

LOCAL GOVERNMENT AREA: Wollongong City Council

NAME OF DRAFT LEP: Beaton Park, Gwynneville

ADDRESS OF LAND: 37 Foley St, Gwynneville NSW 2500 (Lots 104 DP 594259, Lot 401 DP 1128781, Lot 113 DP 788462)

Table of Contents

Part 1 – Statement of objectives or intended outcomes	2
Part 2 – Explanation of provisions	2
Part 3 – Justification	13
Section A – Need for the Planning Proposal	13
Section B – Relationship to strategic planning framework	14
Section C – Environmental, social and economic impact	15
Section D – State and Commonwealth interests	16
Part 4 – Mapping	17
Part 5 – Community Consultation	17
Part 6 – Projected Timeline	17
Table A - Checklist of State Environmental Planning Policies	19
Table B - Checklist of Section 117 Ministerial Directions	22

Part 1 – Statement of objectives or intended outcomes

The draft Planning Proposal relates to Beaton Park in Gwynneville. Beaton Park is a regional sports and leisure area that plays an important role in the lifestyles of many residents and visitors to Wollongong by providing significant opportunity as a leisure, sport and recreational hub. It has facilities and services to cater for the amateur to elite athlete as well as those looking for a variety of recreational opportunities in the one location. Base facilities were developed at Beaton Park between the late 1950s (Tennis Club formation) and early 1960s (Basketball Stadium built) with the main sport and leisure facilities built in the 1970/80's.

The objectives of this draft Planning Proposal are:

- To allow for expanded wellness/medical services areas at Beaton Park to attract a broader range of users and improve sustainability and financial operating performance of the recreational, health, fitness and sporting facilities.
- To allow for Wollongong Tennis Club facilities to be upgraded as a permissible use rather than relying on existing use rights to assist the long term financial viability of the sporting facility.

Part 2 – Explanation of provisions

The proposal will amend Wollongong Local Environmental Plan (LEP) 2009 in the following manner:

Insert the following clauses into Schedule 1 Additional Permitted Uses of the Wollongong Local Environmental Plan 2009:

XX Use of certain land at Beaton Park Gwynneville

- (1) This clause applies to land at 37 Foley Street, Gwynneville, being Lot 113 DP 788462, Lot 104 DP 594259 and Lot 401 DP 1128781.*
- (2) Development for the purposes of "medical centre" and "community health services facilities" is permitted with development consent.*
- (3) Development for the purposes of "community health services facilities" (a type of Health Services Facility) is permitted with development consent.*

XX Use of certain land at Beaton Park Gwynneville

- (1) This clause applies to land at 37 Foley Street, Gwynneville, being Lot 113 DP 788462*
- (2) Development for the purposes of a registered club is permitted with development consent.*

There are no proposed map amendments to Wollongong Local Environmental Plan 2009 as a result of this draft Planning Proposal.

Proposed Clause 25

The provisions to permit the additional uses of “medical centre” and “community health facilities” are proposed to apply to Lot 113 DP 788462, lot 104 DP 594259, and lot 401 DP 1128781 at Beaton Park, Gwynneville. The parcels of land contain the Beaton Park Leisure Centre, the Illawarra Sports Medicine Clinic, Wollongong Tennis Club facilities, playground, parking areas, sporting fields and the Kerry McCann Athletics Centre.

Proposed Clause 26

The provision to permit the additional use of registered club is proposed to apply to Lot 113 DP 788462, the land which the Wollongong Tennis Club, a registered club, has been occupying by way of a series of leases since 1957.

Background

All land parcels subject to this draft planning proposal are currently zoned RE1 Public Recreation under Wollongong Local Environmental Plan (LEP) 2009. Within the Beaton Park Leisure Centre is the Illawarra Sports Medicine Clinic, which was approved in 1981. If built today, the Illawarra Sports Medicine Clinic would be considered a medical centre or a community health services facility under the Wollongong Local Environmental Plan (LEP) 2009 as the Sports Clinic current supports physiotherapists, sports doctors, dieticians, podiatrists and massage therapists. A “medical centre” or “community health services facility” are not permitted in a RE1 zone.

Additionally, Registered Clubs, such as the Wollongong Tennis Club, are not permitted in the RE1 zone under the LEP (although were permitted under the previous 6(a) Public Recreation zone). The Beaton Park Precinct Needs Assessment Project Final Report (December 2015) has recommended that health and wellness facilities be expanded in a redeveloped Beaton Park Leisure Centre. The Wollongong Tennis Club may, in the future, expand its facilities, but is no longer a permitted use in the zone, although would enjoy existing use rights.

The inclusion of “medical centre” and “community health facilities” as permissible Health Services Facilities in Schedule 1 of Wollongong Local Environmental Plan 2009 for lot 113 DP 788462, Lot 104 DP 594259 and Lot 401 DP 1128781 will establish permissibility for a medical centre or community health facilities, which is currently a prohibited land use.

No other planning controls within the Wollongong Local Environmental Plan 2009 are proposed to change (e.g. zoning or height restrictions). The draft Planning Proposal does not specify what a medical centre or community health facilities would look like on the site or how it would operate (e.g. profit/non-profit).

The draft Planning Proposal is one part of the process to facilitate an expansion of well-being health services at Beaton Park. Other processes (Plan of Management, Expression of Interest, Call for Proposals, Master plan, tender process, lease provisions, development application) will also guide and deliver an outcome for the site.

A future development application for such a use as 'medical centre' or 'community health facilities' would be required to comply with the EP&A Act 1979, any adopted Plan of Management and any Endorsed Masterplan for the area. At the development application stage additional technical assessments may be required regarding constraints, such as but not limited to, traffic, floodplain and storm water management, designed to the appropriate level for the scale of development proposed in the future development application.

In 1999 Council adopted the current Beaton Park Plan of Management. Minor amendments were adopted in 2007 to the 1999 plan. On 29 May 2017 Council endorsed the 2017 draft Beaton Park Plan of Management for exhibition concurrent with the draft Planning Proposal. The Plan of Management identifies how Council intends to manage this area of community land in accordance with the requirements of the Local Government Act 1993. As part of the exhibition process for the draft Plan of Management a public hearing is required under section 40A of Local Government Act 1993.

The following maps show the location, context and planning controls in relation to the Beaton Park site.

Location and Context



[illegible]

Trim No: Z17/200642 PP-2017/5

Natural Area Map



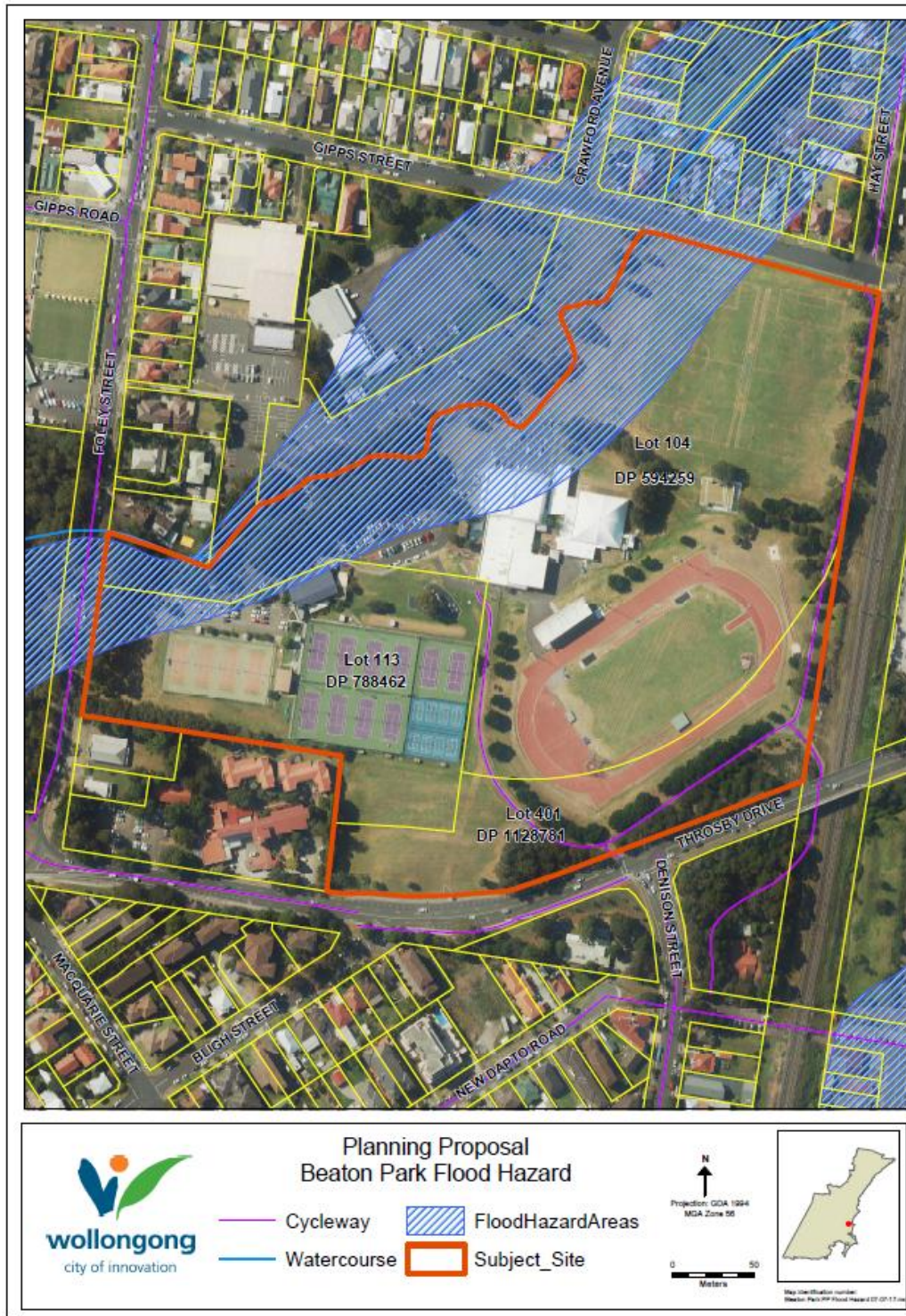
Land fill Map



Bushfire Map



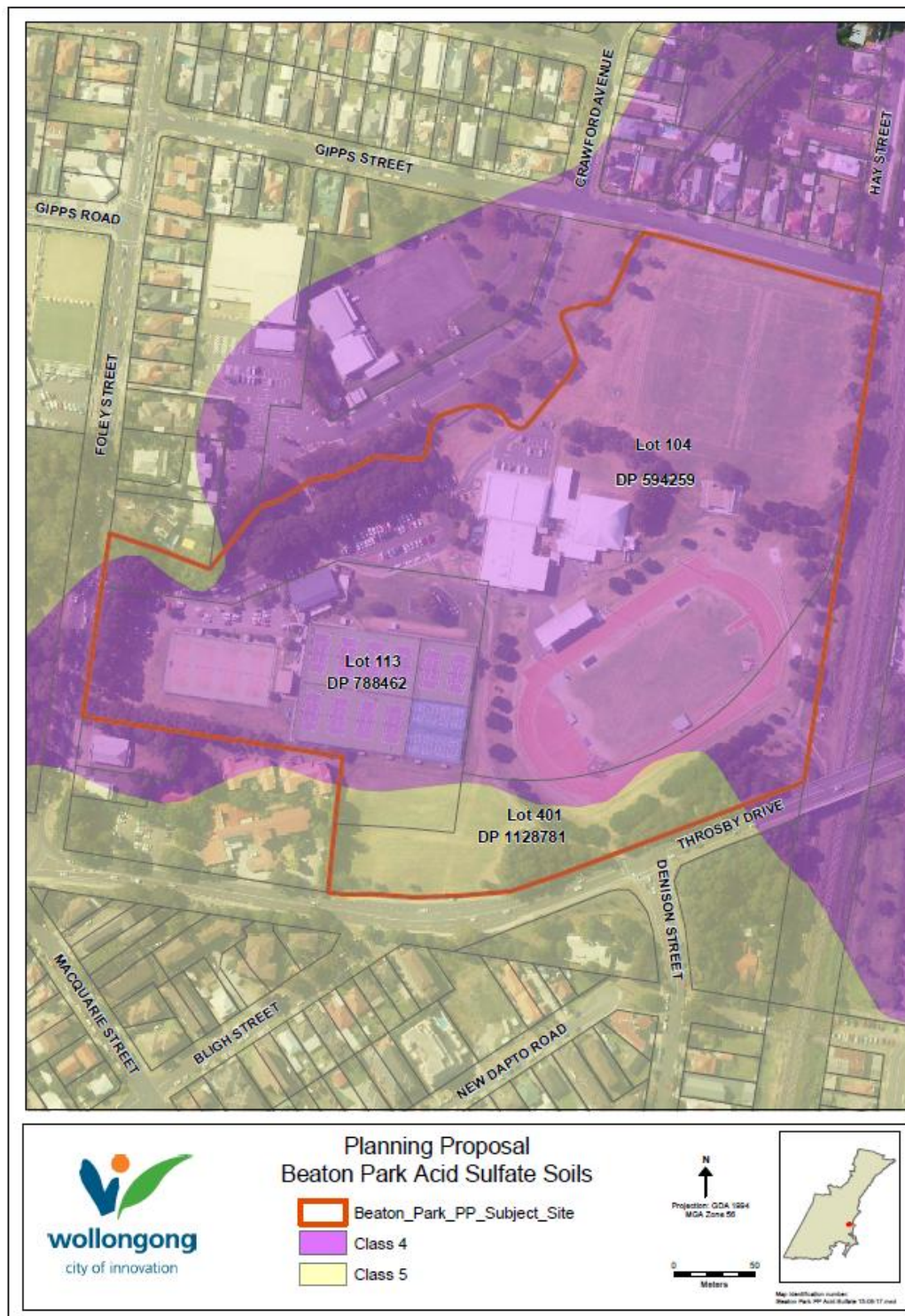
Vectordata Mapping Flood Areas



Significant Vegetation Map



Probability of Acid Sulfate Soils Map (Scale 1-5, 1 being highest probability)



Part 3 – Justification**Section A – Need for the Planning Proposal****Q1: Is the planning proposal a result of strategic study or report?**

The planning proposal is the result of a Council resolution dated 29 May 2017 and the Beaton Park Precinct Needs Assessment Project Final Report (December 2015) noted by Council in May 2016, which identified the need to redevelop the aging Beaton Park Leisure Centre, including expanded wellness/medical services areas, to attract a broader range of users and to improve sustainability and financial operating performance. The Wollongong Tennis Club also required updating according to the Needs Assessment. Prior to 2015, Council's strategic sporting, recreational and leisure planning document "Planning People Places (2007)" identified the need for a redesign and upgrade of Beaton Park as a key city wide facility.

Q2: Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Beaton Park Precinct Needs Assessment Project Final Report (December 2015) focused on how Council could better utilize the large open space and aged recreation, health and sport facilities within the Beaton Park Precinct. This was to ensure that the current population, who are looking for more and improved indoor and outdoor sport, health and recreation facilities, are catered for along with development of modern facilities that can support higher intensity, integrated and more flexible use from the increased area population.

Within the Beaton Park Leisure Centre is the Illawarra Sports Medicine Clinic, which was approved in 1981. If built today, the Illawarra Sports Medicine Clinic would be considered a medical centre or a community health services facility under the Wollongong Local Environmental Plan (LEP) 2009 as the Sports Clinic current supports physiotherapists, sports doctors, dieticians, podiatrists and massage therapists. A "medical centre" or "community health services facilities" are not permitted in a RE1 zone.

Additionally, Registered Clubs, such as the Wollongong Tennis Club, are not permitted in the RE1 zone under the Wollongong LEP 2009 (although were permitted under the previous 6(a) Public Recreation zone). The Beaton Park Precinct Needs Assessment Project Final Report (December 2015) has recommended that health and wellness facilities be expanded in a redeveloped Beaton Park Leisure Centre. The Wollongong Tennis Club may, in the future, expand its facilities, but is no longer a permitted use in the zone, although would enjoy existing use rights.

Consideration has been given to changing the zone rather than adding additional uses, however, the range of uses that would be available under a new zone would be too variable, and would not recognise the principle purpose of the area is for regional public recreation. .

Section B – Relationship to strategic planning framework**Q3: Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?**

The proposal is consistent with The Illawarra-Shoalhaven Regional Plan (November 2015) as it will assist Wollongong, to meet Goal 3 of the Regional Plan as “*a region with communities that are strong, healthy and well-connected*”. Additionally, this planning proposal is part of a wider strategy “*to revitalise Beaton Park as a financially sustainable regional centre of sport, recreation and health and well-being facilities and services*” as stated in the draft Beaton Park Plan of Management (2017). Upgrading the aging facilities at Beaton Park meets the Regional Plan’s Action “*Develop and implement strategies to invest in sporting and recreational infrastructure*”

Q4: Is the Planning Proposal consistent with a council’s local strategy or other local strategic document (eg. Wollongong Community Strategic Plan)?

This planning proposal is consistent with Council’s Community Strategic Plan (Wollongong 2022) Goal: “*We are a healthy community in a liveable city.*”

The Planning Proposal specifically delivers on Council’s 2017/18 Annual Plan Deliverable “*Explore opportunities outlined in needs assessment developed for the Beaton Park Precinct*”

Q5: Is the planning proposal consistent with applicable State Environmental Planning Policies?

There are approximately 66 State policies that outline the NSW Government’s approach to dealing with planning issues specific to the State and people of NSW. Refer to Table A – Checklist of State Environmental Planning Policies.

Q6: Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Ministerial Directions are issued by the Minister for Planning to relevant planning authorities under section 117(2) of the Environmental Planning and Assessment Act 1979. The following Ministerial Directions are relevant to the proposal:

5.10 Implementation of Regional Plans

The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategy released by the Minister for Planning. The draft planning proposal for Beaton Park is consistent with the Illawarra-Shoalhaven Regional Plan (November 2015) as it will assist Wollongong, to meet Goal 3 of the Regional Plan as “*a region with communities that are strong, healthy and well-connected*”. Additionally, this planning proposal is part of a wider strategy to revitalise Beaton Park as “*a financially sustainable regional centre of sport, recreation and health and well-being facilities and services*” as stated in the draft Beaton Park Plan of Management. Upgrading the aging facilities at Beaton Park meets the Regional Plan’s Action “*Develop and implement strategies to invest in sporting and recreational infrastructure*”

Refer to Table B – Checklist of Ministerial Directions.

Section C – Environmental, social and economic impact

Q7: 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?

According to Council's mapping system, no endangered ecological communities or threatened species are located within the planning proposal area. However, Council's mapping system does identify that Significant Vegetation is present in a small northwest section of Lot 104 DP 594259 that is north of the existing paved vehicle entry into Beaton Park from Foley Street. Council has also mapped some of the planning proposal area as a Natural Area. The Natural Area within Beaton Park includes the area mapped as Significant Vegetation and additional land along the creek and incorporates the trees along Foley Street that form the western boundary of Lot 113 DP 788462. Any future development application would require species/flora and fauna reports.

Q8: Are there any likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Some parts of the planning proposal area are affected by flooding or are subject to a bushfire buffer zone, or contain landfill. Additionally, the entire planning proposal area may be affected by acid sulfate soils. The planning proposal area has been classified based on the likelihood of acid sulfate soils being present in particular areas and at certain depths on a scale from 1 to 5. Class 1 areas have the highest probability of acid sulfate soils being present. Classes 4 and 5 are present within the planning proposal area. Clause 7.5 (2) of the Wollongong LEP 2009 identifies the works likely to present an environmental risk if undertaken in the particular class of land. If these types of works are proposed in the future, further investigation in accordance with the Acid Sulfate Soils Manual is required to determine if acid sulfate soils are actually present and whether they are present in such concentrations as to pose a risk to the environment. Assessment and appropriate management strategy development relating to acid sulfate soils will occur when future development applications are lodged.

In relation to flooding, Council's management tools are Chapter E13 of the Wollongong Development Control Plan (DCP) 2009 and the NSW Government's Floodplain Development Manual 2005. As development applications are lodged or assessments are undertaken under part 5 of the Environmental Planning and Assessment Act 1979 for routine Council operational activities, relevant technical studies will be completed.

In accordance with existing information provided in the Fairy Cabbage Tree Creek Floodplain Risk Management Study and Plan, the majority of the subject site is outside the flood planning area and small portions of the site are within low and medium flood risk precincts. The high flood risk precincts are limited to a narrow corridor along the existing stormwater channel. The exact extent of the flood risk precincts will be determined by relevant technical studies at DA stage.

There is an existing Stormwater network of storm water points, lines and creeks, to manage storm water for the current built environment within the larger Beaton Park Plan of Management

area. Within the smaller Beaton Park planning proposal area, along the northern boundary of Lot 104 DP 594259, is a realigned creek that forms part of the Fairy Creek Catchment Area. The realignment of the creek occurred concurrently with the construction of the Leisure Centre in 1981. Any future building works would consider stormwater management as part of a development application.

Q9: Has the planning proposal adequately addressed any social and economic effects?

The purpose of the planning proposal is to facilitate the recommendations of the Beaton Park Precinct Needs Assessment which focused on how Council could better utilise the large open space and aged recreation, health and sport facilities within the Beaton Park Precinct. The Needs Assessment seeks to cater for the current population who are looking for more and improved indoor and outdoor sport, health and recreation facilities, along with the development of modern facilities that can support higher intensity, integrated and more flexible use from the increased area population.

Section D – State and Commonwealth interests

Q10: Is there adequate public infrastructure for the planning proposal?

The site has access to all essential services.

Q11: What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Council requests that Gateway determination nominates the State or Commonwealth authorities required for consultation. All identified authorities/stakeholders will be notified during the exhibition period.

Part 4 – Mapping

The draft Planning Proposal does not propose any mapping changes. Existing Height of Buildings, Floor Space Ratios will not change.

Part 5 – Community Consultation

The draft Planning Proposal will be exhibited concurrently with the draft Beaton Park Plan of Management endorsed for exhibition at Council's meeting on 29 May 2017.

If the Planning proposal is supported, Council requests that the planning proposal be exhibited for a period of 28 days and include:

- *Hard copies at Council's Administration building and relevant Libraries;*
- *Electronic copy on Council's website;*
- *Notification letters to surrounding and nearby property owners*
- *Notification letters to relevant State agencies and other authorities nominated by the NSW Department of Planning and Environment*
- *A Public Meeting/Hearing conducted by an independent chairperson on the draft Planning Proposal (and draft Plan of Management) be held at least 21 days after the close off date for written submissions so that notice may be given to any person who has made a submission of the date of the public meeting/hearing.*

Part 6 – Projected Timeline

A primary goal of the plan making process is to reduce the overall time taken to produce LEPs. This timeline tentatively sets out expected timelines for major steps in the process. These timeframes are subject to change and are to be used as a guide only. The Minister may consider taking action to finalise the LEP if timeframes approved for the completion of the Planning Proposal are significantly or unreasonably delayed.

#	Action	Estimated Timeframe	Responsibility
1	Anticipated date of Gateway Determination	September 2017	Department of Planning and Environment
2	Anticipated completion of required technical studies	Not Applicable	Not Applicable
3	Government agency consultation	October 2017	Agencies
4	Public exhibition period (28 days plus 14 days to receive submissions)	October 2017	Council
5	Date of Public Hearing (<i>at least 21 days after close of exhibition/submission period</i>) – <i>Note: Required for draft PoM, not draft Planning Proposal</i>	October-November 2017	Council

6	Consideration of submissions	December 2017 – January 2018	Council
7	Assessment of proposal post-exhibition	January 2018	Council
8	Report to Council	February 2018	Council
9	Final Planning Proposal prepared	March 2018	Council
10	Submission to Department for finalisation of LEP	March 2018	Council
11	<i>Anticipated date RPA will make the LEP</i>	<i>N/A Delegation not requested</i>	DoPE
12	Anticipated date Council will forward final Planning Proposal to DOPE for notification	April 2018	Council
13	Anticipated date LEP will be notified	June 2018	<i>Parliamentary Counsel and DoPE</i>

Table A - Checklist of State Environmental Planning Policies

State Environmental Planning Policy		Compliance	Comment
SEPP No. 1	Development Standard	Not Applicable	Not Applicable
SEPP No. 14	Coastal Wetlands	Not Applicable	Not Applicable
SEPP No. 19	Bushland in Urban Areas	Does not apply to Wollongong	Not Applicable
SEPP No. 21	Caravan Parks	Not Applicable	Not Applicable
SEPP No. 26	Littoral Rainforests	Not Applicable	No littoral rainforests identified by the policy in the Wollongong LGA
SEPP No. 30	Intensive Agriculture	Not Applicable	Not Applicable
SEPP No. 33	Hazardous and Offensive Development	Not Applicable	The proposal will not involve hazardous or Offensive development.
SEPP No. 36	Manufactured Home Estates	Not Applicable	Not Applicable
SEPP No. 44	Koala Habitat Protection	Not Applicable	The site is not Koala Habitat
SEPP No. 47	Moore Park Showground	Does not apply to Wollongong	Not Applicable
SEPP No. 50	Canal Estate Development	Not Applicable	Not Applicable
SEPP No. 52	Farm Dams, Drought Relief and Other Works	Does not apply to Wollongong	Not Applicable
SEPP No. 55	Remediation of Land	Consistent	The land has been filled but is not identified as contaminated land.
SEPP No. 60	Exempt and Complying Development	Not Applicable	Not Applicable
SEPP No. 62	Sustainable Aquaculture	Not Applicable	Not Applicable
SEPP No. 64	Advertising and Signage	Not Applicable	Not Applicable
SEPP No. 65	Design quality of residential flat development	Not Applicable	Not Applicable
SEPP No. 70	Affordable Housing (revised schemes)	Does not apply to Wollongong	Not Applicable
SEPP No. 71	Coastal Protection	Not Applicable	Site is not located within the Coastal Zone.
SEPP	Housing for Seniors or People with a Disability 2004	Not Applicable	Not Applicable
SEPP	Building Sustainability Index: BASIX 2004	Not Applicable	Not Applicable
SEPP	Major Projects 2005	Not Applicable	Not Applicable
SEPP	Development on Kurnell	Does not apply to	Not Applicable

State Environmental Planning Policy		Compliance	Comment
	Peninsular 2005	Wollongong	
SEPP	Sydney Region Growth Centres 2006	Does not apply to Wollongong	Not Applicable
SEPP	Mining, Petroleum Production and Extractive Industries 2007	Not Applicable	Not Applicable
SEPP	Infrastructure 2007	The Infrastructure 2007 SEPP facilitates infrastructure provision and maintenance by public authorities or Councils in accordance with the SEPP provisions.	The SEPP requires environmental issues are considered through a Part 5 assessment before public authorities or Councils undertake or approve activities that do not require development consent. While not specifically relevant to this planning proposal, future infrastructure works may not require development consent in accordance with the SEPP.
SEPP	Miscellaneous Consent Provisions 2007	This SEPP relate to temporary structures and to ensure demolition or erection of a building, subdivision of land requires development consent	While not specifically relevant to this planning proposal, this SEPP does apply to all areas in NSW.
SEPP	Kosciuszko National Park – Alpine Resorts 2007	Does not apply to Wollongong	Not Applicable
SEPP	Rural Lands 2008	Does not apply to Wollongong	Not Applicable
SEPP	Affordable Rental Housing 2009	Not Applicable	Not Applicable
SEPP	Western Sydney Employment Lands 2009	Does not apply to Wollongong	Not Applicable
SEPP	Exempt and Complying Development Codes 2008	Not Applicable	Not Applicable
SEPP	Western Sydney Parklands 2009	Does not apply to Wollongong	Not Applicable
SEPP	Integration and Appeals	Not Applicable	Not Applicable
SEPP	Penrith Lakes Scheme	Does not apply to Wollongong	Not Applicable
SEPP	State and Regional Development	Not Applicable	Not Applicable

State Environmental Planning Policy		Compliance	Comment
	2011		
SEPP	State Significant Precincts	Not Applicable	Not Applicable
SEPP	Sydney Drinking Water Catchment 2011	Not Applicable	Not Applicable
SEPP	Three Ports 2013	Not Applicable	Not Applicable
SEPP	Urban Renewal 2010	Does not apply to Wollongong	Not Applicable
Deemed SEPPS(former Regional Plans)			
Illawarra REP 1	Illawarra	Repealed within Wollongong	Not Applicable
Illawarra REP 2	Jamberoo	Does not apply to Wollongong	Not Applicable
Greater Metropolitan REP No.2	Georges River catchment	Not Applicable	Not Applicable

Table B - Checklist of Section 117 Ministerial Directions

Ministerial Direction		Comment
1. Employment and Resources		
1.1	Business and Industrial Zones	Not Applicable
1.2	Rural Zones	Not Applicable
1.3	Mining, Petroleum Production and Extractive Industries	Not Applicable
1.4	Oyster Aquaculture	Not Applicable
1.5	Rural Lands	Not Applicable
2. Environment and Heritage		
2.1	Environment Protection Zone	Not Applicable
2.2	Coastal Protection	Not Applicable
2.3	Heritage Conservation	Not Applicable
2.4	Recreation Vehicle Areas	Not Applicable
3. Housing, Infrastructure and Urban Development		
3.1	Residential Zones	Not Applicable
3.2	Caravan Parks and Manufactured Home Estates	Not Applicable
3.3	Home Occupations	Not Applicable
3.4	Integrating Land Use and Transport	Beaton Park is well served and accessible by road, bus, cycle ways and pedestrian footpaths.
3.5	Development Near Licensed Aerodromes	Not Applicable
3.6	Shooting Ranges	Not Applicable
4. Hazard and Risk		
4.1	Acid Sulfate Soils	This site may be affected by Acid Sulfate soils as it is classed 4 and 5 in relation to the probability of Acid Sulfate Soils being present on a scale of 1-5, with 1 having the highest probability. Clause 7.5 (2) of the Wollongong LEP 2009 identifies the type of works likely to present an environmental risk if undertaken in a particular class of land. If these types of works are proposed in a future development application, further investigation in accordance with the Acid Sulfate Soils Manual is required.

4.2	Mine Subsidence and Unstable Land	Not Applicable – according to Council's record, this site not affected by mine subsidence and unstable land.
4.3	Flood Prone Land	Council's Wollongong DCP – Chapter E13- Floodplain Management applies to this land. It is part of the Fairy Creek catchment.
4.4	Planning for Bushfire Protection	This land is not bushfire prone land, but it is adjacent to land which is bushfire prone and a portion of the western boundary is designated a bushfire buffer zone.
5. Regional Planning		
5.1	Implementation of Regional Strategies	See 5.10
5.2	Sydney Drinking Water Catchments	Not Applicable
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable to Wollongong
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable to Wollongong
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable to Wollongong
5.8	Second Sydney Airport: Badgerys Creek	Not applicable to Wollongong
5.9	North West Rail Link Corridor Strategy	Not applicable to Wollongong
5.10	Implementation of Regional Plans	Consistent- the draft Planning Proposal is consistent with the objectives of the Illawarra-Shoalhaven Regional Plan (November 2015)
6. Local Plan Making		
6.1	Approval and Referral Requirements	Not Applicable – the draft Planning Proposal does not introduce new concurrence or designated development provisions
6.2	Reserving Land for Public Purposes	Consistent – the land will remain zoned RE1 Public Recreation and in public ownership
6.3	Site Specific Provisions	The proposal will introduce a site specific provision. No other amendments are proposed and the proposal will not result in any unnecessarily restrictive planning standards

7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Not Applicable

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