

SPECIFIC MAJOR ISSUES FOR OUR HOME AT 3/1 RIGBY AVENUE

ISSUE	Ref	Details
<p>North boundary overshadowing and amenity</p>		<p>This development will block out direct sunlight to the ONLY private open space on our property for 4 months of the year (one third of the year). This means:</p> <p>Significant loss of amenity in secluded private open space and in our home</p> <p>We'll be unable to grow vegetables and herbs Our entire courtyard full of plants will likely die as they all require direct sun year round Reduction in our wellbeing – we would have no sunlight in our courtyard and would be forced to go to the park to get sunshine 4 months of the year Our paving would be more likely to develop moss as there would be no sunlight to dry it out after the rain</p> <p>OUR SECLUDED PRIVATE OPEN SPACE WILL NO LONGER BE SECLUDED PRIVATE OPEN SPACE</p>
<p>Amenity Private open space – loss of privacy</p>		<p>The private open space of 3/1 Rigby will adjoin an unrestricted walkway to 4 properties. Currently it adjoins a neighbouring backyard.</p> <p>Impact will be drastic reduction in security and visual privacy, and increased noise intrusion:</p> <p>If we increase fence height to remedy the security and visual privacy – shadows would significantly increase to our private open space, with further reduction in sunlight and daylight, as well a 'boxed in feel' that has been discouraged in the GE Quality Design Guidelines.</p> <p>If there is any elevation to the porch and doorstep of Units 3, 4 and 5 (not specified in the plans) – our private open space would be totally exposed.</p> <p>THE ONLY SOLUTIONS IN OUR CONTROL WOULD SIGNIFICANTLY FURTHER REDUCE OUR SUNLIGHT WITH INCREASED HEIGHT FENCING.</p>
<p>Amenity No sunlight and sky views from our entire home</p>		<p>We only have 2 windows in our entire home that receive direct sunlight and daylight and where we can see the sky or have some view of the outside. This development would totally steal those views. All our upstairs windows are obscured, due to a previous planning permit. It will be like living in a prison.</p> <p>IF THIS DEVELOPMENT PROCEEDS, WE WILL HAVE NO ACCESS TO DIRECT SUNLIGHT AND DAYLIGHT FOR MUCH OF THE YEAR AND NO VIEWS OF THE SKY FROM INSIDE OUR HOME.</p> <p>THIS DRASTICALLY REDUCES AMENITY TO OUR HOME.</p>

Energy efficiency impact		Reduction in sun and daylight would increase our reliance on lighting in our living spaces during daylight hours, especially during the winter months. It will increase reliance on heating, as our courtyard forms a warm spot as it traps the sunshine over winter months and helps to keep us warm. IF THIS DEVELOPMENT PROCEEDS, OUR ENERGY COSTS WILL SIGNIFICANTLY INCREASE
Visual Bulk and massing		The double storey development will provide excessive visual bulk and mass from our NORTH FACING living spaces . The only thing visible from our living spaces will be this large and dominating building. At least if it was single storey AND situated further away from the boundary, we would have some glimpses of the sky. IF THIS DEVELOPMENT PROCEEDS, OUR NORTH FACING LIVING SPACES WILL BE TOTALLY DOMINATED BY A DOUBLE STOREY SERIES OF TOWNHOUSES
Visual bulk 2		The design of the townhouses gives no real option to soften the building as the basement extends 1m closer to the boundary than the building, therefore it is not possible to plant tall screening plants close to the proposed buildings. Screening plants along our fence line are not an option as they would further reduce our sunlight and daylight and give that 'boxed in' feeling the GE Quality guidelines discourage.
Visual bulk 3		Raised entry porches and excessively dark and tall design of the porches on our north facing boundary is unnecessary . Home owners would rarely see them, yet that would be the dominating view from our private open space and only 2 north facing windows.
Dark roofing		Dark pitched roofing (and eaves) only adds unnecessarily to the visually dark and dominating design
Rear single storey	GE PS	<i>Two storey or multiple storey dwellings It is policy to:</i> <u><i>Discourage the siting of two storey or multiple storey dwellings at the rear of sites.</i></u> <i>Ensure that changes in heights in buildings from adjoining properties are graduated both across the site and along the length of the site.</i> <i>Ensure that the siting and design of two storey or multiple storey dwellings is respectful of adjoining buildings and neighbouring secluded open space.</i> What entails the "rear of a site"? The back half or the back 20%? The back 20% provides few benefits when considering the scale of developments like this, especially when the massing of the double storey development is not respectful of adjoining properties, building and neighbouring secluded open space
North boundary overshadowing 2		No detail of eaves have been provided in the plans – if these were actually included, they could extend the shadows further than is identified by the plans.

GENERAL CONCERNS FOR THE STREET AND LOCAL AREA

Streetscape basement entrance PRECEDENTS	GE PS 52.06 VCAT Decision	Basement parking <i>inappropriate design response</i> in streetscape NRZ1 in Glen Eira, and specifically in local area. VCAT decision for 264-266 Grange Rd Ormond found basement parking to be an inappropriate design response for NRZ1 at the nearby intersection of Grange and Leila Rd. Recommendations in GE Quality Design Guidelines: Car parking within buildings (including visible portions of partly submerged basements) must be screened or obscured where possible.
Parking and Traffic		Cumulative impact of high density, waived parking requirements at Leila/Koornang cnr. Rigby Ave is a small narrow street, that has a bend half way. Local traffic is already extremely congested in this area. It is bounded by Leila Rd, which is the route for 2 local bus lines and by Oakleigh Rd which has a busy childcare centre almost at the intersection with Rigby Ave. INADEQUATE PARKING & EXCESSIVE TRAFFIC FOR SUCH HIGH DENSITY HOUSING ON A TINY NARROW STREET
Minimal change zone		NRZ1 is minimal change zone – Carnegie Draft Structure Plans encourage 1-2 townhouses per block even close to activity centre.
Urban growth	GE PS 11.02-3	<i>Concentrate urban expansion into growth areas that are served by high capacity public transport.</i> The closest train station Ormond is 1.5 km and Carnegie 1.9km. Increasing ‘net gain’ on a property by 4 and increasing density of 500% should be in designated growth areas, not in NRZ1.
Housing density	Glen Eira PS 11.02-3	<i>Encourage average overall residential densities in the growth areas of a minimum of 15 dwellings per net developable hectare, and over time, seek an overall increase in residential densities to more than 20 dwellings per net developable hectare.</i> 1-10 Rigby Ave is approx 1 hectare and has 38 dwellings (not including 3 Rigby) – well above the target for density development in a growth zone , let alone NRZ1.

Glen Eira planning documents and recommendations:

The points below identify issues of **precedent**, details of current and draft Glen Eira planning documents and recommendations that are directly related to the issues at Rigby Ave, ignored by the proposed development.

Precedent		<p>This development will set a significant precedent in the NRZ1 of Glen Eira. It will open the floodgates to developers building multi-development sites all over our suburbs. Any intense development should be encouraged close to the 20 minute neighbourhoods and public transport hubs.</p> <p>Glen Eira is way ahead of other surrounding LGAs in acceleration of development and increased population. We already have exceptionally high population density, rapid development rates and very low open space provision. There needs to be a balance to ensure liveability, long term sustainability and the right legacy. According to Plan Melbourne increased housing density needs to be where jobs and transport are located in major activity centres.</p> <p>All of the GE planning documents (including the current Structure Plan and Design Guidelines) site the concerns from residents about the pace of development and the loss of neighbourhood amenity.</p> <p>Census 2016 shows that Glen Eira has the highest population density in our part of Melbourne – <u>39 persons per hectare</u>. We already have 38 dwellings (not persons) per hectare on properties 1-10, not including 3 Rigby. Given that there is an average of 2.3 person per household – we already have 87 persons housed in one hectare – more than double the Glen Eira average. If this development is approved it gives way to well over 100 persons per hectare – in a low density zone! That would equate to 3 times the Glen Eira average which is larger than average for all of Melbourne.</p> <p>And finally, if this development is allowed – it opens up the possibility that 6 more single dwellings on a block of land in Rigby could also apply for similar sized developments. Approval would facilitate 102 dwellings on 2 hectares of land. This is high density – not low to medium density.</p>
Housing affordability	GE PS 16.01-5	If this precedent is set, property prices in GE will escalate as all of the older family homes will be targeted by developers. Family homes will be unaffordable and the dream of home ownership will be outside people's reach.
Contradicting the Rescode		How is it possible to design a development that provides amenity for a new development while stealing it from existing properties? It seems ludicrous to have laws to ensure the amenity of new development that does not fully protect the amenity of existing home owners and previous planning decisions.

		<p>A decision to approve this development would make existing properties non-compliant with the very same rescode guidelines.</p> <ul style="list-style-type: none"> • Internal amenity • Adequate access to sunlight and daylight • Access to open private space • Energy efficiency
Residential amenity	GE PS 21.01-04	<p>Loss of garden and established tree canopy</p> <p>3 Rigby Ave has been moon-scaped. There is a cumulative impact of the established tree canopy to our amenity, health and wellbeing. Trees are not just a nice thing to have. Extensive scientific evidence proves the essential need for trees are for human physical and mental wellbeing. At a time of escalating mental health in our community, there needs to be significant awareness and attention to this.</p>
Minimal change policy	GE PS 22.08-2.1	<p><i>General objectives</i></p> <p><i>To protect the low density, vegetated character of minimal change areas.</i></p> <p><i>To promote predominantly single dwellings and two dwelling developments.</i></p> <p>This development obviously does not fit within this outline.</p> <p>In Rigby Ave, there are only 2 sets of double storey ‘down-sizer’ townhouses and 3 blocks of old ‘walk up’ flats. NONE of these developments overshadow the private open space of surrounding properties, like the ones proposed at 3 Rigby Ave.</p> <p>All other dwellings in the street are either single storey properties or small single storey units 2 -3 per block. A development of 5 large double storey townhouses is not consistent with these objectives.</p>
Minimal change policy	22.08-2.2	<p><i>To ensure that the design of new residential development is sensitive to and respectful of the scale of existing residential development on adjoining sites.</i></p> <p>Specific objectives Site coverage <i>To ensure that site coverage reflects the differences in character between housing diversity areas and minimal change areas.</i></p> <p><i>To ensure that ground space around dwellings is maintained.</i></p> <p>Side and rear setbacks <i>To provide separation between buildings, reflecting the differences in character between housing diversity areas and minimal change areas.</i></p> <p>Private open space <i>To enhance local character by designing private open space to reflect the character of housing diversity areas and minimal change areas.</i></p>

	<p>Two storey or multiple storey dwellings To minimise the effects of two storey or multiple storey dwellings on neighbourhood character and adjoining properties.</p> <p>Building bulk and scale To ensure that the building bulk and scale of residential development is respectful of neighbourhood character.</p> <p>ALL OF THESE PRINCIPLES HAVE BEEN IGNORED BY THE STELLER PROPOSAL AND HAVE BEEN ADDRESSED IN MY PREVIOUS COMMENTS ABOVE.</p>
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<p>Draft Carnegie Structural plan</p>	<p>Relevant messages include:</p> <ul style="list-style-type: none"> - over development that does not respect the area has been identified as a key concern by residents - Rigby Ave does not fall within the 10min walking zone of the key developmental area of Koornang road shopping strip which has been earmarked for development due to its proximity to public transport - Even within the development zone, residential development will be restricted to 1-2 dwellings per block - Given the location of Rigby Ave (and Newman St), we are 'far' from transport hubs and our neighbourhoods are much more conservatively zoned, therefore how can the development of more than 2 dwellings per block be justified given the council's strategic vision for the area?
<p>Glen Eira Quality Design Principles 9 Key Principles</p>	<p>The Steller proposal at Rigby completely ignores 6 of the key principles identified in the GE Quality Design Principles:</p> <p>Reducing opportunities for overlooking of neighbouring properties through building layout and design. AVOID Reliance on 1.7 metre high screening that closes in homes and adds bulk to the building.</p> <p>Reducing the visual presence of vehicle accessways, garages and parking on streetscapes. AVOID Dominating wide-open basement entries.</p> <p>Maximising the retention and planting of canopy trees and large areas of soft landscaping. AVOID Buildings and basements that reduce planting opportunities for wide canopy trees.</p> <p>Creating roof forms that reduce the apparent scale of taller buildings and provide a residential character.</p> <p>Reducing the environmental impact of new development.</p> <p>Maintaining large front and rear garden areas that provide continuous green streetscapes and continuity of rear yards with street blocks.</p>

<p>Minimal Change Features</p>	<p>The Steller proposal at Rigby completely ignores the key principles identified in the GE Quality Design Principles of the Minimal Change Zone:</p> <p>MINIMAL CHANGE — ONE OR TWO DWELLINGS ON A LOT DESCRIPTION: One or two detached or semi-detached dwellings built on a standard lot. OBJECTIVES: To provide low density housing options in a detached garden setting within established low-scale residential areas of minimal change. HEIGHT - One to two storeys (site-specific). KEY ATTRIBUTES > Detached dwellings or semi-detached townhousing with secluded private open space on the ground floor (minimum 40m2 secluded private open space and a total of 60m2 per dwelling). > Emphasis on protecting the low-scale, detached and landscaped character of local suburban streets. > Minimise the effects of double storey development on neighbourhood character and adjoining properties. > Preferred layout is side-by-side dwellings to maximise rear garden area, subject to optimal orientation to support sustainable design. > Designed in accordance with the Glen Eira Planning Scheme’s Minimal Change Area Policy. PREFERRED LOCATIONS > Existing low-scale residential areas, also identified as ‘Minimal Change Areas’ in the Glen Eira Planning Scheme.</p>
<p>Issues raised in the City of Glen Eira Analysis of housing consumption and opportunities 2017.id</p>	<p>Figure 56. Demolition and replacement assumption, NRZ lots of 1000 – 1500 in <u>Activity Centres</u></p> <ol style="list-style-type: none"> 1. Median Area sq m 1,250m² 2. Driveways/parking & setbacks 10% 3. Garden Area Requirement 35% 4. Developable Area (sq m) [1 x(2+3)] 688m 5. Average dwelling footprint (sq m) 170m 6. Total Dwellings 4.0 7. Net Dwelling Gain (including demolition) 3.0 <p>This report recommends Net Dwelling Gain of 3.0 for NRZ lots in Activity Centres. Rigby is not located in an activity centre, not located in proximity of transport hubs, therefore it would be expected for that figure to be even lower.</p>

RELEVANT VCAT RECENT DECISIONS RELEVANT TO 3 RIGBY AVENUE

<p>Mazor Enterprises Aust. Pty Ltd v Glen Eira CC [2008] VCAT 2475 (12 December 2008) 264-266 Grange Rd Ormond</p>	<p>Basement parking was found to be an inappropriate design response to local neighbourhood character. Development was reduced to 6 townhouses over a large corner site with no basement parking.</p> <p><i>“On the other hand, basement parking is not a feature of this neighbourhood. Indeed, nobody could point to any basement in the broader area. Ultimately, I have little concern about the visual aspect of access to the basement. Rather, my concerns relate to the intensive form of development that it facilitates in this case, including the lack of landscaping opportunities throughout the site.”</i></p> <p>June 2017 (see below) VCAT decision for Blamey St East Bentleigh, the basement parking entrance impact on the streetscape was a large factor in refusal of a permit for 2 townhouses.</p>
<p>Efremidis v Glen Eira CC [2017] VCAT 1767 (1 November 2017) 1 Plunkett Ave Carnegie</p> <p>In application P689/2017 the decision of the responsible authority is affirmed.</p> <p>In planning permit application GE/PP-29523/2016 no permit is granted.</p>	<p>Detailed relevant points:</p> <p>24 The Tribunal has consistently held that neighbourhood character is not just about the streetscape. In numerous decisions, the Tribunal has observed that the concept of neighbourhood character also includes such elements as the siting and scale of buildings, the space between them, the area’s landscape character, the way buildings integrate with open space areas and the nature and ‘feel’ of an area, including the experience in neighbouring rear yards^[6].</p> <p>39 Visual bulk is a planning term used to describe the impression of a new building in its surrounds. The reasonableness of visual bulk involves considering a range of factors including wall heights, setbacks, articulation, materials and finishes, and landscaping. Two storey development to the rear of sites should be sensitively designed to avoid unreasonable adverse amenity impacts on neighbours.</p> <p>43 While the upper walls of the proposed dwelling meet Standard B17 (Side and rear setbacks objective), the Tribunal has often found that compliance with Standard B17 does not in itself equate to an acceptable outcome in terms of visual bulk.^[7]</p> <p>44 Standard B17 also requires consideration of neighbourhood character and residential amenity. Notably the decision guideline to the provision requires me to consider “the impact on the amenity of the habitable room windows and secluded private open space of existing dwellings”.</p> <p>47 My inspection confirms that the rear spos of No.14 and No. 16 Leila Road are well used and valued spaces. They are relatively shallow in depth and provide for the recreation use of their residents. Both properties have either French doors or expansive windows that look directly towards the review site. While both rear yards are vegetated, views are available across to the review site, particularly from No. 14 Leila Road.</p> <p>48 I find that the proposal will have an unacceptable impact on the character and amenity of Nos. 14 and 16 Leila Road as a result of its visual impact. In combination with the character concerns, I find the building form and bulk will result in unreasonable loss of amenity to the existing north facing spos of these dwellings given their rear yard orientation and the form and the location of the proposed new dwelling close to this boundary.</p> <p>49 The design and layout of the proposal will have a large building mass and scale that extends along the length of the block; as such</p>

	<p><i>the building mass will be a highly visible and dominant element when viewed from the secluded private open spaces of Nos. 14 and 16 Leila Road.</i></p> <p><i>50 The upper level is sited so that it is opposite the primary area of secluded private open space of No. 16 Leila Road. It does not have a generous setback from the boundary with No. 16 Leila Road and proposes minimal articulation such as to provide a visual break between the upper level. The design response does not allow a sense of 'breathing space' around the upper level which will aid in softening the visual impact of the built form as viewed from neighbouring land.</i></p>
<p>Jamshidi v Glen Eira CC [2017] VCAT 960 (28 June 2017) Blamey St East Bentleigh</p> <p>In application P2536/2016 the decision of the responsible authority is affirmed.</p> <p>In planning permit application GE/PP-29663/2016 no permit is granted.</p>	<p>IS THE BASEMENT GARAGE AN ACCEPTABLE DESIGN RESPONSE TO THE CHARACTER OF THE STREETScape?</p> <p>In failing to appropriately respond to the character of the streetscape and neighbourhood, the proposed basement garage arrangement is inconsistent with the following policies and provisions of the planning scheme:</p> <p>Clause 15.01-5 (Cultural identity and neighbourhood character) which seeks “to recognise and protect cultural identity, neighbourhood character and sense of place”.</p> <p>Clause 22.08-2.2 (Preferred neighbourhood character) which seeks to “encourage development that is responsive to its site and its contexts, integrates with and enhances the prevailing neighbourhood character”.</p> <p>Clause 55.02-1 (Neighbourhood character objectives) which seek “to ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character”, and “to ensure that development responds to the features of the site and the surrounding area”.</p> <p>While the Responsible Authority submits that the design of the access ramp and car parking does not comply with the relevant design standards under Clause 52.06 of the planning scheme, I find that those aspects of the detailed design could reasonably be addressed through planning permit conditions. This matter does not influence my reasons for finding that the basement garage is an unacceptable design response.</p> <p>IS THE IMPACT ON SURROUNDING LAND ACCEPTABLE? <i>Visual impact</i></p> <p>The visual impact of the proposed building when viewed from the south is inconsistent with the Clause 22.08 Minimal Change Area Policy, which seeks to:</p> <ul style="list-style-type: none"> ○ Ensure that the siting and design of new residential development takes account of its interface with existing residential development on adjoining sites.^[11] ○ Ensure that the siting and design of two storey...dwellings is respectful of adjoining buildings and neighbouring secluded open space.^[12] ○ Ensure that overall building bulk is minimised by providing articulation, selecting appropriate roof forms, pitches and building materials.^[13]