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06 FEB 2026

Attn: Elizabeth Chan

Cumberland City Council

Dear Officer,

Re: 3-5 Gilba Road, Pendle Hill (COUNICL ID: DA2025/0824)

The purpose of this email is to address and clarify to council, in response to concerns raised by council regarding the development application for 3-5 Gilba Road, Pendle Hill. We have re-assessed the issues and made changes, as listed below:

1. Site Isolation

A review of the proposal confirmed the proposal will isolate the northern adjoining property being 1 Billabong Street, Pendle Hill. As such, additional information including, but not limited to, valuation reports, letters of offer and concept design must be provided to demonstrate compliance with the Part A3 Site Amalgamation and Isolated Sites of the Cumberland Development Control Plan 2021 (Cumberland DCP 2021).

[Valuation report, offer letter, evidence of posting offer letter and a concept plan for No.1 Billabong are attached](#)

2. Valuation Report

The property valuations and offers to purchase adjoining properties 1 Gilba Road and 1A Gilba Road dated 19 March 2025 is not considered to be up to date. An updated valuation report of the development application and the written offer to purchase should be provided to the neighbouring property owners within 3 months from the date of lodgement.

Please also noted that at least 2 valuation reports containing estimate amount to offer to purchase of the properties shall be submitted for Council's reference in accordance with Part A3 Section 3 of the Cumberland DCP 2021.

[Updated 2 valuation reports within 3 months of lodgment are attached](#)

3. Floor to Floor Height

The floor to floor height for all habitable levels shall be minimum 3.1m. The proposed 3.05m floor to floor height for the above ground level co-living housing development is considered insufficient to achieve sufficient natural ventilation and daylight access to habitable rooms. Please note, the ground floor of mixed use apartment buildings should have increased ceiling heights to ensure their longer term adaptability for other uses.

[Floor height has been amended in the update arch plan.](#)

4. Survey Plan

The survey plan shall be updated to include a north point confirming the orientation of the site to enable detail assessment of the proposed development. In addition, the survey plan is dated back on 7 May 2021 which requires to be updated to verify the information.

[Survey plan is updated](#)

5. Floor Space

In addition to the permissible maximum floor space ratio (FSR) under Clause 4.4 of the Cumberland Local Environmental Plan 2021 (Cumberland LEP 2021), the proposal is designed to rely on the addition FSR for co-living development under Clause 68(2)(a) of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP 2021).

However, the additional 10% FSR may apply only if the additional floor space is used for the purpose of co-living housing. Having considered the proposed development relates to the mixed use development, the manner of assigning or attributing additional floor space to one particular use compared to another use, within the concept of gross floor area, is arbitrary and uncertain. The applicant has not put forward what it asserts to the additional floor area, nor demonstrated that that purported additional area is used only for the purpose of co-living housing. A brief calculation indicated that the gross floor area (GFA) of the proposed mixed use development is 2,352sqm. This equates to the FSR of 2.26:1. Please note the GFA calculation as defined in the Cumberland LEP 2021 2021 dictionary for GFA.

FSR calculation is updated, the 10% bonus area that is allocated to co-living is clear noted on DA-500

6. Height of Building

As shown on the architectural plans identified the proposed development demonstrate compliance with the maximum permissible Height of Building under Clause 4.3 of the Cumberland LEP 2021. However, no lift overrun has been identified on the architectural plans. Having considered the design of the building and the existing topography of the site, the lift overrun of the proposed mixed use development is likely exceeding the maximum permissible 17m building height that adopted on this subject site.

A 600mm Lift overrun is added, because the site sloping condition, it does not break the height limit, detail refers to DA-540

7. Communal Open Space

In accordance with Clause 68(2)(d) of the Housing SEPP 2021, at least 20% of the site area as communal open spaces (COS) each with minimum dimensions of 3m. Accordingly, the proposal requires at least 208.06sqm of COS with the minimum dimensions of 3m.

The review of the landscaped plans identifies that the proposal is designed to provide 175.9sqm COS on Level 1 to 4 of the proposed development being that area with dimensions of 3m or more. This presents the shortfall is 32.16sqm or 15.46% variation from this numerical standard.

Dimension is added to plan showing the min 3m, landscape plan is update (deleted the planter box)

8. Shortfall of Car Parking Spaces

In accordance with Clause 68(2)(e) of the Housing SEPP 2021, Section 3.8 of the Child Care Planning Guideline and Table 1 Part G3 of the Cumberland DCP 2021, a total of 29 car parking spaces shall be provided on site to cater the need for 214.98sqm of commercial area, child care centre for 34 children, 5 educators and 2 staffs, and 74 co-living rooms. Only 26 car parking spaces is provided within the basement car park level.

Please note, all car parking spaces shall be provided within the property boundary and any on-street car parking spaces cannot be accounted for as they are not exclusive for the subject site.

Childcare Guide indicate within 400m of train station, the parking for childcare is 1 per 2 staff and 1 per 10 children. Based on this, our parking number is sufficient, detail can be referred to updated arch plan and traffic report.

9. Front Building Setback

Level 3 and 4 of the proposed development shall be minimum 3m setback from Gilba Road as required in accordance with Part C Section 3.2 Control C3 of the Cumberland DCP 2021.

The upper floor does have 3m setback from the building line, only balcony outside.

10. Direct Entrance from Footpath

The plans shall be amended to show the main pedestrian access from Gilba Road and/or Billabong Street footpath to the commercial tenancy.

Direct entrance from footpath is provided in the updated arch plan.

11. Inconsistency of information

A review of the submitted Statement of Environmental Effects, architectural plans and landscape plan identified the documents are inconsistent with each other. The documents shall be carefully reviewed together to ensue all the documents are co-related and consistent with each other.

Due to very limit timeframe given by this RFI and refusal of grant extension, there is inconsistency. If this occurs, please refers to arch plan.

12. Absent of Loading Bay

must address the current inability of loading/unloading to occur solely within the building for the commercial tenancy. The new loading/unloading bays shall comply with AS2890.1 & 2 with the maximum vehicle size that anticipated to service the proposed commercial tenancy on the ground floor.

Street loading is proposed.

13. Indoor Play Area

The Plan of Management indicates the proposed child care centre is intended to provided early educational establishment for 3 groups of children. However, it seems the only indoor playroom is proposed to share between 3 groups of children in the age of 0-2 year old, 2-3 year old and 3-5 year old children. In addition, no storage cupboards/shelves and craft sinks shall be provided within playroom for children to store their school bags or the like.

It is noted that the unencumbered indoor play area of the playroom is already tight and the erection of the storage cupboards/shelves and craft sinks within the playroom may result in non-compliance with the minimum 3.25sqm unencumbered indoor play area for each children.

It is advised that any shortfall of indoor play area will trigger a concurrence from the Department of Education under Clause 22(1)(b) of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

Indoor storage and craft sink is added to plan, the indoor play area is complied, detail can be referred to DA-510

14. Absent of Loading Bay

The door/fire door to the staircase and the commercial lobby/utility area must not open outward into public land (on Gilba Road and Billabong Street).

Doors are amended in arch plan so they are not opened outward into public spaces.

15. Flooding

- a. Flood study should account for the following matters.
 - i) The ultimate impervious area of the catchment should be at least 70% for the ultimate development of the catchment.
 - ii) The model should be calibrated to flood level provided by council (including 1%AEP and PMF).
 - b. The ground floor level is proposed lower than the adjacent natural ground level. Clarification is required on how the ground floor area is protected from the possible flood/ overland flow and street stormwater flow.
- [Arch plan level is amended to comply with flood engineer suggestion](#)

16. Stormwater

- a. The topwater level should be clear of the ceiling/level of the OSD tank cover slab to prevent the syphoning and suction action.
 - b. The overflow pipe must be laid horizontally and must not protrude out from the vertical face of the control pit. In addition, the proposed overflow provision does not work. Instead of protruding overflow pipe and the pipe opening flush with ceiling where no access into the overflow pipe.
It is recommended that an overflow pit be provided with the overflow weir at least 100mm lower than the slab ceiling to control the topwater level and manage the emergency overflow. However, the separate overflow pipe as proposed should remain to account for the emergency overflow. Further, the HED control pit weir should be further 100mm lower than the overflow weir level.
 - c. The headroom clearance below the OSD tank, particularly beneath the HED control pit must comply with the minimum clearance requirement. This must be demonstrated with the cross-sectional drawings showing the levels and the thickness of the tank base slab at the control pit.
- [An updated stormwater plan is provided, level in arch plan is updated accordingly.](#)

17. Traffic and Access

- a. The traffic report is outdated and not consistent with the proposal. The report does not mention of the land-use for the childcare centre and the parking requirements. The childcare centre requires 9 parking spaces, which is omitted in the traffic report. The report should be amended.
 - b. The roller shutter door closer to the front property boundary is not supported. The door should be relocated towards the base of the ramp to prevent chances to the vehicle queuing up to the footpath and street.
 - c. The roller shutter door guide and jamb are causing narrowing the ramp pavement width and they should be deleted or relocated out to confine within the ramp kerb width and not to encroach into the ramp pavement.
 - d. The first 6m of the driveway from the property boundary towards basement must be at a gradient 5% or less. The proposed gradient does not comply.
 - e. The long-sectional profile of the driveway from the street up to the basement with the sectional length, gradients and finished surface levels at each critical point and at the change of gradient should be provided. The sectional lengths and gradients do not comply. The profile must be consistent with the section 2.5.3 of AS2890.1-2004.
 - f. A 2.5m deep x 2m wide sight line clearance triangular area must be provided within the site on the left-hand side of exit lane of the driveway at property boundary, in accordance with the section 3.2.4 (figure 3.2 and 3.3) of AS2890.1-2004.
 - g. Loading bays for the commercial waste truck and the residential waste trucks has not been shown.
- [Response to this part refers to Traffic Assessment Letter, and an updated traffic report is provided](#)

18. Parking and internal

- a. *The headroom clearance underneath the OSD tank should be provided in a separate cross-sectional drawing.*
- b. *The structural column at the side of the twin lift is located at the middle of the aisle (adjacent to middle parking row) which results in the obstruction to the traffic flow and non-compliance of the aisle width.*
- c. *The parking spaces for each land-use must be clearly identified marked on the plan. The parking spaces are to be numbered accordingly for clarity and referencing.*
- d. *The aisle width between the base of the ramp and in front of the parking spaces opposite ramp does not comply with the minimum requirement.*
- e. *A vehicle turning area must be provided at the end of the blind aisle (around the area between the fire stair/ lift and plant room). The layout does not allow safe turning of vehicle.*
- f. *The swept path diagrams should show the whole area of the basement (not a portion only) and include the path of the vehicle in opposite direction.*
- g. *The parking area for childcare use must be separated and secured with controlled access restricted for use by the parents/visitors of childcare centre only. In addition, the residential parking area must also be secured with the controlled access gate. No such provisions are noted on the plan.*
- h. *The parking area for the childcare use must comply with class 3A category for parking space and the aisle width. The aisle width of 6.6m side requires for 2.6m wide parking space or 6.2m wide aisle for 2.7m wide parking space. The proposed aisle width/ parking space combination does not comply. The parking area must be designated and be shown on the plan of basement car parking area.*
- i. *The parking space in tandem is not supported. Each parking space must be able to be accessed independently.*

[Response to this part refers to Traffic Assessment Letter, and an updated traffic report is provided](#)

19. Deep Soil

Concern was raised in respect to Landscape Plan and deep soil planting area. It is insinuated in the plans that the proposed garden beds around the communal open spaces on the upper levels and the landscape strips around the outdoor play area on the ground floor level will be 'deep soil gardens' but does specify this as is the case on the subsequent pages. In this regard, additional information regarding the soil depth and confirmation from the applicant is required to be submitted to confirm if these areas will indeed be deep soil gardens with any future development application.

[Landscape plan is updated.](#)

20. Waste Management Plan

The Waste Management Plan (WMP) submitted has not made any provisions for the ongoing operational phase of the development. The WMP should outline how and who should be responsible for both commercial and domestic waste and recycling streams on site.

[There is an OWMP provided in this application, however, it will be attached along with this RFI](#)

21. On Going Waste Collection

Whilst the WMP does identify the storage collection point for construction and demolition wastes not such information is available for the domestic ongoing waste, bulky and recycling waste streams. Having considered the nature and scale of the proposed mixed use development comprising co-living development, waste collection and loading area shall be provided within the site. Waste truck and delivery truck shall enter and leave the site in a forward direction. In this regard detail swept path analysis shall be provided. Waste truck swept path shall be designed for a medium rigid truck in accordance with Part G8 of the Cumberland DCP 2021.

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Street loading is proposed.

22. Design of Waste Rooms

The Waste Management Plan (WMP) submitted has not made any provisions for the ongoing operational phase of the development. The WMP should outline how and who should be responsible for both commercial and domestic waste and recycling streams on site.

Door width is update, in OWMP, the operation of the waste room is confirmed.

Should you require any further information please feel free to contact me on 0422656288.

Best Regards,

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