



## STATEMENT OF ENVIRONMENTAL EFFECTS

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Minor works to approved educational establishment

65-71 Croydon Street  
Lakemba

Prepared for: Al-Faisal College

REF: 0111/15

DATE: 19 October 2023





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# 1. Introduction

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This Statement of Environmental Effects has been prepared by Planning Ingenuity Pty Ltd for the owner of the subject property for a development proposal at Nos. 65-71 Croydon Street, Lakemba. The report is to accompany a development application to Canterbury Bankstown Council seeking consent for minor works to an approved educational establishment on the site.

The educational establishment was approved on the subject site under DA140/2016 on 4 September 2018 by The Land and Environment Court for *“alterations and additions to the existing building at 69 Croydon Street, demolition of two existing dwellings and associated structures at 65 and 67 Croydon Street, change of use to an Educational Establishment (Primary School) and associated site works and fencing”*. The current application includes No. 71 Croydon Street which was acquired by the applicant after the original development consent was granted.

As Council is aware, some works on site which have occurred outside of the terms of DA140/2016 will form part of a Building Information Certificate application, a matter which was dealt with in detail in recent Proceedings before the Land & Environment Court in relation to a “Stop Work Order” on the site.

This application seeks consent for minor works to fill the basement level in response to Council’s concern that the basement as constructed may have been used for habitable purposes. The floor to ceiling height resulting from the proposed filling would not allow such use. Maintenance access only will be retained to this area. Furthermore, the nature of the fill proposed, and the installation methodology is a response to further concerns raised by Council in relation to the uncompacted fill proposed under previous applications.

The proposed works do not alter any of the approved operational details of the educational establishment under DA140/2016.

The application is accompanied by Architectural Plans that have been presented to clearly articulate the proposed filling of the basement.

The purpose of this Statement is to address the planning issues associated with the development proposal and specifically to assess the likely impact of the development on the environment in accordance with the requirements of s4.15 of the Environmental Planning & Assessment (EP&A) Act, 1979.

This Statement is divided into five sections. The remaining sections include a locality and site analysis; a description of the proposal; an environmental planning assessment; and a conclusion.

## 2. Site Analysis and Context

### 2.1 THE SITE

The subject site is located on the western side of Croydon Street. The site is identified as Nos. 65-69 Croydon Street, Lakemba and has a legal description of Lot 10 in DP 1264483. Notably, the site was consolidated after the original DA was approved, to include No. 71. The approved school is largely constructed with works ceasing as a result of a “Stop Work Order” issued by Council. An aerial photograph of the DA approved site and the adjoining properties is provided at Figure 1 below.



Figure 1 Aerial site photo (source: Nearmap Jan 2023)



## 2.2 CHARACTER OF THE LOCALITY

The site is located within an established residential area and is surrounded by a mixture of single detached dwellings to the north-east, existing residential flat buildings to the east and south, and retirement villas to the immediate west.

The site is well serviced by public transport being less than 400m to Haldon Street where bus routes 450 and 946 operate between Burwood, Strathfield Station, Sydney Olympic Park, Bankstown and Hurstville Station. The site is also 450m from Lakemba Railway Station and less than 500m from Canterbury Road, which is an arterial road.





## 3. Description of the Proposal

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### 3.1 BACKGROUND

The Land and Environment Court granted consent to DA 140/2016 on 4 September 2018 for:

*“alterations and additions to the existing building at 69 Croydon Street, demolition of two existing dwellings and associated structures at 65 and 67 Croydon Street, change of use to an Educational Establishment (Primary School) and associated site works and fencing”*

The approval makes provision for a maximum of 350 students and 14 staff.

Subsequently, a modification application (DA 140/2016/A) under Section 4.55(2) was approved by Canterbury Bankstown Council on 25 May 2021 for internal design changes.

Additional modification applications were submitted to Council, as listed below:

- DA-140/2016/B was submitted to Council on 16 August 2021 to modify the approved development through the addition of a lift overrun and OSD tank, and changes to the internal stair access. The modification application was refused by Council on 29 November 2021.
- DA-140/2016/C was submitted to Council on 5 November 2021 to modify the approved development through the use of an unauthorised subfloor into storage basement and the construction of a planter box above an on-site detention tank. The modification application was refused by Council on 10 November 2021.

Significant works on the site were undertaken as per the approved architectural plans under DA-140/2016/A, however construction was stopped as the result of a “Stop Work Order”.

A Class 1 Appeal against Council's order was filed with the Land and Environment Court by the Applicant. The Appeal was upheld, and a Notice of Motion was issued on 24 April 2023 containing the following orders:

1. *The appeal is upheld.*
2. *The Development Control Order issued to Australian Islamic Cultural Centre Inc on 10 November 2021 is revoked.*
3. *The Development Control Order issued to Decode Group Pty Ltd dated 10 November 2021 is revoked.*
4. *A Development Control Order is issued to the First Applicant in accordance with the terms provided for in Schedule 1.*
5. *A Development Control Order is issued to the Second Applicant in accordance with the terms provided for in Schedule 1.*
6. *Within 28 days of notification to the Respondent by the First Applicant of the completion of the works specified in Schedule 1, the First Applicant is to submit a Building Information Certificate to the Respondent for the works detailed in Schedule 2.*
7. *Such other or further orders as the Court sees fit.*

In accordance with the above orders, a Building Information Certification (BIC) for the works detailed in Schedule 2 of the Notice of Motion was submitted to Council and is currently under assessment.

Further to the above, a Development Application DA-615/2023 was lodged with Council on 31 May 2023 for:



*“Alterations and additions to the approved school, including: Remedial works to the existing school building to achieve BCA compliance; Replace the existing front fence with a 1.8m high black palisade fence; Infill the existing basement with 1.4m high uncompacted fill; Amend the blast wall surrounding the existing Ausgrid substation to improve sightlines; Complete construction of the Waste and Mechanical Room; Complete the landscaping of the schools playgrounds; Install landscaping and fencing on the vacant site formerly known as 71 Croydon St; Install lighting in the school carpark; and, use the premises as a school”.*

DA-615/2023 was refused by Canterbury Bankstown Council on 31 August 2023. The reasons for refusal as stated in Council's Notice of Determination are provided in the table below and a response in relation to the new proposal provided opposite.

Table 1 Reasons for Refusal & Responses	
Reason for Refusal	Response to Reason for Refusal
<p><b>1.</b> Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development does not satisfy the general and specific objectives contained in:</p> <p><b>a.</b> State Environmental Planning Policy (Biodiversity and Conservation) 2021, Part 6.2, Division 2, Clause 6.6, 1(a), 1(c), 1(e), 1(f) and 1(g) as the uncompacted fill in the basement will create additional impacts of stormwater runoff and pollution into the drainage system.</p> <p><b>b.</b> State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 4, Clause 4.6 as insufficient information has been provided to demonstrate that the fill being used will not be contaminated.</p> <p><b>c.</b> Canterbury Local Environmental Plan 2021, Clause 6.2 (Earthworks) (3)(a), (3)(e), (3)(g) or (3)(h) as the filling of the basement with uncompacted fill will create additional pollution within the stormwater and drainage system.</p> <p><b>d.</b> Canterbury Local Environmental Plan 2021, Clause 6.3 (Stormwater management and water sensitive urban design), (3)(b), (3)(c), (3)(e) as the filling of the basement with uncompacted fill will create additional disruption on the drainage system and the source of the fill material is unknown and unverified.</p>	<p>Refer to the letter prepared by Consulting &amp; Building Construction.</p> <p>Refer to the letter prepared by Consulting &amp; Building Construction.</p> <p>Refer to the letter prepared by Consulting &amp; Building Construction.</p> <p>Refer to the letter prepared by Consulting &amp; Building Construction.</p>
<p><b>2.</b> The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with the provisions of the Canterbury Development Control Plan 2012, including:</p>	

Table 1 Reasons for Refusal & Responses	
Reason for Refusal	Response to Reason for Refusal
<p><i>a. Part B2 – Landscaping and Part B3 – Tree Preservation - as insufficient information has been provided to demonstrate compliance with these Controls.</i></p> <p><i>b. Part B5 – Stormwater and Flood Management - Controls outlined in B5.2 (Submission Requirements), B5.4 (Property Drainage), B5.5.3 (On-site Detention), B5.7 (Disposal or Runoff from Property).</i></p> <p><i>c. Part B9 – Waste – as insufficient information has been provided to demonstrate compliance with Controls including (B9.3 WMP ongoing use), B9.5 (Waste Storage for Non-Residential Development), and B9.6 (Design and Access Waste Bin Storage Areas).</i></p> <p><i>d. Part F8 – Controls C1, C2, C4 and C5 as the proposed uncompacted fill in the basement will increased negative amenity impacts on the surrounding properties as a consequence of potential water and air pollution.</i></p>	<p>The new development proposed does not include any landscape works.</p> <p>Refer to the letter prepared by Consulting &amp; Building Construction.</p> <p>The new development proposed will not have any impact on the approved waste management on the site.</p> <p>The new development proposes an alternative fill product which will not have any adverse impacts on the amenity of surrounding properties.</p>
<p><b>3.</b> <i>The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as it has provided insufficient information to demonstrate it won't create additional environmental impacts on the natural and built environments. The proposal does not provide sufficient information to demonstrate that the uncompacted fill will not migrate to the stormwater system, contrary to the requirements of the Protection of the Environment Operations Act 1997 and Regulations.</i></p>	<p>The new development proposes an alternative fill product which will not have any adverse impacts on the amenity of surrounding properties or the natural and built environment.</p> <p>The proposed development has been reviewed and supported by a qualified structural and civil engineer. Refer to the letter prepared by Consulting &amp; Building Construction.</p>
<p><b>4.</b> <i>The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as it has not demonstrated it is in the public interest. The proposal does not provide sufficient information to demonstrate that access to the basement for maintenance will not create potential risks to human health from uncompacted fill in a confined space, contrary to the Building Code of Australia, Work Health and Safety legislation and Safework NSW Guidelines.</i></p>	<p>The proposal will not create any potential risks to human health. Uncompacted fill is no longer proposed.</p>

### 3.2 PROPOSED WORKS – BASEMENT FILLING

The extent of works proposed within this development application solely relate to filling of the basement. Since the refusal of DA-615/2023, the Applicant and Planning Ingenuity have engaged with Council to come to an appropriate solution to fill the basement in terms of site contamination, stormwater drainage and BCA compliance, as addressed in **Table 1**.

The existing basement level is located approximately 3.4m below ground level with the only access being via a small opening in the northern end of the western wall. As part of this development application, it is proposed to carry out works under the existing building (basement area) to partially fill this level in order to make this a non-habitable space.

It is proposed to place fill within the basement with a depth of 1.88m in order to reduce floor to floor height to approximately 1m. Fill material will comprise of Styroboard EPS Styrobloc, which is a lightweight, durable polystyrene block. The proposed fill material will not have any adverse impacts in terms of runoff or moisture within the basement.

Product details and installation of the basement fill are described in detail on the plans submitted with this application and the installation methodology is reproduced below:

- Product is to be delivered and stored on the site car park area.
- Styroblocs will be manually handled and lowered into the subfloor area through two (2) temporary openings as marked up on the plan with yellow hatching.
- Upon reaching 1800mm in height a single mesh, SL-62 will be placed over the entire surface intended for shotcrete.
- Shotcrete of 80mm is to be applied over the area prepared for shotcrete works.
- Due to a low final height of the subfloor cavity shotcrete works will have to be completed in several sequences starting from northern wall and advancing towards the opposite side.
- Upon completion of shotcrete works the two brick openings are to be blocked off, rendered and painted.

It is important to note that some areas within the basement will not be filled to ensure that existing drainage pits within the basement will not be affected.

Furthermore, due to the extent of fill proposed, only a 1m height clearance will remain. This clearance ensures that the space within the basement cannot be utilised for any meaningful purposes and only allows for access by maintenance personnel.



### 3.3 STORMWATER

The proposed basement filling has been reviewed and assessed by *Complete Construction Engineering Pty Ltd* and a letter of support has been submitted with this application. An extract from the letter is provided below:

*It has been noted that the proposed fill material is a Styrofoam (Styrobloc) product with the following properties: Width-1200 mm, Depth-600 mm, Length-2400 mm to 5000 mm*

*Engineering plans S-20 & S-21 provide Styrobloc's layout and installation details indicating distinctive separation between water channels along the basement's perimeter and the fill material, resulting in the basement seepage having no contact with the fill material (Styrobloc).*

*Regardless of the fact that the fill material is not in contact with the subsoil seepage, it is important to state that the Styrobloc product has a very low water absorption characteristic and as such would, in case of contact with water, absorb an insignificant amount of water, which when released from the styroblocs' pores would not carry any residue or material associated with the loose like compaction materials.*



*Shotcrete cover over the Styroblocs would prevent any contact of the proposed fill material and basement seepage.*

*Ground water seepage from all three sides is collected within the channel, which is then conveyed by stormwater piped system into the storm water pump out pit*

*In conclusion to the above narrative, the undersigned has no objection in supporting the proposed product and the work methodology in respect to ground water quality entering the downstream stormwater system.*

As such, there are not considered to be any adverse impacts on the stormwater system on the site.



## 4. Environmental Planning Assessment

### 4.1 PREAMBLE

This section of the Statement provides a planning assessment of the proposed development covering all relevant heads of consideration under Section 4.15 of the EP&A Act, 1979.

### 4.2 STATUTORY AND POLICY COMPLIANCE

The relevant matters for consideration under Section 4.15(1)(a) of the EP&A Act, 1979, are identified in the following Table:

Table 2 Section 4.15 Matters for Consideration				
EP & A Act, 1979.	Matters for Consideration	OK	See Comments	N/A
S.4.15(1)(a)(i)	SEPP (Resilience and Hazards) 2021	✓	✓	
"	SEPP (Transport and Infrastructure) 2021	✓	✓	
"	Canterbury Local Environmental Plan 2012	✓	✓	
S.4.15(1)(a)(iii)	Canterbury Development Control Plan 2012	✓	✓	
S.4.15(1)(a)(iv)	Any other prescribed matter:-			✓
	<ul style="list-style-type: none"><li>Government Coastal Policy;</li><li>AS 2601-1991: Demolition of structures.</li></ul>			✓

The matters identified in the above Table as requiring specific comment are discussed below. The primary statutory document that relates to the subject site and the proposed development is the Canterbury Local Environmental Plan (LEP) 2012. Pursuant to Section 4.15(1)(a)(iii), the primary non-statutory document relating to the subject site and proposed development is Canterbury Development Control Plan (DCP) 2012. The relevant provisions of these documents and other relevant planning controls are summarised below and the proposal's compliance with them assessed.

#### 4.2.1 SEPP (Resilience and Hazards) 2021

*State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP) commenced on 1 March 2022, repealing and replacing three former SEPPs related to coastal management, hazardous and offensive development and remediation of land.

Of relevance to the proposed development is the following chapter:

- Chapter 4 Remediation of Land

This Chapter contains planning controls for the remediation of contaminated land and requires an investigation to be made if land contamination is suspected.





Contamination was considered as part of the original Development Application and included the requirement for a Remediation Action Plan (RAP). The proposal does not seek to modify the RAP or associated conditions of consent.

Furthermore, it should be noted that the proposed fill product and installation methodology, described in detail in the Architectural Plans submitted with this application, will ensure that the proposal will not have any adverse impacts in relation to contamination.

#### **4.2.2 SEPP (Transport and Infrastructure) 2021**

*State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP) commenced on 1 March 2022, repealing and replacing four former SEPPs related to infrastructure, transport, education and childcare. The educational establishment is permissible under the provisions of the Transport and Infrastructure SEPP.

The proposed works to the approved school are consistent with the use of the site as approved under DA 140/2016.

#### **4.2.3 Canterbury Local Environmental Plan 2012**

The Canterbury Local Environmental Plan 2012 applies to the subject site. The site is located within both the R3 Medium Density Residential and R4 High Density Residential zones. The proposed works are ancillary to the approved educational establishment.

The proposed works to the approved school are consistent with the use of the site as approved under DA 140/2016.

#### **4.2.4 Canterbury Development Control Plan 2012**

There are no controls within the Canterbury Development Control Plan 2012 which apply to educational establishments. Consequently, in terms of compliance with Council's requirements this section should be used as a guide only. The only development controls contained within the CDCP 2012 relevant to the proposed use are addressed below.

##### Non-residential Development in Residential Zones

Chapter F8 Non-residential Development in Residential Zones applies to the proposed modifications.

The objective of the chapter is as follows:

- To reduce unreasonable amenity impacts on surrounding residents caused by non-residential uses.

The proposed works are consistent with the approved use on the site and will not result in any adverse impacts on the amenity of surrounding properties. The proposed works are within the basement level, below the ground level and not visible from surrounding properties and therefore do not have any adverse impacts on the amenity of the surrounding residents. The proposed filling of the basement is intended to respond to concern of Council that the basement as constructed may have been used for habitable purposes. The floor to ceiling height resulting from the filling would not allow such use. Maintenance access only is retained to this area. Furthermore, the nature of the fill proposed, and the installation methodology is a response to further concerns raised by Council in relation to the previous uncompacted fill.

The proposed works will result in a development that is substantially the same as what was approved under the original application and will not impact the approved maximum number of students and staff on the site.

As such the objective is satisfied.

The controls under this section of the CDCP 2012 are addressed below and compliance with all relevant controls is achieved.



**Table 3 Canterbury DCP 2012 Compliance Table**

**Chapter F8 Non-residential Development in Residential Zones**

Clause / Control	Requirement	Proposal	Complies?
8.2 General Controls	C1 Non-residential development in a residential zone will be assessed for its impact on residential amenity.	<p>The proposed works are consistent with the approved use on the site and will not result in any further impacts on residential amenity than what was approved under the original application.</p> <p>The proposed works are within the basement level, below the ground level and not visible from surrounding properties and therefore do not have any adverse impacts on the amenity of the surrounding residents.</p>	✓
	C2 Non-residential development in a residential zone will only be acceptable where adverse impacts on the amenity of residences in the immediate area (for example through traffic generation, parking demand, noise or any other form of pollution that is incompatible with residential uses) are avoided or minimised.	<p>Given the minor extent of the proposed works, located below ground level, no adverse visual or aural impacts will result. The works do not have any impact on the approved traffic generation, parking or vehicle movement on the site.</p>	✓
	C3 Council may impose conditions of consent to minimise any impact on residential amenity including limiting the scale of the development, restricting hours of operation or the like.	<p>The proposed works will not visually increase the scale of the development. The approved operating hours of the school will be maintained.</p>	✓
	C4 Building design needs to be compatible with surrounding area.	<p>The proposed works have no impact on the existing approved building design and the works do not alter the approved developments compatibility with the surrounding locality.</p>	✓
	C5 The non-residential component of buildings that adjoin residential zones should comply with the Building Height Plane.	<p>The proposed works will not alter the approved building height on the site.</p>	✓



## **4.3 IMPACTS ON NATURAL & BUILT ENVIRONMENT**

### **4.3.1 Topography & Scenic Impacts**

The proposed works do not involve any change to the existing built form on the site and will not have any additional adverse impacts as viewed from the public domain or adjoining properties. The proposed filling is within the basement level above the previously excavated ground level and will therefore not have any external impacts.

### **4.3.2 Micro-climate Impacts**

The proposed development will have no significant or unreasonable impacts on the micro-climate of the locality.

### **4.3.3 Water & Air Quality Impacts**

The proposal will not have any water or air quality impacts.

### **4.3.4 Flora and Fauna Impacts**

The proposal will not impact local flora or fauna.

### **4.3.5 External Appearance & Design**

The proposed use will not alter the external appearance of the building as approved, and therefore the proposal will not result in any adverse impacts on the external appearance or presentation of the building.

The building on the site will continue to present as approved or modified by other applications, and the proposed basement fill will not impact the external appearance of the building.

### **4.3.6 Relationship to Neighbouring Properties**

The built form on the site will remain as approved and the proposed works will not have any significant impacts on the neighbouring properties. There will be no change to overlooking, overshadowing, noise, odour, scenic impacts or environmental impacts. The proposed works are consistent with the approved use on the site and will continue to support the local economy.

The basement fill will be manually handled and lowered into the subfloor area, as detailed in the installation methodology on the Architectural Plans submitted with this application. This will occur in approved construction hours and will result in minimal noise, not exceeding that which will result from other construction works on the site.

## **4.4 ECONOMIC & SOCIAL IMPACTS**

In economic terms, the proposed works will not substantially alter the approved development, which will create a positive economic impact by providing a quality educational establishment. This application is intended to complete the approved school on the site in a timely manner in order to enable its opening.

## **4.5 THE SUITABILITY OF THE SITE**

### **4.5.1 Access to Services**

The site is within an established area and is currently provided with electricity, telephone, water and sewerage services.





#### **4.5.2 Parking and Access**

The proposed works will not intensify the approved land use on the subject site and will not result in any increase to traffic generation or congestion in the locality than that of the approved development. The proposal will maintain the approved parking, and pedestrian and vehicular access arrangements to the site.

#### **4.5.3 Hazards**

The site is not in an area recognised by Council as being subject to landslip, flooding or bushfire or any other particular hazards. The proposed development is not likely to increase the likelihood of such hazards occurring and is considered appropriate in this instance.

### **4.6 THE PUBLIC INTEREST**

The proposed works are consistent with the approved use on the site. The proposal will not have any significant adverse impacts on the neighbouring properties or the wider locality. The proposal will continue to provide a service for the local and broader community. Accordingly, approval of the proposal is considered to be in the public interest.





## 5. Conclusion

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The impact of the proposed development has been assessed in accordance with the provisions of Section 4.15 of the EP&A Act, 1979 and found to be satisfactory. The proposal is consistent with the relevant provisions of *Canterbury LEP 2012* and *Canterbury DCP 2012*.

Given that the proposed works are consistent with the approved use on the site for an educational establishment, there will be no adverse impacts on the topography of the locality, relationship with adjoining properties in terms of built form, or on air quality, water quality, flora or fauna.

The proposed works will not alter the approved maximum number of students or teachers, hours of operation, parking or pedestrian and vehicular access to the site and will not introduce any adverse built or natural environmental impacts.

Accordingly, the proposal is within the public interest and is worthy of Council's support.

