

Australian Capital Territory

# **Planning and Development (Technical Plan Variation—Error Variation) Notice 2008 (No 2)\***

**Notifiable instrument NI2008—541**

**Technical Variation No 2008-09**

made under the

***Planning and Development Act 2007, section 89 (Making technical amendments)***

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This instrument (and the plan variation in it) commences on the day after it is notified.

Variation No 2008–09 to the Territory Plan has been approved by the Planning and Land Authority

The variation specifies miscellaneous corrections to the Territory Plan as detailed in Annexure A.

Jacqui Lavis  
Delegate of the Planning and Land Authority  
17 November 2008

\*Name amended under Legislation Act, s 60



**Planning & Development Act 2007**

**Technical Amendment  
to the Territory Plan**

**No. 2008-09**

**Miscellaneous Error Variation No. 2**

**November 2008**

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# **1. INTRODUCTION**

## **1.1 Outline of the process**

The Commonwealth's *Australian Capital Territory (Planning and Land Management) Act 1988* allows for the Legislative Assembly to make laws to establish a Territory Planning Authority and for that Authority to prepare and administer a Territory Plan. The *Planning and Development Act 2007* (the P & D Act) establishes the ACT Planning and Land Authority as the Authority which prepares and administers the Territory Plan, including continually reviewing and proposing amendments as necessary. Part 5.4 section 87 of the P & D Act allows for technical amendments to be made to the Territory Plan in a number of circumstances.

This technical amendment is an error variation and is subject to approval of the ACT Planning and Land Authority (the Authority) under section 87a of the P & D Act. Error variations are not subject to the limited consultation requirements under section 90 of the P & D Act. The Authority needs to be satisfied that the error variation would, if made be a technical amendment and fix a date when the plan variation is to commence. On approval, the variation will commence in accordance with the commencement notice in the Legislation Register and will be notified in a daily news paper. The Territory Plan will be updated to reflect the changes that are approved in the error variation.

# **2. EXPLANATORY STATEMENT**

## **2.1 Background**

Under section 87a of the P & D Act, an error variation is defined as a variation that:

- (i) would not adversely affect anyone's rights if approved; and
- (ii) has as its only object the correction of a formal error in the plan.

A formal error is defined in the P & D Act as:

- a) a clerical error; or
- b) an error arising from an accidental slip or omission; or
- c) a defect of form.

## 2.3 Proposed Changes and Reasons

### A. **Change in numbering** - *Single Dwelling Housing Development Code*

At Part B, Element 7 – Services, correct title for Item 7.3 Utilities to 7.2 Utilities. The change of numbering was omitted from Code Variation V2008-02 (NI2008-289).

### B. **Front Street Setback**- *Single Dwelling Housing Development Code*

At Part C (1), Element 2, Item 2.1, Table 1 Front Street Setback change < to ≤ to avoid confusion.

### C. **Side Setback** - *Single Dwelling Housing Development Code*

At Part C (1), Element 2, Item 2.2, Table 3 Side Setbacks for Lower Floor Level, change the block size ranges as follows:

- Block >250 - ≤500m<sup>2</sup> and
- change ≥ 500m<sup>2</sup> to >500m<sup>2</sup> to avoid confusion and clarify the range in block sizes.

### D. **Built Form – Interface – Correct reference to Rule and Criteria** - *Single Dwelling Housing Development Code*

At Part C (1), Element 3, Item 3.2 Interface, replace R36 d) to correct typographical error in referencing – ‘it is a courtyard wall that meets the requirements of R37/C37’.

### E. **Parking and Site Access - Correction of typographical error** –*Single Dwelling Housing Development Code*

At Part C (3), Element 4, Intent b) substitute the word ‘sage’ with ‘safe’.

### F. **Change in reference to Plumbing Fixtures** - *Single Dwelling Housing Development Code*

At Part C (3), Element 6, Item 6.1 change reference to AAA plumbing fixtures to ★★★.

### G. **Blocks in subdivision approved before and after 18 October 1993** *Multi-unit Dwelling Housing Development Code*

At Part C Tables 1 and 2 – reword the titles of the tables as Blocks in subdivision approved before or after the Territory Plan originally came into effect.

This change was made in Error Variation 2008-05 to the Single Dwelling Housing Development Code but was not changed in the titles of Tables 1 and 2 of the Multi-Unit Housing Development Code. Changes to wording removes the inconsistency between the terms ‘land originally developed’ and ‘blocks approved’ as well as clarifying the date a block was approved.

**H. Front Street Setback for Corner Blocks**

*Multi-unit Dwelling Housing Development Code*

At Part C (1), Element 2, Item 2.1, Table 1 Front Street Setback corner blocks change < to ≤ to avoid confusion.

At Part C (1), Element 2, Item 2.1, Table 1 Front Street Setback corner blocks change ≥ to > for consistency.

**I. Correction to reference - *Multi-unit Dwelling Housing Development Code***

At Part C(1) Element 4, Item 4.1 C72 - Typographical error in criteria, reference to R70 to be changed to R72.

**J. Correction to reference – *Multi-unit Dwelling Housing Development Code***

At Part C(2) Element 2, Items 2.2 – Wrong references in the title to be changed to read **2.2 Front Street Setback** (Replaces R54/C54).

At Part C(2) Element 2, Items 2.3 – Wrong references in the title to be changed to read **2.3 Side and Rear Setbacks** (Replaces R55/C55 and R56/C56).

**K. Reference to Building Code in Adaptable Housing**

*Multi-unit Dwelling Housing Development Code*

At Part C (3) – *Inner North Canberra and Gungahlin District – RZ3 and RZ4 Zones*. Element 3, Item 3.4 R129, delete reference to Building Code as it is not relevant in relation to Adaptable Housing and change wording to be consistent with other parts of the Territory Plan.

**L. Title change - *Inner North Precinct Code***

The title for the Item 2.5 Building Envelope is not appropriate for the contents in the Criteria, therefore the title is proposed to be changed to ‘Building Siting’.

**M. Reference to Building Code in Adaptable Housing**

*Town Centres Precinct Code*

At part B, element 1, Item 1.3, R61, delete reference to Building Code as it is not relevant in relation to Adaptable Housing and change wording to be consistent with other parts of the Territory Plan.

**N. Typographical error in Zone reference – *Group Centres Precinct Code***

At Part A(2) – *Group Centres – CZ2 Business Zone*- Item 1.2 Shops b) reference to C1 Zone to be changed to CZ1 Zone.

**O. Error in translation from old Territory Plan - *Group Centres Precinct Code***

An error was made in translation from the old Territory Plan in the reference to block details in Kingston. At Part A (2), Element 1.2 Shops should have another dot point under R12: c) 300m<sup>2</sup> per shop on Blocks 21, 25-33 Section 22 Kingston. This also should be cross referenced with R15.

The reference to block numbers should also be corrected in R15.

**P. Reference to Building Code in Adaptable Housing**

*Group Centres Precinct Code*

At Part B, Element 1, Item 1.3, R34, delete reference to Building Code as it is not relevant in relation to Adaptable Housing and change wording to be consistent with other parts of the Territory Plan.

**Q. Reference to Building Code in Adaptable Housing**

*Local Centres Precinct Code*

At Part A, Element 1, Item 1.3, R5, delete reference to Building Code as it is not relevant in relation to Adaptable Housing and change wording to be consistent with other parts of the Territory Plan.

**R. Reference to Building Code in Adaptable Housing**

*CZ2 Office Areas Outside Centres Precinct Code*

At Part A, Element 1, Item 1.2, R4, delete reference to Building Code as it is not relevant in relation to Adaptable Housing and change wording to be consistent with other parts of the Territory Plan.

**S. Clarification to wording in site specific control - CZ2 Office Areas Outside Centres Precinct Code**

At Part B Element 1, Item 1.1 R53, to clarify the intended meaning of the Rule in relation to lease variations, the wording has been changed.

**T. Reference to Building Code in Adaptable Housing**

*CZ5 Mixed Use Zone Development Code*

At Part A, Element 1, Item 1.2, R4, delete reference to Building Code as it is not relevant in relation to Adaptable Housing and change wording to be consistent with other parts of the Territory Plan.

**U. Typographical Error - Leisure and Accommodation Zone Development Code (CZ6)**

At Part A, Element 1 R2 typographical error made in the word 'or' within the parenthesis. It should read 'for'.

**V. Reference to Building Code in Adaptable Housing – Leisure and Accommodation Zone Development Code**

At Part A, Element 1, Item 1.2, R5, delete reference to Building Code as it is not relevant in relation to Adaptable Housing and change wording to be consistent with other parts of the Territory Plan.

**W. Reference to Building Code in Adaptable Housing - Community Facility Zone Development Code**

At Part A Element 1 R3 c), delete reference to Building Code as it is not relevant in relation to Adaptable Housing and change wording to be consistent with other parts of the Territory Plan.

**X. Typographical error in Block identifier Non-Urban Zone NUZ1 – Broadacre Zone Development Table**

Development Table in NUZ1 for additional developments has wrong block identifier for Mugga Lane Landfill site in Jerrabomberra. The correct Block identifier for the Mugga Lane Landfill site is Block 2114.

**Y. Correction of unintended error in the Prohibited Development Table Non-Urban NUZ3 – Hills, Ridges and Buffer Zone Development Table, Non-Urban NUZ4 – River Corridor Zone Development Table, Non-Urban NUZ5 – Mountains and Bushlands Zone Development Table**

Delete Subdivision from the Prohibited Development Tables of the above zones. Subdivision is an assessable development under the merit assessable Development Table.

**Z. Typographical Error – Parking and Vehicular Access General Code**

At Schedule 2 Parking Provision Rates for Commercial Zones – Office Developments in Town Centres the reference to C3 Zone should be replaced with CZ3 Zone.

**A1. Error in translation from the Guidelines for Access and Mobility**

**Introduction – Application of the Code** - An error has been made in translating the application of the Guidelines into the Access and Mobility General Code. The Code also applies to major alterations or extensions to existing buildings that affect more than 50% of the volume of the whole building. This error has been rectified in the introductory sentence.

**A2. Typographical Error - Crime Prevention through Environmental Design General Code**

At Part A typographical error in reference to Australian Standard – Correct Part A Element 3.3, reference to Part 1.3 in C10 to be changed to Part 3.1.

**A3. Change of Title in Part 12 – Overlays and Clearance Zone Policies – Clearance Zone Policies are one of the Precincts under the Overlays. Therefore the Title should read as ‘Overlays’ and the reference to ‘clearance zone policies’ in the introductory sentence should also be deleted.**

**A4. Correction of typographical error - *Overlays and Clearance Zone Policies*** – The word ‘indicted’ in the first sentence in 12.2 should read ‘indicated’.

**A5. Deletion of duplicated definition** – Definitions of Development Part A.

The definition for Religious associated use has been duplicated under the umbrella term COMMUNITY USE.

**A6. Correction of the definition for Outdoor Recreation Facility** – Definitions of Development Part A.

The word ‘recreation’ has been added to the definition for Outdoor recreation facility as the term currently does not reflect the objective.

**A7. Addition of a definition for Articulation Zone** - Definition of Terms Part B

A Glossary of Terms was part of all Section Master Plans and was unintentionally omitted from the Inner North Precinct Code. It is necessary to add meaning to some terminology which is used widely in the Inner North Precinct Code. Add a definition for Articulation Zone to Part B Definitions of Terms.

**A8. Incorrect Reference - *Future Urban Areas Residential Subdivision Code***

At Part B(2) C109, incorrect reference to General Code, change as *Planning for Bushfire Risk Mitigation General Code*.

At Part B(2) C130 and C131, incorrect reference to Table Numbers – correct the references to Table 7 and Tables 7 and 8 respectively.

**A9. All Development Codes – *Water Sensitive Urban Design General Code***

Delete all references to BASIX under Water Sensitive Urban Design, as BASIX is no longer applicable in the ACT as an assessment tool. The reference to BASIX is to be replaced with ‘using the ACTPLA on-line assessment tool or another tool as included in the Waterways: Water Sensitive Urban Design General Code.’

**A10. Prohibited Development in all Development Tables**

Amend the note under the title Prohibited Development Table in all the zones. The note under the title to be changed to ‘Development listed below is prohibited development except where it is an ancillary use, minor use or temporary use as defined in Volume 2 Section 3 to clarify development permitted in the zone, consistent with that of the previous Territory Plan.

### 3. ERROR VARIATION

#### Variations to the Single Dwelling Housing Development Code

##### 1 Part B, Element 7, Item 7.3 – Utilities

Substitute existing title, 7.3 Utilities with

##### 7.2 Utilities

##### 2 Part C (1), Element 2, Table 1 Titles

Substitute titles of Columns 2, 3 and 4 of Table 1 as shown in the following table.

**Table 1: Front Street Setback (Refer Figures C1-3)**

Floor level	Blocks in subdivisions approved after 18 October 1993	Blocks in subdivisions approved before 18 October 1993	Exceptions		
			Corner blocks		Open space or pedestrian paths wider than 6m
			≤500 m <sup>2</sup> , long street frontage	>500 m <sup>2</sup> , long street frontage	

##### 3 Part C (1), Element 2, Table 3 Column 1

Substitute Column 1 in Table 3.

**Table 3: Side Setbacks for Lower Floor Level (Refer Figures C1-3)**

Block Size
<b>Block &gt; 250 - ≤500m<sup>2</sup></b> < 15 m wide North to front/rear ≥ 15 m wide North to front/rear North to side
<b>Block &gt; 500m<sup>2</sup></b>

**4 Part C (1), Element 3.2, R36 d)**

*delete*

R38/C38

*insert*

R37/C37

**5 Part C (3), Element 4, Intent b)**

*delete*

'sage'

*insert*

safe

**6 Part C(3), Element 6, R78**

Substitute AAA with

★★★

## Variations to the Multi unit Housing Development Code

**7 Part C(1), Element 2, Table 1: Front Street Setback (refer Figure C1)**

Substitute Titles of Columns 2, 3, 4 and 5 of Table 1 as shown in the following table.

Floor level	Blocks in subdivisions approved after 18 October 1993	Blocks in subdivisions approved before 18 October 1993	Exceptions		
			Corner blocks		Open space or pedestrian paths wider than 6m
			≤500 m <sup>2</sup> , long street frontage	>500 m <sup>2</sup> , long street frontage	

**8 Part C(1), Element 2, Table 2: Front Street Setback to Garages (refer Figure C1)**

*substitute*

Titles for columns 2 and 3 in Table 2

*with*

Blocks in subdivisions approved after 18 October 1993	Blocks in subdivisions approved before 18 October 1993
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**9 Part C(1), Element 4.1, C72**

Substitute R70 with R72

**10 Part C(2), Element 2, Item 2.2 Title**

Substitute the title for Item 2.2 with the following:

**2.2 Front Street Setback** (Replaces R54/C54)

**11 Part C(2), Element 2, Item 2.3 Title**

Substitute the title for Item 2.3 with the following:

**2.3 Side and Rear Setbacks** (Replaces R55/C55 and R56/C56)

**12 Part C(3), Element 3, R129**

Substitute R129 with the following:

R129

10% of the dwellings of any multi-unit housing development consisting of 10 or more dwellings are designed to meet the relevant Australian Standard for Adaptable Housing.

## Variation to the Inner North Precinct Code

**13 Part A, Element 2, Item 2.5 Title**

*Substitute* the title for Item 2.5 with the following:

**2.5 Building Siting**

## Variation to the Town Centres Precinct Code

### 14. Part B, Element 1, Item 1.3, R61

*delete*

or Building Code

## Variations to the Group Centres Precinct Code

### 15 Part A(2), CZ2 Business Zone, Element 1.2 Shops, R12

Substitute C1Zone in b) with

CZ1 Zone; or

### 16 Part A(2), CZ2 Business Zone, Element 1.2 Shops, R12

After b) *insert*

- c) 300m<sup>2</sup> per shop on Blocks 21, 25-33  
Section 22 Kingston (refer to R15).

### 17 Part A(2), CZ2 Business Zone, Element 1.4 Kingston, R15

*after*

Section 22

*insert*

Blocks 21, 25-33

### 18 Part B, Element 1, Item 1.3, R34

*delete*

or Building Code

## Variation to the Local Centres Precinct Code

### 19 Part A, Element 1, Item 1.3, R5

*delete*

or Building Code

## Variation to CZ2 Office Areas Outside Centres Precinct Code

### 20 Part A, Element 1, Item 1.2, R4

*delete*

or Building Code

### 21 Part B, Element 1, R53

Substitute R53 with the following:

R53

For Deakin Section 68 Block 11:

- a) a 50m swimming pool for the access and use by the public is retained
- b) a variation to the lease must not be approved if it would have the effect of removing the requirement for a 50m indoor swimming pool to be maintained and operated on the site and made available for access and use by the public. The approval of an application to vary the lease to increase the permissible quantum of gross floor area on the block shall not be approved unless the lessee has entered into a binding agreement with the Territory to reconstruct or refurbish the swimming pool to a standard acceptable to the Territory.

## Variation to the CZ5 – Mixed Use Zone Development Code

### 22 Part A, Element 1, Item 1.2, R4

*delete*

or Building Code

## Variation to the CZ6 – Leisure and Accommodation Zone Development Code

### 23 Part A, Element 1, Item 1.1, R2

*Substitute* the word

or

with

for

### 24 Part A, Element 1, Item 1.2, R5

*delete*

or Building Code

## Variation to the Community Facility Zone Development Code

### 25 Part A, Element 1, R3 c)

*delete*

or Building Code

## Variation to the NUZ1 – Broadacre Zone Development Table

### 26 Development Table – Minimum Assessment Track Merit – Site Identifier Column

*Substitute*

Jerrabomberra Block 2113 (Figure 4)

with

Jerrabomberra Block 2114 (Figure 4)

## Variation to the NUZ3 – Hills, Ridges and Buffer Zone Development Table

### 27 Prohibited Development Table

*Delete*

Subdivision

## Variation to the NUZ4 – River Corridor Zone Development Table

### 28 Prohibited Development Table

*Delete*

Subdivision

## Variation to the NUZ5 – Mountains and Bushland Zone Development Table

### 29 Prohibited Development Table

*Delete*

Subdivision

## Variation to the Parking and Vehicular Access General Code

### 30 Schedule 2, Parking Provision Rates for Commercial Zones – Office Developments in Town Centres

*Delete*

C3

*Insert*

CZ3

## Variation to the Access and Mobility General Code

### 31 Introduction, Application of the Code

*delete*

the introductory sentence

*substitute with*

This Code applies to all new developments and major alterations and extensions to existing buildings which affect more than 50% of the volume of the whole building, except for single dwelling housing proposals.

## Variation to the Crime Prevention through Environmental Design General Code

### 32 Part A, Element 3, Item 3.3 Lighting, C10 a)

*Substitute* Part 1.3 with Part 3.1.

## Variations to Overlays

### 33 Part 12 Title

*delete*

**and Clearance Zone Policies**

### 34 Part 12 introductory sentence

*after*

provisions

*delete*

and clearance zone policies

**35 Part 12, Item 12.2**

*after*

Land

*Substitute* the word ‘indicted’ with  
indicated

## Variations to Definitions

**36 Part A, Definitions of Development – COMMUNITY USE**

*Delete*

first definition for Religious associated use under umbrella term COMMUNITY USE.

**37 Part A, Definitions of Development – Outdoor Recreation Facility**

*after*

sporting

*insert*

or recreational

**38 Part B, Definitions of Terms**

*after*

**definition for Aquatic migration corridor**

*insert*

**Articulation Zone** means a specified area on a block within which the design of the façade of buildings is required to be articulated in order to provide visual interest to the streetscape. Forms of articulation may include architectural elements and detailing to be incorporated into the building façade and variations to building alignment particularly in response to existing landscape features.

## Variations to Future Urban Areas Residential Subdivision Code

### **39 Part B(2), Element 1, Item 1.4 C109**

*delete*

Guidelines

*insert*

General Code.

### **40 Part B(2), Element 5, Item 5.3 C130**

*delete*

Table 6

*insert*

Table 7

### **41 Part B(2), Element 5, Item 5.3 C131**

*delete*

Tables 6 and 7

*insert*

Tables 7 and 8.

## Variation to Water Sensitive Urban Design or Water Sensitive Urban Design – Mains Water Consumption in various Zones

### 42 Item for Water Sensitive Urban Design or Water Sensitive Urban Design – Mains Water Consumption

As identified below in the following Development Codes:

*substitute*

the NSW BASIX tool.

*with*

another tool as included in the Water Ways: Water Sensitive Urban Design General Code.

*in*

- i) Single Dwelling Housing Development Code at Part C(1) Element 6, Item 6.1 R51.
- ii) Multi –unit Housing Development Code at Part B Element 6, Item 6.7 R46.
- iii) City Centre Precinct Code at Part B Element 6, Item 6.1 R83.
- iv) Town Centres Precinct Code at Part B Element 6, Item 6.1 R83.
- v) Group Centres Precinct Code at Part B Element 6, Item 6.1 R57.
- vi) Local Centres Precinct Code at Part A Element 6, Item 6.1 R34.
- vii) CZ2 Office Areas Outside Centres Precinct Code at Part A Element 6, Item 6.1 R27.
- viii) CZ5 Mixed Use Zone Development Code at Part A Element 6, Item 6.1, R27.
- ix) CZ6 Leisure and Accommodation Zone Development Code at Part A Element 6, Item 6.1 R29.
- x) Industrial Zone Development Code at Part B Element 6, Item 6.1 R38.
- xi) Community Facility Zone Development Code at Part A Element 6, Item 6.1, R28.
- xii) Parks and Recreation Zones Development Code at Part B Element 6, Item 6.2, R32.
- xiii) Transport and Services Zone Development Code at Part B Element 6, Item 6.2 R23.
- xiv) Northbourne Avenue Precinct Code at Part B Element 6, Item 6.1 R57

## Variation to Prohibited Development Tables in all zones

### **43 Prohibited Development Table in all the zones Note under the title**

*delete*

Any development not listed as assessable development in this Table and that appears in Volume 2 Section 3 – Definitions are prohibited, ie:

*Insert*

Development listed below is prohibited development except where it is an ancillary use, minor use or temporary use as defined in Volume 2 Section 3 – Definitions.

## Update of relevant Contents Pages

### **44 Update of Contents pages of the relevant sections that were changed**

## Interpretation service

ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajnuna t'interpretu, čempel:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ако вам је потребна помоћ преводиоца телефонирајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacımız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

### TRANSLATING AND INTERPRETING SERVICE

**131 450**

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