

11 March 2021

Kellie Galletta Liquaforce Pty Ltd C/- Milford Planning Pty Ltd PO Box 5463 TOWNSVILLE QLD 4810

Email: info@milfordplanning.com.au

Dear Kellie,

DEVELOPMENT APPROVAL PACKAGE FOR MATERIAL CHANGE OF USE ON LAND DESCRIBED AS LEASE B ON RP886042 IN LOT 10 SP258646, AT THE PORT OF MACKAY

NQBP Reference: PL/04/02/00015

North Queensland Bulk Ports Corporation Ltd (NQBP) wish to advise that your development application seeking approval for a material change of use for an environmental relevant activity (ERA 7(4)(a) – Chemical Manufacturing) at the Port of Mackay was approved in full subject to conditions on 11 March 2021.

Approvals has been given with respect to a material change of use under the *Planning Act 2016* and Port Development Approval under the Port of Mackay Land Use Plan (November 2009).

You are strongly advised to read and familiarise yourself with each of the enclosures applicable to this approvals package.

If you have any queries regarding the approvals package, please contact the undersigned.

Yours sincerely

Julie Keane

Principal, Development Advisor

Telephone: (07) 3011 7912
Email: <u>JKeane@nqbp.com.au</u>

Doc Reference: E21/08127

Enc: Decision notice issued under to s 63 of the *Planning Act 2016*

Port development approval issued under the Port of Mackay Land Use Plan (November 2009).

Approved drawings

Cc: Mackay Regional Council

BRISBANE OFFICE GPO Box 409 Brisbane Queensland 4001

P 07 3011 7900 F 07 3011 7999 nqbp.com.au info@nqbp.com.au MACKAY OFFICE
Level 1 Waterfront Place
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Level 1, Waterfront Place, Mulherin Drive Mackay Harbour Queensland is the Registered Office of:

NORTH QUEENSLAND BULK PORTS CORPORATION LIMITED

ACN 136 880 218 • ABN 36 136 880 218

PORTS CORPORATION OF QUEENSLAND LIMITED ACN 126 302 994 • ABN 49 657 447 879

MACKAY PORTS LIMITED

ACN 131 965 707 • ABN 69 131 965 707



Decision Notice

Planning Act 2016 s.63

1. Details of approval

Applicant name:	Liquaforce Pty Ltd
Development application:	Material Change of Use for a Fertiliser Batching Plant: being Environmentally Relevant Activity: ERA 7 (4)(a) – Chemical Manufacturing.
Date of decision	10 March 2021
Aspect of development:	✓ Material change of use☐ Reconfiguring a lot☐ Operational work☐ Building work
Decision:	☐ Approval in full☒ Approval in full with conditions

2. Property description of proposed development

Port:	MACKAY
Street address:	2 Presto Avenue, Mackay Harbour
Real property description:	Lease B on RP 886042 in Lot 10 SP258646
Local government area:	Mackay Regional Council

3. Approved drawings and documents

The following drawings and documents have been approved. Copies of approved drawings are provided in an enclosure.

Plan / Document name	Plan number	Date
Site Plan	J:325 SK A100 Rev B	18/12/2020
23.0m x 54.0m x 7.0m Gable Shed Section	Sheet 1 of 15	15/12/2020
23.0m x 54.0m x 7.0m Shed & Awning Section	Sheet 2 of 15	15/12/2020
23.0m x 54.0m x 7.0m Shed & Awning View	Sheet 3 of 15	15/12/2020
23.0m x 54.0m x 7.0m Shed & Awning Plan	Sheet 4 of 15	15/12/2020
Bunded Wall Details	Sheet 15 of 15	15/12/2020
Site Layout – Stormwater Management	-	-
Site Based Stormwater Management Plan	STP20-1468	12/02/2021



4. Referral agency response

The development application was referred to the State Assessment and Referral Agency under the following provision of the Planning Regulation 2017:

10.5.4.2.1 Environmentally relevant activity

5. Additional development permits

This development permit is limited to the material change of use for ERA 7(4)(a) on part Lot 10 SP258646 at the Port of Mackay. At no time should this document be interpreted to imply approval to any other development, operation or land use.

Please be advised that the following development permits are required to be obtained before the development can be carried out. It is the applicant's responsibility to ensure that all other necessary development permits are in place prior to work commencing.

Permit / licence requirements	Relevant agency
Building work – Development permit	Building certifier, as per the Building Act
	1975

6. Currency period for the approval

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

7. Appeal rights

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

Appeal by an applicant

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

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

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

To stay informed about any appeal proceedings which may relate to this decision visit: https://planning.dsdmip.qld.gov.au/planning/our-planning-system/dispute-resolution/pe-court-database.



Attachment 1 – Conditions of Approval

PART 1: ASSESSMENT MANAGER CONDITIONS

С	ondition		Timing
1. The development must be undertaken generally in accordance with the plans and supporting documentation reference in the table below and attached which forms part of this approval, unless otherwise specified by any condition of this approval.		At all times.	
Plan / Document name	Plan number	Date	
Site Plan	J:325 SK A100 Rev B	18/12/2020	
23.0m x 54.0m x 7.0m Gable Shed Section	Sheet 1 of 15	15/12/2020	
23.0m x 54.0m x 7.0m Shed & Awning Section	Sheet 2 of 15	15/12/2020	
23.0m x 54.0m x 7.0m Shed & Awning View	Sheet 3 of 15	15/12/2020	
23.0m x 54.0m x 7.0m Shed & Awning Plan	Sheet 4 of 15	15/12/2020	
Bunded Wall Details	Sheet 15 of 15	15/12/2020	
Site Layout - Stormwater Management	-	-	
Site Based Stormwater Management Plan	STP20-1468	12/02/2021	
 2. The proponent must provide an updated Site Layout - Stormwater Management drawing for review and approval via approvals@nqbp.com.au including the following: Filter material detail included in the "Swale Typical Section" in the Site Based Stormwater Management Plan. Clarification regarding the usage of slotted pipe. Detail regarding plant species and densities for the vegetated swales. Clear drawing key and legend. 		At least two (2) weeks prior to commencement of site works.	



Condition	Timing
 3. The proponent must provide an updated Site Based Stormwater Management Plan for review and approval, via approvals@nqbp.com.au, addressing the following: Provide details of the variety of species to be included in planting of the vegetated swales. Noting that Prickly Smallwood is not a preferred species for this use and the guidelines indicate 3-5 species should be utilised. Provide details of a variety of more commonly applied species to be utilised for the vegetated swales. Provide details of planting densities, recommended to be 6-10 plants/m². The use of bark in the bioretention swale, is not preferred as it will only get washed away. 	At least two (2) weeks prior to commencement of site works.
Note: Although the MRC guidelines https://www.mackay.qld.gov.au/data/assets/pdf_file/0008/258632/List_of _plant_speciesv1.0.pdf states the Prickly Smartweed is an acceptable species for use, experience with this plant shows that its habit is not ideal as it creeps and smothers everything else. It should also be noted that the best practice guidelines suggest 3-5 different plant species to be used in vegetated swale systems rather than a monoculture (in case one species fails).	
 4. The proponent must provide a Construction Environmental Management Plan for review and approval by NQBP, via approvals@nqbp.com.au. As a minimum the following elements must be addressed: Sediment and erosion control Stormwater Waster management Noise Air quality 	At least four (4) weeks prior to commencement of works.
 5. The proponent must provide a, Operational Environmental Management Plan for review and approval by NQBP, via approvals@nqbp.com.au. As a minimum the following elements must be addressed: Stormwater management Chemical management and Spills Dust Noise Air quality Complaint management 	At least four (4) weeks prior to commencement of operations.
6. The proponent must provide a Transport Management Plan for review and approval by NQBP, via approvals@nqbp.com.au . The Plan must address construction traffic management.	



	Condition	Timing
7.	As constructed' drawings and design certificates certified by an RPEQ must be submitted to NQBP via approvals@nqbp.com.au . The following is to be provided: One set of "As-constructed" drawings. Dimensioned plot plans and general arrangement drawings must also be provided electronically to NQBP in dwg and dxf formats (including pen plot, xref, ole, block files and any other external references). 	Within four (4) weeks of the completion of construction.
8.	The development or operation must not cause unlawful environmental nuisance or harm.	At all times.
9.	The subject site is on the Environmental Management Register, as no soil is to be removed off the site lot without the prior written consent from NQBP and a soil disposal permit from the Department of Environment and Science.	At all times.



PART 2: REFERRAL AGENCY RESPONSE

Agency	Reference	Date received
State Assessment and Referral Agency	2012-20434 SRA	4 February 2021



SARA reference: 2012-20434 SRA Council reference: PL/04/02/00015

Applicant reference: M1513

4 February 2021

North Queensland Bulk Ports Corporation GPO Box 409 BRISBANE QLD 4001 planning@nqbp.com.au

Attention: Julie Keane

Dear Ms Keane

SARA response—1 Edmund Casey Drive, Mackay Harbour

(Referral agency response given under section 56 of the Planning Act 2016)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 23 December 2020.

Response

Outcome: Referral agency response - no requirements

Under section 56(1)(a) of the Planning Act 2016, SARA advises it

has no requirements relating to the application

Date of response: 4 February 2021

Advice: Advice to the applicant is in **Attachment 1**

Reasons: The reasons for the referral agency response are in **Attachment 2**

Development details

Description: Development permit Material Change of Use for Fertiliser

Batching Plant including Environmentally Relevant Activity (ERA) 7(4)(a) - Chemical

Manufacturing

SARA role: Referral agency

SARA trigger: Schedule 10, Part 5, Division 4, Table 2, Item 1 (10.5.4.2.1) –

Environmentally relevant activities (Planning Regulation 2017)

SARA reference: 2012-20434 SRA

Assessment manager: North Queensland Bulk Ports Corporation
Street address: 1 Edmund Casey Drive, Mackay Harbour

Real property description: Part Lot 10 on SP258646 (Lease B on RP886042)

Applicant name: Liquaforce Pty Ltd C/- Milford Planning

Applicant contact details: PO Box 5463

TOWNSVILLE CITY QLD 4810 info@milfordplanning.com.au

Environmental Authority:

This referral included an application for an environmental authority under section 115 of the *Environmental Protection Act 1994*. Below are the details of the decision:

- Approved
- Reference: EA0002703
- Effective date: The date the associated development approval (PL/04/02/00015) takes effect
- Prescribed environmentally relevant activity (ERA): ERA 07 -Chemical Manufacturing 4: Manufacturing, in a year, the following quantities of fertiliser (a) 200t to 5000t

If you are seeking further information on the environmental authority, the Department of Environment and Science's website includes a register. This can be found at: www.des.qld.gov.au

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s. 30 *Development Assessment Rules*).

Copies of the relevant provisions are in Attachment 3.

A copy of this response has been sent to the applicant for their information.

For further information please contact Jenny Sapuppo, Senior Planning Officer, on (07) 5644 3220 or via email MIWSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely

Susan Kidd

Manager (Program Improvement)

cc Liquaforce Pty Ltd C/- Milford Planning, info@milfordplanning.com.au

enc Attachment 1 - Advice to the applicant

Attachment 2 - Reasons for referral agency response

Attachment 3 - Representations about a referral agency response provisions

Attachment 1—Advice to the applicant

General advice

1. Terms and phrases used in this document are defined in the *Planning Act 2016* its regulation or the *State Development Assessment Provisions* (SDAP) version 2.6. If a word remains undefined it has its ordinary meaning.

Attachment 2—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for SARA's decision are:

The development complies with *State code 22: Environmentally relevant activities*. Specifically, the environmentally relevant activity:

- is located and designed to avoid or mitigate environmental harm on environmental values of the natural environment, adjacent sensitive land uses and sensitive receptors
- avoids impacts on matters of state environmental significance.

Material used in the assessment of the application:

- the development application material and submitted plans
- Planning Act 2016
- Planning Regulation 2017
- the SDAP (version 2.6)
- the Development Assessment Rules
- SARA DA Mapping system.

Attachment 3—Representations about a referral agency response provisions

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
 - (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
 - (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

Pursuant to Section 68 of the *Planning Act 2016*

In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.



Statement of Reasons

Planning Act 2016 s.56

1. Applicant details

Applicant name:	Liquaforce Pty Ltd
Applicant contact details:	Kellie Galletta Liquaforce Pty Ltd C/- Milford Planning Pty Ltd PO Box 5463 TOWNSVILLE QLD 4810 Email: info@milfordplanning.com.au

2. Property description of proposed development

Port:	MACKAY
Street address:	2 Presto Ave, Mackay Harbour
Real property description:	Lease B on RP886042 in Lot 10 SP258646
Local government area:	Mackay Regional Council

3. Development details

Approved development:	Material Change of Use – Environmentally Relevant Activity
	(ERA 7(4)(a) – Chemical Manufacturing)

4. Assessment matters

The application has been assessed against:

- Port of Mackay Land Use Plan (November 2009).
- Port authority functions under the *Transport Infrastructure Act 1994*, chapter 8, part 3.

5. Reasons for the decision

The reasons for the decision are that the proposal:

- Complies with and contributes toward the achievement of the desired environmental outcomes of the Port of Mackay Land Use Plan (November 2009).
- Is consistent with the functions of the Port as specified in the *Transport Infrastructure Act* 1994, chapter 8, part 3

6. Relevant material

Evidence or other material on which the findings were based:

• Material provided in the development application.



Port Development Approval

Port of Mackay Land Use Plan (November 2009)

1. Details of approval

Applicant:	Liquaforce Pty Ltd
Approved proposal:	Material Change of Use – Environmentally Relevant Activity (ERA 7(4)(a) – Chemical Manufacturing)
Currency of approval	This approval will lapse if development is not substantially commenced within five years of the date of decision.
Date of decision	10/03/2021
Decision:	☐ Approved☒ Approved subject to conditions

2. Property description of proposed development

Port:	Mackay
Street address:	2 Presto Ave, Mackay Harbour
Real property description:	Lease B on RP886042 in Lot 10 SP258646
Lessee:	Liquaforce Pty Ltd

3. Approved drawings and documents

The following drawings and documents are approved by NQBP as the basis for the works. Copies of these approved drawings are provided as an enclosure.

Plan / Document name	Plan number	Date
Site Plan	J:325 SK A100 Rev B	18/12/2020
23.0m x 54.0m x 7.0m Gable Shed Section	Sheet 1 of 15	15/12/2020
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Bunded Wall Details	Sheet 15 of 15	15/12/2020
Site Layout - Stormwater Management	-	-
Site Based Stormwater Management Plan	STP20-1468	12/02/2021



4. Additional approvals required

This Port Development Approval is limited to proposal described above. At no time should this document be interpreted to imply approval to any other development, operation or land use.

This Port Development Approval does not remove the requirement for any other legislative approval (including approvals under the *Planning Act 2016*).

It is the proponent's responsibility to ensure all necessary approvals, permits and licences are obtained to undertake the proposed use / works. In particular, the applicant should note the requirement to obtain approvals for, but not limited to:

Permit / licence requirements	Relevant agency
Permit to Work – To be obtained prior to any	North Queensland Bulk Ports Corporation
ground disturbance activities occurring.	Port Operations
	Email: PortOperations@nqbp.com.au

5. Conditions of approval

	Condition	Timing
Ca	rry out the approved development	
1.	NQBP and Port operations must be notified of the proposed construction commencement dated via approvals@nqbp.com.au and PortOperations@nqbp.com.au .	Two (2) weeks prior to commencement of works.
Sit	e management	
2.	The Applicant, or party acting on behalf of the applicant, is not permitted to adversely impact the effective and efficient operation of the Port.	At all times.
3.	The Applicant will ensure that infrastructure, services, property assets or utilises are not damaged during the construction or operation of the approved development. If any damage results, the proponent will be required to meet all costs of the remediation / repair to the satisfaction of NQBP and / or the relevant service provider.	At all times.
Ge	neral environmental management	
4.	Where potential or actual environmental harm may be caused by the approved development, NQBP may at any time direct the Applicant, or persons acting on behalf of the Applicant, to: cease an activity implement appropriate impact control measures modify work plans or methods.	At all times.



Condition Timing
ironmental emergency, incident or potentially harmful volving the approved development must be reported to Environment Group via environment@nqbp.com.au or emergency, incident or event occurring.
report must also be provided, detailing the following ion: 14 days of the emergency, incident or event occurring. 15 or event occurring. 16 or event occurring. 17 or event occurring.
Initial report: within 24 hours of the emergency, incident or event occurring. In report must also be provided, detailing the following ion: Written report: within 24 hours of the emergency, incident or event occurring. Written report: within 14 days of the emergency, incident or event occurring.
or event of report must also be provided, detailing the following ion: Written redent subject of the complaint Or event of the redent subject of the complaint



6. Advisory information

Please note that the information contained in this section under the heading Advisory information has been provided as advice only and does not form part of the development approval conditions. This information has been provided to advise of other obligations under state legislation or local laws that may require action to be undertaken prior to commencing the activity approved by this development approval.

NOTES

Cultural heritage duty of care

Section 23 of the Aboriginal Cultural Heritage Act 2003 establishes a duty of care for all
persons carrying out an activity to take all reasonable and practicable measures to
ensure the activity does not harm Aboriginal cultural heritage. It is the person undertaking
the activity responsibility to ensure compliance with the duty of care.

A copy of the legislation can be accessed via https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/A/AborCultHA03.pdf

Hours of work and noise

2. Section 440R of the *Environmental Protection Act 1994* prohibits construction, building and earthworks activities likely to cause audible noise (including the entry and departure of heavy vehicles) between the hours of 6:30pm and 6:30am from Monday to Saturday and at all times on Sundays or Public Holidays.

A copy of the legislation can be accessed via https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/E/EnvProtA94.pdf

General safety during construction

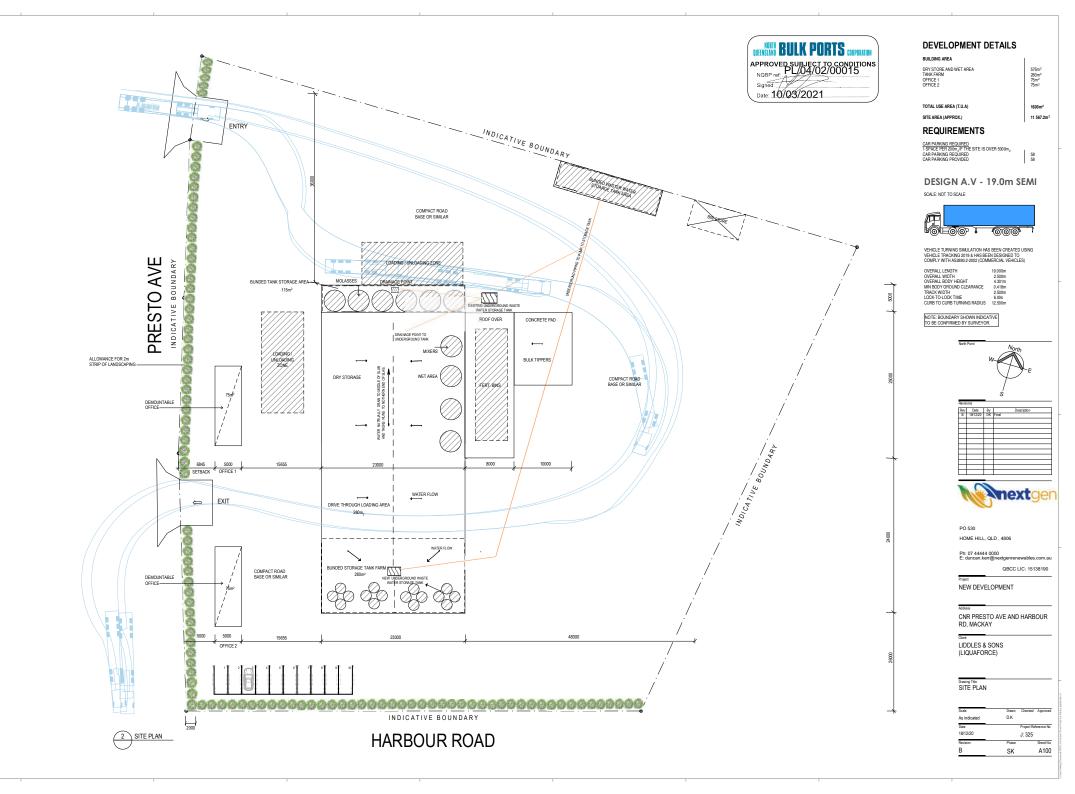
- 3. The Work Health and Safety Act 2011 establishes a number of obligations relevant to the project, in particular:
 - a. Under section 19(2), a person conducting a business or undertaking must ensure the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.
 - b. Under section 20(2), the person in control of the workplace is obliged to ensure that the means of entering and exiting the workplace and anything arising from the workplace are without risks to the health and safety of any person.

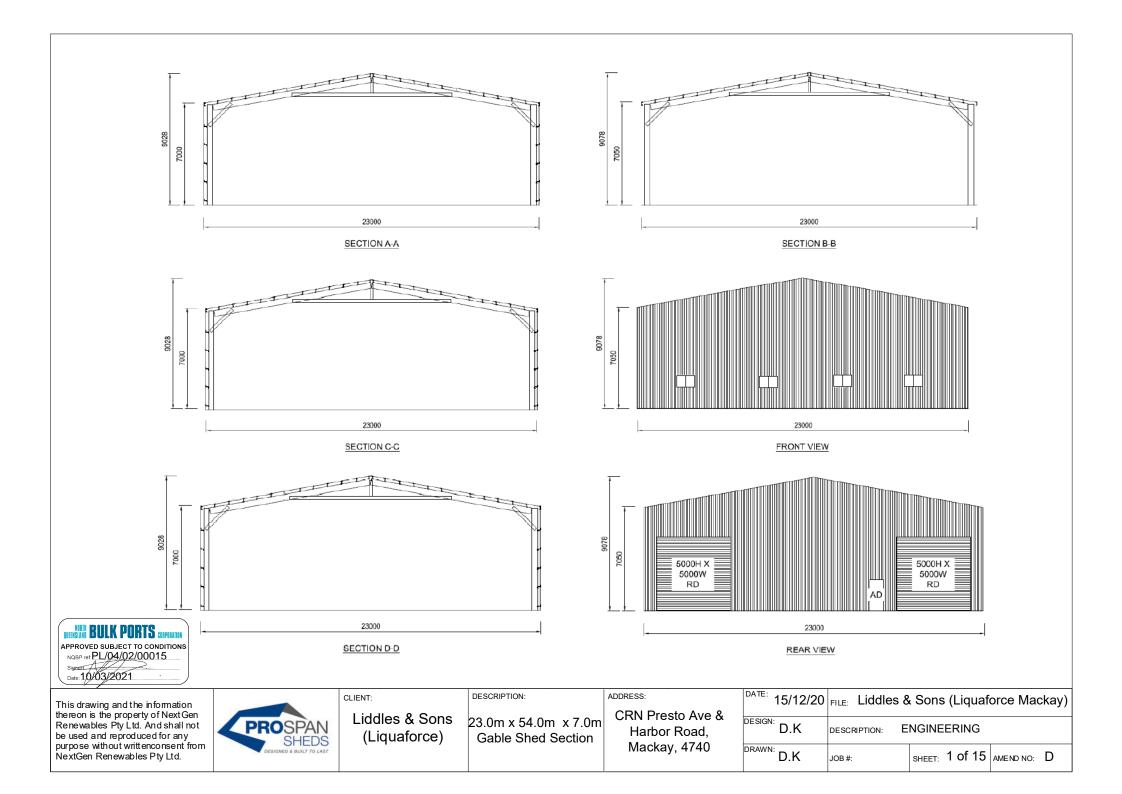
A copy of the legislation can be accessed via https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/W/WorkHSA11.pdf

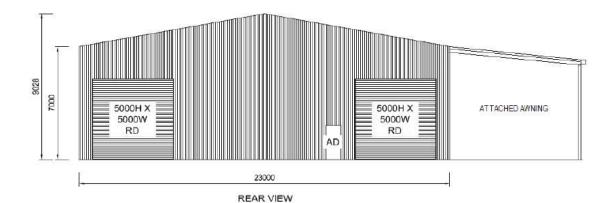


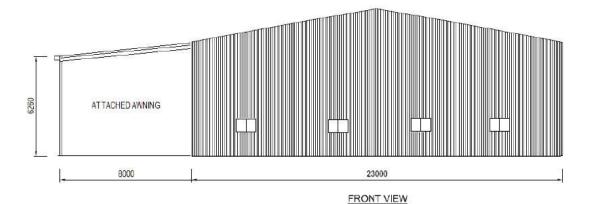
Approved drawings

Plan / Document name	Plan number	Date
Site Plan	J:325 SK A100 Rev B	18/12/2020
23.0m x 54.0m x 7.0m Gable Shed Section	Sheet 1 of 15	15/12/2020
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Bunded Wall Details	Sheet 15 of 15	15/12/2020
Site Layout - Stormwater Management	-	-











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CLIENT:

Liddles & Sons (Liquaforce)

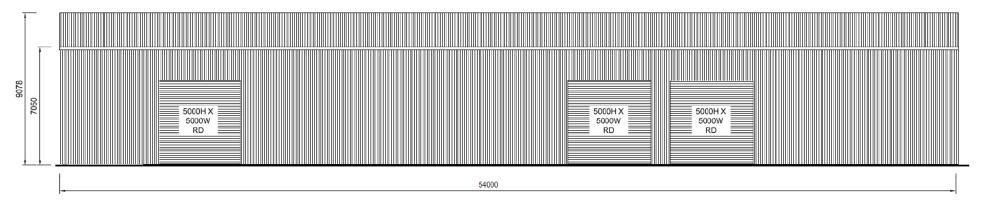
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23.0m x 54.0m x 7.0m Shed & Awning Section

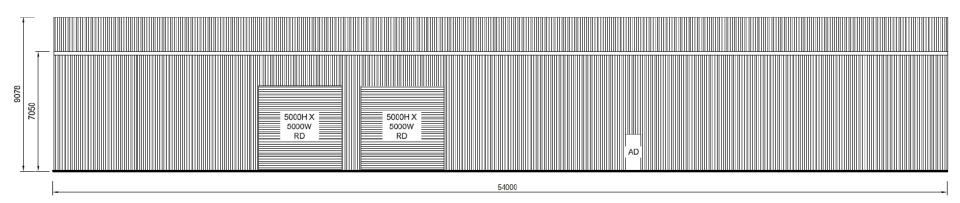
ADDRESS:

CRN Presto Ave & Harbor Road, Mackay, 4740

	FILE: Liddles &	& Sons (Liquaforce Mackay)
DESIGN: D.K	DESCRIPTION: E	NGINEERING
DRAWN: D.K	JOB #:	SHEET: 2 of 15 AMEND NO: D



FRONT VIEW



REAR VIEW



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CLIENT:

Liddles & Sons (Liquaforce)

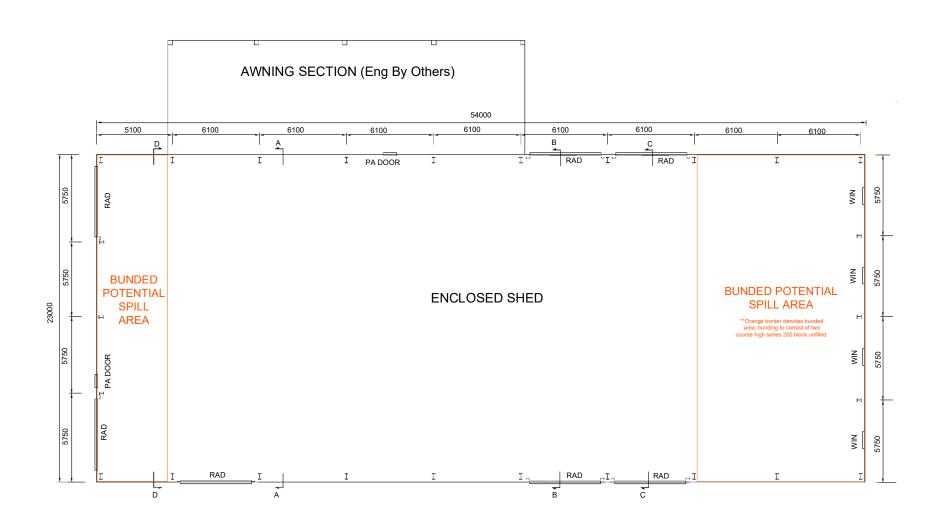
DESCRIPTION:

23.0m x 54.0m x 7.0m Shed & Awning View

ADDRESS:

CRN Presto Ave & Harbor Road, Mackay, 4740

DATE: 15	5/12/20	FILE:	Liddles	8	Sons	s (Liquaf	orce Mad	kay)
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PRESTO AVE

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CLIENT:

Liddles & Sons (Liquaforce)

DESCRIPTION:

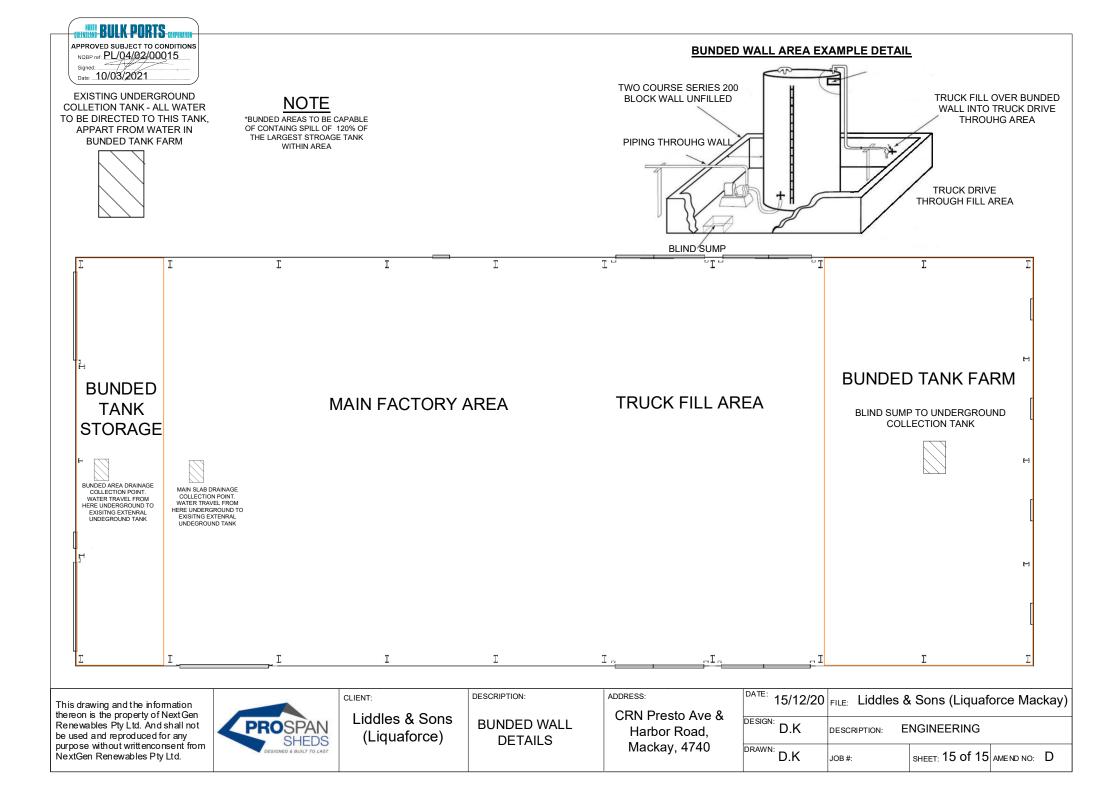
23.0m x 54.0m x 7.0m Shed & Awning Plan View

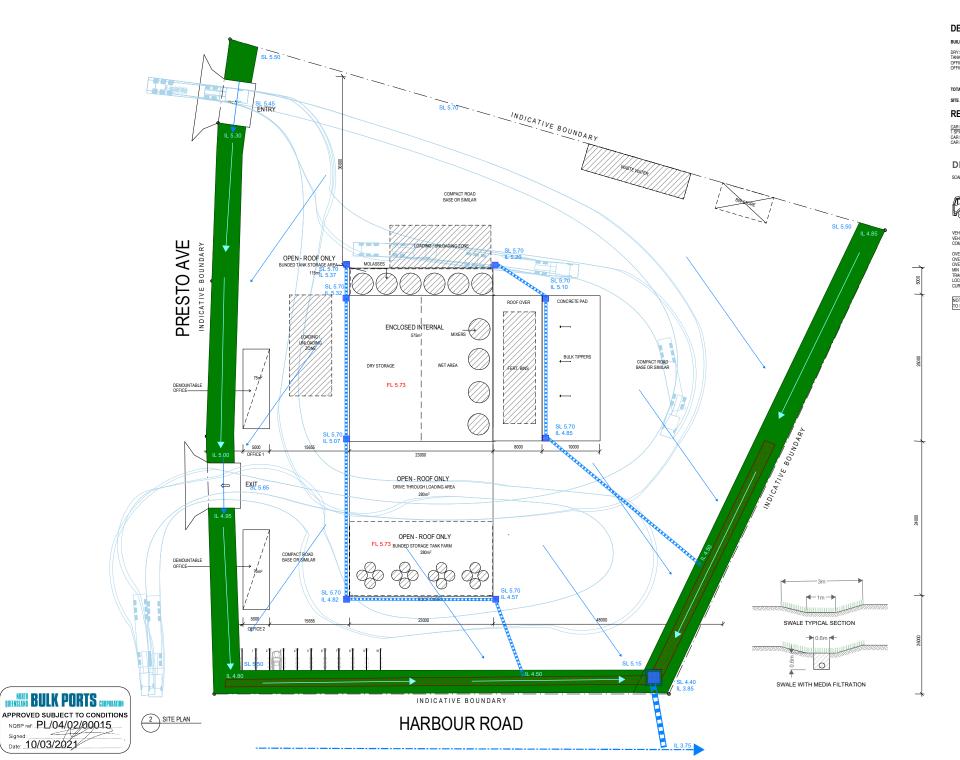
ADDRESS:

CRN Presto Ave & Harbor Road, Mackay, 4740

DATE: 15/12/20	FILE: Liddles 8	Sons (Liquaf	orce Mackay)
DESIGN: D.K	DESCRIPTION: E	NGINEERING	
D.K	JOB#:	SHEET: 4 of 15	AMEND NO: D

HARBOUR ROAD





DEVELOPMENT DETAILS

BUILDING AREA

DRY STORE AND WET AREA TANK FARM OFFICE 1 OFFICE 2

1600 m²

11 567.2m²

TOTAL USE AREA (T.U.A)

SITE AREA (APPROX.)

REQUIREMENTS

DESIGN A.V - 19.0m SEMI

SCALE: NOT TO SCALE



VEHICLE TURNING SIMULATION HAS BEEN CREATED USING VEHICLE TRACKING 2019 & HAS BEEN DESIGNED TO COMPLY WITH AS2890.2-2002 (COMMERCIAL VEHICLES)

VERALL LENGTH	19.000m
VERALL WIDTH	2.500m
VERALL BODY HEIGHT	4.301m
IN BODY GROUND CLEARANCE	0.418m
RACK WIDTH	2.500m
DCK-TO-LOCK TIME	6.00s
URB TO CURB TURNING RADIUS	12.500m

NOTE: BOUNDARY SHOWN INDICATIVE TO BE CONFIRMED BY SURVEYOR.



	UID		
lev	Date	By	Description
В	18/12/20	DK	Final
_			
_			
_			
_		_	



PO 530

HOME HILL, QLD . 4806

QBCC LIC: 15138190

NEW DEVELOPMENT

CNR PRESTO AVE AND HARBOUR RD, MACKAY

LIDDLES & SONS (LIQUAFORCE)

Drawing Title SITE PLAN

Stormwater Management

Scale	Drawn (Checked	Approved
As indicated	D.K		
Date	P	roject Re	ference No.
18/12/20	J	: 325	
Revision	Phase		Sheet No.
В	SK		A100