

**1.4 7-9 NICHOLSON COURT, CLAYTON
CONSTRUCTION OF A FIVE STOREY APARTMENT BUILDING WITHIN A SPECIAL
BUILDING OVERLAY
(TPA/53913)**

Responsible Director: Peter Panagakos

RECOMMENDATION

That Council note:

1. On 9 November 2022, the Director City Development, having first notified Councillors in writing on the 7 November 2022, authorised his delegate to issue a Notice of Decision to Refuse to Grant a Permit at 7-9 Nicholson Court, Clayton for the construction of a five storey apartment building within a Special Building Overlay.
2. The decision of the Director City Development was exercised under Council's Instrument of Delegation which states: *Any application where officers consider that a failure to determine an appeal to the Victorian Civil and Administrative Tribunal (VCAT) is likely and/or imminent may be refused by the Director City Development (or their delegates). The Director City Development will advise councillors when this is proposed*
3. The application was refused on the following grounds:
 1. The proposal is inconsistent with the objectives of Clause 21.04 Residential Development, Clause 22.01 Residential Development and Character Policy and Clause 58 of the Monash Planning Scheme regarding building height and scale, neighbourhood character, landscaping, private open space, front fencing and design detail.
 2. The proposal fails to provide for sufficient landscaping opportunities to allow the building to sit in an open garden setting in accordance with the Residential Growth Zone, Schedule 3, Clause 21.04 and 22.01 provisions of the Monash Planning Scheme.
 3. The proposal will result in unreasonable bulk impacts to adjoining properties to the north, west and south.
 4. The front fence and provision of site services do not allow for an open front garden to soften the presentation to the streetscape.
 5. The proposal will result in a poor level of internal amenity for future residents.
 6. The proposal does not provide for effective waste management to cater for the scale of the development.

7. The design fails to provide for adequate integrated water and storm water management strategies and does not satisfy the objectives of Clause 22.04 of the Monash Planning Scheme.
8. The proposal is not site responsive and an overdevelopment of the site.

INTRODUCTION

The purpose of this report is to advise Council that Planning Application TPA/53913, which proposes to construct a five storey apartment building at 7- 9 Nicholson Court Clayton, was refused under delegation on 9 November 2022.

BACKGROUND

The application would ordinarily be required to go to a Council meeting for a decision as the cost of development exceeds \$3.5 million (cost of development \$9 million). As such, the planning application was scheduled to be brought to the 29 November 2022 Council meeting.

The applicant was advised that Council officers were not supportive of the proposed development and that a report was being prepared for the November Council meeting with a recommendation for a refusal. Officers had provided the applicant many opportunities to address the concerns throughout the planning application process, however this has not been achieved.

The applicant indicated to the planning officer that as the 60 day statutory period had ended on 29 October 2022 and before the Council meeting, that they intended to lodge an application to VCAT for a Failure to Determine the application.

Understanding this, Councillors were notified on 7 November 2022 from the Director City Development that it was intended to refuse the application, to avoid the failure appeal and that we were making this decision under the following section of the instrument of delegation:

- *Any application where officers consider that a failure to determine an appeal to the Victorian Civil and Administrative Tribunal (VCAT) is likely and/or imminent may be refused by the Director City Development (or their delegates). The Director City Development will advise councillors when this is proposed.*

The notification flagged officers intention to utilise the delegation to refuse the application, given a failure appeal was imminent.

Subsequently, the application was refused on 9 November 2022.

Following the receipt of Council's refusal notice, the applicant has lodged an appeal against Councils Notice of Decision to Refuse to Grant a Planning Permit at the Victorian Civil and Administrative Tribunal (VCAT).

DISCUSSION

The application proposes the development of a five-storey apartment building for 32 dwellings and basement car park.

The Subject Site is located on the western side of Nicholson Court at the terminus of the road, approximately 100 metres west of Clayton Road, Clayton. Nicholson Court is small local road with a length of approximately 120 metres from Haughton Road which terminates with a cul – de sac, with the court bowl adjacent to the subject site. There are four allotments with a frontage along the eastern side and five allotments along the western side of the street. The site is presently surrounded by modest residential development, ranging in height from single to three storeys.

The subject land is located within the Clayton Major Activity Centre, in a location designated for residential growth.

Key issues considered by Council officers included:

- The proposed building height, scale and bulk is considered to be excessive and not site responsive within a court location.
- The proposal raises concerns with impact to adjoining properties and fails to provide adequate landscaping.
- The design of the proposal fails to achieve an acceptable urban design outcome.
- The proposal fails to comply with the Design Standards in Clause 58 resulting in poor internal amenity outcome and poor integration with the street.

The applicant has been unwilling to make any significant changes to the proposal in response to Council's concerns. It is also noted that the public notification of the proposal generated a total of four (4) objections.

The proposal is considered inconsistent with the relevant state, local and regional provisions of the Monash Planning Scheme and is not supported by Council officers.

CONCLUSION

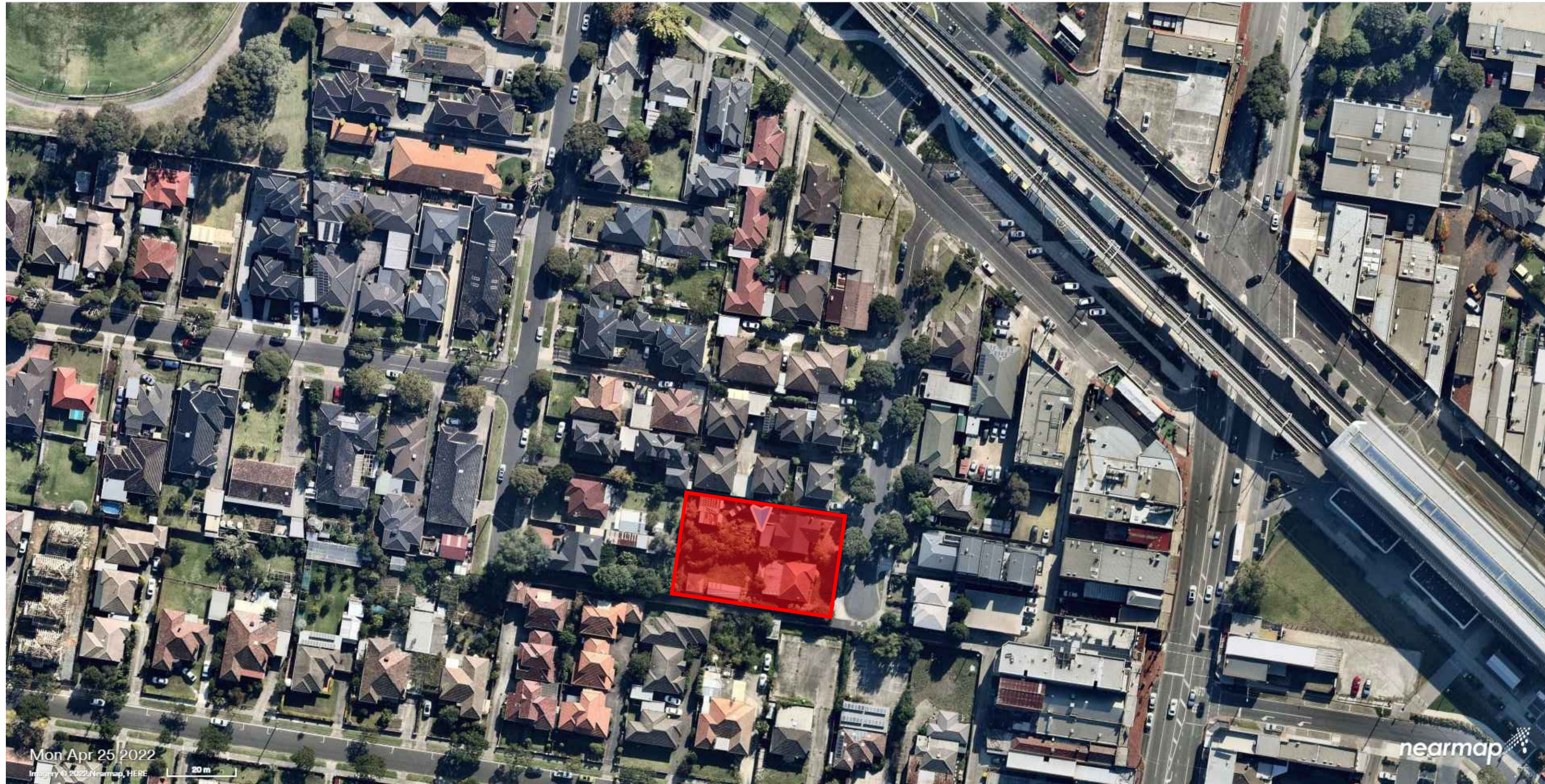
Planning application TPA/53913 was refused under delegation as officers had been made aware that a failure to determine an appeal to the Victorian Civil and Administrative Tribunal (VCAT) was likely and imminent. Utilising this part of the instrument of delegation allowed officers to make a decision and avoid a failure appeal.

LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans.

Attachment 2 – Notice of Decision to Refuse to Grant a Permit

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DRAWING SCHEDULE

TP01	EXISTING CONDITIONS
TP02	URBAN CONTEXT
TP03	DESIGN RESPONSE
TP03A	DESIGN RESPONSE - STREETScape - PERSPECTIVE
TP04	BASEMENT PLAN
TP05	GROUND FLOOR PLAN
TP06	1ST FLOOR PLAN
TP07	2ND FLOOR PLAN
TP08	3RD FLOOR PLAN
TP09	4TH FLOOR PLAN
TP10	ROOF PLAN
TP11	ELEVATIONS MATERIAL SCHEDULE
TP12	ELEVATIONS
TP13	SHADOW STUDY 9AM SEP
TP14	SHADOW STUDY 12PM SEP
TP15	SHADOW STUDY 3PM SEP
TP16	SHADOW STUDY 9AM JUNE
TP17	SHADOW STUDY 10AM JUNE
TP18	SHADOW STUDY 11AM JUNE
TP19	SHADOW STUDY 12PM JUNE
TP20	SHADOW STUDY 1PM JUNE
TP21	SHADOW STUDY 3PM JUNE
TP22	CROSS SECTIONS

7-9 NICHOLSON COURT CLAYTON

TOWNPLANNING RFI SUBMISSION JULY 2022



COURT

NICHOLSON

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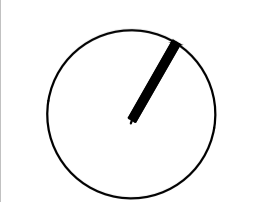
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107	Floor Level	x	630	Eave
108	Roof Level	x	632	Parapet
201	Single Tree > 2m	x	634	Ridge Line
203	Group of Trees / Shrubs	x	635	Spouting/Gutter
308	Side Entry Drainage Pit	x	712	Electricity Pole only
399	Grated Drainage Pit	x	713	Electricity Pole with Light
310	Junction Drainage Pit	x	716	Electricity Pit
408	Back of Kerb/Channel	x	739	Overhead Electricity Line
407	Invert of Kerb/Channel	x	721	Telecommunications Pit
432	Kerb Outlet	x	717	Gas Meter
410	Pedestrian Path	x	741	Sewerage Pit
503	Signs	x	754	Water Meter
601	House	x	903	Fence
602	Minor Building	x	950	Boundary
604	Verandah/Deck	x	950	Boundary
605	Window	x	950	Boundary
606	Door	x	950	Boundary
617	Wall	x	950	Boundary
618	Chimney	x	950	Boundary
628	Steps	x	628	Steps
630	Eave	x	630	Eave
632	Parapet	x	632	Parapet
634	Ridge Line	x	634	Ridge Line
635	Spouting/Gutter	x	635	Spouting/Gutter
712	Electricity Pole only	x	712	Electricity Pole only
713	Electricity Pole with Light	x	713	Electricity Pole with Light
716	Electricity Pit	x	716	Electricity Pit
717	Overhead Electricity Line	x	717	Overhead Electricity Line
721	Telecommunications Pit	x	721	Telecommunications Pit
739	Gas Meter	x	739	Gas Meter
741	Sewerage Pit	x	741	Sewerage Pit
754	Water Meter	x	754	Water Meter
903	Fence	x	903	Fence
950	Boundary	x	950	Boundary
950	Boundary	x	950	Boundary
950	Boundary	x	950	Boundary
950	Boundary	x	950	Boundary

Legend 1:1

PITARD GROUP

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2	JUL 22	RFI SUBMISSION



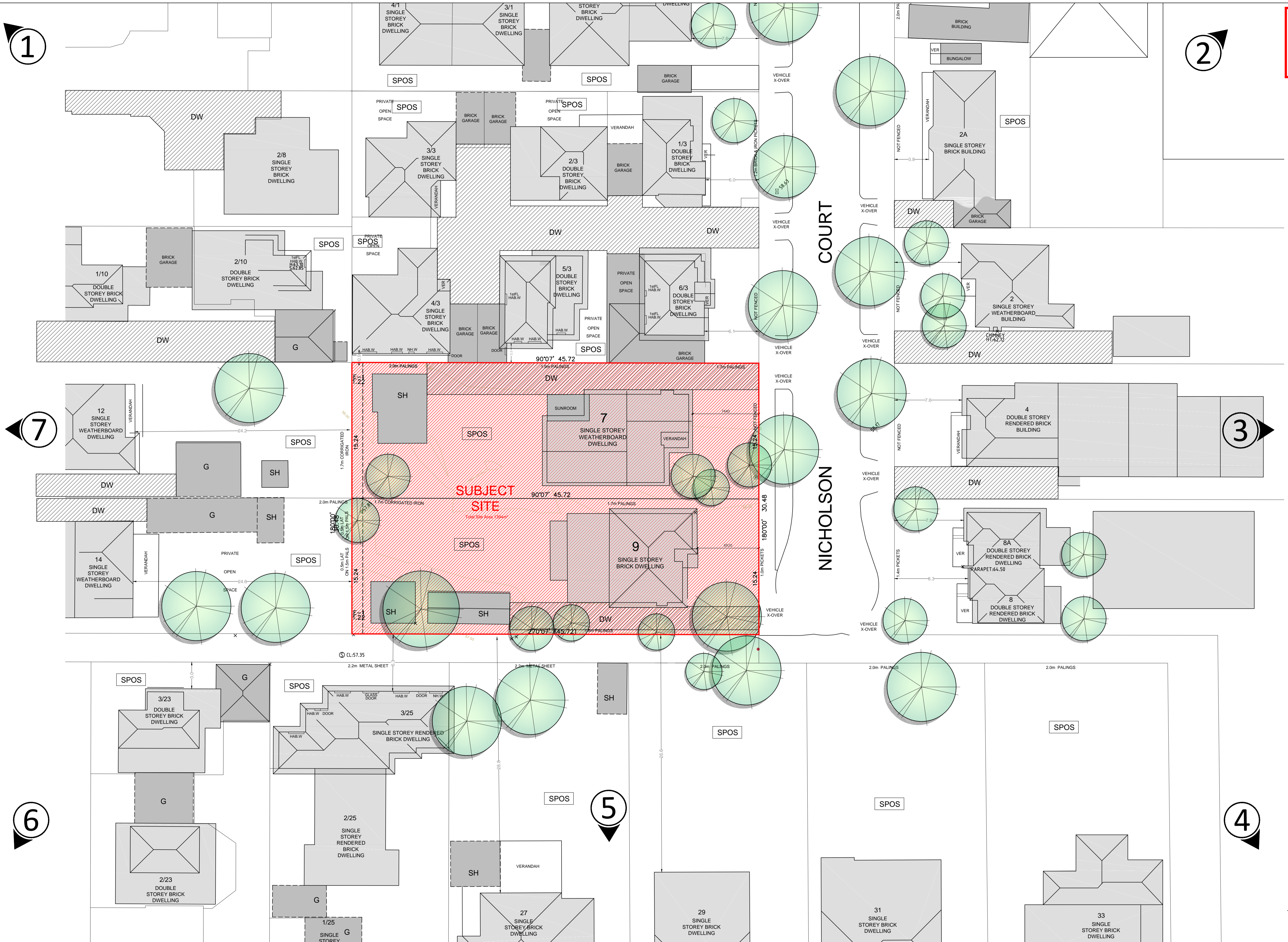
PROJECT:
7-9 Nicholson Cr Clayton
 ADDRESS:
7-9 Nicholson Cr Clayton

DRAWING:
Existing Conditions

JOB NO:
2203
 SCALES:
1 : 200

AUTHOR:
PP
 DATE:
21-07-22

DRAWING NO:
TP-01
 REV:
2
 A1 size sheet:



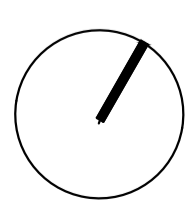
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1.8km HUNTINGDALE PRIMARY SCHOOL
2.0km HUNTINGDALE TRAIN STATION
5.0km CHADSTONE SHOPPING CENTER
- ② 1.4km CLAYTON NORTH PRIMARY SCHOOL
0.5km MONASH CHILDRENS HOSPITAL
1.8km WAYERLEY PRIVATE HOSPITAL
- ③ 0.5km CLAYTON TRAIN STATION
0.3km ST PETERS PRIMARY SCHOOL
2.3km SPRINGVALE HOMEMAKER CENTRE
2.4km MONASH TECH COLLEGE
- ④ 0.2km CLAYTON SHOPPING CENTRE
5km SANDOWN RACEWAY
10km DANDENONG HOSPITAL
- ⑤ 0.3km CLAYTON KINDERGARDEN
1.0km NAMAT JIRA PARK
2.0km CLARINDA SHOPPING VILLAGE
- ⑥ 4.2km VICROADS
3.5km KARKAROOK PARK
65M SOUTHLAND SHOPPING VILLAGE
- ⑦ 5km MCKINNON SECONDARY COLLEGE
6km SOUTHLAND SHOPPING VILLAGE
65M BENTLEIGH SECONDARY COLLEGE

LEGEND:

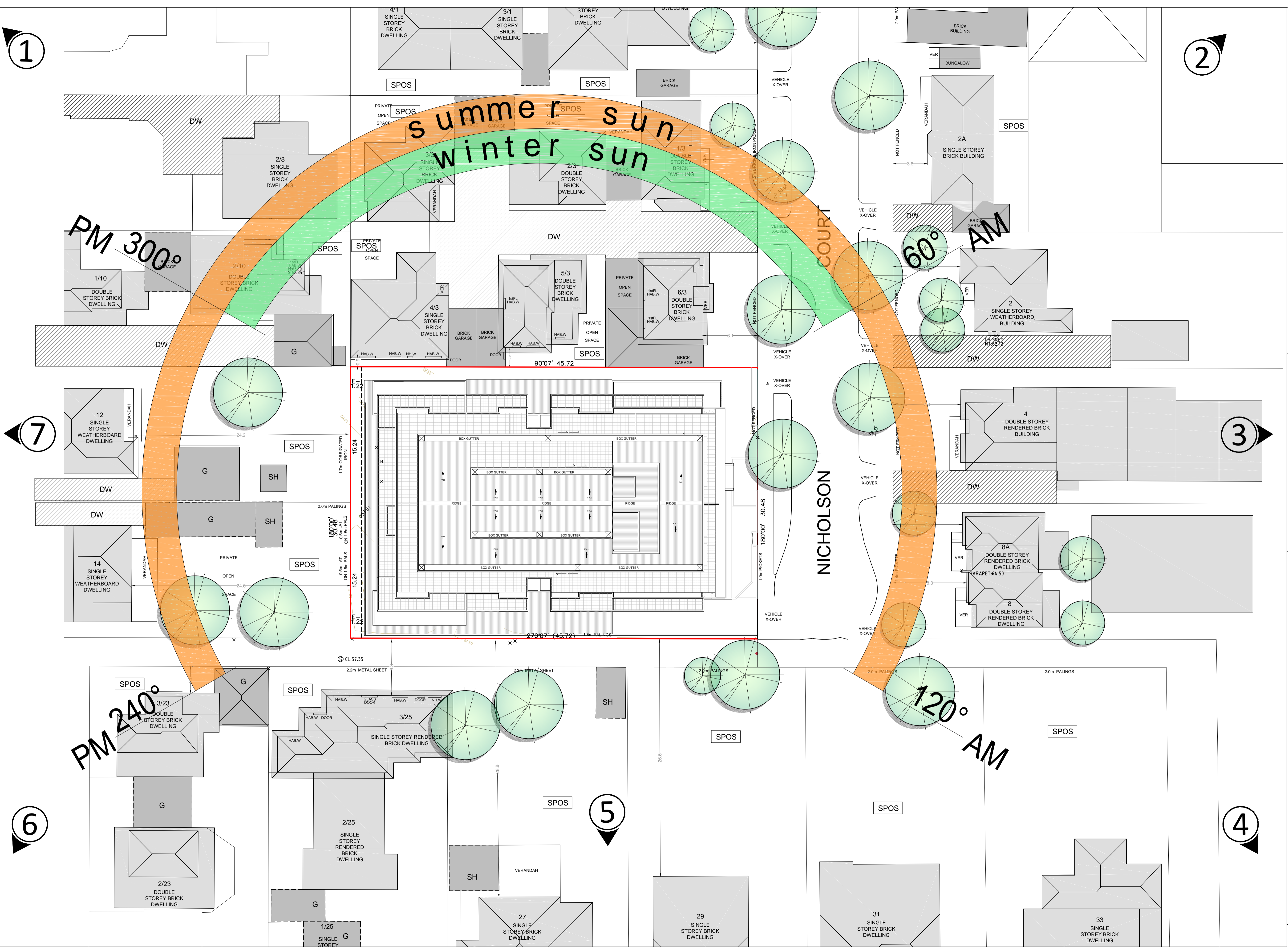
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	DRIVEWAY
	SINGLE STOREY BUILDING
	DOUBLE STOREY BUILDING
	TRIPLE STOREY BUILDING
	BRICK VENEER
	WEATHER BOARD
	TIMBER CLAD
	FIBRE BOARD CLAD
	GALVANISED IRON
	TILED ROOF
	PARAPET ROOF
	COMMERCIAL BUILDING
	SECLUDED PRIVATE OPEN SPACE
	HABITABLE ROOM WINDOW
	NON HABITABLE ROOM WINDOW
	CORRUGATED SHEET ROOF
	CROSS OVER
	VERANDAH
	SHED
	GARAGE
	CARPORT
	OUT BUILDING
	TIMBER PAILING FENCE
	TIMBER FENCE
	BRICK FENCE
	UNFENCED
	METAL FENCE
	LIGHT POLE
	ELECTRICITY POLE
	ELEC. POLE WITH LIGHT
	TRAFFIC LIGHT
	DRAINAGE PIT
	ELECTRICAL CABLE PIT
	TELSTRA PIT
	SEWER PIT

Legend
1:1

No.	DATE	AMENDMENT
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1.8km HUNTINGDALE PRIMARY SCHOOL
2.3km HUNTINGDALE TRAIN STATION
5.0km CHADSTONE SHOPPING CENTER
- ② 1.4km CLAYTON NORTH PRIMARY SCHOOL
0.5km MONASH CHILDRENS HOSPITAL
1.8km WAVERLEY PRIVATE HOSPITAL
- ③ 0.2km CLAYTON TRAIN STATION
0.3km ST PETERS PRIMARY SCHOOL
2.3km SPRINGVALE HOME MAKER CENTRE
2.4km MONASH TECH COLLEGE
- ④ 0.2km CLAYTON SHOPPING CENTRE
3km SANDOWN RACEWAY
10km DANERONG HOSPITAL
- ⑤ 0.3km CLAYTON KINDERGARDEN
1.1km NAMATJIRA PARK
2.0km CLARINDA SHOPPING VILLAGE
- ⑥ 4.2km VICROADS
3.5km KARKAROOK PARK
6KM SOUTHLAND SHOPPING VILLAGE
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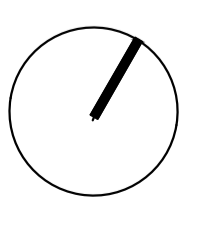
LEGEND:

	SUBJECT SITE
	DRIVEWAY
	SINGLE STOREY BUILDING
	DOUBLE STOREY BUILDING
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	BRICK VENEER
	WEATHER BOARD
	TIMBER CLAD
	FIBRE BOARD CLAD
	GALVANISED IRON
	TILED ROOF
	PARAPET ROOF
	COMMERCIAL BUILDING
	SECLUDED PRIVATE OPEN SPACE
	HABITABLE ROOM WINDOW
	NON HABITABLE ROOM WINDOW
	CORRUGATED SHEET ROOF
	CROSS OVER
	VERANDAH
	SHED
	GARAGE
	CARPORT
	OUT BUILDING
	TIMBER PAILING FENCE
	TIMBER FENCE
	BRICK FENCE
	UNFENCED
	METAL FENCE
	LIGHT POLE
	ELECTRICITY POLE
	ELEC. POLE WITH LIGHT
	TRAFFIC LIGHT
	DRAINAGE PIT
	ELECTRICAL CABLE PIT
	TELSTRA PIT
	SEWER PIT

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No.	DATE	AMENDMENT	No.	DATE	AMENDMENT
1	APR 22	APPLICATION SUBMISSION			
2	JUL 22	RFI SUBMISSION			



PROJECT:
7-9 Nicholson Cr Clayton

ADDRESS:
7-9 Nicholson Cr Clayton

DRAWING:
Design Response

JOB NO:
2203

SCALES:
1 : 200

AUTHOR:
PP

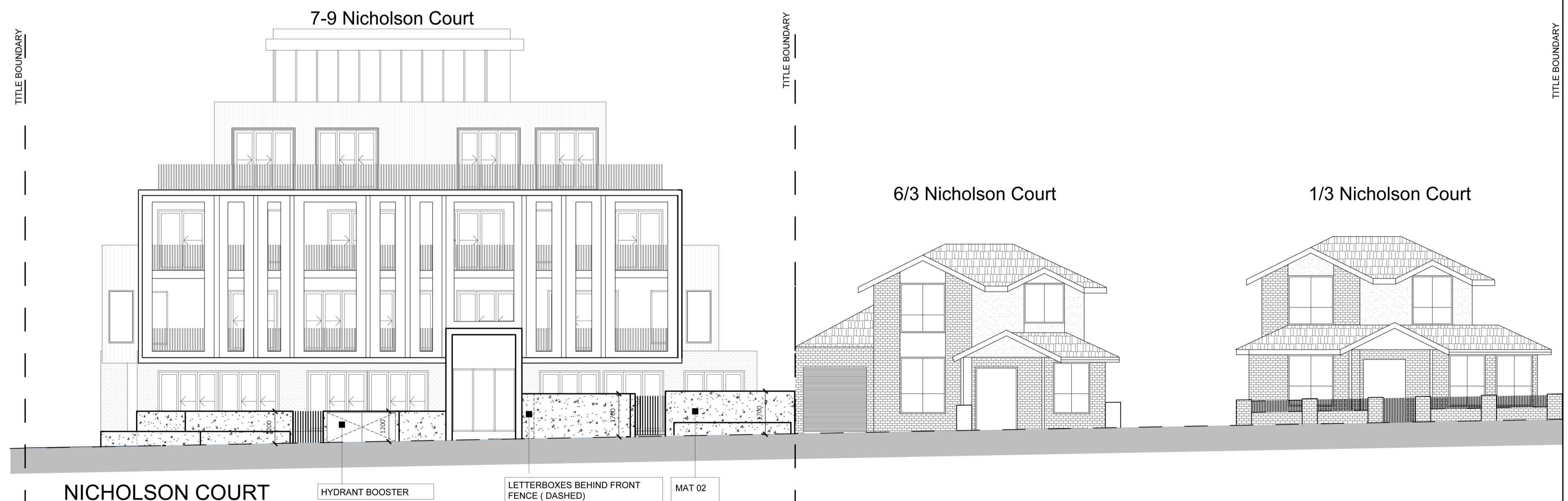
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21-07-22

DRAWING NO:
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REV:
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NICHOLSON COURT

HYDRANT BOOSTER

LETTERBOXES BEHIND FRONT FENCE (DASHED)

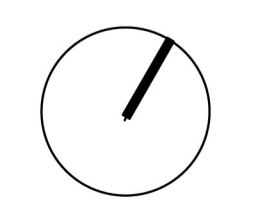
MAT 02

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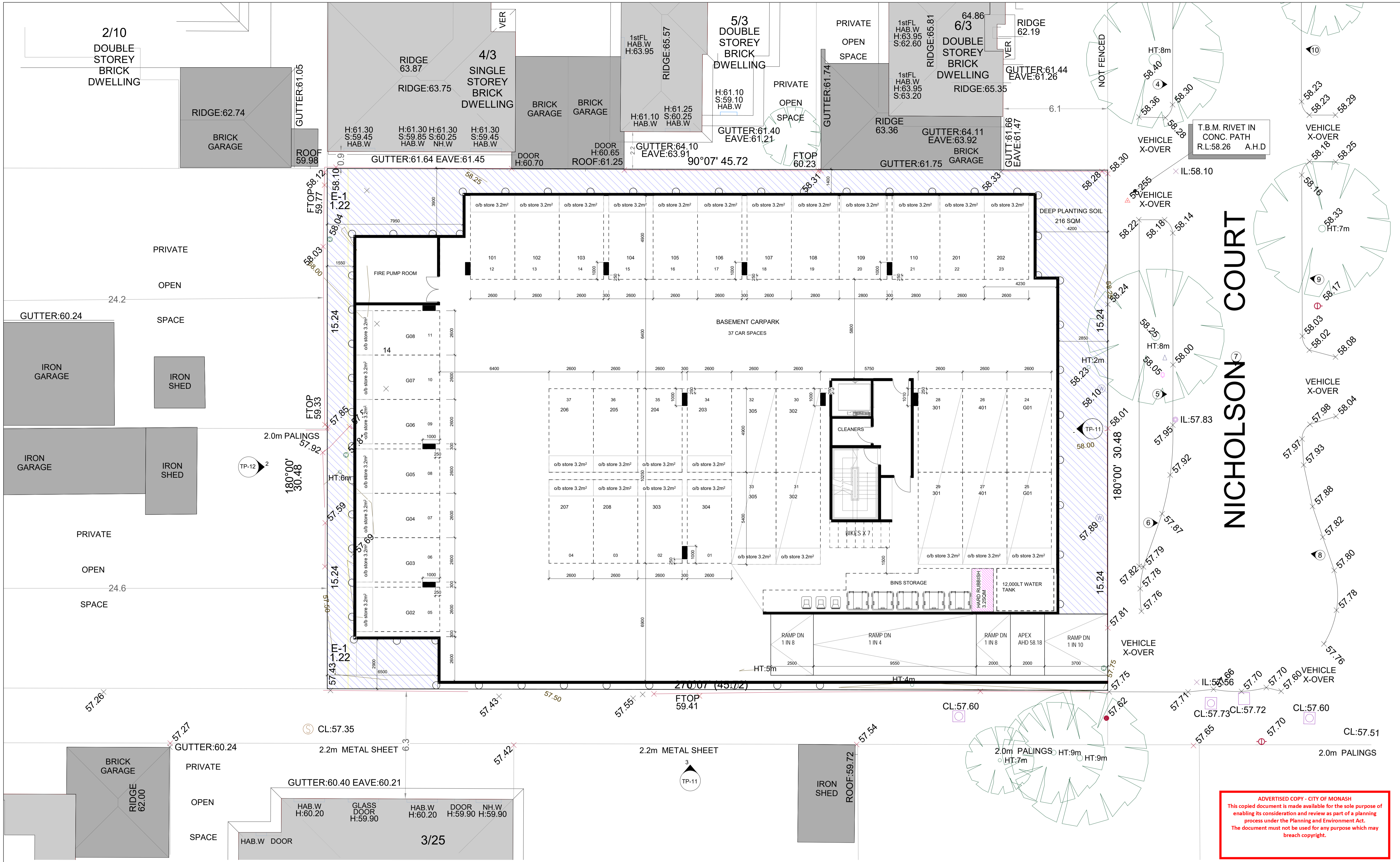
PROJECT:
 7-9 Nicholson Cr Clayton
 ADDRESS:
 7-9 Nicholson Cr Clayton

DRAWING:
 Design Response
 Streetscape Elevation
 3D Perspective

JOB NO:
 2203
 SCALES:
 1 : 200

AUTHOR:
 PP
 DATE:
 21-07-22

DRAWING NO:
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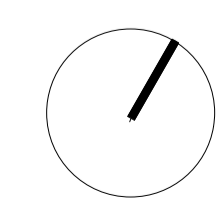
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1	APR 22	APPLICATION SUBMISSION
2	JUL 22	RFI SUBMISSION

No.	DATE	AMENDMENT



PROJECT:
 7-9 Nicholson Cr Clayton
 ADDRESS:
 7-9 Nicholson Cr Clayton

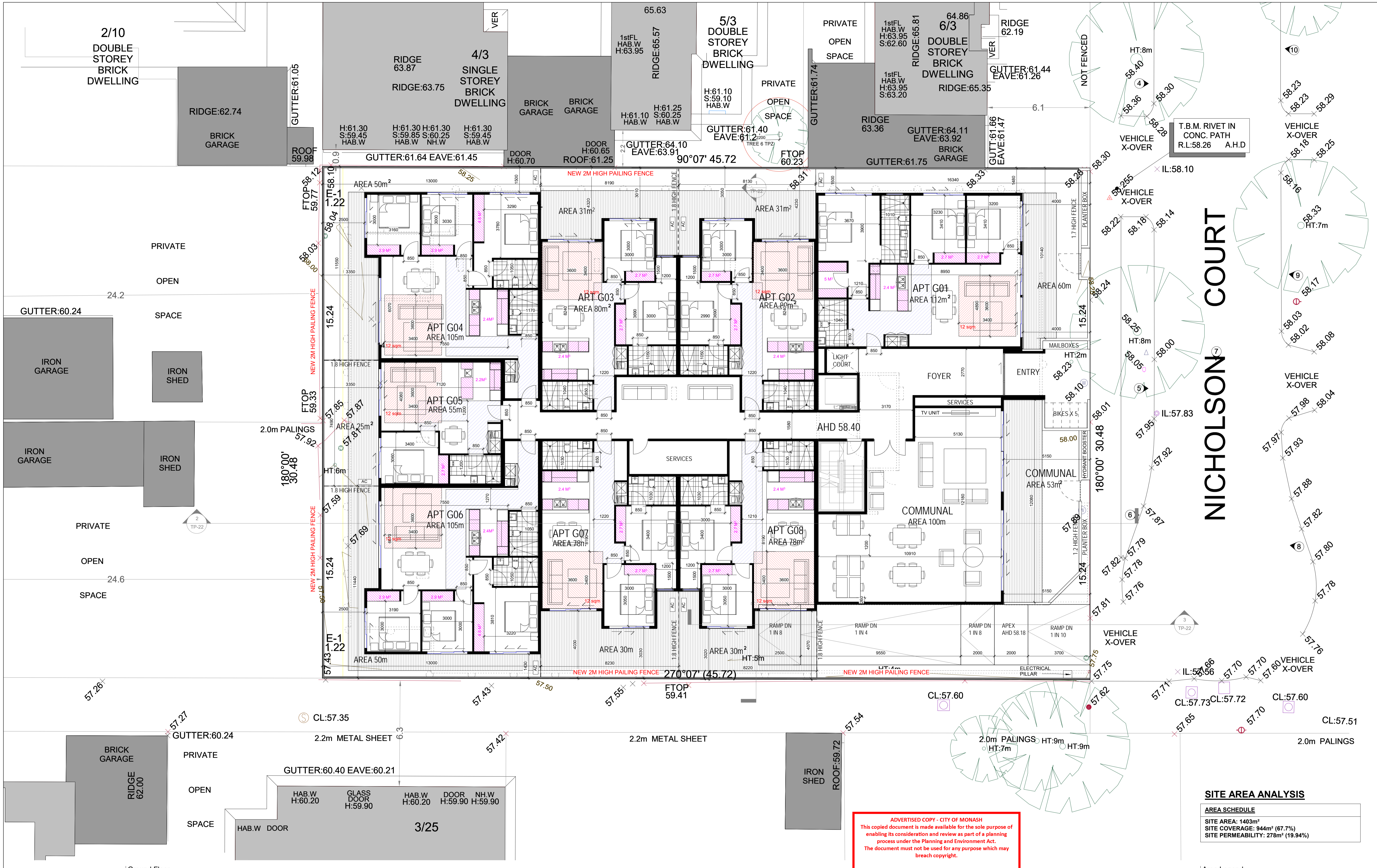
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 Basement Plan

JOB NO:
 2203
 SCALES:
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AUTHOR:
 PP
 DATE:
 21-07-22

DRAWING NO:
TP-04
 A1 size sheet:

REV:
2



NICHOLSON COURT

SITE AREA ANALYSIS

AREA SCHEDULE	
SITE AREA:	1403m ²
SITE COVERAGE:	944m ² (67.7%)
SITE PERMEABILITY:	278m ² (19.94%)

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Area Legend
1:50

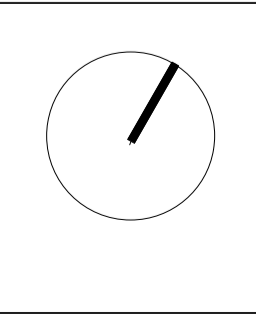
1 Ground Floor
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No.	DATE	AMENDMENT
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2	JUL 22	RFI SUBMISSION

No.	DATE	AMENDMENT



PROJECT:
7-9 Nicholson Cr Clayton

ADDRESS:
7-9 Nicholson Cr Clayton

DRAWING:
Ground Floor Plan

JOB NO:
2203

SCALES:
As indicated

AUTHOR:
PP

DATE:
21-07-22

DRAWING NO:
TP-05

REV:
2

A1 size sheet:

RIDGE:64.53



NICHOLSON COURT

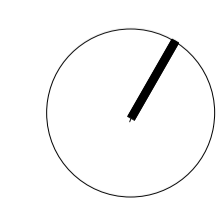
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1 First Floor
1:100

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2	JUL 22	RFI SUBMISSION

No.	DATE	AMENDMENT



PROJECT:
7-9 Nicholson Cr Clayton
ADDRESS:
7-9 Nicholson Cr Clayton

DRAWING:
First Floor Plan

JOB NO:
2203
SCALES:
1:100

AUTHOR:
PP
DATE:
21-07-22

DRAWING NO:
TP-06
A1 size sheet:

REV:
2

PITARD GROUP

RIDGE:64.53



NICHOLSON COURT

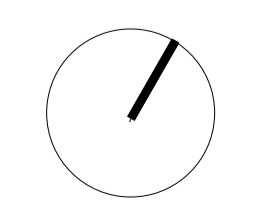
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1 Second Floor
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No.	DATE	AMENDMENT
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2	JUL 22	RFI SUBMISSION

No.	DATE	AMENDMENT



PROJECT:
7-9 Nicholson Cr Clayton

ADDRESS:
7-9 Nicholson Cr Clayton

DRAWING:
Second Floor Plan

JOB NO:
2203

SCALES:
1:100

AUTHOR:
PP

DATE:
21-07-22

DRAWING NO:
TP-07

A1 size sheet:

REV:
2

PITARD GROUP

RIDGE:64.53



NICHOLSON COURT

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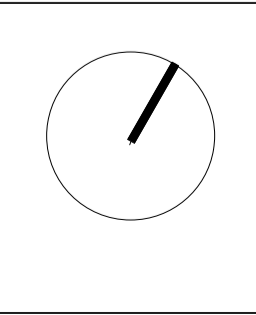
Third Floor
1:100

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No.	DATE	AMENDMENT



PROJECT:
7-9 Nicholson Cr Clayton

ADDRESS:
7-9 Nicholson Cr Clayton

DRAWING:
Third Floor Plan

JOB NO:
2203

SCALES:
1 : 100

AUTHOR:
PP

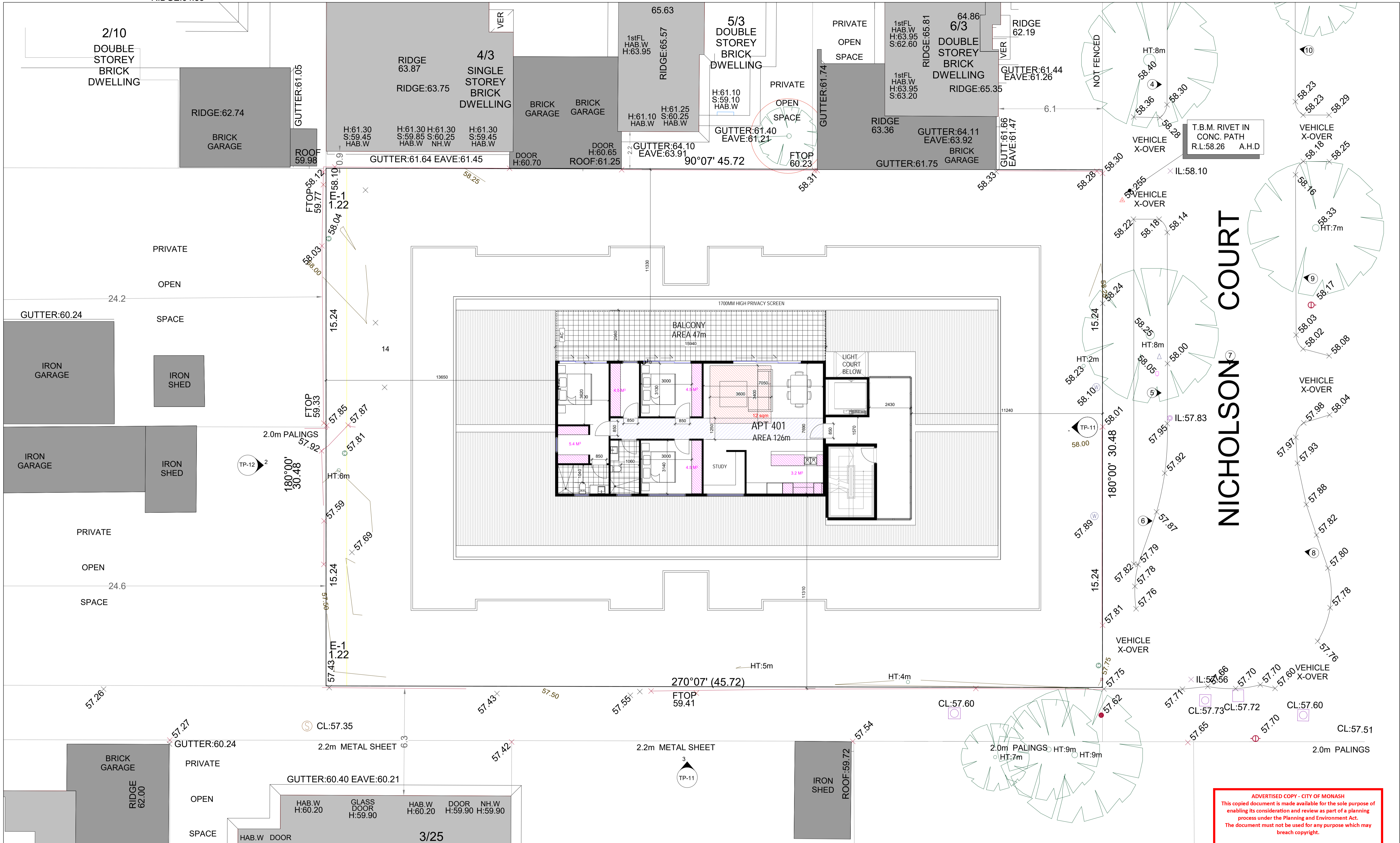
DATE:
21-07-22

DRAWING NO:
TP-08

REV:
2

A1 size sheet:

RIDGE:64.53



T.B.M. RIVET IN CONC. PATH
R.L.:58.26 A.H.D

NICHOLSON COURT

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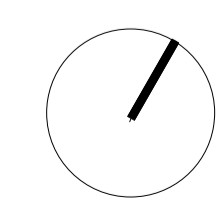
1 Fourth Floor
1:100

PITARD GROUP

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No.	DATE	AMENDMENT
1	APR 22	APPLICATION SUBMISSION
2	JUL 22	RFI SUBMISSION

No.	DATE	AMENDMENT



PROJECT:
7-9 Nicholson Cr Clayton
ADDRESS:
7-9 Nicholson Cr Clayton

DRAWING:
Fourth Flor Plan

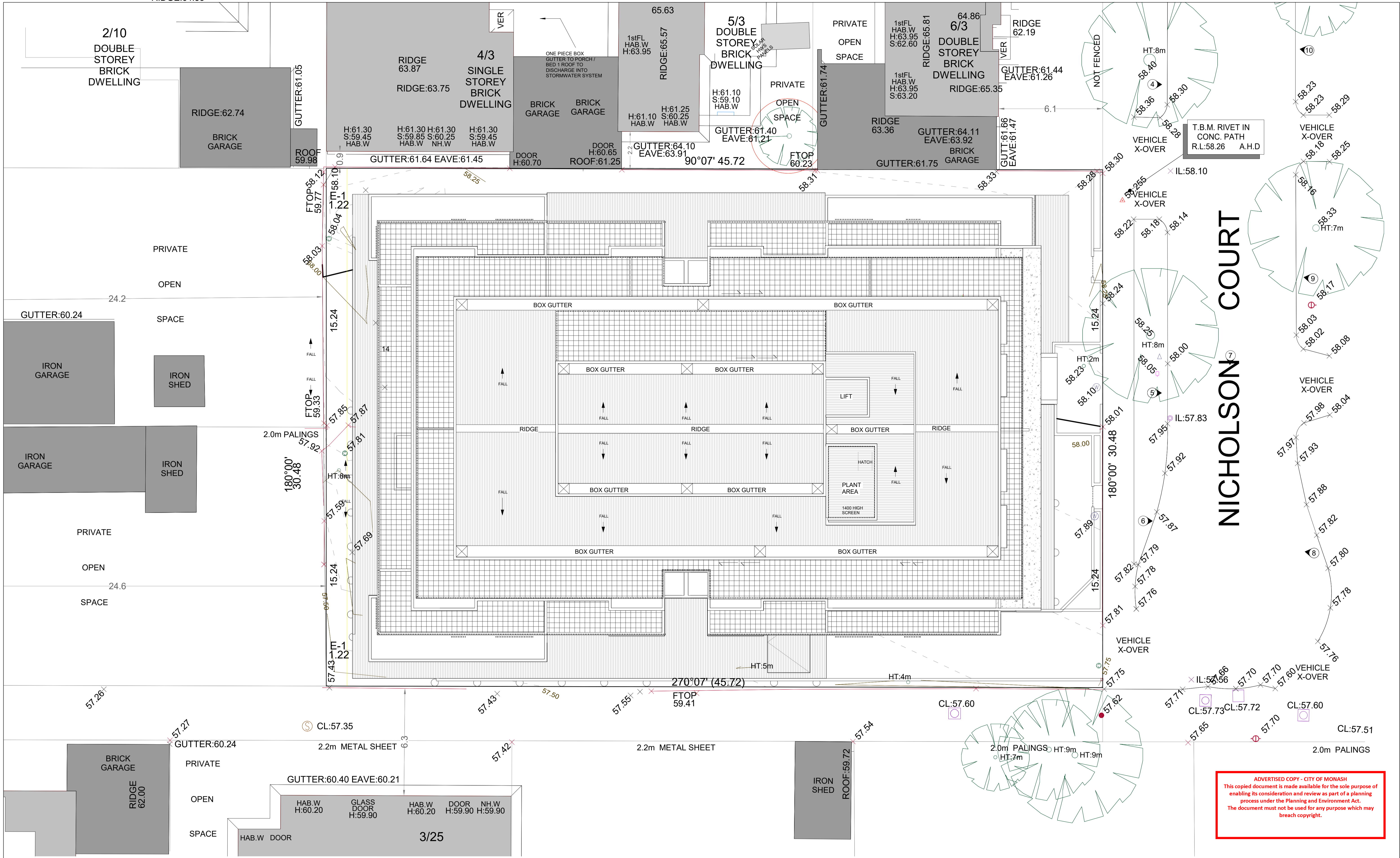
JOB NO:
2203
SCALES:
1:100

AUTHOR:
PP
DATE:
21-07-22

DRAWING NO:
TP-09
A1 size sheet:

REV:
2

RIDGE:64.53



NICHOLSON COURT

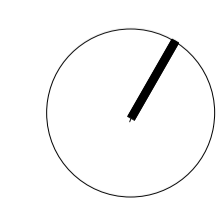
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1 Roof Plan
1:100

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No.	DATE	AMENDMENT
1	APR 22	APPLICATION SUBMISSION
2	JUL 22	RFI SUBMISSION

No.	DATE	AMENDMENT



PROJECT:
7-9 Nicholson Cr Clayton
 ADDRESS:
7-9 Nicholson Cr Clayton

DRAWING:
Roof Plan

JOB NO:
2203
 SCALES:
1:100

AUTHOR:
PP
 DATE:
21-07-22

DRAWING NO:
TP-10
 A1 size sheet:

REV:
2

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MAT -01
 WHITE SMOOTH RENDER FINISH



MAT -02
 CONCRETE TEXTURED FINISH - NATURAL CONCRETE RENDER



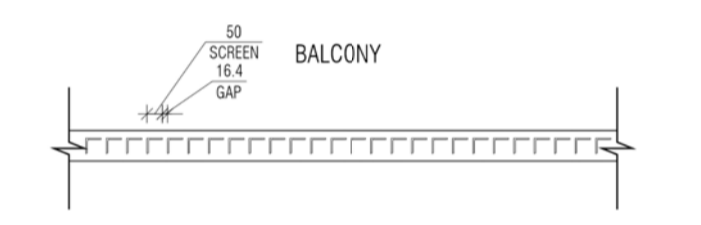
MAT -03
 FACE BRICK IN SELECTED COLOUR



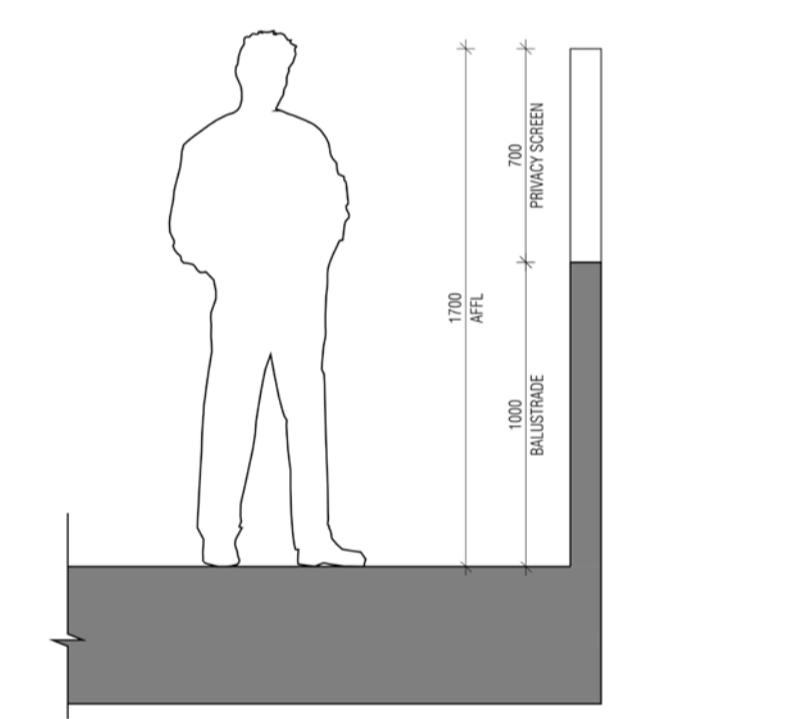
MAT -04
 C/B VERTICAL CLADDING MONUMENT



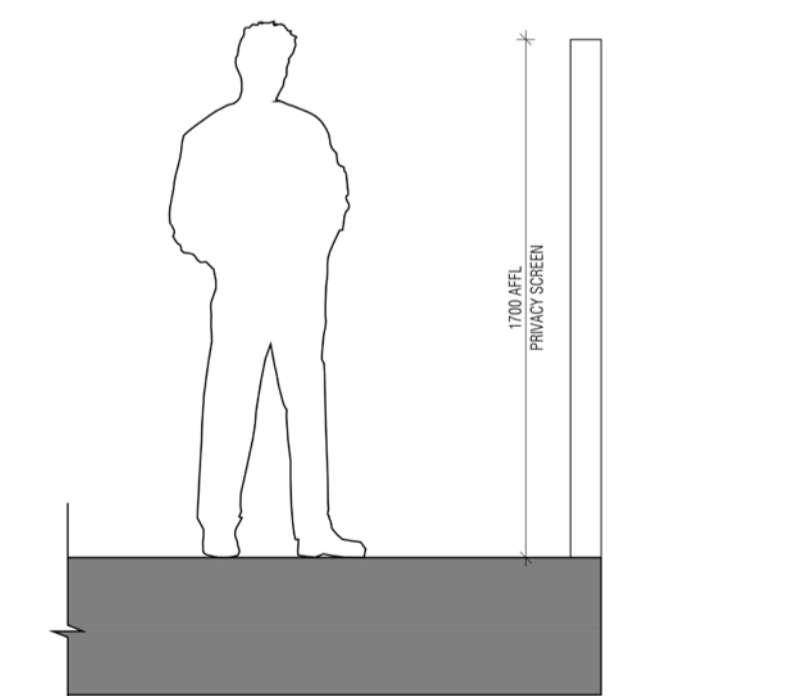
MAT -05
 BLACK METAL BALUSTRADE



03 PLAN - VERTICAL PRIVACY SCREEN 1:20



04 SECTION - VERTICAL PRIVACY SCREEN ON BALUSTRADE 1:20



05 SECTION - VERTICAL PRIVACY SCREEN 1:20



1 East Elevation
 1:100

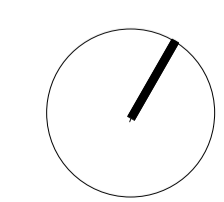
3 South Elevation
 1:100

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No.	DATE	AMENDMENT
1	APR 22	APPLICATION SUBMISSION
2	JUL 22	RFI SUBMISSION

No.	DATE	AMENDMENT



PROJECT:
 7-9 Nicholson Cr Clayton
 ADDRESS:
 7-9 Nicholson Cr Clayton

DRAWING:
 ELEVATIONS + MATERIAL SCHEDULE

JOB NO:
 2203
 SCALES:
 1 : 100

AUTHOR:
 PP
 DATE:
 21-07-22

DRAWING NO:
TP-11
 A1 size sheet:

REV:
2

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1 North Elevation
 1:100



2 West Elevation
 1:100

MAT-01
WHITE SMOOTH RENDER FINISH

MAT-02
CONCRETE TEXTURED FINISH - NATURAL CONCRETE RENDER

MAT-03
FACE BRICK IN SELECTED COLOUR

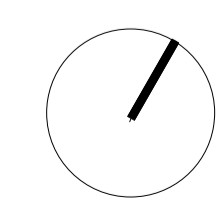
MAT-04
C/B VERTICAL CLADDING MONUMENT

MAT-05
BLACK METAL BALUSTRADE

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No.	DATE	AMENDMENT
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2	JUL 22	RFI SUBMISSION

No.	DATE	AMENDMENT



PROJECT:
 7-9 Nicholson Cr Clayton
 ADDRESS:
 7-9 Nicholson Cr Clayton

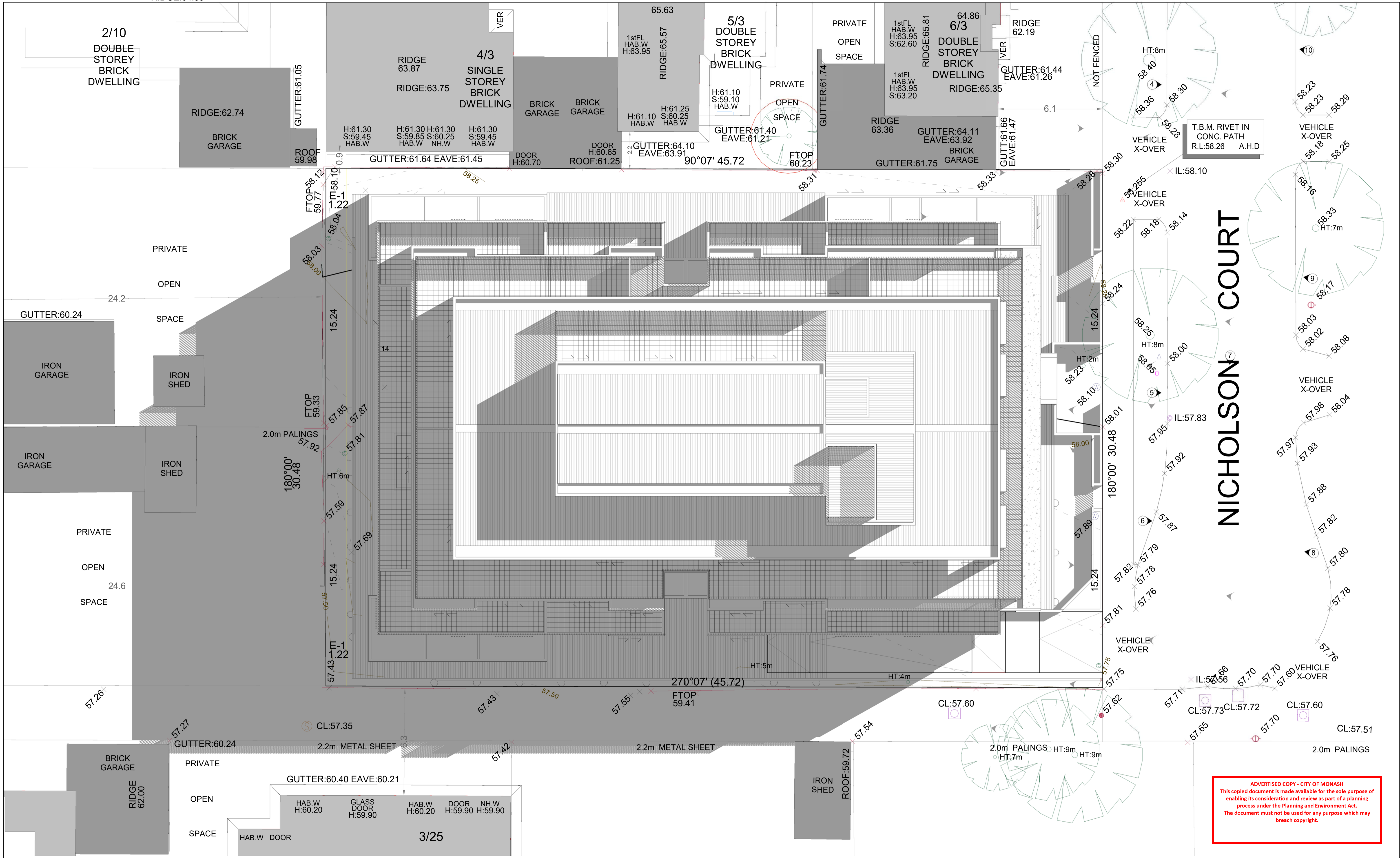
DRAWING:
 ELEVATIONS

JOB NO:
 2203
 SCALES:
 1 : 100

AUTHOR:
 PP
 DATE:
 21-07-22

DRAWING NO:
TP-12
 A1 size sheet:

REV:
2



T.B.M. RIVET IN CONC. PATH
R.L.:58.26 A.H.D

NICHOLSON COURT

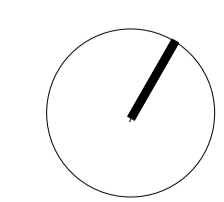
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1 Shadow Diagram - 9.00am Sep 21st
1:100

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No.	DATE	AMENDMENT
1	APR 22	APPLICATION SUBMISSION
2	JUL 22	RFI SUBMISSION

No.	DATE	AMENDMENT



PROJECT:
7-9 Nicholson Cr Clayton
ADDRESS:
7-9 Nicholson Cr Clayton

DRAWING:
Shadow Diagram - 9.00am Sep 21st

JOB NO:
2203
SCALES:
1:100

AUTHOR:
PP
DATE:
21-07-22

DRAWING NO:
TP-13
A1 size sheet:

REV:
2

RIDGE:64.53

2/10
DOUBLE
STOREY
BRICK
DWELLING

RIDGE:62.74
BRICK
GARAGE

RIDGE
63.87
RIDGE:63.75

4/3
SINGLE
STOREY
BRICK
DWELLING

BRICK
GARAGE

BRICK
GARAGE

65.63
1stFL
HAB.W
H:63.95

5/3
DOUBLE
STOREY
BRICK
DWELLING

PRIVATE
OPEN
SPACE

1stFL
HAB.W
H:63.95
S:62.60

64.86
6/3
DOUBLE
STOREY
BRICK
DWELLING

RIDGE
62.19

GUTTER:61.44
EAVE:61.26

H:61.30
S:59.45
HAB.W

H:61.30
S:59.85
HAB.W

H:61.30
S:60.25
NH.W

H:61.30
S:59.45
HAB.W

H:61.10
S:60.25
HAB.W

H:61.10
S:59.10
HAB.W

RIDGE
63.36

GUTTER:64.11
EAVE:63.92

GUTTER:61.66
EAVE:61.47

GUTTER:61.64 EAVE:61.45

GUTTER:64.10
EAVE:63.91

GUTTER:61.40
EAVE:61.21

RIDGE
63.36

GUTTER:61.75

GUTTER:61.66
EAVE:61.47

HT:8m

VEHICLE
X-OVER

T.B.M. RIVET IN
CONC. PATH
R.L:58.26 A.H.D

VEHICLE
X-OVER

PRIVATE
OPEN
SPACE

GUTTER:60.24

IRON
GARAGE

IRON
SHED

IRON
GARAGE

IRON
SHED

PRIVATE
OPEN
SPACE

2.0m PALINGS

180°00'
30.48

HT:8m

HT:2m

HT:8m

HT:8m

HT:8m

HT:8m

HT:8m

HT:8m

HT:8m

HT:8m

HT:8m

HT:8m

HT:8m

HT:8m

HT:8m

HT:8m

HT:8m

HT:8m

NICHOLSON COURT

VEHICLE
X-OVER

VEHICLE
X-OVER

VEHICLE
X-OVER

VEHICLE
X-OVER

VEHICLE
X-OVER

VEHICLE
X-OVER

VEHICLE
X-OVER

VEHICLE
X-OVER

VEHICLE
X-OVER

VEHICLE
X-OVER

270°07' (45.72)

FTOP
59.41

CL:57.60

CL:57.73

CL:57.72

CL:57.60

CL:57.51

GUTTER:60.24

2.2m METAL SHEET

2.2m METAL SHEET

2.0m PALINGS
HT:7m

HT:9m

HT:9m

2.0m PALINGS

PRIVATE

OPEN

SPACE

HAB.W
H:60.20

GLASS
DOOR
H:59.90

HAB.W
H:60.20

DOOR
H:59.90

NH.W
H:59.90

HAB.W
DOOR

3/25

Shadow Diagram - 12.00pm Sep 21st
1:100

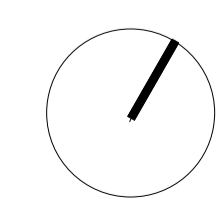
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WORK

No.	DATE	AMENDMENT
1	APR 22	APPLICATION SUBMISSION
2	JUL 22	RFI SUBMISSION

No.	DATE	AMENDMENT



PROJECT:
7-9 Nicholson Cr Clayton
ADDRESS:
7-9 Nicholson Cr Clayton

DRAWING:
Shadow Diagram - 12.00pm Sep 21st

JOB NO:
2203
SCALES:
1:100

AUTHOR:
PP
DATE:
21-07-22

DRAWING NO:
TP-14
A1 size sheet:

REV:
2

RIDGE:64.53

2/10
DOUBLE
STOREY
BRICK
DWELLING

RIDGE:62.74
BRICK
GARAGE

RIDGE
63.87
RIDGE:63.75
4/3
SINGLE
STOREY
BRICK
DWELLING

BRICK
GARAGE

DOOR
H:60.70
ROOF:61.25

65.63
1stFL
HAB.W
H:63.95

5/3
DOUBLE
STOREY
BRICK
DWELLING

H:61.10
S:59.10
HAB.W

PRIVATE
OPEN
SPACE

1stFL
HAB.W
H:63.95
S:62.60

64.86
6/3
DOUBLE
STOREY
BRICK
DWELLING

RIDGE
62.19

GUTTER:61.44
EAVE:61.26

RIDGE
63.36
GUTTER:61.75

GUTTER:64.11
EAVE:63.92
BRICK
GARAGE

GUTT:61.66
EAVE:61.47

HT:8m
58.40
58.36
58.30

VEHICLE
X-OVER

T.B.M. RIVET IN
CONC. PATH
R.L.:58.26 A.H.D

VEHICLE
X-OVER

H:61.30
S:59.45
HAB.W

H:61.30
S:59.85
HAB.W

H:61.30
S:60.25
NH.W

H:61.30
S:59.45
HAB.W

H:61.10
HAB.W

H:61.25
S:60.25
HAB.W

GUTTER:64.10
EAVE:63.91

GUTTER:61.40
EAVE:61.21

FTOP
60.23

90°07' 45.72

6.1

NOT FENCED

IL:58.10

VEHICLE
X-OVER

VEHICLE
X-OVER

PRIVATE

OPEN

SPACE

GUTTER:60.24

IRON
GARAGE

IRON
SHED

IRON
GARAGE

IRON
SHED

PRIVATE

OPEN

SPACE

2.0m PALINGS

180°00'
30.48

HT:8m

HT:6m

HT:5m

CL:57.35

2.2m METAL SHEET

GUTTER:60.40 EAVE:60.21

HAB.W
H:60.20

GLASS
DOOR
H:59.90

HAB.W
H:60.20

DOOR
H:59.90

NH.W
H:59.90

HAB.W
DOOR

3/25

270°07' (45.72)

FTOP
59.41

CL:57.60

HT:4m

VEHICLE
X-OVER

VEHICLE
X-OVER

IL:57.66

CL:57.73

CL:57.72

CL:57.60

CL:57.51

2.0m PALINGS

Shadow Diagram - 3.00pm Sep 21st
1:100

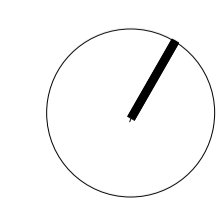
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No.	DATE	AMENDMENT
1	APR 22	APPLICATION SUBMISSION
2	JUL 22	RFI SUBMISSION

No.	DATE	AMENDMENT



PROJECT:
7-9 Nicholson Cr Clayton
ADDRESS:
7-9 Nicholson Cr Clayton

DRAWING:
Shadow Diagram - 3.00pm Sep 21st

JOB NO:
2203
SCALES:
1 : 100

AUTHOR:
PP
DATE:
21-07-22

DRAWING NO:
TP-15
A1 size sheet:

REV:
2

RIDGE:64.53

2/10
DOUBLE
STOREY
BRICK
DWELLING

RIDGE:62.74
BRICK
GARAGE

RIDGE
63.87
RIDGE:63.75

4/3
SINGLE
STOREY
BRICK
DWELLING

BRICK
GARAGE

65.63
1stFL
HAB.W
H:63.95

5/3
DOUBLE
STOREY
BRICK
DWELLING

PRIVATE
OPEN
SPACE

64.86
6/3
DOUBLE
STOREY
BRICK
DWELLING

RIDGE
62.19

NOT
FENCED

HT:8m

T.B.M. RIVET IN
CONC. PATH
R.L:58.26 A.H.D

VEHICLE
X-OVER

PRIVATE
OPEN
SPACE

GUTTER:60.24
IRON
GARAGE

IRON
SHED

IRON
GARAGE

IRON
SHED

2.0m PALINGS

180°00'
30.48

HT:8m

PRIVATE
OPEN
SPACE

NICHOLSON COURT

VEHICLE
X-OVER

VEHICLE
X-OVER

VEHICLE
X-OVER

VEHICLE
X-OVER

VEHICLE
X-OVER

24.6

HT:5m

HT:4m

270°07' (45.72)

FTOP
59.41

CL:57.60

CL:57.73

CL:57.72

CL:57.60

CL:57.51

CL:57.35

2.2m METAL SHEET

2.2m METAL SHEET

2.0m PALINGS HT:9m HT:9m

2.0m PALINGS

BRICK
GARAGE

PRIVATE

GUTTER:60.40 EAVE:60.21

HAB.W
H:60.20

GLASS
DOOR
H:59.90

HAB.W
H:60.20

DOOR
H:59.90

NH.W
H:59.90

OPEN

SPACE

HAB.W DOOR

3/25

IRON
SHED

ROOF:59.72

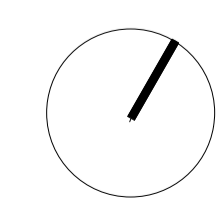
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1:100

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PROJECT:
7-9 Nicholson Cr Clayton
ADDRESS:
7-9 Nicholson Cr Clayton

DRAWING:
Shadow Diagram - 9.00am June 21st

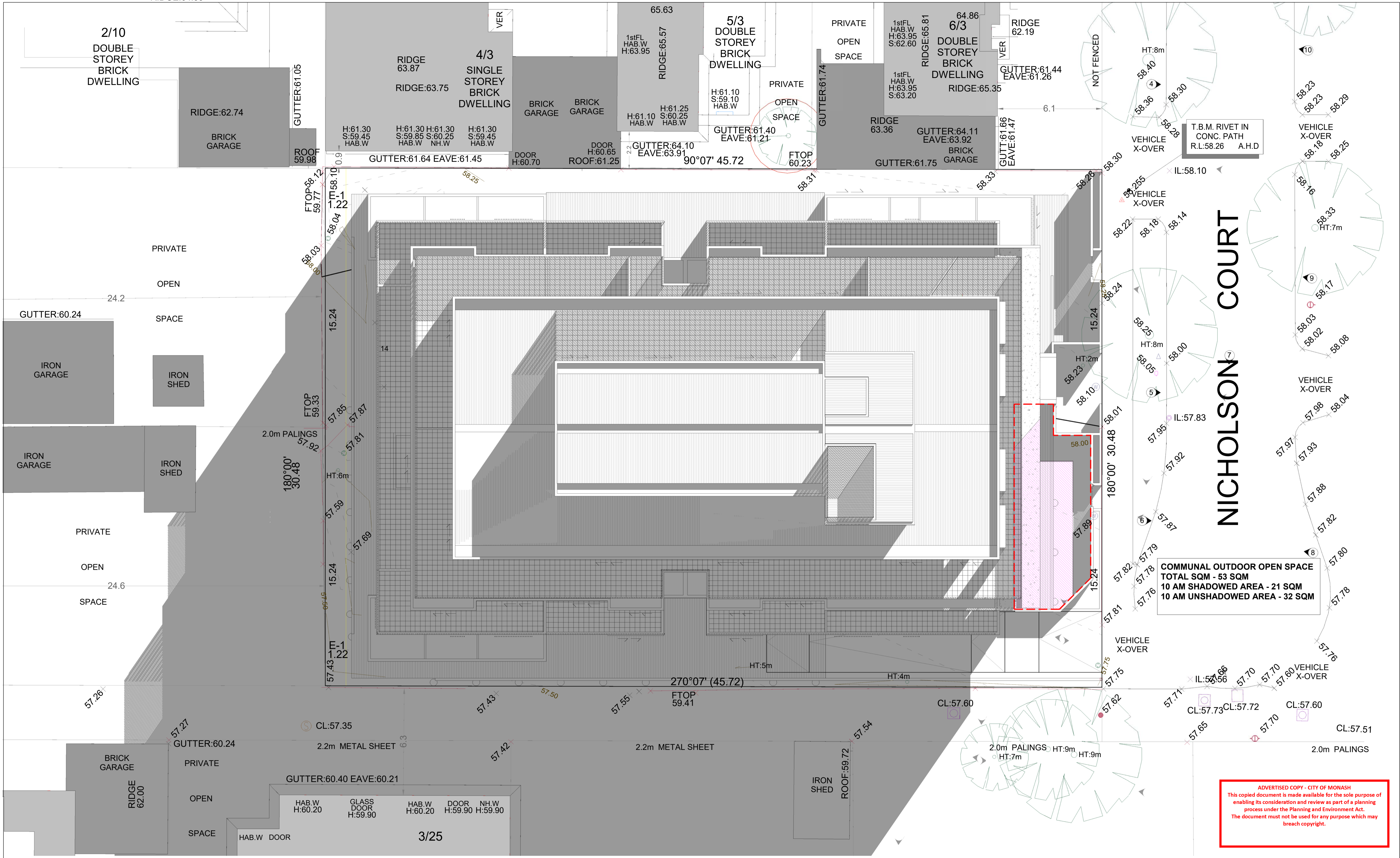
JOB NO:
2203
SCALES:
1:100

AUTHOR:
PP
DATE:
21-07-22

DRAWING NO:
TP-16
A1 size sheet:

REV:
2

PITARD GROUP



NICHOLSON COURT

COMMUNAL OUTDOOR OPEN SPACE
 TOTAL SQM - 53 SQM
 10 AM SHADOWED AREA - 21 SQM
 10 AM UNSHADOWED AREA - 32 SQM

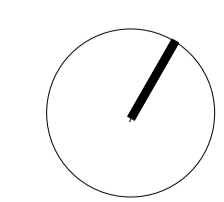
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2 Shadow Diagram - 10.00am June 21st
1:100

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No.	DATE	AMENDMENT



PROJECT:
7-9 Nicholson Cr Clayton
 ADDRESS:
7-9 Nicholson Cr Clayton

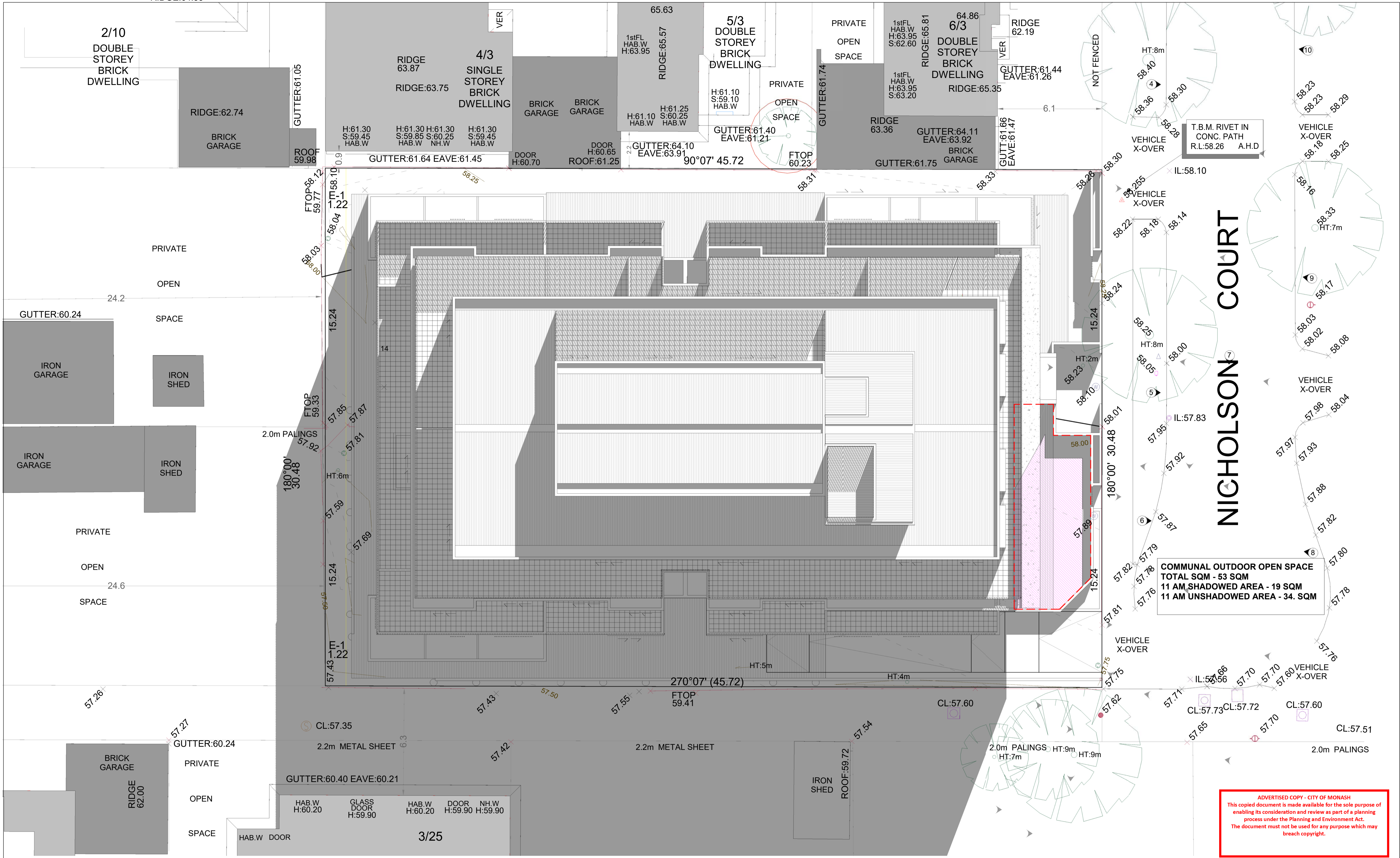
DRAWING:
Shadow Diagram - 10.00am June 21st

JOB NO:
2203
 SCALES:
1:100

AUTHOR:
PP
 DATE:
21-07-22

DRAWING NO:
TP-17
 A1 size sheet:

REV:
2



COMMUNAL OUTDOOR OPEN SPACE
 TOTAL SQM - 53 SQM
 11 AM SHADOWED AREA - 19 SQM
 11 AM UNSHADOWED AREA - 34. SQM

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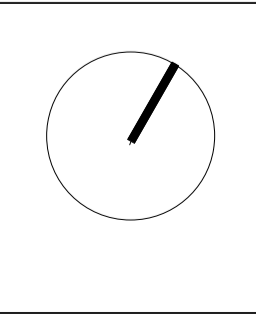
1. Shadow Diagram - 11.00am June 21st
 1:100

PITARD GROUP

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No.	DATE	AMENDMENT
1	APR 22	APPLICATION SUBMISSION
2	JUL 22	RFI SUBMISSION

No.	DATE	AMENDMENT



PROJECT:
 7-9 Nicholson Cr Clayton
 ADDRESS:
 7-9 Nicholson Cr Clayton

DRAWING:
 Shadow Diagram - 11.00am June 21st

JOB NO:
 2203
 SCALES:
 1:100

AUTHOR:
 PP
 DATE:
 21-07-22

DRAWING NO:
TP-18
 A1 size sheet:

REV:
2

RIDGE:64.53

2/10
DOUBLE
STOREY
BRICK
DWELLING

RIDGE:62.74
BRICK
GARAGE

RIDGE
63.87
RIDGE:63.75

4/3
SINGLE
STOREY
BRICK
DWELLING

BRICK
GARAGE
BRICK
GARAGE

65.63
1stFL
HAB.W
H:63.95

5/3
DOUBLE
STOREY
BRICK
DWELLING

PRIVATE
OPEN
SPACE

1stFL
HAB.W
H:63.95
S:62.60

64.86
6/3
DOUBLE
STOREY
BRICK
DWELLING

RIDGE
62.19

GUTTER:61.44
EAVE:61.26

H:61.30
S:59.45
HAB.W
H:61.30
S:59.85
HAB.W
H:61.30
S:60.25
NH.W
H:61.30
S:59.45
HAB.W

H:61.10
S:59.10
HAB.W
H:61.25
S:60.25
HAB.W

GUTTER:61.40
EAVE:61.21

PRIVATE
OPEN
SPACE

GUTTER:61.74

RIDGE
63.36

GUTTER:64.11
EAVE:63.92

GUTT:61.66
EAVE:61.47

GUTTER:61.64 EAVE:61.45
DOOR
H:60.70
ROOF:61.25

GUTTER:64.10
EAVE:63.91

90°07' 45.72

FTOP
60.23

GUTTER:61.75

GUTTER:61.75

GUTT:61.66
EAVE:61.47

HT:8m

58.40

58.36

58.30

58.28

T.B.M. RIVET IN
CONC. PATH
R.L:58.26 A.H.D

58.30

58.255

58.22

58.18

58.14

58.24

58.25

58.05

58.00

58.10

58.01

58.01

58.01

58.01

58.01

58.01

58.01

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58.01

58.01

58.01

58.01

58.01

58.01

NICHOLSON COURT

COMMUNAL OUTDOOR OPEN SPACE
TOTAL SQM - 53 SQM
12 PM SHADOWED AREA - 24 SQM
12 PM UNSHADOWED AREA - 29 SQM

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GUTTER:60.24

IRON
GARAGE

IRON
SHED

IRON
GARAGE

IRON
SHED

2.0m PALINGS

180°00'
30.48

HT:8m

57.85

57.81

57.81

57.59

57.69

57.43

57.43

57.43

57.42

57.42

57.42

57.42

57.42

57.42

57.42

57.42

57.42

14

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14

14

14

14

14

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14

14

14

14

14

14

14

14

14

14

14

14

14

14

270°07' (45.72)

FTOP
59.41

CL:57.60

IL:57.86

CL:57.73

CL:57.72

CL:57.60

CL:57.51

CL:57.35

2.2m METAL SHEET

2.2m METAL SHEET

2.0m PALINGS
HT:9m
HT:9m

2.0m PALINGS

GUTTER:60.24

GUTTER:60.40 EAVE:60.21

HAB.W
H:60.20

GLASS
DOOR
H:59.90

HAB.W
H:60.20

DOOR
H:59.90

NH.W
H:59.90

HAB.W
DOOR

3/25

IRON
SHED

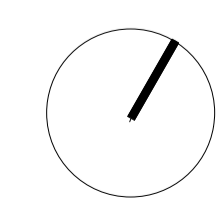
ROOF:59.72

Shadow Diagram - 12.00pm June 21st
1:100

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No.	DATE	AMENDMENT
1	APR 22	APPLICATION SUBMISSION
2	JUL 22	RFI SUBMISSION

No.	DATE	AMENDMENT



PROJECT:
7-9 Nicholson Cr Clayton
ADDRESS:
7-9 Nicholson Cr Clayton

DRAWING:
Shadow Diagram - 12.00pm June 21st

JOB NO:
2203
SCALES:
1:100

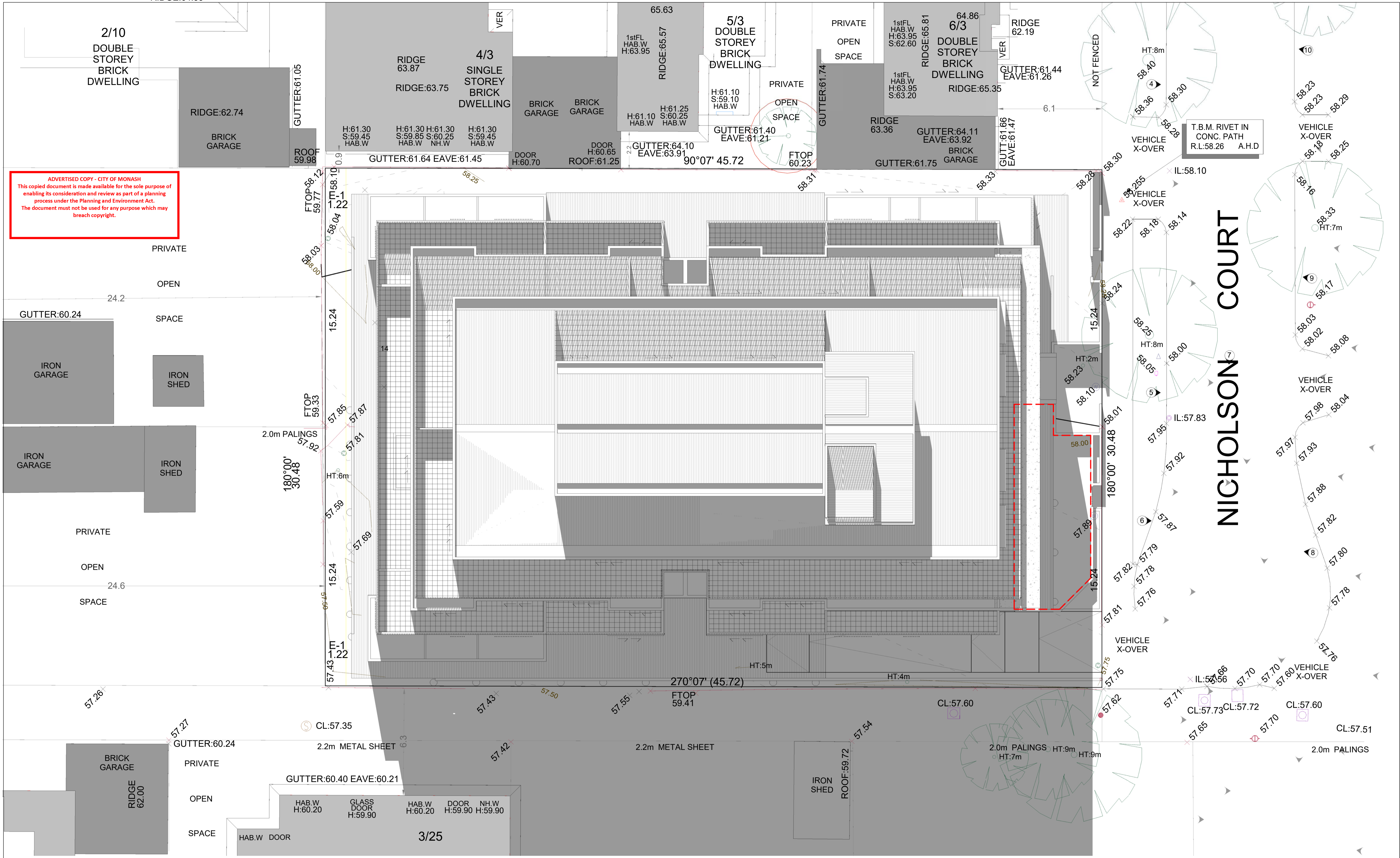
AUTHOR:
PP
DATE:
21-07-22

DRAWING NO:
TP-19
A1 size sheet:

REV:
2

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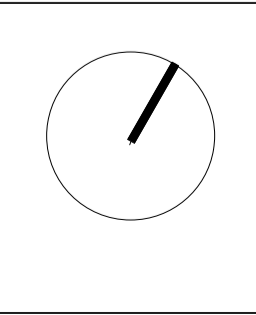
1 Shadow Diagram - 1.00pm June 21st
1:100

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No.	DATE	AMENDMENT
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2	JUL 22	RFI SUBMISSION

No.	DATE	AMENDMENT



PROJECT:
7-9 Nicholson Cr Clayton
ADDRESS:
7-9 Nicholson Cr Clayton

DRAWING:
Shadow Diagram - 1.00pm June 21st

JOB NO:
2203
SCALES:
1 : 100
AUTHOR:
PP
DATE:
21-07-22

DRAWING NO:
TP-20
A1 size sheet:
REV:
2

RIDGE:64.53

2/10
DOUBLE
STOREY
BRICK
DWELLING

RIDGE:62.74
BRICK
GARAGE

RIDGE
63.87
RIDGE:63.75
4/3
SINGLE
STOREY
BRICK
DWELLING

BRICK
GARAGE

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1stFL
HAB.W
H:63.95

5/3
DOUBLE
STOREY
BRICK
DWELLING

PRIVATE
OPEN
SPACE

1stFL
HAB.W
H:63.95
S:62.60

64.86
6/3
DOUBLE
STOREY
BRICK
DWELLING

RIDGE
62.19

GUTTER:61.44
EAVE:61.26

NOT
FENCED

HT:8m

10

58.23
58.23
58.29

VEHICLE
X-OVER

T.B.M. RIVET IN
CONC. PATH
R.L:58.26 A.H.D

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PRIVATE

OPEN

SPACE

GUTTER:60.24

IRON
GARAGE

IRON
SHED

IRON
GARAGE

IRON
SHED

PRIVATE

OPEN

SPACE

24.6

2.0m PALINGS

180°00'
30.48

HT:8m

HT:1.22

CL:57.35

2.2m METAL SHEET

GUTTER:60.40 EAVE:60.21

HAB.W
H:60.20

GLASS
DOOR
H:59.90

HAB.W
H:60.20

DOOR
H:59.90

NH.W
H:59.90

HAB.W
DOOR

3/25

270°07' (45.72)

FTOP
59.41

HT:4m

CL:57.60

IRON
SHED

ROOF:59.72

2.0m PALINGS
HT:7m

HT:9m

HT:9m

VEHICLE
X-OVER

IL:57.66

CL:57.73

CL:57.72

CL:57.60

CL:57.51

VEHICLE
X-OVER

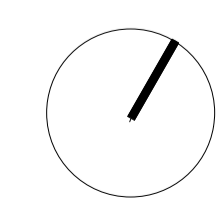
CL:57.60

Shadow Diagram - 3.00pm June 21st
1:100

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No.	DATE	AMENDMENT
1	APR 22	APPLICATION SUBMISSION
2	JUL 22	RFI SUBMISSION

No.	DATE	AMENDMENT



PROJECT:
7-9 Nicholson Cr Clayton
ADDRESS:
7-9 Nicholson Cr Clayton

DRAWING:
Shadow Diagram - 3.00pm June 21st

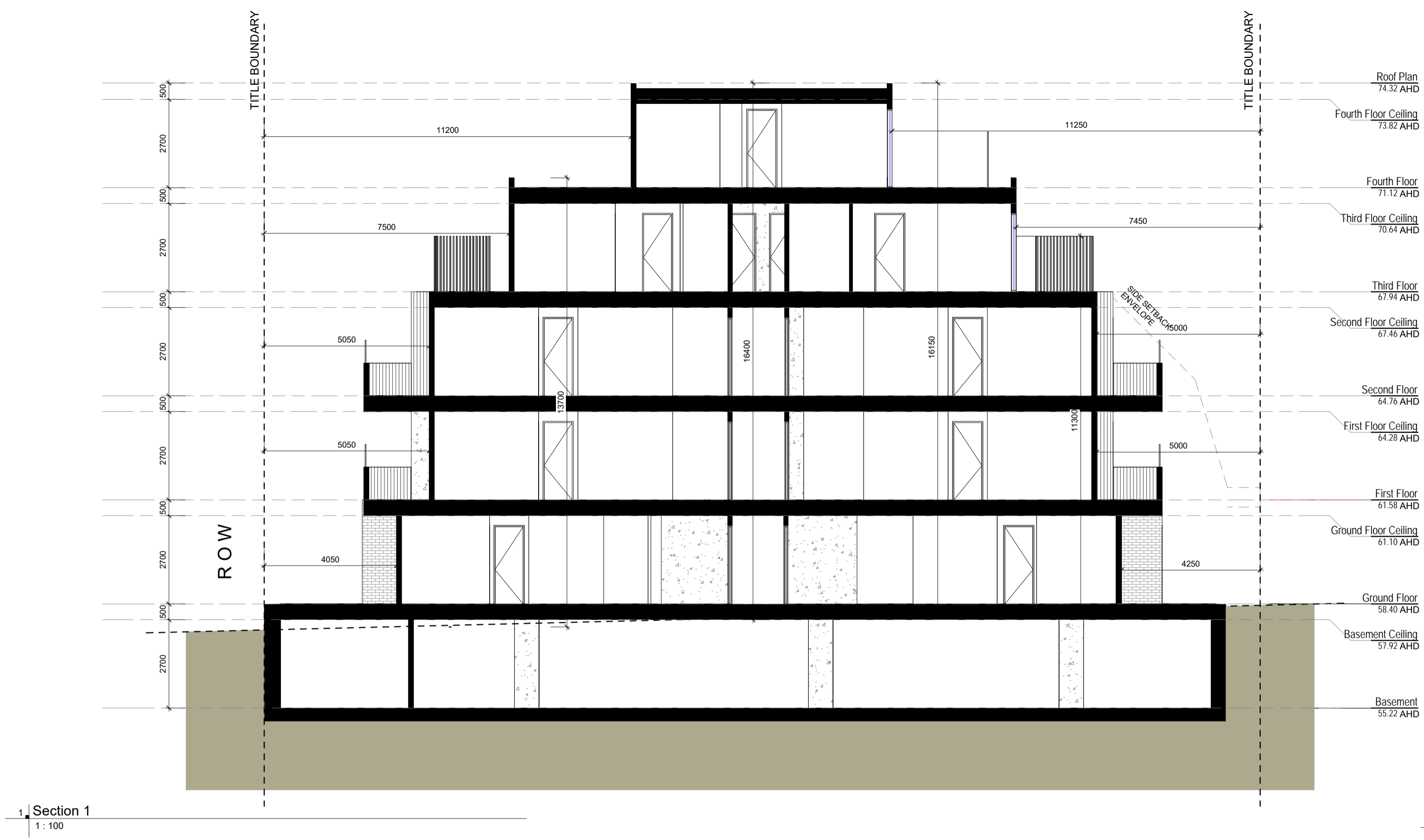
JOB NO:
2203
SCALES:
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AUTHOR:
PP
DATE:
21-07-22

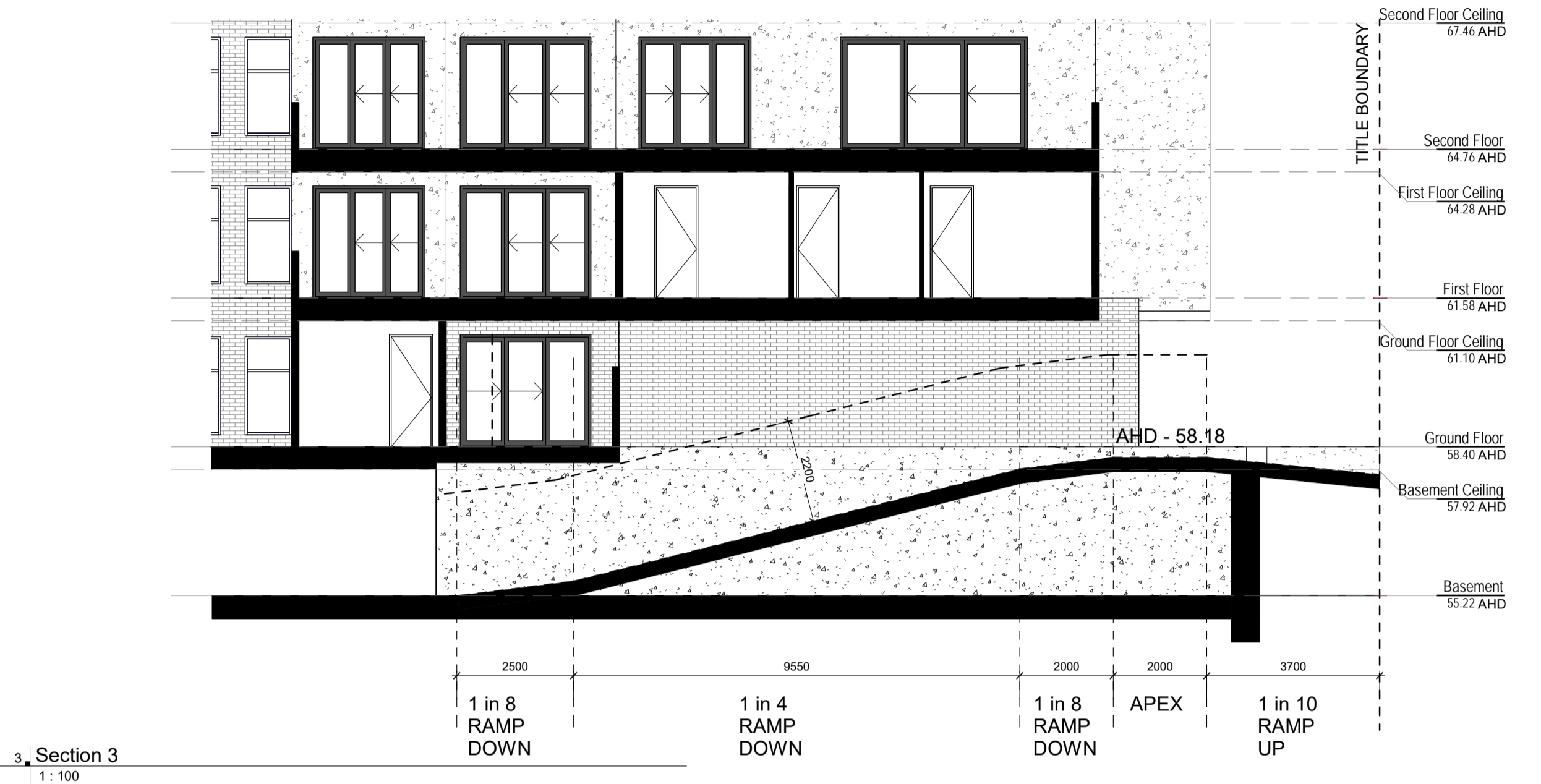
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TP-21
A1 size sheet:

REV:
2

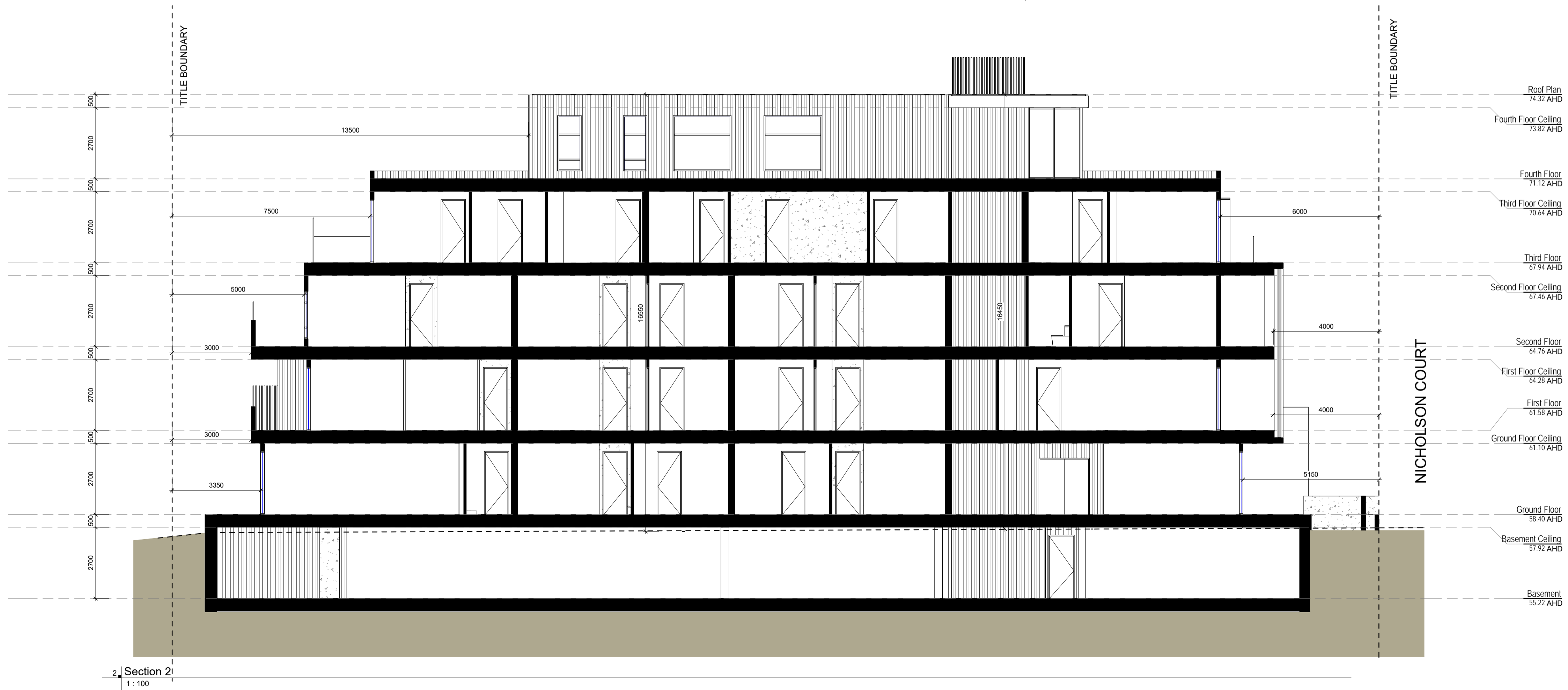
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1 Section 1
1:100



3 Section 3
1:100

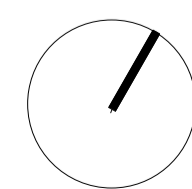


2 Section 2
1:100

APARTMENT	INTERNAL STORAGE M3
G01	12.8
G02	7.8
G03	7.8
G04	12.8
G05	4.9
G06	12.8
G07	7.8
G08	7.8
101	12.7
102	8.8
103	8.8
104	9.1
105	4.9
106	9.1
107	9.4
108	9.4
109	8.4
110	4.9
201	8.8
202	8.8
203	8.8
204	9.4
205	9.4
206	8.8
207	8.8
208	8.8
301	12.5
302	8.8
303	8.1
304	8.1
305	10.1
401	22.1

No.	DATE	AMENDMENT
1	APR 22	APPLICATION SUBMISSION
2	JUL 22	RFI SUBMISSION

No.	DATE	AMENDMENT



**NOTICE OF DECISION
TO REFUSE TO GRANT
A PERMIT**

Application No.: **TPA/53913**
Planning Scheme: **Monash Planning Scheme**
Responsible authority: **Monash City Council**

ADDRESS OF THE LAND

7-9 Nicholson Court CLAYTON

WHAT HAS BEEN REFUSED?

The construction of a five storey apartment building within a Special Building Overlay

GROUNDINGS OF REFUSAL:

1. The proposal is inconsistent with the objectives of Clause 21.04 Residential Development, Clause 22.01 Residential Development and Character Policy and Clause 58 of the Monash Planning Scheme regarding building height and scale, neighbourhood character, landscaping, private open space, front fencing and design detail.
2. The proposal fails to provide for sufficient landscaping opportunities to allow the building to sit in an open garden setting in accordance with the Residential Growth Zone, Schedule 3, Clause 21.04 and 22.01 provisions of the Monash Planning Scheme.
3. The proposal will result in unreasonable bulk impacts to adjoining properties to the north, west and south.
4. The front fence and provision of site services do not allow for an open front garden to soften the presentation to the streetscape.
5. The proposal will result in a poor level of internal amenity for future residents.
6. The proposal does not provide for effective waste management to cater for the scale of the development.
7. The design fails to provide for adequate integrated water and storm water management strategies and does not satisfy the objectives of Clause 22.04 of the Monash Planning Scheme.
8. The proposal is not site responsive and an overdevelopment of the site.

IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

- The responsible authority has decided to refuse to grant a permit.
Note: This is not a refusal under Division 5 of Part 4 of the **Planning and Environment Act 1987**).
- This notice sets out the grounds on which the application has been refused.
- The grounds on which the application has been refused are those of the responsible authority unless otherwise stated.

WHAT ABOUT REVIEWS?

For the applicant-

- The person who applied for the permit may apply for a review of the refusal.
- The application for review must be lodged within 60 days of the giving of this notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must be served on the responsible authority, each other party and each other person entitled to notice of the application for review under the Planning and Environment Act 1987 and the Victorian Civil and Administrative Tribunal Act 1998 within 7 days after lodging the application with the Victorian Civil and Administrative Tribunal.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

For a recommending referral authority—

- If the applicant applies for a review of this decision, the applicant must give notice to any recommending referral authority that objected to the grant of the permit after an application for review is lodged.

For an Objector -

- If the applicant applies for a review of this decision, the applicant must give notice to objectors in accordance with the requirements of the **Planning and Environment Act 1987** and the **Victorian Civil and Administrative Tribunal Act 1995**

The address of the Victorian Civil and Administrative Tribunal is 55 King Street, Melbourne 3000. The telephone number of 1300 01 8228. The web site is www.vcat.vic.gov.au