

25 July 2013

Our ref: RJC:AKB/08-001L

Department of Planning and Infrastructure Sydney West Region Locked Bag 5020 PARRAMATTA NSW 2124

Attn: Mr. Peter Goth, Regional Director, Sydney West

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Dear Peter,

re: Planning to amend the Hills Shire LEP 2012: Rouse Hill Town Centre Commercial Precincts (Council ref: 3/2013/PLP)

We write on behalf of The GPT Group (GPT) in relation to the Planning Proposal to amend the Hills Shire LEP 2012 ("LEP 2012"). The Planning Proposal has a Council reference of 3/2013/PLP and relates to the commercial precincts of the Rouse Hill Town Centre (RHTC). It is referred to in this letter as "the RHTC PP".

GPT requested The Hills Shire Council (THSC) to prepare the RHTC PP in September 2012. The request was considered by THSC at its meeting of 25 Jun 2013. Although THSC resolved to support a number of components of the RHTC PP, it refused to support one of the key requests, relating to the permissibility of a wide range of housing when undertaken as 'integrated housing'; and the adjustment of minimum lot sizes. We understand that THSC has now forwarded the RHTC PP to the Department for a gateway determination, although at the time of writing it is yet to be registered and assigned a tracking number.

The key purpose of this letter and the accompanying report prepared by Integrated Design Group, is to summarise and expand upon information we have provided to THSC in relation to this request, which sought to ensure the continued ability for GPT to undertake a wide range of residential development types and forms in the RHTC, as envisaged by the approved Masterplan and the proposed Northern Precinct Plan DA. We request that this information be considered by the LEP Panel when assessing THSC's gateway determination request.

You may recall that we wrote to you on 3 May 2013 in relation to a different but related Planning Proposal, which sought to rezone the retail and commercial core of the Rouse Hill Town Centre (RHTC) from B4 Mixed Use to B3 Commercial Core (referred to in this letter as "the B3 PP"). We ask you to note that this letter does not relate to the B3 PP, however we have provided some commentary in this letter on the relationship between the two. We

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further ask you to note that a formal pre-gateway review request is likely to be lodged in the near future in relation to the B3 PP.

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Under separate cover is a Architectural Comment report by Integrated Design Group, prepared specifically to support this letter.

1. SUMMARY OF THE ISSUE

Over the past 3 years, GPT has made numerous representations to THSC and the DoPl in relation to the need to retain the land use and development flexibility which formerly applied to the RHTC under The Hills LEP 2005. In particular, GPT has sought to ensure that the zoning of the RHTC reflects to the greatest extent possible the land use and development flexibility under the former 3(a) zone of LEP 2005 (and LEP 1991 before it), so that development flexibility remains comparable.



THSC and DoPI have generally agreed with GPT's position that flexibility should be retained, and many of GPTs concerns have now been addressed, either in the gazetted version of LEP 2012, or in the RHTC PP which is currently awaiting gateway determination.

However, one issue in particular remains outstanding. That is, the ability to seek consent, within the Rouse Hill Regional Centre's (RHRC) commercial precincts, for what was previously known as "integrated housing". Pursuant to LEP 2005, "integrated housing" was permissible with consent in the 3(a) zone. Integrated housing was defined to mean the subdivision of land into two or more allotments, and the erection of one or more dwellings on each allotment so created, where the siting and design of each dwellings" are permissible in the B4 zone in Rouse Hill (by way of Schedule 1 of LEP 2012), the LEP prescribes a minimum lot size for individual allotments in the B4 zone of **600 square metres**, which means it is not a suitable translation of the formerly flexible integrated housing provisions.

THSC has in the past expressed reservations about permitting what it refers to as "low" or "medium density housing" in the B4 zone, despite the fact that medium density housing forms (such as townhouses, villa houses, and attached or detached dwellings undertaken as integrated housing) were both permissible in the former 3(a) zone, and approved under the RHRC Masterplan. THSC planning officers have reported that integrated housing was never permissible in the former 3(a) zone. This claim is, in our opinion, both incorrect and inconsistent with documentation dating back to at least the LEP 1991, and discussions in the context of the then-draft LEP 2010 and the current Northern Precinct Plan DA over the course of the last three years.

The facts on this issue are as follows:

- All forms of dwellings were permissible in the 3(a) zone under LEP 2005, if undertaken as integrated housing, with no restriction on minimum subdivision size;
- The Rouse Hill DCP has, for over a decade, <u>required</u> all housing west of Caddies Creek to be undertaken as integrated housing;
- The Rouse Hill Masterplan consent facilitates a wide range of residential dwelling types in the Northern Precinct of the town centre, including medium and lower density housing forms, provided that the overall density targets for the Masterplan area are met; and
- Notwithstanding the Regional Centre status of the RHTC, high quality medium density housing in all its forms has always been, and remains, an appropriate form of development within the commercial precincts.

We therefore request that the LEP Panel requires that THSC amends the RHTC PP to ensure that all the development type previously known as integrated housing be made permissible in the RHTC commercial precincts. This may be achieved by introducing a site specific clause permitting dwelling houses, dual occupancies and semi-detached dwellings in the B4 zone of Rouse Hill, provided that those forms are undertaken by way of a single DA for the subdivision and siting of dwellings. The RHTC PP should also be amended to delete



the current 600sqm minimum lot size applying to the B4 zone at Rouse Hill, or reduce it to 160sqm.

The merits of the request are set out in this letter. It is important to note that the request will not prevent the RHRC from meeting overall dwelling and density targets.

2. PERMISSIBILITY AND MINIMUM LOT SIZES

2.1 The current situation (LEP 2012)

Relevant residential land uses permissible within the B4 zone at Rouse Hill are:

- Residential Flat Buildings
- Shop-top Housing
- Attached Dwellings
- Multi-Unit Housing

Although attached dwellings are permissible, the ability to obtain approval for attached dwellings in the B4 zone is severely curtailed (if not actually prevented) by the blanket **600sqm** minimum subdivision size applying to B4 zoned land.

2.2 The previous situation (LEP 2005)

Relevant residential land uses permissible within the 3(a) zone at Rouse Hill were:

- Apartment buildings;
- Town-houses
- Villas
- Shop top housing, and
- In addition, any form of dwellings, if undertaken as "Integrated housing" or as "environmentally integrated housing" (both being separately defined land use terms which were permissible in the 3(a) zone).

There was no minimum subdivision size applicable to development undertaken as integrated housing.

2.3 The requested outcome (RHTC PP)

The primary purpose of the RHTC PP, as submitted by GPT to THSC, was to achieve the range of land use and planning flexibility in LEP 2012 previously available through LEP 2005. At the time the PP was lodged by GPT, LEP 2012 was still in draft form, and certain draft provisions were changed prior to gazettal.



The following summary represents the additional outcome that GPT seeks to achieve, that has not been supported by Council:

- The LEP should permit all forms of housing in the B4 zone at Rouse Hill, subject to a
 provision that dwelling houses, dual occupancies and semi-detached dwellings can
 only be undertaken by way of the lodgement of a single application for subdivision and
 erection of dwellings, where the siting and design of each dwelling occurs prior to the
 determination of the subdivision boundaries (ie as integrated housing).
- Considering that the current minimum subdivision size in the B4 zone of 600sqm is excessive and unreasonable, particularly where attached dwellings are permitted with consent, the LEP should enable the subdivision of land for the purpose of integrated housing and attached dwellings with no minimum subdivision size, or alternatively, with a minimum subdivision size of 160sqm. A separate Planning Proposal for the residential zones within the RHRC will permit minimum subdivision size of 160 square metres where attached or detached dwellings are being delivered using a single DA for the subdivision and the dwellings (ie integrated housing). It would be appropriate to reflect the same minimum lot size in the B4 zone.

3. BACKGROUND TO REQUEST

3.1 Approvals Framework

The RHRC is subject to a unique staged approval framework. Development consent was granted in 2004 to the "Level 1" Masterplan DA, which established a framework for future development of the site. "Level 2" Precinct Plan DAs and accompanying Built Form Guidelines are required for each precinct within the RHRC, and are intended to be consistent with the Level 1 Masterplan consent. A number of "Level 3" DAs are then lodged for detailed building and works, in compliance with the relevant Level 2 consent and Built Form Guidelines.

3.2 September 2012 Applications

On 25 September 2012, a suite of applications was submitted to THSC, which had two separate, but related, purposes: to obtain approval to the Precinct Plan for the Northern Precinct (and Interface Area of the Town Centre Core), and to restore the land use and development flexibility which applied to the RHTC under previous planning controls. The applications which were lodged comprised:

- A Level 2 Precinct Plan DA for the Northern Precinct and Interface Area;
- A Section 96 application to modify the Level 1 Masterplan consent to facilitate approval of the Level 2 Precinct Plan DA;
- Proposed amendments to the Rouse Hill DCP; and
- Two planning proposals, the RHTC PP and the B3 PP, which sought to restore the land use and development flexibility which applied to the site under LEP 2005, and to



ensure there was no impediment in the approval of future Level 2 and Level 3 DAs for the Northern Precinct.

3.3 The RHTC PP

THSC has agreed to support certain key aspects of the RHTC PP, being:

- the deletion of the height limit applying to the land to which the PP applies; and
- in relation to minimum lot sizes for residential flat buildings and multi dwelling housing, the inclusion of a clause similar to that which existed under LEP 2005 which will facilitate timely processing of applications where justification exists for variation of the minimum lot sizes.

However, THSC has declined to support the request to permit a wider range of housing types and small lot housing.

3.4 The B3 PP

The B3 PP sought to alter the zoning of the greater part of the RHTC from B4 Mixed Use to B3 Commercial Core, so that the RHRC's commercial precincts are recognised in the highest-order commercial zoning available in a non-metropolitan setting. The requested zoning under the B3 PP is illustrated below.



THSC resolved not to support the B3 PP. GPT intends to submit a pre-gateway review request. If the B3 PP was to be supported, the changes requested as part of the RHTC PP would only apply to a small part of the RHTC, ie the Northern part of the Northern Precinct.



(It would also apply to Mungerie House, however the approved Level 2 Precinct Plan for Mungerie House precludes residential development).

However, even if the B3 PP is not supported, there should be no concerns about the RHTC PP applying to the entirety of the RHTC. This is because all development in the RHTC is subject to Level 2 Precinct Plan consents which will ensure that dwelling densities are in accordance with housing targets.

4. INTEGRATED AND SMALL LOT HOUSING – HISTORIC SUPPORT

4.1 Historic LEP and DCP Support for Integrated Housing

When the RHRC Masterplan DA was originally approved in 2003, Baulkham Hills LEP 1991 was in place. "Environmentally integrated housing", which permitted all forms of dwellings, was permissible in the 3(a) and 2(a4) zones: that is, on all land west of Caddies Creek within the RHRC. Further, the Rouse Hill Regional Centre DCP 201, which was in place at the time, required that all housing west of Caddies Creek be undertaken as integrated housing.

When BH LEP 2005 was introduced, it retained the permissibility of environmentally integrated housing in the 3(a) and 2(a4) zones. In addition, a new definition of "integrated housing" was introduced, which, as a separate land use definition, is permissible with consent in the 3(a) zone. When LEP 2005 came into effect, the Rouse Hill DCP was renumbered as DCP 33, and continued to require that housing west of Caddies Creek be developed as integrated housing.

Further, no minimum lot sizes applied to either environmentally integrated or integrated housing. Within the RHRC's residential precincts, lot sizes as low as 160sqm have been achieved using the integrated housing approval model.

The current DCP applying to Rouse Hill, Part D Section 6 of the Hills DCP 2012, specifies that:

- All housing on the western side of Caddies Creek within the RHRC is to be developed through a process of integrated development.
- Residential areas between Windsor Road and Caddies Creek are developed as integrated housing.
- Integrated [Housing] requires the coordinated planning and design of street layout, services, subdivision pattern, housing mix and siting;
- Housing density in the Town Centre is to be maximised.
- Provide a range of housing types and sizes to meet a wide range of housing needs.

The RHTC PP, as requested by GPT, is entirely consistent with the above, noting that housing density in the Town Centre will meet targets set by the Masterplan.



4.2 Approved Masterplan Support

The Masterplan consent provides the framework for all development at the RHRC. It provides a framework and principles for future development, guides the future form of development, provides a flavour of future character, identifies key issues (such as land use mix or access to public transport) which require resolution at the detailed design phase, and provides flexibility so that the development responds to community needs and market demands.

The approved Masterplan includes 1,800 dwellings distributed over the RHRC and across a range of housing typologies. One of the approved Masterplan DA drawings establishes the distribution of residential densities across the site.

The Masterplan contains provisions relating to residential development. The North Neighbourhood, which includes the current Northern Precinct, was to have a range of dwelling types including single owner dwellings, as set out in the following extracts from the Masterplan.

Principles/Character

- Demand for amenity, urban character, particularly for empty nester, seniors and young double income couples, singles and families will all find this precinct highly attractive;
- In addition to convenience to town centre amenities and public transit, it has open space and recreation amenity with pedestrian and cycle access to Caddies Creek;
- On a north-south collector which connects directly into Town Square, a street with live/ work or home occupancy, retail and incubator businesses is seen as a response to this connection to the Centre. This will add a vibrant, animated street to the neighbourhood at the north end of Civic Way;





· The Caddies Creek precinct is envisaged as one where higher densities facing north into the creek environment would take advantage of this spectacular setting including views over Caddies Creek and the District Park: and In the mixed use blocks facing Schofields Boulevard and extending north to the first street within this neighbourhood, a higher density mix of apartments and terrace units is envisaged. The intent is that the ground level of these units is utilized for commercial and business use or residential use. Product Description · Groupings of terrace units around a common central courtyard with gated access for units facing onto it. These are private green courtyards for residents only with provision for children's play facilities in a safe controlled environment and passive intimate sitting areas; · Caddies Creek edge apartments and terraces ranging from two to four storeys; and · Live/Work or Single Owner Home Occupancy Terrace Units (SOHO) within the central position of the Town Frame District and North Neighbourhood.

Section 6.2.3.5 of the Masterplan established housing typologies, with two sample layouts provided (as reproduced on the following two pages). It can be seen that residential development within the Northern Precinct included single family homes, duplexes, triplexes and quadriplexes (which would be defined under LEP 2012 as: detached dwellings; semi detached dwellings or attached dual occupancies; and attached dwellings or multi-dwelling housing).

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In conclusion, it is clear that a range of dwellings were envisaged for the Northern Precinct as part of the Masterplan approval, including dwelling typologies which are now prohibited and/or unachievable due to the 600sqm minimum subdivision size.



4.3 Northern Precinct Plan DA

The Precinct Plan DA relates to the development of the Northern Precinct and Interface Area for mixed use purposes. It builds upon the principles and the broad framework of the approved Masterplan and seeks development consent for the detailed distribution of land uses, roads, open spaces and other places within the Northern Precinct and Interface Area for purposes including *"dwellings of various types including, but not limited to low-to-medium density housing and apartments"*.

In the DA and accompanying Built Form Guidelines, the Northern District of the Northern Precinct is envisioned to provide a diverse assortment of housing, including the following:

Duplexes / Townhouses / Terraces

Duplexes are comprised of two dwellings that share a common wall; while townhouses / terraces are comprised of multiple dwellings that share one or two common walls.

SOHOS

As above, with the distinction of small office / home office (SOHO) suites to provide a blend of commercial and residential uses in the District. Office space is typically at ground level with one or two levels of residential above.

Apartments / Seniors' Housing

5-8 storey multi-family buildings provide a strong street definition and are recommended for Strategic Sites within the District.

A number of forms of housing envisaged above cannot be achieved under the current LEP provisions, yet they are entirely consistent with the Masterplan.

5. MERIT ISSUES

Integrated Design Group has prepared an Architectural Comment report (provided under separate cover) specifically to accompany this letter. The report explores the importance of the RHTC PP for the successful and timely delivery of the RHTC commercial precincts. The report, which forms an integral part of this submission to the Department, sets out how the RHTC PP will meet agreed objectives and priorities under the Masterplan. It also clarifies certain key misunderstandings, such as that small lot individual housing is "low density" and cannot be part of a high density precinct. The merits of the RHTC PP as submitted by GPT are apparent throughout the Integrated Design Group Report. The report's author, Tony McBurney, summarises as follows:

The development of the Northern Precinct of the Rouse Hill Town Centre is likely to be undertaken in a period of significant change. This change will operate across all boundaries of procurement, demography, population growth, social morés, market expectation, funding and economics. The Master Plan has been carefully researched, informed and formed to provide 'space and place' for a strong and sustainable, mixed-use town centre, augmenting the success of the



existing Central Precinct. The layout provides for viable allotments within manageable 'superlots' creating precincts of specific character and amenity. The plan also represents an opportunity to continue, improve and consolidate the successes of the first stages of the town centre.

To achieve these agreed objectives, the new codes and standards which direct the realisation of the Plan must provide appropriate flexibility in respect of housing type and procurement, defining a broad set of "as of right" yield and delivery methods, subject to the directions of the Plan - it's urban form, viability and objectives - more than reliance on common instruments applicable to dissimilar contexts. In this regard, Design Guidelines directly associated with the Master Plan and it's objectives ought carry significant force and precedence, especially over and above the imposition of general codes and clauses from existing standards which apply to places of entirely different character.

It is critical that particular housing options are not excluded because of errant understanding of their type from recent or common expressions of that type. It is also important that a clearer understanding be developed of the drivers and economics of single and multi-unit dwelling delivery and that the delivery method (subdivision and certification limitations, codes, etc) do not innately restrict housing diversity or innovation.

- 6. RESPONSE TO COUNCIL'S REPORTING OF THIS ISSUE
- In rejecting that part of GPT's RHTC PP which sought to reinstate a wider range of housing typologies in the B4 zone, THSC's business paper stated that "allowing for these uses has the potential to undermine the achievement of housing targets ...will fail to maximise residential densities...will compromise the centre's ability to accommodate future population". Yet the business paper also recognised that "the achievement of [the target] number of dwelling is currently on track". The latter statement is the only correct and relevant one: The achievement of 1800 dwellings remains on track. The density provisions and dwelling targets in the Masterplan will not be jeopardised by the RHTC PP. There is no proposal to alter or reduce the targets.
- THSC's assessment report also stated that "the proposed additional uses ...do not reflect the high density focus of the centre... will compromise the centre's ability to accommodate future population and fail to capitalise on the strategic location of the site. Maintaining a high density focus is consistent with the desired urban character of the centre and will promote the role of Rouse Hill as a major centre...". Integrated Design Group's report at Attachment 1 establishes that the proposed housing forms are entirely consistent with the desired high density urban character of the centre.
- The debate is also about delivery and ownership, rather than built form. There is no sound reason why multi-dwelling housing should be permissible, but individual torrens title terrace housing should be prohibited, if that housing is planned in an integrated fashion with the subdivision boundaries.
- Further, although torrens title subdivision in the form of attached dwellings is permissible in the B4 zone of Rouse Hill, this form of development is effectively



precluded through a blanket 600sqm minimum subdivision size for individual allotments.

- 'Integrated housing' was historically permissible in the commercial zone, and remains obligatory under the DCP for all land west of Caddies Creek. If the aim is to reinstate the previous land use framework, a broader range of uses must be permitted through an LEP amendment.
- A wide range of housing types were approved under the Masterplan in the Northern Precinct, including "single family homes, duplexes, triplexes and quadriplexes". These dwelling forms are now largely prohibited, reducing the ability to deliver these products to the market.
- A number of forms of housing envisaged for the Northern Precinct within the Precinct Plan DA cannot be achieved under the current LEP provisions. Yet they are entirely consistent with the Masterplan consent.

7. REQUESTED LEP PANEL CONSIDERATION

In summary, we request that the LEP Panel requires that THSC amend the RHTC PP to ensure that all the development types previously known as integrated housing be made permissible in the RHTC commercial precincts. This may be achieved by introducing a site specific clause permitting dwelling houses, dual occupancies and semi-detached dwellings in the B4 zone of Rouse Hill, provided that those forms are undertaken by way of a single DA for the subdivision and siting of dwellings). The RHTC PP should also be amended to delete the current 600sqm minimum lot size applying to the B4 zone at Rouse Hill, or reduce it to 160sqm.

The primary purpose of the RHTC PP, as submitted by GPT, was to achieve the range of land use and planning flexibility previously available through LEP 2005 in LEP 2012. At the time the PP was lodged, LEP 2012 was still in draft form, and certain draft provisions were changed prior to gazettal. As such, the following summary represents the additional outcome not supported by THSC that GPT seeks to achieve:

- The LEP should permit all forms of housing in the B4 zone at Rouse Hill, subject to a provision that dwelling houses, dual occupancies and semi-detached dwellings can only be undertaken by way of the lodgement of a single application for subdivision and erection of dwellings, where the siting and design of each dwelling occurs prior to the determination of the subdivision boundaries (ie as integrated housing).
- Considering that the current minimum subdivision size in the B4 zone of 600sqm is excessive and unreasonable, particularly where attached dwellings are permitted with consent, the LEP should enable the subdivision of land for the purpose of integrated housing and attached dwellings with no minimum subdivision size, or alternatively, a minimum subdivision size of 160sqm.



8. FURTHER ACTION

We would appreciate the opportunity to discuss our concerns with you at the earliest opportunity. To this end, we ask that you contact the undersigned or Alison Brown of this office, on 9211 4099.

Yours faithfully, BBC Consulting Planners

Robert Chambers Director Email <u>bob.chambers@bbcplanners.com.au</u>

Encl: Rouse Hill Town Centre Northern Precinct: Architectural Comment, Prepared by Integrated Design Group, July 2013

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AGREED OBJECTIVES	
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	Trrovetion, in this regard, Ruit Form Guidethes can be a most poweriul wey to define the critical outcomes for specific predition to preditions. In preference to more generic ementy provisions, the predition specific guidethes can dread percenses and appropriately belance urban form with amonty objectives ⁵
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	were resolved investigation and a rules and transministration of smaller oweing units having access to baitor amonty. This is a critical transition in Inhiking for The Hills Shre to embrace as I develors cantres such as Rouse Hill, critering a right degree of under amonty, though in the heat of what was la quite recently, a rule solaring. We appropriate the difficulty of this transition of mindeor, but it is functionnal in the defensiver or a viction, subratified and diverse urbain contre. Proce Switzer, Business News, conflicts a "groater controp tor smaller subratified and diverse urbain contre. Proce Switzer, Business News, conflicts a "groater controp tor smaller
	Epartmonts class to amontest The rules that ought apply to the development of Pouse Life are necessarily different than those applying to other areas of the Shire because that which is boing achieved an Pouse Hills is fundementary different then other areas in the Shire. This is not a disponsation, nor a precedent. It is shiple togic, lectifiance the development ones in the Shire. This is not a disponsation, nor a precedent. It is shiple togic, lectifiance the development
	It is an error to presume that carriends comends in a progressively undervised and somicod and with remem consistent with those of a previoually sub-urban built form and across changing demographic protities. The Hills Shire has been characterised by both car casencency and a clamographic segment lexuming porsone transportation modes. This cannot be presumed to continue to crevelli as both the demography and transport cort ons change? The re-introduction of Reli services will be well within the devecoment line rame interval of the by current considerations, contany to the motions of observations in the report to Council in June 2013.
	if its an orror to orresume their the housing type, and/or mixed use of buildings will remem consistem miough the progressive davelopment of a torkin control or to presume that a purportenational mix will contexp ever
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rouse hill town centre	northern precinct	Ime. The viscility of a dynamic town control is proven in its adaptation to a changing market and demographic balance. Those things are instructed, described, and the codes which define the market and the Town Comme MUST provide for a king and changing community through feedby - white responding the creation of Space and Placer in urban objectives. It is the space and disposition of the trust form which is orders, not the codurement method, type or even occupation data sustaines over rime	Conversely, it may also be important to anounage at least amportant to anounage at least amportany to surger the gestiation and they obtained of the market commencial vortunes, or appropriate use of key public essents (e.g. impought passive surveitance of open scale). The built form that empounding this mexican important, built market specific provision for luture redention of the test and and the mexican from Council of opportanties to encourage or allow "benchment, or to take the terms and immore vision for the test of the terms and immore an experiment or to take the terms and immore an encourage or allow "benchment, or to take the terms and immore and an approximation of the redentiation of the terms and immore and terms and immore and the terms and immore and terms and immore and terms and immore and the terms and immore and terms and terms and immore and	Houseg tarve and evrost-pipelities are likely to undrigo significant adjustment in the paradical site from the management of the Rouse Hall Town Control Notificant of the Rouse Hall Town Control Notificant adjustment in the paradical site the manual site of the Rouse Hall Town Control Notificant of the Rouse Hall Town Co	
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