

OBJECTION TO DEVELOPMENT APPLICATION

Application Ref: Mixed Use Development (In-fill Affordable Housing) – 138 Maroubra Road (SSD-81426710)

To the Assessment Officer,

This is a formal submission strongly objecting to the revised design and amended proposal put forward for 138 Maroubra Road. As an owner and resident on the immediate eastern boundary line (Unit 304, 140 Maroubra Road), I contend that the updated plans completely bypass the fundamental planning failures identified when the Land and Environment Court rejected the site's previous appeal on November 7, 2024 (Maroubra Property Development Pty Limited v Randwick City Council [2024] NSWLEC 1716).

The applicant has used affordable housing provisions disproportionately, treating them as a mechanism to justify an overdeveloped 10-storey building bulk. This approach severely impacts neighboring visual amenities and infrastructure, reintroducing the unmitigated density issues previously dismissed by both Council and the Planning Panel. I request that the Department refuse consent based on the following structural grounds:

Ground 1: Visual Encroachment and High Wall Impact

The developer's Submissions Report argues that eliminating western and southern horizon views from Level 3 upwards is acceptable because town center views are always subject to change. This argument fails to respect the principles of balanced view sharing upheld by the Land and Environment Court.

By maintaining a rigid 32.5-meter height limit right up against our shared boundary without stepping back upper levels, the proposal creates a monolithic 10-storey concrete wall just meters away from our windows. This creates significant visual claustrophobia and completely disregards alternative, lower-impact architectural options.

Ground 2: Failure to Achieve Orderly Development Through Amalgamation

The Land and Environment Court previously noted that the site's constrained, narrow shape makes it unsuitable for maximizing height and floor space without consolidating neighboring lots. The developer failed to secure or integrate adjacent sites, such as the Maroubra Police Station land.

Rather than scaling down the architecture to fit the restricted plot, the applicant has simply

expanded vertically to 10 storeys. This completely goes against the Court's expectations for orderly land use, placing an excessive physical mass directly along our boundary line.

Ground 3: Exploitation of Building Envelopes for Maximum Commercial Yield

The Court rejected the previous proposal because its scale and excessive building depth were unsuited to local neighborhood character. Instead of modifying the design to address this, the current SSD application relies on statutory affordable housing bonuses solely as a tool to gain extra floors.

This approach uses planning incentives as a numbers game to bypass local planning controls, without resolving the core overdevelopment concerns highlighted by the Court. The inclusion of affordable housing units should not justify permanent planning failures that compromise adjoining properties.

Ground 4: Severely Worsened Overshadowing and Loss of Sunlight

While the applicant claims technical compliance with generic Apartment Design Guide (ADG) guidelines, the shadow studies ignore the specific microclimate of the Botanica building. Building a deep, vertical 10-storey structure directly to our west completely blocks out crucial afternoon sunlight.

Our natural daylight will be cut short every afternoon, directly impacting our family's health and living standards. The developer's claim that a fast-moving shadow from a taller building is preferable is an attempt to protect commercial square footage at the direct expense of the neighbors' environmental quality.

Ground 5: LANEWAY CONGESTION AND VEHICULAR TRAFFIC IMPACTS

To avoid access issues on Maroubra Road, the revised proposal redirects 100% of residential, visitor, service, and loading vehicles to the rear via Piccadilly Place. This design shift completely ignores the severe physical bottlenecks and easement constraints highlighted in the 2024 Land and Environment Court appeal.

Piccadilly Place and the Bruce Bennetts Place roundabout are already heavily congested by Pacific Square's commercial loading bays and retail traffic. Funneling all development traffic into this single lane will lock up local vehicle movements, create low-frequency noise from idling delivery vehicles directly beneath our residences, and undermine safety for the high volume of elderly pedestrians using this precinct.

Summary Conclusion:

The amended plans fail to address the physical realities of the site allotment. The modifications merely transfer dangerous traffic flow into a narrow rear lane while using planning bonuses to bypass council height regulations. I ask that the Department uphold the consistent decisions of Randwick Council, the Planning Panel, and the Land and Environment Court by rejecting this overdevelopment.

Sincerely,

A Resident of 140 Maroubra Road, Maroubra