

Australian Capital Territory

Planning and Development (Draft Variation Number 312) Consultation Notice 2012

Hume West Industrial Estate

Notifiable instrument NI2012—129

Made under the

***Planning and Development Act 2007*, section 63 (Public consultation—notification) and section 64 (Public consultation—notice of interim effect etc)**

Draft Variation 312 to the Territory Plan (see ***Annexure A***) proposes to change the zoning of Hume, section 30 blocks 1 to 8 from IZ1 general industrial zone to IZ2 mixed use industrial zone. The proposed variation will allow industry associated retailing, services and other commercial uses to support general industrial uses within the Hume estate.

Written comments from the public are invited by **COB Monday 23 April 2012**.

Comments should include reference to the draft variation, your name and contact details and be:

- emailed to terrplan@act.gov.au
- mailed to Territory Plan Comments, Environment and Sustainable Development Directorate, GPO Box 1908, Canberra, ACT 2601, or
- delivered to ESDD's Customer Service Centre at 16 Challis Street, Dickson

Comments received will be made available for public inspection for a period of no less than 15 business days at ESDD's customer service centre in Dickson the day after the closing date for submissions and on ESDD's website 10 business days after the closing date for submissions.

Comments made available will include personal contact details unless excluded under section 411 of the Planning and Development Act. A request for exclusion under section 411 must be in writing and clearly identify what you are seeking to exclude and how the request satisfies the exclusion criteria.

The draft variation does not have interim effect and therefore section 65 of the Planning and Development Act does not apply. The current Territory Plan will continue to apply while the variation remains in draft form.

Ben Ponton
Delegate of the ACT Planning and Land Authority

7 March 2012



Planning & Development Act 2007

Draft Variation to the Territory Plan 312

Hume West Industrial Estate

Hume, Section 30 Blocks 1 to 8 -
Change of zoning from IZ1 general
industrial zone to IZ2 mixed use
industrial zone

March 2012



ACT
Government
Environment and
Sustainable Development

**ACT Planning &
Land Authority**

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1. INTRODUCTION

1.1 Summary of the Proposal

The intention of the draft variation is to change the zone of the land from the IZ1 general industrial zone to IZ2 mixed use industrial zone to accommodate industry-associated retailing, services and other commercial uses to support the general industrial uses.

1.2 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 Act) establishes the ACT Planning and Land Authority (ACTPLA) as the Authority which prepares and administers the Territory Plan, including continually reviewing and proposing amendments as necessary.

The Territory Plan is comprised of the written statement and a map. The written statement contains a number of parts, namely Governance; Strategic Directions; Zones; Precinct Codes; General Codes; Overlays; Definitions; Structure Plans, Concept Plans and Development Codes for Future Urban Areas.

The Territory Plan Map graphically represents the applicable land use zones (under the categories of Residential, Commercial, Industrial, Community Facility, Urban Parks and Recreation, Transport and Services and Non Urban), precincts and overlays. The zone, precinct and overlay requirements are detailed in the volumes of the Territory Plan.

Draft variations to the Territory Plan are prepared in accordance with the Act. Following the release of the draft variation under section 63 of the Act, submissions from the public are invited. At the conclusion of the consultation period the ACTPLA submits a report on consultation and a recommended final variation to the Minister for Environment and Sustainable Development for approval. The Minister has the discretion to determine if referral to the Legislative Assembly Standing Committee on Planning, Public Works and Territory and Municipal Services is warranted prior to approval, depending on the nature and significance of the proposal. If the draft variation is referred to the Committee by the Minister or otherwise, the Minister must consider the findings of the Committee before deciding whether to approve the draft variation. If the Minister approves the variation, the variation and associated documents will be tabled in the Legislative Assembly. Unless disallowed by the Legislative Assembly within five sitting days, the variation commences on a day nominated by the Minister.

1.3 This document

This document contains the background information in relation to the proposed variation. It comprises the following parts

- Part 1 - This Introduction
- Part 2 - An Explanatory Statement, which gives reasons for the proposed variation and describes its effect
- Part 3 - The Draft Variation, which details the precise changes to the Territory Plan that are proposed

1.4 Public Consultation

Comments from the public are invited on the draft variation. Subject to consideration of responses received, the Environment and Sustainable Development Directorate (ESDD) proposes to submit this draft variation to the Minister for Planning in accordance with the Act.

The draft variation and background documents relating to this draft variation are available online at www.act.gov.au/draftvariations until the closing date for written comments. Printed copies of the draft variation are available for inspection and purchase at the Environment and Sustainable Development Customer Service Centre, 16 Challis Street, Dickson, Monday to Friday between 8:30am and 4:30pm. Please call 6207 1923 to arrange a copy for purchase.

Written comments from the public are invited on the draft variation by **COB Monday 23 April 2011**.

Comments should include reference to the draft variation, a return postal address, and be addressed Territory Plan Variation Unit, Territory Plan Variation and Implementation Section.

Comments can be:

- emailed to terrplan@act.gov.au
- mailed to Territory Plan Comments, Environment and Sustainable Development Directorate, GPO Box 1908, Canberra, ACT 2601
- delivered to ESDD's customer service centre at the above address

Comments received will be made available for public inspection (unless exempted under section 411 of the Act) for a period of no less than 15 business days at ESDD's customer service centre in Dickson the day after the closing date for submissions and on ESDD's website 10 business days after the closing date for submissions.

Comments made available will include personal contact details unless excluded under section 411 of the *Planning and Development Act 2007*. A request for exclusion under s411 must be in writing and clearly identify what you are seeking to exclude and how the request satisfies the exclusion criteria.

2. EXPLANATORY STATEMENT

2.1 Background

The Estate Development Plan development application was approved in 2010 for the Hume West Industrial Estate. The estate development plan sets out the subdivision layout for a total of 35 blocks, with a mix of small, medium and large blocks ranging in size from 1264m² to 3.2 hectares. The site is currently zoned as IZ1 general industrial zone. The location for a potential industrial service centre (hub) within the estate was identified to meet the convenience retailing, community use and service needs of the local workforce, with the potential to include future retail uses, cafes and small scale offices. These uses are generally not permitted in the industrial IZ1 general industrial zone.

The Land Development Agency (LDA) of the ACT Government Economic Development Directorate (EDD) prepared a planning study to consider the merits of a proposed variation to the Territory Plan to rezone a small portion of the Hume West Industrial Estate. The proposed rezoning comprises eight blocks from IZ1 general industrial to IZ2 mixed use industrial to accommodate industry-associated retailing, services and other commercial uses to support general industrial uses at the south-western end of Hume without jeopardising the overall supply of industrial land.

2.2 Site Description

The site proposed for rezoning is located at Tralee Street, Hume West Industrial Estate, Hume, section 30, comprising blocks 1 to 8 (Figure 1). Hume West Industrial Estate is located at the south-western end of the existing Hume industrial area, between the Monaro Highway and the NSW/ACT border.

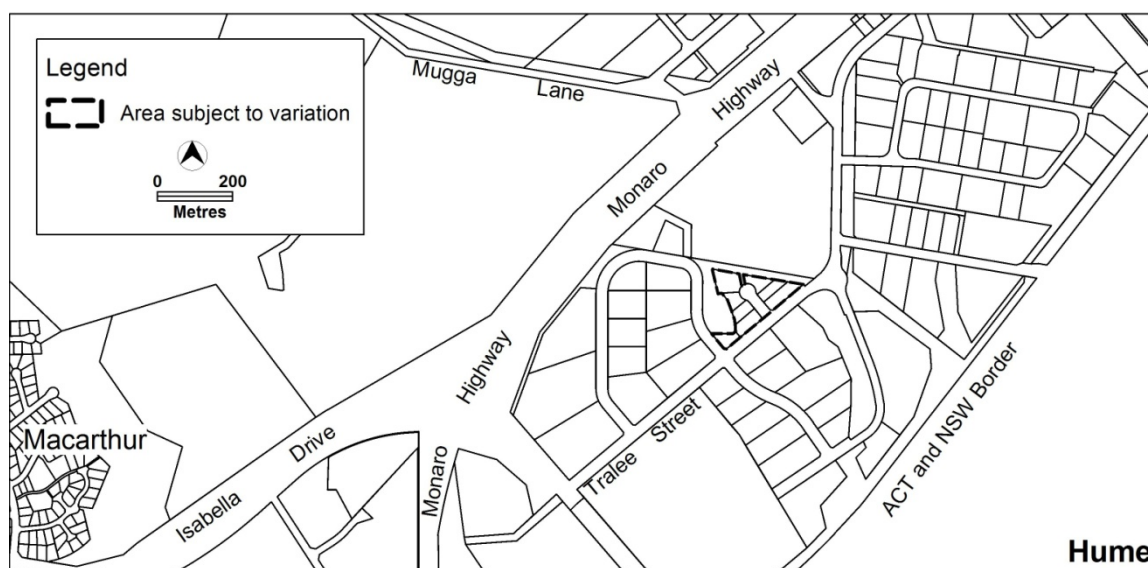


Figure 1 Site location

2.2.1 Current Territory Plan Provisions

The Territory Plan map zone for the area subject to this variation is shown in **Figure 2**. The site is surrounded on all sides by the IZ1 general industrial zone. Adjoining the north-eastern boundary of the proposed site is a landscape corridor affording a protective buffer to the protected woodland community. The north-western boundary adjoins a protective landscape buffer to the heritage curtilage of the Tralee and Couranga Homesteads. To the southeast is the central retarding basin which forms part of the Hume West Industrial Estate water ways management initiatives. Immediately to the south across Tralee Street is block 63 section 22 Hume which is leased land used for industrial purposes. To the south west and west are the future industrial blocks part of the Hume West Industrial Estate now described as section 22, and section 29 (**Figure 3**).

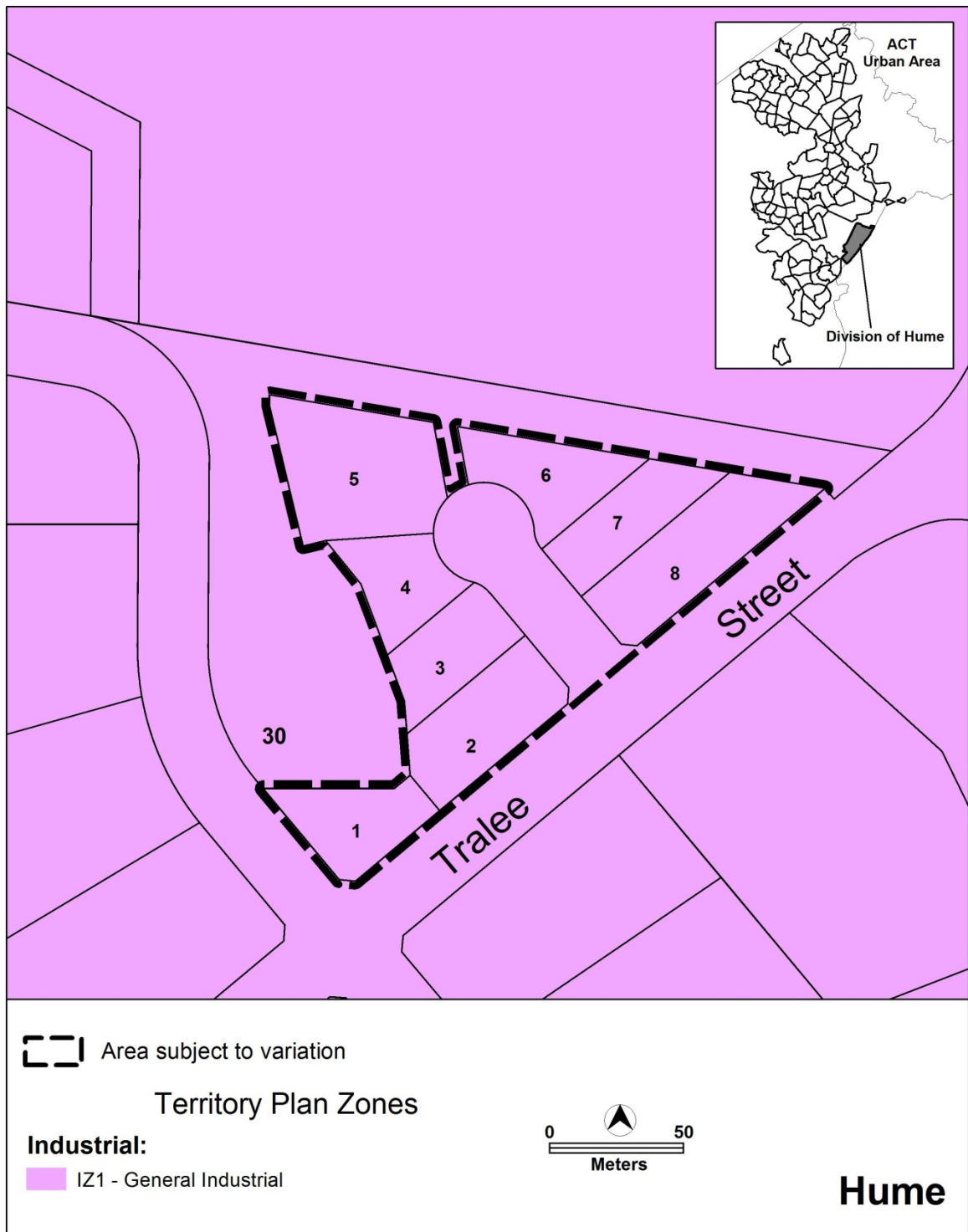


Figure 2 Current Territory Plan map

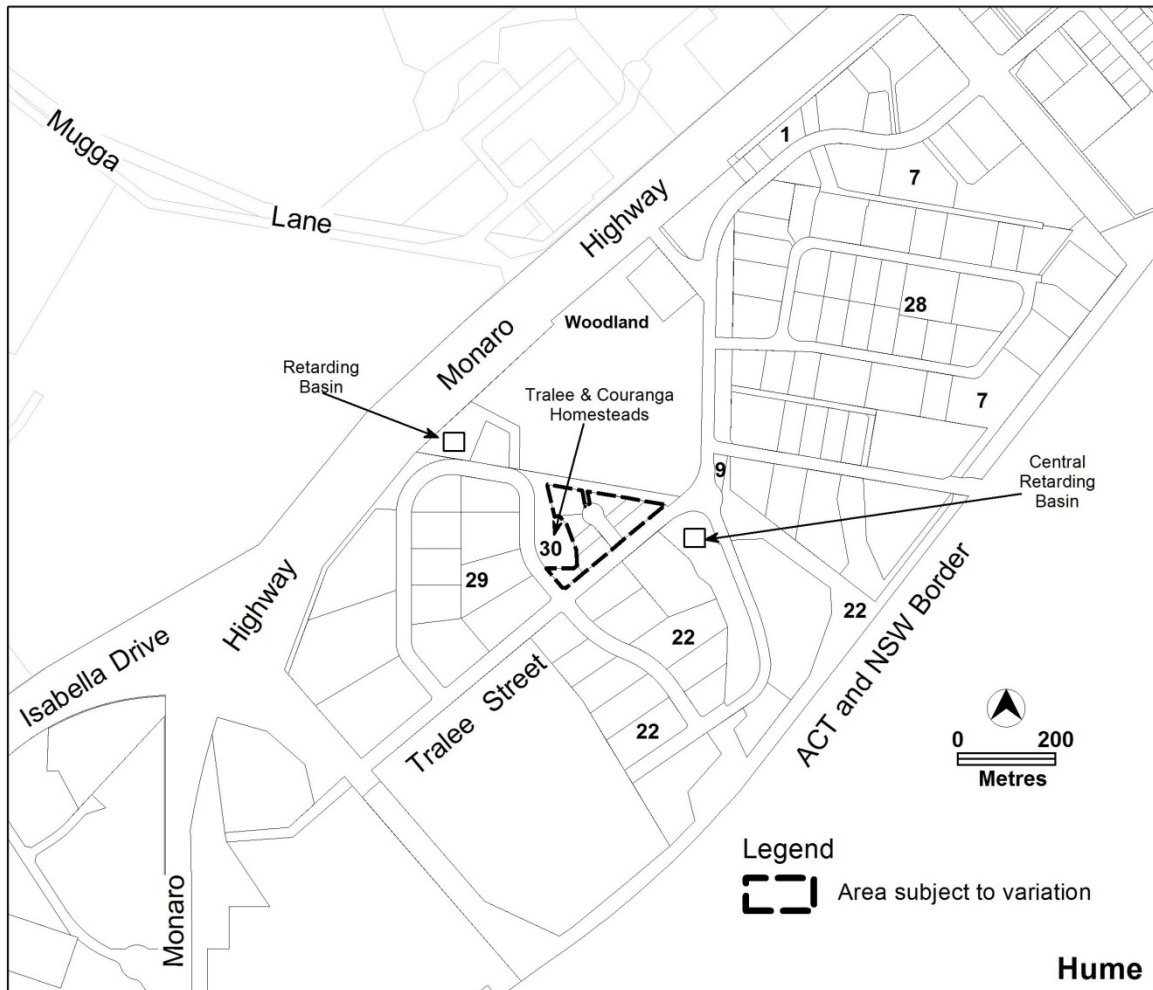


Figure 3 Hume West Industrial Estate

2.3 Proposed Changes

2.3.1 Proposed Changes to the Territory Plan Map

The proposed changes to the Territory Plan map are indicated in **Figure 4** at Part 3 of this document and consist of

- a) rezoning Hume section 30, blocks 1,2,3,4,5,6,7 and 8 from the IZ1 general industrial zone to the IZ2 mixed use industrial zone

The draft variation map indicates the proposed zone boundaries as accurately as possible but may be subject to adjustments following detailed surveys.

2.4 Reasons for the Proposed Draft Variation

The reasons for the proposed draft variation are as follows:

2.4.1 Rezoning

The proposed re-zoning from IZ1 general industrial zone to IZ2 mixed use industrial zone relates to a small part of the Hume West Industrial Estate consisting of eight blocks of land in the area shown by Figure 1. There are specific planning objectives in the approved estate development plan not addressed in the IZ1 general industrial zone code, which is intended to be achieved through the provision of IZ2 mixed use industrial zoned land.

The planning objectives are:

- accommodation of industry-associated retailing, services and other commercial uses without jeopardising an adequate supply of industrial land
- provision for a range of commercial and service activities at a scale that will protect the planned hierarchy of commercial centres and the Territory's preferred locations for office development
- meet the need for a mix of lower rent bulky goods retailing, specialised industrial, commercial and service activities alongside general industry; preserve and promote viable industries that can coexist with more commercially oriented users, and
- make provision for small-scale services that support surrounding industrial activities, or which meet the needs of the local workforce.

The abovementioned objectives are of particular relevance to the Hume West Industrial Estate. While Hume has a traditional reliance upon manufacturing, transport and storage based uses, in the contemporary era the ability to attract and retain such businesses to an estate requires a high quality presentation and the ability to attract supporting specialised commercial and service activities. Such activities will for example, require a level of non-retail commercial accommodation below that of a commercial centre. The level of activity generated would be expected to be less than for a commercial centre but would provide for more than solely the convenience needs of the local work force.

These needs cannot be reasonably accommodated under the provisions of the IZ1 general industrial zone. They are also beyond the scope of the small commercial centre, which is zoned CZ4 local centre (blocks 5 and 6 Section 5, Hume) which essentially provides a single convenience store and two other speciality shops to meet the current needs of the Hume work force.

A rezoning of part of Hume West will not be prejudicial to the maintenance of an adequate supply of general industrial land. The rezoning to IZ2 mixed use industrial does not restrict the supply of industrial land but broadens the range of permissible uses for a relatively small number of blocks. Nor will the rezoning unduly restrict the supply of large industrial blocks required by the IZ1 general industrial zone. The bulk of Hume West and most of the Hume industrial area will remain under the existing IZ1 general industrial zoning.

2.5 Planning Context

2.5.1 National Capital Plan

The Australian Capital Territory (Planning and Land Management) Act 1988 established the National Capital Authority (NCA) with two of its functions being to prepare and administer a National Capital Plan (NCP) and to keep the NCP under constant review and to propose amendments to it when necessary.

The NCP, which was published in the Commonwealth Gazette on 21 January 1990, is required to ensure that Canberra and the Territory are planned and developed in accordance with their national significance. The Planning and Land Management Act 1988 also required that the Territory Plan is not inconsistent with the NCP.

2.5.2 Territory Plan

The Statement of Strategic Directions included in the Territory Plan provides general principles for sustainable development, including economic sustainability. The proposal is consistent with several of these principles, including economic sustainability, social sustainability and spatial planning and urban design principles for urban areas.

In relation to **economic sustainability**:

Principle 1.12 states that

Planning policies will facilitate the widest possible range of commercial, retail, industrial, rural, tourism and other forms of economic activity in order to promote new investment and a more diversified economy to underpin employment growth, and to respond to changing economic opportunities.

and

Principle 1.14 states that

An adequate and diverse supply of industrial land will be maintained to facilitate both conventional and new forms of industry.

The proposed rezoning of Section AC (Section 30) is consistent with these principles. The EDP for Hume West was informed by *The Hume West Employment and Market Demand Assessment* (MacroPlan Australia, 2008). That assessment considered the nature of the ACT economy and market and identified the key land uses to be accommodated within Hume West as:

- General industrial;
- Heavy industry; and
- A mixed use hub including uses such as small office tenancies (accounting, legal services, specialist consulting services etc), specialty

retailing, food catering and restaurants and opportunity for meeting facilities to support the wider industrial uses.

The EDP contemplates Section AC (now Section 30, the site of this proposed variation) as the preferred location for the hub while retaining provision for a range of block sizes suitable for the other industrial land use types.

In relation to **social sustainability**:

Principle 1.25 states that

Heritage and cultural values will be safeguarded, including in particular those of the Territory's Aboriginal peoples and those derived from both its rural history and urban development as the National Capital. The distinctive qualities of residential areas and other places, as well as elements of community heritage, will also be recognised and their conservation promoted.

and

Principle 1.26 states that

Identified places of heritage significance will be protected in accordance with requirements for their conservation contained in the Heritage Register and any relevant heritage guidelines under the Heritage Act 2004. Special provisions are included in the Heritage Act for the recognition, registration and conservation of Aboriginal heritage.

The proposed rezoning is consistent with both these principles. The north-western boundary of the site adjoins a protective landscape buffer to the heritage curtilage of the Tralee and Couranga Homesteads.

Also of particular relevance are the **Spatial Planning and Urban Design Principles for Urban Areas**:

Principle 2.3 states that

Commercial and retail activity will be concentrated in centres and other planned nodes of intensive activity that are well served by public transport to ensure an efficient pattern of development. Primary emphasis will be placed on strengthening and enhancing existing and new centres and nodes, including improved urban design and encouragement of more mixed-use development.

It should be noted that the proposed mixed use hub is not proposed to be a local or neighbourhood centre. MacroPlan described the hub as an 'in board location' with a retail component that will not capture large volumes of passing trade and will only meet the needs of workers and visitors to Hume West with the commercial tenancies servicing and complementing the activity of major tenants on larger lots elsewhere in the precinct.

2.5.3 Strategic Planning Documents for the ACT

2.5.3.1 Spatial Plan

The Spatial Plan outlines the strategic direction for growth to achieve social, environmental and economic sustainability for Canberra. This proposal is consistent with the following key principles of the Canberra Spatial Plan:

- Containing up to 50 per cent of the projected urban growth in the ACT and surrounding NSW within the existing urban area of Canberra.
- Centralising employment within the three key employment corridors.
- Taking a regional approach to growth and change and managing cross border issues

2.5.3.2 Sustainable Transport Plan

The proposed development meets the broad objectives of the Sustainable Transport Plan in terms of integration of transport and land use to reduce travel distances, to increase choice of transport modes and encourage greater use of sustainable transport modes including walking and cycling. The Canberra Spatial Plan is integrated with the Sustainable Transport Plan and seeks to achieve a more sustainable transport system for Canberra over the next 25 years. This plan establishes the framework for a more sustainable transport system that retains high levels of accessibility to essential services. The proposed Hume West industrial estate will extend the availability of a range of block sizes which, similar to other parts of Hume, will enjoy good access to national transport routes via the Monaro Highway. In the longer term, the opportunity for rail transportation between Canberra and Sydney may be viable and accessible to Hume industries via the adjacent rail corridor which is currently inactive. The proposed variation to the Territory Plan and establishment of a services hub within Hume West is consistent with these principles. The services hub will provide for the ancillary and supporting needs of the industrial businesses and workforce within Hume West and thereby minimise the need for multiple external trips.

2.6 Interim Effect

The draft variation does not have interim effect and therefore section 65 of the Act does not apply. The current Territory Plan will continue to apply while the variation remains in draft form.

2.7 Consultation with Government Agencies

ESDD is required to, in preparing a draft variation under section 61(b) consult with each of the following in relation to the proposed draft variation

- (i) the national capital authority
- (ii) the conservator of flora and fauna
- (iii) the environment protection authority
- (iv) the heritage council
- (v) if the draft variation would, if made, be likely to affect unleased land or leased public land – each custodian for the land likely to be affected

National Capital Authority

The NCA provided the following comments on 16 November 2011:

Please note that the National Capital Authority has no objection to Draft Variation 312 proceeding. Section 30 Blocks 1 to 8 Hume is within Urban Areas (Industrial Areas) as illustrated in the National Capital Plan (NCP) general policy plan. The intended use of the land is not inconsistent with the principles and policies for Urban Areas (Industrial Areas).

Response

Noted.

Conservator of Flora and Fauna

The Conservator of Flora and Fauna made the following comments on 30 November 2011:

In accordance with Section 61(b) of the *Planning and Development Act 2007*, I advise that I have examined Draft Variation to the Territory Plan No.312 to change the zoning of Hume, blocks 1 to 8 section 30 from IZ1 general industrial zone to IZ2 industrial mixed use zone.

There are no significant biodiversity issues associated with the proposed Territory Plan Draft Variation No.312 to change the Territory Plan land use zoning of Hume Blocks 1 to 8 Section 30 from IZ1 General Industrial to IZ2 Industrial Mixed Use.

The proposed IZ2 area is immediately south of Block 6 Section 8 Hume (formerly referred to as Block 3 Section 8L which contains an area of woodland subject to EPBC decision 2009/4766. The decision requires that the woodland area is excluded from all construction, including infrastructure or services, and that it should be separated from the industrial blocks with a 10 m fire break and a

further 10m setback to the nearest buildings. It is noted that the 20m wide buffer zone between the blocks and the woodland is not part of the draft variation.

The proposed draft variation presents an opportunity to provide for the permanent protection of the EPBC woodland on Hume Block 6 Section 8 by rezoning it from IZ1 General Industrial to Non Urban NUZ3 Hills, Ridges and Buffer. The woodland was classified as meeting the ACT definition for Yellow Box- Red Gum Grassy Woodland (YBRG) in Action Plan 27. A priority task in Action Plan 27 is to improve connectivity across the ACT by linking to woodland in rural areas of NSW.

Connectivity could also be improved by rezoning Hume Blocks 79 and 80 Section 22 from IZ1 General Industrial to Non Urban NUZ3 Hills, Ridges and Buffer. The blocks are identified on the Land Development Agency's approved Estate Development Plan (EDP Sheets 1 and 2, Drawings 292350- EDP-01 and 02, Revision C) as areas not subject to development. Block 79 is the proposed open space area along the existing creekline which contains remnant trees to be retained. Block 80 wraps around the north eastern and south eastern boundaries of the industrial estate and contains an area of YBRG woodland and plantations along the railway line. Along with the YBRG woodland on Block 6 Section 8 and the vegetation on Block 9 Section 30 (the block containing the Tralee and Couranga Homesteads), these blocks function as the main wildlife corridor which runs through the Hume West industrial estate and connects woodland areas in the ACT with those in NSW.

Rezoning these blocks to NUZ3 is consistent with the Territory Plan Statement of Strategic Directions, Environmental Sustainability Principle No. 1.6 in which states that

"The pattern of development is to reflect land capability constraints resulting from topography, soils, geotechnical factors, drainage, natural hazards, microclimate and the sensitivity of ecosystems. Particular attention will be given to the need to conserve soil, water and vegetation; maintain biological diversity; safeguard important ecosystems and ecological processes; and provide and protect wildlife corridors".

The rezoning is also consistent with the NUZ3- Hills, Ridges and Buffer Zone Objective c) which is to

"Conserve the significant cultural and natural heritage resources and a diversity of natural habitats and wildlife corridors"

A recent detailed connectivity analysis of the ACT and surrounding NSW has identified core woodland habitat areas in the ACT and in the surrounding region and the wildlife movement corridors (least cost pathways) between these core habitat areas. Map 1- Regional Connectivity (Attachment A) indicates the core habitat areas (in red) and the wildlife movement corridors in green. The darker the green, the more important is the link between core habitat areas. As most woodland animals will only travel a distance of about 1.1km away from a core woodland patch of 10 ha, sizable patches of suitable habitat are needed every 1km or so for most animals to move through an area. The woodland and native plantings on Block 6 Section 8 provide a 10 ha habitat patch and re-enforce the

importance of the general area for maintaining a local wildlife link between ACT and NSW woodlands.

An important requirement for the movement of most woodland birds, bats and possums is that the distance between canopies does not exceed 100m. Map 2- Functional Corridors (Attachment B) illustrates those areas where breaks in canopy do not exceed 105 m. Lighter green areas are places where the canopy consists of isolated trees, but within 100m of one another, while dark green areas retain dense tree coverage. This mapping illustrates that the woodland block, combined with Blocks 79 and 80 Section 22, provide the most important and functional east west wildlife movement corridor in the Hume region.

Within this wildlife movement corridor, it is important to retain as much canopy vegetation as possible and enhance the corridor with additional planting of native trees to maintain and improve the connection. The blocks which are recommended for rezoning to NUZ3 are part of the better and most important local wildlife corridor between core habitat areas. The woodland on Block 6 is regenerating actively and there are some very large (>100cm DBH) trees with hollows providing good bird habitat value. The condition of this woodland block could improve under a favourable management regime. The retention of existing trees on Block 9 Section 30 and restoration of the creekline within Block 79 Section 22 will further enhance the value of this important wildlife movement corridor across Hume, linking woodland areas in NSW with those in the ACT.

Response

It is noted that several blocks have high ecological values, however they are not subject to the draft variation. It is noted that the land in question may be considered for rezoning in a future variation to the Territory Plan.

Environment Protection Authority

The Environment Protection Authority provided the following comments on 10 November 2011:

Environment Protection:

It should be noted that the close proximity of these two zone combinations could give rise to land-use incompatibilities, depending on the specific uses proposed. For example, IZ1 - General Industry Zone permits uses such as Hazardous industry, Hazardous waste facility, and Incineration facility, which could generate emissions requiring buffer distances to more sensitive land-uses permitted by IZ2 – Industrial Mixed Use Zone, such as Restaurant and Outdoor recreation facility. Actual permitted uses in this area of Hume should be carefully considered upon receipt of a development application. It is also noted that this compatibility aspect has not been addressed in the constraints section of the accompanying report. One option to control land-use could be to place restrictions on the leases for the IZ1 blocks surrounding the IZ2 area.

Contaminated Sites:

The EPA is aware that land contamination issues remain on Block 56 Section 22 Hume (former Roads ACT depot). These issues must be addressed to the satisfaction of the Environment Protection and Water Regulation Unit (EP&WR) prior to redevelopment of this area of the estate.

No material is to be removed from Block 56 Section 22 Hume without EP&WR approval.

Response

It is noted that land contamination issues are present on block 56 section 22 (now known as blocks 71 and 72, section 22). This land is not subject to the draft variation.

EDD has advised that the proposed IZ2 zone is surrounded by a reasonable buffer that serves to provide a degree of separation for land uses. The buffer comprises a woodland area to the north (Hume, section 8 block 6), a curtilage area to the west (section 30 block 9) and the Tralee Street road reserve to the south.

Heritage Council

The Heritage Council provided the following comments on 24 October 2011:

I refer to your electronic mail dated 13 October 2011 and associated documentation in relation to draft variation 312 to the Territory Plan for the Hume West Industrial Estate. I understand that the proposal involves the change of zoning of Blocks 1-8 Section 30 from IZ1 general industrial zone to IZ2 mixed use industrial zone. This is to accommodate industry- associated retailing, services and other commercial uses to support general industrial uses at the southern-western end of Hume without jeopardising the overall supply of industrial land.

The subject blocks are located adjacent to the Tralee and Couranga Homesteads located on block 9, which are registered on the ACT Heritage Register. I note that the proposed change of zoning does not include Block 9 which is currently zoned as IZ1.

It has been agreed in earlier discussions that the Tralee and Couranga Homesteads be accommodated within the Hume West Industrial Estate as a heritage place adaptively reused possibly as a community centre. It is noted that the current zoning IZ1 permits community use on this block.

Consequently, the Heritage Council considers that the proposed change of zoning will not result in detrimental heritage impacts, and therefore does not raise any objection to the proposed draft variation 312 in its current form.

Response

Noted.

Land custodian

The Economic Development Directorate (EDD) – (land custodian) – made the following comments on 10 November 2011:

EDD supports the proposal.

Response

Noted.

3. DRAFT VARIATION

3.1 Variation to the Territory Plan Map

The Territory Plan map is varied as indicated in Figure 4:

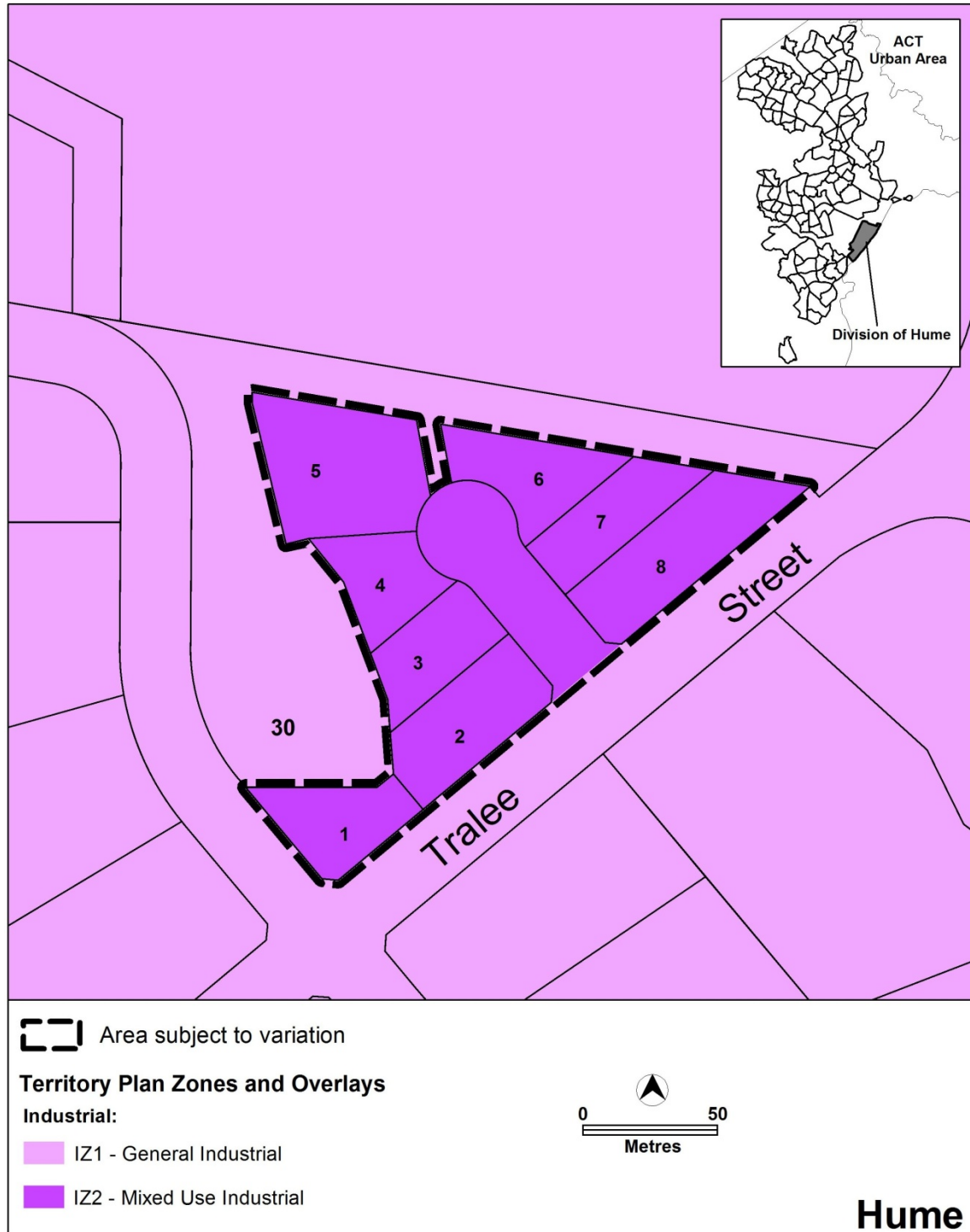


Figure 4 Proposed Territory plan map for the area subject to the variation

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131 450

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