

19 June 2024

General Manager
Ku-ring-gai Council
818 Pacific Highway
Gordon NSW 2072

Attention: Luke Donovan

Council ref: eMOD0047/23 – Modification to Land and Environment Court Consent 391613 of 2018 (DA0197/18) – Response to Draft Conditions

Dear Luke,

We refer to the draft conditions of consent that have been circulated for review on 10 June 2024. We thank Council for the opportunity to review and provide comment on the conditions as proposed to be amended and added.

With regard to the draft conditions there are further revisions that are sought to conditions 114 and 155 as detailed below.

114. Green star rating - occupation certificate – Stage 02 (Modified – MOD0219/21, MOD0185/22, eMOD0047/23)

- a) *Prior to the issue of the relevant Occupation Certificate for Stage 02, an up to date green star credit schedule demonstrating sufficient credits to achieve a GBCA certified outcome of 4 (or greater) stars (or equivalent) for the “as built” component of the constructed development (under Green Star ~~Interiors–Design & As Built certification now superseded by Green Star Buildings v1.3 – Revision B Released:10/12/2021~~) is to be provided to the Certifier from the Project’s Sustainability Consultant . A supporting statement from a GBCA accredited project ESD consultant is to accompany the schedule stating that the contractor (and associated sub-contractors) has carried out the works in accordance with the green star standards required to achieve the Green Star ~~Interiors–Design & As Built certification now superseded by Green Star Buildings v1.3 – Revision B Released:10/12/2021~~.*
- b) ~~Prior to the issue of the relevant Occupation Certificate for Stage 02, the Owner is to provide to the Principal Certifier a notice from GBCA confirming documentation has been submitted for the final “As Built” component of the Certification.~~
- c) *Within 3 9 months of the relevant Occupation Certificate for Stage 02 being issued, the Owner is to submit to the Certifier, and a copy submitted to Council for its records, a copy of the GBCA green star – design & as built certificate now superseded by Green Star ~~Interiors Buildings v1.3 – Revision B Released:10/12/2021~~ confirming the achievement of a 4 (or greater) green star rating, or equivalent.*

Reason: *To ensure compliance with Part 23.2 Green Buildings of the Development Control Plan.*

Comment: The project team has discussed the staging and program of work to be done to satisfy this condition while allowing for an Occupation Certificate to be issued at the appropriate time. Green Star requires the finalisation of As Built documentation, including the close-out of commissioning for all systems. This can reasonably be expected to be completed within 3-4 months of an Occupation Certificate being granted. This process allows for all contractors to satisfactorily close out all outstanding items. The project must then be compiled and submitted to the GBCA. This process may take 1-2 months. The GBCA take 6 weeks for Round 1, the team need 1 month to finalise round 2. Round 2 takes 4 weeks with the GBCA. As such, the minimum period that can be committed to by the project team would be 9 months from issue of the relevant Occupation Certificate.

It has come to the attention of the project team that a similar change is required to condition 114(b) to allow for an Occupation Certificate to be issued for Stage 02 while allowing for the concurrent process of compiling the documentation to submit a complete set of documentation to the GBCA, which as outlined above may take 3-4 months.

We consider this aspect of the condition to be a superfluous step in the process, noting that it is only requiring confirmation that documentation has been submitted. We consider that condition 114(c) has adequately captured the required steps and associated timing to complete.

With regard to the rating tool referenced in the condition, our ESD consultant has advised that the Green Star Interiors v1.3 is the appropriate rating tool to be used for the Coles tenancy. Green Star Interiors has been created by the GBCA to rate the sustainable design and construction of building fitout works. As such, the condition is required to be modified to reflect this.

155. Limitation on signage illumination (Added – eMOD0047/23)

The illumination of the approved signage is to comply with the following:

- a) *Signage along Balfour Street and on the North Elevation must not be illuminated between the hours of 12:00am and 6:00am daily. For the purpose of this condition, sign 08 at the intersection of the Pacific Hwy and Balfour St is not considered to be located on Balfour Street.*
- b) *Signage along the Pacific Highway is not subject to any limitation with regard to the hours of illumination.*
- c) *All signage must not flash or have any moving components. Any wiring to the approved signage must be concealed within the fabric of the building or contained behind the sign and must not be visible on the façade of the building.*
- d) *All illuminated signage must comply with AS/NZS 4282:2019: Control of the obtrusive effects of outdoor lighting.*

Reason: *To protect the surrounding amenity.*

The consent as original granted and as previously modified included illuminated signage. This current modification application, while it proposes some change to the signage strategy, is not considered to be so significant that it would result in additional amenity impacts upon the surrounding area. The site is located along the Pacific Highway for which illuminated signage is not out of character with the immediate surrounds comprising principally commercial uses along a State Classified Road. It is acknowledged that the signage along Balfour Street adjoins a residential zone to the south and that it would be appropriate to align the hours of illumination to the approved hours of operation for the Coles supermarket.

We therefore seek the condition to be modified to have no restriction with regard to the hours of illumination for signage along the Pacific Hwy (including sign 08 at the intersection) and for the remaining signage to not be illuminated during the hours of 12am – 6am consistent with the approved hours of operation (see condition 148).

Should you have any questions regarding the information that has been submitted please do not hesitate to contact the undersigned.

Kind regards,



Nicholas Cavallo
Associate Director
Knight Frank Town Planning
M: +61 433 967 778