

Date: 6th July 2018
Our Ref: 18/350

The General Manager
Richmond Valley Council
Locked Bag 10
CASINO NSW 2470

Attention: Ms Cherie Smith

Dear Madam,

**Re: Statutory Review of DA 2018/0202
Northern Regional Livestock Exchange – Stage 2 Upgrade**

1. Introduction

As requested, Newton Denny Chapelle (NDC) have completed a statutory review of the assessment report prepared by Richmond Valley Council regarding DA 2018/0202. Key details regarding the application are as follows:

| | |
|-----------------------|---|
| Application Number: | DA 2018/0202 |
| Property Description: | Lot 1 DP1240949 |
| Property Address: | 74 Dargaville Drive, Casino |
| Property Owner: | Richmond Valley Council |
| Applicant: | Richmond Valley Council |
| Development: | <p>Alterations and Additions to the Northern Regional Livestock Exchange (the Casino Saleyards) as part of the Stage 2 upgrade. The proposal (as amended) involves the following:</p> <ul style="list-style-type: none">• Construction of a new roof over the holding yards, similar to the completed saleyards roof.• Construction of a new roof over the central dip and weighing area to provide a complete coverage to the stock selling facility.• Demolition of small sheds, fencing, gates, roof over dip site, scales and removal of 38 trees.• Installation of two 400KL water tanks.• Additional and upgraded fencing and cattle facilities to the holding yards.• Soft flooring to the holding yards. |

| | |
|------------------------|---|
| | <ul style="list-style-type: none"> • New cattle pens to the dip area. • Upgrade and refurbishment of the delivery area and loading facilities. • Formalisation and sealing of the existing car park. • Demolition of two existing storage sheds. • Construction of a new storage shed (37m x 9.4m x 6.0h). • Conversion of existing cattle yards to new transit yards including new fencing and gates. • Internal upgrades to existing amenities. • Refurbishment of the existing canteen. • Upgrades to the existing scales house. • An additional Agents Office (As built). • Provision of a buyers lounge within the existing dining room area • Installation of technology components including CCTV/NLIS scanners and WIFI throughout the site. • Ancillary site works including stormwater infrastructure, fencing and gates, lighting, paving and electrical works. |
| Determining Authority: | Joint Regional Planning Panel |
| Zoning (RVLEP 2012): | IN 1 – General Industrial Zone |
| Integrated Referrals: | Integrated referral required to the NSW Environmental Protection Agency under Part 3.2 of the Protection of the Environment Operations Act 1997. |
| Advertising Category: | Nominated Advertised Development |

2. Statutory Review Process

NDC was engaged to complete a review of the development application (as amended) and Council Assessment Report to ensure that all statutory considerations relevant to the development application have been assessed. NDC was not engaged to provide comment with respect to the assessment, conclusions or recommendations reached in the Council Assessment Report.

The process completed by NDC has involved the following:

- a) Preliminary 'start-up' meeting with Council assessment officers.
- b) Review of the following documentation:
 - Statement of Environmental Effects (20 April 2018) and associated appendices;
 - Architectural, engineering and stormwater plans (as amended);
 - Notification and referral letters and newspaper notices;
 - Draft Council Assessment Report; and
 - Draft Conditions of Development Consent.
- c) Provision of preliminary comments to Council assessment officer.
- d) Review of Final Council Assessment Report.

3. Findings of Process Review

A. Notification Process

Pursuant to Clause 5 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), the application is identified as 'Nominated Integrated Development' which is a form of 'Advertised Development' for which a 30 day notification period applies. Clause 86 of the EP&A Regulation requires both 'Written Notice' and 'Published Notice' of applications which are 'Advertised Development'.

Attachment 1 summarises the exhibition and notification process for DA 2018/0202. Based on the information available to this office regarding the notification process for DA 2018/0202, NDC concludes that the exhibition has been completed in accordance with the requirements for 'Nominated Integrated Development' as specified in the EP&A Regulation.

B. Assessment Process

As indicated in **Attachment 2**, the assessment report has considered all statutory considerations relevant to the project including:

- Environmental Planning and Assessment Act 1979 and attendant Regulations
- Richmond Valley Local Environmental Plan 2012;
- State Environmental Planning Policy - 44 Koala Habitat Protection;
- State Environmental Planning Policy - 55 Remediation of Land; and
- Richmond Valley Development Control Plan 2015.

4. Conclusion

Having regard to the issued outlined above, it is concluded that Richmond Valley Council has assessed DA 2018/0202 in accordance with the relevant statutory requirements. As such, the project is suitable for referral to the Joint Regional Planning Panel (JRPP) for determination.

We trust that the above is of assistance. Should you have any questions regarding this matter, please do not hesitate to contact either Mr Damian Chapelle or Ms Karina Vikstrom of this office on (02) 6622 1011.

Yours sincerely,

NEWTON DENNY CHAPELLE



DAMIAN CHAPELLE

Town Planner. BTP. CCP



ATTACHMENT 1

Public Notification Checklist

DA 2018/0202 –NORTHERN REGIONAL LIVESTOCK EXCHANGE (STAGE 2 UPGRADE)

ATTACHMENT 1 – PUBLIC NOTIFICATION CHECKLIST

PUBLIC NOTIFICATION CHECKLIST

Pursuant to Clause 5 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), the application is identified as 'Nominated Integrated Development' which is a form of 'Advertised Development' for which a 30 day notification period applies. Clause 86 of the EP&A Regulation requires both 'Written Notice' and 'Published Notice' of applications which are 'Advertised Development'.

Table 1 summarises the public notifications that have occurred for DA 2018/0202

| Table 1 – Public Notification Key Dates | |
|---|--|
| Date | Notification |
| 18 April 2018 | Written Notice - A letter was issued to adjoining landowners advising that the application was on exhibition from 26 April to 28 May 2018 |
| 25 April 2018 | Published Notice - Public notice published within the Council Newsletter within the Richmond River Express Examiner advising that the application was on exhibition from 25 April to 28 May 2018 |
| 28 May 2018 | Exhibition closes. Exhibition runs for 32 days. No public submissions received during exhibition period. One late submission received which is addressed in assessment report . |

Clause 89 of the EP&A Regulation specifies that the 'Written Notice' and 'Published Notice' are required to provide specific information. **Table 2** summarises these requirements relevant to the notifications completed for DA 2017/0175. As indicated, the application has been notified in accordance with the applicable requirements.

| Table 2 – Public Notification Information Requirements | | |
|---|----------------|------------------|
| Clause 89 EP&A Regulation | Written Notice | Published Notice |
| 1(a) a description of the land (including the address) on which the development is proposed to be carried out, | ✓ | ✓ |
| 1(b) the name of the applicant and the name of the consent authority | ✓ | ✓ |
| 1(c) a description of the proposed development | ✓ | ✓ |
| 1(d) a statement that the application and the documents accompanying that application may be inspected at the consent authority's principal office for a period specified in the notice during the consent authority's ordinary office hours, | ✓ | ✓ |
| 1(e) a statement that any person during the period specified under paragraph (d) may make a written submission in relation to the development application to the consent authority, | ✓ | ✓ |
| 1(f) the dates of the period specified under paragraph (d) | ✓ | ✓ |
| (2) The written notice and the published notice: | ✓ | ✓ |
| (a) in the case of development that is | | |

DA 2018/0202 –NORTHERN REGIONAL LIVESTOCK EXCHANGE (STAGE 2 UPGRADE)

ATTACHMENT 1 – PUBLIC NOTIFICATION CHECKLIST

| | | |
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| integrated development: (i) must contain a statement that the development is integrated development, and | | |
| (ii) must state the approvals that are required and the relevant approval bodies for those approvals, and | ✓ | ✓ |
| (b) in the case of development that is threatened species development, must contain a statement that the development is threatened species development. | N/a | N/a |
| (3) The period referred to in subclause (1) (d) must include: (a) in the case of nominated integrated development or threatened species development, the period of 30 days , and (b) in any other case, the period of 14 days, commencing on the day after the day on which the published notice is first published in a newspaper | ✓ 32 Days | ✓ 32 Days |



ATTACHMENT 2

Statutory Assessment Checklist

DA 2018/0202 –NORTHERN REGIONAL LIVESTOCK EXCHANGE (STAGE 2 UPGRADE)

ATTACHMENT 2 - STATUTORY ASSESSMENT CHECKLIST

STATUTORY ASSESSMENT CHECKLIST

The following tables provide a checklist against the relevant statutory considerations relevant to the assessment of DA 2018/202.

Table 1 – S4.15 of the Environmental Planning and Assessment Act 1979 (As amended)

Table 2 – Other Relevant Provisions

Table 3 – Other Relevant Provisions of the EP&A Regulation 2000

Table 4 – Richmond Valley Local Environmental Plan 2012

Table 5 – State Environmental Planning Policies (SEPPs)

Table 6 – Richmond Valley Development Control Plan 2015

DA 2018/0202 –NORTHERN REGIONAL LIVESTOCK EXCHANGE (STAGE 2 UPGRADE)
ATTACHMENT 2 - STATUTORY ASSESSMENT CHECKLIST

| Table 1 - S79C of the Environmental Planning and Assessment Act 1979 | | | |
|--|-------------------|-----------------|---|
| Provision | Applicable | Assessed | Comment (If Required) |
| (1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application: (a) the provisions of: | - | - | |
| (i) any environmental planning instrument, and | ✓ | ✓ | Richmond Valley LEP 2012 SEPP 55 Remediation of Land SEPP 44 Koala Habitat Protection |
| (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and | ✓ | ✓ | Draft amendments to SEPP 44 Koala Habitat Protection |
| (iii) any development control plan, and | ✓ | ✓ | Richmond Valley DCP 2015 |
| (iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and | ✗ | - | No Planning Agreement applies |
| (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and | ✓ | ✓ | Demolition proposed and considered within report. Land not subject to Coastal Policy. No subdivision order applies to land. Dark Sky Planning Guideline not applicable to project. Part 1 Schedule 3 – Designated Development |
| (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), | ✗ | - | Land not subject to Coastal Zone Management Plan. |
| (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, | ✓ | ✓ | Visual Impact Stormwater Management Construction Management Noise |

DA 2018/0202 –NORTHERN REGIONAL LIVESTOCK EXCHANGE (STAGE 2 UPGRADE)

ATTACHMENT 2 - STATUTORY ASSESSMENT CHECKLIST

| | | | |
|---|---|---|--|
| | | | Soils and water Waste Traffic & parking Natural Environment Contamination Bushfire Social and Economic Impacts |
| (c) the suitability of the site for the development, | ✓ | ✓ | |
| (d) any submissions made in accordance with this Act or the regulations | ✓ | ✓ | One public submission received, with issued raised triggering more detailed assessment of ecological issues. EPA issued Terms of Approval |
| (e) the public interest | ✓ | ✓ | Improved OH&S & animal welfare outcomes, reduced pollutant loads, ongoing social and economic benefits. |

Table 2 - Other relevant provisions of EP&A Act 1979

| Provision | Applicable | Assessed | Comment (If Required) |
|--|------------|----------|---|
| Section 1.7 Application of Biodiversity Conservation Act 2016 and Part 7a of Fisheries Management Act 1994 | ✓ | ✓ | |
| Part 2 - Administration | ✓ | ✓ | S2.15 Sydney District and Regional Planning Panels S2.22 Mandatory Community Participation Requirements |
| Part 4 – Development Assessment | ✓ | ✓ | S4.2: Development that needs consent S4.5: Designation of Consent Authority S4.14 Consultation and development consent —certain bush fire prone land S4.15: Evaluation Div 4.8: Procedures for Integrated Development |

DA 2018/0202 –NORTHERN REGIONAL LIVESTOCK EXCHANGE (STAGE 2 UPGRADE)
ATTACHMENT 2 - STATUTORY ASSESSMENT CHECKLIST

| | | | |
|--|--|--|---|
| | | | 7.13: Section 7.11 or 7.12 conditions subject to contributions plan |
|--|--|--|---|

Table 3 - Relevant provisions of EP&A Regulation 2000

| Provision | Applicable | Assessed | Comment (If Required) |
|---|------------|----------|--|
| Part 1: Preliminary | ✓ | ✓ | CI5: Advertised Development |
| Part 6: Procedures Relating to Development Applications | ✓ | ✓ | |
| Division 3: Development Applications for Integrated Development | ✓ | ✓ | |
| Division 7: Public Participation – Other Advertised Development | ✓ | ✓ | |
| Schedule 3 Designated Development Parts 1 & 2 | ✓ | ✓ | CI 21(5)(a) Livestock Intensive Industries CI 36 – Factors to be taken into consideration |

Table 4 - Richmond Valley Local Environmental Plan 2012

| Provision | Applicable | Assessed | Comment (If Required) |
|---|------------|----------|-----------------------|
| Part 1 Preliminary | - | - | |
| Part 2 – Permitted or Prohibited Land Uses | - | - | |
| 2.1 - Land Use Zones | ✓ | ✓ | |
| 2.2 - Zoning of Land to Which Plan Applies | - | - | |
| 2.3 - Zone Objectives and Land Use Table | ✓ | ✓ | |
| • Zone Objectives | ✓ | ✓ | |
| • Defined Use | ✓ | ✓ | |
| • Permissibility | ✓ | ✓ | |
| 2.4 - Unzoned Land | ✗ | - | |
| 2.5 - Additional Permitted Uses for Particular Land | ✗ | - | |
| 2.6 - Subdivision – Consent Requirements | ✗ | - | |

DA 2018/0202 –NORTHERN REGIONAL LIVESTOCK EXCHANGE (STAGE 2 UPGRADE)

ATTACHMENT 2 - STATUTORY ASSESSMENT CHECKLIST

| | | | |
|--|---|---|--|
| 2.7 – Demolition Requires Development Consent | ✓ | ✓ | |
| 2.8 – Temporary Use of Land | ✗ | - | |
| Part 3 – Exempt and Complying Development | - | - | |
| 3.1 – Exempt Development | ✗ | - | |
| 3.2 – Complying Development | ✗ | - | |
| 3.3 – Environmentally Sensitive Areas Excluded | ✗ | - | |
| Part 4 – Principal Development Standards | - | - | |
| 4.1 Minimum Subdivision Lot Size | ✗ | - | |
| 4.1AA - Minimum subdivision lot size for community title schemes | ✗ | - | |
| 4.1A - Minimum subdivision lot size for strata plan schemes in certain rural, residential and environmental protection zones | ✗ | - | |
| 4.1B - Minimum lot sizes for dual occupancies | ✗ | - | |
| 4.1C - Exceptions to minimum lot size for dual occupancies | ✗ | - | |
| 4.2 - Rural subdivision | ✗ | - | |
| 4.2A - Exceptions to minimum lot sizes for certain rural subdivisions | ✗ | - | |
| 4.2B - Erection of dual occupancies and dwelling houses on land in Zones RU1, R5 and E3 | ✗ | - | |
| 4.2C - Exceptions to minimum subdivision lot size for lot boundary adjustments | ✗ | - | |
| 4.3 - Height of buildings | ✓ | ✓ | Variation required to LEP building height control via LEP Clause 4.6. |
| 4.4 - Floor space ratio | ✗ | - | |
| 4.5 - Calculation of floor space ratio and site area | ✗ | - | |
| 4.6 - Exceptions to development standards | ✓ | ✓ | Variation required to Clause 4.3 (Height of Buildings) via LEP Clause 4.6. |

DA 2018/0202 –NORTHERN REGIONAL LIVESTOCK EXCHANGE (STAGE 2 UPGRADE)
ATTACHMENT 2 - STATUTORY ASSESSMENT CHECKLIST

| | | | |
|--|---|---|----------|
| Part 5 Miscellaneous provisions | - | - | |
| 5.1 - Relevant acquisition authority | ✗ | - | |
| 5.1A - Development on land intended to be acquired for public purposes | ✗ | - | |
| 5.2 - Classification and reclassification of public land | ✗ | - | |
| 5.3 - Development near zone boundaries | ✗ | - | |
| 5.4 - Controls relating to miscellaneous permissible uses | ✗ | - | |
| 5.5 - Development within the coastal zone | ✗ | - | |
| 5.6 - Architectural roof features | ✗ | - | |
| 5.7 - Development below mean high water mark | ✗ | - | |
| 5.8 - Conversion of fire alarms | ✗ | - | |
| 5.9 & 5.9AA | ✗ | ✗ | Repealed |
| 5.10 - Heritage conservation | ✗ | - | |
| 5.11 - Bush fire hazard reduction | ✗ | - | |
| 5.12 - Infrastructure development and use of existing buildings of the Crown | ✗ | - | |
| 5.13 - Eco-tourist facilities | ✗ | - | |
| 5.14 - Siding Spring Observatory—maintaining dark sky | ✗ | - | |
| 5.15 - Defence communications facility | ✗ | - | |
| Part 6 Additional Local Provisions | | | |
| 6.1 - Acid sulfate soils | ✗ | - | |
| 6.2 - Essential services | ✓ | ✓ | |
| 6.3 - Earthworks | ✓ | ✓ | |
| 6.4 - Protection of historic New Italy village area | ✗ | - | |
| 6.5 - Flood planning | ✗ | - | |
| 6.6 - Terrestrial biodiversity | ✓ | ✓ | |

DA 2018/0202 –NORTHERN REGIONAL LIVESTOCK EXCHANGE (STAGE 2 UPGRADE)
ATTACHMENT 2 - STATUTORY ASSESSMENT CHECKLIST

| | | | |
|---|---|---|--|
| 6.7 - Landslide risk | ✖ | - | |
| 6.8 - Riparian land and watercourses | ✖ | - | |
| 6.9 - Drinking water catchments | ✖ | - | |
| 6.10 - Wetlands | ✖ | - | |
| 6.11 - Airspace operations | ✖ | - | |
| 6.12 - Development in areas subject to aircraft noise | ✖ | - | |
| 6.13 - Development of The Glebe, Coraki | ✖ | - | |
| 6.14 - Rural workers' dwellings | ✖ | - | |
| 6.15 - Location of sex services premises | ✖ | - | |

Table 5 - State Environmental Planning Policies (SEPPs)

| Provision | Applicable | Assessed | Comment (If Required) |
|--|------------|----------|-------------------------------------|
| SEPP 1 Development Standards. | ✖ | - | |
| SEPP 19 Bushland in Urban Areas. | ✖ | - | |
| SEPP 21 Caravan Parks. | ✖ | - | |
| SEPP 30 Intensive Agriculture | ✖ | - | |
| SEPP 33 Hazardous & Offensive Development. | ✖ | - | |
| SEPP 36 Manufactured Home Estates. | ✖ | - | |
| SEPP 44 Koala Habitat Protection. | ✓ | ✓ | Considered within Assessment Report |
| SEPP 47 Moore Park Showground. | ✖ | - | |
| SEPP 50 Canal Estate Development. | ✖ | - | |
| SEPP 52 Farm Dams & Other Works in Land & Water Management Plan Areas. | ✖ | - | |
| SEPP 55 Remediation of Land. | ✓ | ✓ | Considered within Assessment Report |
| SEPP 62 Sustainable Aquaculture. | ✖ | - | |

DA 2018/0202 –NORTHERN REGIONAL LIVESTOCK EXCHANGE (STAGE 2 UPGRADE)

ATTACHMENT 2 - STATUTORY ASSESSMENT CHECKLIST

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|--|---|---|--|
| SEPP 64 Advertising & Signage. | ✖ | - | |
| SEPP 65 Design Quality of Residential Flat Buildings. | ✖ | - | |
| SEPP 70 Affordable Housing (Revised Schemes). | ✖ | - | |
| SEPP (Affordable Rental Housing) 2009 | ✖ | - | |
| SEPP (Building Sustainability Index: BASIX) 2004 | ✖ | - | |
| SEPP (Coastal Management) 2004 | ✖ | - | |
| SEPP (Exempt and Complying Development Codes) 2008 | ✖ | - | |
| SEPP (Housing for Seniors or People with a Disability) 2004 | ✖ | - | |
| SEPP (Integration and Repeals) 2016 | ✖ | - | |
| SEPP (Infrastructure) 2007 | ✖ | - | No changes to operational or traffic generating characteristics of the project. Accordingly, proposal does not meet 'triggers' for referral to RMS as required by SEPP Infrastructure. |
| SEPP (Kosciuszko National Park — Alpine Resorts) 2007 | ✖ | - | |
| SEPP (Kurnell Peninsula) 1989 | ✖ | - | |
| SEPP (Mining, Petroleum Production and Extractive Industries) 2007 | ✖ | - | |
| SEPP (Miscellaneous Consent Provisions) 2007 | ✖ | - | |
| SEPP (Penrith Lakes Scheme) 1989 | ✖ | - | |
| SEPP (Rural Lands) 2008 | ✖ | - | |
| SEPP (State and Regional Development) 2011 | ✖ | - | |
| SEPP (State Significant Precincts) 2005 | ✖ | - | |
| SEPP (Sydney Drinking Water Catchment) 2011 | ✖ | - | |
| SEPP (Sydney Region Growth Centres) 2006 | ✖ | - | |
| SEPP (Three Ports) 2013 | ✖ | - | |

DA 2018/0202 –NORTHERN REGIONAL LIVESTOCK EXCHANGE (STAGE 2 UPGRADE)
ATTACHMENT 2 - STATUTORY ASSESSMENT CHECKLIST

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|---|---|---|--|
| SEPP (Temporary Structures) 2007 | ✘ | - | |
| SEPP (Urban Renewal) 2010 | ✘ | - | |
| SEPP (Vegetation Removal in Non-Rural Areas) 2017 | ✘ | - | |
| SEPP (Western Sydney Employment Area) 2009 | ✘ | - | |
| SEPP (Western Sydney Parklands) 2009 | ✘ | - | |

Table 6 - Richmond Valley Development Control Plan 2015

| Provision | Applicable | Assessed | Comment (If Required) |
|--|------------|----------|---|
| Part A – Residential Development | ✘ | - | |
| Part B – Commercial Development | ✘ | - | |
| Part C – Industrial Development | ✓ | ✓ | |
| Part D – Rural Land Uses | ✘ | - | |
| Part E – Visitor Accommodation, Caravan Parks and Manufactured Home Estates | ✘ | - | |
| Part F – Signage | ✘ | - | No changes to signage proposed within application. |
| Part G – Subdivision | ✘ | - | |
| Part H – Natural Resources and Hazards | - | - | |
| H1 – Flood Planning | ✘ | - | |
| H2 – Bushfire Prone Land | ✓ | ✓ | |
| H3 – Acid Sulfate Soils | ✘ | - | |
| H4 – Natural Resources | ✓ | ✓ | |
| Part I – Other Considerations | - | - | |
| Part I-1. Environmental Heritage | ✘ | - | |
| Part I-2. Development In, On, Over or Under a Public Road | ✘ | - | |
| Part I-3. Setbacks and Building Height | ✓ | ✓ | Height variation assessed within assessment against Clause 4.3 of |

DA 2018/0202 –NORTHERN REGIONAL LIVESTOCK EXCHANGE (STAGE 2 UPGRADE)

ATTACHMENT 2 - STATUTORY ASSESSMENT CHECKLIST

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| | | | LEP and also Part C of the DCP. |
| Part I-4. Car Parking Provisions | ✓ | ✓ | No changes to operational or traffic generating characteristics of the project. |
| Part I-5. Landscaping Guidelines | ✗ | - | |
| Part I-6. Animal Boarding and Training Establishments | ✗ | - | |
| Part I-7. Noise Impact Assessment | ✓ | ✓ | No changes to operational characteristics of the project. Noise generation during construction addressed within assessment report. |
| Part I-8. Social Impact Assessment | ✗ | - | |
| Part I-9. Water Sensitive Urban Design—WSUD | ✓ | ✓ | Stormwater management subject of detailed assessment within report. |
| Part I-10. Crime Prevention through Environmental Design—CPTED | ✓ | ✓ | |
| Part I-11. Land Use Conflict Risk Assessment— LUCRA | ✗ | - | |
| Part I-12. Context and Site Analysis | ✓ | ✓ | |
| Part I-13. Use of shipping containers | ✗ | - | |
| Part I-14. Sex Services Premises, Restricted Premises and Home Occupation (Sex Services). | ✗ | - | |
| Part I-15. Lane Widening and Access to Narrow Streets. | ✗ | - | |
| Part I-16. Historic New Italy Village Area | ✗ | - | |
| Part J – Notifications and Advertising of Developments | ✓ | ✓ | |