Australian Capital Territory

Planning (Exempt Development) Single Dwelling Housing Development Control – Belconnen District Declaration 2024 (No 2)

Notifiable instrument NI2024-547

made under the

Planning (Exempt Development) Regulation 2023, s 14 (Territory planning authority may declare development controls)

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1 Name of instrument

This instrument is the *Planning (Exempt Development) Single Dwelling Housing Development Control – Belconnen District Declaration 2024 (No 2).*

2 Commencement

This instrument commences on 27 September 2024.

3 Declaration

I declare the development control at schedule 1 for the development of single dwelling housing in residential zones in the Belconnen District.

4 Revocation

This instrument revokes the *Planning (Exempt Development) Single Dwelling Housing Development Control – Belconnen District Declaration 2024 (No 1)* (NI2024-149).

George Cilliers
Chief Planner
13 September 2024

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Schedule 1

Residential Zones - Single Dwelling Housing Development Control

Belconnen District

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Application

The Residential Zones - Single Dwelling Housing Development Control enables a single dwelling development, including alterations and extensions, to be exempt from requiring development approval where it meets all the requirements set out in the control declared under section 14 (1) (a) of the *Planning (Exempt Development) Regulation 2023* (the Regulation), and where it meets the relevant development exemption criteria as set out in the Regulation. Where a requirement for a specific block is contained within a district specific single dwelling housing development control for exempt development declarations, that requirement supersedes the corresponding requirement in the Residential Zones – Single Dwelling Housing Development Control.

This control is for the district of Belconnen and enables single dwelling development to be exempt from requiring development approval where it meets all the requirements set out in this control.

This category of exempt development allows compliant single dwellings to be built without development approval.

An exemption declaration is a minor approval that can be issued by the Territory Planning Authority that allows a single dwelling, which would be exempt from development approval other than for one or more minor encroachments, to continue to be dealt with as exempt development. In all cases, the departures from the requirements in this control must be consistent with the exemptions for minor non-compliance as set out in the *Planning (Exempt Development) Regulation 2023* and the Territory Planning Authority is satisfied that the departures are minor and will not cause an adverse effect to neighbours.

Adding a secondary residence is not considered to be exempt development and would require development approval.

Terms used in this development control have the same meaning that they have in the Territory Plan Part G Dictionary and in the *Planning (Exempt Development) Regulation 2023*.

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SINGLE DWELLING HOUSING DEVELOPMENT CONTROL - BELCONNEN DISTRICT

<table>
<tr><th colspan="2">Macnamara</th></tr>
<tr><th>Item</th><th>Control</th></tr>
<tr><td>Setbacks</td><td>1. For blocks identified in Figure 4, Figure 5, and Figure 6, minimum boundary setbacks to specified floor levels are nominated. This provision does not apply to side setbacks for garages and/or carports.</td></tr>
<tr><td>Boundary nominations</td><td>2. For blocks identified in Figure 4 and Figure 6, rear boundaries are nominated for the purposes of the Single Dwelling Housing Development Control.

3. For blocks identified in Figure 4 and Figure 6, side boundaries are nominated for the purposes of the Single Dwelling Housing Development Control.</td></tr>
<tr><td>Fencing</td><td>4. This provision applies to nominated boundaries identified in Figure 1, Figure 2 and Figure 3 including all fencing forward of the building line. Courtyard walls are to be provided to nominated boundaries.
Materials permitted for F1, F2, F3 and F5 are a combination of solid and semi-transparent elements as follows:
• Masonry or stonework; and
• If courtyard wall is over 600mm in height the wall must include infill panels that are semi-transparent using materials of dressed or painted hardwood timber or powder coated aluminium slats (openings to be minimum 10mm).

Materials permitted for F4 are as follows:
• Dressed or painted hardwood timber or powder coated aluminium slats (openings to be minimum 10mm).

All courtyard walls will comply with the following:
a) Where located above retaining wall greater than 1m, courtyard wall to be set back a minimum of 600mm from the boundary, providing sufficient space for planting. The maximum combined height of the retaining wall and courtyard wall is 2.2m from the adjacent footpath level.
b) All walls and fences must accommodate service requirements for water meters and mini pillars and any other required service. Additional setbacks and clearances around services are permitted.
c) Courtyard walls will address and define the confluence of front boundaries on corner blocks.
Fences are to be constructed in accordance with Table 1.</td></tr>
<tr><td>Water tank requirements</td><td>5. Nominated blocks in Figure 4, Figure 5, and Figure 6 are subject to water tank size requirements as follows:
<table>
<tr><th>Block Size (m²)</th><th>Minimum tank size (kL)</th></tr>
<tr><td>> 251 - 350</td><td>2</td></tr>
<tr><td>> 351 - 599</td><td>4</td></tr>
<tr><td>> 600 - 800</td><td>8</td></tr>
</table></td></tr>
</table>

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	> 801 | 10 Rainwater tanks are installed in accordance with minimum roof capture areas and internal and external connection requirement.
Garages	6. For blocks identified in Figure 4 and Figure 6, garages must be a minimum of 1.5m behind the front building line.

Strathnairn	
Item	**Control**
Principle private open space	7. For blocks identified in Figure 12, Figure 17, Figure 18, Figure 19, Figure 20, Figure 23, Figure 25, Figure 28, Figure 29, Figure 32, and Figure 33, the minimum dimensions or area of principal private open space are nominated. At least one area of principal private open space on the block complies with all of the following: a) Directly accessible from, and adjacent to, a habitable room other than a bedroom. b) Screened from adjoining public streets and public open space. c) Located behind the building line, except where enclosed by a courtyard wall. d) Is not located to the south, south-east or south-west of the dwelling, unless it achieves not less than 3 hours of direct sunlight onto 50% of the minimum principal private open space area between the hours of 9am and 3pm on the winter solstice (21 June). Where nominated at Upper Floor Level principal private open space also complies with the following: a) Not less than 12m^2.
Principle private open space/Daytime living	8. For blocks identified in Figure 31, the principal private open space and daytime living area is located on the western side of the block.
Building storeys	9. For blocks identified in Figure 12, Figure 13, Figure 14, Figure 15, Figure 16, Figure 17, and Figure 18, the mandatory number of storeys is nominated.
Setbacks	10. The minimum boundary setbacks to lower floor level and/or upper floor level are identified in Figure 12 to Figure 33. This does not apply to setbacks for garages and/or carports. Note: Side boundary 1 and side boundary 2 are nominated by the applicant unless otherwise specified in this specification.
	11. For blocks identified in Figure 12 to Figure 18, Figure 20 to Figure 32, the minimum setback to garage/carport/surveillance unit is nominated.
Gates	12. For blocks identified in Figure 12, Figure 13, Figure 15, Figure 16, and Figure 18, an access gate to open space is required. 13. For blocks identified in Figure 20, Figure 21, Figure 22, Figure 23, Figure 24, Figure 26, and Figure 30, the location of the gate, street address and letterbox are nominated.
Fencing	14. For blocks identified in Figure 10, fencing materials are to be a combination of solid and semi-transparent elements as follows: • Masonry or stonework.

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<table>
<tr><td></td><td>

- If over 600mm in height to include infill panels that are semi-transparent using materials such as dressed hardwood timber or powder coated aluminium slats (openings to be minimum 10mm).

The following materials/ fencing are not permitted:

- Paling fence.
- Chain mesh fencing.
- Colorbond fence.
- Untreated timber slat fencing.
- Timber sleepers.
- Brush fencing.

Fences are to be constructed in accordance with Table 2.</td></tr>
<tr><td></td><td>

15. For blocks identified in Figure 11, fencing materials are to be a combination of solid and semi-transparent elements as follows:

- Masonry, stonework or a combination of raised garden beds of minimum of 400mm high with hedging.
- If over 600mm in height to include infill panels that are semi-transparent using materials such as dressed hardwood timber or powder coated aluminium slats (openings to be minimum 10mm).

The following materials/ fencing are not permitted:

- Paling fence.
- Chain mesh fencing.
- Colorbond fence.
- Untreated timber slat fencing.
- Timber sleepers.
- Brush fencing.

Fences are to be constructed in accordance with Table 3.</td></tr>
<tr><td>Walls</td><td>16. For blocks identified in Figure 12, Figure 15, Figure 17 to Figure 30, Figure 32, and Figure 33, the maximum length of wall at nominated setback cannot exceed nominated length.</td></tr>
<tr><td>Screening treatments</td><td>

17. For blocks identified in Figure 31 and Figure 32, landscaping screening treatments of minimum 1.8m high to principal private open space.

18. For blocks identified in Figure 31, fencing and landscaping complies with all of the following:

a) A 1.8 metre solid timber lapped and capped fence on the boundary with a 4.5 metre high mesh fence within the block as close to the timber fence as possible.
b) Mesh fence includes evergreen climbing planting.
c) A 3 metre planting area from the mesh fence into the block.</td></tr>
<tr><td>Water tank requirements</td><td>

19. Rainwater tanks on single dwelling blocks are provided to meet the following water tank size requirements and are installed in accordance with minimum roof capture areas and internal and external connection requirement:

<table>
<tr><th>Block Size (m²)</th><th>Minimum tank size (kL)</th></tr>
<tr><td>0 ≤ 250</td><td>0</td></tr>
<tr><td>> 250 - 350</td><td>2</td></tr>
<tr><td>> 350 - 599</td><td>4</td></tr>
</table>
</td></tr>
</table>

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	> 599 - 800 | 8 > 800 | 10 20. For blocks identified in Figure 25, Figure 29, Figure 31, and Figure 32, rain water tanks must be installed in accordance with the Residential Zones Technical Planning Specifications.
Garage/Carport location	21. For blocks identified in Figures 31, garages/ carports are not to directly address Sally Ross way and Speldewinde Street.
Parking	22. For blocks identified in Figure 12, Figure 13, Figure 17, Figure 19, Figure 30, Figure 31, Figure 32, and Figure 33, only one onsite parking space is required.
Development provisions	23. Development complies with the specifications identified in Figure 34 to Figure 44.

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Table 1 – Macnamara development requirements

Type	Mandatory fencing/courtyard wall	Minimum boundary length	Minimum setback	Mandatory height
F1	Yes	100%	800mm	1.5m
F2	Yes	50%	0m	1.8m
F3	Yes	50%	0m	1.5m
F4	Yes	50%	0m	1.8m
F5	No	50%	0m	1.5m

FIGURES

Figure 1 – Macnamara development requirements

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Figure 2 – Macnamara development requirements

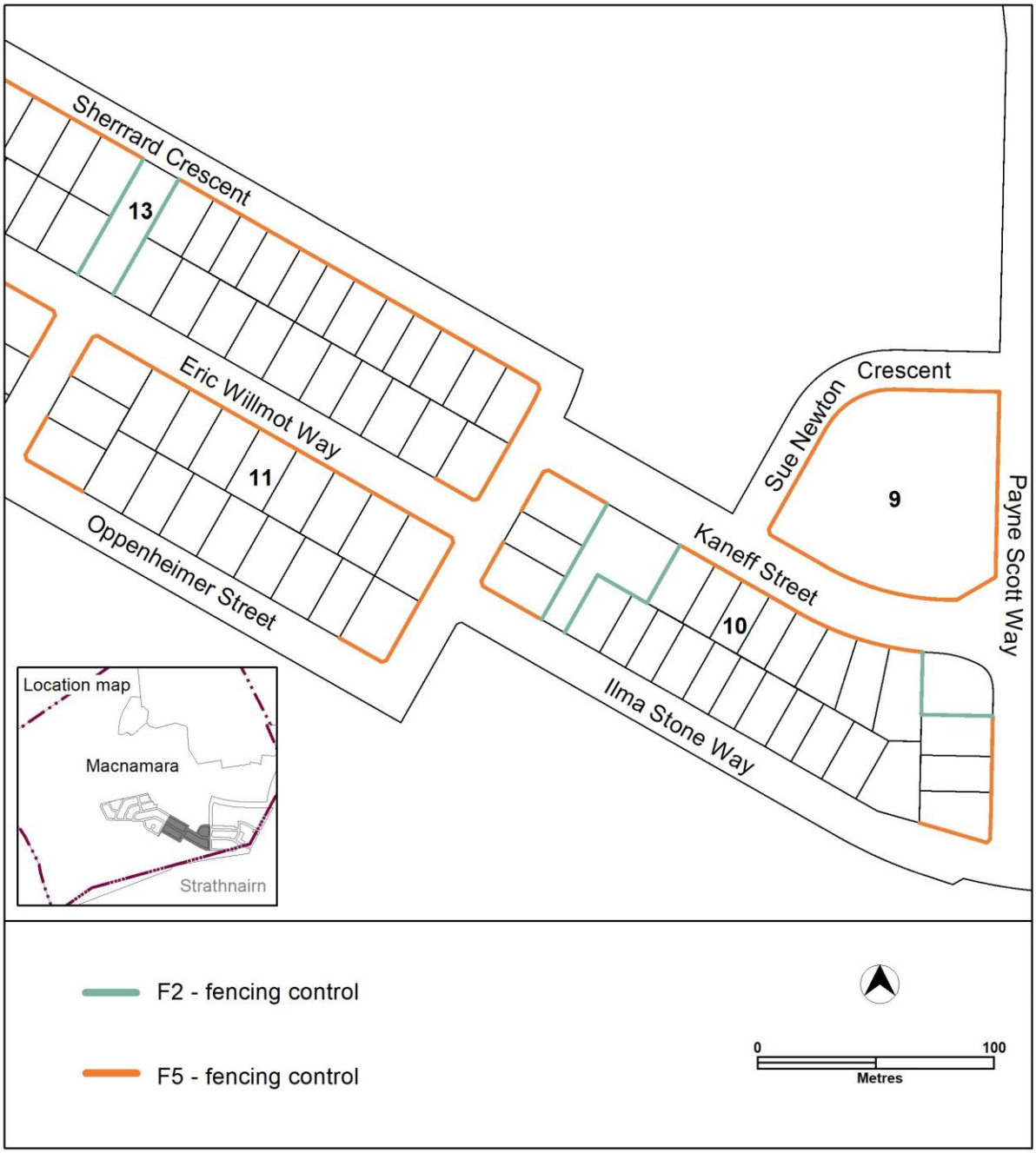

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Figure 3 – Macnamara development requirements

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Figure 4 – Macnamara development requirements

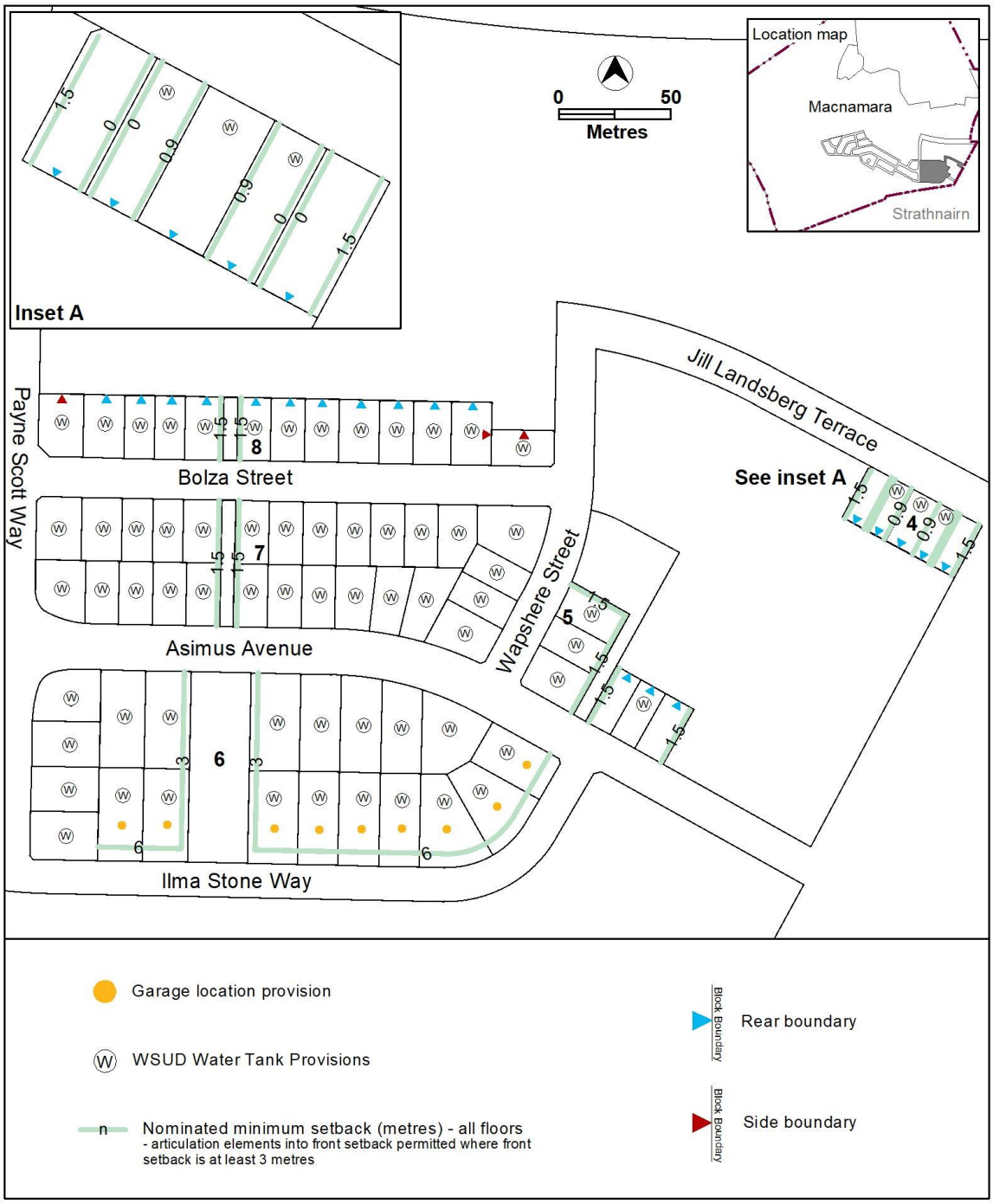

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Figure 5 – Macnamara development requirements

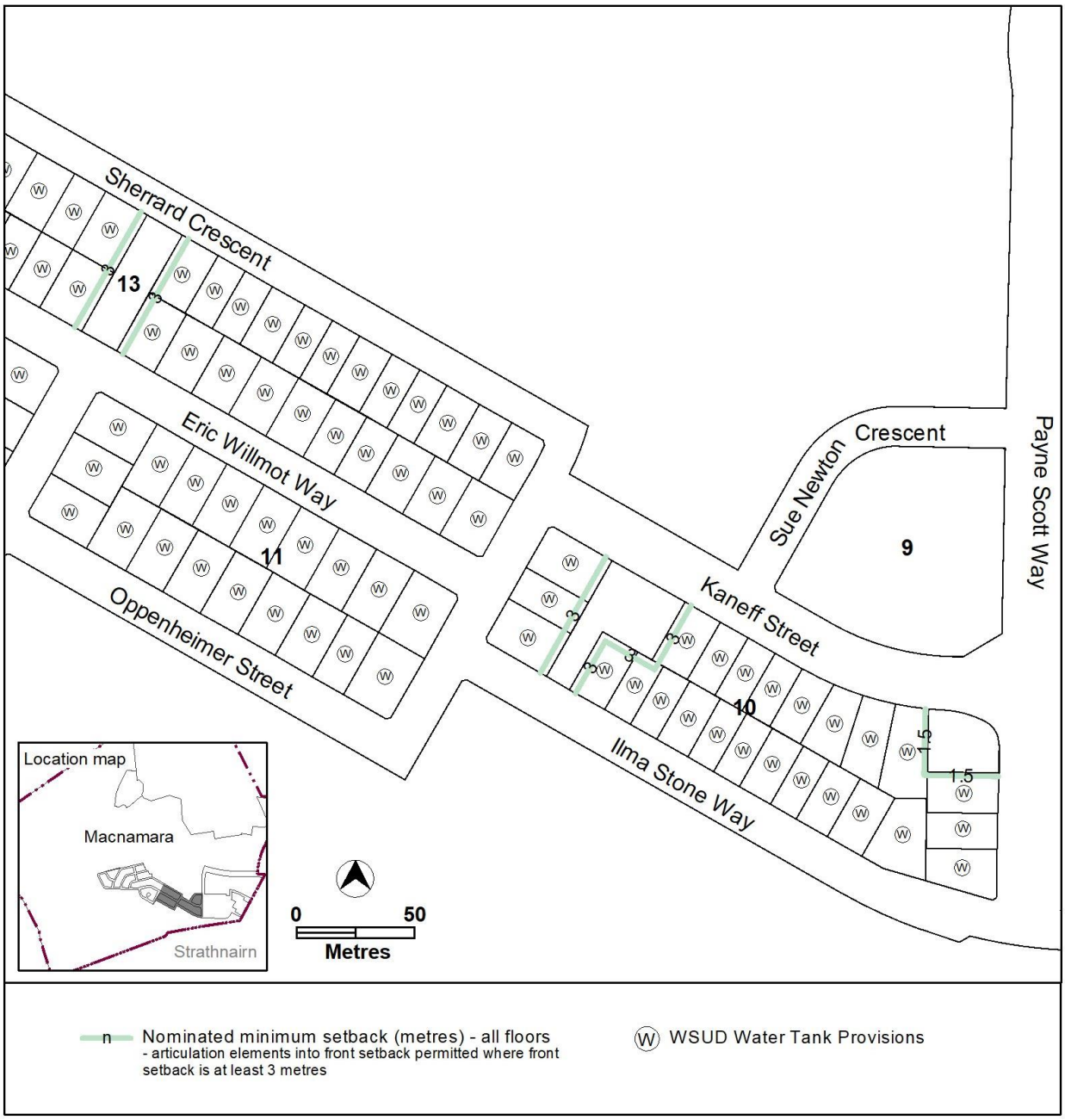

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Figure 6 – Macnamara development requirements

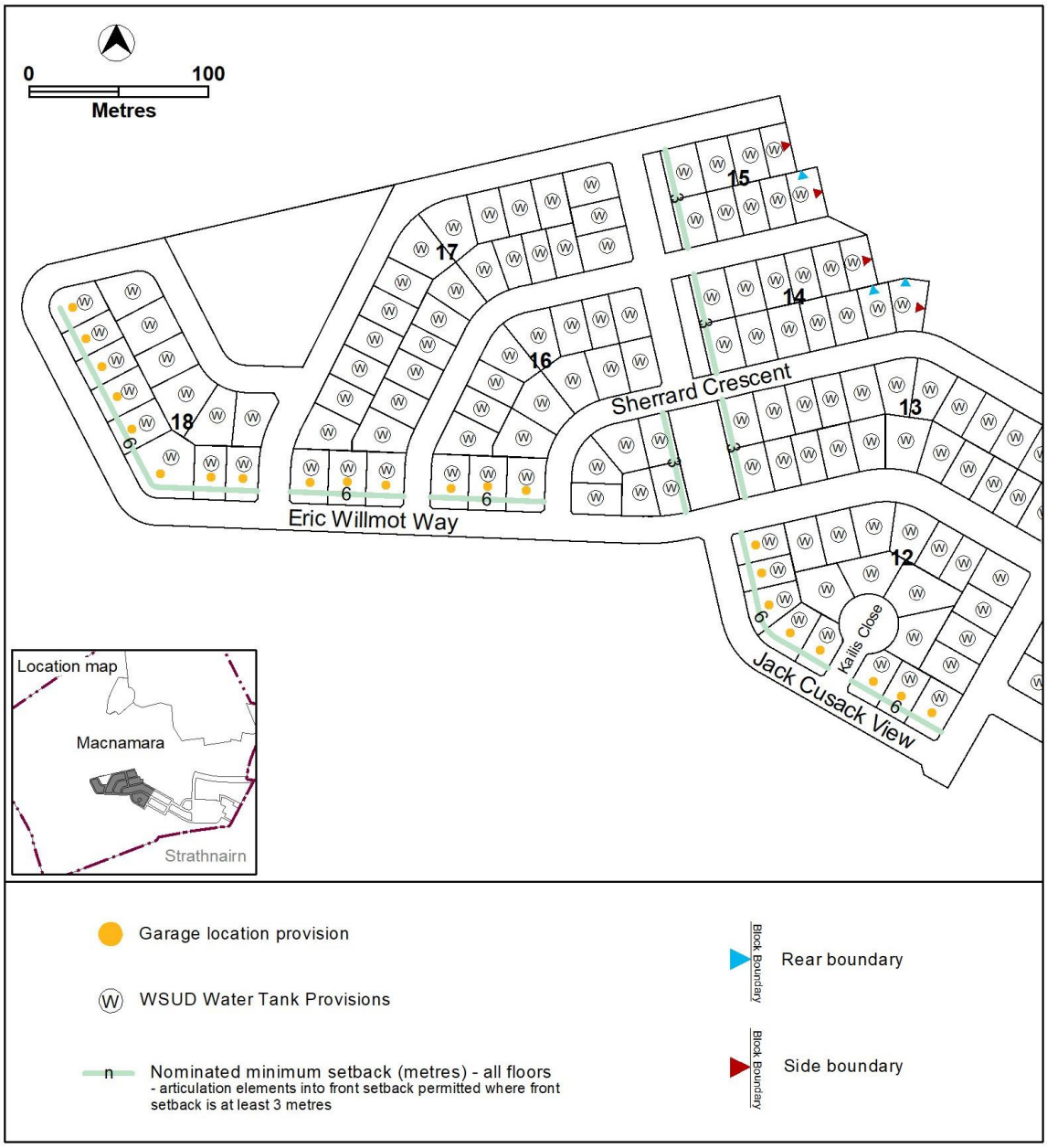

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Figure 7 – Macnamara development requirements

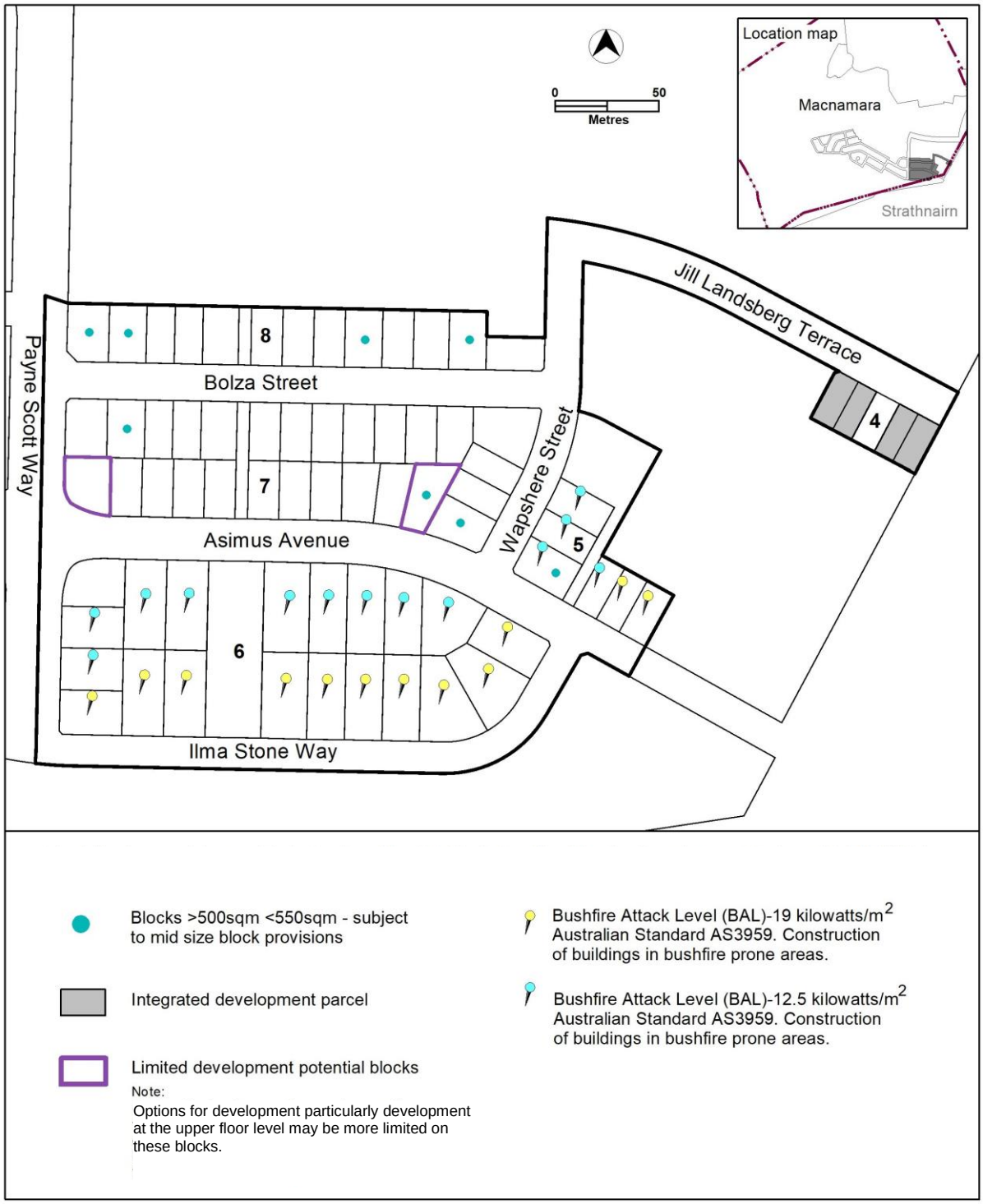

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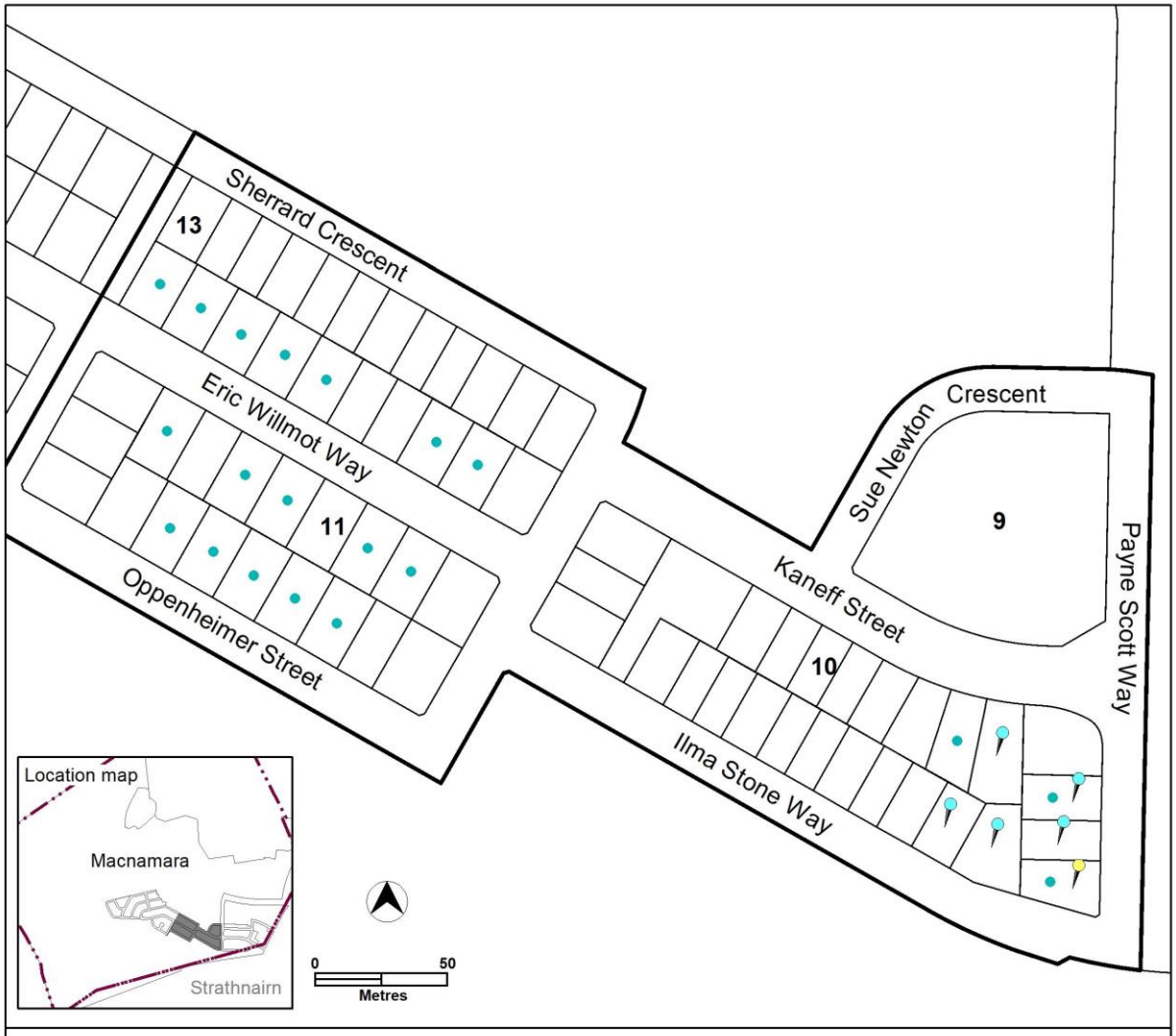
Figure 8 – Macnamara development requirements



The following provisions reside in Territory Plan 3.3 Single Dwelling Housing Development Code and 3.4 Multi Unit Housing Development Code.

- Blocks >500sqm <550sqm - subject to mid size block provisions
- Bushfire Attack Level (BAL)-19 kilowatts/m^2 Australian Standard AS3959. Construction of buildings in bushfire prone areas.
- Bushfire Attack Level (BAL)-12.5 kilowatts/m^2 Australian Standard AS3959. Construction of buildings in bushfire prone areas.

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Figure 9 – Macnamara development requirements

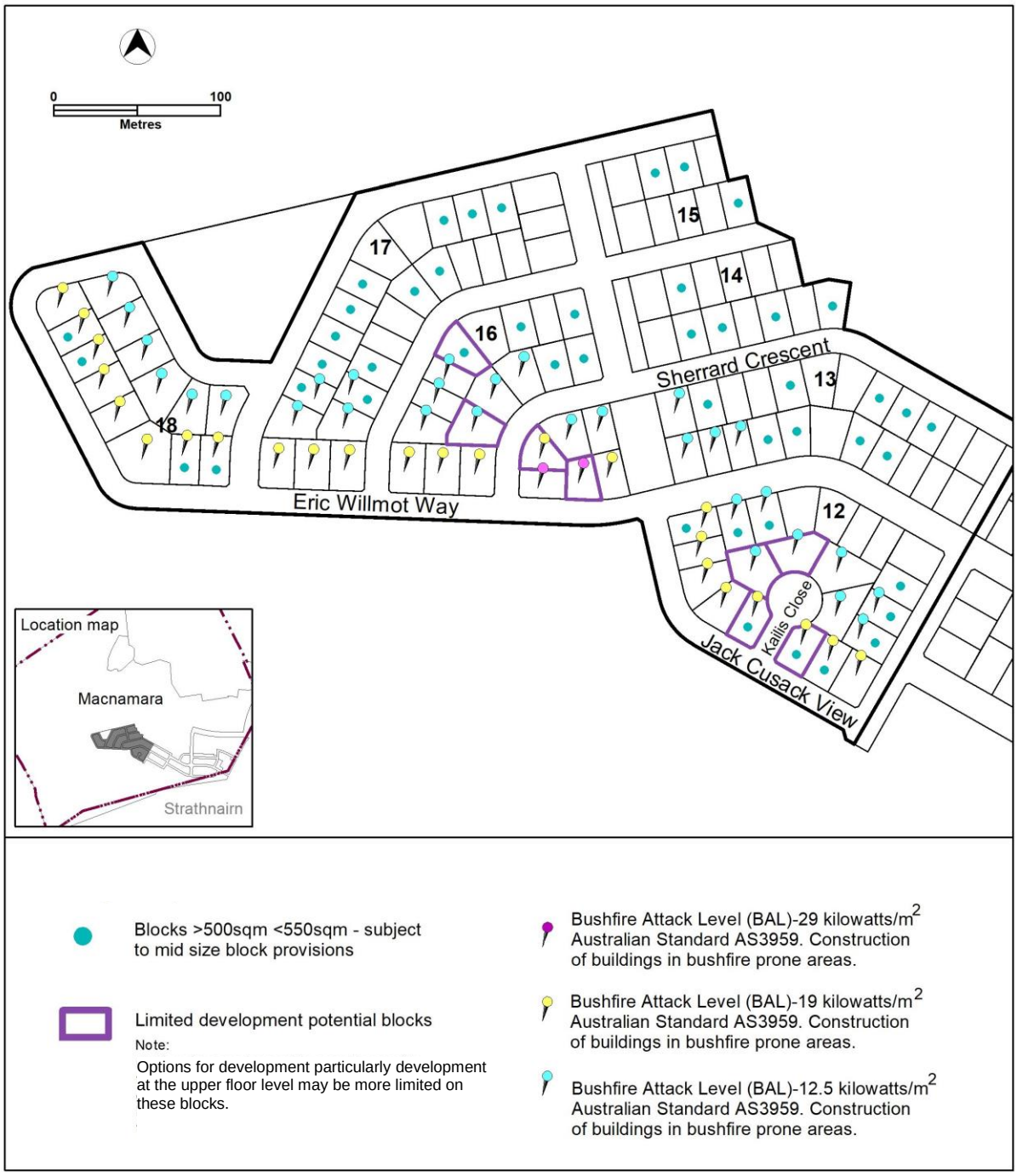

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Figure 10 – Strathnairn development requirements

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Table 2 – Strathnairn development requirements

LOCATION (refer to plan) FENCING CONTROL ONLY APPLES TO COURTYARD WALLS AND FENCES FORWARD OF THE BUILDING LINE	MANDATORY	**MINUMUM** FRONT SETBACK	**MAXIMUM** HEIGHT	**MAXIMUM** HEIGHT FOR PPOS SCREEN	**MAXIMUM** HEIGHT OF SIDE FENCING TO FRONT OF FRONT BUILDING LINE	NOTE
VILLAGE LINK/ GREEN LINK	YES	100% @ 0m	1.2m	1.5m	1.5m	
VILLAGE LINK/ GREEN LINK	YES	100% @ 600mm	1.2m	1.5m	1.5m	PROVIDE PLANTING FORWARD OF THE COURTYARD WALL
CENTRAL BOULEVARD	YES	50% @ 0m 50% @ 1m	1.2m	1.5m	1.5m	
LANE WAYS	AS REQUIRED	100% @ 0m	1.8m	1.8m	NA	
BLOCKS ADJACENT TO OPEN SPACE	AS REQUIRED	100% @ 0m	1.8m*	1.8m	NA	
NORTH FACING BLOCKS	ONLY WHERE PPOS IS IDENTIFIED	50% @ 0m 50% @ 600mm	1.5m*	1.5m	1.5m	
CORNER BLOCKS (APPLIES TO ALL LARGE AND MID SIZE CORNER BLOCKS)	AS REQUIRED	50% @ 0m 50% @ 600mm	1.5m*	1.5m	1.5m	NO FENCING PERMITTED WITHIN 6m OF THE CORNER (REFER TO DIAGRAM BELOW)

* Where located above a retaining wall, fencing to be setback a minimum of 600mm from the boundary. The maximum combined height of wall and fence is 2.2 metres from footpath level. Sufficient space between retaining wall and fence to provide planting.

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Figure 11 – Strathnairn development requirements

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Table 3 – Strathnairn development requirements

LOCATION (refer to plan) FENCING CONTROL ONLY APPLES TO COURTYARD WALLS AND FENCES FORWARD OF THE BUILDING LINE		MANDATORY FENCING COURTYARD WALL	MINUMUM FRONT SETBACK	MAXIMUM HEIGHT	MAXIMUM HEIGHT FOR PPOS SCREEN	MAXIMUM HEIGHT OF SIDE FENCING TO FRONT OF FRONT BUILDING LINE	NOTE
	VILLAGE LINK BLOCKS <= 12.5m WIDE	YES	100% @ 0m	1.2m*	1.5m	1.5m	
	VILLAGE LINK BLOCKS > 12.5m WIDE	YES	50% @ 0m 50% @ 800mm	1.2m*	1.5m	1.5m	PROVIDE PLANTING FORWARD OF THE COURTYARD WALL
	CENTRAL BOULEVARD	YES	50% @ 0m 50% @ 1m	1.2m*	1.5m	1.5m	
	LANE WAYS	NO	100% @ 0m	1.8m	1.8m	NA	
	BLOCKS ADJACENT TO OPEN SPACE	NO	100% @ 0m	1.8m*	1.8m	NA	
NORTH FACING BLOCKS		NO	50% @ 0m 50% @ 800mm	1.5m*	1.5m	1.5m	
CORNER BLOCKS		NO	50% @ 0m 50% @ 800mm	1.5m*	1.5m	1.5m	NO FENCING PERMITTED WITHIN 6m OF THE CORNER (REFER TO DIAGRAM BELOW)

* Where utility service infrastructure is required in front of any walls, such as Water Meters, Mini Pillars, Sewer and any other required service, walls may contain recesses to a maximum of 1.8m length and 0.8m depth or as agreed by the service provider.

Where blocks are subjected to two boundaries fronting a laneway as shown in Example C, a courtyard wall or fence treatment may be installed along laneway frontages on the boundary.

Where located above a retaining wall, fencing to be setback a minimum of 600mm from the boundary, providing sufficient space for planting. The maximum combined height of wall and fence is 2.2 metres from footpath level.

Side boundary fences may be of Timber Paling (hardwood lapped and capped) or Sheet Metal

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Figure 12 – Strathnairn development requirements

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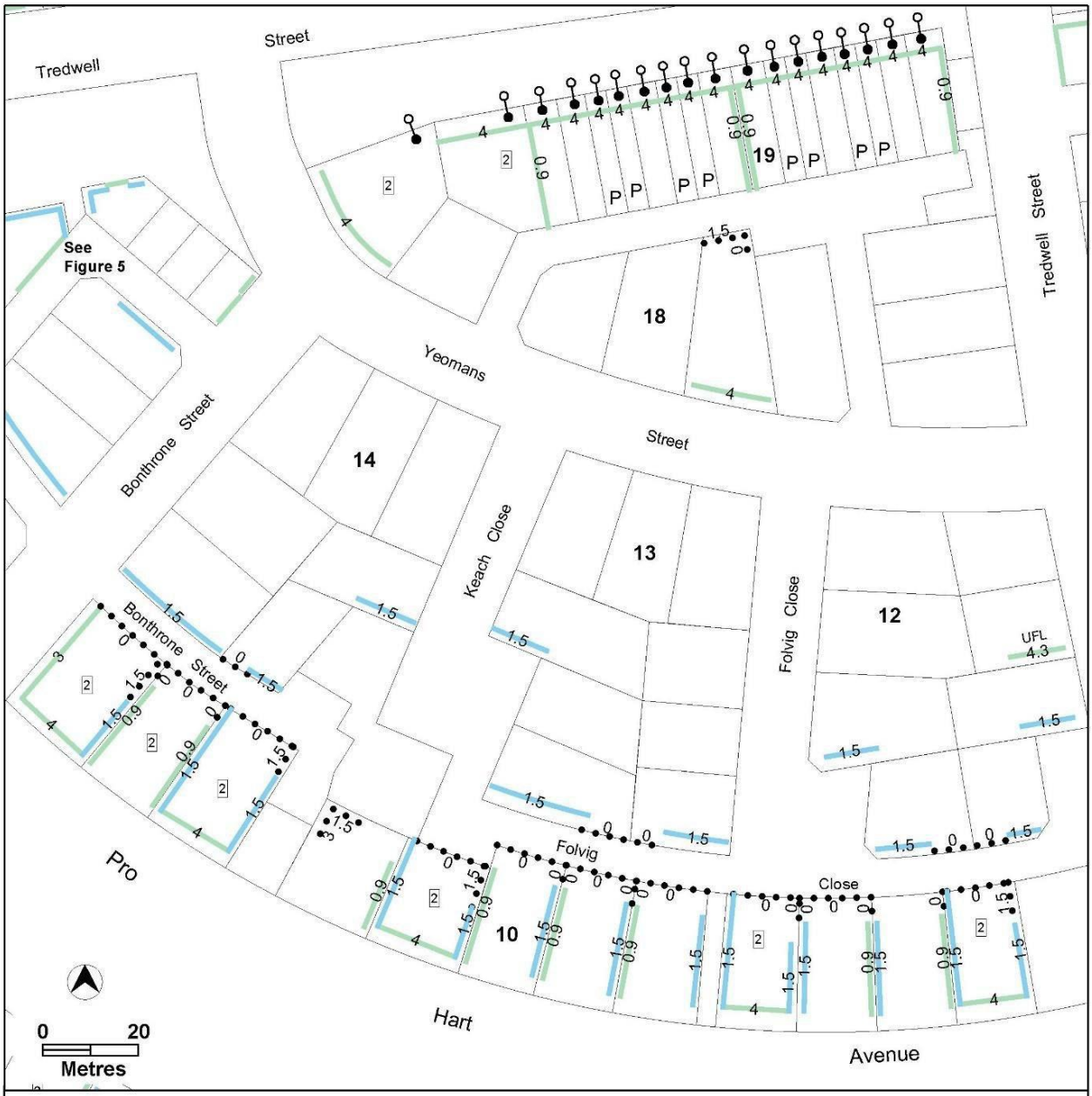
Figure 13 – Strathnairn development requirements



n	Nominated minimum setback (metres) - all floors
1.5	Nominated minimum setback 1.5m - all floors - External wall and unscreened element provisions apply - Plus 1m articulation zone forward of the building on a front boundary
3	Nominated minimum setback 3m - all floors - Plus 1m articulation zone forward of the building on a front boundary
4	Nominated minimum setback 4m - all floors - Plus 1m articulation zone forward of the building on a front boundary
4.3	Nominated minimum setback 4.3m - upper floor level
UFL	Setback only applicable to upper floor level
n	Minimum setback (metres) - garage/ carport/ surveillance unit
2	Mandatory two storeys
P	One parking space required only
	Access gate to open space

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Figure 14 – Strathnairn development requirements

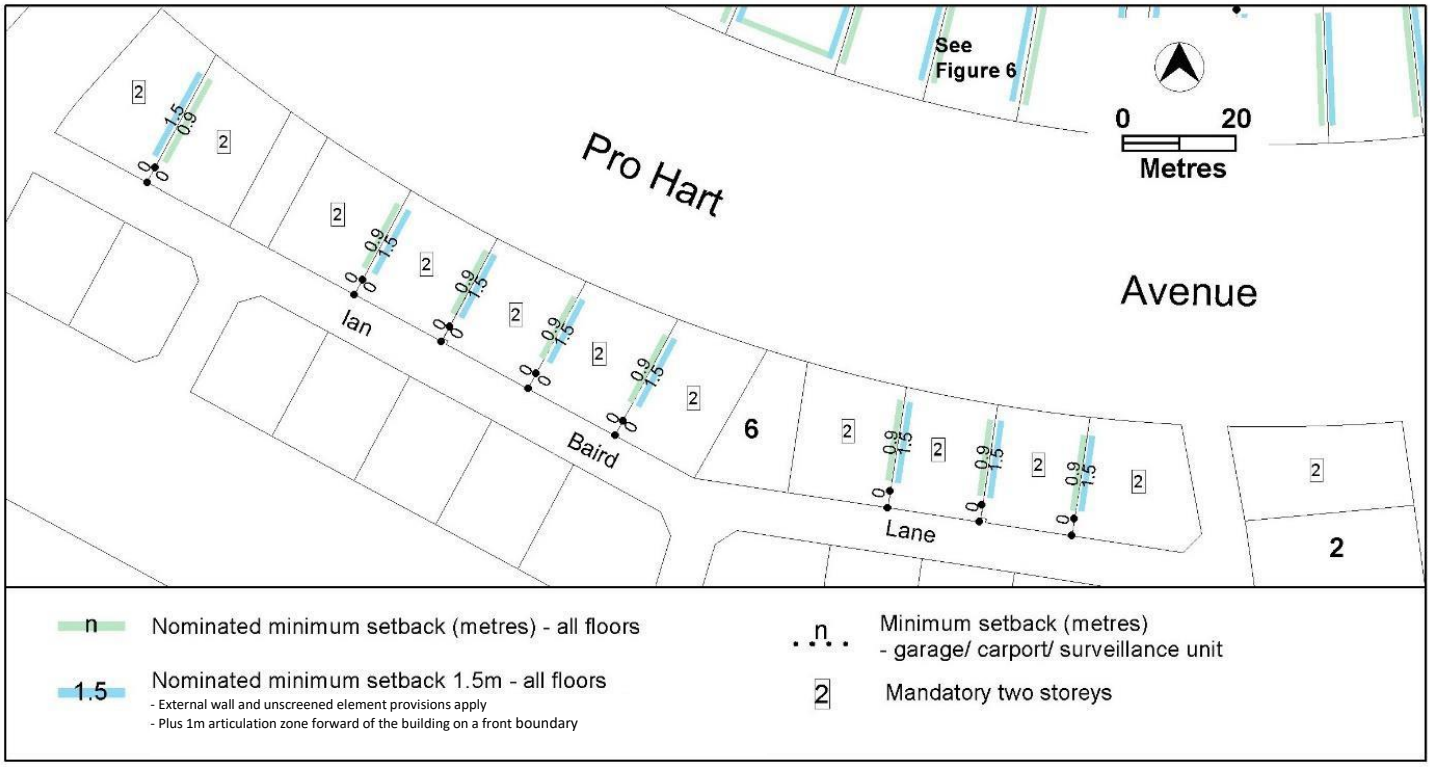

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Figure 15 – Strathnairn development requirements

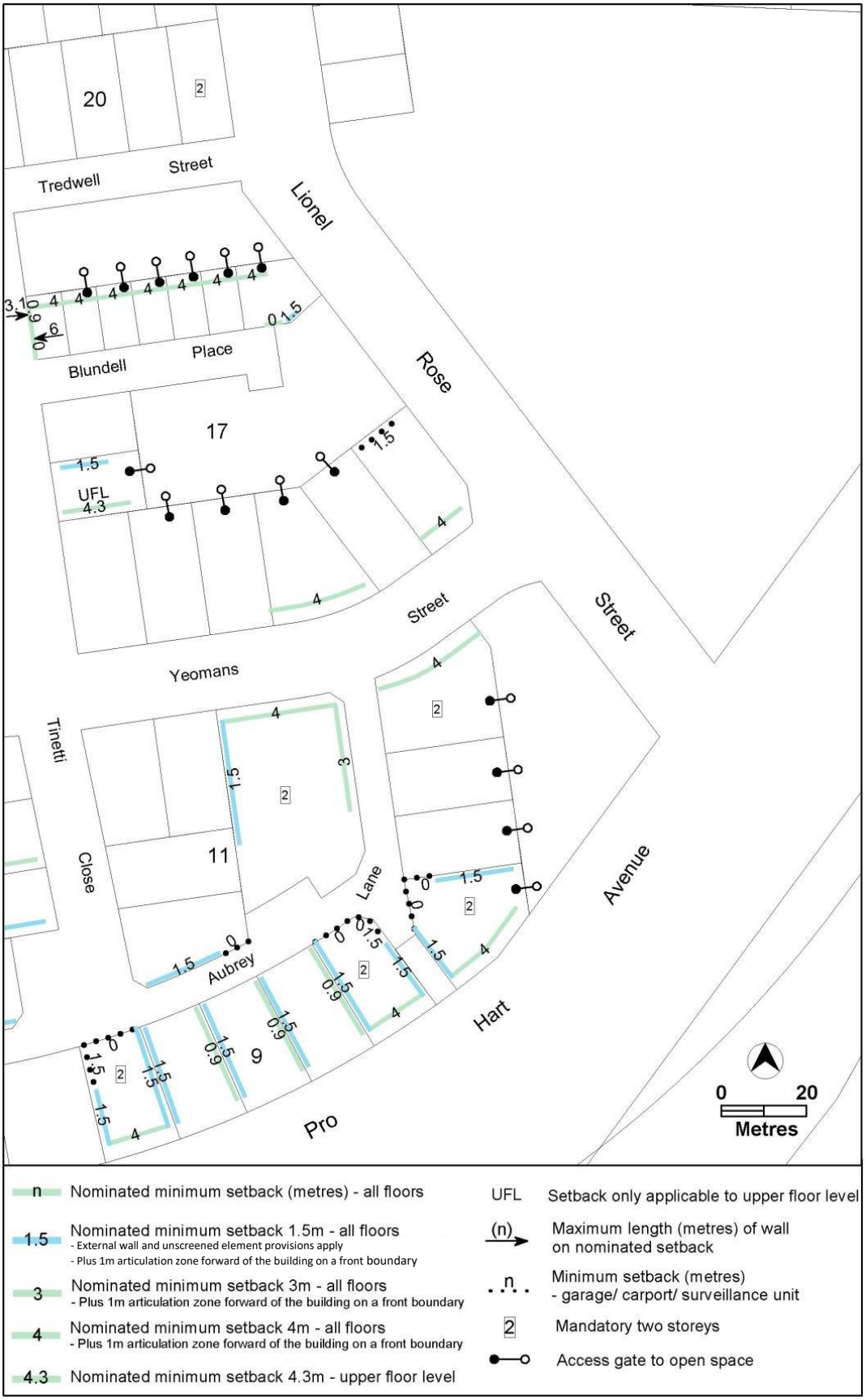

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Figure 16 – Strathnairn development requirements

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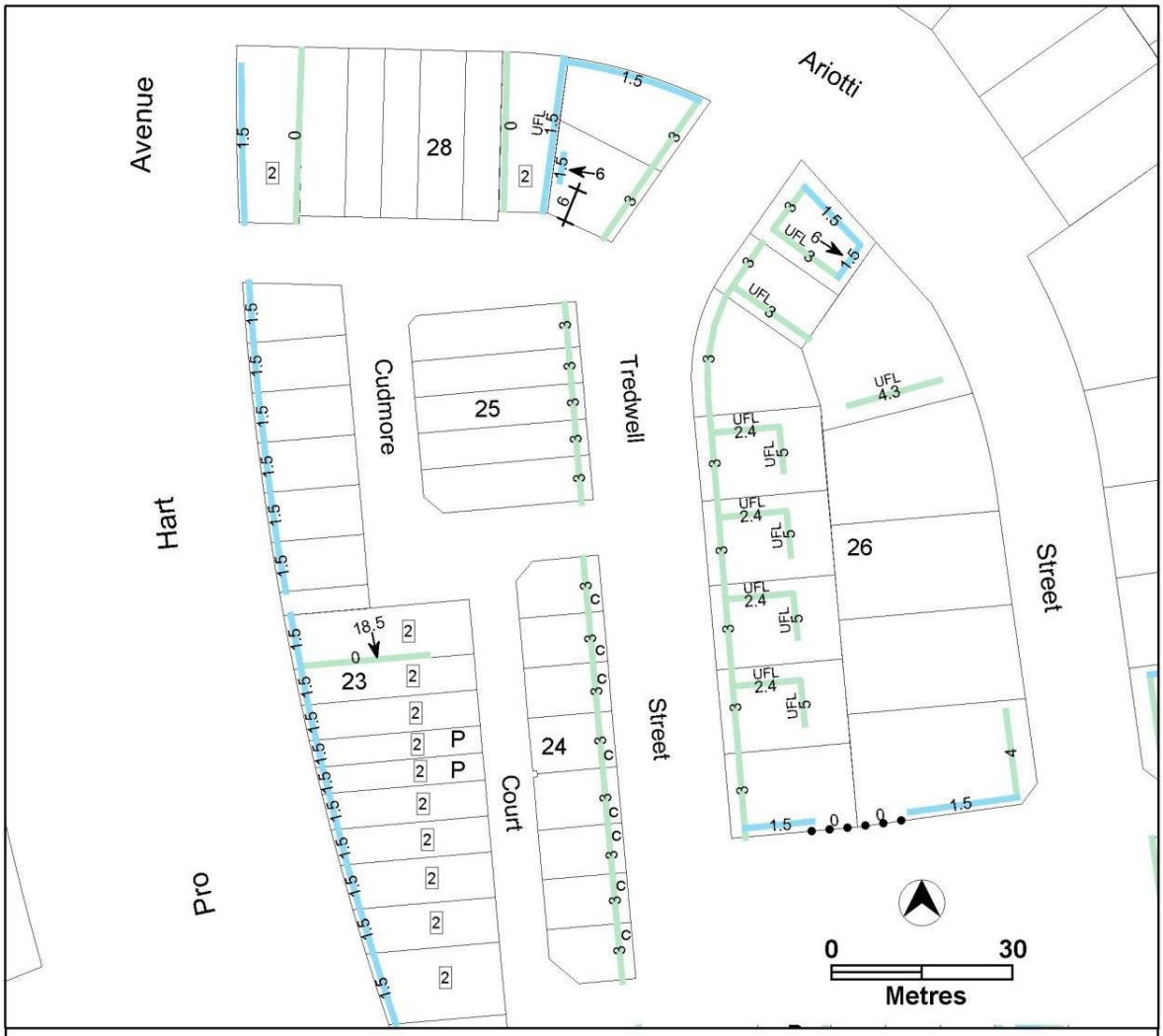
Figure 17 – Strathnairn development requirements



n	Nominated minimum setback (metres) - all floors	UFL	Setback only applicable to upper floor level
1.5	Nominated minimum setback 1.5m - all floors - External wall and unscreened element provisions apply - Plus 1m articulation zone forward of the building on a front boundary	(n) →	Maximum length (metres) of wall on nominated setback
2.4	Nominated minimum setback 2.4m - all floors - Plus 1m articulation zone forward of the building on a front boundary	n	Minimum setback (metres) - garage/ carport/ surveillance unit
3	Nominated minimum setback 3m - all floors - Plus 1m articulation zone forward of the building on a front boundary	2	Mandatory two storeys
4	Nominated minimum setback 4m - all floors - Plus 1m articulation zone forward of the building on a front boundary	P	One parking space required only
4.3	Nominated minimum setback 4.3m - upper floor level		Alternative principle private open space dimensions (metres) a 2.2 x 3.4 b 3.5 x 4.6 c 3.0 x 5.4
5	Nominated minimum setback 5m - all floors - Plus 1m articulation zone forward of the building on a front boundary		

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Figure 18 – Strathnairn development requirements

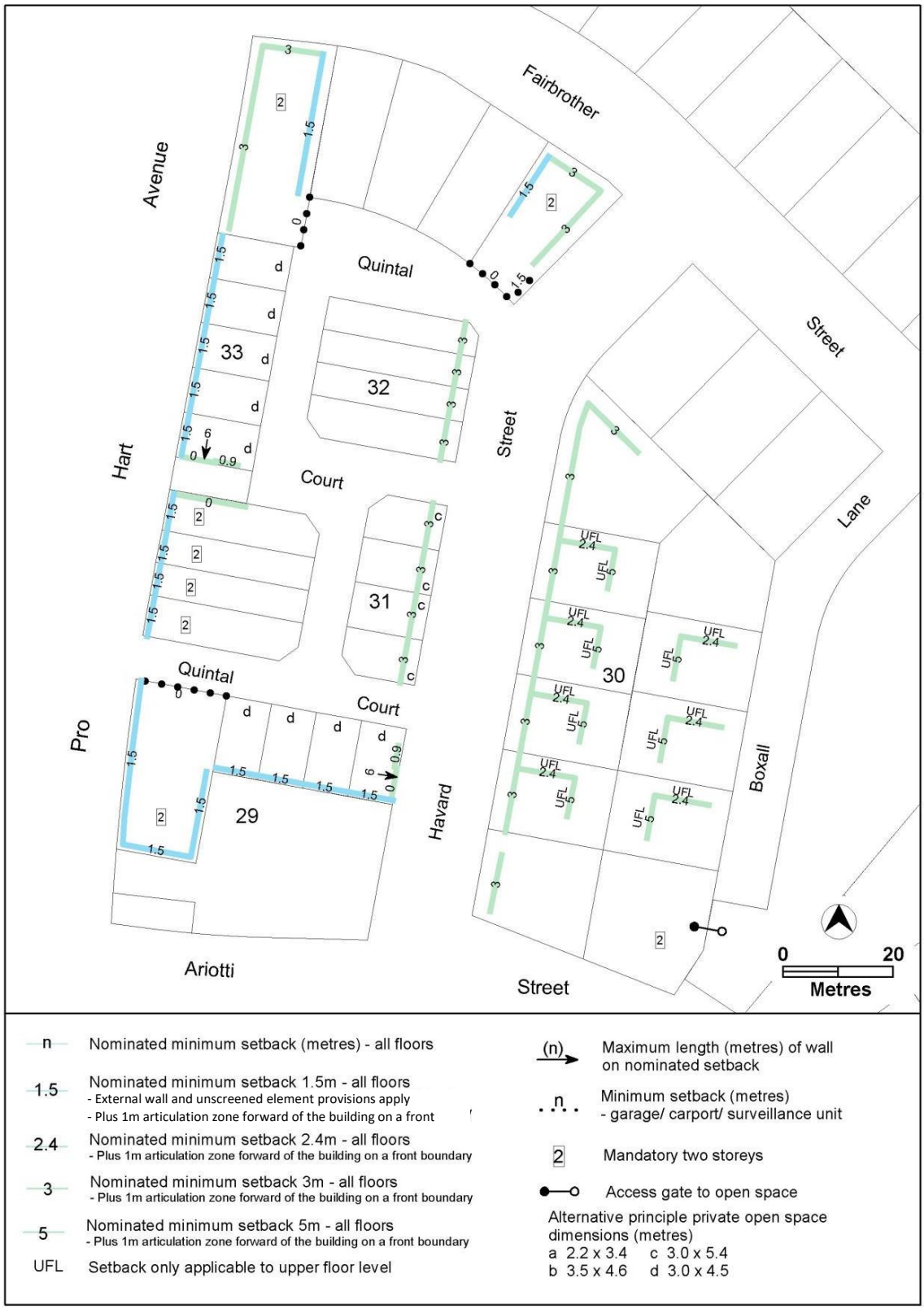

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Figure 19 – Strathnairn development requirements

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Figure 20 – Strathnairn development requirements

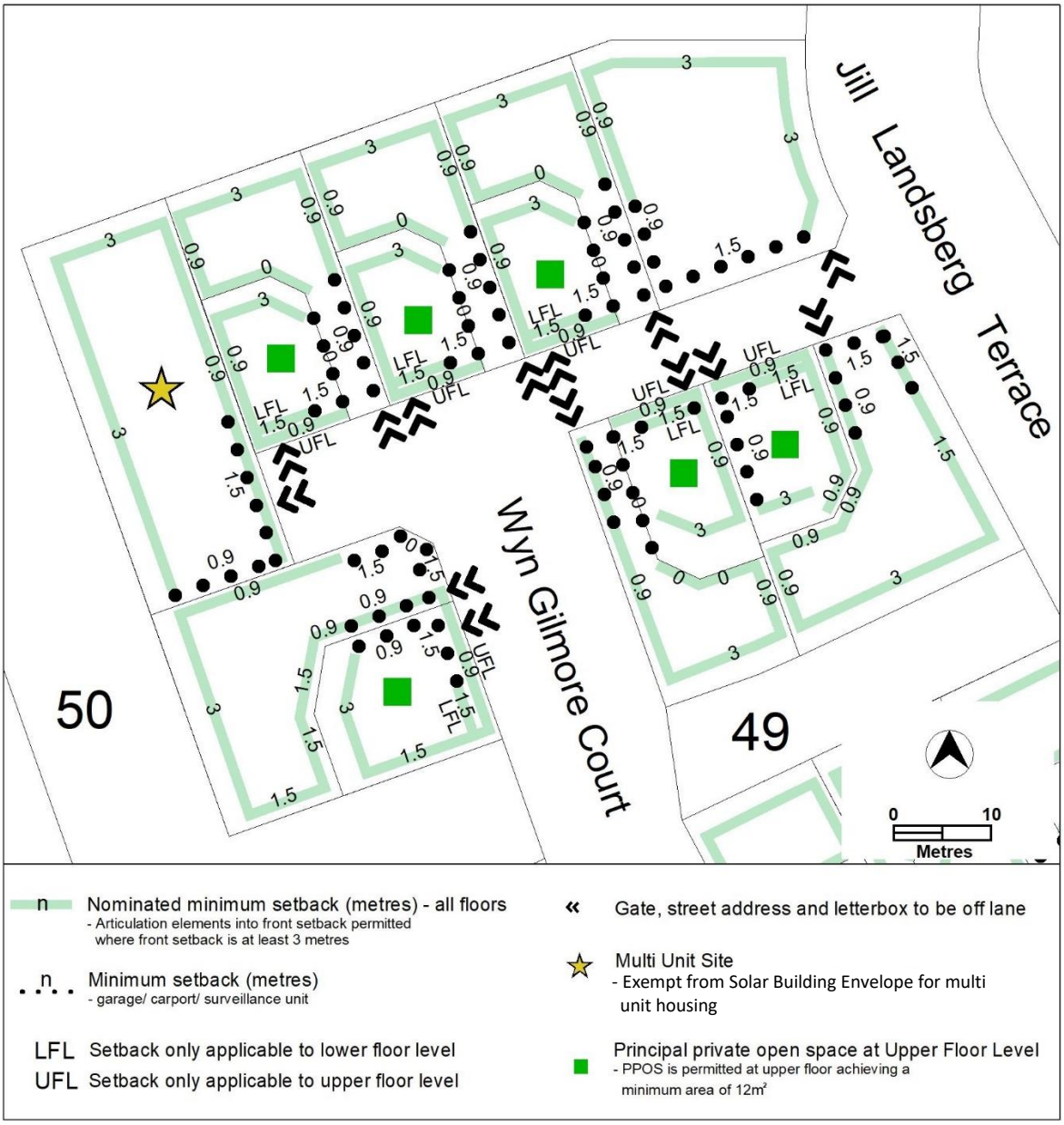

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Figure 21 – Strathnairn development requirements

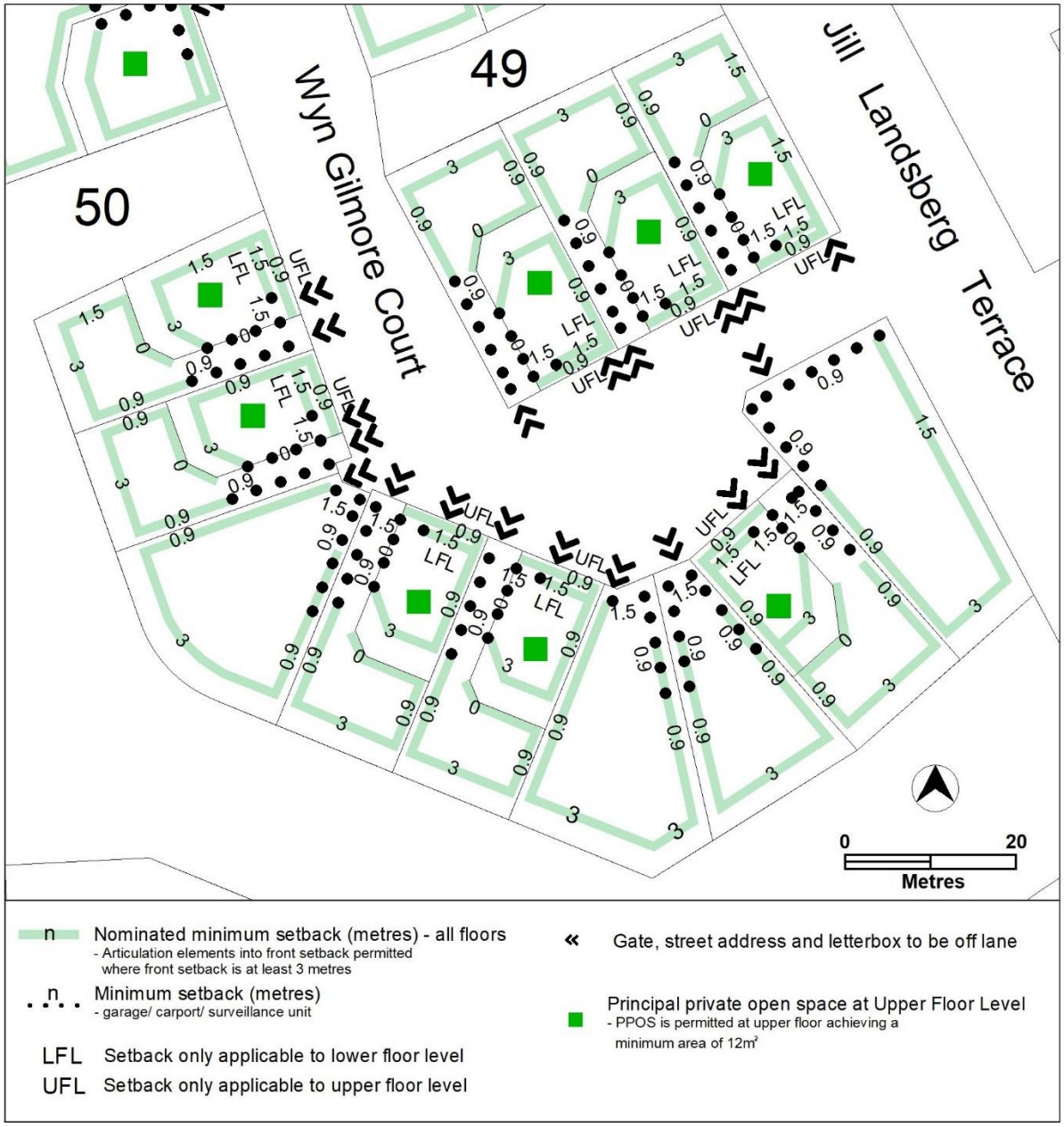

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Figure 22 – Strathnairn development requirements

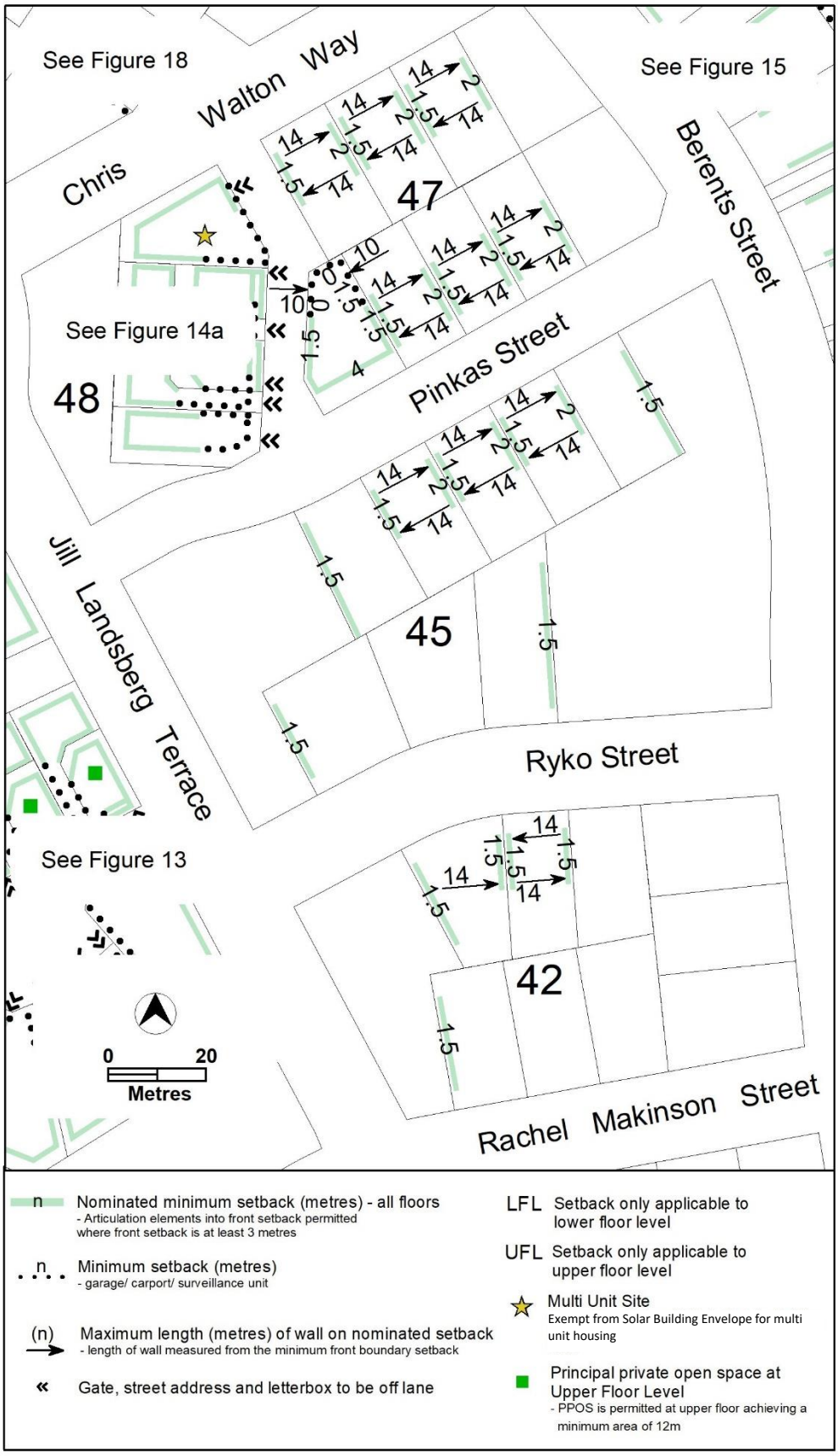

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Figure 23 – Strathnairn development requirements

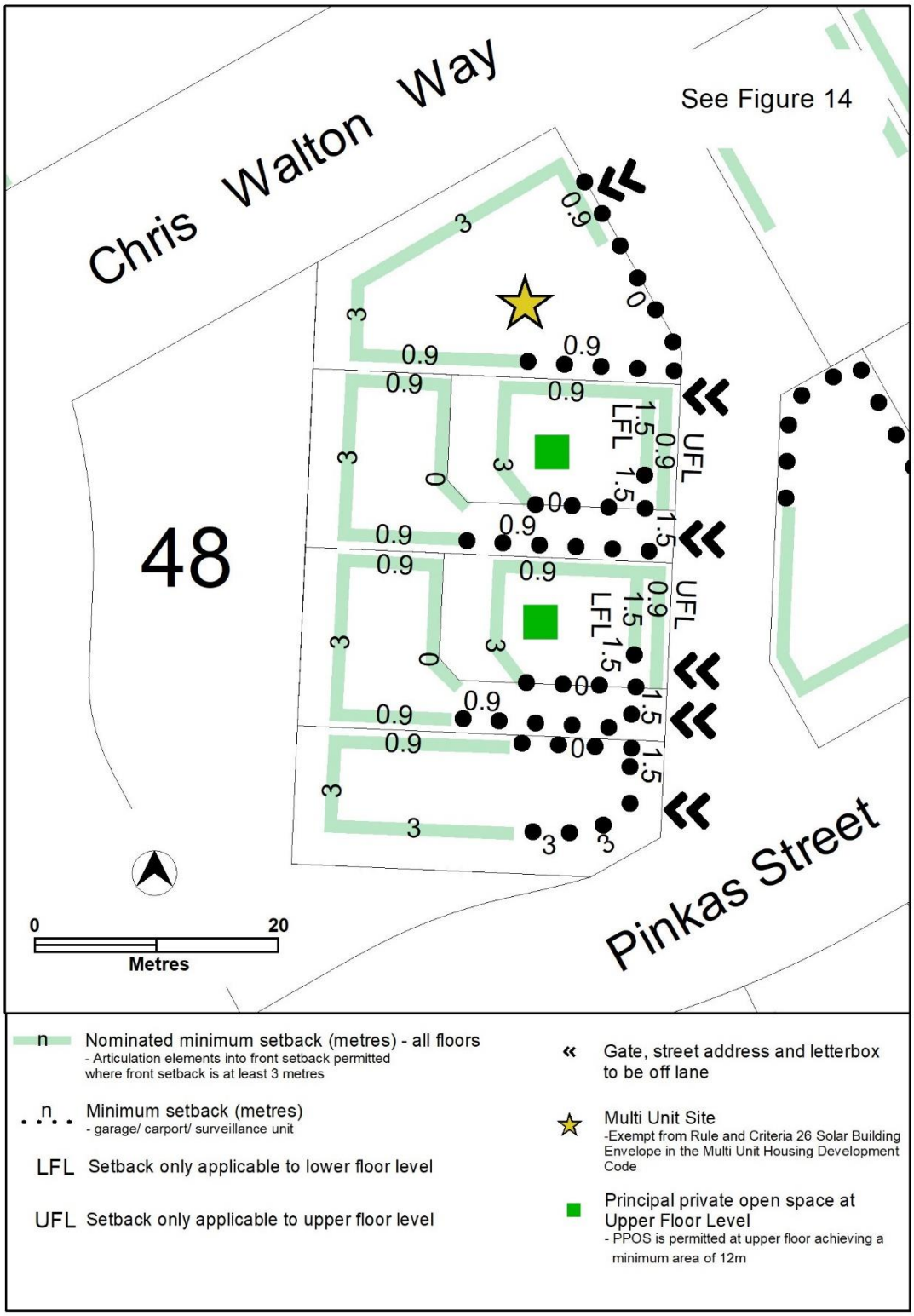

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Figure 24 – Strathnairn development requirements

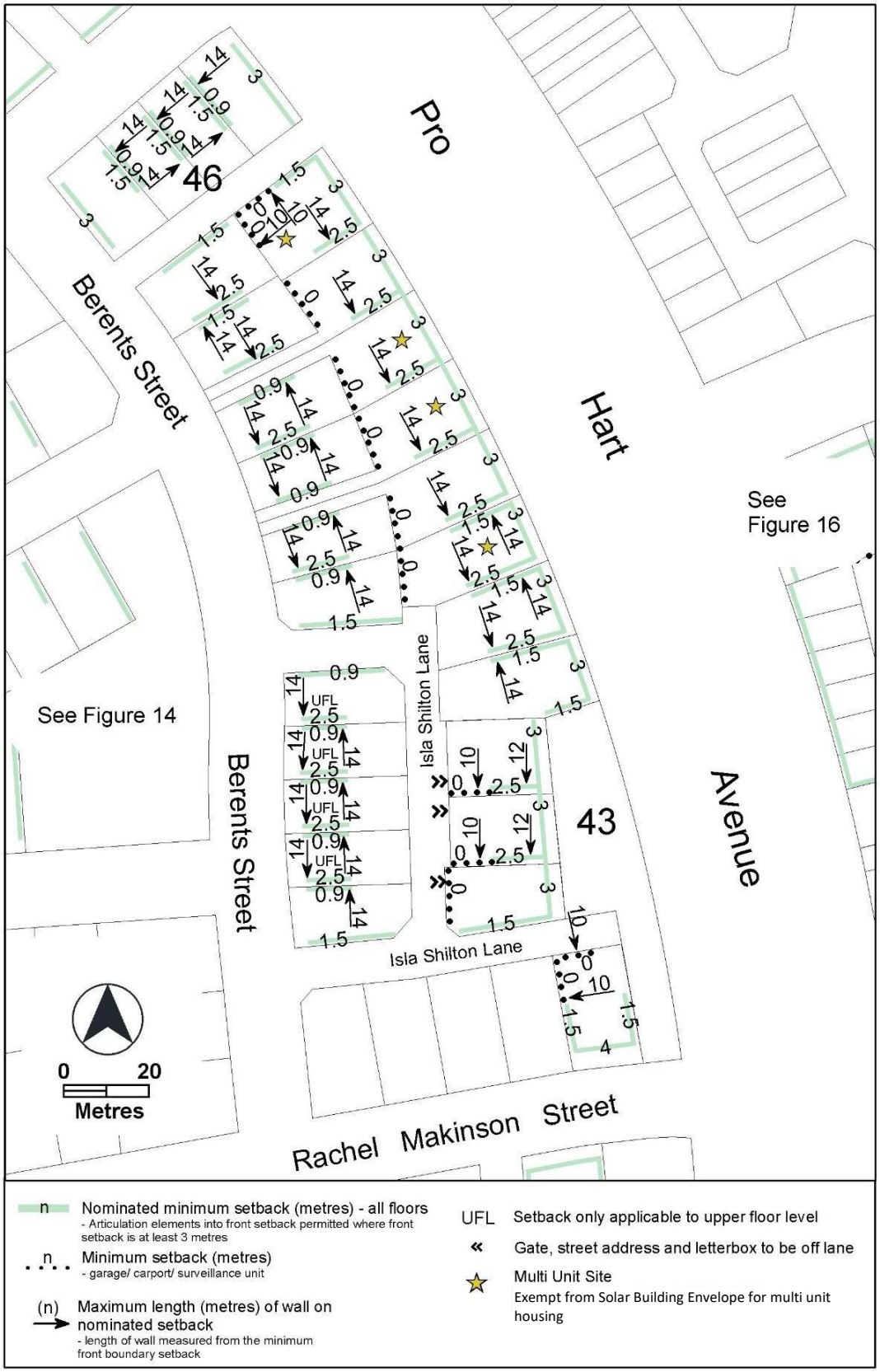

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Figure 25 – Strathnairn development requirements

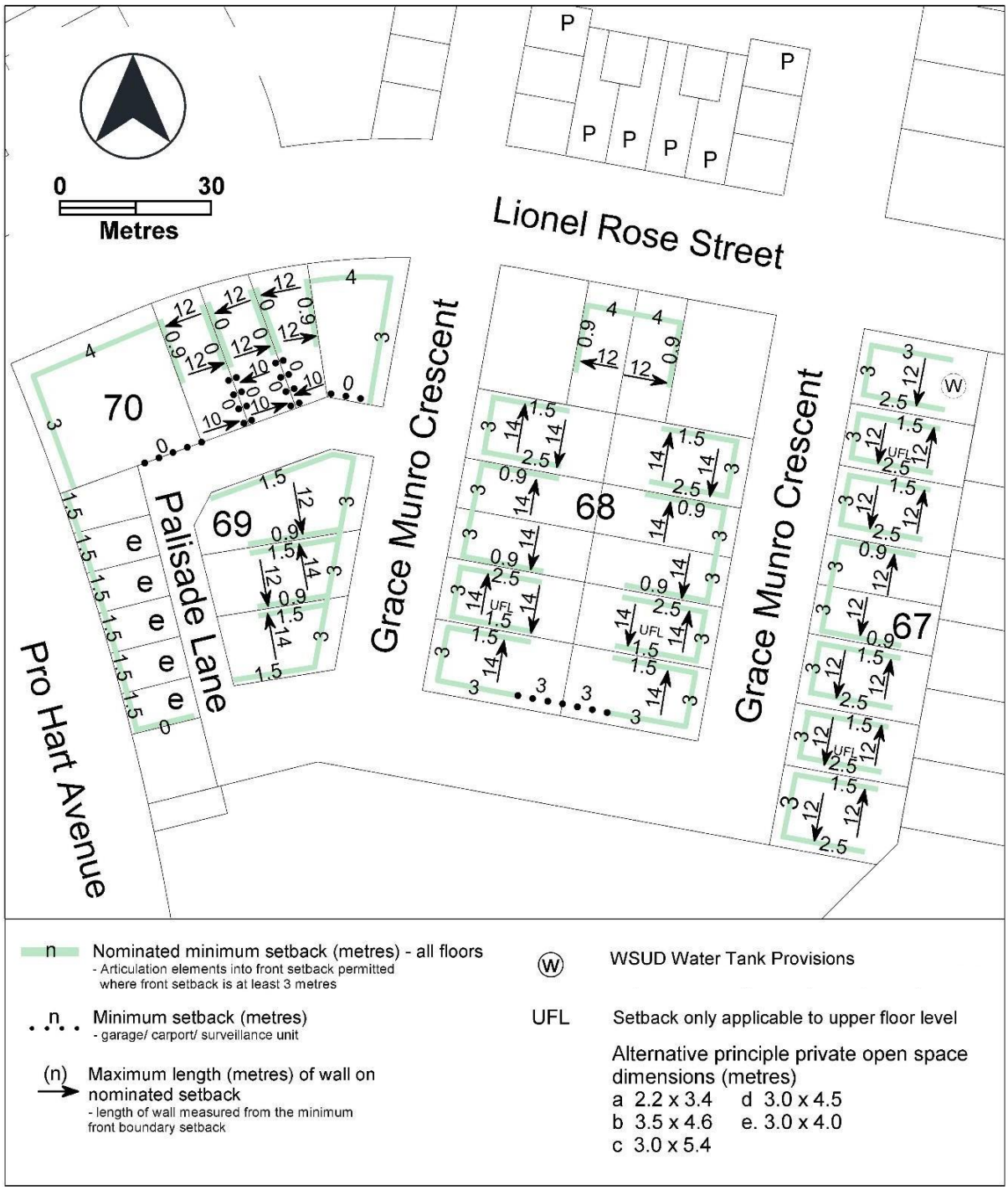

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Figure 26 – Strathnairn development requirements

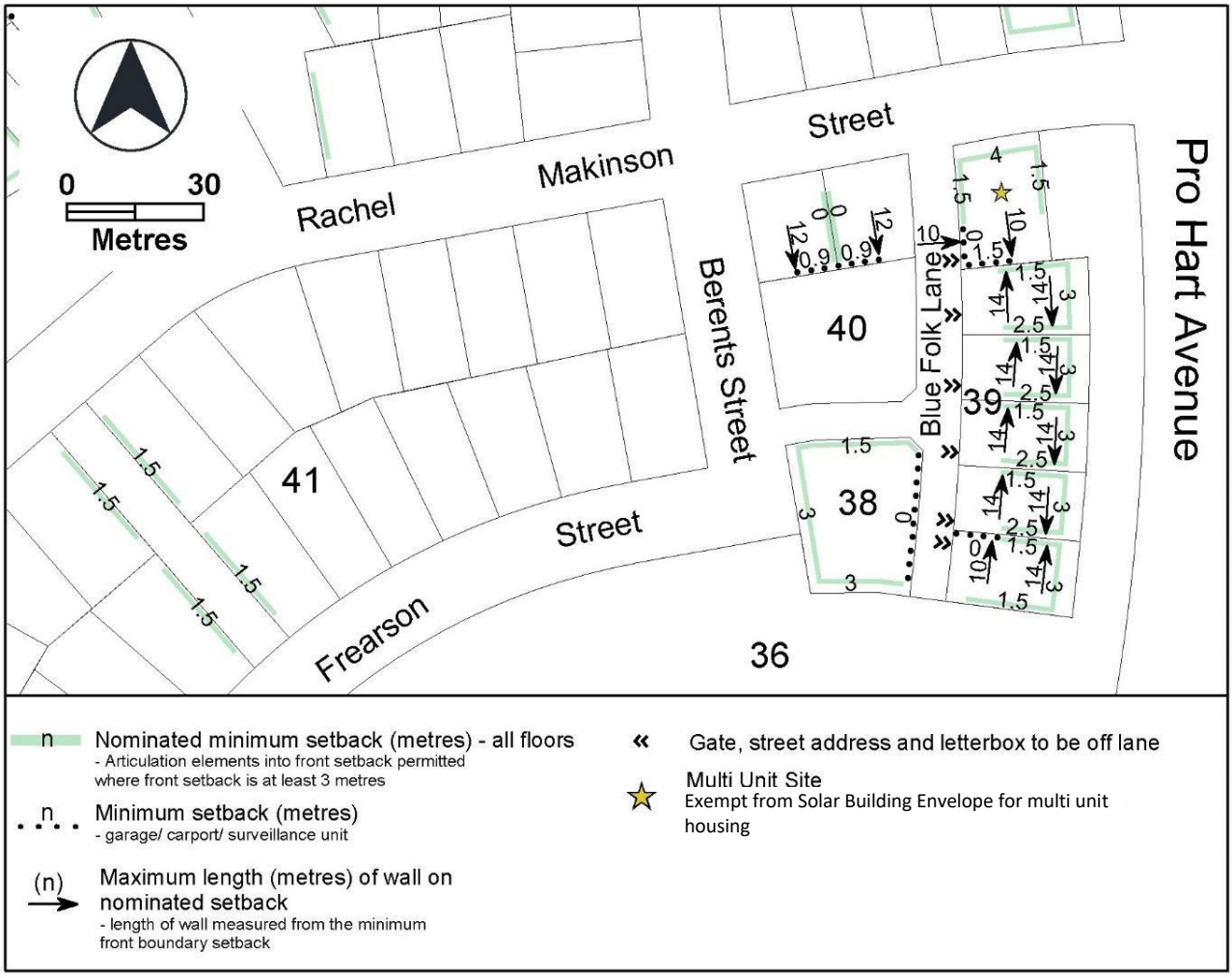

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Figure 27 – Strathnairn development requirements

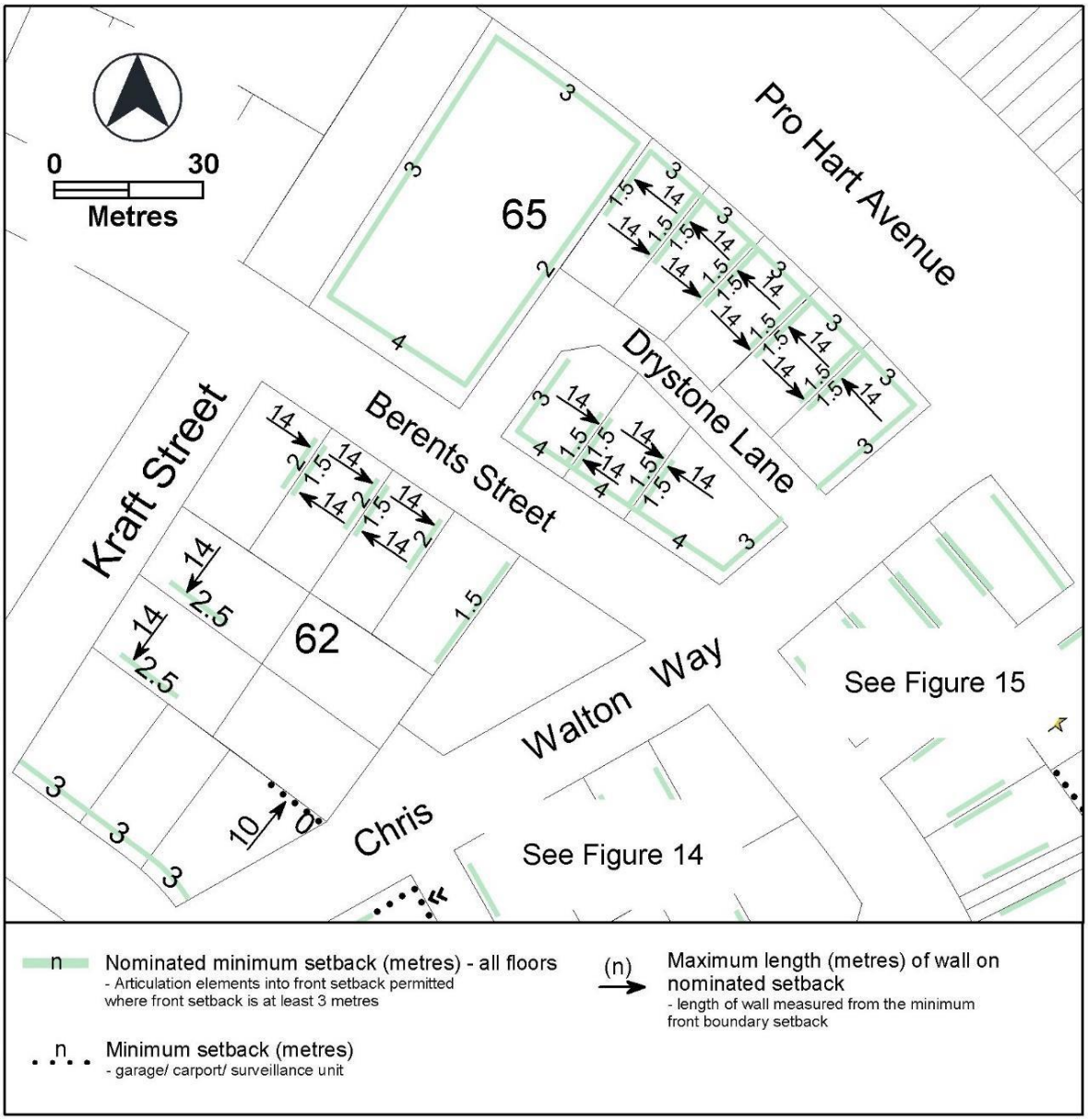

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Figure 28 – Strathnairn development requirements

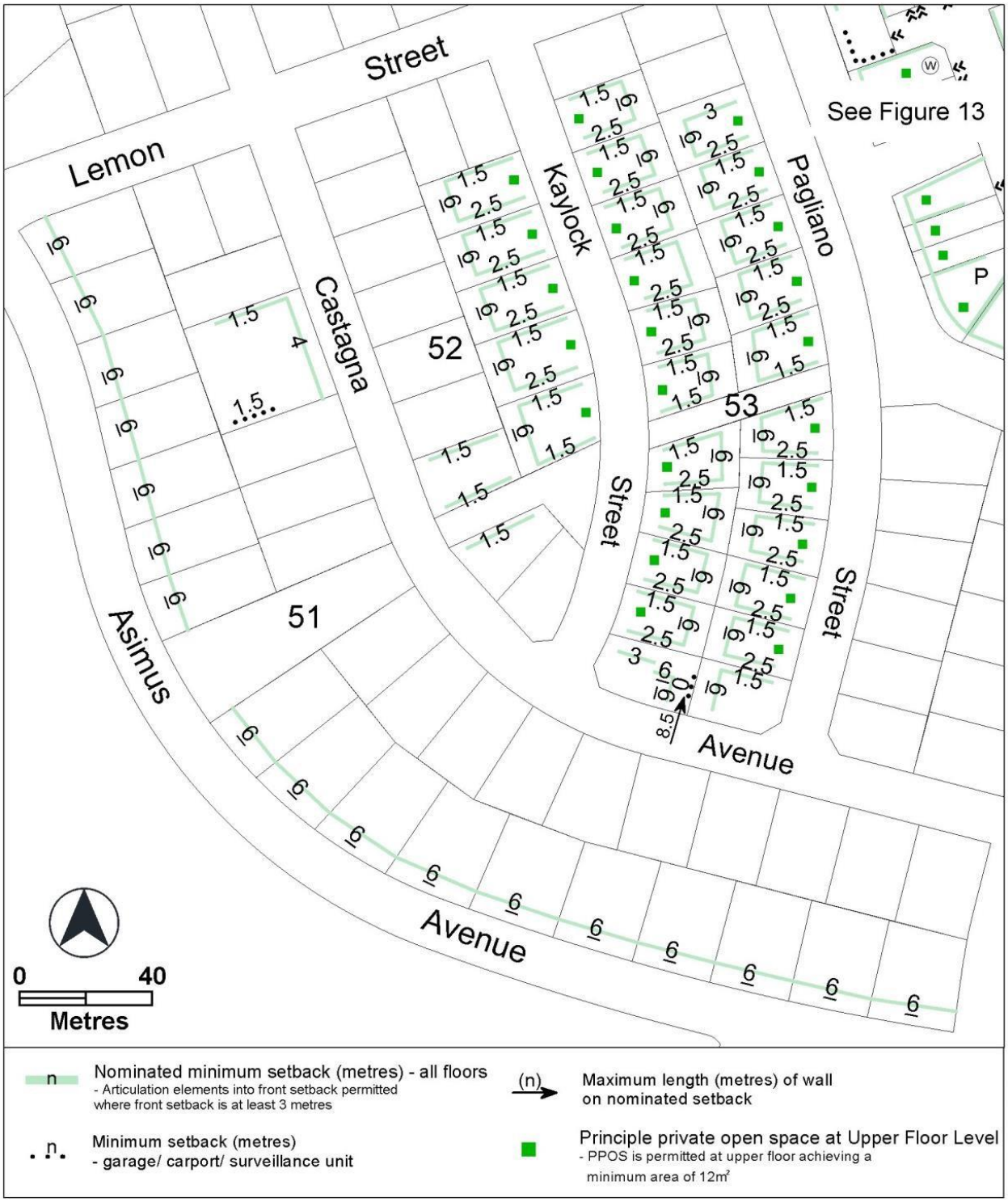

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Figure 29 – Strathnairn development requirements

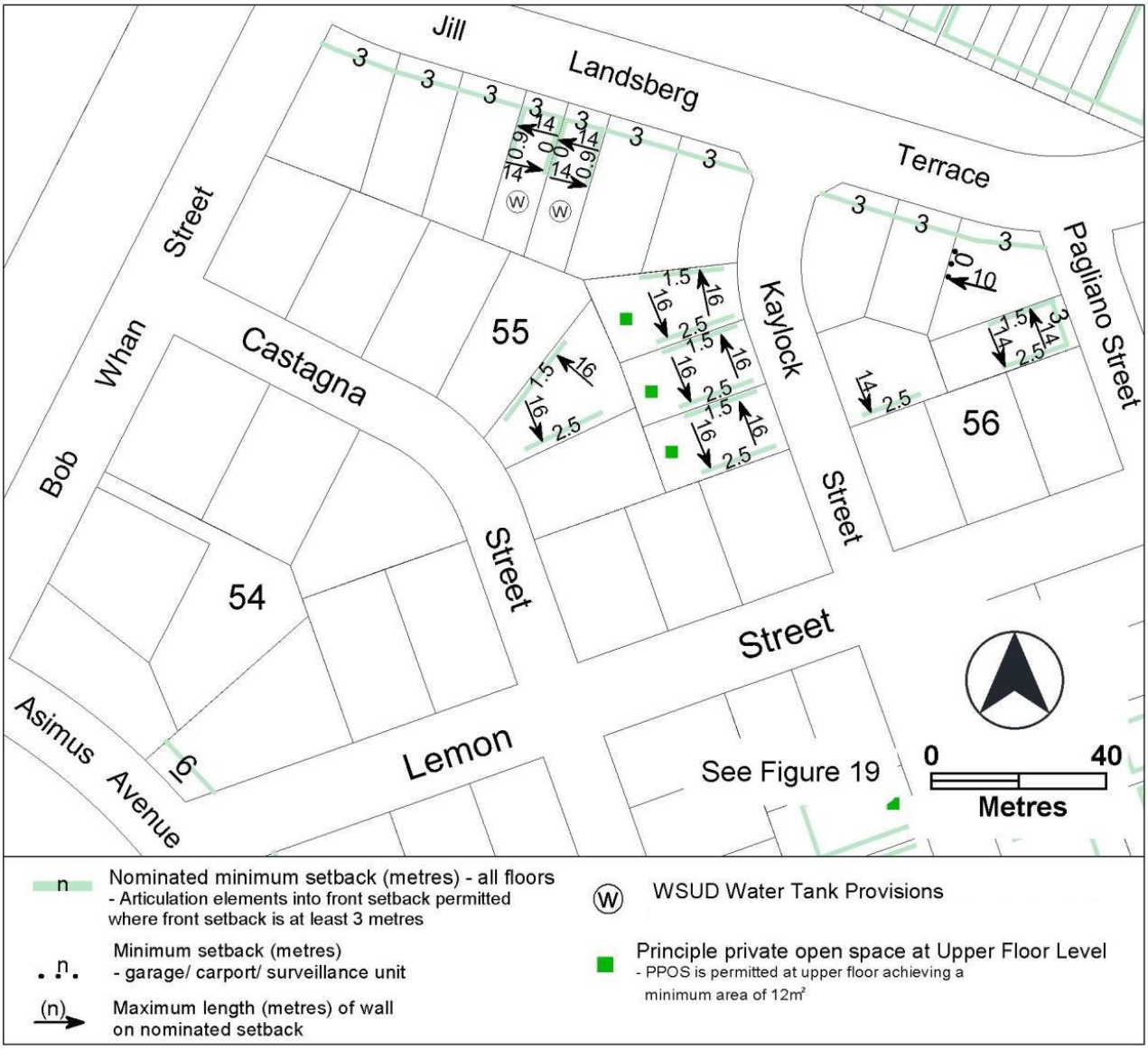

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Figure 30 – Strathnairn development requirements

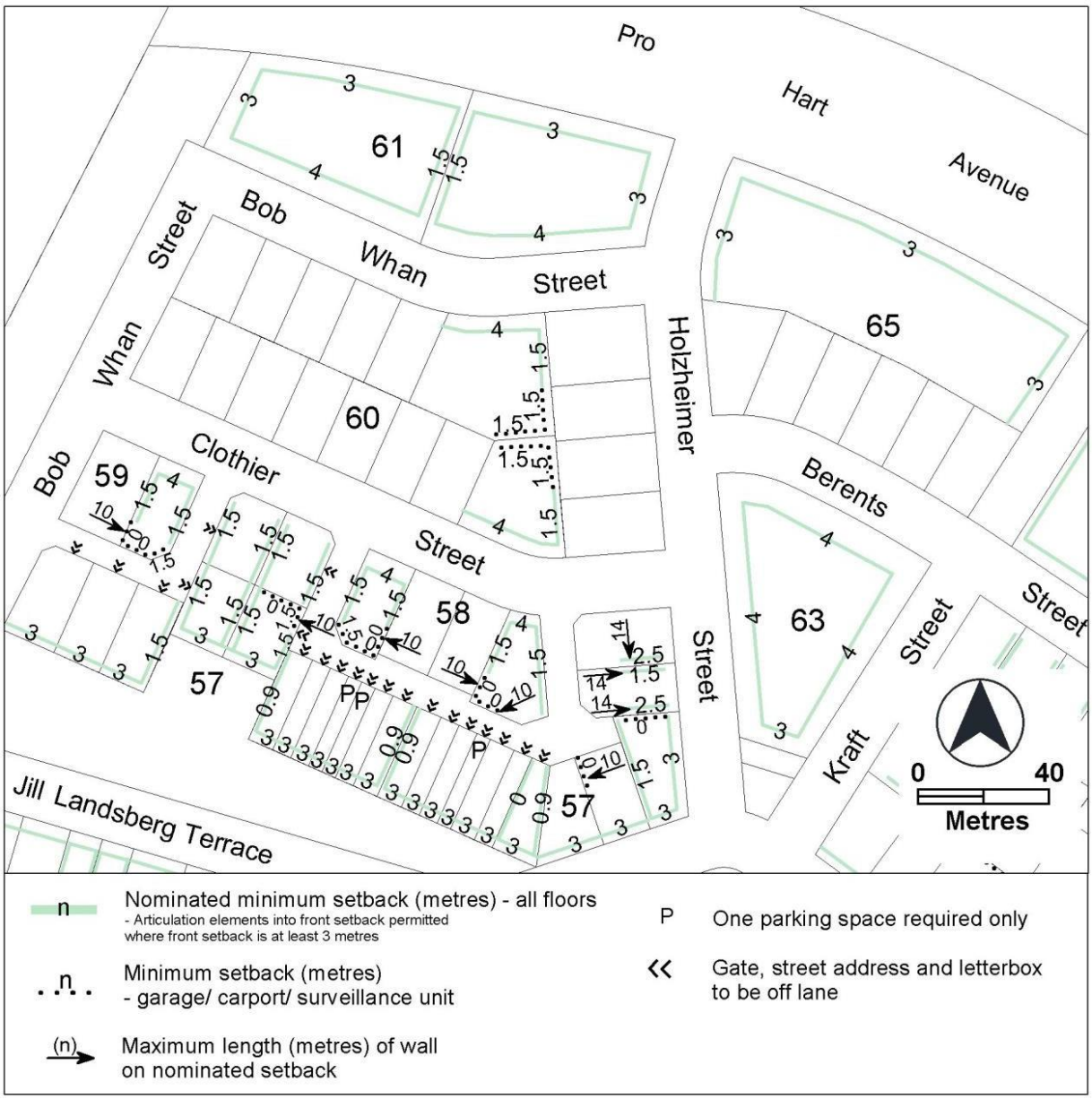

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Figure 31 – Strathnairn development requirements

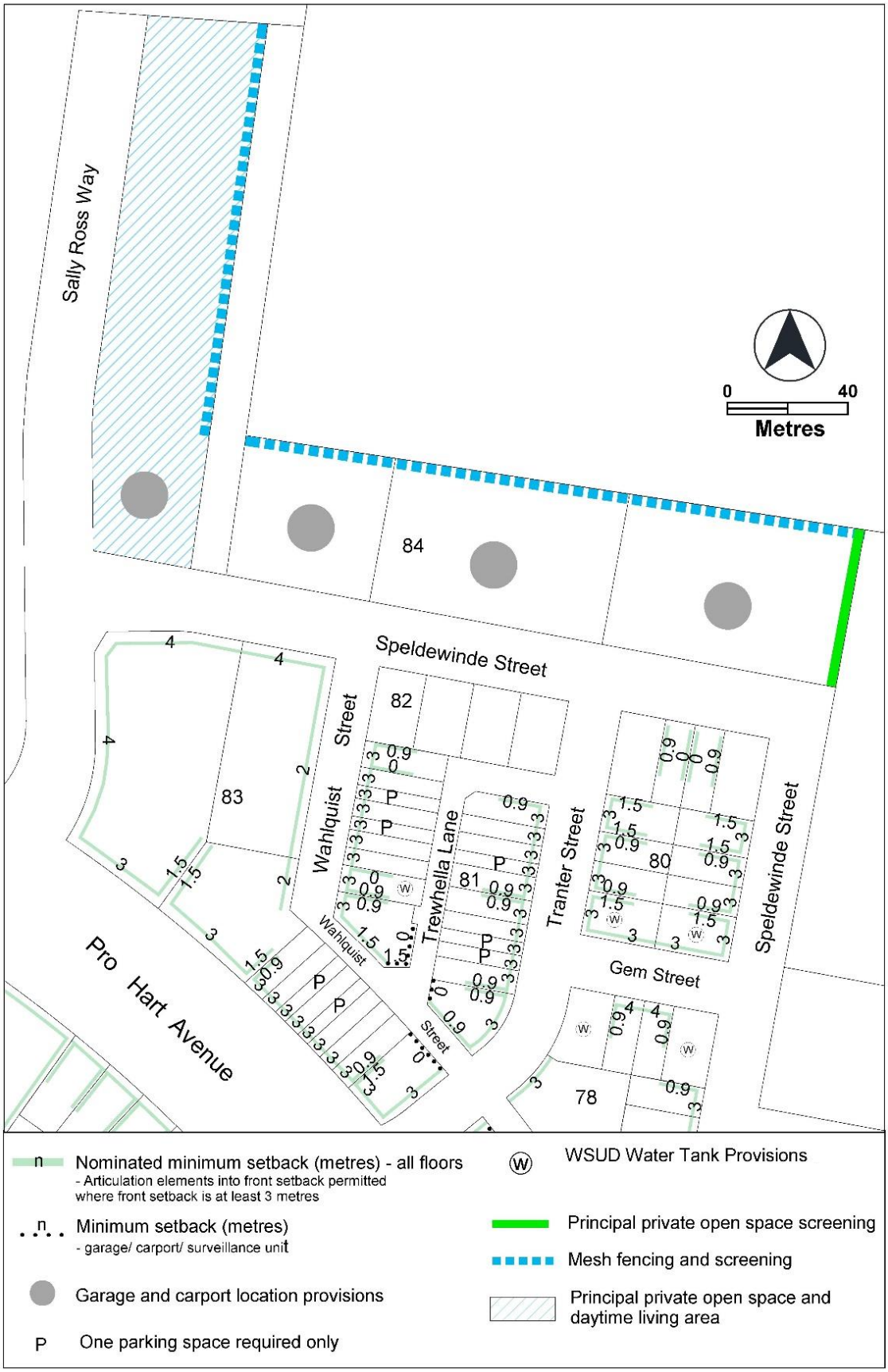

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Figure 32 – Strathnairn development requirements

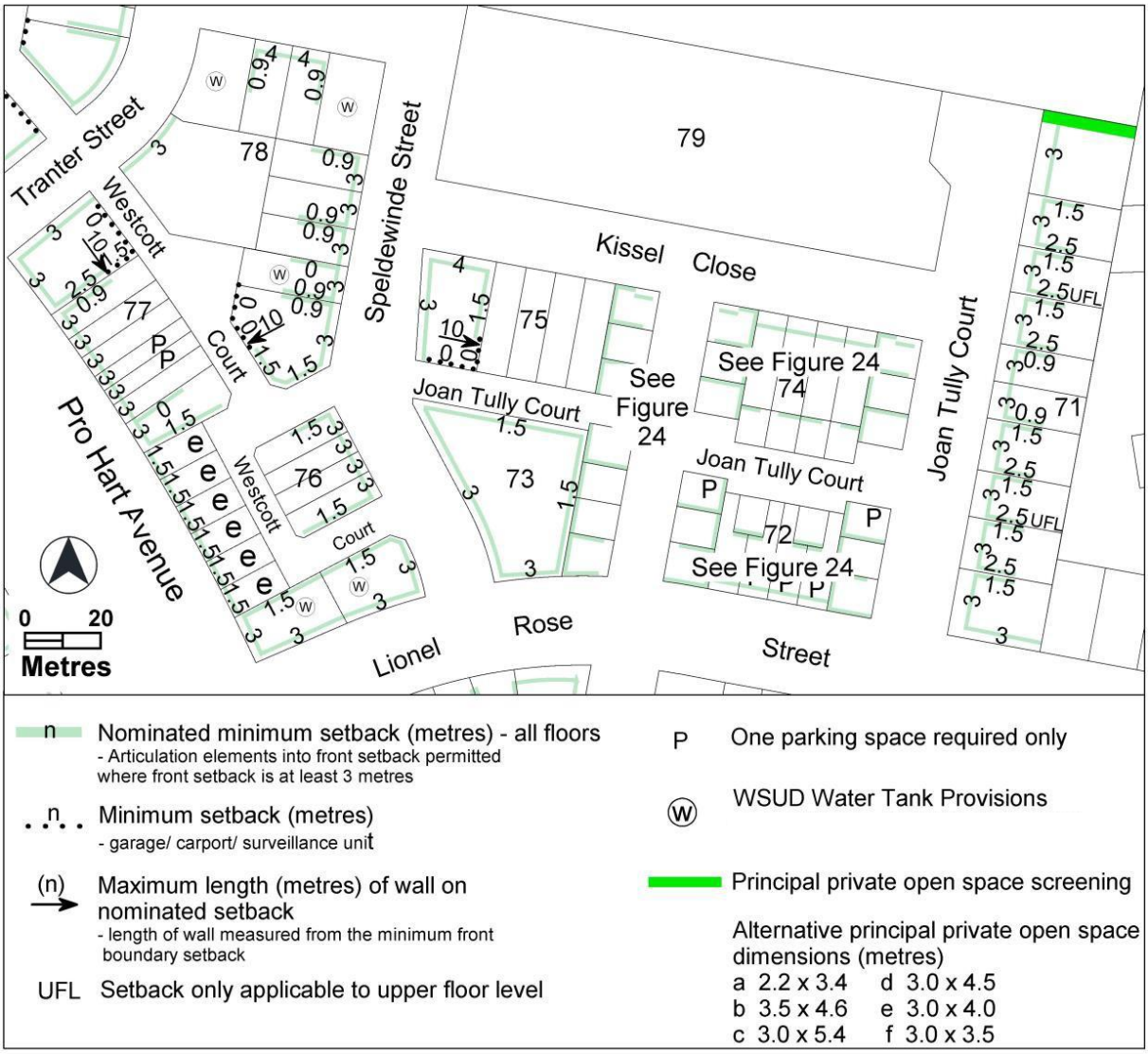

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Figure 33 – Strathnairn development requirements

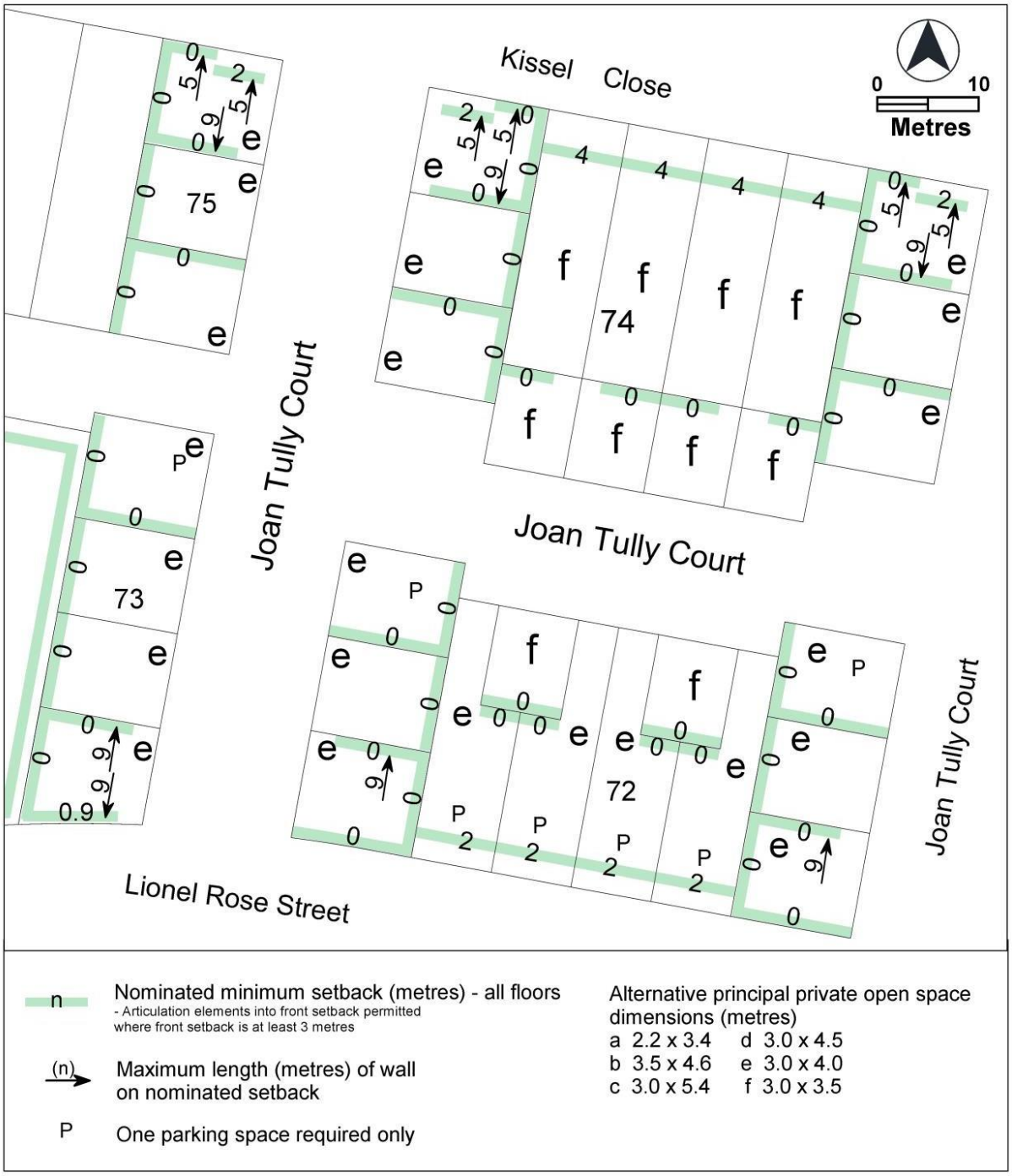

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Figure 34 – Strathnairn development requirements

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Figure 35 – Strathnairn development requirements

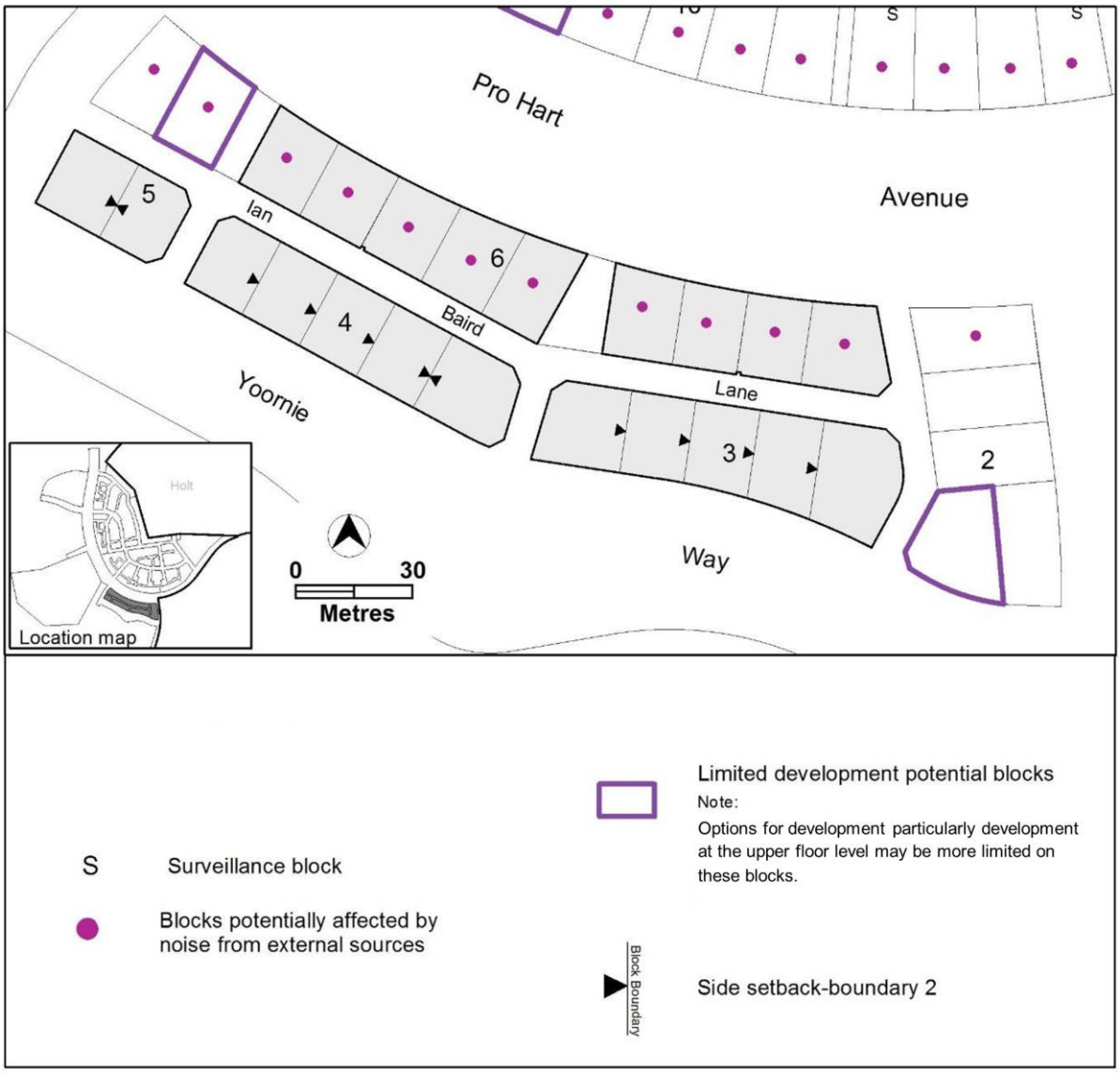

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Figure 36 – Strathnairn development requirements

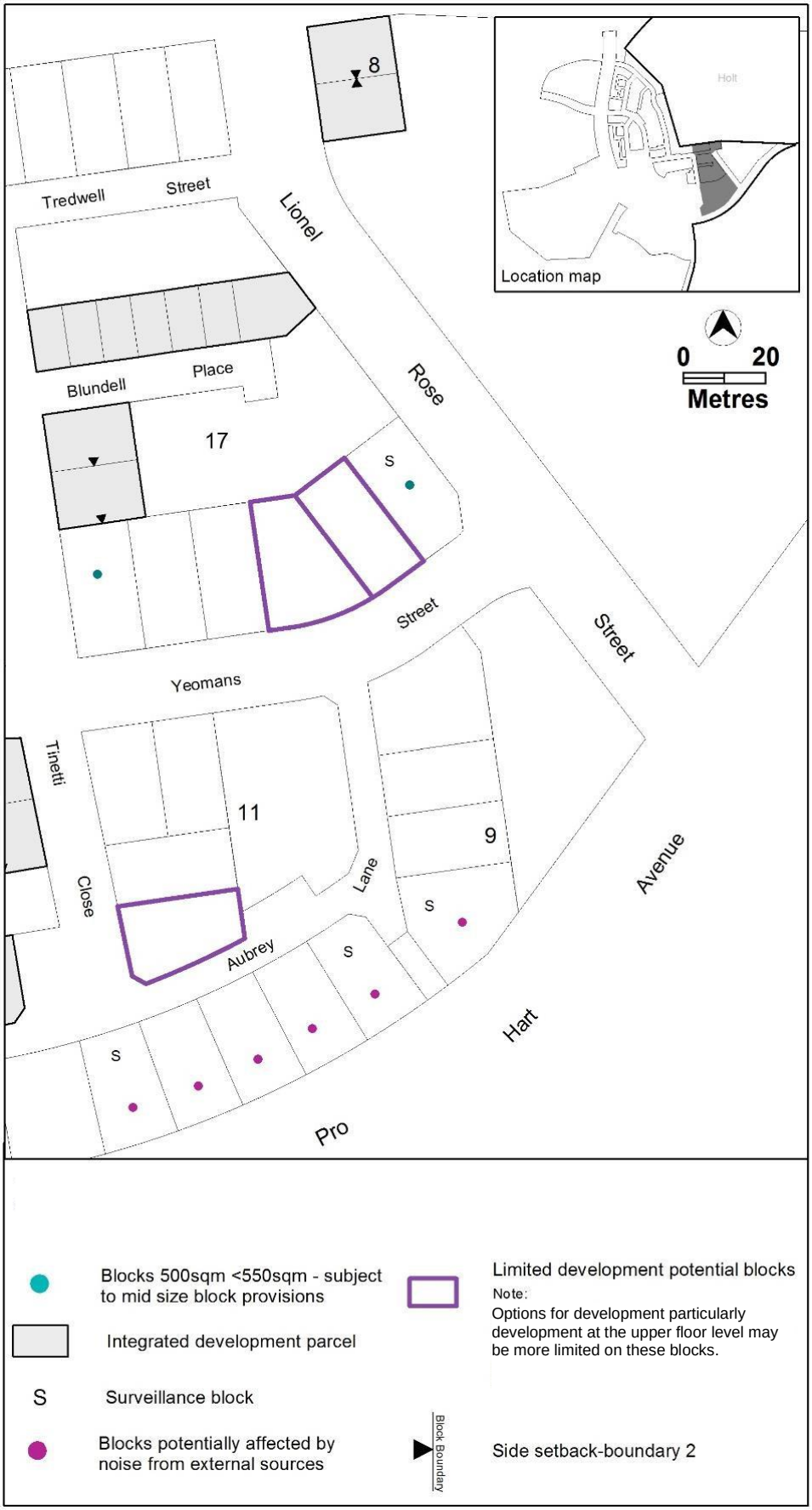

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Figure 37 – Strathnairn development requirements

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Figure 38 – Strathnairn development requirements

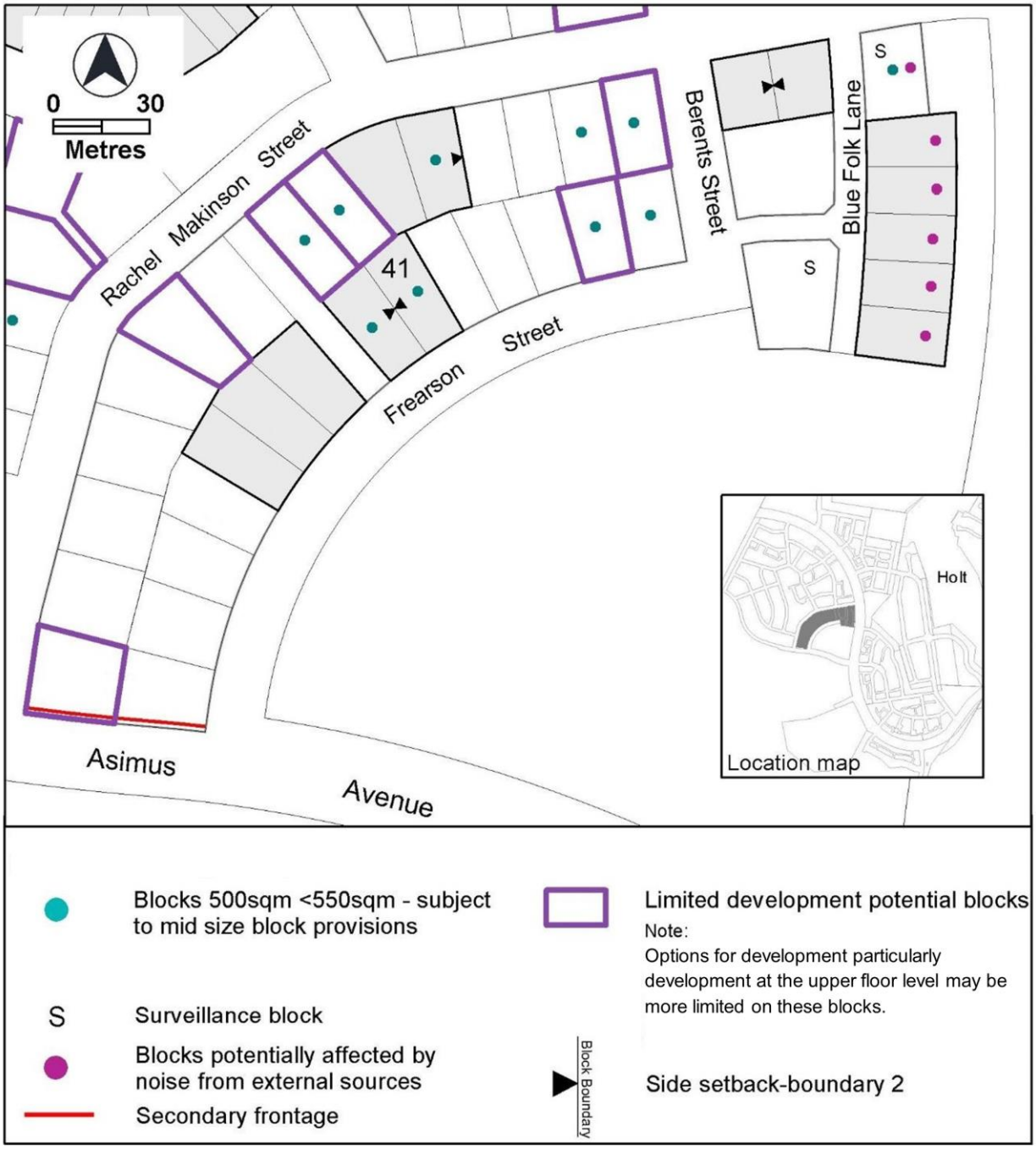

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Figure 39 – Strathnairn development requirements

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Figure 40 – Strathnairn development requirements

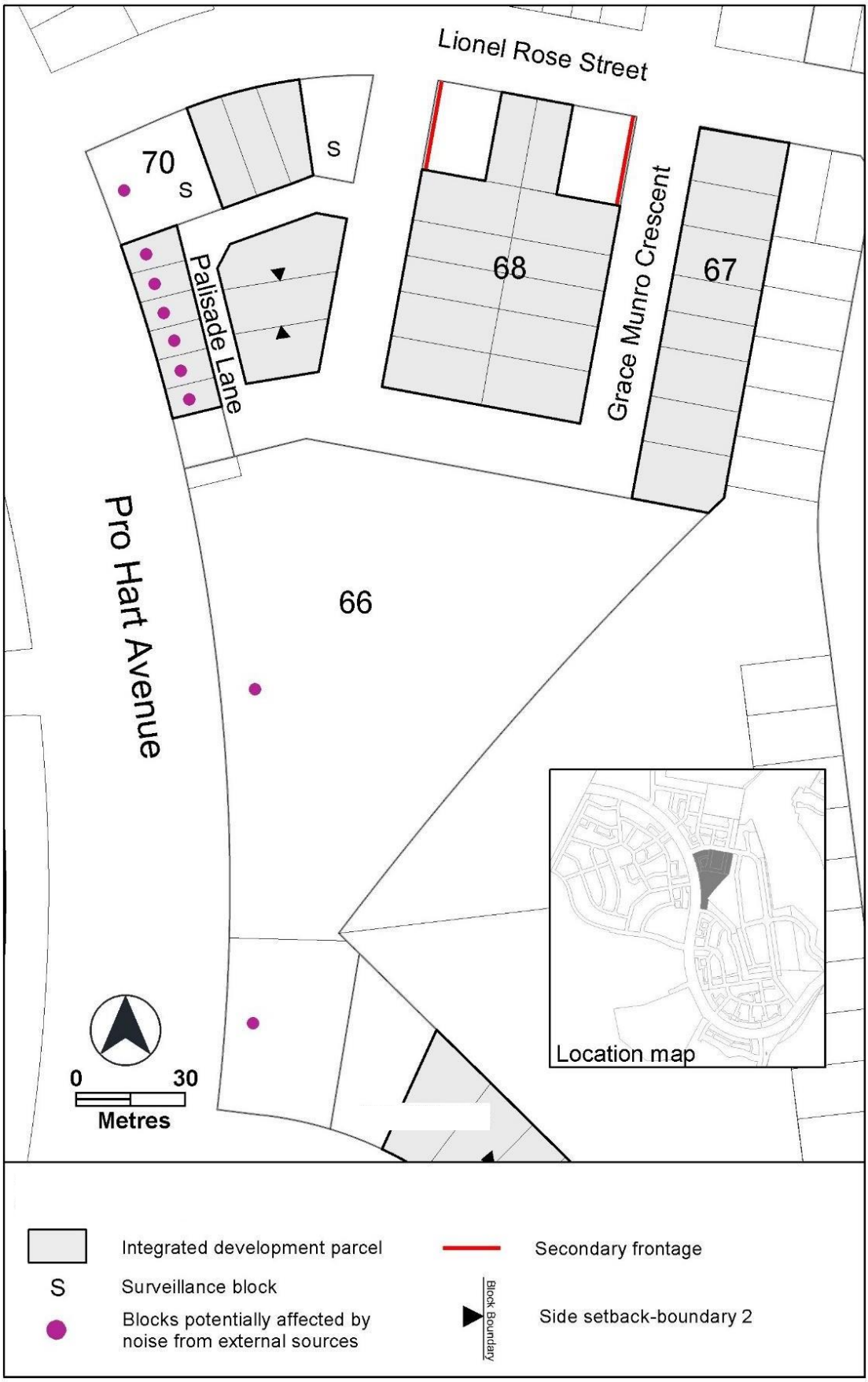

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Figure 41 – Strathnairn development requirement

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Figure 42 – Strathnairn development requirements

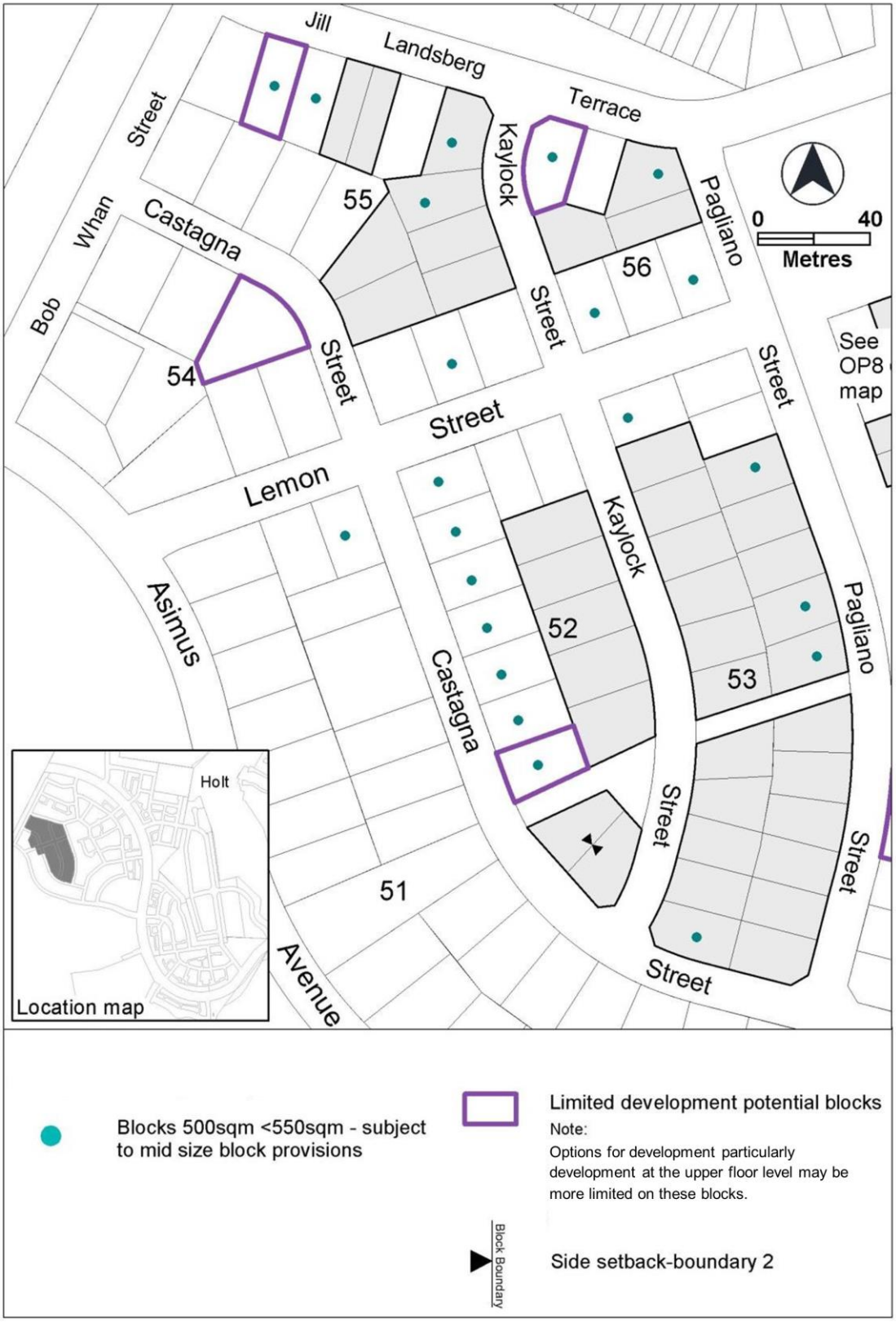

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Figure 43 – Strathnairn development requirements

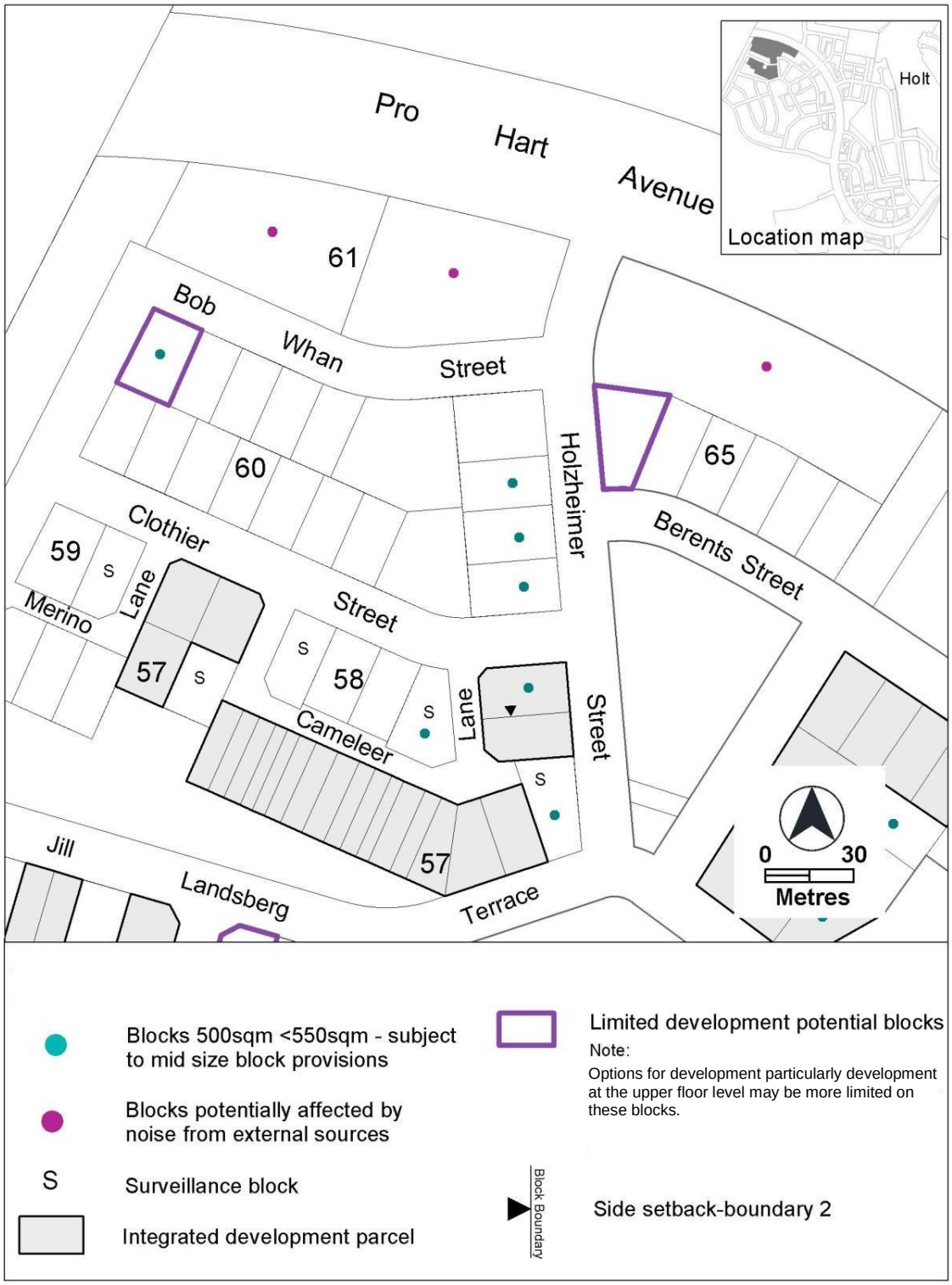

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Figure 44 – Strathnairn development requirements

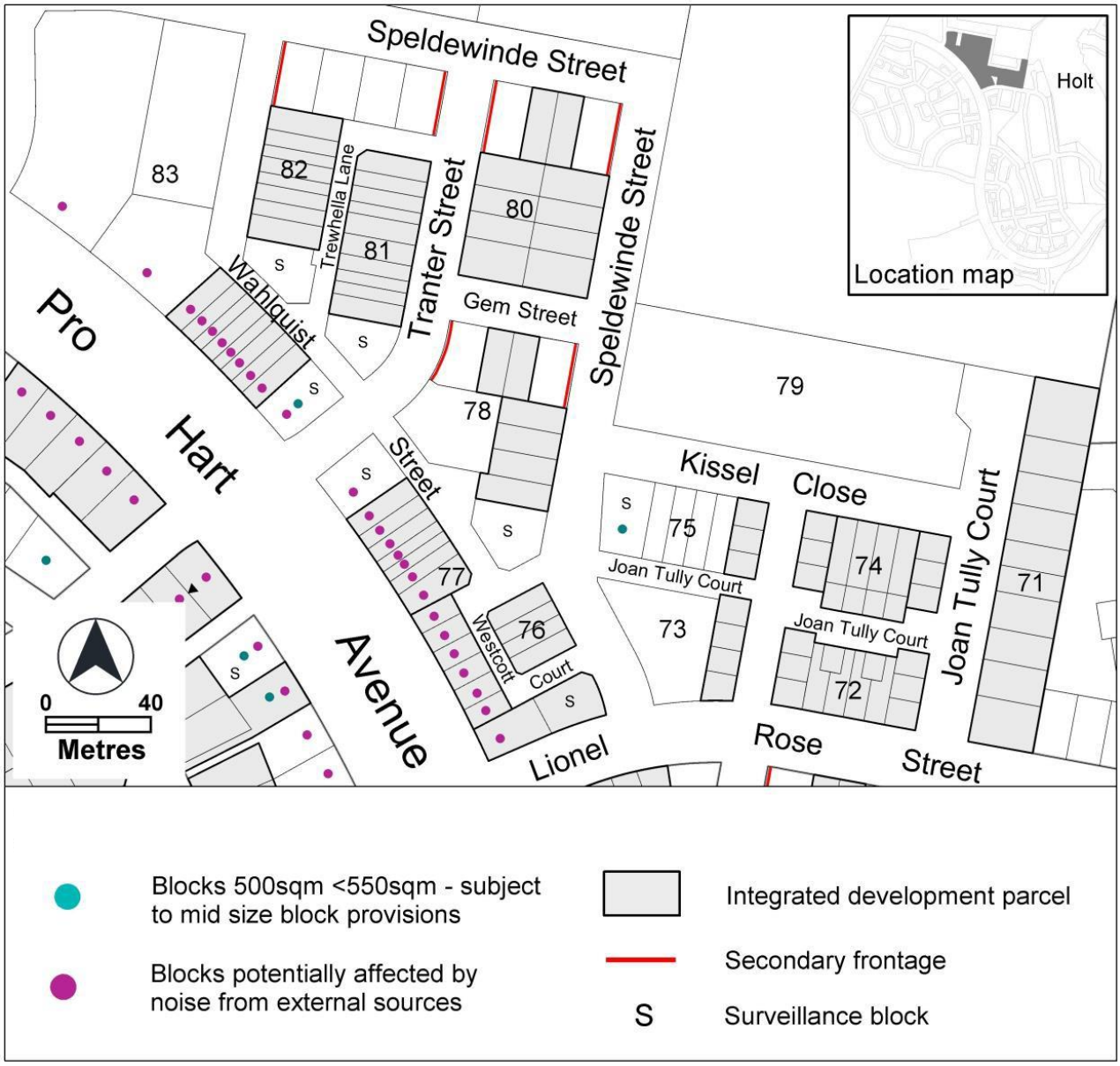

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Image 1 – Strathnairn development requirements

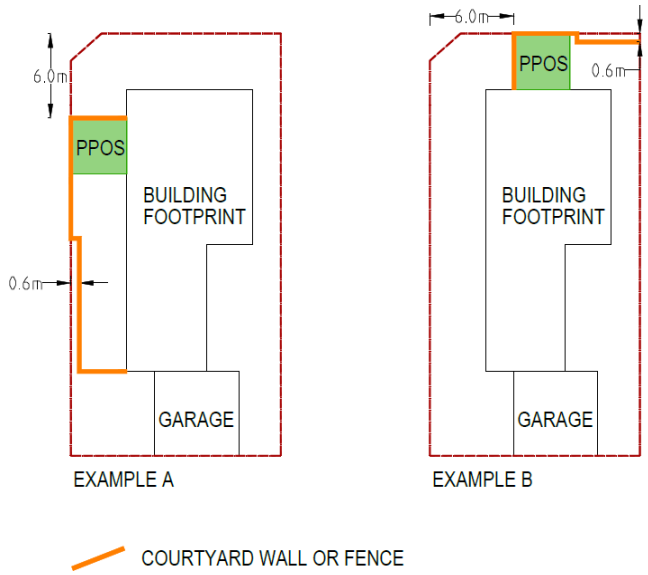
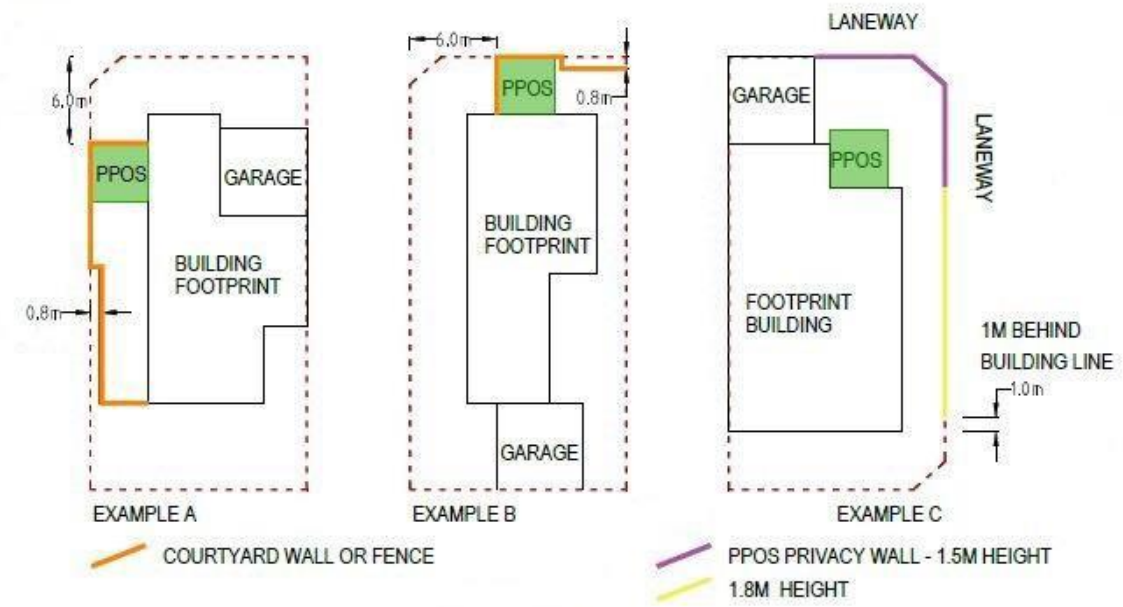


Image 2 – Strathnairn development requirements



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