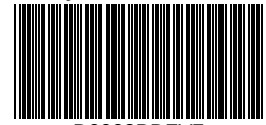




Filed: 20 February 2026 11:46 AM



D0002BDZV7

Form B  
LECR 3.2

## APPLICATION CLASS 1

### COURT DETAILS

|             |                                               |
|-------------|-----------------------------------------------|
| Court       | Land and Environment Court of New South Wales |
| Division    | Class 1                                       |
| Registry    | Land and Environment Court Sydney             |
| Case number | 2026/00072530                                 |

### TITLE OF PROCEEDINGS

|                  |                                       |
|------------------|---------------------------------------|
| First Applicant  | SK2V 2 PTY LTD<br>ACN 678459437       |
| First Respondent | CUMBERLAND COUNCIL<br>ABN 22798563329 |

### FILING DETAILS

|                                |              |
|--------------------------------|--------------|
| Filed for                      | Applicant[s] |
| Legal representative           | Graham McKee |
| Legal representative reference |              |
| Telephone                      | 02 9635 1100 |
| Your reference                 | GMC:KG:37352 |

### HEARING DETAILS

This application is listed at Land and Environment Court Sydney on 20 March 2026 at 10:30 AM.

### TYPE OF CLAIM

Environmental Planning and Assessment Act 1979 - s8.7 Appeal against the deemed refusal of a development application

### DETAILS OF APPLICATION

|                                                                                                                                                 |                                                                                                                                                                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Date or other identification of the decision, or other matter appealed against, objected to, complained of or referred or remitted to the court | The respondent's deemed refusal pursuant to s8.7 of the Environmental Planning & Assessment Act 1979 to grant consent to development application no. DA2025/0824 in relation to Lots 49 & 50 in DP13009, being 3-5 Gilba Road, Pendle Hill NSW 2145. |
| Act or instrument under which the proceedings are brought                                                                                       | Environmental Planning and Assessment Act 1979 - s8.7 Appeal against the deemed refusal of a development application                                                                                                                                 |

## ORDERS SOUGHT

1. Appeal upheld. 2. Development consent is granted to Development Application No. DA2025/0824 for demolition of existing buildings, construction of a mixed use building comprising of two commercial units, a 34 place child care facility and 74 co-living units at 3-5 Gilba Road, Pendle hill NSW 2145.

## SIGNATURE OF LEGAL REPRESENTATIVE

Signature

Capacity

Date of signature

Graham McKee  
Solicitor on record  
20 February 2026



## NOTICE TO RESPONDENT

If your solicitor, barrister, authorised agent or you do not attend the hearing, the court may give judgment or make orders against you in your absence. The judgment may be for the relief claimed in the application and for the applicant's costs of bringing these proceedings.

You must enter an appearance before you can appear before the court.

## HOW TO RESPOND

**Please read this application very carefully. If you have any trouble understanding it or require assistance on how to respond to the summons you should get legal advice as soon as possible.**

You can get further information about what you need to do to respond to the application from:

- The court registry
- A legal practitioner.
- LawAccess NSW on 1300 888 529 or at [www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au).

Court forms are available on the LEC website at <https://www.lec.nsw.gov.au/>.

## REGISTRY ADDRESS

|                |                                                    |
|----------------|----------------------------------------------------|
| Street address | Level 4<br>225 Macquarie Street<br>SYDNEY NSW 2000 |
| Postal address | Level 4<br>GPO Box 3565<br>SYDNEY NSW 2001         |
| Telephone      | 02 9113 8200                                       |

## FURTHER DETAILS ABOUT Applicant(s)

### First Applicant

|                  |                                       |
|------------------|---------------------------------------|
| Name             | SK2V 2 PTY LTD<br>ACN 678459437       |
| Address          | 12 Milton Avenue<br>EASTWOOD NSW 2122 |
| Telephone        |                                       |
| Fax              |                                       |
| E-mail           |                                       |
| Client reference |                                       |

### Legal representative for applicants

|                               |                                                                       |
|-------------------------------|-----------------------------------------------------------------------|
| Name                          | Graham McKee                                                          |
| Practicing certificate number | 21873                                                                 |
| Address                       | Suite 18 Ground floor<br>25 Solent Circuit<br>BAULKHAM HILLS NSW 2153 |
| DX address                    |                                                                       |
| Telephone                     | 02 9635 1100                                                          |
| Fax                           | 02 9687 0681                                                          |

|                            |                      |
|----------------------------|----------------------|
| Email                      | graham@mckees.com.au |
| Electronic service address | graham@mckees.com.au |

#### **FURTHER DETAILS ABOUT Respondent(s)**

##### **First Respondent**

|         |                                           |
|---------|-------------------------------------------|
| Name    | CUMBERLAND COUNCIL<br>ABN 22798563329     |
| Address | 16 Memorial Avenue<br>MERRYLANDS NSW 2160 |

#### **ATTACHMENT DETAILS**

In accordance with Part 3 of the UCPR, this coversheet confirms that both the Class 1, 2, 3 Application (e-Services), along with any other documents listed below, were filed by the Court.

Development application (TAB 1 - DA form 13.11.2025.pdf)

[attach.]

#### Applicant contact details

|                                                                |                                                   |
|----------------------------------------------------------------|---------------------------------------------------|
| First given name                                               | Hao                                               |
| Other given name/s                                             |                                                   |
| Family name                                                    | Yan                                               |
| Contact number                                                 | 0450338804                                        |
| Email                                                          | hao.y@wenarchitects.com.au                        |
| Address                                                        | Suite 3.1/64 Talavera Rd, Macquarie Park NSW 2113 |
| Application on behalf of a company, business or body corporate | Yes                                               |
| ABN                                                            | 13618677937                                       |
| ACN                                                            | 618677937                                         |
| Name                                                           | WEY GROUP PTY LTD                                 |
| Trading name                                                   | WEY GROUP PTY LTD                                 |
| Is the nominated company the applicant for this application    | Yes                                               |

#### Owner/s of the development site

|                                 |                                                                                           |
|---------------------------------|-------------------------------------------------------------------------------------------|
| Owner/s of the development site | There are one or more owners of the development site and the applicant is NOT one of them |
| Owner #                         | 1                                                                                         |
| Title                           |                                                                                           |
| First given name                | Kelvin                                                                                    |
| Other given name/s              |                                                                                           |
| Family name                     | Lam                                                                                       |
| Contact number                  |                                                                                           |
| Email                           | kcl668@hotmail.com                                                                        |
| Address                         | 12 MILTON AVENUE EASTWOOD 2122                                                            |

I declare that I have shown this document, including all attached drawings, to the owner(s) of the land, and that I have obtained their consent to submit this application. - Yes

Note: It is an offence under Section 10.6 of the Environmental Planning and Assessment Act 1979 to provide false or misleading information in relation to this application.

#### Site access details

|                                                                                                                                           |    |
|-------------------------------------------------------------------------------------------------------------------------------------------|----|
| Are there any security or site conditions which may impact the person undertaking the inspection? For example, locked gates, animals etc. | No |
|-------------------------------------------------------------------------------------------------------------------------------------------|----|

#### Developer details

|               |  |
|---------------|--|
| ABN           |  |
| ACN           |  |
| Name          |  |
| Trading name  |  |
| Address       |  |
| Email Address |  |

#### Development details

|                  |                         |
|------------------|-------------------------|
| Application type | Development Application |
|------------------|-------------------------|

|                                      |                                                                                                                                                                                                                                 |
|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Site address #                       | 1                                                                                                                                                                                                                               |
| Street address                       | 3-5 Gilba Road, Pendle Hill                                                                                                                                                                                                     |
| Local government area                | CUMBERLAND                                                                                                                                                                                                                      |
| Lot / Section Number / Plan          |                                                                                                                                                                                                                                 |
| Primary address?                     | Yes                                                                                                                                                                                                                             |
| Planning controls affecting property | Land Application LEP<br>NA<br>Land Zoning<br>NA<br>Height of Building<br>NA<br>Floor Space Ratio (n:1)<br>NA<br>Minimum Lot Size<br>NA<br>Heritage<br>NA<br>Land Reservation Acquisition<br>NA<br>Foreshore Building Line<br>NA |

#### Proposed development

|                                                          |                                                                                                                                                                                                  |
|----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Selected common application types                        | Demolition<br>Erection of a new structure                                                                                                                                                        |
| Selected development types                               | Co-living<br>Shop Top Housing<br>Centre-based child care                                                                                                                                         |
| Description of development                               | Demolition of existing buildings, construction of a mixed use building comprising of two commercial units, a 34 place child care facility and 74 Co-living units at 3-5 Gilba Road, Pendle Hill. |
| Is the development proposed to be build-to-rent housing? | Yes                                                                                                                                                                                              |
| Dwelling count details                                   |                                                                                                                                                                                                  |
| Number of dwellings / units proposed                     | 73                                                                                                                                                                                               |
| Number of storeys proposed                               | 5                                                                                                                                                                                                |
| Number of pre-existing dwellings on site                 | 2                                                                                                                                                                                                |
| Number of dwellings to be demolished                     | 2                                                                                                                                                                                                |
| Existing gross floor area (m2)                           | 2,345                                                                                                                                                                                            |
| Proposed gross floor area (m2)                           | 0                                                                                                                                                                                                |
| Total site area (m2)                                     | 1,066                                                                                                                                                                                            |
| What is the estimated development cost, including GST?   | \$13,383,622.00                                                                                                                                                                                  |
| Estimated development cost                               | \$12,166,929.00                                                                                                                                                                                  |
| Do you have one or more BASIX certificates?              | No                                                                                                                                                                                               |
|                                                          |                                                                                                                                                                                                  |
| Subdivision                                              |                                                                                                                                                                                                  |
| Number of existing lots                                  |                                                                                                                                                                                                  |
|                                                          |                                                                                                                                                                                                  |
| Proposed operating details                               |                                                                                                                                                                                                  |
| Number of staff/employees on the site                    |                                                                                                                                                                                                  |

#### Number of parking spaces

| Category of development                                    | Car parking spaces | Motorcycle spaces | Bicycle spaces |
|------------------------------------------------------------|--------------------|-------------------|----------------|
| Residential accommodation                                  | 15                 | 8                 | 6              |
| Commercial including business premises and retail premises | 5                  | 3                 | 2              |

|                                             |    |    |    |
|---------------------------------------------|----|----|----|
| Other for example rural/extractive industry | 6  | 4  | 3  |
| Total                                       | 26 | 15 | 11 |

|                                                        |                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Number of loading bays                                 | 1                                                                                                                                                                                                                                                                                                                         |
| Is a new road proposed?                                | Yes                                                                                                                                                                                                                                                                                                                       |
| Description of the proposed roadworks                  | The proposed driveway will be constructed over the existing driveway alignment and will widen the existing crossover to provide an increased driveway width.                                                                                                                                                              |
|                                                        |                                                                                                                                                                                                                                                                                                                           |
| <b>Concept development</b>                             |                                                                                                                                                                                                                                                                                                                           |
| Is the development to be staged?                       | Yes, this application is for staged development which may include concept and/or multiple stages.                                                                                                                                                                                                                         |
| Is it a concept only application?                      | Yes                                                                                                                                                                                                                                                                                                                       |
| Description of the proposed staging of the development | The proposed mixed use building has a height of 5 storey and will comprise of 73 coliving units across the 4 storey, with amenities on the on the fifth floor, commercial tenancy and 34 place child care facility within the ground floor. The development proposes a total of 26 car spaces on a single level basement. |
|                                                        |                                                                                                                                                                                                                                                                                                                           |
| <b>Crown development</b>                               |                                                                                                                                                                                                                                                                                                                           |
| Is this a proposed Crown development?                  | No                                                                                                                                                                                                                                                                                                                        |

#### Related planning information

|                                                                                                                                                                                        |                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| Is the application for integrated development?                                                                                                                                         | Yes                                                                                                          |
| Acts under which licences or approvals are required                                                                                                                                    | Roads Act 1993                                                                                               |
| Is your proposal categorised as designated development?                                                                                                                                | No                                                                                                           |
| Is your proposal likely to significantly impact on threatened species, populations, ecological communities or their habitats, or is it located on land identified as critical habitat? | No                                                                                                           |
| Is this application for biodiversity compliant development?                                                                                                                            | No                                                                                                           |
| Does the application propose a variation to a development standard in an environmental planning instrument (eg LEP or SEPP)?                                                           | No                                                                                                           |
| Is the application accompanied by a Planning Agreement ?                                                                                                                               | No                                                                                                           |
|                                                                                                                                                                                        |                                                                                                              |
| <b>Section 68 of the Local Government Act</b>                                                                                                                                          |                                                                                                              |
| Is approval under s68 of the Local Government Act 1993 required?                                                                                                                       | Yes                                                                                                          |
| Have you already applied for approval under s68 of the Local Government Act?                                                                                                           | No                                                                                                           |
|                                                                                                                                                                                        |                                                                                                              |
| <b>10.7 Certificate</b>                                                                                                                                                                |                                                                                                              |
| Have you already obtained a 10.7 certificate?                                                                                                                                          |                                                                                                              |
|                                                                                                                                                                                        |                                                                                                              |
| <b>Tree works</b>                                                                                                                                                                      |                                                                                                              |
| Is tree removal and/or pruning work proposed?                                                                                                                                          | Yes                                                                                                          |
| Please provide a description of the proposed tree removal and/or pruning work                                                                                                          | One Trees to be removed (Building construction, new surfacing and/or proximity, or trees in poor condition.) |
| Number of trees to be impacted by the proposed work                                                                                                                                    | 1                                                                                                            |
| Land area to be impacted by the proposed work                                                                                                                                          |                                                                                                              |
| Units                                                                                                                                                                                  |                                                                                                              |

|                                                                                                                                            |               |
|--------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| Approximate area of canopy REQUESTED to be removed                                                                                         | 28            |
| Units                                                                                                                                      | Square metres |
|                                                                                                                                            |               |
| <b>Local heritage</b>                                                                                                                      |               |
| Does the development site include an item of environmental heritage or sit within a heritage conservation area.                            | No            |
| Are works proposed to any heritage listed buildings?                                                                                       | No            |
| Is heritage tree removal proposed?                                                                                                         | No            |
|                                                                                                                                            |               |
| <b>Affiliations and Pecuniary interests</b>                                                                                                |               |
| Is the applicant or owner a staff member or councillor of the council assessing the application?                                           | No            |
| Does the applicant or owner have a relationship with any staff or councillor of the council assessing the application?                     | No            |
|                                                                                                                                            |               |
| <b>Political Donations</b>                                                                                                                 |               |
| Are you aware of any person who has financial interest in the application who has made a political donation or gift in the last two years? | No            |
| Please provide details of each donation/gift which has been made within the last 2 years                                                   |               |

#### Sustainable Buildings

|                                                                                                                                                              |                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| Is the development exempt from the <a href="#">State Environmental Policy (Sustainable Buildings) 2022</a> Chapter 3, relating to non-residential buildings? | Yes                                    |
| Provide reason for exemption. Is the development any of the following:                                                                                       | Development that is wholly residential |

#### Payer details

Provide the details of the person / entity that will make the fee payment for the assessment.

The *Environmental Planning and Assessment Regulation 2021* and Council's adopted fees and charges establish how to calculate the fee payable for your development application. For development that involves building or other works, the fee for your application is based on the estimated cost of the development.

If your application is for integrated development or requires concurrence from a state agency, additional fees will be required. Other charges may be payable based on the Council's adopted fees and charges. If your development needs to be advertised, the Council may charge additional advertising fees.

Once this application form is completed, it and the supporting documents will be submitted to the Council for lodgement, at which time the fees will be calculated. The Council will contact you to obtain payment. Note: When submitting documents via the NSW Planning Portal, credit card information should not be displayed on documents attached to your development application. The relevant consent authority will contact you to seek payment.

The application may be cancelled if the fees are not paid:

|                     |                                                   |
|---------------------|---------------------------------------------------|
| First name          | Hao                                               |
| Other given name(s) |                                                   |
| Family name         | Yan                                               |
| Contact number      | 0450338804                                        |
| Email address       | hao.y@wenarchitects.com.au                        |
| Billing address     | Suite 3.1/64 Talavera Rd, Macquarie Park NSW 2113 |

## Application documents

The following documents support the application.

| Document type                                     | Document file name                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Access report                                     | 3-5 Gilba Road, Pendle Hill - Access Report                                                                                                                                                                                                                                                                                                                                                            |
| Acoustic report                                   | 3-5 Gilba Road, Pendle Hill - Acoustic Report                                                                                                                                                                                                                                                                                                                                                          |
| Arborists report                                  | 3-5 Gilba Road, Pendle Hill - Arborist Report                                                                                                                                                                                                                                                                                                                                                          |
| Architectural Plans                               | 3-5 Gilba Road, Pendle Hill - Architecture Plan                                                                                                                                                                                                                                                                                                                                                        |
| BCA Performance Requirements Compliance Statement | 3-5 Gilba Road, Pendle Hill - BCA Report                                                                                                                                                                                                                                                                                                                                                               |
| Cost estimate report                              | 3-5 Gilba Road, Pendle Hill - Estimate Detailed Cost Form<br>3-5 Gilba Road, Pendle Hill - Estimate Cost Report                                                                                                                                                                                                                                                                                        |
| Generated Pre-DA form                             | Pre-DA form_1762263877.pdf                                                                                                                                                                                                                                                                                                                                                                             |
| Geotechnical report                               | 3-5 Gilba Road, Pendle Hill - Geotech Report                                                                                                                                                                                                                                                                                                                                                           |
| Landscape plan                                    | 3-5 Gilba Road, Pendle Hill - Landscape Plan                                                                                                                                                                                                                                                                                                                                                           |
| Other                                             | 3-5 Gilba Road, Pendle Hill - Survey Plan<br>3-5 Gilba Road, Pendle Hill - Stormwater Plan<br>3-5 Gilba Road, Pendle Hill - Stormwater Management Report<br>3-5 Gilba Road, Pendle Hill - Section J<br>3-5 Gilba Road, Pendle Hill - PSI<br>3-5 Gilba Road, Pendle Hill - Mechanical Spatial<br>3-5 Gilba Road, Pendle Hill - DSI<br>3-5 Gilba Road, Pendle Hill - ASIC Company Extract_SK2V 2 Pty Ltd |
| Owner's consent                                   | 3-5 Gilba Road, Pendle Hill - Owner Consent                                                                                                                                                                                                                                                                                                                                                            |
| Plan of management                                | 3-5 Gilba Road, Pendle Hill - Plan of Management - Co Living<br>3-5 Gilba Road, Pendle Hill - Plan of Management - Childcare                                                                                                                                                                                                                                                                           |
| Site Plans                                        | 3-5 Gilba Road, Pendle Hill - Site Plan                                                                                                                                                                                                                                                                                                                                                                |
| Statement of environmental effects                | 3-5 Gilba Road, Pendle Hill - SEE                                                                                                                                                                                                                                                                                                                                                                      |
| Traffic report                                    | 3-5 Gilba Road, Pendle Hill - Traffic Report                                                                                                                                                                                                                                                                                                                                                           |
| Waste management plan                             | 3-5 Gilba Road, Pendle Hill - Operational Waste Management Plan<br>3-5 Gilba Road, Pendle Hill - Construction Waste Management Plan                                                                                                                                                                                                                                                                    |

## Applicant declarations

|                                                                                                                                                                                                                                                                                     |     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| I declare that all the information in my application and accompanying documents is , to the best of my knowledge, true and correct.                                                                                                                                                 | Yes |
| I understand that the development application and the accompanying information will be provided to the appropriate consent authority for the purposes of the assessment and determination of this development application.                                                          | Yes |
| I understand that if incomplete, the consent authority may request more information, which will result in delays to the application.                                                                                                                                                | Yes |
| I understand that the consent authority may use the information and materials provided for notification and advertising purposes, and materials provided may be made available to the public for inspection at its Offices and on its website and/or the NSW Planning Portal        | Yes |
| I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Government Information (Public Access) 2009 (NSW) (GIPA Act) under which it may be required to release information which you provide to it. | Yes |
| I agree to appropriately delegated assessment officers attending the site for the purpose of inspection.                                                                                                                                                                            | Yes |
| I have read and agree to the collection and use of my personal information as outlined in the Privacy Notice                                                                                                                                                                        | Yes |
| I confirm that the change(s) entered is/are made with appropriate authority from the applicant(s).                                                                                                                                                                                  |     |

## Lodgement details

|                                     |                                                                                                                                                                                     |
|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Outcome of the pre-lodgement review | Application was returned                                                                                                                                                            |
|                                     | Hi,<br><br>After conducting a careful and detailed pre-lodgement review of your application, Council is unable to progress your application further due insufficient documentation. |

|                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Description provided for return reason     | <ul style="list-style-type: none"> <li>- Detailed Site Investigation Report,</li> <li>- Flood Advice Letter issued by Council,</li> <li>- Flood Study required as outlined in the Statement of Environmental Effects,</li> <li>- Current Company ASIC Extract to accompany the owners consent provided.</li> </ul> <p>Please re-submit your application once the above information has been adequately prepared.</p> <p>Thank you.</p> |
| Date on which the application was returned | 13/11/2025                                                                                                                                                                                                                                                                                                                                                                                                                             |