

DATE OF DETERMINATION	1 April 2025
DATE OF PANEL DECISION	31 March 2025
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Steve Murray
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 26 March 2025.

MATTER DETERMINED

PPSSCC-621 – Cumberland – DA2024/0540 – 86-94 Kingsland Road, Regents Park - Demolition of two existing buildings, tree removal, staged construction of a two storey administration building for Regents Park Christian School including a new 11 space car parking area.

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented item 8 in Schedule 1.

Application to vary a development standard:

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Cumberland Local Environmental Plan 2021 (LEP), the Panel is satisfied that the applicant has demonstrated that:

- a) compliance with cl. 4.3 Height of Building is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard as pursuant to clause 4.6(3)(b) of the LEP.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to uphold the Clause 4.6 variation to building height; and approve the application for the reasons outlined in the council assessment report.

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policies, the Cumberland Local Environmental Plan 2021 and the Cumberland Development Control Plan 2021. The development is considered to be satisfactory.

The proposed development is permissible within the R2 zone (Low Density Residential) under the provisions of the Cumberland Local Environmental Plan 2021. A variation to the height of building under Clause 4.3 of the Cumberland Local Environmental Plan 2021 is sought and it is considered that the variation is reasonable given the scale of works that are proposed.

Having regard to the assessment of the proposal from a merit perspective, the panel is satisfied that the development has been responsibly designed and provides for acceptable levels of amenity for the school. It is considered that the proposal successfully minimises adverse impacts on the amenity of neighbouring

properties. Hence the development, irrespective of the departure noted above, is consistent with the intentions of Council's planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, and the development may be approved subject to conditions.

CONDITIONS



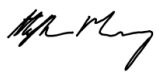
The development application was approved subject to the conditions in the council assessment report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition. The panel notes that issues of concern included:

- Use of and damage to right-of-way
- Stormwater drainage
- Traffic and parking

The panel considers that concerns raised by the community have been adequately addressed in the assessment report.

PANEL MEMBERS	
Abigail Goldberg (Chair) 	David Ryan 
Steve Murray 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-621 – Cumberland – DA2024/0540
2	PROPOSED DEVELOPMENT	Demolition of two existing buildings, tree removal, staged construction of a two storey administration building for Regents Park Christian School including a new 10 space car parking area.
3	STREET ADDRESS	86-94 Kingsland Road, Regents Park
4	APPLICANT/OWNER	Applicant: Paynter Dixon/Regents Park Christian School Owner: Christian Community School Limited
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Industry and Employment) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Sustainable Buildings) 2022 State Environmental Planning Policy (Transport and Infrastructure) 2021 Cumberland Local Infrastructure Contributions Plan 2020 Cumberland Local Environmental Plan 2021 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Cumberland Development Control Plan 2021 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 26 March 2025 Clause 4.6 variation request: Height of Building Written submissions during public exhibition: 2 Total number of unique submissions received by way of objection: 2
8	COUNCIL RECOMMENDATION	Approval
9	DRAFT CONDITIONS	Attached to the council assessment report