



DEVELOPMENT CONTROL

PLAN NO. 9

STRATHNOOK LANE

RURAL SMALL HOLDINGS

**AS APPROVED BY COUNCIL AT THE MEETING OF
20 DECEMBER 1999**

**CAME INTO EFFECT ON
24 DECEMBER 1999**

1.0 INTRODUCTION

1.1 WHAT IS THIS PLAN CALLED?

This plan is called Cabonne Development Control Plan No. 9 Strathnook Lane Rural Small Holdings. It is a Development Control Plan pursuant to Section 72 of the Environmental Planning and Assessment Act 1979 that has been prepared in accordance with the provisions of the Environmental Planning and Assessment Regulation 1994.

This plan shall come into force on 24 December 1999 in accordance with Clause 20(4) of the Environmental Planning and Assessment Regulation 1994.

1.1 WHAT IS THE PURPOSE OF THE PLAN?

The purpose of the Plan is to provide development standards and guidelines aimed to encourage sound design and property development of rural residential land within Cabonne Shire area.

The Plan has been prepared in conjunction with Cabonne Local Environmental Plan 1991 Amendment No. 10 that was gazetted on 30 July 1999.

1.2 WHERE DOES THIS PLAN APPLY?

This Plan applies to the land in the Shire of Cabonne zoned 1 (c) (Rural Small Holdings) as depicted by the heavy black edging on the Cabonne Development Control Plan No. 9 Map.

1.3 WHAT ARE THE AIMS AND OBJECTIVES OF THIS PLAN?

The aims of this Plan are:

- i) To ensure that the aims and objectives of Cabonne Local Environmental Plan 1991 relating to rural residential development in the 1(c) (Rural Small Holdings) zones are achieved.
- ii) To ensure that residents and developers are well informed of Council's requirements relating to 1(c) (Rural Small Holdings) zones.
- iii) To ensure that adequately documented development applications are lodged that substantiate the manner in which the proposed development has been designed to fit the particular site conditions, development principles and standards detailed in this Plan.
- iv) To protect established agricultural practices on any adjoining prime agricultural lands;

- v) To provide guidelines for the provision of services to Rural Small Holdings, including:
- ❖ Disposal of wastes;
 - ❖ Provision of water supply;
 - ❖ Provision of other utility services such as power, telephone and road access.
- vi) To enable other forms of development to be carried out on land within the 1(c) (Rural Small Holdings) zone provided that such uses are in keeping with the rural character of the locality and are compatible with the existing or likely future rural residential land uses;
- vii) To protect and conserve land which has been identified as being environmentally sensitive;
- viii) To encourage the protection of surface and groundwater resources.

1.4 WHAT TYPE OF DEVELOPMENT DOES THIS PLAN COVER?

This Development Control Plan applies to rural residential development (including subdivision, dwellings and associated buildings) in the 1(c) Rural Small Holdings zone.

1.5 HOW DOES THIS PLAN RELATE TO OTHER PLANS?

Section 72 of the Environmental Planning and Assessment Act 1979 requires this Development Control Plan to be consistent with Cabonne Local Environmental Plan 1991, the main instrument that contains the legal planning controls for the development of land within Cabonne Shire.

Where there is inconsistency between this Plan and Cabonne LEP 1991, or any other environmental planning instrument, including any State Environmental Planning Policy, Regional Environmental Plan or Local Environmental Plan, the provisions of the environmental planning instrument shall prevail.

Cabonne Development Control Plan No. 6 Rural Small Holdings also applies to this land.

1.6 DCP AMENDMENTS AND SPECIFIC AREA DCPS

This plan may be varied only in the manner provided for in the Environmental Planning and Assessment Act 1979 and the accompanying Regulation 1994.

This requires Council to advertise and exhibit for public comment any proposed amendments to the DCP before being adopted.

Council reserves the right to produce area specific DCPs and associated mapping to address particular requirements of any Rural Small Holdings zone.

1.7 DEFINITIONS

Definitions of terms applicable to this Plan are as follows;

“Access” means;

A vehicular access from the edge of formation of the public road to the gate or grid entry point to the dwelling parcel.

“New dwelling parcel” means;

- i) a new vacant lot in a subdivision which is approved for the purposes of a dwelling;
- ii) the creation of new dwelling parcels through disposal of part of an existing holding via existing Crown Titles.

“Dwelling envelope” means;

A diagram drawn on a vacant lot of a subdivision plan defining the limits for the siting of any dwelling on that lot.

2.0 GUIDELINES FOR DEVELOPMENT GENERALLY

2.1 Suitable Land Types

New areas for rural/residential development should be located having regard to the following principles:

2.1.1 General

- i) Prime crop and pasture land should be avoided unless there are other overriding factors such as settlement patterns or serviceability requirements.
- ii) Spray buffer zones of at least 150 metres should be provided between any professional agricultural property and the nearest dwelling envelope.
- iii) Sufficient distance should be provided from rural industries to limit noise and odour pollution impacts.
- iv) Land should be suitable for satisfactory on-site disposal of effluent.
- v) Suitable dwelling and effluent disposal envelopes are to be demonstrated for all proposed lots.
- vi) Where site constraints dictate, consideration should be given to communal sewerage and water supply for a component of the development.

- vii) Native or remnant vegetation pockets should be retained and incorporated into an overall design.
- viii) Consideration should be given to varying lot sizes for different agricultural pursuits as well as residential dwellings.

2.1.2 Mineral and Extractive Resources

Areas comprising known extractive material/mineral resources should be avoided.

The Mining Act 1992 requires that mineral exploration be more than 200 meters from any residence. This factor should be considered in planning for the size and disposition of rural small holdings.

2.1.3 Fire Management and Activities within Plantation Forestry Areas

Land with a high fire hazard classification should be avoided. On land adjoining State Forests, Environmentally Sensitive Land or Nature Reserves a buffer zone should be provided in accordance with Fire Authority requirements. A buffer zone will lessen the impact of activities that occur within plantation forestry areas such as:

- ❖ Burning and fuel reduction operations;
- ❖ Miscellaneous aircraft operations;
- ❖ Feral animal control including baiting and shooting;
- ❖ Recreation and other public use ventures ie. orienteering; and
- ❖ Visual amenity changes associated with silviculture operations.

2.1.4 Infrastructure (Roads, Power, Telephone)

Development should not create unreasonable demands on the community for the provision of infrastructure and services.

2.1.5 Water Supply

Areas should be self-sufficient in water supply.

2.1.6 Catchment Protection

Regard should be had to the principles of Total Catchment Management (TCM) where land, water, vegetation and other natural resources within catchment areas are managed and assessed as a whole.

When applying the principles of TCM, decisions concerning the use, protection or development of one resource should be made in the context of and are consistent with objectives for the other resources.

Environmentally sensitive lands should be excluded from consideration.

Areas of remnant or native vegetation should be maintained and protected.

Permanent and ephemeral drainage lines should be avoided. Alternatively, they may be sensitively incorporated into subdivision design by ensuring that development provides for:

- ❖ The stability of streambanks or foreshores of waterbodies; and
- ❖ Protection and enhancement of aquatic and riparian ecosystems; and
- ❖ Retaining drainage patterns ; and
- ❖ Protecting water quality and the needs of existing and potential users of water from that waterbody.

Development should not result in:

- ❖ Destruction of native riparian vegetation in the area; or
- ❖ Siltation of the waterbody; or
- ❖ The release of effluent or other nutrients into the waterbody.

2.1.7 Waste water Management

Hydrological assessments of land will be required to determine lot layout, effluent disposal options and impacts on water quality. Such assessment shall be consistent with the *Environmental Health and Protection Guidelines for On-Site Sewerage Management for Single Households*.

2.1.8 Contaminated Land

Assessment of contaminated lands will be required.

2.1.9 Flood Liable Land

Flood liable land should be excluded from consideration.

2.1.10 Aboriginal and European Heritage

Areas of Aboriginal and European heritage should be preserved. The applicant may be required to undertake an assessment of the land by a qualified person in respect to items of Aboriginal and European Heritage.

2.1.11 Roads

Council will consider the implementation of a Section 94 Contributions Plan over 1(c) zoned areas to recover road upgrading works external to any proposed subdivision.

All roads (including internal roads) shall be constructed to a standard determined by Council and provided to all development areas depending on the level of impact on the locality.

Treatment of road surfaces should consider horizontal and vertical alignments and traffic impacts.

2.1.12 Flora and Fauna

Development should not have a detrimental impact on threatened species, populations, ecological communities or their habitats.

A Threatened Species assessment is to be undertaken in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the Threatened Species Conservation Act 1995.

2.2 SITE ANALYSIS

A detailed site analysis should be carried out before a development application is submitted to Council for consideration. This is to ensure that the objectives of Cabonne LEP 1991 and this Plan are met and the relevant factors specified in Clauses 9, 10 and 16 of Cabonne LEP 1991 are considered.

A site analysis should include:-

- ❖ Site survey or other topographic base map showing contours, land slope gradients, watercourses, drainage lines, areas of vegetation, rock outcrops or escarpments, existing roads, dams and buildings.
- ❖ Identification of Crown boundaries, easements, unmade roads, existing fences.
- ❖ Mapping of site constraints such as areas of soil erosion, flood liable or low lying areas, mineral or extractive material deposits, adjoining land uses and fire hazard areas.
- ❖ The preparation of a sediment and erosion control plan for the subject land.
- ❖ Mapping of visual features, including direction of views into, out of and within the site, positions of dwellings on adjoining land, ridgelines, significant vegetation or rock outcrops.
- ❖ Data on local climate including direction of prevailing winds, frost hollows (particularly where frost conditions may preclude septic tanks).
- ❖ Location of existing services and future services (such as power, telephone, water), potential dam sites and data for rainwater storage capacity required relative to rainfall.

- ❖ The preparation of a sediment and erosion control plan for the development site.
- ❖ Facilities such as the location of fire brigades, school bus and garbage removal service routes.
- ❖ Means of obtaining practical access to the dwelling site having regard to restrictions on the creation of new points of access to arterial roads and the costs of construction of private access tracks to dwellings.
- ❖ The nature, uses and position of buildings on adjoining land.

This analysis should be used to identify overall site capacity for dwellings and the location of dwelling envelopes. The imposition of a Section 88B Instrument under the Conveyancing Act 1919 is required for all dwelling envelopes identified.

2.3 CONSULTATION

When preparing a development application, the applicant is encouraged to consult with the Soil Conservation Branch of the Department of Land and Water Conservation on matters concerning general land suitability, subdivision design to minimise erosion, sedimentation risks and the location and design of farm dams.

Consultation with other authorities is also desirable in the following circumstances:

- ❖ Roads and Traffic Authority where there is no alternative to access from arterial roads;
- ❖ Department of Water Resources where water is proposed to be drawn from permanent water courses or a potential flood risk is involved;
- ❖ NSW Agriculture where the proposed development involves potential conflicts with established agricultural operations or where advice is required in the agricultural potential of the land.
- ❖ Council's Fire Control Officer, where the land involves medium to high bushfire hazard risk, as indicated on the Bushfire Hazard maps (currently being developed).
- ❖ Department Land & Water Conservation where Crown Land is involved or where Crown Land or native vegetation might be affected by the development.
- ❖ NSW National Parks and Wildlife Service where development is likely to affect Aboriginal sites and threatened species, populations, ecological communities or their habitat.

- ❖ Forestry Commission of NSW or National Parks and Wildlife Service if the development adjoins land controlled by these Authorities.

2.4 SECTION 94 CONTRIBUTIONS

In order to mitigate the impact of new development, Council may require the developer to make contributions to Council in accordance with Section 94 of the Environmental Planning and Assessment Act 1979.

Such contributions may include:

- ❖ The upgrading of public roads to the appropriate standard related to the traffic generated by the development (see Cabonne Councils Roading Contributions Plan for the Rural Small Holdings zone).
- ❖ Drainage works if needed;
- ❖ Contribution to Bushfire Brigade (see Cabonne Councils Bushfire Services Contributions Plan);
- ❖ Dedication of land or contribution to provision of recreational amenities.

3.0 GUIDELINES FOR SUBDIVISION

3.1 MINIMUM ALLOTMENT SIZE

Under Clause 16 of Cabonne LEP 1991, the minimum lot size requirement in the 1(c) Rural Small Holdings zone is 0.4 hectares. However, it is preferable that a range and mix of larger lot sizes is encouraged having regard to the principles specified in Clause 2.1 'Suitable Land Types'. For example, the land area necessary to accommodate the on-site disposal of effluent may result in a requirement for larger lot sizes than the specified minimum.

3.2 SERVICES

3.2.1 Power

A Development Application for subdivision should include evidence from the appropriate electricity supply authority that electricity can be provided to the new lots created.

Where evidence of consultation is not supplied, Council may consult with the relevant electricity supply authority at the applicant's expense and place the application in abeyance pending completion of such consultations.

Such evidence is to include a report detailing:-

- i) the developers contribution if any to upgrade electricity services to the subdivision;

- ii) the estimated cost to connect each dwelling envelope to the mains (based on an estimate of homebuilders costs).

3.2.2 Water Supply

In the case of rural residential estates without reticulated water supply, Council will require that the majority of lots obtain a suitable site and catchment for a dam of at least 1000 cubic metres capacity. (There is a suggested minimum catchment of 2 hectares and a desirable catchment of 5 hectares for drought protection).

Council may consult with the Department of Water Resources as to likely downstream impacts of dam installation and may add conditions to the development consent accordingly. Construction of dams should be to a standard approved by the Soil Conservation Branch of the Department of Land and Water Conservation.

3.2.3 Waste water Disposal

Applications should include evidence that the land is suitable for waste water disposal. Such assessment shall be consistent with the *Environment & Health Protection Guidelines for On-site Sewerage Management for Single Households* published by the Department of Local Government & Environment Protection Authority.

3.2.4 Road Standards and Roading Contributions

a) General

Council is required to assess the impact of any development on the road system. Where the current standard is not adequate Council may seek to improve the road standard.

Pursuant to its powers under Section 90 and 94 of the Environmental Planning and Assessment Act, Council may set conditions and/or require contributions from the developer as detailed below:-

b) New Roads

New roads are to be designed and constructed in accordance with "*Engineering Specifications for Subdivision and Development*" (as updated).

The developer will be required to meet the full cost of road construction to the specified standard or a proportionate cost if other potential users are involved.

i) Engineering Design

Survey, design and specifications for new roads to a standard required by Council must be provided to Council following the approval of a Development Application.

ii) Construction

Developers can elect to use either private contractors or Council for the construction of new roads in strict compliance with approved design and specifications. Developers are encouraged to liaise with Council's Services and Development Engineer to discuss any proposal.

c) **Existing Roads – Developer Contributions and Considerations**

Proportionate roading contributions may be calculated as part of Contribution Plans for each Rural Small Holding zone.

As part of the assessment process, Council will determine the amount of roading contribution applying to existing roads.

d) **Access**

- ❖ Access points should be constructed in accordance with Council's "Specification for Private Access to a Rural Road" (as updated).
- ❖ Lots fronting arterial roads will generally be required to provide alternative access and be larger in area to reduce the impact of ribbon development. Access provision to arterial roads will generally not be permitted. Where no alternative is available, shared access provision for a number of allotments should be installed.
- ❖ The subdivision layout plan should indicate at least one suitable access point for each lot having regard to sight distances and traffic safety.

3.2.5 Telephone

In the interests of preserving underground telecommunications facilities, the applicant will notify Telstra Australia as to any new roads to be constructed as part of a subdivision approval.

The applicant will provide written evidence to Council that Telstra Australia has been notified of upcoming road works prior to the release of the Linen Plan.

3.3 Fencing

Lot boundaries are to be fenced at the time of subdivision to a standard satisfactory to Council.

Council may waive or defer this requirement where it can be shown that there is no risk to the spread of feral animals or loss of livestock.

3.4 Notification

Council will notify neighbours with respect to rural small holdings subdivision and comments invited.

3.5 Bushfire Protection

All lots will need to demonstrate a dwelling envelope with potential to be readily developed to a low fire hazard risk to the satisfaction of Council.

Given the nexus between the provision of dwellings and the extra work load imposed on the local bush fire service, Council has resolved to require a contribution in accordance with Section 94 of the Environmental Planning and Assessment Act 1979.

The full amount of the contribution goes to the local brigade to improve bush fire amenities and services as is detailed in Councils "*Section 94 Bushfire Services Contributions Plan*".

3.6 Consideration of other Natural Hazards

All new lots will demonstrate at least one dwelling site that in the view of Council is adequately protected from natural hazards such as flood, slip and subsidence.

4.0 GUIDELINES FOR RESIDENTIAL USE AND ERECTION OF BUILDINGS

4.1 Siting of dwelling and associated buildings

- ❖ Dwellings and associated outbuildings, garages, tanks and the like should generally be sited in a manner that maintains the rural character of the countryside. This includes the separation of buildings and minimising long lengths of access road or other works if they substantially disturb natural land forms and vegetation or otherwise increase soil erosion risk.
- ❖ New dwellings should also be sited so as to lessen the cost of constructing and maintaining access driveways and service provision.
- ❖ New buildings should be sited to blend with the natural topography in order to reduce visual impact.
- ❖ Buildings should generally not be located on sites where slope gradients are greater than twenty (20) percent.
- ❖ Council may not permit development on slopes of this gradient or greater unless fire protection measures are adequate and special soil and foundation stabilisation works are effected.

- ❖ Top soil conservation during building construction is encouraged. Top soil should be stripped and stockpiled for later resspreading in preparation for revegetation around the dwelling site.
- ❖ Due to the frequent occurrence of high water tables and the likelihood of inundation, footslopes and drainage lines should be excluded as building sites.
- ❖ Council will only allow dwellings to be sited within 20 metres of a boundary in exceptional circumstances. This buffer zone is seen as a minimum to facilitate privacy and create potential for some fire hazard reduction zone within the homebuilders land.

4.2 ACCESS

- ❖ Access points should be constructed in accordance with Councils "*Specification for Private Access to a Rural Road*" (as updated).
- ❖ Access from the public road to the fenceline is to be constructed at a mutually agreed upon location between Council and the developer with such access being to a standard satisfactory to Council and at the developer's full cost.
- ❖ The access gateway is generally to have a five (5) metre setback from the road reserve fenceline, unless arterial road standard apply.
- ❖ Internal access to the proposed dwelling house is to be constructed in accordance with the Soil Conservation Branch's publication, "*Guidelines for the Planning, Construction and Maintenance of Trails*". Such access is generally to be to a standard acceptable to the Director of Engineering and Technical Services.
- ❖ Where drainage lines need to be crossed, internal tracks should traverse them at right angles with adequate stabilisation being carried out in adjacent upstream and downstream areas.

4.3 WATER SUPPLY

Dwelling Supply

All dwellings are to be serviced with an adequate water supply. Storage facilities for domestic supply should be a minimum of 90,000 litres for dwellings of three or more bedrooms and at least 45,000 litres for small dwellings (1 and 2 bedrooms).

Exemptions will be considered where it can be demonstrated that an adequate reticulated supply, dam storage, bore supply or licence to pump from a permanent stream, exists. However, Council will only allow storage below 20,000 litres in exceptional circumstances.

Fire Protection

Applicants will demonstrate a reserve water storage, separate from dwelling supply of not less than 10,000 litres. Such supply is to be held to ensure that a reserve is available to assist in fire protection.

This reserve fire storage will generally comprise:

- ❖ a reserve in the base of a rainwater storage tank, or
- ❖ a suitable dam/tank storage.

The supply must be readily accessible to bush fire tankers (a valve of at least 50mm diameter is recommended for the base of rainwater tanks).

Garden Supply

Utilisation of a water supply from a bore, dam or creek is recommended if irrigation of a garden is proposed.

4.4 DISPOSAL OF WASTES

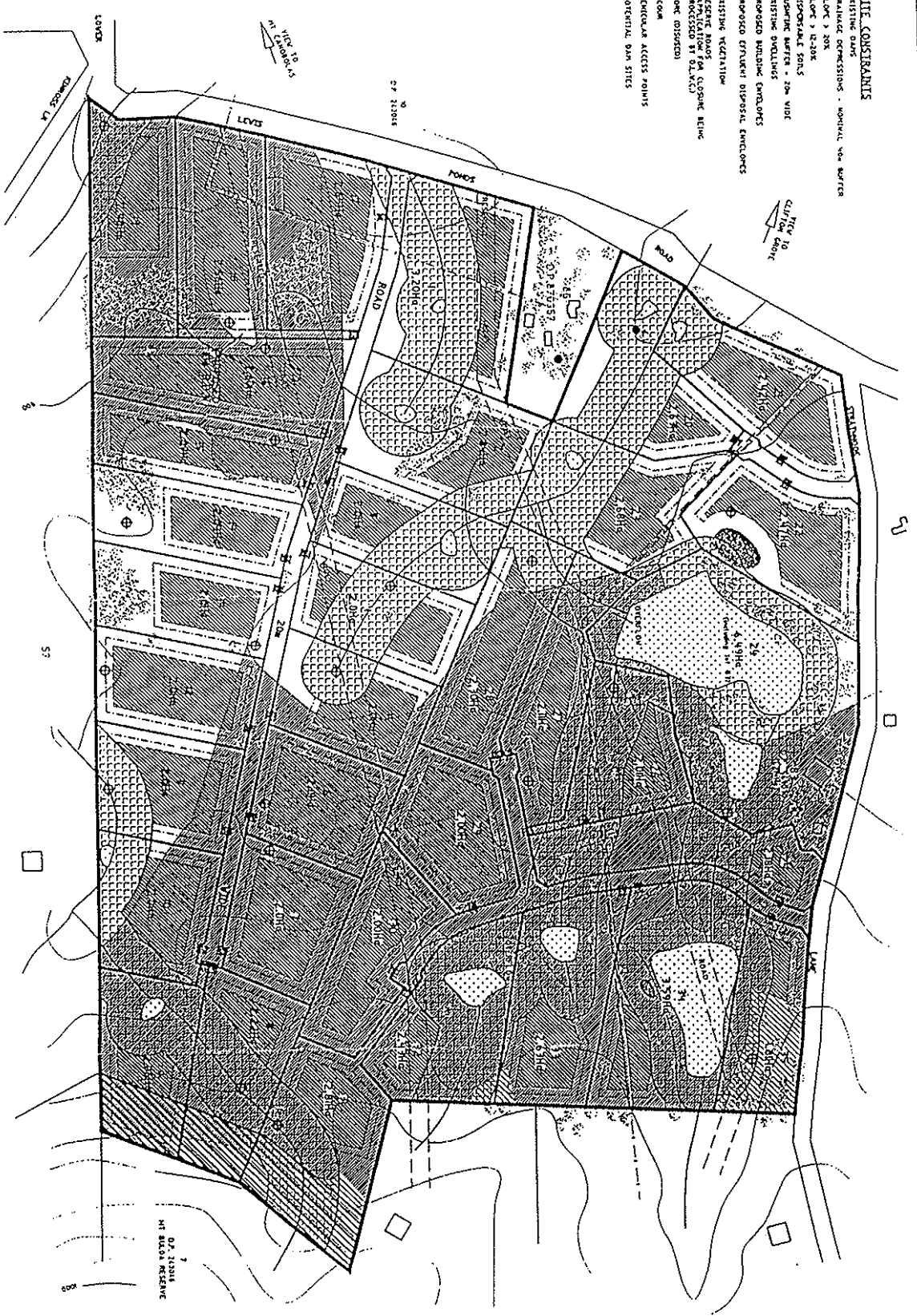
Council in determining an application for development consent for the erection of a dwelling shall give consideration to soil suitability and to the reasonable separation of effluent disposal from natural drainage features.

A site-specific analysis of each lot in accordance with the Environment & Health Protection Guidelines for *Environmental Health and Protection Guidelines for On-Site Sewerage Management for Single Households* will be required.

- SITE CONSTRAINTS**
- EXISTING DRIVE
 - DRAINAGE DEPRESSIONS - NORMAL VAN WATER
 - SLOPE > 25%
 - DISPOSABLE TONS
 - SEPTIC WATER - 20m VIDE
 - EXISTING BUILDINGS
 - PROPOSED BUILDING FOOTPRINTS
 - PROPOSED UTILITY DISPOSAL ENVELOPES
 - EXISTING VEGETATION
 - EXISTING ROAD
 - PROPOSED ROAD
 - PROPOSED 10m BUFFER
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SCALE 1 : 5000

SUBJECT LAND EDGED



**CABONNE RURAL SMALL HOLDINGS
DEVELOPMENT CONTROL PLAN - No.9**

07/2011
M3 ELEC. RESERVE