instrument.*

| 8.1) Describe the proposed material change of use | | | |
|---|---|---|---|
| Provide a general description of the proposed use | Provide the planning scheme definition *(include each definition in a new row)* | Number of dwelling units *(if applicable)* | Gross floor area ($m^2$) *(if applicable)* |
| Commercial/Retail | Shopping Centre | Refer to plans | Refer to plans |
| | Food and Drink Outlet | Refer to plans | Refer to plans |
| | | | |

| 8.2) Does the proposed use involve the use of existing buildings on the premises? |
|---|
| ☐ Yes |
| ☒ No |

### Division 2 – Reconfiguring a lot

***Note**: This division is only required to be completed if any part of the development application involves reconfiguring a lot.*

| 9.1) What is the total number of existing lots making up the premises? |
|---|
| |

| 9.2) What is the nature of the lot reconfiguration? *(tick all applicable boxes)* | |
|---|---|
| ☐ Subdivision *(complete 10))* | ☐ Dividing land into parts by agreement *(complete 11))* |
| ☐ Boundary realignment *(complete 12))* | ☐ Creating or changing an easement giving access to a lot from a constructed road *(complete 13))* |

| 10) Subdivision | | | | |
|---|---|---|---|---|
| 10.1) For this development, how many lots are being created and what is the intended use of those lots: | | | | |
| Intended use of lots created | Residential | Commercial | Industrial | Other, please specify: |
| Number of lots created | | | | |

| 10.2) Will the subdivision be staged? | |
|---|---|
| ☐ Yes – provide additional details below<br>☐ No | |
| How many stages will the works include? | |
| What stage(s) will this development application apply to? | |

| 11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts? | | | | |
|---|---|---|---|---|
| Intended use of parts created | Residential | Commercial | Industrial | Other, please specify: |
| Number of parts created | | | | |

| 12) Boundary realignment | | | |
|---|---|---|---|
| 12.1) What are the current and proposed areas for each lot comprising the premises? | | | |
| Current lot | | Proposed lot | |
| Lot on plan description | Area ($m^2$) | Lot on plan description | Area ($m^2$) |
| | | | |
| | | | |
| 12.2) What is the reason for the boundary realignment? | | | |
| | | | |

| 13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? *(attach schedule if there are more than two easements)* | | | | |
|---|---|---|---|---|
| Existing or proposed? | Width (m) | Length (m) | Purpose of the easement? *(e.g. pedestrian access)* | Identify the land/lot(s) benefitted by the easement |
| | | | | |
| | | | | |

Division 3 – Operational work

***Note**: This division is only required to be completed if any part of the development application involves operational work.*

| 14.1) What is the nature of the operational work? | | |
|---|---|---|
| ☐ Road work | ☐ Stormwater | ☐ Water infrastructure |
| ☐ Drainage work | ☐ Earthworks | ☐ Sewage infrastructure |
| ☐ Landscaping | ☐ Signage | ☐ Clearing vegetation |
| ☐ Other – please specify: | | |
| 14.2) Is the operational work necessary to facilitate the creation of new lots? *(e.g. subdivision)* | | |
| ☐ Yes – specify number of new lots: | | |
| ☐ No | | |
| 14.3) What is the monetary value of the proposed operational work? *(include GST, materials and labour)* | | |
| $ | | |

# PART 4 – ASSESSMENT MANAGER DETAILS

| 15) Identify the assessment manager(s) who will be assessing this development application |
|---|
| Mareeba Shire Council |
| 16) Has the local government agreed to apply a superseded planning scheme for this development application? |
| ☐ Yes – a copy of the decision notice is attached to this development application |
| ☐ The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached |
| ☒ No |

# PART 5 – REFERRAL DETAILS

**17) Does this development application include any aspects that have any referral requirements?**
***Note**: A development application will require referral if prescribed by the* Planning Regulation 2017.

☐ No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6

Matters requiring referral to the **Chief Executive of the *Planning Act 2016*:**

☐ Clearing native vegetation
☐ Contaminated land *(unexploded ordnance)*
☐ Environmentally relevant activities (ERA) *(only if the ERA has not been devolved to a local government)*
☐ Fisheries – aquaculture
☐ Fisheries – declared fish habitat area
☐ Fisheries – marine plants
☐ Fisheries – waterway barrier works
☐ Hazardous chemical facilities
☐ Heritage places – Queensland heritage place *(on or near a Queensland heritage place)*
☐ Infrastructure-related referrals – designated premises
☒ Infrastructure-related referrals – state transport infrastructure
☒ Infrastructure-related referrals – State transport corridor and future State transport corridor
☐ Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels
☒ Infrastructure-related referrals – near a state-controlled road intersection
☐ Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas
☐ Koala habitat in SEQ region – key resource areas
☐ Ports – Brisbane core port land – near a State transport corridor or future State transport corridor
☐ Ports – Brisbane core port land – environmentally relevant activity (ERA)
☐ Ports – Brisbane core port land – tidal works or work in a coastal management district
☐ Ports – Brisbane core port land – hazardous chemical facility
☐ Ports – Brisbane core port land – taking or interfering with water
☐ Ports – Brisbane core port land – referable dams
☐ Ports – Brisbane core port land – fisheries
☐ Ports – Land within Port of Brisbane's port limits *(below high-water mark)*
☐ SEQ development area
☐ SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
☐ SEQ regional landscape and rural production area or SEQ rural living area – community activity
☐ SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
☐ SEQ regional landscape and rural production area or SEQ rural living area – urban activity
☐ SEQ regional landscape and rural production area or SEQ rural living area – combined use
☐ Tidal works or works in a coastal management district
☐ Reconfiguring a lot in a coastal management district or for a canal
☐ Erosion prone area in a coastal management district
☐ Urban design
☐ Water-related development – taking or interfering with water
☐ Water-related development – removing quarry material *(from a watercourse or lake)*
☐ Water-related development – referable dams
☐ Water-related development –levees *(category 3 levees only)*
☐ Wetland protection area

Matters requiring referral to the **local government:**

☐ Airport land
☐ Environmentally relevant activities (ERA) (*only if the ERA has been devolved to local government)*

☐ Heritage places – Local heritage places

Matters requiring referral to the **Chief Executive of the distribution entity or transmission entity:**
☐ Infrastructure-related referrals – Electricity infrastructure

Matters requiring referral to:
- The **Chief Executive of the holder of the licence**, if not an individual
- The **holder of the licence**, if the holder of the licence is an individual

☐ Infrastructure-related referrals – Oil and gas infrastructure

Matters requiring referral to the **Brisbane City Council:**
☐ Ports – Brisbane core port land

Matters requiring referral to the **Minister responsible for administering the *Transport Infrastructure Act 1994*:**
☐ Ports – Brisbane core port land *(where inconsistent with the Brisbane port LUP for transport reasons)*
☐ Ports – Strategic port land

Matters requiring referral to the **relevant port operator**, if applicant is not port operator**:**
☐ Ports – Land within Port of Brisbane's port limits *(below high-water mark)*

Matters requiring referral to the **Chief Executive of the relevant port authority:**
☐ Ports – Land within limits of another port *(below high-water mark)*

Matters requiring referral to the **Gold Coast Waterways Authority:**
☐ Tidal works or work in a coastal management district *(in Gold Coast waters)*

Matters requiring referral to the **Queensland Fire and Emergency Service:**
☐ Tidal works or work in a coastal management district *(involving a marina (more than six vessel berths))*

**18) Has any referral agency provided a referral response for this development application?**

☐ Yes – referral response(s) received and listed below are attached to this development application
☒ No

| Referral requirement | Referral agency | Date of referral response |
|---|---|---|
| | | |
| | | |

Identify and describe any changes made to the proposed development application that was the subject of the referral response and this development application, or include details in a schedule to this development application *(if applicable)*.

# PART 6 – INFORMATION REQUEST

**19) Information request under Part 3 of the DA Rules**

☒ I agree to receive an information request if determined necessary for this development application
☐ I do not agree to accept an information request for this development application

***Note**: By not agreeing to accept an information request I, the applicant, acknowledge:*
- *that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties*
- *Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.*

*Further advice about information requests is contained in the DA Forms Guide.*

# PART 7 – FURTHER DETAILS

**20) Are there any associated development applications or current approvals?** *(e.g. a preliminary approval)*

☒ Yes – provide details below or include details in a schedule to this development application
☐ No

| List of approval/development application references | Reference number | Date | Assessment manager |
|---|---|---|---|
| ☒ Approval<br>☐ Development application | MCU/17/0011 | 21 March 2018 | Mareeba Shire Council |
| ☐ Approval<br>☐ Development application | | | |

**21) Has the portable long service leave levy been paid?** *(only applicable to development applications involving building work or operational work)*

☐ Yes – a copy of the receipted QLeave form is attached to this development application
☐ No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid
☒ Not applicable *(e.g. building and construction work is less than $150,000 excluding GST)*

| Amount paid | Date paid (dd/mm/yy) | QLeave levy number (A, B or E) |
|---|---|---|
| $ | | |

**22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?**

☐ Yes – show cause or enforcement notice is attached
☒ No

**23) Further legislative requirements**

**Environmentally relevant activities**

23.1) Is this development application also taken to be an application for an environmental authority for an **Environmentally Relevant Activity (ERA)** under section 115 of the *Environmental Protection Act 1994*?

☐ Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below
☒ No

***Note**: Application for an environmental authority can be found by searching "ESR/2015/1791" as a search term at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.*

| | | | |
|---|---|---|---|
| Proposed ERA number: | | Proposed ERA threshold: | |
| Proposed ERA name: | | | |

☐ Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.

**Hazardous chemical facilities**

23.2) Is this development application for a **hazardous chemical facility**?

☐ Yes – *Form 69: Notification of a facility exceeding 10% of schedule 15 threshold* is attached to this development application
☒ No

***Note**: See www.business.qld.gov.au for further information about hazardous chemical notifications.*

**Clearing native vegetation**

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation that the chief executive of the *Vegetation Management Act 1999* is satisfied the clearing is for a relevant purpose under section 22A of the *Vegetation Management Act 1999*?

☐ Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)

☒ No

***Note**: 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.*

*2. See https://www.qld.gov.au/environment/land/vegetation/applying for further information on how to obtain a s22A determination.*

**Environmental offsets**

23.4) Is this development application taken to be a prescribed activity that may have a significant residual impact on a **prescribed environmental matter** under the *Environmental Offsets Act 2014*?

☐ Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter

☒ No

***Note**: The environmental offset section of the Queensland Government's website can be accessed at www.qld.gov.au for further information on environmental offsets.*

**Koala habitat in SEQ Region**

23.5) Does this development application involve a material change of use, reconfiguring a lot or operational work which is assessable development under Schedule 10, Part 10 of the Planning Regulation 2017?

☐ Yes – the development application involves premises in the koala habitat area in the koala priority area

☐ Yes – the development application involves premises in the koala habitat area outside the koala priority area

☒ No

***Note**: If a koala habitat area determination has been obtained for this premises and is current over the land, it should be provided as part of this development application. See koala habitat area guidance materials at www.des.qld.gov.au for further information.*

**Water resources**

23.6) Does this development application involve **taking or interfering with underground water through an artesian or subartesian bore, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water under the *Water Act 2000***?

☐ Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development

☒ No

***Note**: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au for further information.*

*DA templates are available from https://planning.dsdmip.qld.gov.au/. If the development application involves:*

- *Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1*
- *Taking or interfering with water in a watercourse, lake or spring: complete DA Form1 Template 2*
- *Taking overland flow water: complete DA Form 1 Template 3.*

**Waterway barrier works**

23.7) Does this application involve **waterway barrier works?**

☐ Yes – the relevant template is completed and attached to this development application

☒ No

*DA templates are available from https://planning.dsdmip.qld.gov.au/. For a development application involving waterway barrier works, complete DA Form 1 Template 4.*

**Marine activities**

23.8) Does this development application involve **aquaculture, works within a declared fish habitat area or removal, disturbance or destruction of marine plants?**

☐ Yes – an associated *resource* allocation authority is attached to this development application, if required under the *Fisheries Act 1994*

☒ No

***Note**: See guidance materials at www.daf.qld.gov.au for further information.*

**Quarry materials from a watercourse or lake**

23.9) Does this development application involve the **removal of quarry materials from a watercourse or lake** under the *Water Act 2000?*

☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
☒ No

***Note**: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au and www.business.qld.gov.au for further information.*

**Quarry materials from land under tidal waters**

23.10) Does this development application involve the **removal of quarry materials from land under tidal water** under the *Coastal Protection and Management Act 1995?*

☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
☒ No

***Note**: Contact the Department of Environment and Science at www.des.qld.gov.au for further information.*

**Referable dams**

23.11) Does this development application involve a **referable dam** required to be failure impact assessed under section 343 of the *Water Supply (Safety and Reliability) Act 2008* (the Water Supply Act)?

☐ Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the Water Supply Act is attached to this development application
☒ No

***Note**: See guidance materials at www.dnrme.qld.gov.au for further information.*

**Tidal work or development within a coastal management district**

23.12) Does this development application involve **tidal work or development in a coastal management district**?

☐ Yes – the following is included with this development application:
- ☐ Evidence the proposal meets the code for assessable development that is prescribed tidal work *(only required if application involves prescribed tidal work)*
- ☐ A certificate of title

☒ No

***Note**: See guidance materials at www.des.qld.gov.au for further information.*

**Queensland and local heritage places**

23.13) Does this development application propose development on or adjoining a place entered in the **Queensland heritage register** or on a place entered in a local government's **Local Heritage Register**?

☐ Yes – details of the heritage place are provided in the table below
☒ No

***Note**: See guidance materials at www.des.qld.gov.au for information requirements regarding development of Queensland heritage places.*

| Name of the heritage place: | | Place ID: | |
|---|---|---|---|

**Brothels**

23.14) Does this development application involve a **material change of use for a brothel**?

☐ Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the *Prostitution Regulation 2014*
☒ No

**Decision under section 62 of the *Transport Infrastructure Act 1994***

23.15) Does this development application involve new or changed access to a state-controlled road?

☒ Yes – this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)
☐ No

| **Walkable neighbourhoods assessment benchmarks under Schedule 12A of the Planning Regulation** |
|---|
| 23.16) Does this development application involve reconfiguring a lot into 2 or more lots in certain residential zones (except rural residential zones), where at least one road is created or extended? |
| ☐ Yes – Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered<br>☒ No<br>***Note**: See guidance materials at www.planning.dsdmip.qld.gov.au for further information.* |

# PART 8 – CHECKLIST AND APPLICANT DECLARATION

| 24) Development application checklist | |
|---|---|
| I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17<br>***Note**: See the Planning Regulation 2017 for referral requirements* | ☒ Yes |
| If building work is associated with the proposed development, Parts 4 to 6 of *DA Form 2 – Building work details* have been completed and attached to this development application | ☐ Yes<br>☒ Not applicable |
| Supporting information addressing any applicable assessment benchmarks is with the development application<br>***Note**: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see DA Forms Guide: Planning Report Template.* | ☒ Yes |
| Relevant plans of the development are attached to this development application<br>***Note**: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans.* | ☒ Yes |
| The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (*see 21*) | ☐ Yes<br>☒ Not applicable |

| 25) Applicant declaration |
|---|
| ☒ By making this development application, I declare that all information in this development application is true and correct<br>☒ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*<br>***Note**: It is unlawful to intentionally provide false or misleading information.* |
| **Privacy** – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.<br>Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, Planning Regulation 2017 and the DA Rules except where:<br>• such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the Planning Regulation 2017, and the access rules made under the *Planning Act 2016* and Planning Regulation 2017; or<br>• required by other legislation (including the *Right to Information Act 2009*); or<br>• otherwise required by law.<br>This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002.* |

# PART 9 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

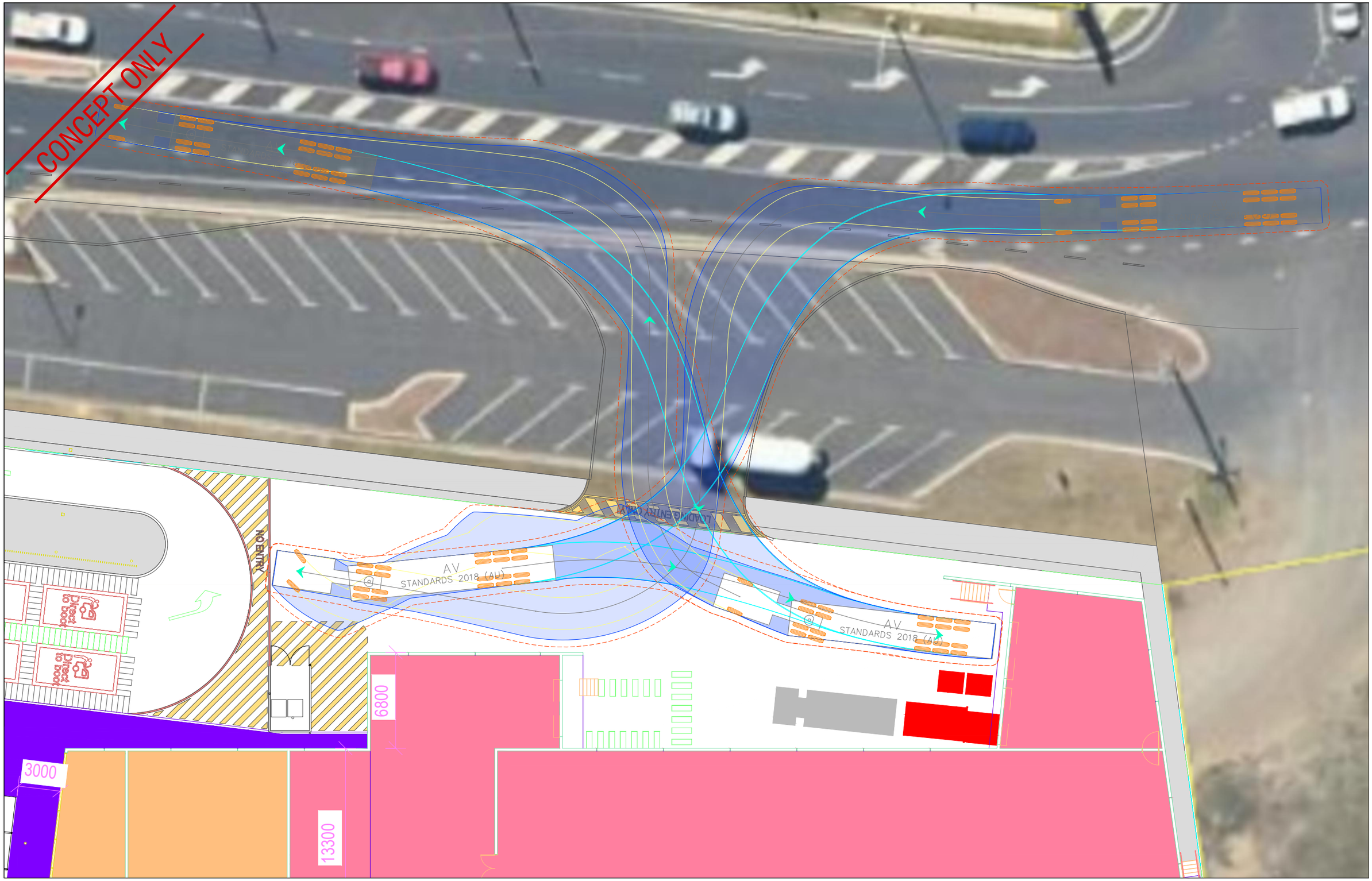
Date received: | Reference number(s):

| Notification of engagement of alternative assessment manager | |
|---|---|
| Prescribed assessment manager | |
| Name of chosen assessment manager | |
| Date chosen assessment manager engaged | |
| Contact number of chosen assessment manager | |
| Relevant licence number(s) of chosen assessment manager | |

| QLeave notification and payment<br>*Note: For completion by assessment manager if applicable* | | | |
|---|---|---|---|
| Description of the work | | | |
| QLeave project number | | | |
| Amount paid ($) | | Date paid (dd/mm/yy) | |
| Date receipted form sighted by assessment manager | | | |
| Name of officer who sighted the form | | | |

# ATTACHMENT 3:

# UPDATED SWEPT PATHS

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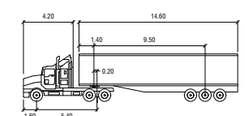
*SLR Consulting Australia Pty Ltd does not guarantee the accuracy of any such information.*

| | |
|---|---|
| Project No: | 620.30842 |
| Date: | 14/10/2022 |
| Drawn by: | BR |
| Scale: | AS SHOWN |
| Sheet Size: | A3 |
| Projection: | - |

SWEPT PATH LEGEND

- Vehicle Path
- Vehicle Body
- Body Clearance
- Front Wheels




AV

meters

| | | | |
|---|---|---|---|
| Tractor Width | : 2.50 | Lock to Lock Time | : 6.0 |
| Trailer Width | : 2.50 | Steering Angle | : 28.3 |
| Tractor Track | : 2.50 | Articulating Angle | : 72.0 |
| Trailer Track | : 2.50 | | |

N

0.0 2.5 5 7.5 10
METRES

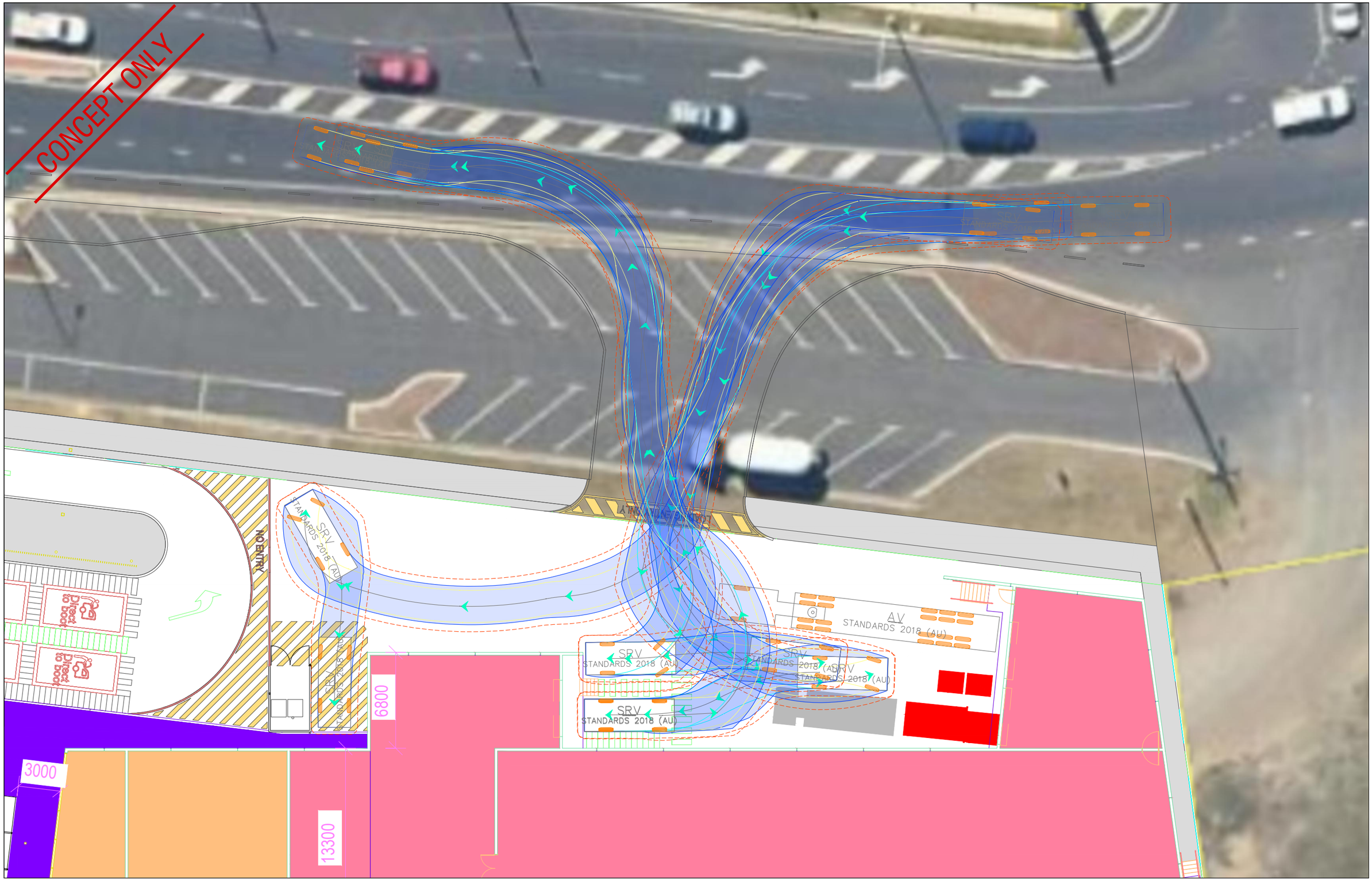
SCALE 1:250

Wilcon Projects

Mareeba Byrnes St Supermarket

**Swept Path Assessment Articulated Vehicle**

FIGURE D0200

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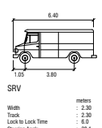
| Projection: | - |

SWEPT PATH LEGEND
- Vehicle Path
- Vehicle Body
- Body Clearance
- Front Wheels




N

0.0 2.5 5 7.5 10
METRES
SCALE 1:250

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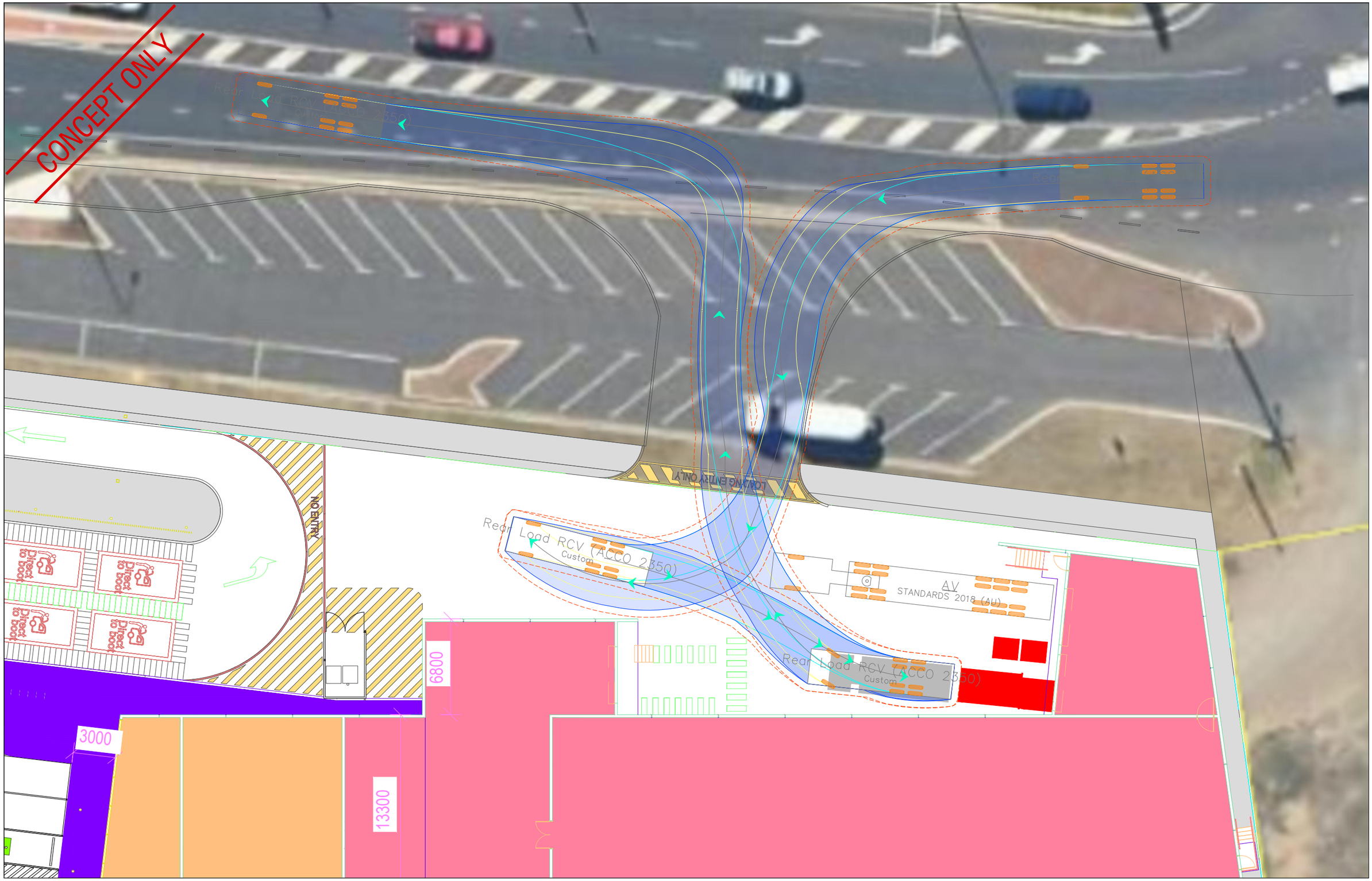
Mareeba Byrnes St Supermarket

**Swept Path Assessment SRV**

FIGURE D0201

CONCEPT ONLY





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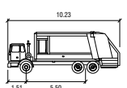
| | |
|---|---|
| Project No: | 620.30842 |
| Date: | 14/10/2022 |
| Drawn by: | BR |
| Scale: | AS SHOWN |
| Sheet Size: | A3 |
| Projection: | - |

SWEPT PATH LEGEND

- Vehicle Path
- Vehicle Body
- Body Clearance
- Front Wheels




Rear Load RCV (ACCO 2350)

meters

| | |
|---|---|
| Width | : 2.50 |
| Track | : 2.50 |
| Lock to Lock Time | : 6.0 |
| Steering Angle | : 40.3 |

N

0.0 2.5 5 7.5 10
METRES

SCALE 1:250

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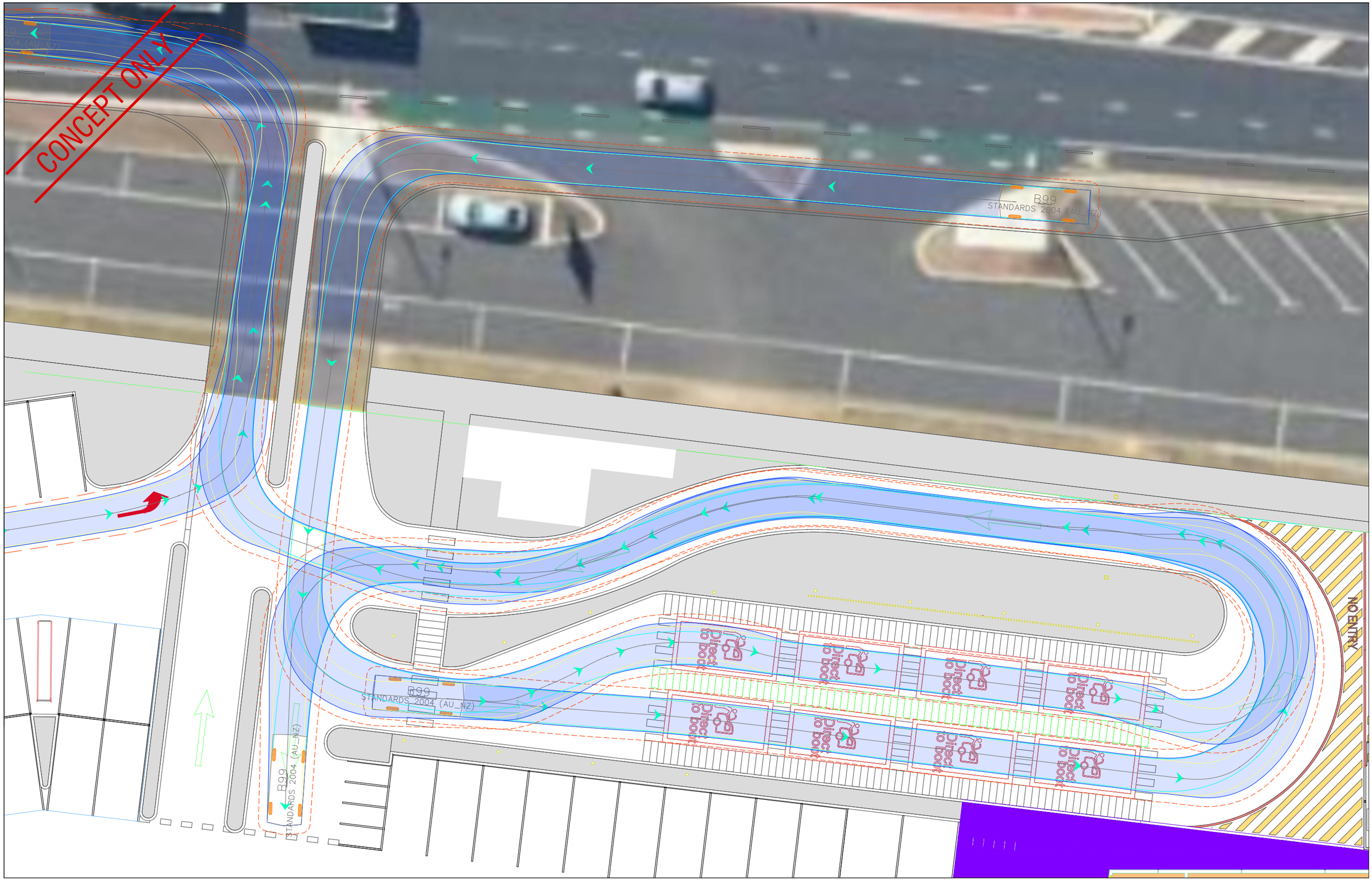
**Swept Path Assessment**
**Rear Load RCV**

FIGURE D0202

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| Sheet Size: | A3 |
| Projection: | - |

SWEPT PATH LEGEND
- Vehicle Path
- Vehicle Body
- Body Clearance
- Front Wheels

B99

| | meters |
|---|---|
| Width | : 1.94 |
| Track | : 1.84 |
| Lock to Lock Time | : 6.0 |
| Steering Angle | : 33.9 |

N

0.0 2.0 4 6 8
METRES
SCALE 1:200

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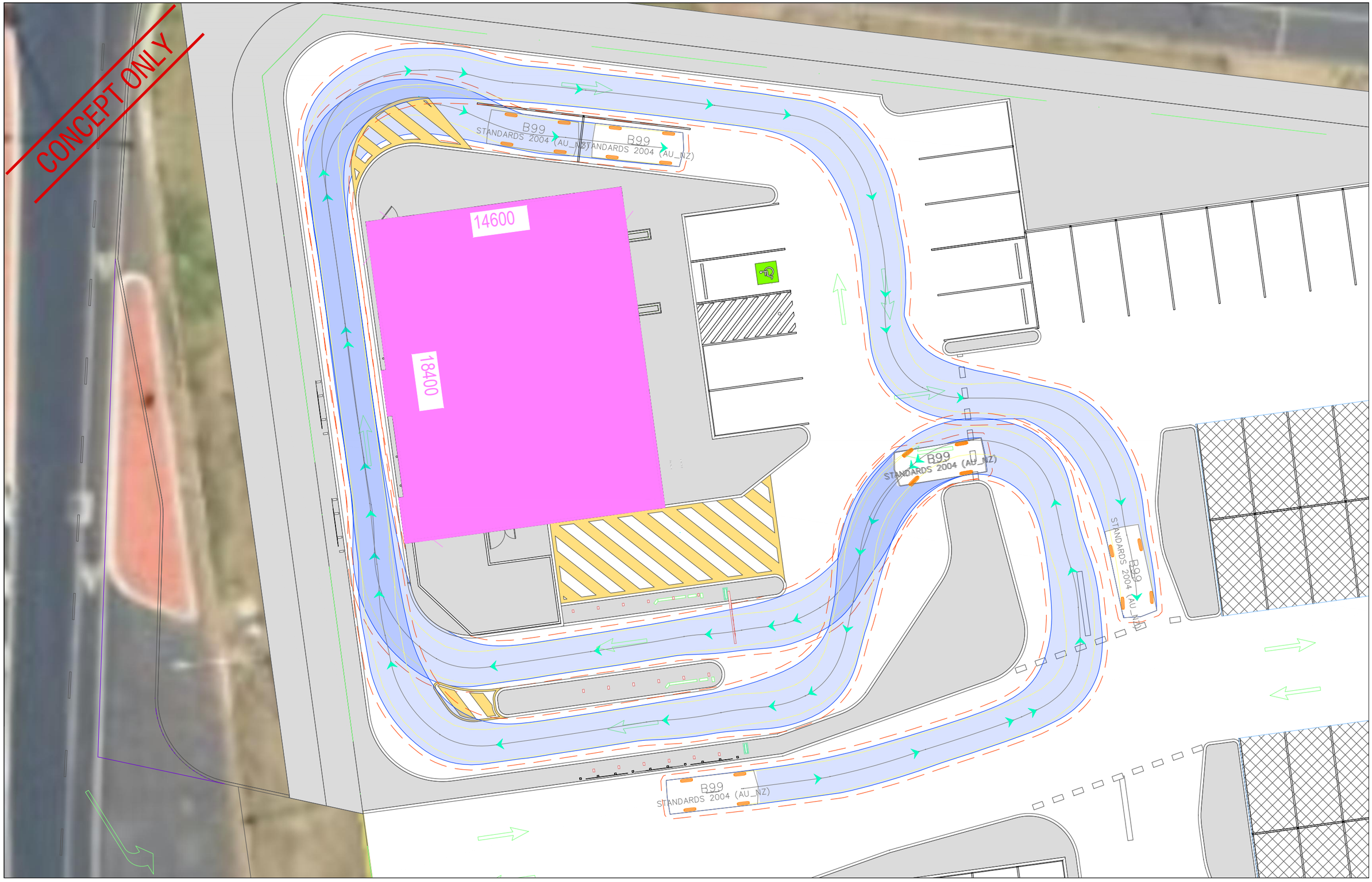
**Swept Path Assessment**
**B99 Entry & DTB Circulation**

FIGURE D0203

CONCEPT ONLY





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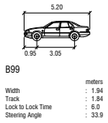
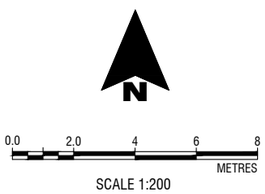
| Drawn by: | BR |
| Scale: | AS SHOWN |
| Sheet Size: | A3 |
| Projection: | - |

SWEPT PATH LEGEND

- Vehicle Path
- Vehicle Body
- Body Clearance
- Front Wheels




SCALE 1:200

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**Swept Path Assessment**
**B99 Drive Thru**

FIGURE D0204