

My name is Simon Richmond (nee Lymberatos), and I am resident of 140 Maroubra Rd, Maroubra, also known at the complex as the “Botanica” Building.

I have lived at 140 Maroubra Rd for the last 4 years and have also lived within the suburb of Maroubra for the last 15 years and believe I know and understand the LGA and locals very well.

I am writing to **formally lodge my objection** to the State Significant Development (SSD) application for 138 Maroubra Road, Maroubra, submitted by Lindsay Bennelong Developments.

As a resident within 140 Maroubra Road, my apartment faces directly west and will adjoin the proposed development. I will essentially have my view, removed and face a giant wall of darkness if this proposed development proceeds as planned.

Furthermore, I am extremely concerned not only about the project’s unacceptable scale and impact, but also the questionable process by which this development and the actions of the developer, and their employed contractors, have approached community consultation and the approach to this development.

It is clearly apparent that the developer’s approach in instruction for this development proposal, is to push the absolute limits of what is legislated and acceptable in planning and “settle” for what is left. This is not considerate of the area, LGA, needs of the community or in keeping with the suburb dynamics. Given the sheer developments that are happening within 1km of 138 Maroubra Rd, in the Eastgardens area next door to Westfield Eastgardens, I see no valuable reason for the type or scale or development at 138 Maroubra Rd.

I would also like to add that I find it unrealistic that any proposal for “affordable” housing could be included in a project such as this. Whilst I am privileged to live in Maroubra, and I worked extremely hard to save-up and make sacrifices to live in this beautiful suburb, I nor my household income represents affordability for a “first-home” buyer or even buyers on minimum wages. I am under no reservations that a suburb 2kms from the beach is “affordable” in Sydney.

Please find below, my detailed reasons for Objection:

1. Excessive Height and Density

The proposed 10-storey building grossly exceeds local planning expectations for the area. The scale and bulk are inappropriate for the location and appear designed to maximise yield rather than reflect the character or needs of the community.

2. Loss of Privacy and Overshadowing

The close proximity of this large structure to existing residences, particularly the Botanica Building, will result in severe loss of privacy and overshadowing, significantly affecting the amenity and liveability of dozens of homes.

3. Traffic and Parking Impacts

Maroubra already suffers from congestion and limited parking infrastructure. This development will only exacerbate these issues without any corresponding upgrades or mitigation strategies.

4. Tokenistic Approach to Affordable Housing

While the development seeks to justify its increased scale by including 15% infill affordable housing, there is no clarity around the integration, quality, or long-term management of these

dwelling. Such gestures often serve as a lever to secure bonus floors, rather than a genuine contribution to housing equity.

5. Selective and Inadequate Community Consultation

The early consultation process was deeply flawed. All Botanica residents (arguably the most directly impacted by this development) were not notified of the proposal during the community consultation period. This selective distribution of information via flyer to other, less impacted addresses appeared strategic, aimed at minimising dissent rather than inviting genuine community feedback. Most recently, we have only been given 2 weeks opportunity to make a submission on this SSD via the planning portal when the NSW Government's own guidelines state that the exhibition period should be 4 weeks (see Section 6.1 of the State Significant Development Guidelines).

IPC Referral Triggers

As per the NSW Planning System SEPP (Schedule 1, Clause 26), I respectfully draw your attention to the relevant thresholds for automatic referral to the Independent Planning Commission (IPC), namely:

- Where the local council has objected,
- Where 50 or more public objections are received (with petitions and similar submissions counted as one), or
- Where the applicant has made a reportable political donation.

In this context, I urge the Department to consider that Lindsay Bennelong Developments has previously been found guilty of breaching political donation laws: *De Celis (Election Funding Authority) v Lindsay Bennelong Developments* [2012] NSWSC 917 <https://www.caselaw.nsw.gov.au/decision/54a638593004de94513d9dd5>

Given this precedent, and ongoing transparency issues and incongruence with the public exhibition period timeframe with the SSD Guidelines the community has reason to be concerned about transparency and due process.

This proposal has already been rejected by the Sydney Eastern City Planning Panel and their appeal dismissed by the Land and Environment Court (<file:///Users/louise/Downloads/Court%20Judgment%207%20November%202024.pdf>). Despite minor modifications, the substance of the application remains out of scale and out of touch with community expectations.

The Department must not permit the SSD framework to be used as a back door to push through previously rejected developments.

I understand the need for the NSW and Federal Government's to support approval for housing given our future population growth, as a future father, I want my child to be able to have housing that suits their needs. However, this proposal reflects none of the housing types I would purchase for myself, let alone permit my future child to consider.

I would urge this proposal be reviewed and scrutinised with every possible lens to ensure that this development is reasonable for the community and reflects the needs of the community which exists in this area.

Kind Regards,

Simon Richmond