

**Strata Plan 19388**  
**2 Kochia Lane LINDFIELD NSW 2070**

The Department of Planning  
23 Bridge Street  
SYDNEY NSW 2000

27 July 2011

Dear Sir/Madam

**Re: Major Project MP08\_0244 – Mixed Use Commercial, Retail and Residential Development at 23-37 Lindfield Ave and 11 Havilah Ave Lindfield.**

As chairman of the Strata Body 19388 of 2 Kochia Lane Lindfield I, on behalf of the body corporate, would like to lodge a number of objections to the above mentioned development proposal.

**History of Dealings**

The Strata body has, for a number of years, been in correspondence and negotiation with, inter alia, Coogee Bay Village Pty Ltd (CBV) regarding the possible purchase of 2 Kochia Lane. At all times during these negotiations we have been willing sellers and have written to both Ku-ring-gai Council (6 February 2009) and the NSW Department of Planning (6 September 2009) in order to express this sentiment. Whilst an informal offer was received on 9 April 2008 from Mr Tony Papas from Emerald Realty Pty Ltd (on behalf on CBV), no formal offer was ever made to the strata body, or indeed any individual owner, by any potential purchaser. We note that there is a plan for a 'possible future extension' attached to their application however we have not, in any way, been informed or consulted about this proposal.

We would like the Department to acknowledge that the owners of 2 Kochia Lane remain open to the sale of the strata provided that the consideration offered is, at the very least, of market value.

**Objections**

At 6.6 of the Project Application, CBV acknowledges the Department's request that an assessment be made of the project's impact upon the adjoining sites and, in particular, 2 Kochia Lane. We contend that the assessment made was materially inadequate and failed to take into account the significant detrimental impact that the development would have on our premises. Similarly whilst it is acknowledged that the relevant planning instruments (2010 Ku-Ring-Gai Local Environment Plan 'LEP'; 2010 Ku-Ring-Gai Development Control Plan 'DCP'; 2010 Ku-Ring-Gai Contributions Plan 'KCP') are not binding on the minister, it is noted that CBV has purportedly taken them into consideration in their development proposal and it is our contention that a number of inconsistencies exist between both the overall objectives and particular specifications of the planning instruments and the proposed development.

### **1. Potential for future redevelopment as a separate block.**

Were the proposed development to be accepted in its current form, the ability of 2 Kochia Lane to be redeveloped in a manner consistent with the LEP and DCP would be hampered if 2 Kochia Lane was left as a stand alone block.

The Ku-Ring-Gai DCP lay down a vision for the way in which Lindfield was to be developed in the coming years. Critical to the overall plan was the 'Lindfield Town Centre' which was to transform the current Kochia Lane Council Car Park into a town square with, 'leisure based retail uses adjoining (it) such as cafes and restaurants to provide a major community focus.' Currently there is a single café on the eastern side of the Pacific Highway (Tablespoon) which lies on the fringe of the proposed square. Given that the Tryon Rd side of the square has already been recently developed into residential apartments and the Lindfield Ave side of the square has heritage restrictions hampering any potential redevelopment, the sole remaining side for development lies on Kochia Lane which is currently occupied by our premises.

Were, as is the current situation, 2 Kochia Lane to remain cut out of any development proposal, it is our belief that the economic viability of a redevelopment of the site as a stand-alone entity would be diminished. This is due to the fact that any potential developer would be unable to take advantage of any economies of scale that would have taken place if 2 Kochia Lane were subsumed into a larger project and that any project proposed would be hampered by the constraints of the LEP and DCP which the current proposed development is not.

The net result of these issues, if not resolved favourably, would be such that any future development of 2 Kochia Lane would be made less likely by the proposed development. This would, in turn, significantly impair the vision of a Lindfield Town Centre, as outlined in the LEP and DCP, consisting of an open community space bordered by restaurants and cafes. Furthermore, as evidenced by CBV's photomontages, the aesthetics of the proposed

square would be severely compromised by 2 Kochia Lane (a particularly unattractive and old building) dominating one side of the square. Indeed the design of the proposed development would see a singular blank wall rising 3-4 storeys above 2 Kochia Lane further detracting from any aesthetic appeal. The overall affect of which is the lessening of the value of the surrounding buildings and a significant detraction from the overall 'feel' of the town centre.

## **2. Width of adjoining Roads**

The Ku-Ring-Gai DCP outlines the importance of the widening of Kochia Lane to the proposed town plan in order to provide for adequate traffic flow and the safety of pedestrians through a part of the suburb which is particularly congested. Whilst the proposed development takes into account the three metre setback as outlined in the DCP, 2 Kochia lane does not. The net result will be such that the majority of Kochia Lane will remain narrow with 2 Kochia Lane butting out looking both aesthetically very odd and hampering the through flow of traffic.

Indeed the effect of the narrow width of Kochia lane will be exaggerated owing to the location of the car park of the development on the eastern side of the building ensuring that all traffic to and from the car park will have to travel on Kochia Lane. Critically, however, 150 new car spaces are being created and, with the re-developed retail land use, it can be assumed that more people will utilise the new facilities inevitably travelling there in their cars. As well as this, with the significant increase in the size of the Supermarket, it can also be assumed that the semi-trailer use of Kochia and Havilah lane will likewise increase in order to service the shops.

The end result of such will see a sizable increase in traffic flow on Kochia lane without any increase to its width (as called for in the DCP). Already the precinct is heavily patronised by a large elderly population and families with young children. Inadequate facilities coupled with a drastic increase in traffic will greatly increase the risk of a serious pedestrian accident occurring in the area. We would thus request that alterations are made to the proposed development in order to take this significant risk into account.

## **3. Impact of construction on 2 Kochia Lane**

It is noted that the proposed development includes substantial excavation of the site adjacent to 2 Kochia Lane. In particular the excavation of the basement car parks to a considerable depth directly adjacent to our building potentially jeopardises the structural integrity of 2 Kochia Lane. Whilst it is acknowledged that, for the development to be viable, a basement car park will be necessary, we object to the plans that would see significant excavation so close to our property.

## **Assurances**

If the development is, however, allowed in its proposed form we would request written assurances from both the NSW Government and Ku-Ring-Gai Council so that our site is not devalued any further.

Firstly we would require an assurance that any future redevelopment of 2 Kochia Lane would not have to comply with the three meter set-back stipulated in the DCP. Currently the building of 2 Kochia Lane occupies a block of land measuring 14.63m x 33.4m. If the requirement of the set-back were to be enforced, the dimensions of the block for any future developer would be decreased to a size of 12.63m x 33.4m, a reduction in total floor space of 13.6%. Such a reduction in size greatly exaggerates the narrowness of the block and would hamper the economic viability of any potential redevelopment (as stipulated in the various planning instruments).

Similarly we would require assurances from both the state and the council that our site would be allowed to be developed to a comparable height of the proposed development (ie 7 storeys). We would also request assurances that the council would not require any development to include sufficient on-site parking for its tenants and that the council would provide adequate on-street, registered parking in order to cater for their needs. Were these requests unable to be met, the narrowness of the parcel of land and the positioning of the adjoining development would be such that it would be prohibitive to any future development being economically viable.

### **Conclusion**

For the above mentioned reasons, it is the belief of the strata owners that the proposed development, were it to be approved in its current form, would present an example to the community of incredibly poor town planning. It would severely impact upon the vision of both the State Government (who approved the LEP) and Ku-Ring-Gai Council to create a community precinct in Lindfield and, in the long run, would negatively impact upon the eventual purchasers and patrons of the development.

I would therefore ask the Department to seriously consider the issues raised herein and invite them to contact me at any time in order to discuss them further.

Yours Sincerely

Christopher Coote

Signed, as per Annex 1, by all Owners of Strata Plan No. 19388

## Annex 1

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Ms D Blackman

Owner Lot(s) 1, 11 – (29.8% of Strata Title)

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Mr P Hulak

Owner Lot(s) 2 – (9% of Strata Title)

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Mr R & V Cragg

Owner Lot(s) 3, 4 – (14.3% of Strata Title)

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Landsborough Investments Pty Ltd (Mr D Leafe)

Owner Lot(s) 5 – (9.4% of Strata Title)

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Songberg & Bullivant Pty Ltd (Mr B Songberg)

Owner Lot(s) 7 – (9.1% of Strata Title)

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Mr C Coote

Owner Lot(s) 8, 10 – (11% of Strata Title)

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Mr R & E Ashton  
Owner Lot(s) 9 – (17.4% of Strata Title)