



Geolink
PO Box 9
LENNOX HEAD NSW 2478

enquiries refer

Mr Rod Willis

in reply please quote

DA-2004/1113 (jmg)

GeOLINK

Received *201 8/4/05*
Project
☐ to be returned
☐ reviewed
☐ approved for use
☐ noted file-no action required
☐ action, as follows

NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

(Issued under Section 81(1)(a) of the Environmental Planning and Assessment Act
1979)

Development Application No: DA 2004/1113

Applicant: Geolink

Subject Land: Lots 216 & 217 DP 1017615 (Pacific Pines Estate), No. 140 North Creek Road and Hutley Drive, Lennox Head

Development Proposal: To Undertake the Extension of Hutley Drive, Construction of Playing Fields and Embellishment of Realigned Watercourse

Building Classification under the Building Code of Australia: N/A

Determination: The development application has been determined by Ballina Shire Council on 31 March 2005 by way of: **the grant of consent subject to the conditions specified below:**

1. GENERAL CONDITIONS

General

- 1.1. Development being carried out generally in accordance with the plans and associated documentation lodged by, or on behalf of, the applicant including plans prepared by Ardill Payne & Partners Drawing No. Sk3 Issue F, Sk4 Issue C, Sk5 Issue C, SK13 and Geolink 'Watercourse

Rehabilitation Plan' Dated August, 2004 sheets 1-5, except as modified by any condition in this consent.

- 1.2. The amenities block associated with the sports field is to be the subject of a separate development application, addressing the requirements contained in condition 3.13.

Drainage and Stormwater Controls

- 1.3. ***Drainage easements***

The applicant/developer is to meet the full cost associated with the creation of drainage easements or drainage channels over the site of any existing, relocated or new stormwater pipelines within the site.

2. PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development.

Road Construction

- 2.1. ***All works to accord with Code***

The applicant shall design and construct all road subgrades and pavements, kerb and gutter, stormwater and subsurface drainage, water, sewer, telephone and electricity reticulation in accordance with the provisions of Council's *Subdivision Code* (as current at the time of construction works commencing). In this regard, a Construction Certificate will not be issued until plans and specifications have been submitted to the Principal Certifying Authority at least four (4) weeks prior to construction commencing.

- 2.2. ***Road inspection fee***

The applicant shall pay to Council an inspection fee calculated on the basis of 3% of the estimated value of construction prior to issue of Construction Certificate. The estimated value of construction will include the Goods and Services Tax amount payable.

- 2.3. ***Construction Certificate***

Prior to construction of the approved development it is necessary to obtain a Construction Certificate. Either Council or an appropriately accredited certifier may issue a Construction Certificate. A separate application, complete with detailed plans and specifications, must be made to the Principal Certifying Authority for a Construction Certificate.

- 2.4. ***Design by engineer***

All civil works required by this consent shall be designed by a suitably qualified Civil Engineer in accordance with the provisions of Council's *Subdivision Code* (as current at the time of construction works design being submitted for approval). The engineering design shall be submitted to the Principal Certifying Authority for Construction Certificate approval at least four(4) weeks prior to commencement of construction.

 (initial)
Assessment Officer

2.5. Sediment and Erosion

All single all weather accessway is to be provided on site that extends from the kerb to the building construction site. All construction vehicles are to enter and exit the site via this accessway so as to minimize erosion on site and prevent the movement of soil material onto surrounding roadways (if required provide a 'shake down' grid area for truck wheel washing). When necessary, roadways shall be swept and all drains and gutters cleaned of sediment material. Failure to comply with this requirement may result in an on-the-spot fine being issued by an Authorised Officer to Council.

2.6. Soil erosion and sediment control measures shall be designed, installed and maintained in accordance with Managing Urban Stormwater – Soils and Construction, LANDCOM, March, 2004.

2.7. To prevent the pollution of waterways, the construction manager is to ensure adequate sediment and erosion control measures are in place prior to the commencement of works on site and are to be maintained during the construction

- The prevention of soil erosion and the transportation of sediment material into any roadway, natural or constructed drainage system, watercourse and or adjoining land.
- Service trenches are to be backfilled as soon as practical.
- Downpipes are to be connected as soon as practical or otherwise temporary downpipes are to be used.
- Buffer vegetation zones are to be retained on sites that adjoin roadways, drainage systems and or watercourses.
- Sediment and erosion control measures are to be maintained throughout the construction process and beyond by the owner, where necessary.

Failure to comply with this requirement may result in an on-the-spot fine being issued by an Authorised Officer of Council.

3. DURING CONSTRUCTION

The following conditions in this section of the consent must be complied with or addressed during the course of carrying out the construction works relating to the approved development.

3.1. During earth works and construction any works involving the use of noisy mechanical plant or noisy equipment must only be carried out within the following hours:

- Monday to Friday - 7.00am to 6.00pm
- Saturday - 7.00am to 1.00pm

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Assessment Officer

No noise generating activities are to take place on Sundays or public holidays.

- 3.2. The use and occupation of the proposed development, including all plant and equipment installed thereon, and the undertaking of normal operational activities must not give rise to any offensive noise within the meaning of The Protection of the Environment Operations Act 1997.

Road Construction

- 3.3. Hutley Drive shall be constructed consistent with the submitted design Illustration 3.5 excepting the parking areas that shall be parallel.
- 3.4. The proposed Hutley Drive road reserve widening and access road reserve dedication plans shall be lodged with Council in conjunction with the construction certificate drawings for the proposed road works.
- 3.5. A pedestrian refuge facility shall be provided in accordance with Sports Field, Road and Watercourse Layout drawing number SK3 Issue F inclusive of a pedestrian bridge.
- 3.6. Vehicular access to the playing fields from Hutley Drive shall be via a minimum 6m wide sealed road pavement of an ultimate 7m width within a minimum 18m wide road reserve.
- 3.7. Temporary road reserve or other public vehicular access provision suitable to Council's Group Manager, Civil Services, be created from the existing pathway between Lots 191 and 192 DP 1017615 which connects to the west to the existing Hutley Drive road reserve. An all weather gravel pathway of 3m width shall be provided to connect the existing pathway to the playing fields.
- 3.8. A minimum 3.0m wide shared pathway shall be provided to connect the existing shared path on Hutley Drive (adjacent to Henderson Lane) to the proposed pedestrian refuge. The minimum construction standard is 25mm asphaltic concrete surfacing on 150mm gravel road pavement.
- 3.9. A minimum 1.35m wide all weather pathway shall be provided within the vehicular access road reserve which connects the playing fields to Hutley Drive.
- 3.10. The drainage swale systems and new water course banks are to be landscaped in such a manner such as to minimize the use of landscaped vegetation which shall require ongoing labour intensive maintenance regimes and maximize the use of free draining mowable grass slopes.

Earthworks

- 3.11. All site filling greater than 300mm depth (excluding open space and sport field areas) shall be filled in compliance with the requirements of Level 1 geotechnical testing for:

AS 2870 – 1996 Residential Slabs and Footings Code

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AS 3798 – 1996 Guidelines on Earthworks for Commercial and Residential Developments.

Certification from a suitably qualified practicing geotechnical engineer verifying such site filling is in accordance with AS2870 & AS3798 and having adequate bearing capacity for building construction is to be submitted to Council prior to the acceptance of roadworks on maintenance.

Playing Fields

- 3.12. The playing fields shall be designed and constructed to the approval of Council's Open Spaces and Reserves Manager such that:
- The playing fields and their orientation comply with Sports Field, Road and Watercourse Layout drawing number SK3 Issue F.
 - The playing field shall be domed with an optimum surface slope of 1 in 70.
 - The playing surface shall consist of a free draining topsoil of nominal 150mm depth and within a pH range of 6.0 – 7.0. The free draining topsoil shall be laid upon a further 150mm of free draining sand medium.
 - A fully automated pop up sprinkler irrigation system, associated controller unit and quick coupling valves shall be installed.
 - Underground conduits shall be installed for the future provision of lighting infrastructure.
 - The grass cover shall be of a couch species suitable for the site.
- 3.13. An amenities building shall be required that provides:
- Finished Floor Level above the 1 in 100 year ARI of RL2.1m AHD.
 - Mens and womens ablution facilities for the expected number of users.
 - Two designated lockable storage rooms of nominal dimensions 4m x 4m.
 - An awning / verandah for the perimeter of the building.
- 3.14. The playing fields shall be serviced by a sealed access road.
- 3.15. The parking area shall provided for a minimum of 110 all weather carparking spaces.
- 3.16. ***Traffic control during construction***
All traffic control during construction shall be in accordance with the Roads and Traffic Authority – *Traffic Control at Work Sites*.
- 3.17. The subject land has been identified as containing potential acid sulfate soils, therefore acid sulfate soil management onsite must be undertaken in accordance with the Environmental Management Plan prepared by Gilbert & Sutherland. Lime must be applied according to the potential acidity neutralizing calculation as determined by laboratory analysis performed by Environmental Analysis Laboratory on 1 April, 2004.

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- 3.18. Contractors should be managed in accordance with the Environmental Management Plan prepared by Gilbert & Sutherland.
- 3.19. In the event of an incident on the premises during the construction period that has caused, is causing, or is likely to cause harm to the environment, the owner shall report the event to Council immediately as the event becomes known to the owner, applicant or site manager.

Utility Services

- 3.20. **Backflow prevention**
Backflow prevention will be required in accordance with AS 3500 to Council's satisfaction.
- 3.21. **Dust**
A water truck designed to suppress dust from exposed surfaces and access roads shall be available at the site or in the immediate vicinity. Exposed surfaces and access pads shall be regularly wetted to suppress dust generation until such time that construction is completed and areas have been revegetated. All disturbed areas shall be revegetated immediately as they are completed.

4. PRIOR TO OCCUPATION OR USE

Unless otherwise stated all development and works referred to in other sections of this consent are to be completed together with the following conditions prior to occupation or use.

Road Construction

- 4.1. **Repair damaged infrastructure**
Kerb and guttering, footpaths, utility services or roadworks damaged as a result of construction works related to the development shall be immediately reinstated to a satisfactory condition.
- 4.2. **Water & sewerage**
The connection of Council's reticulated water and sewerage systems to the new development shall be undertaken at the developer's expense in accordance with Council's *Subdivision Code* (as current at the time of construction works commencing).

5. PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

The following conditions in this section of the consent must be complied with or addressed prior to the issue of a Subdivision Certificate relating to the approved subdivision.

- 5.1. **Application for subdivision certificate**
A completed Subdivision Certificate application form accompanied by final plans of subdivision, together with the requisite processing fee, shall be submitted to Council for approval.

Road Construction

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Assessment Officer

5.2. ***Submission of "works-as-executed" drawings***

Prior to the release of the Subdivision Certificate, the applicant shall submit to Council a copy of a 'Works-as-Executed' (WAE) drawing and a computer disk copy of the WAE information. Separate drawings shall be provided for sewer and stormwater drainage. Such drawings are to be at a scale of 1:500 on transparent material. The applicant shall be deemed to have indemnified all persons using such drawings against any claim or action in respect of breach of copyright.

5.3. ***Maintenance period***

A maintenance period of twelve months will apply from the date of issue of a Subdivision Certificate. A maintenance bond shall be lodged with Council for the twelve months maintenance period. The value of the bond will be equivalent to 5% of the total cost of the civil works (and will include Goods and Services Tax) and may be used by Council to maintain, repair or rectify works that are failing.

Utility Services

5.4. ***List of public infrastructure***

In connection with the "Works-As-Executed" drawings the proponent shall submit a listing of all road, stormwater and sewer assets generated by the development. The format of the list shall conform to the proforma in Council's *Subdivision Code* (as current at the time).

Landscaping

5.5. ***Landscaping to accord with plan***

All landscaping shall be permanently maintained in a good condition in accordance with the intent of the landscaping plan.

6. REASONS FOR CONDITIONS

- ensure compliance with the requirements of the Environmental Planning & Assessment Act, 1979;
- ensure compliance with the objectives of the Ballina Local Environmental Plan, 1987;
- ensure an appropriate level of amenities and services is available;
- protect the existing and likely future amenity of the locality;
- maintain, as far as practicable, the public interest;
- ensure compliance with the Building Code of Australia and relevant Australian Standards;
- ensure satisfactory compliance with relevant Council plans, codes and policies.

7. ADVISORY MATTERS

7.1. ***Protection of the Environment***

The development is to be operated in accordance with the provisions of

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the *Protection of the Environment and Operations Act 1997* as it applies to issues of air quality, noise generation, water and wastewater quality.

NSW DEPARTMENT OF PRIMARY INDUSTRIES – GENERAL TERMS OF APPROVAL

1. A permit under s198-202 of the Fisheries Management Act 1994 for dredge and reclamation activities be obtained prior to commencement of the works if works are to occur below Highest Astronomical Tide (generally considered 1.0 AHD).
2. A permit under s205 of the Fisheries Management Act 1994 for harm to marine vegetation (seagrass, mangroves, kelp) be obtained prior to commencement of the works if works are to harm marine vegetation.
3. The 'new' watercourse adopt the principles of Natural Channel Design and incorporate meanders, riparian vegetation and where appropriate pools and riffles.
4. That a Design and Management Plan detailing design of, and management proposed for the 'new' watercourse be developed to the satisfaction of DPI Fisheries prior to undertaking the works.

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The consent shall lapse on **31 March 2010** unless the development has commenced in accordance with the provisions of section 95 of the Act.

Other Approvals:

The following is a list of general terms of other approvals and their general terms which are integrated as part of the consent:

None applicable.

Signed:

on 31 March 2005

R A Willis

Regulatory Services

Group Manager

On behalf of Ballina Shire Council

Right of Appeal:

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you, the applicant, the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice or the date on which the application is taken to have been determined under Section 82(1).

Section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for local development that has been the subject of a Commission of Inquiry.

**Review of
Determination:**

Section 82A of the Environmental Planning and Assessment Act 1979 gives you, the applicant, the right to request the Council to review the determination of your application. This request must be made within the time prescribed by Section 82A(2A) and be accompanied by the fee prescribed by Section 257 of the EP & A Regulation 2000. Review provisions do not apply to:

- (a) a determination to issue or refuse to issue a complying development certificate, or
- (a) a determination in respect of designated development, or
- (b) a determination in respect of integrated development, or
- (c) a determination made by the Council under Section 116E in respect of an application by the Crown.

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BALLINA SHIRE COUNCIL

This is the plan/document to which
development consent No: 2004/1113 relates,
as determined by Council on 31-3-05
GENERAL MANAGER per: [Signature]

Do not scale drawing. Use written dimensions only

| | | | |
|-------|---------|---|-------|
| C | 27.9.04 | Proposed Hurley Drive, main drain and playing field layout. | TJC |
| B | 5.03.04 | Drainage, access, adjacent roads. | WEP |
| A | 22.4.04 | Review Hurley Drive, drain & fields. | WEP |
| Issue | Date | Amendment | App'd |

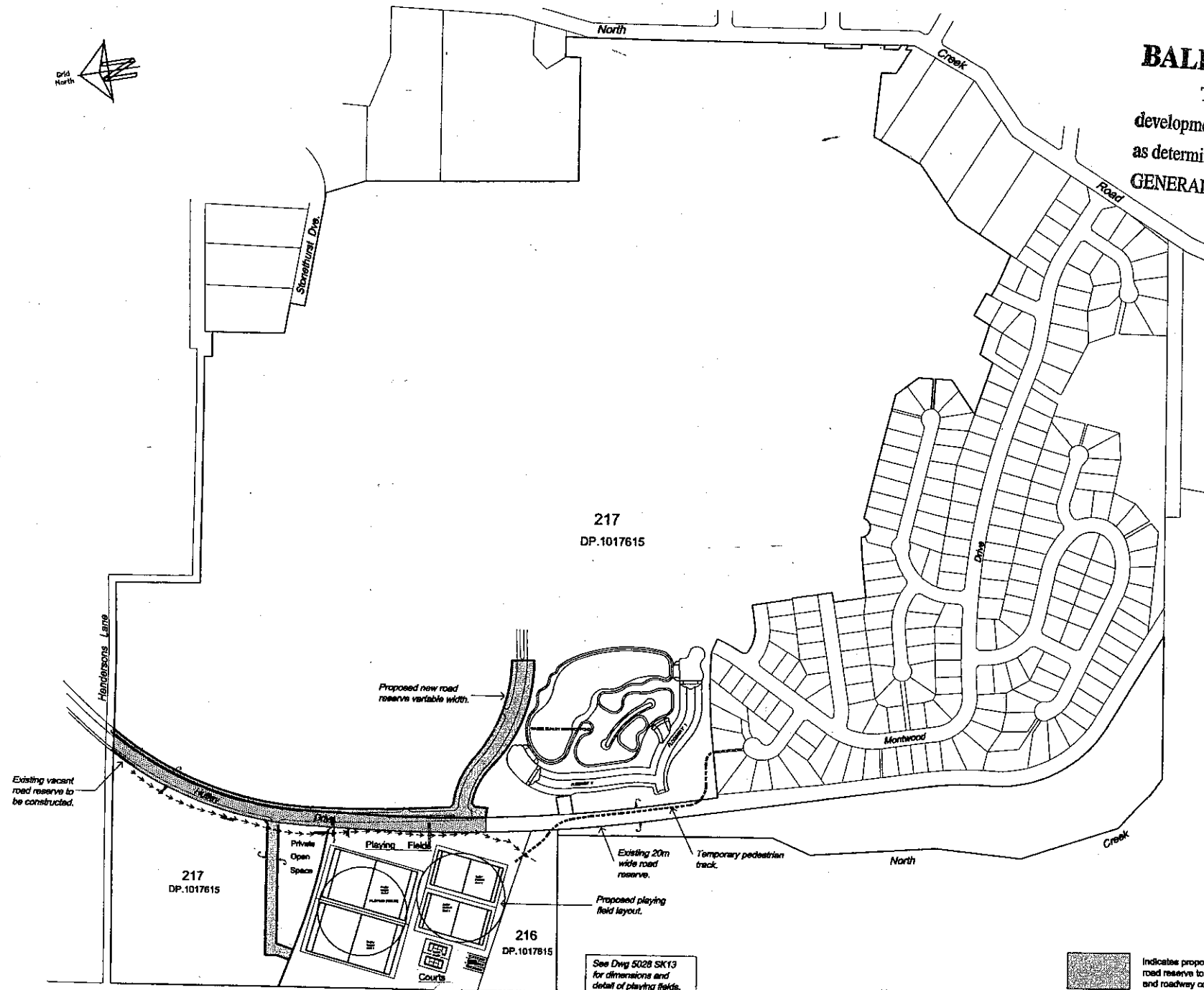
ARDILL PAYNE & PARTNERS
CONSULTING CIVIL AND STRUCTURAL ENGINEERS
PROJECT MANAGERS AND TOWN PLANNERS
18 Turner Street
P.O. Box 20
BALLINA NSW 2478
A/N/ 119 881 522 12
Telephone: 02 6688 3280
Facsimile: 02 6688 7850
ardillpayne@ardillpayne.com.au

Client:
R. & J. Pidcock

Project:
Pacific Pines Estate
Proposed Playing Field & New road reserve within lots 216 & 217 in DP.1017615

Title:
Overall Site Layout

| | |
|---------------|-----------------------------|
| Scale: 1:2500 | Date: 10-3-04 |
| Design: WEP | Drawn: PB |
| Check: PB | Approved: 5028-SK1-S-300904 |
| Job No: 5028 | Draw No: SK4 (2 of 3) |
| | C |



See Dwg 5028 SK13
for dimensions and
detail of playing fields.

- Indicates proposed new road reserve to be opened and roadway constructed.
- Indicates existing vacant road reserve to incorporate new constructed roadway.

217
DP.1017615

Hatching indicates the area of earthworks to be undertaken as approved in DA.2002/333. Includes new watercourse construction.

Cross-hatching indicates the area of earthworks to be undertaken as part of the works in this application.

Existing creek diverted into new constructed watercourse (DA 2002/333).

WATER QUALITY CONTROL POND

FLOODWAY 2

Current 20m road reserve.

217
DP.1017615

15m road reserve with 15 m access reserve to playing fields.

Private Open Space

Access Road

Existing lot area

PLAYING FIELDS

216
DP.1017615

Rugby Pitch Oval 2

Rugby Pitch Oval 1

Public Reserve

Public Reserve

BALLINA SHIRE COUNCIL

This is the plan/document to which development consent No: 2004/1117 relates, as determined by Council on 31.3.05
GENERAL MANAGER per: [Signature]



| | |
|---|------|
| Revised Hulley Drive and main drain layout, new playing field layout. | JLC |
| Revised main drain, adjust new reserves, the earthworks extent. | HEP |
| Hulley Drive, drain & fields. | HEP |
| Amendment | Appd |

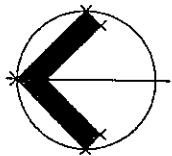
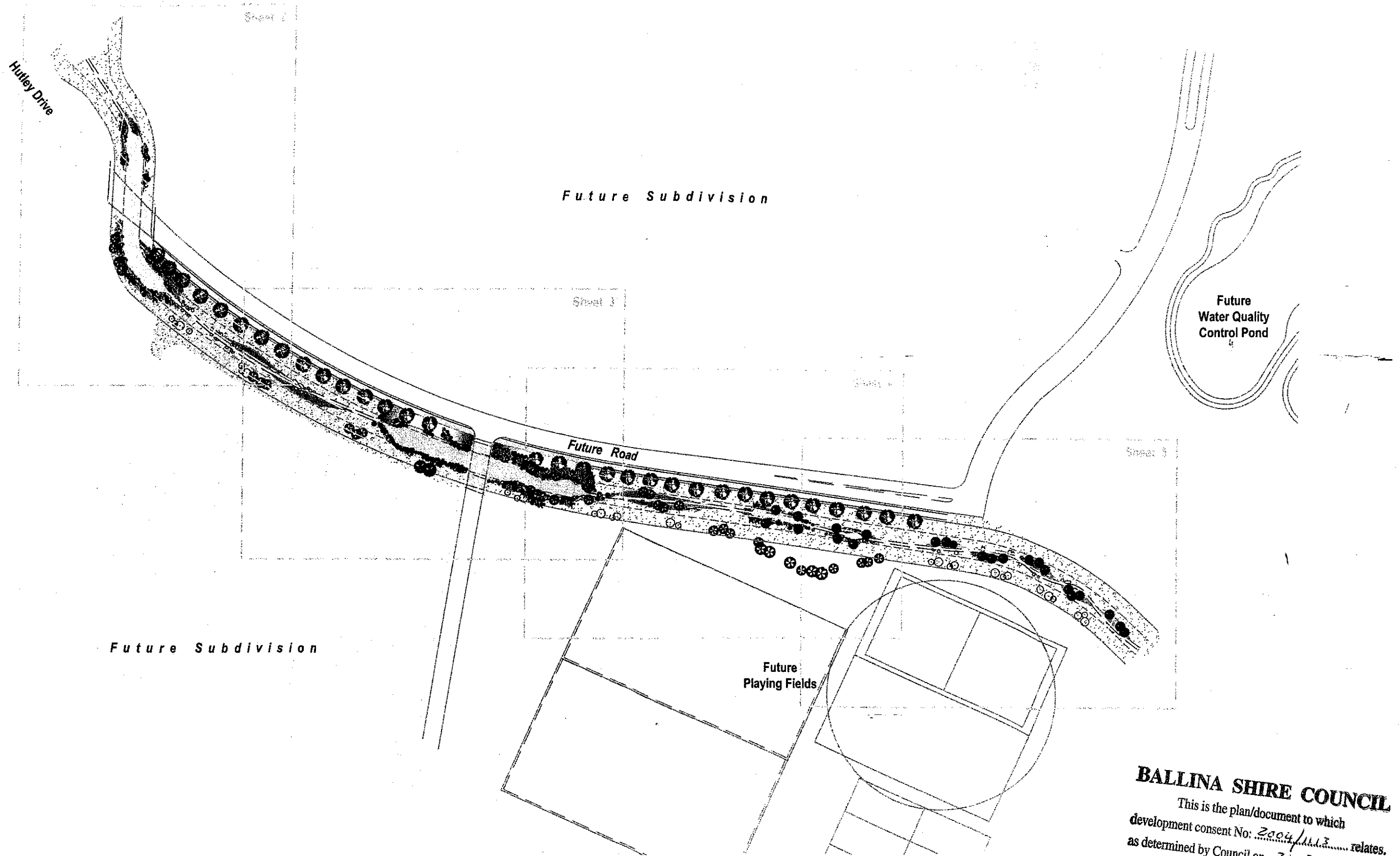
Client:
R. & J. Pidcock

Project:
Pacific Pines Estate
Proposed Playing Field & New road reserve within lots 216 & 217 in DP.1017615

Title:
Watercourse Division & Sports Field Filling

ARDILL PAYNE & PARTNERS
CONSULTING CIVIL AND STRUCTURAL ENGINEERS
PROJECT MANAGERS AND TOWN PLANNERS
79 Turner Street
P.O. Box 20

| | | | |
|---|--------|-------------|-------------------|
| Do not scale drawing. Use written dimensions only | | | |
| Design | PB | Scale of A1 | 1:500 |
| Drawn | PB | Drawn | AHD |
| Date | 1-3-04 | Checked | 5026-SK1-S-308904 |
| Checked | | | |



Prepared For:
R. and J. Pidcock
 Prepared By:

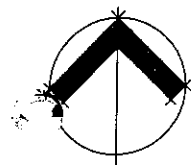


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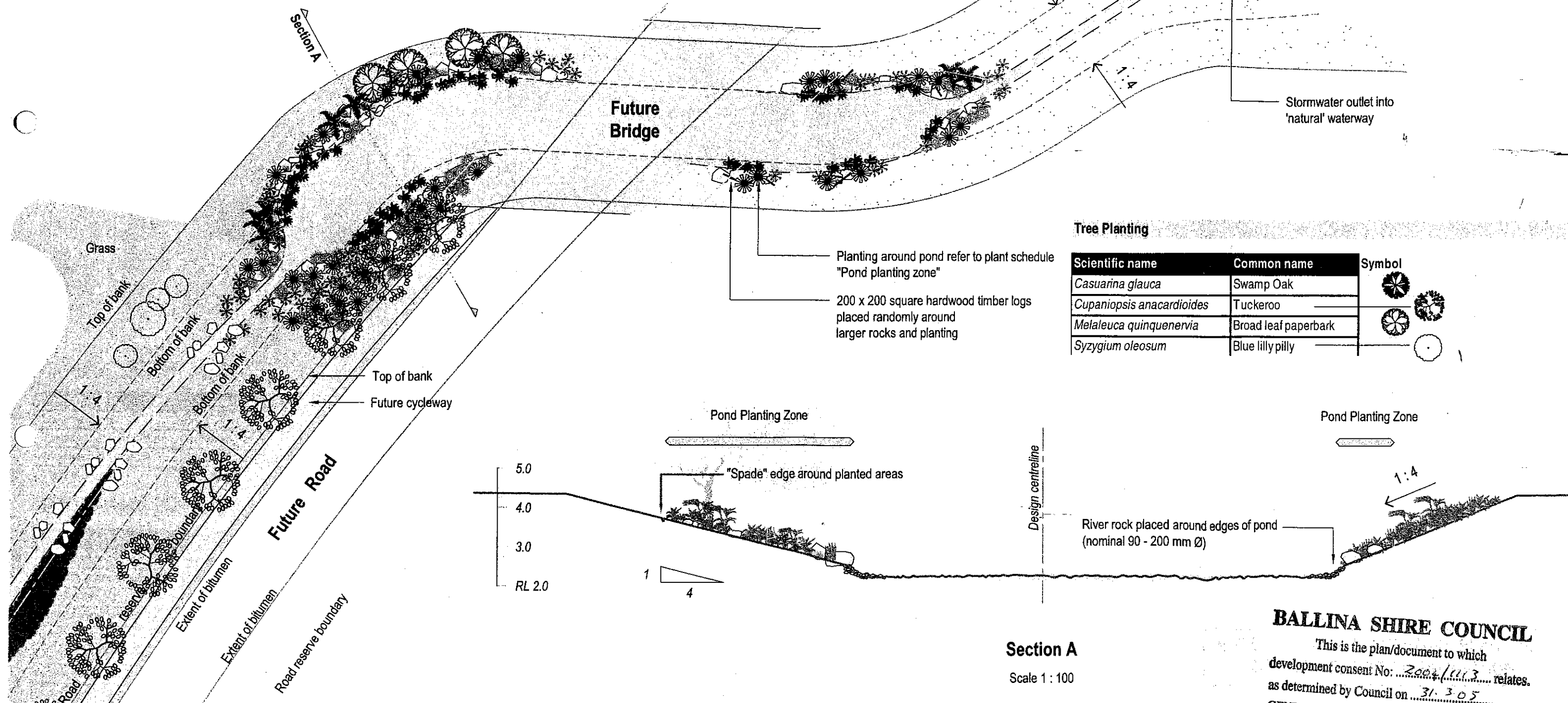
Date : August 2004 UPR : 0428308

BALLINA SHIRE COUNCIL
 This is the plan/document to which
 development consent No: 2004/1113 relates.
 as determined by Council on 31.3.05
 GENERAL MANAGER per: [Signature]



Pond Planting Zone

| Scientific name | Common name | Plant type/preferred water depth (m) |
|---------------------------------------|-------------------|--------------------------------------|
| <i>Alcasia brisbanensis</i> | Conjevoi | Herb, on banks |
| <i>Blechnum cartilagineum</i> | Gristle fern | Herb, on banks |
| <i>Dianella caerulea</i> | Blue flax lily | Herb, on banks |
| <i>Dianella revoluta</i> 'Little Rev' | Little Rev | Herb, on banks |
| <i>Hypolepis muelleri</i> | Harsh ground fern | Herb, on banks |
| <i>Lepidozamia peroffskyana</i> | Burrawang palm | On banks |
| <i>Lomandra confertifolia</i> Sir 5 | Lomandra Sir 5 | Herb, on banks |
| <i>Lomandra hystrix</i> | Matt Rush | Herb, on creek bank |

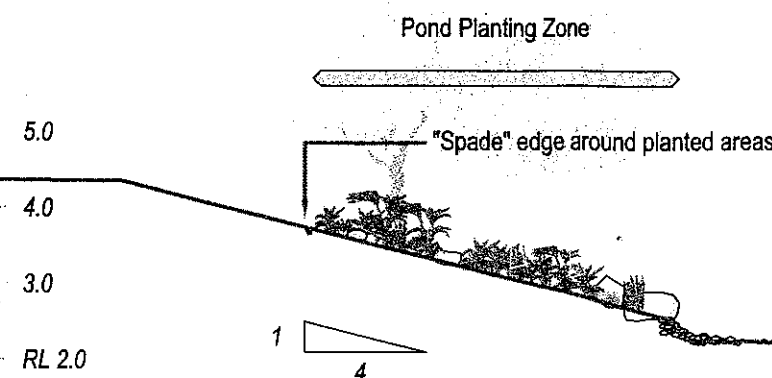


Tree Planting

| Scientific name | Common name | Symbol |
|----------------------------------|----------------------|--------|
| <i>Casuarina glauca</i> | Swamp Oak | |
| <i>Cupaniopsis anacardioides</i> | Tuckeroo | |
| <i>Melaleuca quinquenervia</i> | Broad leaf paperbark | |
| <i>Syzygium oleosum</i> | Blue lilly pilly | |

Planting around pond refer to plant schedule "Pond planting zone"

200 x 200 square hardwood timber logs placed randomly around larger rocks and planting



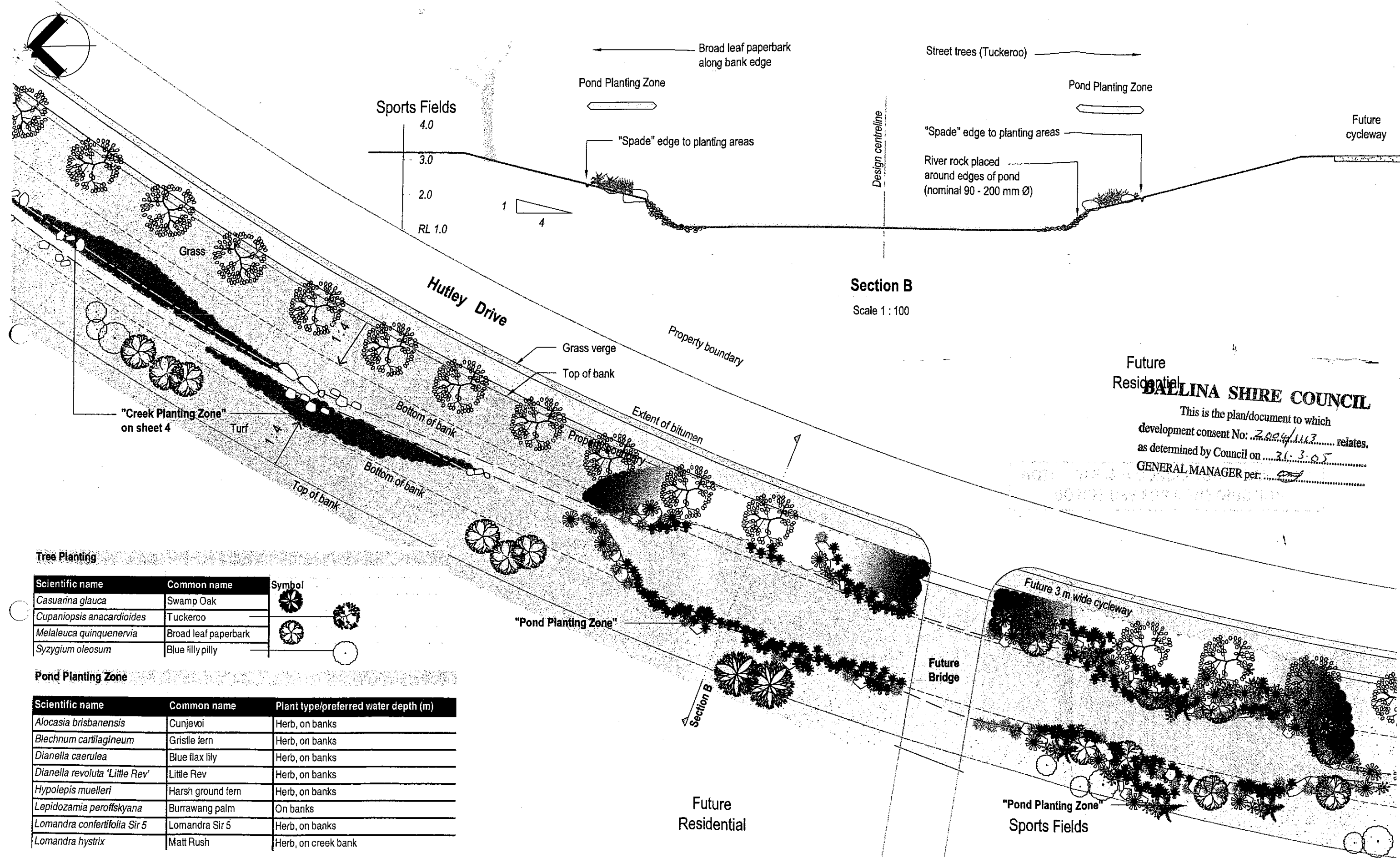
River rock placed around edges of pond (nominal 90 - 200 mm Ø)

Section A

Scale 1 : 100

BALLINA SHIRE COUNCIL

This is the plan/document to which development consent No: ...2004/1113... relates, as determined by Council on ...31.3.05... GENERAL MANAGER per: ...



Future Residential
BALLINA SHIRE COUNCIL
 This is the plan/document to which
 development consent No: 2004/113 relates.
 as determined by Council on 31.3.05
 GENERAL MANAGER per: [Signature]

Tree Planting

| Scientific name | Common name | Symbol |
|----------------------------------|----------------------|--------|
| <i>Casuarina glauca</i> | Swamp Oak | |
| <i>Cupaniopsis anacardioides</i> | Tuckeroo | |
| <i>Melaleuca quinquenervia</i> | Broad leaf paperbark | |
| <i>Syzygium oleosum</i> | Blue Lilly Pilly | |

Pond Planting Zone

| Scientific name | Common name | Plant type/preferred water depth (m) |
|---------------------------------------|-------------------|--------------------------------------|
| <i>Alocasia brisbanensis</i> | Cunjevoi | Herb, on banks |
| <i>Blechnum cartilagineum</i> | Gristle fern | Herb, on banks |
| <i>Dianella caerulea</i> | Blue flax lily | Herb, on banks |
| <i>Dianella revoluta</i> 'Little Rev' | Little Rev | Herb, on banks |
| <i>Hypolepis muelleri</i> | Harsh ground fern | Herb, on banks |
| <i>Lepidozamia peroffskyana</i> | Burrawang palm | On banks |
| <i>Lomandra confertifolia</i> Sir 5 | Lomandra Sir 5 | Herb, on banks |
| <i>Lomandra hystrix</i> | Matt Rush | Herb, on creek bank |

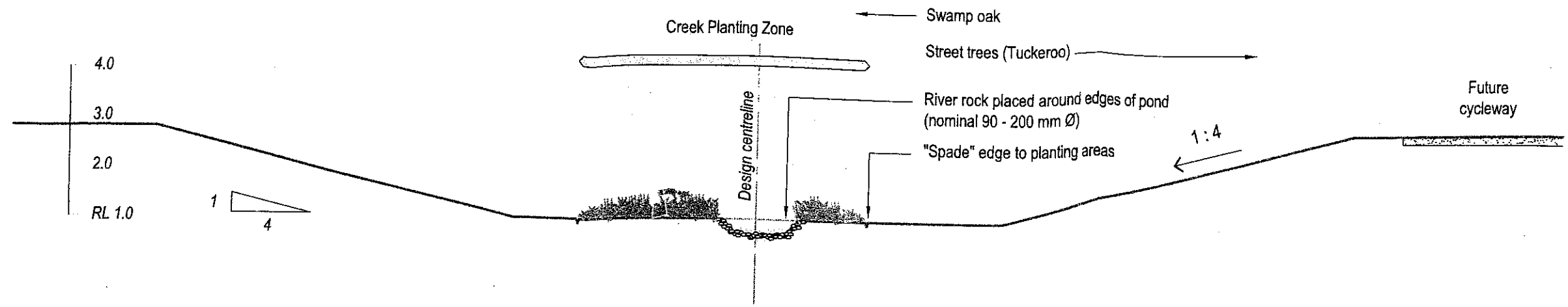
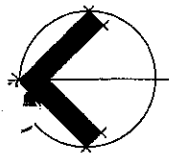
Prepared By :



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Date : August 2004 UPR : 0428308

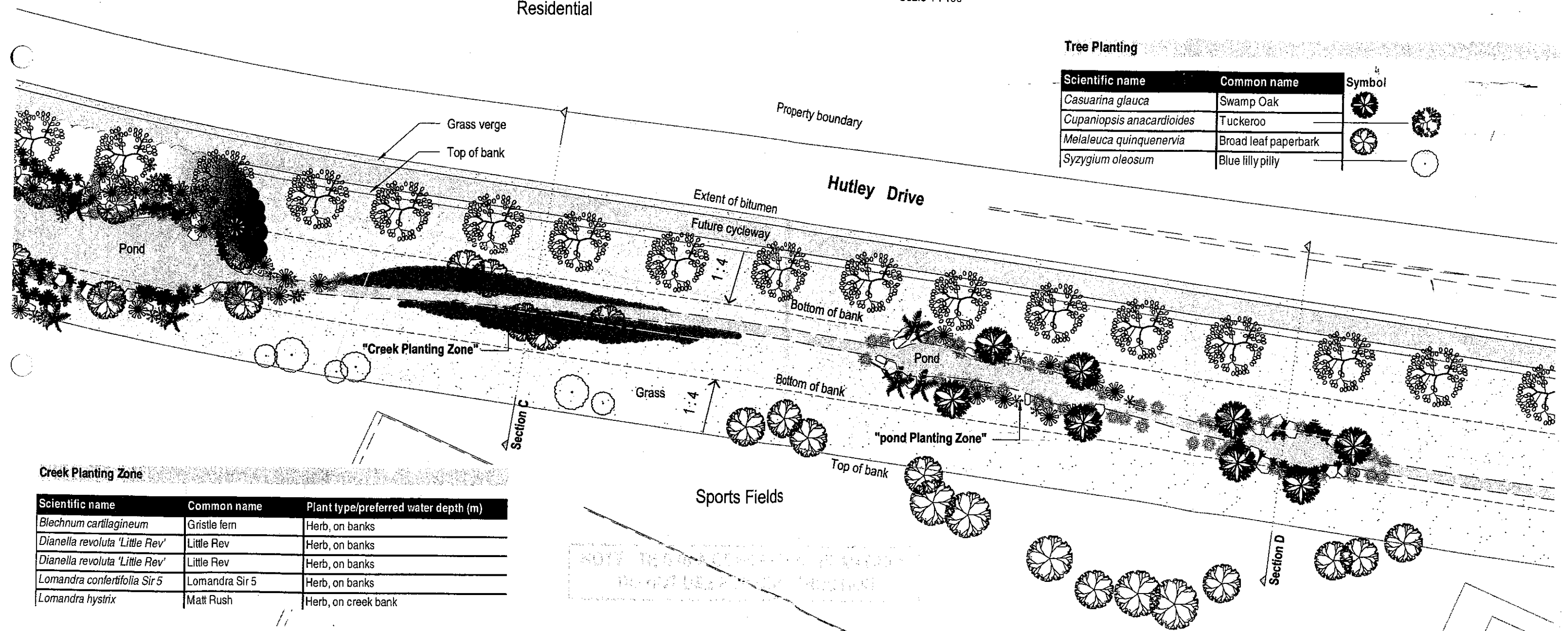


Section C

Scale 1 : 100

Tree Planting

| Scientific name | Common name | Symbol |
|----------------------------------|----------------------|--------|
| <i>Casuarina glauca</i> | Swamp Oak | |
| <i>Cupaniopsis anacardioides</i> | Tuckeroo | |
| <i>Melaleuca quinquenervia</i> | Broad leaf paperbark | |
| <i>Syzygium oleosum</i> | Blue lilly pilli | |



Creek Planting Zone

| Scientific name | Common name | Plant type/preferred water depth (m) |
|---------------------------------------|----------------|--------------------------------------|
| <i>Blechnum cartilagineum</i> | Gristle fern | Herb, on banks |
| <i>Dianella revoluta</i> 'Little Rev' | Little Rev | Herb, on banks |
| <i>Dianella revoluta</i> 'Little Rev' | Little Rev | Herb, on banks |
| <i>Lomandra confertifolia</i> Sir 5 | Lomandra Sir 5 | Herb, on banks |
| <i>Lomandra hystrix</i> | Matt Rush | Herb, on creek bank |

Prepared By :



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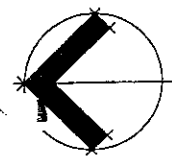
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Date : August 2004 UPR : 0428308

Illustration : Permanent Watercourse Landscape Design

BALLINA SHIRE COUNCIL

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development consent No: 2004/1113 relates
as determined by Council on 31-3-05
GENERAL MANAGER per:



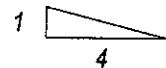
Future Residential

3.0

2.0

1.0

RL 0.0



"Spade" edge to planting areas

River rock placed around edges of pond

Creek Planting Zone

Swamp oak

Street trees (Tuckeroo)

Future cycleway

1:4

Section D

Scale 1 : 100

Grass verge

Top of bank

Hutley Drive

Extent of bitumen

Future Cycleway

1:4

Bottom of bank

Grass

Grass

Pond

Section D

1:4

Bottom of bank

Top of bank

"Creek Planting Zone"

Sports Fields

BALLINA SHIRE COUNCIL

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as determined by Council on 31.3.05
GENERAL MANAGER per: [Signature]

Creek Planting Zone

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| <i>Melaleuca quinquenervia</i> | Broad leaf paperbark | |
| <i>Syzygium oleosum</i> | Blue lilly pilly | |

Outlet to Wetland area

Prepared By :

GeoLINK

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Date : August 2004 UPR : 0428308