

**VCAT REF: P1504/2022  
7-9 NICHOLSON COURT CLAYTON****STATEMENT OF CHANGES**

This statement has been prepared to comply with the requirements of the Victorian Civil and Administrative Tribunal's (VCAT) Practice Note PNPE9 – Amendment of Planning Permit Applications and Plans. It includes a response to the matters set out in Table 3 of PNPE9.

**1. List of Plans**

The plans that accompany the application can be described as those prepared by Pitard Group all marked Revision 4 and dated February 2023.

They include:

- Cover Sheet
- TP-01 - Existing Conditions
- TP-02 - Urban Context
- TP-03 - Design Response
- TP-03A - Design Response - Façade Perspective
- TP-03B - Design Response - North East Perspective
- TP-04 - Basement Plan
- TP-05 - Ground Floor Plan
- TP-06 - First Floor Plan
- TP-07 - Second Floor Plan
- TP-08 - Third Floor Plan
- TP-09 - Fourth Floor Plan
- TP-10 - Roof Plan
- TP-11 - East and South Elevations
- TP-12 - West and North Elevations
- TP-13 - TP-19 Shadow Diagrams
- TP-20 - Sections
- TP-21 - Sight Line Diagram

A full set of the above plans identified as Rev 04 - VCAT Amended Set dated Feb 2023 will be sought to be substituted at the VCAT hearing.

**2. Changes to Plans**

Changes to the plans can be described as:

**General:**

- The total number of dwellings has been reduced from 33 to 29, comprising 2 x one bedroom apartments, 20 x two bedroom apartment and 7 x three bedroom apartments;
- Site coverage has reduced from 944 sqm (67.7%) to 915sqm (65.21%);
- Permeability has been increased from 278sqm (19.94%) to 290sqm (20.66%);
- Apartment 401 has been deleted and replaced with communal open space on the roof top. There is now no accommodation on level 4;
- The overall building height has been reduced from 16.72m to 16.39m;
- The front façade, side and rear elevations have been amended to introduce a wider variety of materials, including red brick;

- The front façade has been amended to have a less symmetrical form and provide a stepping down in the front portion of the building from three storeys on the southern side of the pedestrian entry to two storeys north of the pedestrian entry;
- The front fence has been amended to a rendered brick pier and metal picket infill fence with a height of 1.7m.

**Basement:**

- The setback of the basement has been increased from:
  - 2.85m to 3.0m from the east boundary;
  - 1.55m to 2.55m from the west boundary; and
  - 0m to 1.0m from the south boundary.
- The basement 'cut out' in the north west corner has been increased in size (from 3.9m x 7.95m to 6.3m x 8.2m), whilst the 'cut out' in the south west corner has been decreased in size (from 2.9m x 6.5m to 1.85m x 7.45m);
- The basement ramp has been shifted north so that it is setback from the south boundary by 1.0m;
- The configuration of the basement has been modified to accommodate the additional setbacks and a relocation of the stair and lift core. There has been a reduction in car spaces from 37 to 36 (with the statutory car parking rate continuing to be met);

**Ground Floor:**

- Ground floor apartments have been reconfigured, the west facing one bedroom apartment (previously G05) has been deleted and the communal space in the south east corner has been replaced with a three bedroom apartment (the total number of apartments on the ground floor remains the same);
- The ground floor front setback is now 4.35m for both apartments G01 and G08 (previously 4m for apartment G01);
- The rear setback of the north west corner and south west corner bedrooms of apartments G04 and G05 respectively has been increased from 2.5m to 3.7m;
- The setback of apartments G01 and G04 from the north boundary has been increased from 1.5m to 2.0m;
- A 6.18m long x 2.28m wide x 1m deep raised planter has been added between apartments G02 and G03 to improve landscaping opportunities on the north elevation.
- The pedestrian entry has been realigned to provide more direct access to the building;
- The finished floor level of the ground floor (and subsequent levels above) has been lowered by 200mm;
- Decking areas at ground floor have been reduced to allow for more in ground landscaping opportunities;

**First Floor:**

- The first floor layout has been reconfigured with the number of apartments reduced from ten to nine;
- The separation between the balconies of apartments 102-103 and 107-108 has been increased to break up the north and south elevations and the setback of the master bedroom windows of each of those apartments has been increased to remove the 'saddleback' window arrangement;

**Second Floor:**

- The second floor has been reconfigured, however there remain eight apartments at this level;
- The balconies on the north side of apartment 201 and the south side of apartment 208 have been deleted;
- The separation between the balconies of apartments 202-203 and 206-207 has been increased to break up the north and south elevations and the setback of the master bedroom windows of each of those

apartments has been increased to remove the 'saddleback' window arrangement;

- The balconies on the west side of apartments 204 and 205 have been deleted with the minimum rear setback at this level 5.0m (previously 3.0m to the balconies);

#### **Third Floor**

- The third floor has been reconfigured with the number of apartments reduced from five to four;
- The extent of balcony at the third floor on the north and west elevations has been significantly reduced;
- The front setback of the third floor has been increased from 6.0m to 7.0m;
- The rear setback of the third floor has been increased from 7.5m to 8.3;

#### **Fourth Floor**

- Apartment 401 has been deleted and level 4 now comprises 110m<sup>2</sup> of external communal space on the rooftop together with a small lobby and an accessible toilet;

### **3. Written Statement**

The changes to the plans have been made to address matters raised in the Council delegate report and objections.

The deletion of apartment 401 and the reduction in height of the building ensures that the predominant building height of the level 3 parapet is generally consistent with the preferred height limit of the Residential Growth Zone, with only a discrete lift core and small lobby providing access to the roof top communal space above this height. These elements are substantially setback from the boundaries.

Amendments to the basement and ground floor envelopes provide more spacing around the building and greater landscaping opportunities to all boundaries, responding to garden city character objectives.

The changes to the façade respond to criticism of the buildings 'commercial' appearance by introducing red brick, a common building material in the neighbourhood. The front façade has been designed to step down from three to two storeys, providing an appropriate transition to the double storey dwellings to the north.

The northern elevation is now designed in a way that provides a more substantial and meaningful break in the built form adjacent to the secluded private open space of 5/3 Nicholson Court.

Increased setbacks to the western elevation are compliant with the varied rear setback standard in the Schedule 3 to the RGZ and provide a sensitive response to the western interface with improved landscaping opportunities.

The redesigned internal layouts of apartments provides a generally improved internal amenity.

The amended plans do not introduce any significant changes or aspects that were not considered by the responsible authority during the processing of the application. The amendments do not involve the consideration of additional planning controls or policies that were not previously considered by the responsible authority.

Overall, the proposed changes to the plans will improve the proposed development and produce a positive planning outcome for the site.