

# PLANNING PROPOSAL

# FOR

# BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014 AMENDMENT No 3 (20.00289)

# Blue Ridge LEP Extension

Lot	DP	
14	1050220	Address
1	867504	3991 O'Connell Road KEL og
		4031 O'Connell Road KELSO

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LZN_011F	Land Zoning Map	1
LZN_011G	Land Zoning Map	1
LSZ_011F	Lot Size Map	1
LSZ_011G	Lot Size Map	1
HOB_011F	Height of Buildings Map	1
HOB_011G	Height of Buildings Map	1

# List of Attachments

12

Attachment Number	Name
1	Request for Quotation/Expression of Interest – Blue Ridge LEP Extension Local Environmental Study

a,

# **Relevant Planning Authority Details**

<b>Relevant Planning Authority:</b>	Bathurst Regional Council
Contact Person:	Ms Janet Bingham Manager Strategic Planning, Environmental Planning and Building Services
Contact Phone Number:	02 6333 6214
Contact email address:	Janet.bingham@bathurst.nsw.gov.au

### Introduction

Bathurst Regional Council has received a rezoning application to rezone the following properties from RU1 Primary Production to R5 Large Lot Residential under Bathurst Regional Local Environmental Plan 2014:

Lot 14 DP 1050220, 3991 O'Connell Road KELSO NSW 2795 and Lot 1 DP 867504, 4031 O'Connell Road KELSO NSW 2795

A Local Environmental Study will be undertaken prior to the preparation of a draft Local Environmental Plan to accommodate any change in zoning. The Local Environmental Study will need to demonstrate the suitability or otherwise of the subject land for the rural residential development.

It is envisaged that if the Planning Proposal proceeds the land would be developed for rural residential development in a manner similar to the adjoining land (ie fully serviced with minimum lots of 4000m<sup>2</sup>).

If the Planning Panel so determines, Council will accept the delegated functions offered to it pursuant to Section 59 of the Environmental Planning and Assessment Act 1979.

The Planning Proposal has been prepared in accordance with Section 55 of *the Environmental Planning and Assessment Act* 1979 (the Act) and the relevant Department of Planning Guidelines, including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

### Part 1 Objectives or intended outcomes

The Blue Ridge LEP Extension Planning Proposal involves an amendment to the Bathurst Regional Local Environmental Plan 2014 ("the LEP"), to:

a) Rezone the land from RU1 Primary Production to R5 Large Lot Residential

The subject land comprises:

Lot 14 DP 1050220, 3991 O'Connell Road KELSO NSW 2795 and Lot 1 DP 867504, 4031 O'Connell Road KELSO NSW 2795.

The total area of the combined sites is 29.4hectares with Blue Ridge Drive dissecting the centre of the site. A heritage item of local significance, 'Littlebourne' is located on 4031 O'Connell Road KELSO. Land in this locality has previously been used for orcharding.

The land is located approximately 4.6km south east of the Bathurst CBD and is immediately adjacent to the existing rural residential 'Blue Ridge Estate.'



## Part 2 Explanation of Provisions

The Blue Ridge LEP Extension Planning Proposal involves an amendment to the Bathurst Regional Local Environmental Plan 2014 ("the LEP"), to:

Rezone the land from RU1 Primary Production to R5 Large Lot Residential

This is to be achieved by:

- a) Amending the Land Zoning Map (tile LZN\_011F and LZN\_011G) under Bathurst Regional Local Environmental Plan 2014.
- b) Amending the Lot Size Map (tile LSZ\_011F and LSZ\_011G) under Bathurst Regional Local Environmental Plan 2014.
- c) Amending the Height of Building Map (tile HOB\_011F and HOB\_011G) under Bathurst Regional Local Environmental Plan 2014.
- d) Amending the Heritage Map (tile HER\_011F) under Bathurst Regional Local Environmental Plan 2014.

Note: The Local Environmental Study will make specific recommendations in respect of the Heritage Map. The Council will forward the amended Heritage Map, if required, following completion of the Local Environmental Study.

Council <u>does not</u> propose to amend the Urban Release Area map as it is estimated that the rezoning will yield less than 50 lots and will therefore not have an impact on State Infrastructure.

### Part 3 Justification

### Section A Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

Yes. Bathurst Region Rural Strategy (2008) identified land adjoining the existing Blue Ridge Estate as having development potential for the creation of future lots and recommended a R5 Large Lot Residential zone for this locality. The proposed rezoning will allow for those to be created and is consistent with the recommendations contained in the Rural Strategy.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the best means of achieving the development and intended outcomes of the Planning Proposal. The only avenue available to Council to rezone the land is via a Planning Proposal.

### Section B Relationship to strategic planning framework

3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)? The following table addresses the evaluation criteria for the consistency of the Planning Proposal with the regional and sub-regional strategies, as required by the guidelines for preparing a Planning Proposal.

Evaluation criteria	Y/N	Comment
<ul> <li>Does the proposal have strategic merit and:</li> <li>Is consistent with a relevant local strategy endorsed by the Director General; or</li> <li>Is consistent with the relevant regional strategy or Metropolitan Plan; or</li> <li>Can it demonstrate strategic merit, giving consideration to the relevant section 117 directions applying to the site and other strategic considerations (e.g. proximity to existing urban areas , public transport and infrastructure accessibility, providing jobs closer to home etc)</li> </ul>	Yes	The Planning Proposal is consistent with the Bathurst Region Rural Strategy 2008 which recommended the zoning of this locality for rural residential purposes. There are no relevant regional strategies relevant to the Bathurst Regional LGA. The Planning Proposal is consistent with the relevant Section 117 directions of the Minister. They are explained later in this Planning Proposal documentation.
<ul> <li>Does the proposal have site specific merits and is it compatible with the surrounding land uses, having regard to the following:</li> <li>The natural environment (including known significant environmental values, resources or hazards) and</li> <li>The existing uses, approved uses and likely future uses of the land in the vicinity of the proposal; and</li> <li>The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.</li> </ul>	Yes	The subject land is approximately 29.4hectares in area and is located 4.6km from Bathurst CBD. The re- zoning of the land would permit further subdivision of the site. This is consistent with land immediately adjacent the western boundary of the site, 'Blue Ridge Estate.' The site is not known to have any environmental constraints and the site is not bush fire prone land. Notwithstanding, it is recommended that an Local Environmental Study be undertaken prior to the preparation of a draft LEP to make recommendations on any environmental or other safeguards, or conditions which should be imposed on the development.

# 4. Is the Planning Proposal consistent with a Council's local strategy or other local strategic Plan?

The Bathurst Region Rural Strategy 2008 recommended a R5 Large Lot Residential zone for this locality. Therefore the Planning Proposal is consistent with the strategy. The land in its current form has little or no agricultural potential and is situated adjacent to an existing rural residential estate.

#### 5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Council has undertaken a review to determine whether or not the Planning Proposal is consistent with the State Environmental Planning Policies. See the table below.

State Environmental Planning Policy (SEPP)	Compliance (Yes/No or Not Relevant)
SEPP No 14 – Coastal Wetlands	Not Relevant
SEPP No 15 – Rural Landsharing Communities	Not Relevant
SEPP No 19 – Bushland in Urban Areas	Not Relevant
SEPP No 21 – Caravan Parks	Not Relevant
SEPP No 26 – Littoral Rainforests	Not Relevant
SEPP No 29 – Western Sydney Recreation Area	Not Relevant
SEPP No 30 – Intensive Agriculture	Not Relevant
SEPP No 32 – Urban Consolidation (Redevelopment of Urban Land)	Not Relevant
SEPP No 33 – Hazardous and Offensive Development	Not Relevant
SEPP No 36 – Manufactured Home Estates	Not Relevant
SEPP No 39 – Spit Island Bird Habitat	Not Relevant
SEPP No 44 – Koala Habitat Protection	Not Relevant
SEPP No 47 – Moore Park Showground	Not Relevant
SEPP No 50 – Canal Estate Development	Not Relevant
SEPP No 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	Not Relevant
SEPP No 55 – Remediation of Land	The applicant will be required to demonstrate the land is suitable for residential purposes through the LES process in relation to potential contamination from previous land uses (orcharding)
SEPP No 59 – Central Western Sydney Regional Open	Not Relevant
Space and Residential	
SEPP No 60 – Exempt and Complying Development	Not Relevant
SEPP No 62 – Sustainable Aquaculture	Not Relevant

SEPP No 64 – Advertising and Signage	Not Relevant
SEPP No 65 – Design Quality of Residential Flat	Not Relevant
Development	
SEPP No 70 – Affordable Housing (Revised Schemes)	Not Relevant
SEPP No 71 – Coastal Protection	Not Relevant
SEPP (Affordable Rental Housing) 2009	Not Relevant
SEPP (Building Sustainability Index: BASIX) 2004	Not Relevant
SEPP (Exempt and Complying Development Codes) 2008	Not Relevant
SEPP (Housing for Seniors or People with a Disability)2004	Not Relevant
SEPP (Infrastructure) 2007	Not Relevant
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not Relevant
SEPP (Kurnell Peninsula) 1989	Not Relevant
SEPP (Major Development) 2005	Not Relevant
SEPP (Mining, Petroleum Production and Extractive	Not Relevant
Industries) 2007	
SEPP (Penrith Lakes Scheme) 1989	Not Relevant
SEPP (Rural Lands) 2008	The Planning Proposal is supported by the Bathurst Region Rural Strategy 2008
SEPP (SEPP 53 Transitional Provisions) 2011	Not Relevant
SEPP (State and Regional Development) 2011	Not Relevant
SEPP (Sydney Water Drinking Catchment) 2011	Not Relevant
SEPP (Sydney Region Growth Centres) 2006	Not Relevant
SEPP (Three Ports) 2013	Not Relevant
SEPP (Urban Renewal) 2010	Not Relevant
SEPP (Western Sydney Employment Area) 2009	Not Relevant
SEPP (Western Sydney Parklands) 2009	Not Relevant

# 6. Is the Planning Proposal consistent with applicable Ministerial Directions (s. <u>117 directions)?</u>

Council has undertaken a review to ensure the planning proposal is consistent with all relevant Section 117 Ministerial Directions issued by the Minister for Planning to relevant planning authorities under section 117(2) of the Environmental Planning and Assessment Act 1979.

All relevant Section 117 Ministerial Directions are considered in the following table.

Section 117	Consistency	
Ministerial		
Direction		
	and resources	
1.1 Business	Not applicable.	
and Industrial	Council is satisfied that the planning proposal is consistent with the	
Zones	requirements of the direction.	
1.2 Rural	The rezoning of the land from a rural zone to a rural residential zone is	
Zones	supported by the Bathurst Region Rural Strategy 2008.	
1.3 Mining,	The site does not contain any potential mineral resources as identified	
Petroleum	by the Mineral Resource Audit 2014.	
Production and		
Extractive		
Industries		
1.4 Oyster	Not applicable.	
Aquaculture	Council is satisfied that the planning proposal is consistent with the	
, quadalla 6	requirements of the direction.	
1.5 Rural	The rezoning of the land from a rural zone to a rural residential zone is	
	aupported by the Bethurot Begion Burel Strategy 2009	
Lands	supported by the Bathurst Region Rural Strategy 2008.	
2. Environment		
2.1	Not applicable.	
Environment	Council is satisfied that the planning proposal is consistent with the	
Protection	requirements of the direction.	
Zones		
2.2 Coastal	Not applicable.	
Protection	Council is satisfied that the planning proposal is consistent with the	
requirements of the direction.		
2.3 Heritage	The site contains a heritage item of local significance. The LES is	
Conservation	proposed to identify an appropriate curtilage for that item and to identify	
	any other recommendations to ensure appropriate protection of the	
	item.	
2.4 Recreation	Not applicable.	
Vehicle Areas	Council is satisfied that the planning proposal is consistent with the	
	requirements of the direction.	
3 Housing Infr	astructure and Urban Development	
3.1 Residential	Council is satisfied that the planning proposal is consistent with the	
Zones	requirements of the direction. The land will be adequately serviced prior	
ZUHES		
3.2 Caravan	to residential development.	
	Not applicable.	
Parks and	Council is satisfied that the planning proposal is consistent with the	
Manufactured	requirements of the direction.	
Home Estates		
3.3 Home	Not applicable.	
Occupations	Council is satisfied that the planning proposal is consistent with the	
	requirements of the direction.	
3.4 Integrating	Not applicable.	
Land Use and	Council is satisfied that the planning proposal is consistent with the	
Transport	requirements of the direction.	
3.5	The proposal does not alter or remove a provision relating to land in the	
Development	vicinity of a licensed aerodrome.	
	Council is satisfied that the planning proposal is consistent with the	
Near Licensed		
	requirements of the direction.	
Near Licensed Aerodromes 3.6 Shooting	requirements of the direction. The proposal does not affect land adjacent or adjoining an existing shooting	

Section 117 Ministerial	Consistency	
Direction		
	Council is satisfied that the planning proposal is consistent with the	
	requirements of the direction.	
4. Hazard and I	Risk	
4.1 Acid Sulfate Soils	The Bathurst Region does not include any land identified on Acid Sulfate Soils Planning maps held by the Department. <b>Council is satisfied that the planning proposal is consistent with the</b> <b>requirements of the direction.</b>	
4.2 Mine	The Bathurst Region does not include any land identified as within a Mine	
Subsidence	Subsidence District proclaimed under the Mine Subsidence Compensation Act	
and Unstable	1961.	
Land	Council is satisfied that the planning proposal is consistent with the requirements of the direction.	
4.3 Flood	The Planning Proposal does not include any land which is identified as being	
Prone Land	flood liable land as identified either by Council's computer based flood model or the Bathurst Floodplain Management Policy.	
	Council is satisfied that the planning proposal is consistent with the requirements of the direction.	
4.4 Planning	The Planning Proposal does not include any land which is identified as being	
for Bushfire	Bushfire Prone Land.	
Protection	Council is satisfied that the planning proposal is consistent with the requirements of the direction.	
5. Regional Pla		
5.1	No regional or sub-regional strategy applies to the Bathurst Region.	
Implementation of Regional Strategies	Council is satisfied that the planning proposal is consistent with the requirements of the direction.	
5.2 Sydney	The Bathurst Region is outside the identified Sydney Drinking Water	
Drinking Water	Catchment area.	
Catchments	Council is satisfied that the planning proposal is consistent with the requirements of the direction.	
5.3 Farmland	Does not apply to the Bathurst Region. No farmland of State or Regional	
of State and	significance is located within the Bathurst Region.	
Regional Significance on the NSW Far	Council is satisfied that the planning proposal is consistent with the requirements of the direction.	
North Coast 5.4	Deep not apply to the Bethurst Degion	
5.4 Commercial	Does not apply to the Bathurst Region.	
and Retail;	No regional or sub-regional strategy applies to the Bathurst Region.	
Development	Council is satisfied that the planning proposal is consistent with the requirements of the direction.	
	requirements of the direction.	
along the Pacific		
Highway, North		
Coast	Deep wet eenhute the Deffect (Def	
5.8 Second	Does not apply to the Bathurst Region.	
Sydney Airport:		
Badgerys	Council is satisfied that the planning proposal is consistent with the	
Creek	requirements of the direction.	
5.9 North West	Does not apply to the Bathurst Region.	
Rail Link	Council is satisfied that the planning proposal is consistent with the	
Corridor	requirements of the direction.	

Section 117 Ministerial Direction	Consistency
Strategy	
6. Local Plan M	aking
6.1 Approval and referral Requirements	The Planning Proposal does not affect development application provisions and does not propose any referral provisions relating to this land. <b>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</b>
6.2 Reserving land for Public Purposes	The Planning Proposal does not relate to reserving land for public purposes. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
6.3 Site Specific Provisions	The Planning Proposal does not relate to a particular development to be carried out on a specific site. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
7. Metropolitan	Planning
7.1 Implementation of the Metropolitan Strategy	Does not apply to the Bathurst Region. Council is satisfied that the planning proposal is consistent with the requirements of the direction.

### Section C Environmental , social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Council is satisfied that, as a result of the Planning Proposal, critical habitat, threatened species, populations or ecological communities will not be adversely affected by the re-zoning. The subject site does not provide habitat for vulnerable or endangered species.

8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Council considers that there are no likely environmental effects as a result of the Planning Proposal. The Planning Proposal aims to re-zone the land from RU1 Primary Production to R5 Large Lot Residential to allow for future development of the site. A Local Environmental Study will, however, be prepared to determine the constraints and opportunities of the site, culminating in a preferred development strategy for which future growth of the area will be guided by.

#### 9. Has the Planning Proposal adequately addressed any social and economic effects?

Social Impacts

It is considered that as a result of the Planning Proposal there are no social impacts that need to be addressed. The Planning Proposal is supported by the Bathurst Region Rural Strategy 2008.

#### Economic Impacts

It is considered that as a result of the Planning Proposal there are no economic impacts that need to be addressed. The Planning Proposal is supported by the Bathurst Region Rural Strategy 2008.

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### Section D State and Commonwealth interests

#### 10. Is there adequate public infrastructure for the Planning Proposal?

Yes. Council has undertaken detailed investigations during 2013 into the availability of water and sewer to service possible future development. The report concluded that the subject area is able to be serviced by sewer, albeit with some upgrades to infrastructure required. The report also concludes that the land above the 708m contour cannot be serviced by water by gravity. It is Council's current position that water should be supplied to properties connected to Council's reticulated water supply by gravity (not via a pumped system) which excludes part of Lot 14 DP 1050220, 3991 O'Connell Road KELSO. The consultant preparing the Local Environmental Study is to confirm the information provided in this report and provide adequate recommendations as to how best this land should be excluded (eg via lot size provisions).

#### 11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the Gateway Determination?

Consultation is to occur with all relevant state and local authorities, utility providers and emergency service, with their comments forming part of the Local Environmental Study process.

### Part 4 Mapping

The Blue Ridge LEP Extension Planning Proposal involves an amendment to the Bathurst Regional Local Environmental Plan 2014 ("the LEP"), to:

Rezone the land from RU1 Primary Production to R5 Large Lot Residential

This is to be achieved by:

- a) Amending the Land Zoning Map (tile LZN\_011F) under Bathurst Regional Local Environmental Plan 2014.
- b) Amending the Land Zoning Map (tile LZN\_011G) under Bathurst Regional Local Environmental Plan 2014.
- c) Amending the Lot Size Map (tile LSZ\_011F) under Bathurst Regional Local Environmental Plan 2014.
- d) Amending the Lot Size Map (tile LSZ\_011G) under Bathurst Regional Local Environmental Plan 2014.
- e) Amending the Height of Building Map (tile HOB\_011F) under Bathurst Regional Local Environmental Plan 2014.
- f) Amending the Height of Building Map (tile HOB\_011G) under Bathurst Regional Local Environmental Plan 2014.
- g) Amending the Heritage Map (tile HER\_011F) under Bathurst Regional Local Environmental Plan 2014.

Note: The Local Environmental Study will make specific recommendations in respect of the Heritage Map. The Council will forward the amended Heritage Map, if required, following completion of the Local Environmental Study.

### Part 5 Community Consultation

Council anticipates that following the Gateway Determination and Council satisfying any conditions imposed prior to the public exhibition period, the Planning Proposal will be placed on public exhibition for a period of 28 days.

It is proposed that the Planning Proposal and the Local Environmental Study will be publically notified by:

- a) a notice in the Western Advocate newspaper on at least 2 occasions; and
- b) written notification to all adjoining landowners; and
- c) notification on Council's website.

If the Planning Panel deems necessary, Council will notify the relevant government public authorities concurrently with the public exhibition period with respect to the Planning Proposal. Although it should be noted that consultation with the relevant government departments is proposed as part of the preparation of the Local Environmental Study.

Following the public exhibition period, this section will be altered to reflect the extent of consultation that was undertaken, including any issues which were raised as a result of the consultation.

# Part 6 Project timeframe

The following table outlines Council's anticipated timetable for the completion of the Planning Proposal. Council anticipates that the process will take approximately 8 months from the date of the Gateway Determination.

Step	Criteria	Project timeline
1	Anticipated commencement date (date of Gateway determination)	May 2015
2	Anticipated timeframe for the completion of required technical information	June 2015 – November 2015
3	Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	June 2015 – November 2015
4	Commencement and completion dates for public exhibition period	December 2015
5	Dates for public hearing (if required)	January 2016
6	Timeframe for consideration of submissions	February 2016
7	Timeframe for the consideration of a proposal post exhibition	March 2016
8	Date of submission to the department to finalise the LEP	April 2016
9	Anticipated date RPA will make the plan (if delegated)	May 2016
10	Anticipated date RPA will forward to the department for notification.	June 2016

Note that a copy of the proposed consultants brief for the completion of a Local Environmental Study (step 2 above) is attached to this Planning Proposal.

# Appendix 1

Schedule of Maps

**t**3

Note that the Heritage Map (tile HER\_011F) under Bathurst Regional Local Environmental Plan 2014 will be provided, if required, after completion of the Local Environmental Study.

### **Environmental Planning and Assessment Act 1979**

### Bathurst Regional Local Environmental Plan 2014 (Amendment No 3)

Bathurst Regional Council 158 Russell Street Private Mail Bag 17 BATHURST NSW 2795

Map Cover Sheet

The following map sheets are revoked:

Map Identifier
0470 COM LZN 011F 020 20150416
0470_COM_LZN_011G_020_20150416
0470_COM_LSZ_011F_020_20150416
0470_COM_LSZ_011G_020_20150416
0470_COM_HOB_011F_020_20150416
0470 COM HOB 011G 020 20150416

#### The following map sheets are adopted:

Map Sheet	Map Identifier
Land Zoning Map	
LZN 011F	0470_COM_LZN_011F_020_20140321
LZN 011G	0470_COM_LZN_011G_020_20140321
Lot Size Map	
LSZ 011F	0470_COM_LSZ_011F_020_20140320
LSZ 011G	0470_COM_LSZ_011G_020_20140320
Height of Buildings Map	
HOB 011F	0470_COM_HOB_011F_020_20140320
HOB 011G	0470 COM HOB 011G 020 20140320
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Certified

[Title of Council Delegate]

[Date]

Minister for Planning and Infrastructure [Date]

















