





Patten

Pl

David Rd





DP72461 314  
7109 m<sup>2</sup>

DP72461 315  
7130 m<sup>2</sup>

DP67943 316  
7516 m<sup>2</sup>

Landgate

Landgate

Patten  
PI  
1.6450 ha

PI

63.68

126.12

50.47

44.61

29.83

62.73

18.03

66.77

11.43

DP72461 304  
7996 m<sup>2</sup>

DP72461 303  
7997 m<sup>2</sup>

DP67943 302  
8044 m<sup>2</sup>

124.63

58.79

140.26

DP72461 304  
7996 m<sup>2</sup>

DP72461 303  
7997 m<sup>2</sup>

DP67943 301  
8083 m<sup>2</sup>

124.63

57.84

62.28

66.29

136.06

DP27870 7  
9.7523 ha

Landgate

Landgate

Landgate

Landgate

Landgate

# PLANNEDFORM

Town Planning Geraldton & Midwest

09 August 2022

Shire of Chapman Valley  
PO Box 1, NABAWA  
WA, 6532  
Attn: Simon Lancaster

Dear Simon

## **APPLICATION FOR PLANNING APPROVAL- BUILDING ENVELOPE RE-ALIGNMENT LOT 303 (No.15) PATTEN PL, WHITEPEAK**

I write in relation to an Application for Planning Approval on the above land, on which Council's Approval is sought to re-align an existing Building Envelope.

### **Purpose & Proposal**

The purpose of this Development Application is to seek Approval for the re-alignment of the approved Building Envelope on Lot 303 (No.15) Patten Place, Whitepeak, and secondarily to address the issue of the Sea Container in response to the Shire's letter dated 29<sup>th</sup> June 2022. The proposal is for a minor re-alignment of the building envelope on Lot 303, shifting the envelope by 25m further to the south in the lot (further away from the road). The distances from the boundaries either side are to remain as per the currently approved envelope. No change in the 2000m<sup>2</sup> area is intended. Refer to **Attach A** for the Subdivision Guide Plan (SGP) showing the currently approved Building Envelope and the proposed re-alignment. **Attach B** is a detailed Plan of Lot 303 showing the existing envelope and the proposed re-aligned envelope. Additionally, the landowners seek approval for the temporary siting of the sea container, pending the lodging of a Development Application and Building Permit for the construction of a dwelling and outbuilding, which will follow the determination of this Application. Detailed Plans and Elevations of the proposed dwelling and outbuilding are included at **Attach C**.

### **The Site**

Lot 303 (No.15) Patten Place, Whitepeak, is within the **Locations 460 & 542 David Rd, Waggrakine, Subdivision Guide Plan** (the SGP- refer **Attach A**). The SGP identifies a Building Envelope for each lot, within which any development must be located. The majority of other lots within the SGP have been developed and in a number of cases, re-alignment of the Building Envelopes originally identified by the SGP is evident.

### **Local Planning Policy 5.1- Building Envelopes**

The Shire's *LPP 5.1 Building Envelopes* provides the criteria by which the amendment of a building envelope should be considered and establishes the framework to demonstrate due regard to the requirements as outlined in Section 40 of the Shire's Local Planning Scheme. The following items are

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those listed in the Policy Statement of the LPP, with justification as to how the proposed building envelope re-alignment is consistent with the requirements of both the Scheme and LPP.

### **6.1.a Justification.**

The landowners purchased the land with the intent to retire and enjoy nature. To this end, they have gone to considerable effort to encourage the growth of native vegetation, with a great degree of success. The well-established vegetation is encouraging native birds, reptiles and other wildlife to inhabit the land, boosting biodiversity within the area. They are passionate about doing what they can to assist in addressing climate change and feel that their planting is assisting the cause. This Application to re-align the building envelope will allow this established vegetation to be retained, along with the broader environmental benefits it brings, not only to Lot 303, but to the wider locality within the Subdivision Guide Plan and Dolby Creek corridor.

The proposed re-aligned building envelope will enable future development on the land to form a logical staggered development front, flowing from the Patten PL frontage up to existing development on Lots 301 & 302, higher up the hill and fronting David Rd. Given the rise of the land to the east and south, this will mean any future development located slightly higher up than the current Building Envelope permits will not be visually obtrusive as it will sit well below the ridge-line.

Given the increasingly unpredictable impacts of climate change, the landowners feel the proposed re-alignment of the building envelope will afford them greater insurance against the potential for flash-flooding in Dolby Creek. This is consistent with *Cl.67.2(q)* of the *Planning & Development (Local Planning Schemes) Regulations 2015*, whereby Local Governments, in determining Applications for Development Approval, must have due regard for, among other things, “*the suitability of the land for the development taking into account the possible risk of flooding...*”.

The landowners purchased the Lot with the intent to retire and surround themselves with nature. By re-aligning the building envelope further back from the road, they feel they will enjoy more seclusion and privacy.

It is apparent that on a number of other lots within the SGP, development has been approved outside the originally approved envelopes for those Lots and it is understood that in the majority of those cases a minor boundary re-alignment was required, rather than relocation of the envelope in its entirety. Consistent with those precedents, this Application is for a relatively minor re-alignment, rather than complete relocation.

### **6.1.b Secondary Nature of Development.**

No secondary development proposed. The Lot has an existing approved building envelope, this Application seeks to relocate the approved building envelope for a residential dwelling and associated outbuilding. The only intention is for a residential dwelling and associated outbuilding.

### **6.1.c Unacceptable Visual Clutter, especially in elevated areas of high landscape quality or visually exposed locations;**

The proposed relocation of the building envelope boundaries is minor will not result in unacceptable visual clutter for a number of reasons. It will not result in a higher density of development than is

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already intended for this Lot and the area covered by the SGP. The location of Lot 303 is not particularly elevated or with high landscape quality. The southern boundary of the Lot is still well below the crest of the ridge-line, so residential development in the area proposed will not be unacceptably prominent when viewed from other locations. Lot 301, fronting David Rd is higher up the ridge-line and is already developed with residential dwelling and outbuildings. This will mean development on Lot 303 as proposed, will not be visually unacceptable when viewed from either Patten Place, or from locations further to the west and less elevated, as there is further development higher up and more prominent behind Lot 303.

## **6.1.d Remnant Native Vegetation.**

The proposed new location for the building envelope is largely to avoid unnecessary clearing of existing vegetation on the Lot. Refer to photos 1 & 2 showing how the front of the Lot, closest to Patten Pl frontage has the vast majority of the existing vegetation on the Lot. To require any development to be within the building envelope as defined by the SGP will require much of that vegetation to be removed.



Photo 1- View from Patten Pl on North-East corner of Lot showing healthy, well-established vegetation to front of Lot which relocation of Building Envelope seeks to protect

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Photo 2- View from Patten Pl on North-West corner of Lot

## **6.1.e Visual Obtrusiveness and/or impact on an adjoining property by way of privacy, noise, odour or light spill;**

Being a residential proposal, there will be no negative impacts on adjoining properties by way of noise, odour or light spill. From the perspective of privacy, the only potential impacts for the proposed building envelope relocation would be on adjoining Lot 304 to the west. To mitigate any increased potential for overlooking of Lot 304, the landowners will be undertaking considerable vegetation planting along the western boundary of the lot. In addition to general vegetation planting along the boundary, the landowners will be cultivating espaliered vegetation screening in panels 3m long and 1.8m high, which over time will each support a fruit tree of up to 3m height. Please refer to **Attach D** for a Plan showing the intended extent of vegetation and a detailed explanation of the proposed vegetation screening.

The R-Codes in the *Explanatory Guidelines Part 7.1 Visual Privacy*, specifically state that “*Vegetation in the form of screen planting or selective placement of suitable trees or shrubs can provide effective screening for privacy control...*” While the R-Codes are not necessarily applicable to Rural-Residential development, if vegetation screening is an acceptable form of privacy control in a denser urban development situation where privacy is a more critical issue, then it should be an acceptable solution to mitigate potential overlooking issues in this proposed development.

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## 6.1f Landscape Screening.

The proposed new location for the building envelope will allow for the retention of existing vegetation at the front of the Lot which will provide more effective screening. Trees planted along the boundary of the subject site and adjacent properties will further screen future development from existing development on adjacent properties. Refer to the above justification point for further details on proposed vegetation screening.

Since the zoning is 'Rural-Residential', any development on the land will require Development Approval. As suggested in the *Explanatory Guidelines Part 7.1 Visual Privacy* of the R-Codes, the vegetation screening can be made the subject of a condition of Planning Approval at the time of Residential Development.

## 6.1.g Materials & Colours to assist in softening any perceived visual impact.

The proposed dwelling is of a high architectural standard and has been professionally designed to complement the landscape. It is low and flat in profile and as it is proposed to be well below the top of the ridge-line, will not be visually prominent when viewed from other locations. Refer to the Plans and Elevations (**Attach C**) for the proposed dwelling included in the information supporting this Application.

The colour scheme has been selected to minimise visual impact, using only earthy, neutral tones in non-reflective materials. The roof sheeting is proposed to be Colorbond in 'Evening Haze' which, according to Colorbond's interpretation "...strongly evokes the coastal landscape, the desert sand, the limestone dunes, the barren plains and the inland and coastal dried grasses and Spinifex." The exterior cladding will be weatherboard in 'Surfmist' colour. See below for examples of the colour scheme.



**Surfmist**



**Evening Haze**

### Predominate Colour Palette for Intended Dwelling

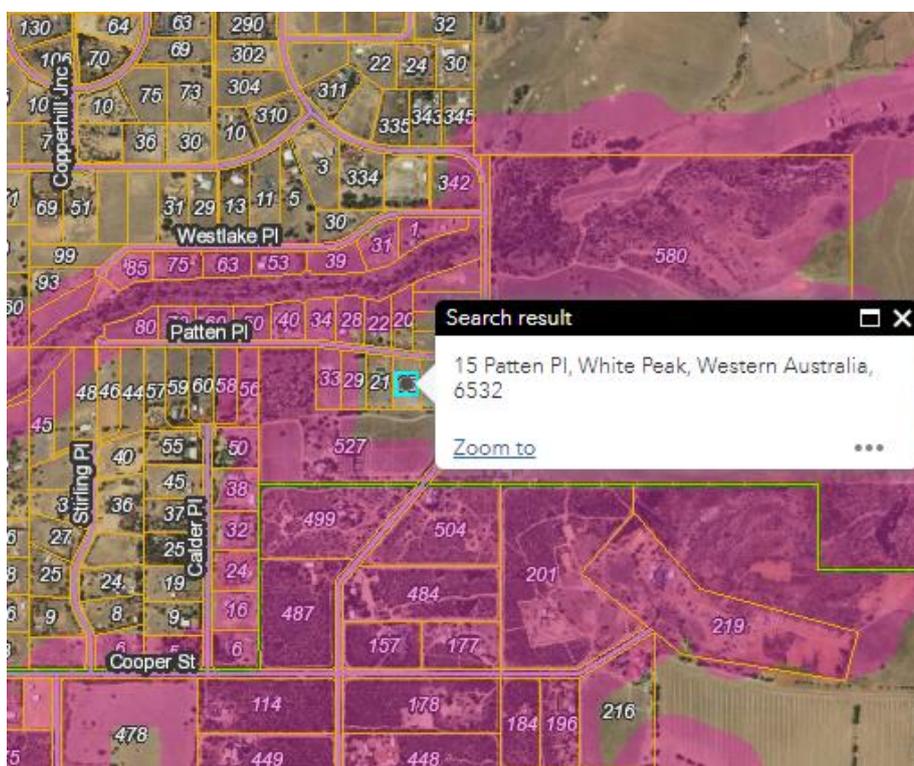
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## 6.1.h compliance with the land-use, setback, building height, development exclusion, vegetation protection, bushfire requirements and other pertinent provisions of the Local Planning Scheme and associated Planning Policies.

The proposal is consistent in all regards with other pertinent provisions of the LPS and associated Planning Policies. As a residential dwelling, it is entirely consistent with the intended land-use of the 'Rural-Residential' zone. The proposed relocated building envelope is still setback 10m from either side boundary as is the currently approved envelope (refer **Attach B**), so any future development will be setback more than the minimum 5m from either side as per Schedule 3 of the LPS. Similarly, the front and rear of the proposed relocated envelope will easily achieve the minimum front and rear setbacks of 15m and 5m respectively, specified under Schedule 3. The only areas of significant vegetation on the Lot are those which this Application to relocate the Building Envelope seeks to protect and as detailed below, the land is not identified by DFES as being Bush Fire Prone.



15 Patten Pl, identified by DFES as not in Bushfire Prone Area.

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## **Temporary Siting of Sea Container**

In response to the Shire's letter dated 29<sup>th</sup> June 2022, regarding the placement of the Sea Container on the Lot, the owners wish to seek approval for the temporary citing of the sea container in it's current location. The container is being used for storage of equipment used to maintain the fencing and vegetation on the Lot. Following this Application, the intention is to apply for Development Approval and then a Building permit for the construction of a house and outbuilding. Pending the necessary Approvals, there is an anticipated start date for construction of November 2022. Once construction is complete, the landowners will either remove the container from site or Apply for permanent siting and move it in compliance with the Shire's 'Sea Container' Local Planning Policy.

## **Conclusion**

The proposed re-alignment of the building envelope on lot 303 is consistent with The Shire of Chapman Valley's LPS No.3, both in terms of the Objectives of the Rural-Residential zoning and with the provisions of Section 40 of the Scheme. As has been detailed in this Application, the proposed re-alignment will have a positive benefit to the locality within the Subdivision Guide Plan area, as it will enable the preservation of the established vegetation on the Lot. Any perceived issues regarding loss of privacy can be addressed at the Development Approval stage through the imposition of Conditions of Development Approval.

I trust this Application and supporting plans and documentation are sufficient for Council to make a determination. I understand the proposal will require advertising with surrounding neighbours. Should further information or clarification be required, please don't hesitate to contact me.

**Yours sincerely,**

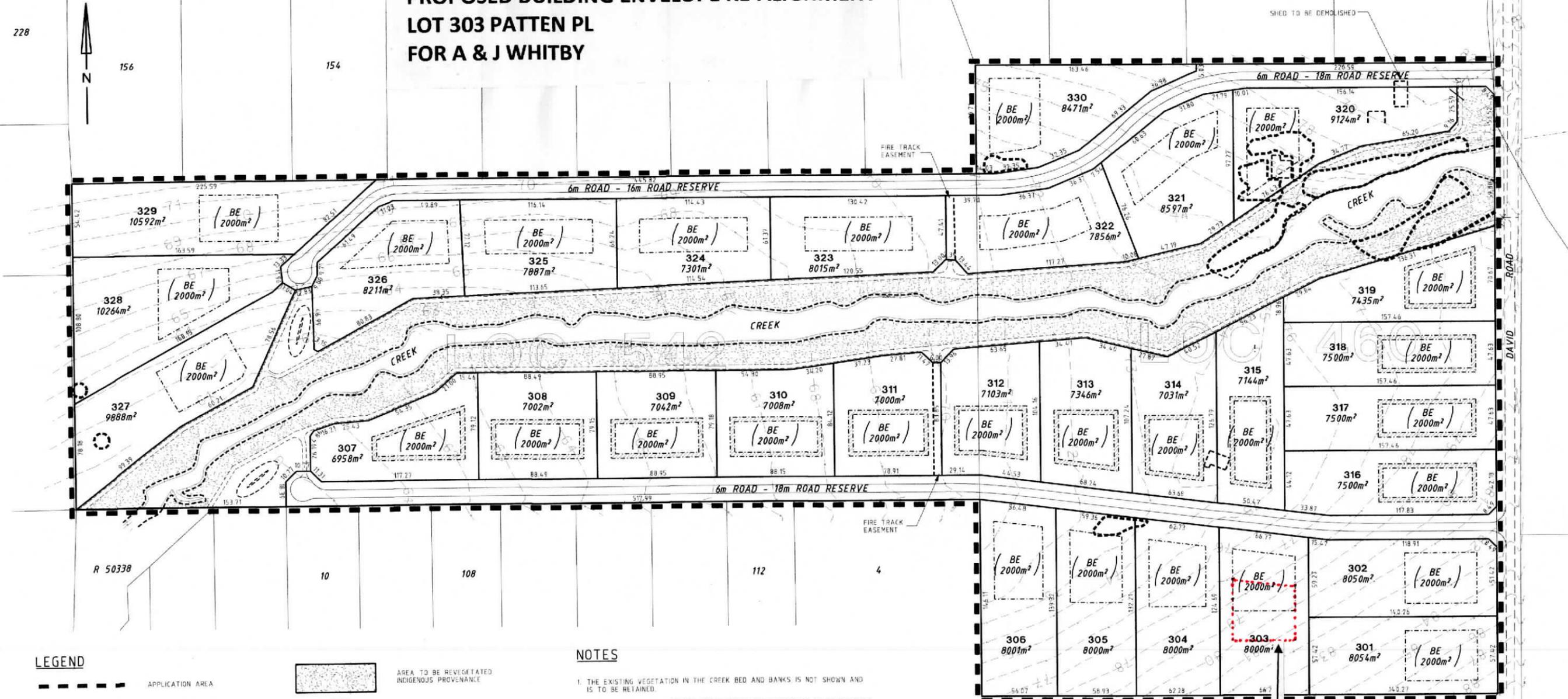


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Planning Consultant.

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# PROPOSED BUILDING ENVELOPE RE-ALIGNMENT LOT 303 PATTEN PL FOR A & J WHITBY

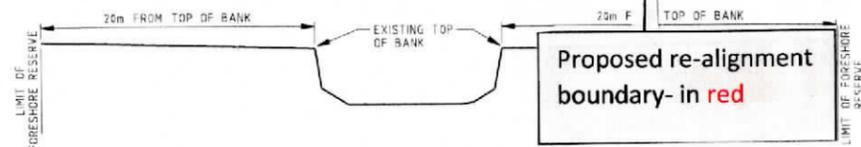


### LEGEND

- APPLICATION AREA
- EXISTING CONTOUR
- EDGE CREEK LINE
- BUILDING ENVELOPE AREA
- SPECIAL BUILDING ENVELOPE AREAS
- AREA TO BE REVEGETATED INDIGENOUS PROVENANCE
- DRAINAGE DETENTION SWALE & BATTERS
- VEGETATION STANDS TO BE RETAINED

### NOTES

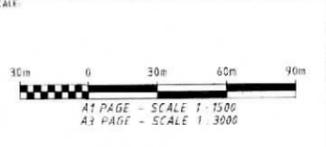
1. THE EXISTING VEGETATION IN THE CREEK BED AND BANKS IS NOT SHOWN AND IS TO BE RETAINED.
2. THE PROPOSED LOT CONTAINING THE EXISTING DOLBY CREEK IS TO BE REVEGETATED IN THE CROWN AS A DRAINAGE AND CONSERVATION RESERVE.
3. PROPOSED CREEK LOT TO BE FENCED WITH GATES AT TRACK EXIT POINTS TO THE SATISFACTION OF THE SHIRE.
4. MINIMUM WIDTH OF FORESHORE RESERVE EACH SIDE OF DOLBY CREEK TO BE 20m FROM THE TOP OF BANK.



**DISTANCES AND AREAS  
SUBJECT TO FINAL SURVEY**

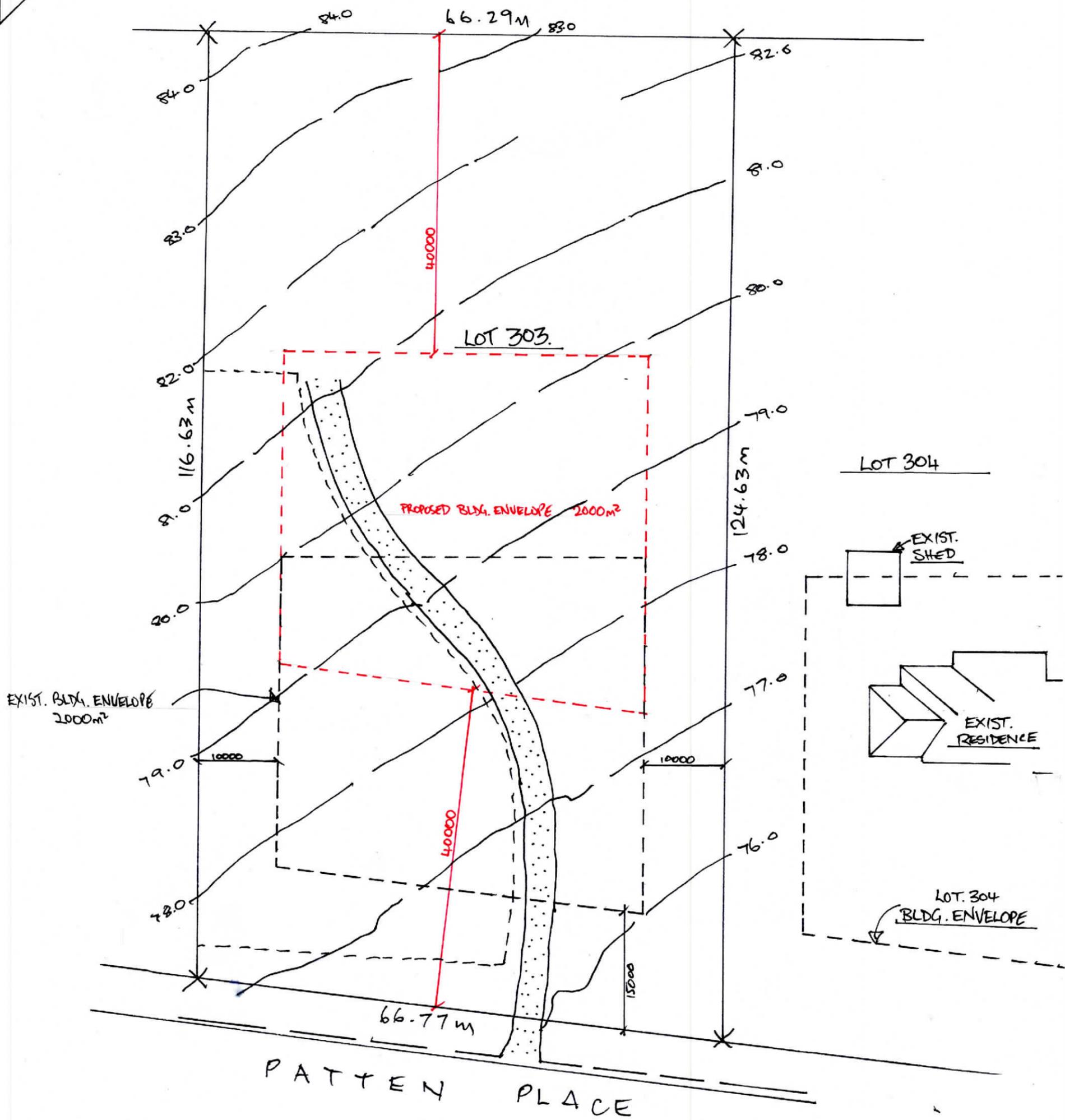
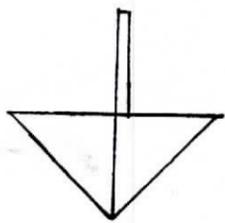
**LOCATIONS 460 & 542 DAVID ROAD, WAGGRAKINE  
SUBDIVISION GUIDE PLAN**

No	DATE	BY	DESCRIPTION

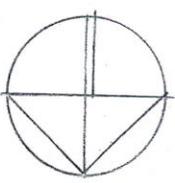


DRAWN	
CHECKED	
APPROVED	
DATE	

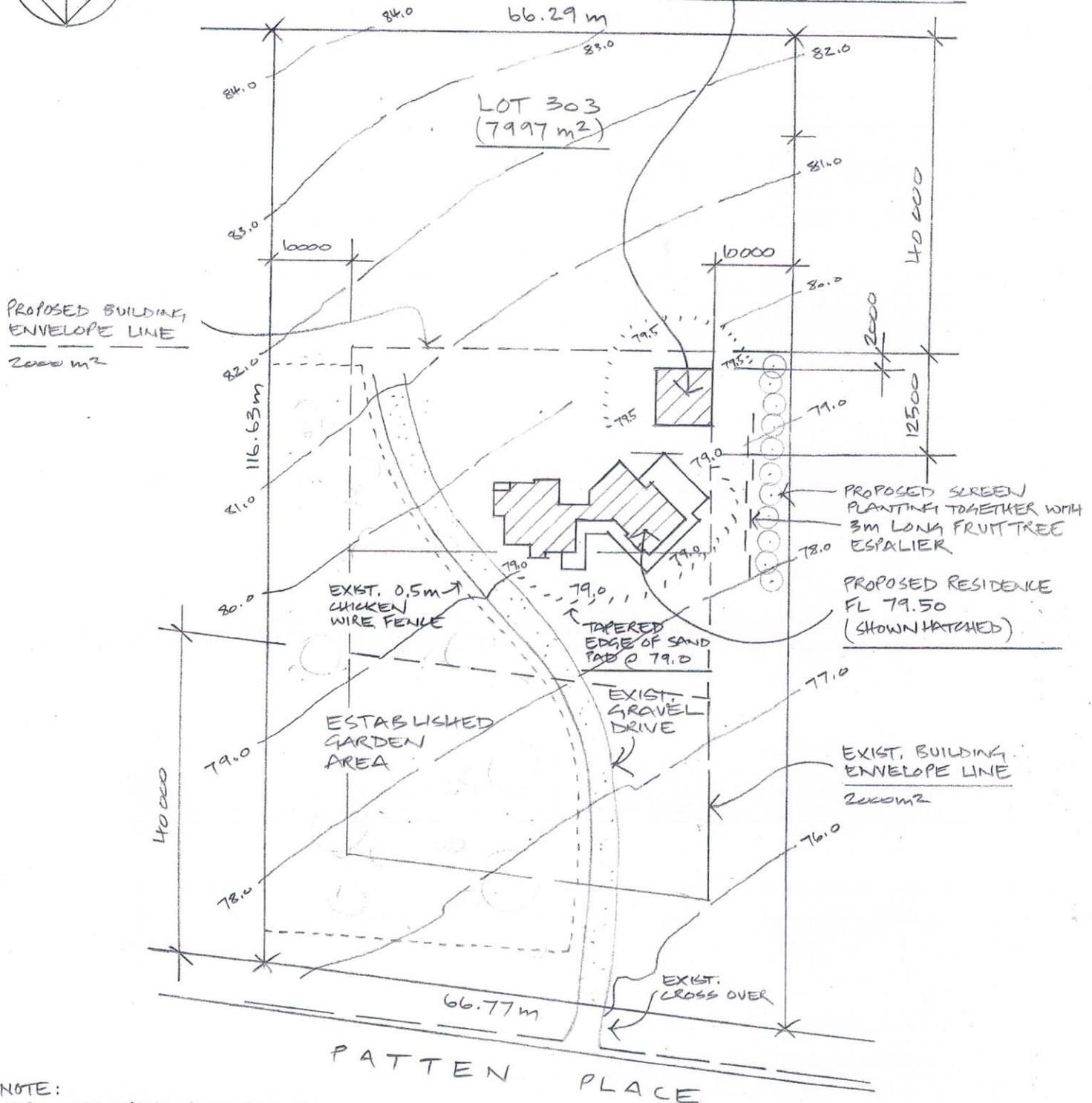
FILE NAME	DATE	DRAWING No.	DATE
	27-11-09	682-00-002	



SITE PLAN 1:500



PROPOSED TIMBER FRAMED  
GARAGE 7200x7200  
FL 79.60



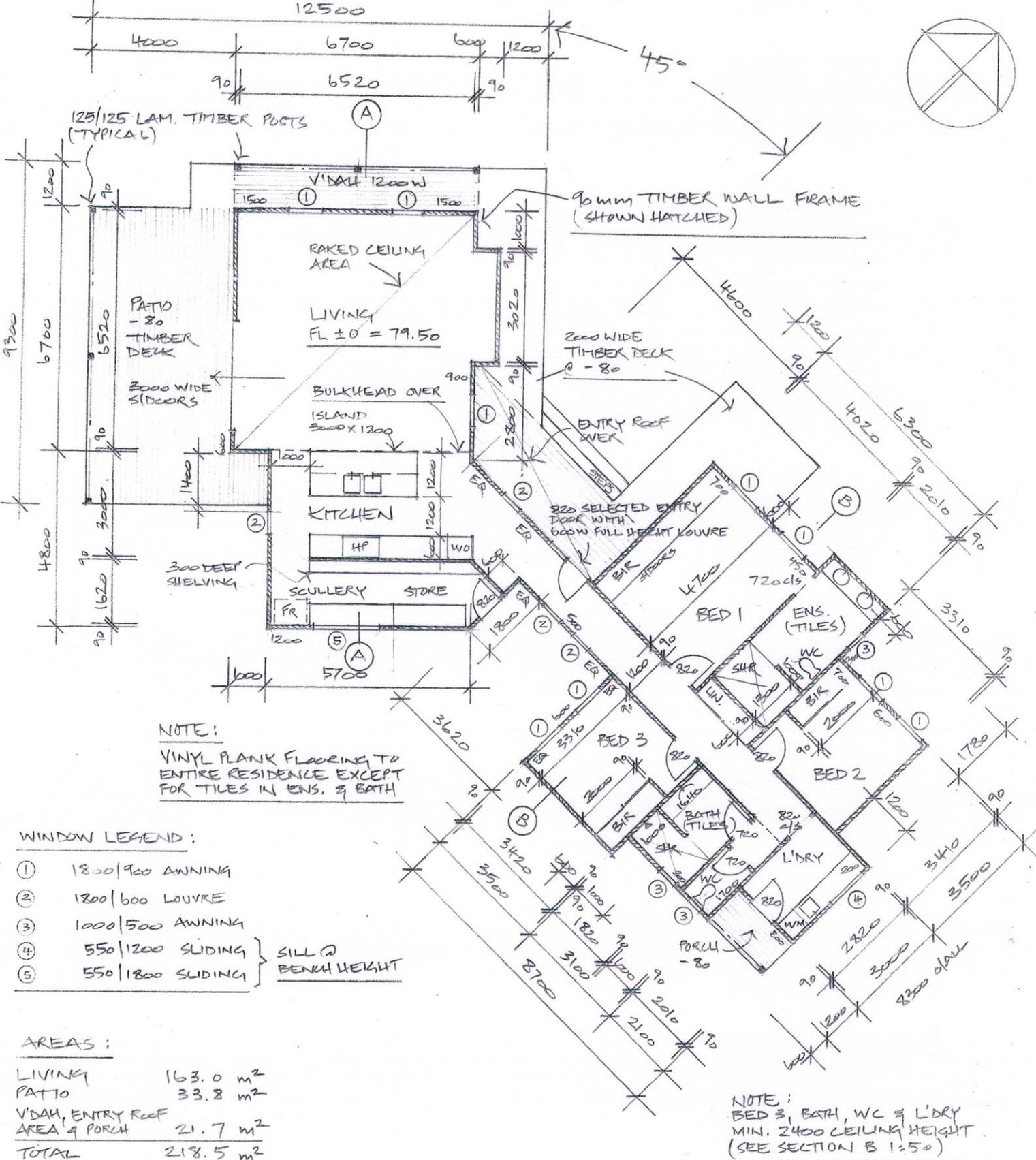
NOTE:  
SEE ATTACHED SITE SURVEY  
BY HTD SURVEYORS

ALL ROOF STORM WATER TO RUN  
INTO RAINWATER TANKS  
GUTTERS & DOWNPIPES IN ALL.  
WITH BCA 3.5.2

SITE PLAN 1:500

3/8/22

<p>PROPOSED RESIDENCE AT LOT 303 15 PATTEN PLACE, WHITE PEAK FOR A. &amp; J. WHITBY</p>	<p>1</p>	<p><b>SUNSET DESIGN</b> Drafting</p> <p>MARC STAHLI 0427 382 063 www.sunsetdesign.com.au</p>
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FLOOR PLAN 1:100

TERMITE TREATMENT IN ACC. WITH AS 3660.1

WATERPROOFING IN ACC. WITH AS 3740 - SEE ATTACHED DETAILS

PRODUCT INFORMATION SUPPLIED BY BUILDER OR OWNER

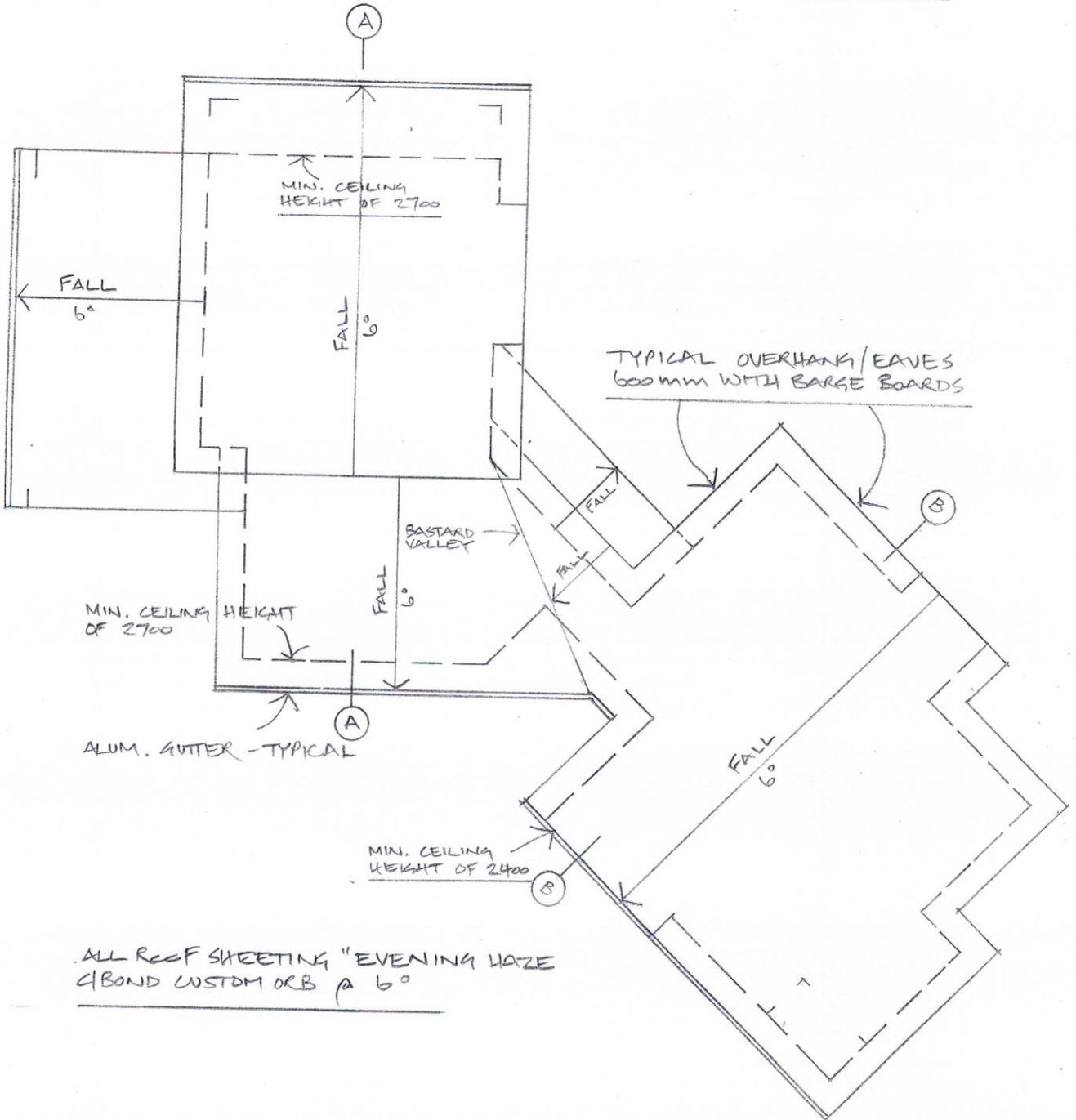
PROPOSED RESIDENCE AT LOT 303  
15 PATTEN PLACE, WHITE PEAK  
FOR A. & J. WHITBY

2



NOTE :

PLEASE READ THIS DRAWING IN CONJUNCTION WITH FLOOR PLAN,  
ELEVATIONS AND STRUCTURAL SECTIONS.



ALL ROOF SHEETING "EVENING LAZE  
4 BOND CUSTOM ORB @ 6°

ROOF LAYOUT 1:100

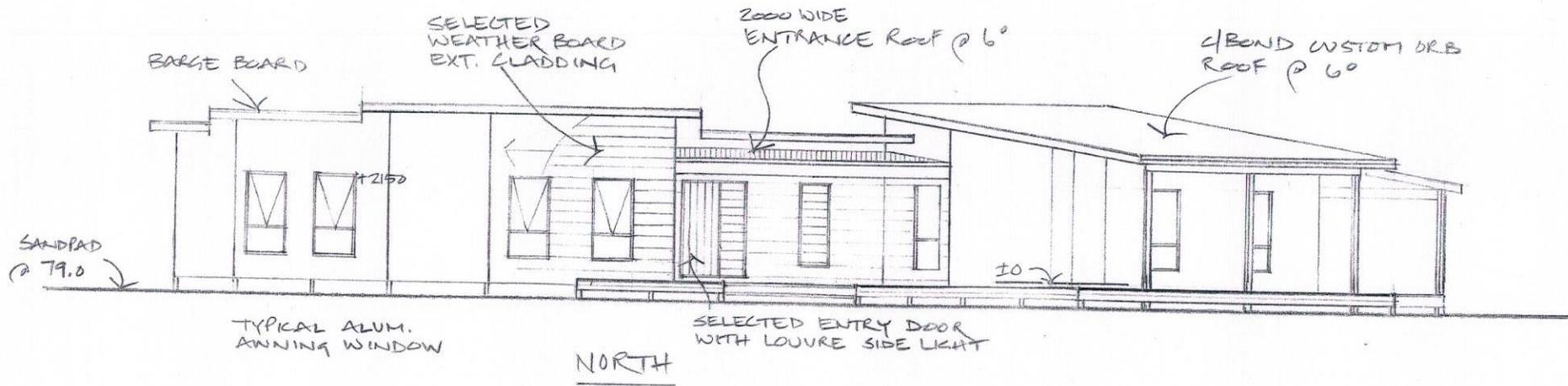
3/2/22

PROPOSED RESIDENCE AT LOT 303  
15 PATTEN PLACE, WHITE PEAK  
FOR A. & J. WHITBY

3

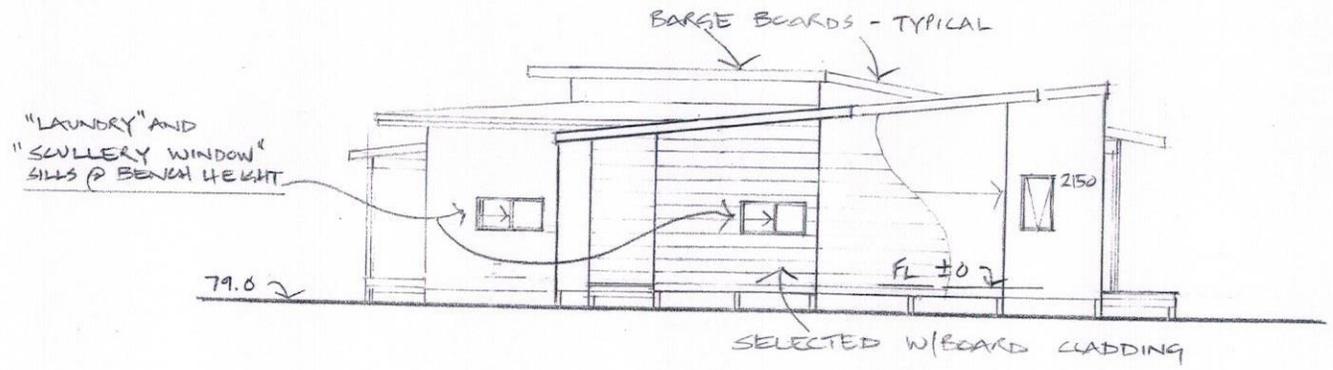
**SUNSET DESIGN**  
*Drafting*

MARC STAHLI  
0427 382 063  
www.sunsetdesign.com.au



3/8/22

<p>PROPOSED RESIDENCE AT LOT 303          15 PATTEN PLACE, WHITE PEAK          FOR A. &amp; J. WHITBY</p>	<p>4</p>	<p><b>SUNSET DESIGN</b>  <i>Drafting</i></p> <p>MARC STAHLI          0427 382 063          www.sunsetdesign.com.au</p>
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EAST ELEVATION 1:100

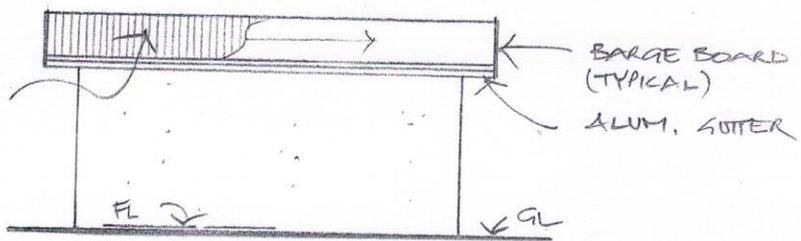


SOUTH

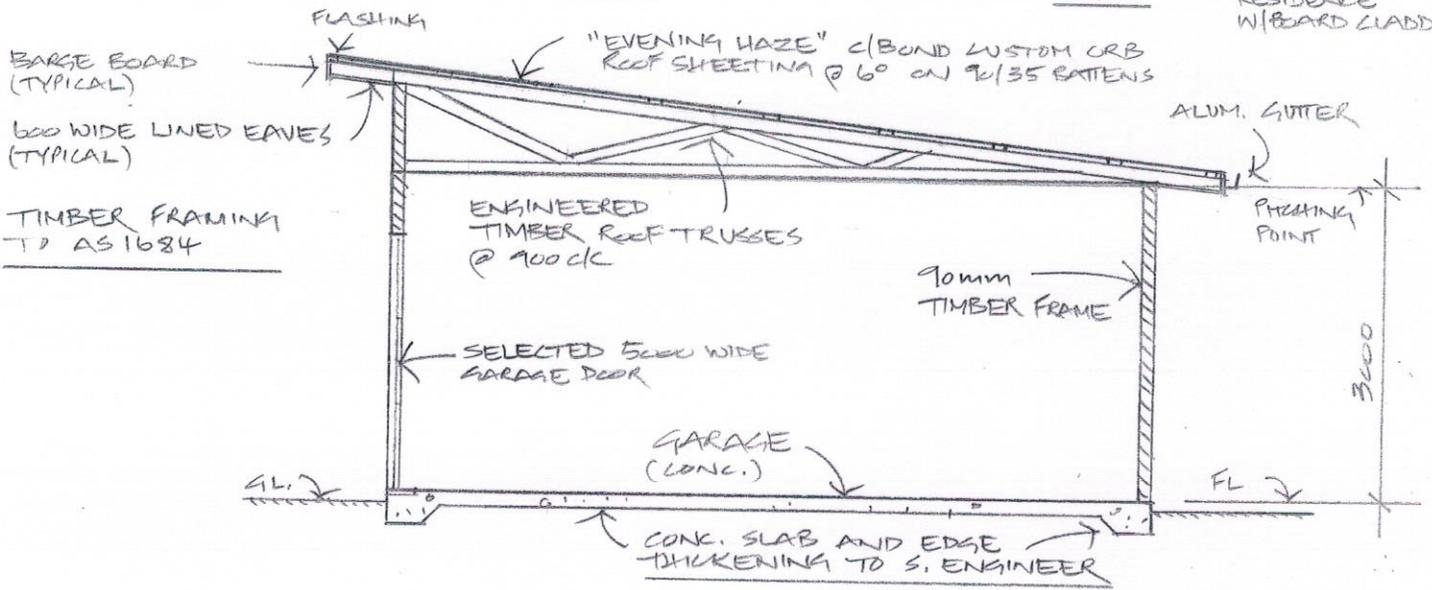
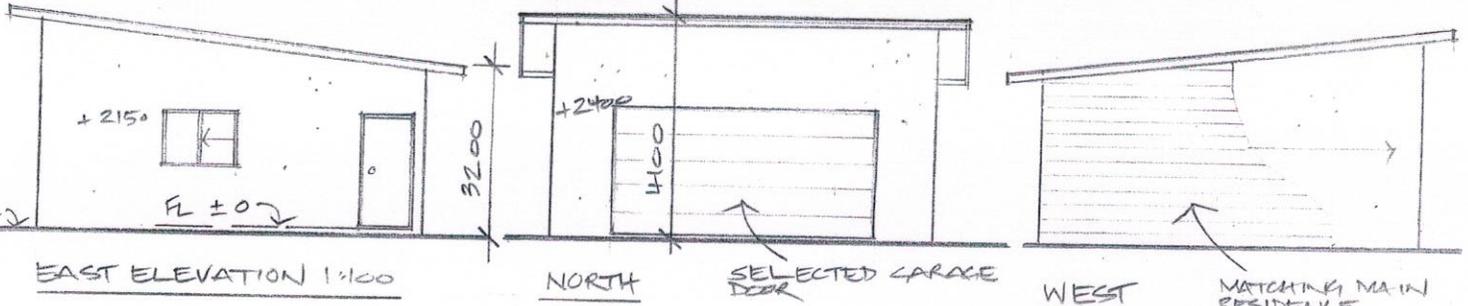
<p>PROPOSED RESIDENCE AT LOT 303 15 PATTEN PLACE, WHITE PEAK FOR A. &amp; J. WHITBY</p>	<p>5</p>	<p><b>SUNSET DESIGN</b> <i>Architectural Drafting</i></p> <p>MARC STAHLI 0427 382 063 www.sunsetdesign.com.au</p>
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3/8/22

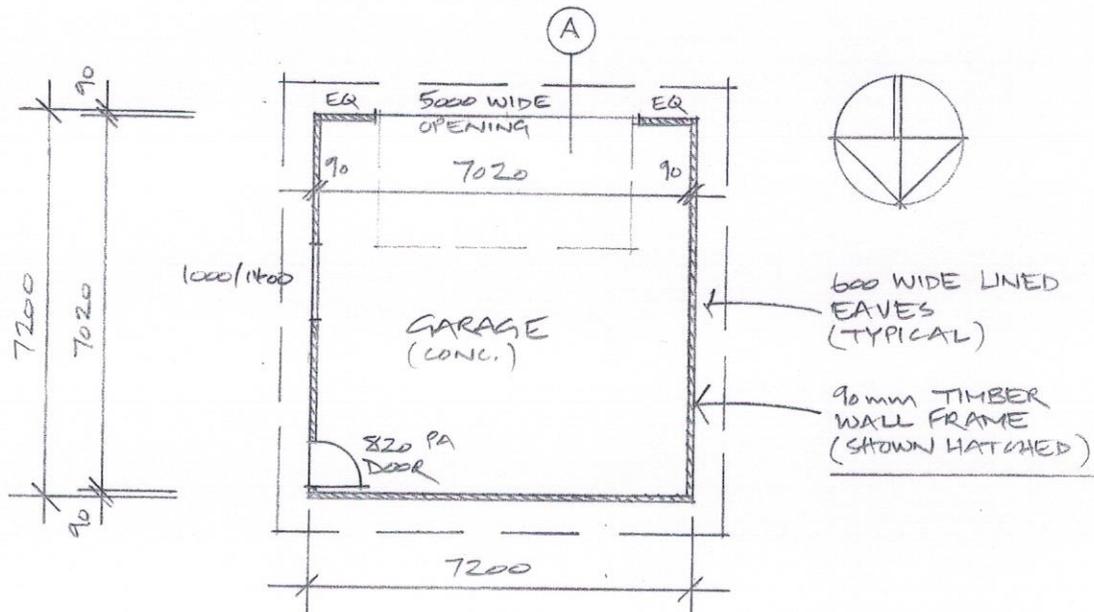
"EVENING HAZE" C/BOND ROOF @ 6°



SOUTH



SECTION A 1:50



FLOOR PLAN 1:100

PROPOSED RESIDENCE AT LOT 303  
15 PATTEN PLACE, WHITE PEAK  
FOR A. & J. WHITBY

**SUNSET DESIGN**  
Drafting  
MARC STAHL  
0427 382 063  
www.sunsetdesign.com.au

## Espalier Growing Trees on Frame Green Screen / Green Wall.

materials      fine post -

Wire Lines thru posts.

or Weldmesh. as frame

Trees Planted near middle post

Trees Trained to grow along wire

Creating Visual Wall

Each Screen will be three meters Long  
off set for air flow.

Each Screen will be 6 ft Tall.

Each Screen will have a fruit Tree Planted  
orange mandarine Lemon fig

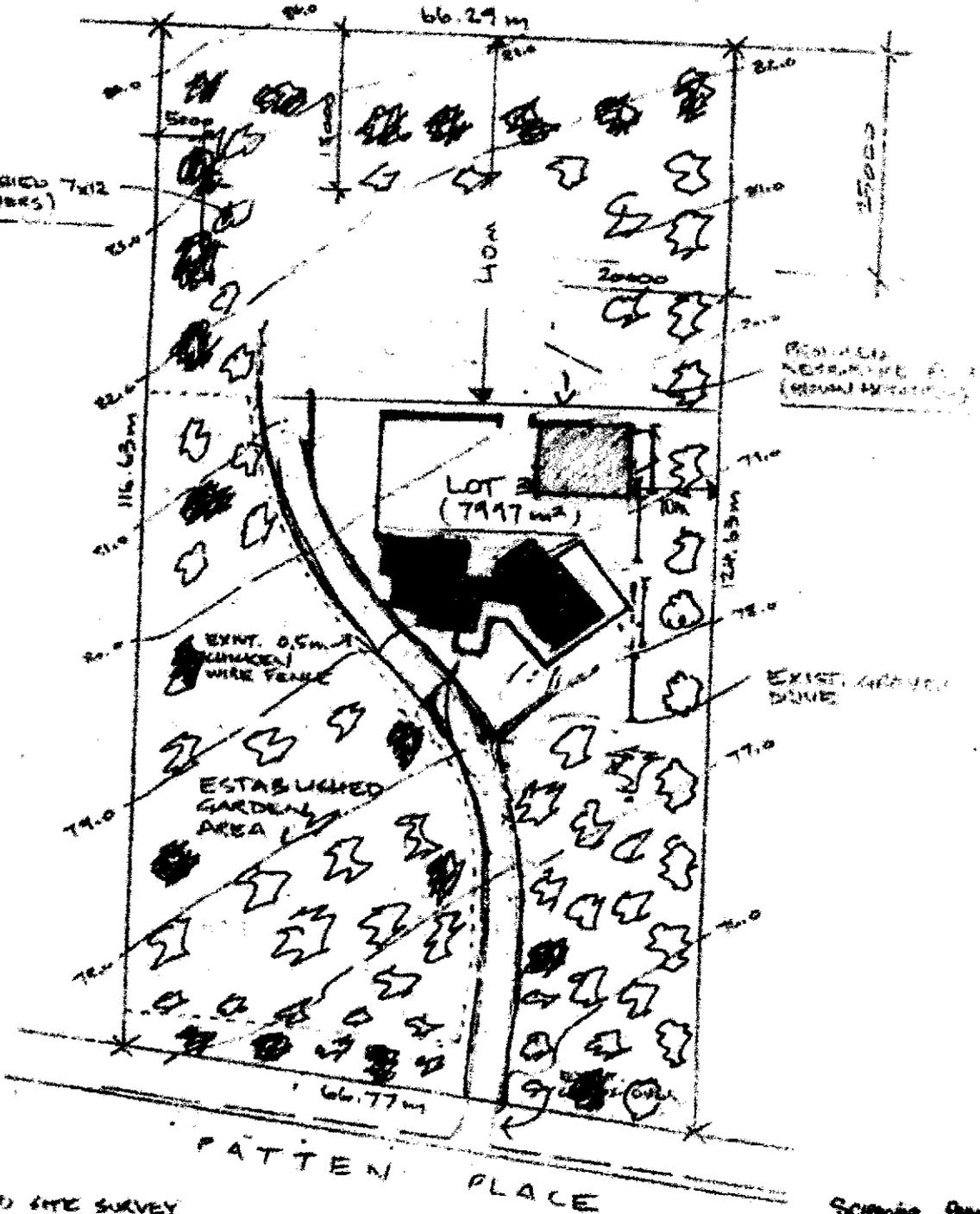
We are planting Shrubs along fence line  
with 1mt clearance of fence

The Screens will be in front of the  
Shrubs will grow to 2/3 mt Tall.





DIFFERED  
COLORS IN SHED TWIN  
(PLANS BY OTHERS)



RESERVED  
NEIGHBORHOOD  
(SPECIAL DISTRICT)

EXIST. GROUND  
DRIVE

PATTEN PLACE

Scoping  
↓  
Planning Exploring The  
Results

NOTE:  
SEE ATTACHED SITE SURVEY  
BY HTD SURVEYORS  
ALL ROOF STORMWATER TO RUN  
INTO FANWATER TANKS  
THROUGHS DOWNPIPES IN ALL  
WITH RCO R.S.2