



NSW GOVERNMENT

Department of Planning

18 December 2007

Contact: Georgia Ivancevic

Phone: 02 9228 6457

Fax: 02 9228 6466

Email: Georgia.Ivancevic@planning.nsw.gov.au

Mr Norman Fletcher
Tropic Asphalt Pty Limited
PO Box 569
TORONTO NSW 2283

Our ref: S07/00334

Dear Mr Fletcher

**Proposed Asphalt Batching Plant, Tomago - Port Stephens Local Government Area
(07_0031)**


I would like to advise you that on 12 December 2007, the Minister for Planning, the Hon Frank Sartor MP, approved the project application (07_0031) for the construction and operation of an asphalt batching plant and associated infrastructure in the "Hunter Industrial Park" at Tomago near Newcastle under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

I have enclosed a copy of the Minister's approval.

As you may know, if you are dissatisfied with the Minister's decision you have certain appeal rights under section 75K of the EP&A Act.

If you have any enquiries about the project, please contact Georgia Ivancevic on 9228 6457 or via email at georgia.ivancevic@planning.nsw.gov.au.

Yours sincerely



18/12/07.

Chris Ritchie
Manager – Manufacturing and Rural Industries
Major Development Assessment

ASPHALT BATCHING PLANT, TOMAGO

Notice of Project Approval

Reference: 07_0031
Date of approval: 12 December 2007
Proponent: Tropic Asphalt Pty Limited
Council area: Port Stephens
Approval authority: Minister for Planning

On 12 December 2007, the Minister for Planning approved an application from Tropic Asphalt Pty Limited to construct and operate an asphalt plant and associated infrastructure in the "Hunter Industrial Park" at Tomago near Newcastle.

A copy of the Minister's Instrument of Approval and the Director-General's report on the project is available on the Department's website, under "Notices of Determination" in the "Major Project Assessments" section (www.planning.nsw.gov.au).

In accordance with section 75X of the *Environmental Planning and Assessment Act 1979*, the validity of this approval shall not be questioned in any legal proceedings except those commenced in the Land and Environment Court within three months from the date of publication of this notice.

Enquiries: Georgia Ivancevic (02) 9228 6457.

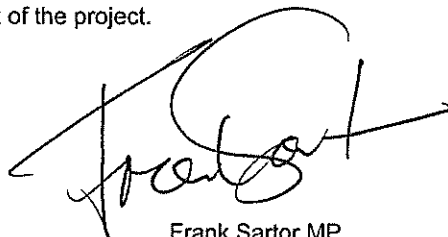
Project Approval

Section 75J of the *Environmental Planning and Assessment Act 1979*

I approve the project referred to in schedule 1, subject to the conditions in schedules 2, 3 and 4.

These conditions are required to:

- prevent and/or minimise adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.



Frank Sartor MP
Minister for Planning

Sydney

12th Dec

2007

SCHEDULE 1

Application Number:	07_0031
Proponent:	Tropic Asphalt Pty Limited
Approval Authority:	Minister for Planning
Land:	Lots 14 and 15, DP1043561, Kennington Drive, Tomago
Project:	Asphalt plant and associated infrastructure

DEFINITIONS

BCA	Building Code of Australia
Council	Port Stephens Council
DECC	Department of Environment and Climate Change
Department	Department of Planning
Director-General	Director-General of the Department of Planning, or delegate
EA	Environmental Assessment titled <i>Environmental Assessment for Proposed Asphalt Plant at Lots 14 & 15 Kennington Drive, Tomago, NSW</i> , dated 3 August 2007, and prepared by Lindsay & Dynan Pty Limited
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence
Minister	Minister for Planning
Proponent	Tropic Asphalt Pty Limited, or its successors in title
Project	Construction and operation of an asphalt plant and associated infrastructure (see EA)
Site	Land referred to in schedule 1
$\mu\text{g}/\text{m}^3$	micrograms per cubic metre

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

1. The Proponent shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or decommissioning of the project.

Terms of Approval

2. The Proponent shall carry out the project generally in accordance with the:
 - a) EA;
 - b) site plans DA01(A), DA02(A), DA03(A), DA04(A), DA05(A) (refer to Appendix 1); and
 - c) conditions of this approval.
3. If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of the inconsistency.
4. The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
 - a) any reports, plans or correspondence that are submitted by the Proponent in accordance with this approval; and
 - b) the implementation of any actions or measures contained in those reports, plans or correspondence submitted by the Proponent.

Limits of Approval

5. The Proponent shall not produce more than 150,000 tonnes of asphalt a year.

Structural Adequacy

6. The Proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.

Notes:

- Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.

Protection of Public Infrastructure

7. The Proponent shall:
 - a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
 - b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

Operation of Plant and Equipment

8. The Proponent shall ensure that all plant and equipment used at the site is:
 - a) maintained in a proper and efficient condition; and
 - b) operated in a proper and efficient manner.

Management Plans/Monitoring Programs

9. With the approval of the Director-General, the Applicant may prepare and submit any management plan or monitoring program required by this approval on a progressive basis.

Section 94 Contributions

10. Prior to the commencement of construction, the Proponent shall make suitable provisions for contributions in accordance with *Port Stephens Section 94A Development Contributions Plan*, in consultation with Council, and to the satisfaction of the Director-General.

Pre-Operation Compliance Audit

11. Prior to the commencement of operations, the Proponent shall submit work as executed plans to the Department for all the development associated with the project. These plans must be prepared by a suitably qualified and experienced expert, and include plans showing the work as executed plans laid over the approved plans to demonstrate that the development has been carried out in accordance with the approved plans.
-

SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

ODOUR

1. The Proponent shall not cause or permit the emission of offensive odours from the site, as defined under Section 129 of the *Protection of the Environment Operations Act 1997*.

Note: Section 129 of the Protection of the Environment Operations Act, 1997 provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence at minimising odour.

AIR QUALITY

Air Quality Assessment Criteria

2. The Proponent shall ensure that the stack emissions from the project comply with the relevant standards of concentrations under the *Protection of the Environment Operations Act, 1997*.
3. The Proponent shall ensure that the dust emissions generated by the project do not cause additional exceedances of the air quality impact assessment criteria listed in Tables 1, 2, and 3 at any sensitive receivers.

Table 1: Long term impact assessment criteria for particulate matter

<i>Pollutant</i>	<i>Averaging period</i>	<i>Criterion</i>
Total suspended particulate (TSP) matter	Annual	90 µg/m ³
Particulate matter < 10 µm (PM ₁₀)	Annual	30 µg/m ³

Table 2: Short term impact assessment criterion for particulate matter

<i>Pollutant</i>	<i>Averaging period</i>	<i>Criterion</i>
Particulate matter < 10 µm (PM ₁₀)	24 hour	50 µg/m ³

Table 3: Long term impact assessment criteria for deposited dust

<i>Pollutant</i>	<i>Averaging period</i>	<i>Maximum increase in deposited dust level</i>	<i>Maximum total deposited dust level</i>
Deposited dust	Annual	2 g/m ² /month	4 g/m ² /month

Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method.

Operating Conditions

4. The Proponent shall ensure that all road surfaces on site are paved and regularly cleaned.
5. Trucks entering and leaving the site that are carrying loads of dust-generating materials must have their loads covered at all times.

Air Quality Audit

6. Within 6 months of the commencement of operations, during a period in which the project is operating at normal capacity, the Proponent shall conduct an air quality audit of the project to the satisfaction of the DECC and Director-General. This audit shall:
- be undertaken by a suitability qualified and experienced person;
 - assess whether the project is complying with the relevant air quality assessment criteria in this approval; and
 - provide details of any complaints received on the air quality impacts of the project, and any action taken to respond to these complaints.

NOISE

Noise Impact Assessment Criteria

7. The Proponent shall ensure that the noise generated by the project does not exceed the noise impact assessment criteria in Table 4.

Table 4: Project Noise Limits (dB(A))

Day	Evening (L _{Aeq} (15 minute))	Night	Location
50.5	51.0	45.0	At any residence or other noise sensitive receiver

Notes:

- To determine compliance with noise level limits in the above table, noise from the project is to be measured at the most affected point or within the residential boundary, or at the most affected point within 30 metres of a dwelling where the dwelling is more than 30 metres from the boundary. Where it can be demonstrated that direct measurement of noise from the project is impractical, the DECC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.
- The noise emission limits identified in the above table apply under meteorological conditions of wind speeds of up to 3 m/s at 10 metres above ground level.

Operating Hours

8. Unless the Director-General agrees otherwise, the Proponent shall comply with the restrictions in Table 5.

Table 5: Construction and Operation Hours for the Project

Activity	Day	Time
Construction	Monday – Friday	7:00am to 6:00pm
	Saturday	8:00am to 1:00pm
	Sunday and Public Holidays	Nil
Operation	All days	Any time

Note: Construction activities may be conducted outside the hours in Table 5 provided that the activities are not audible at any residence beyond the boundary of the site.

Noise Audit

9. Within 6 months of the commencement of operations during a period in which the project is operating at normal capacity, the Proponent shall conduct a Noise Audit of the project to the satisfaction of the DECC and Director-General. This audit shall:
- be undertaken by a suitability qualified and experienced person;
 - assess whether the project is complying with the relevant noise impact assessment criteria in this approval; and
 - provide details of any complaints received on the noise impacts of the project, and any action taken to respond to these complaints.

TRANSPORT

Vehicle Queuing

10. The Proponent shall ensure that the project does not result in any vehicles queuing on the public road network.

Parking

11. Vehicles associated with the project shall not park on local roads in the vicinity of the site at any time.
12. The Proponent shall ensure that the internal road network, driveways and parking associated with the project are designed, constructed and maintained in accordance with the latest versions of the Australian Standards AS 2890.1:2004, AS 2890.2:2002 and AUSTROADS.

WATER

Water Discharges

13. The Proponent shall only discharge water from the site in accordance with the DECC Environment Protection Licence, or in accordance with section 120 of the *Protection of the Environment Operations Act 1997*.

Bunding and Dangerous Goods Storage

14. The Proponent shall store and handle all dangerous goods, as defined by the Australian Dangerous Goods Code, strictly in accordance with:
 - a) all relevant Australian Standards;
 - b) a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
 - c) the DECC's Environment Protection Manual Technical Bulletin *Bunding and Spill Management*.

Soils and Water Management Plan

15. The Proponent shall prepare and implement a Soil and Water Management Plan for the project to the satisfaction of the Director-General. This plan must:
 - a) be prepared by a suitably qualified expert;
 - b) be submitted to the Director-General for approval prior to the commencement of construction;
 - c) include:
 - an Erosion and Sedimentation Control Plan for the construction works that has been prepared in accordance with Lancom's publication *Managing Urban Stormwater: Soils and Construction* (2004, or its latest version); and
 - a revised Stormwater Management Scheme for the site that has been prepared generally in accordance with the DECC's guidelines on *Managing Urban Stormwater*, and endorsed by Council.

WASTE MANAGEMENT

16. The Proponent shall ensure that all waste generated on site during the construction and operation of the project is classified in accordance with the Environmental Guidelines: *Assessment, Classification and Management of Liquid and Non-Liquid Waste*, and disposed of to a facility that may accept the waste.
17. The Proponent shall implement all reasonable and feasible measures to minimise the waste generated by the project to the satisfaction of the Director-General.

SCHEDULE 4 ENVIRONMENTAL MANAGEMENT AND REPORTING

ENVIRONMENTAL MANAGEMENT PLAN

18. The Proponent shall prepare and implement an Environmental Management Plan for the project to the satisfaction of the Director-General. This plan must:
- a) be submitted to the Director-General for approval prior to the commencement of construction;
 - b) provide the strategic context for environmental management of the project;
 - c) identify the statutory and other obligations that apply to the project;
 - d) describe in general how the environmental performance of the project would be monitored and managed during the project;
 - e) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the construction, operation and environmental performance of the project;
 - receive, handle, respond to, and record any complaints that are received;
 - resolve any disputes that may arise during the course of the project;
 - respond to any non-compliance; and
 - respond to emergencies;
 - f) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the project; and
 - g) include a copy of the Soil and Water Management Plan (see schedule 3).

COMPLIANCE REPORTING

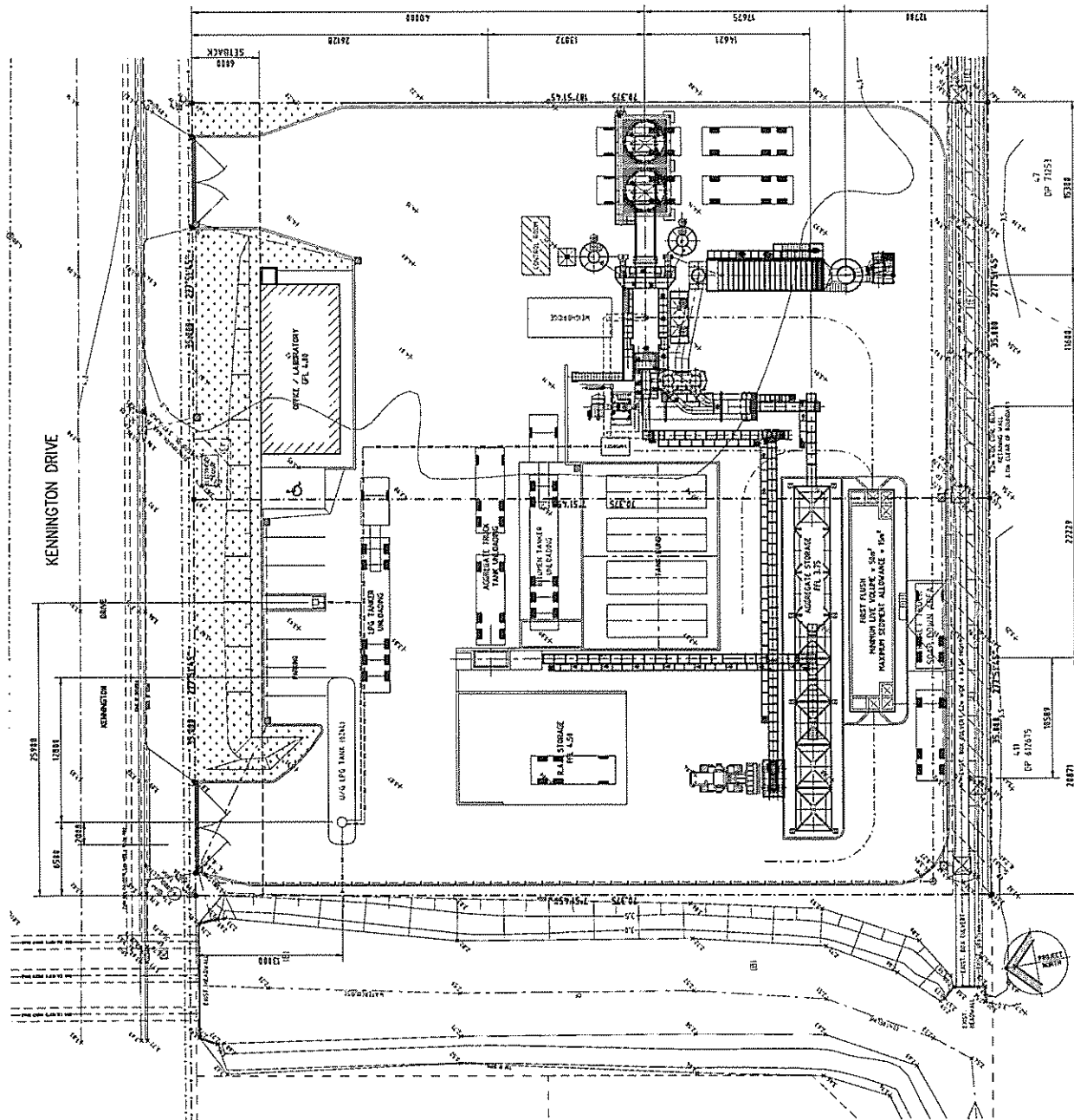
19. Prior to both the commencement of construction and operations, the Proponent shall certify in writing to the Director-General that it has complied with all relevant conditions of this approval.

INCIDENT REPORTING













20. Within 24 hours of detecting an exceedance of the limits/performance criteria in this approval or the occurrence of an incident that causes (or may cause) harm to the environment, the Proponent shall notify the Department and other relevant agencies of the exceedance/incident.
21. Within 6 days of notifying the Department and other relevant agencies of an exceedance/incident, the Proponent shall provide the Department and these agencies with a written report that:
- a) describes the date, time, and nature of the exceedance/incident;
 - b) identifies the cause (or likely cause) of the exceedance/incident;
 - c) describes what action has been taken to date; and
 - d) describes the proposed measures to address the exceedance/incident.
-

APPENDIX 1 SITE PLANS

DO NOT SCALE - THIS DRAWING MAY BE A REDUCED COPY



LEGEND

	DENOTES DRAINAGE EXISTING PIT
	DENOTES EXISTING DRAINAGE PIPE
	DENOTES EXISTING CONDUIT
	DENOTES EXISTING SPOT LEVEL
	DENOTES EXISTING BENCH MARK
	DENOTES EXISTING TELSTRA LINE
	DENOTES EXISTING TELSTRA PILLAR
	DENOTES EXISTING W/G ELECTRICITY LINE
	DENOTES EXISTING ELECTRICITY PILLAR
	DENOTES EXISTING LIGHT POST
	DENOTES EXISTING SEWER LINE
	DENOTES EXISTING SEWER MANHOLE

CONTRACTOR NOTE

1. THE POSITION OF ALL SERVICES SHOULD BE REGARDED AS APPROXIMATE ONLY. CONTRACTORS RESPONSIBILITY TO OBTAIN EXACT LOCATIONS AND DEPTHS OF ALL UTILITIES PRIOR TO ANY EXCAVATION.
2. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENGINE EXISTING UTILITIES ARE NOT UNDERNEATH.
3. DESIGN & INSTALLATION OF ANY UTILITY LINE WORK THAT MAY BE REQUIRED SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
4. CONTRACTORS SHOULD BE READ IN CONSULTATION WITH ALL OTHER SERVICE PROVIDERS.

6511	DA01	REVISION	A
DRAWN		DESIGNED	CHECKED
SCALE	DATE	APPROVED	
A1 - 1/2" = 1'	MARCH 2007		
PROJECT No.		DRAWING No.	
6511		DA01	
SHEET No.		A1	
SHEET Count		A1	

PROJEC1
PROPOSED ASPHALT PLANT
LOTS 14 & 15 KENNINGTON DRIVE
TOMAGO N.S.W.

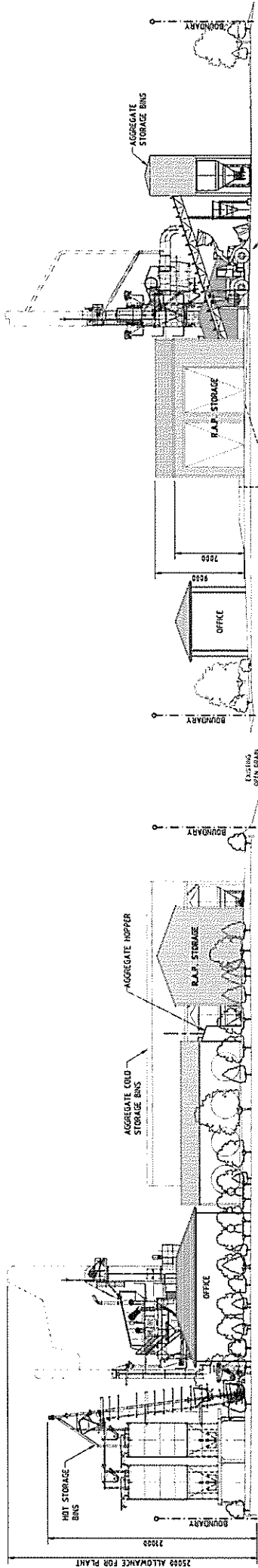
CLIENT	TITLE
TROPIC ASPHALT	SITE PLAN

LINDSAY & DYNAN PTY LIMITED
ACN 650 541 127
Newcastle
5 Newson Street Ennisbrook NSW 2299
Phone - 01 4357 7317 Facsimile - 01 4357 7507
Sydney - 01 933 3333
Phone - 02 938 52126 Facsimile - 02 9387 1833
Web - lindsaydynan.com.au
Email - mail@lindsaydynan.com.au

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NORTH ELEVATION - VIEW FROM KENNINGTON DRIVE
(SCALE 1:200)

EAST ELEVATION
(SCALE 1:200)

SOUTH ELEVATION
(SCALE 1:200)

WEST ELEVATION
(SCALE 1:200)

NOT FOR CONSTRUCTION									
REVISIONS		PROJECT		CLIENT		PROJECT		SHEET SIZE	
No.		Description		Name		Name		A1	
A		ISSUED FOR DA		TROPIC ASPHALT		PROPOSED ASPHALT PLANT		DESIGNED	
		DATE		SITE ELEVATIONS		LOTS 14 & 15 KENNINGTON DRIVE		N.L.	
		APP.				TOMAGO N.S.W.		DATE	
								MARCH 2007	
								PROJECT NO.	
								6511	
								DRAWING NO.	
								DA02	
								REGION	
								A	



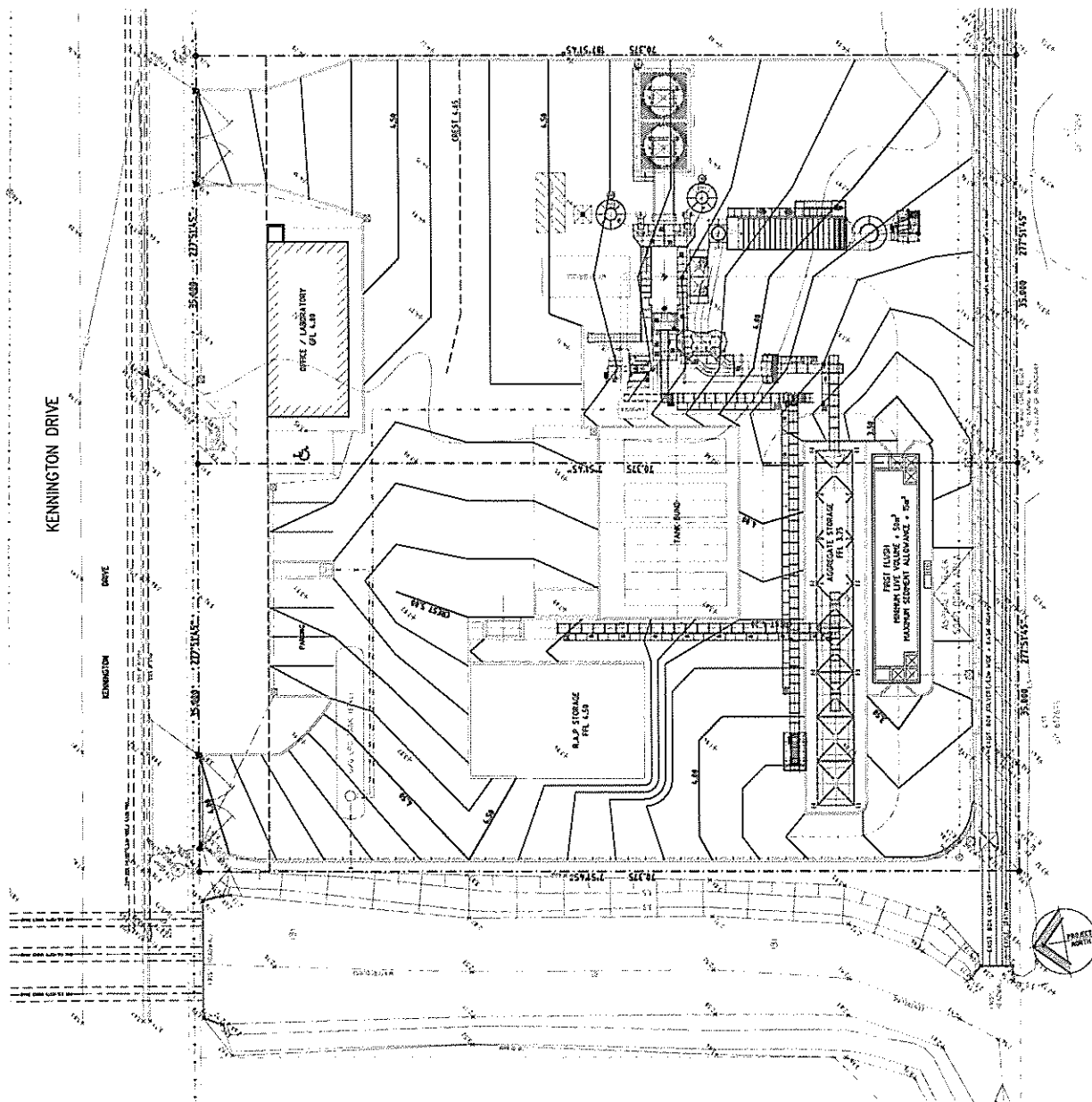
LINDSAY & DYNAN PTY LIMITED
Newcastle
1111 Newcastle Road, Newcastle NSW 2260
Phone: 02 49571717 Facsimile: 02 49571737
Email: info@lindsaydynan.com.au
Web: www.lindsaydynan.com.au

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KENNINGTON DRIVE



LEGEND

- | | |
|--|-----------------------------------|
| | DENOTES DRINKING WATER |
| | DENOTES FIRE HYDRANT |
| | DENOTES SEWER |
| | DENOTES STORM DRAINAGE |
| | DENOTES EXISTING ELECTRICAL PPE |
| | DENOTES EXISTING TELEPHONE LINE |
| | DENOTES EXISTING GAS PIPING |
| | DENOTES EXISTING LIGHT FIXTURE |
| | DENOTES EXISTING FURNITURE |
| | DENOTES EXISTING DOOR |
| | DENOTES EXISTING WINDOW |
| | DENOTES EXISTING ROOF TRUSS |
| | DENOTES EXISTING FOUNDATION WALL |
| | DENOTES EXISTING FLOOR JOIST |
| | DENOTES EXISTING CEILING JOIST |
| | DENOTES EXISTING BEAM |
| | DENOTES EXISTING TRUSS |
| | DENOTES EXISTING PILLAR |
| | DENOTES EXISTING VUG |
| | DENOTES EXISTING ELECTRICITY LINE |
| | DENOTES EXISTING LIGHT POST |
| | DENOTES EXISTING SEWER LINE |
| | DENOTES EXISTING MANHOLE |

CONTRACTOR NOTE

THE POSITION OF ALL SERVICES SHOWN SHOULD BE RECORDED AS
IMMEDIATE ONLY.


CONCEPT DRAINAGE PLAN

CRIME 3-7531

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NSW 2252
NAN PTY LIMITED
ACN 650 541 127



MEMBER OF THE
ASSOCIATION OF
CONSULTING ENGINEERS

North Ryde NSW 2113
Ph: 02 90871858

TROPIC ASPHALT

PROPOSED ASPHALT PLANT
LOTS 14 & 15 KENNINGTON DRIVE
TOMAGO N.S.W.

CONCEPT DRAINAGE

DA03

6511

22

22

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KENNINGTON DRIVE

SBF

SBF

OFFICE / LABORATORY

PARKING

WATER TANK 1000L

WATER TANK 1000L

WATER TANK 1000L

WATER TANK 1000L

WATER TANK 1000L

WATER TANK 1000L

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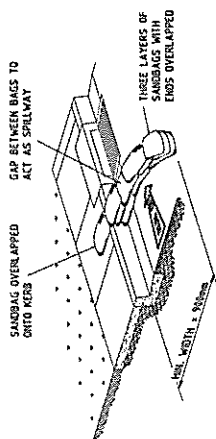
WATER TANK 1000L

WATER TANK 1000L

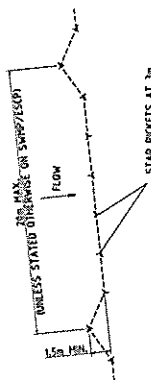
WATER TANK 1000L

LEGEND

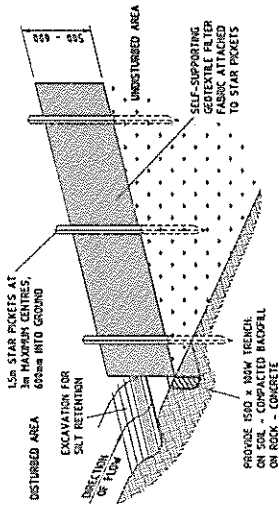
- DEMOTES DRAINAGE EXISTING PIT
- DEMOTES EXISTING CONTOUR
- DEMOTES EXISTING SPOTLEVEL
- DEMOTES EXISTING BENCH MARK
- DEMOTES EXISTING ELECTRICITY PILLAR
- DEMOTES EXISTING LIGHT POST
- DEMOTES EXISTING SEWER MANHOLE
- DEMOTES SANDBAG KEBB INLET SEDIMENT TRAP
- DEMOTES SILT FENCE



SAND BAG KEBB INLET SEDIMENT TRAP
NOT TO SCALE



PLAN



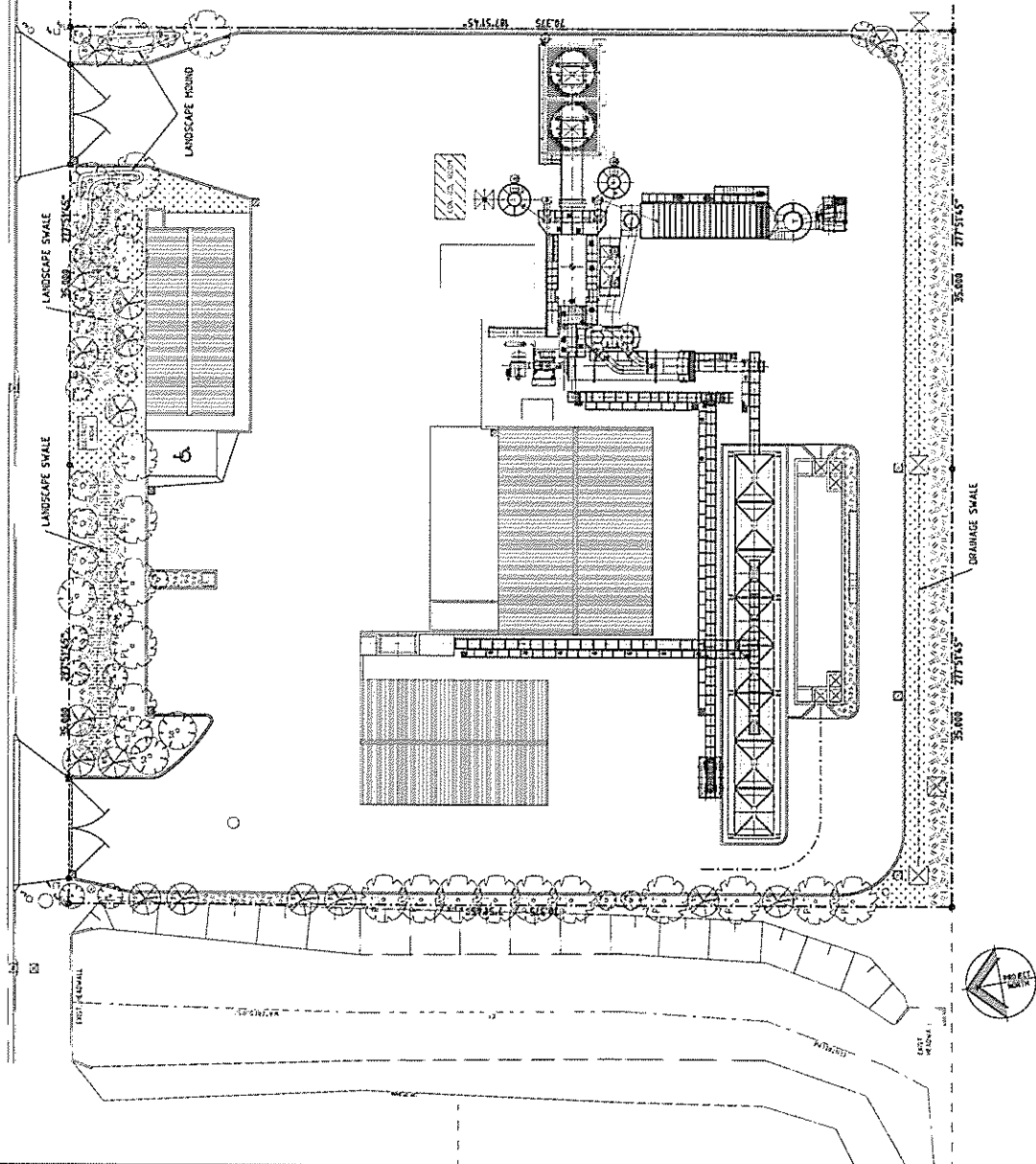
TYPICAL SILT FENCE DETAILS
CONT'D ON PLAN

SEDIMENT & EROSION CONTROL PLAN

SCALE 1:200

NOT FOR CONSTRUCTION		PROJECT		PROPOSED ASPHALT PLANT		DRAWN		SHEET SIZE	
TROPIC ASPHALT		LOTS 14 & 15 KENNINGTON DRIVE		DA04		A1		A1	
SEDIMENT & EROSION CONTROL PLAN		TOMAGO N.S.W.		6511		DA04		A	
TITLE		CLIENT		DESIGNED		CHECKED		DATE	

KENNINGTON DRIVE



LANDSCAPE SCHEDULE

	BOTANICAL NAME	COMMON NAME	SPACING	SIZE
TREES	CASUARINA GLAUCA	SWAMP OAK	3m	6L
	ALOUQUARIA LITTORALIS	BLACK SHE-OAK	3m	6L
	MELALEUCA QUINQUERIVA	PAPERBARK	5m	6L
	MELALEUCA STYPMOLOIDES	SPRINT-LEAVED TEA-TREE	5m	6L
REEDS	LOPHANDIA LONGIFOLIA	SPINY HEADED MAT-RUSH	27m ²	
ISWALE CENTRE	CAREX APPRESSA	TALL SEDGE	10m ²	
ISWALE SLOPE	JUNCUS SIBERIANA	SEA RUSH	17m ²	
NATIVE GRASS/GROUND COVER	DANIELLA CULTIVAR	RED FRUITED SAW SEDGE	17m ²	
	THYRPAIDA AUSTRALIS	BLUE FLAX LILY	37m ²	
		KANGAROO GRASS	37m ²	

LEGEND

- DEMOTES REEDS (SWALE CENTRE)
- DEMOTES REEDS (SWALE SLOPE)
- DEMOTES TURFED AREA
- DEMOTES NEW SWAMP OAK TREE REFER TO LANDSCAPE SCHEDULE
- DEMOTES NEW BLACK SHE-OAK TREE REFER TO LANDSCAPE SCHEDULE
- DEMOTES NEW PAPER BARK TREE REFER TO LANDSCAPE SCHEDULE
- DEMOTES NEW PRICKLY-LEAVED TEA TREE REFER TO LANDSCAPE SCHEDULE

NOTES

- L1. ALLOW TO MULCH ALL PLANTER BEDS
- L2. PROVIDE H5 TREATED EDGEBOARD BETWEEN TURF AND PLANTER BEDS / BOUNDARY
- L3. MASS PLANT NATIVE GRASSES / GROUND COVERS TO PLANTER BEDS

LANDSCAPE PLAN

SCALE 1:200

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DATE: 21/04/21		ISSUED FOR: DA		DRAWING NO: 6511		SHEET NO: A1	
APP: [Signature]		APPROVED: [Signature]		DRAWING NO: DA05		SHEET NO: A	