

# STATEMENT OF ENVIRONMENTAL EFFECTS

FOR Boundary Adjustment

LOT 4 DP813533

544 Martins Creek Road, Paterson

and

Lot 1542 DP749456

546 Martins Creek Road, Paterson

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### APPENDICES

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- B. DETAIL SURVEY
- C. PROPERTY SEARCHES

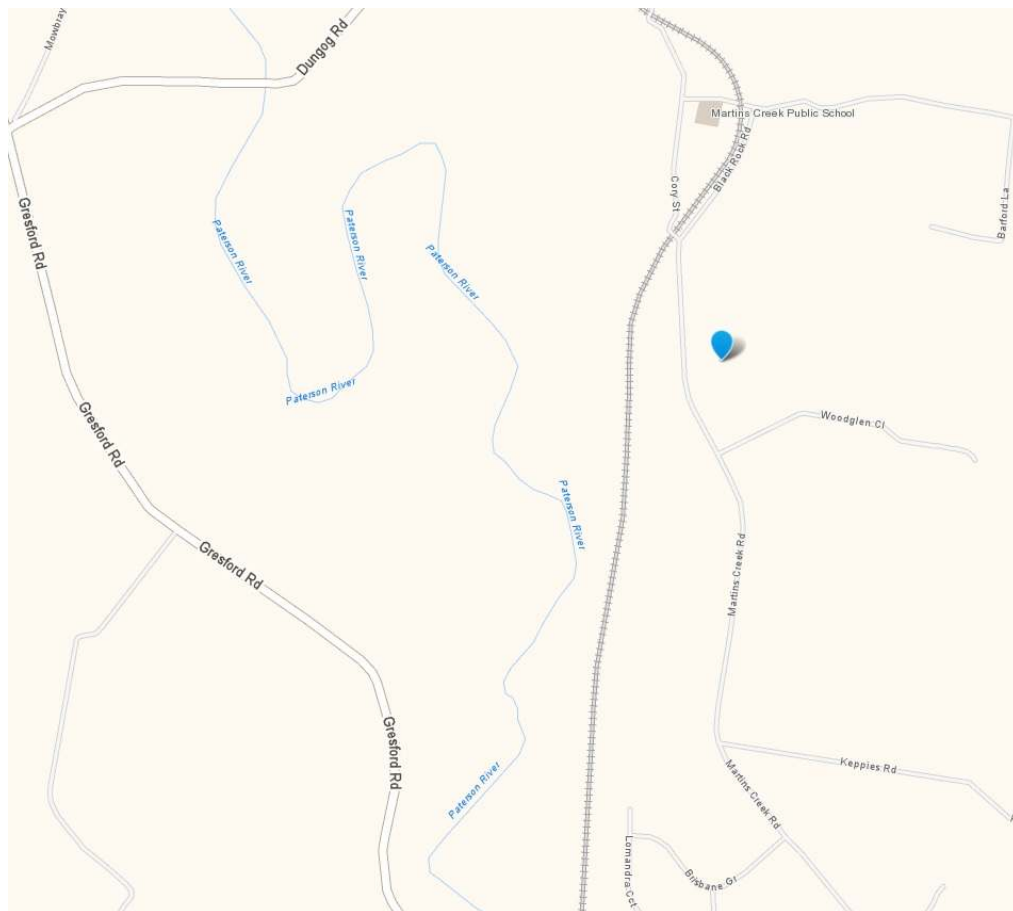
# 1.0 INTRODUCTION

David Cant Surveyors has been engaged to prepare a Statement of Environmental Effects to accompany a Development Application to DUNOGG COUNCIL for the Boundary Adjustment of:

Lot 4 DP813533 under the ownership of Michael Dooley  
Address: 544 Martins Creek Road, Paterson

And

Lot 1542 DP749456 under the ownership of Angus McGee and Carly McCorriston  
Address: 546 Martins Creek Road, Paterson



Site Location - Figure 1

The proposal involves a Subdivision of 2 lots into 2 lots (Boundary Adjustment) as shown on the Plan of Proposed Subdivision Appendix A.

## **2.0 SITE DESCRIPTION and ANALYSIS**

### **Site Description**

Erected upon Lot 4 DP813533 is a residence and ancillary sheds known as No 544 Martins Creek Road upon cleared residential land of 1.839 hectares.

Erected upon Lot 1542 DP749456 is a residence and multiple ancillary sheds known as No 546 Martins Creek Road, Paterson upon cleared residential land of 3 hectares.

See Detail Plan in Appendix B for position of the buildings.

The site is Zoned R5 Large Lot Residential as described in Dungog Council's Local Environmental Plan 2014 on Map LZN\_006AC.

Electrical and Telecommunication Services are available to each site and are not expected to be compromised by the Boundary Adjustment. Water and Sewer services are not provided by Hunter Water Corporation.

## **3.0 PROPOSAL**

Consent is sought from Dungog Council for the Boundary Adjustment of Lot 4 DP813533 and Lot 1542 DP749456.

- This will result in an approximate 8037 square metre increase in Lot 1542 DP749456 of existing area of 30000 square metres to result in 30837sqm
- And a decrease of the same amount to Lot 4 DP813533 of existing area of 18390 square metres resulting in a total area of 10350 square metres (having an area of 9284 square metres excluding the battle-axe handle)

as shown on the proposed Plan of Subdivision appendix A.

## **4.0 PLANNING CONTROLS**

Pursuant to Section 79C of the *Environmental Planning and Assessment Act 1979*, the Development Assessment must take into consideration Environmental Planning Instruments, including draft instruments, Development Control Plans and matters prescribed in the *Environmental Planning and Assessment Regulations 2000*.

### **4.1 DUNGOG LOCAL ENVIRONMENTAL PLAN 2014**

#### *Land Use Zoning*

The subject site is zoned R5 large Lot Residential pursuant to the Dungog LEP 2014. The objectives of the zone are as follows:

#### **1 Objectives of zone**

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To isolate housing from existing intensive agriculture or future intensive agricultural areas.

#### **2 Permitted without consent**

Extensive agriculture; Home occupations; Markets; Roads; Roadside stalls

#### **3 Permitted with consent**

Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Car parks; Cellar door premises; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Farm buildings; Farm stay accommodation; Flood mitigation works; Function centres; Home-based child care; Home businesses; Information and education facilities; Jetties; Kiosks; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Respite day care centres; Rural supplies; Sewerage systems; Signage; Tank-based aquaculture; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Water recreation structures; Water supply systems

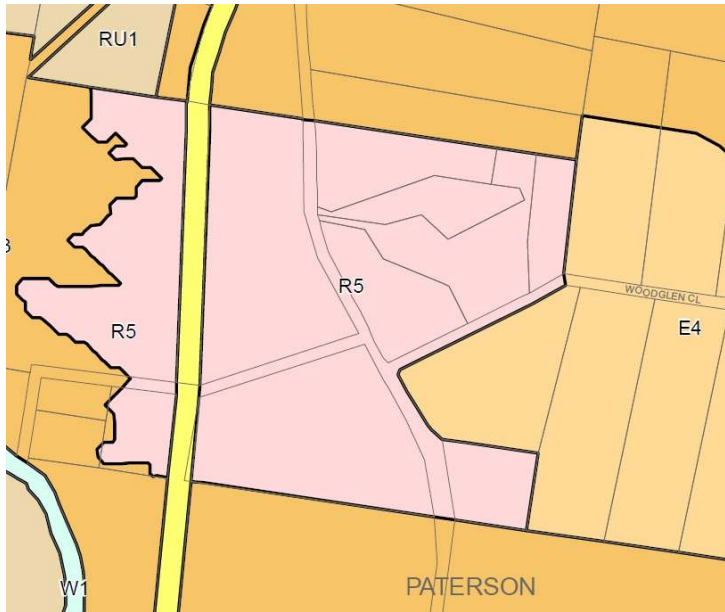


Figure 2 – Excerpt of Dungog LEP Zoning Map 006AC

Existing Uses – Home occupation / Agriculture

I consider that the proposed development remains consistent with the above objectives and is permissible with Council's consent.

### *Principle Development Standards*

#### **Part 4 Principal development standards**

##### **4.1 Minimum subdivision lot size**

- (1) The objectives of this clause are as follows:
  - (a) to ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls,
  - (b) to prevent the fragmentation of rural land.
- (2) This clause applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

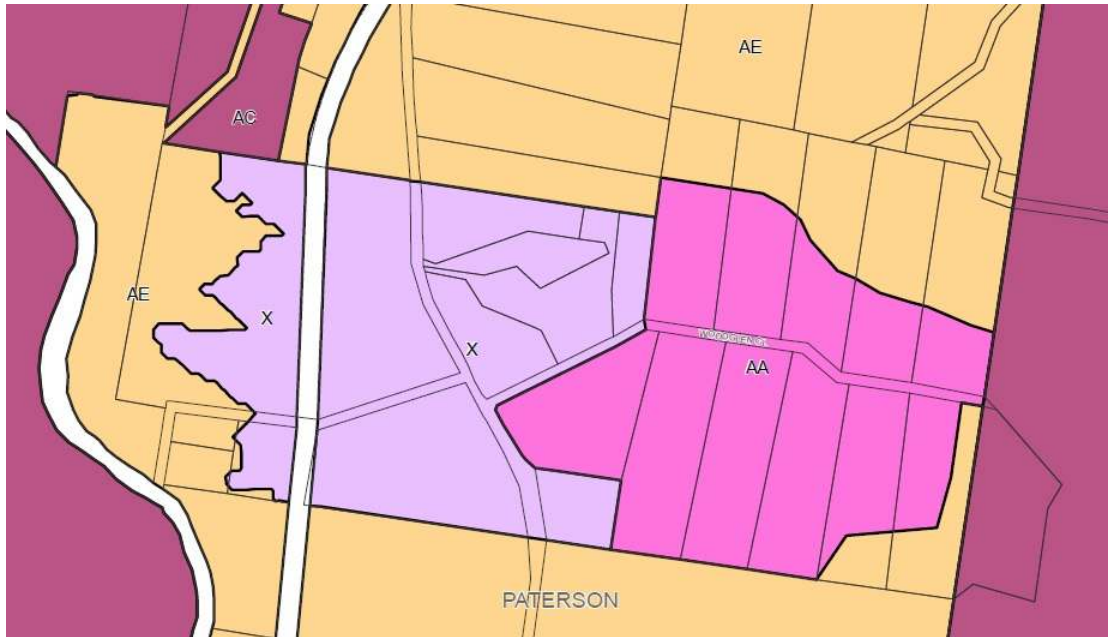


Figure 3 – Excerpt of Dungog LEP Lot Size Map 006AC

Section 4.1 of the Dungog LEP in conjunction with the lot size map stipulates the minimum lot sizes for subdivisions. The proposed boundary adjustment meets the minimum allowable lot size of 8000 square metres where Proposed Lot 2 results in an area of 1.035ha where its area excluding the access handle calculates to be approx. 9284sqm.

## 4.2 DUNGOG RURAL RESIDENTIAL CONTROL PLAN

### ***Part C.2 – Development in Rural Residential Zones.***

Objectives of this Plan

The objectives of the Rural Residential Control Plan are:

1. To ensure that development within the Zones is consistent with and promotes the principles of environmentally sustainable development.
2. To promote coordinated development that will be conducive to closer settlement patterns and/or changes in land uses in the future.
3. To ensure that development within the Zones is sensitive to the topographic and environmental characteristics of the land.
4. To safeguard indigenous vegetation, habitats and water courses.
5. To retain and protect the rural character of the area and areas with high visual significance.

6. To provide a network of safe access roads and shared pedestrian and cycle pathways within and between areas developed within the Zones.

7. To minimise the cost to the community of providing, extending and maintaining public amenities and services.

8. To ensure that development within the Zones does not prejudice the interests of agriculture within the zone and adjoining areas.

**Key issues identified are:**

Roads and road access

No alteration to the existing access to each lot is proposed other than to make the access of lot 2 a consistent 6 metres wide as shown on the Proposed Plan of Subdivision here attached in appendix A.

Pedestrian and cycle access

No alteration to the existing circumstance is proposed.

Existing pattern of land subdivision

The proposed shape of Lot 2 does not vary greatly with the parent lot 4. Due to the historic fragmentation of the grand-parent lot the existing lot 4 has a narrow access point with an irregular, elongated shaped property. The proposed shape of Lot 2 improves access to a regular shaped access.

The Boundary adjustment improves the depth to width ratio shape of proposed Lot 1

Need to protect habitat

No clearing or construction (other than fencing) is proposed in this application. The proposed development will have no or very little impact on the existing flora or fauna habitat.

The need to protect the waterways

The site does not contain any waterway. The Development will have no effect on waterways.

Each lot will remain to contain a dam for water storage. The development does not propose any changes to the harvesting of water.



## Flooding

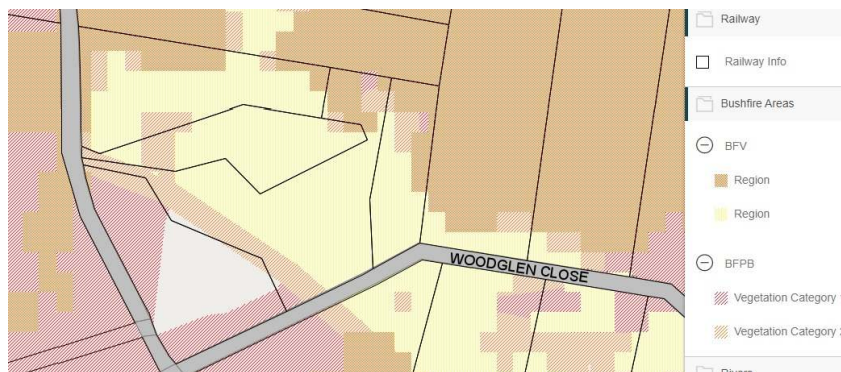
The proposed development is not affected by flooding.

## The need to retain the rural character of the area and protect areas of high visual significance.

The proposed development will retain the rural character of the area.

The proposed development will not affect the visual impact of the area.

## **Bushfire**



The Development is within a Bushfire Zone and is integrated development.

A report has been prepared by a qualified consultant where there are no recommendations for refusal. See Bushfire Report herewith.

## **Heritage and Archaeology:**

The site is not known to have any item of heritage or archaeological significance.

## **Hazards:**

The front portion of each lot contains Acid Sulphate Soil - Class 5 as shown on the Acid Sulphate Soils Map. The development does not proposed any disturbance to the soil structure of the site and will not have any effect.

## **Effluent Disposal:**

Each lot has existing effluent disposal sites. No alterations are proposed for the disposal of effluent.

## **Services:**

Each lot has existing services, the Boundary adjustment will have no effect to these services.

## **5.0 POTENTIAL IMPACTS**

Pursuant to the *Environmental Planning and Assessment Act 1979*, the Development Application must take into account potential environmental, built, social and economic impacts as a result of the proposed development.

### **5.1 ENVIRONMENTAL IMPACTS**

The proposed boundary adjustment is unlikely to have any impact on environmental factors.

### **5.2 BUILT ENVIRONMENT IMPACTS**

The proposed boundary adjustment is unlikely to have any impact on the built environment.

### **5.3 SOCIAL AND ECONOMIC IMPACTS**

The proposed subdivision is unlikely to have any negative social or economic impacts as it is considered that the development will have a positive social benefit giving the school capabilities of improvement to school activities.

## **6.0 CONCLUSION**

The proposed development involves the boundary adjustment being approximately 8037 square metres Large Lot Residential from Lot 4 DP813533 to Lot 1542 DP749456.

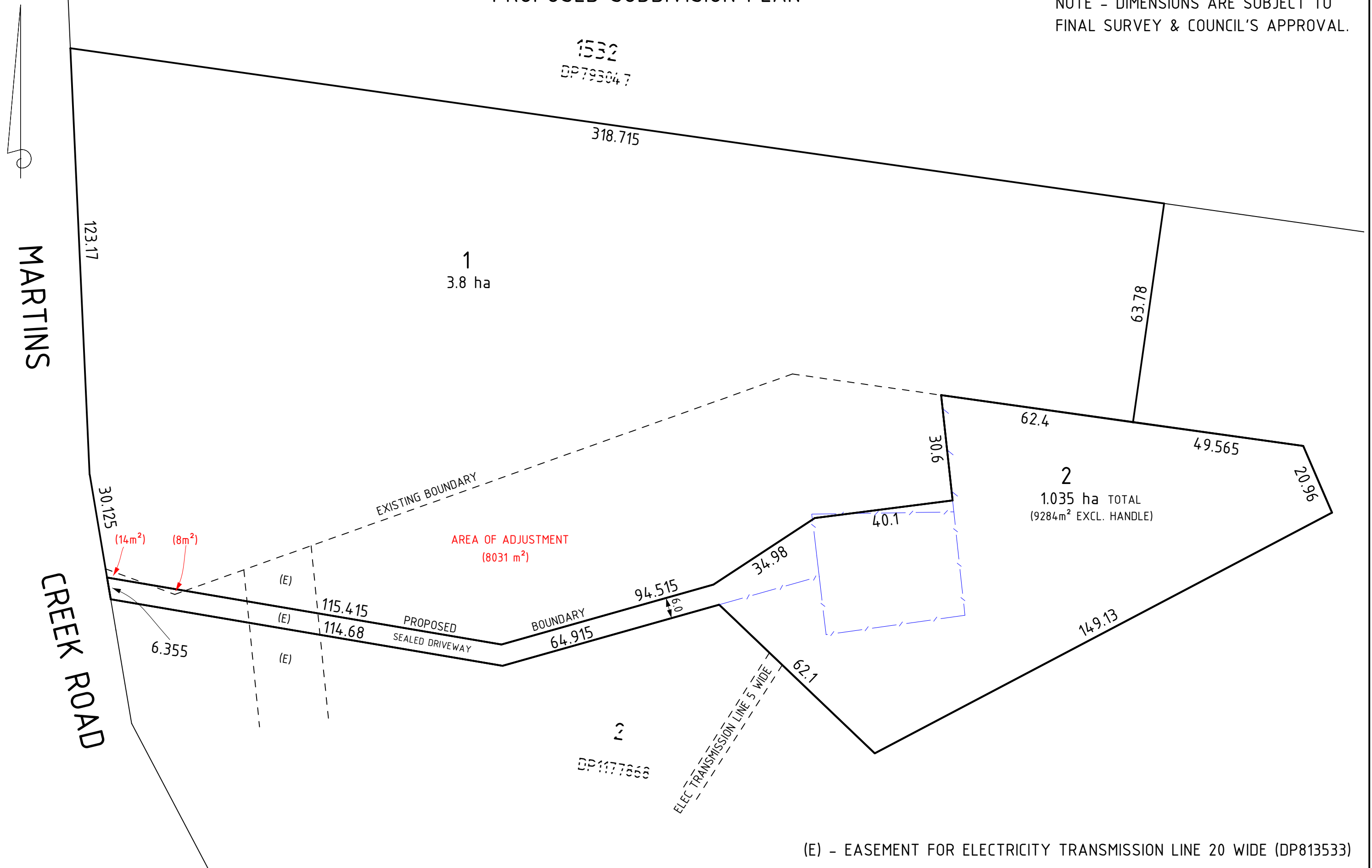
The proposed boundary adjustment is consistent with the relevant planning legislation including the Dungog LEP and DCP and is unlikely to have any adverse impacts, as discussed in Section 5 immediately above.

# **APPENDIX A**

THE PROPOSAL  
PROPOSED SUBDIVISION PLAN

# PROPOSED SUBDIVISION PLAN

NOTE - DIMENSIONS ARE SUBJECT TO  
FINAL SURVEY & COUNCIL'S APPROVAL.



(E) - EASEMENT FOR ELECTRICITY TRANSMISSION LINE 20 WIDE (DP813533)

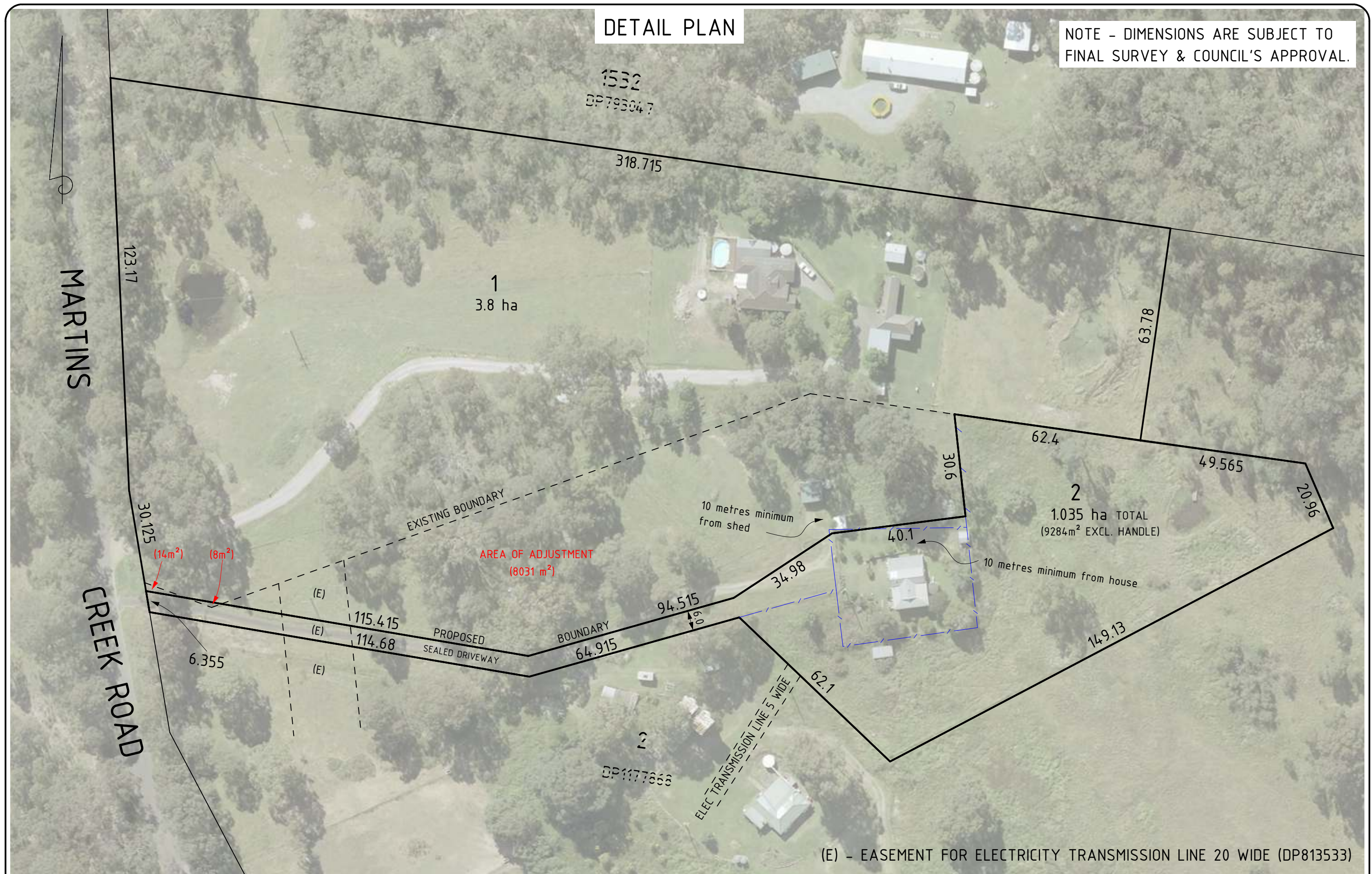
# **APPENDIX B**

EXISTING CIRCUMSTANCE  
DETAIL SURVEY



# DETAIL PLAN

NOTE - DIMENSIONS ARE SUBJECT TO  
FINAL SURVEY & COUNCIL'S APPROVAL.





# **APPENDIX C**

## PROPERTY SEARCHES



LAND  
REGISTRY  
SERVICES

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 4/813533

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SEARCH DATE

TIME

EDITION NO

DATE

13/7/2021

12:54 PM

8

15/9/2018

NO CERTIFICATE OF TITLE HAS ISSUED FOR THE CURRENT EDITION OF THIS FOLIO.  
CONTROL OF THE RIGHT TO DEAL IS HELD BY GREATER BANK LIMITED.  
LAND

-----

LOT 4 IN DEPOSITED PLAN 813533  
AT MARTINS CREEK  
LOCAL GOVERNMENT AREA DUNGOG  
PARISH OF BARFORD COUNTY OF DURHAM  
TITLE DIAGRAM DP813533

FIRST SCHEDULE

MICHAEL JOSEPH DOOLEY (T AG501498)  
SECOND SCHEDULE (4 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)  
2 EASEMENT(S) AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE  
DIAGRAM CREATED BY:  
DP813533 -EASEMENT FOR ELECTRICITY TRANSMISSION LINE 20  
WIDE  
3 E140260 COVENANT  
4 AK624480 MORTGAGE TO GREATER BANK LIMITED

NOTATIONS

UNREGISTERED DEALINGS: NIL  
\*\*\* END OF SEARCH \*\*\*

David Cant Surveyors

PRINTED ON 13/7/2021

\* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title.  
Warning: the information appearing under notations has not been formally recorded in the Register.

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Note: Information contained in this document is provided by GLOBALX TERRAIN PTY LTD (ABN 35 164 894 517), <http://www.globalxterrain.com/> an approved NSW Information Broker

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*Mem.*  
J. N. O'Brien

RECEIVED  
JAN 10 1954  
U.S. AIR FORCE  
HONOLULU  
DIRECTOR  
R. A. [Signature]  
SECRETARY

26th  
September 190  
P.O.  
Bills  
MICHEN

COPIES  
Certified  
true  
1947  
100-100000  
FEB 1947

Crown Lands Office Approval	
PLAN APPROVED .....	Authorised Officer .....
Land District .....	
Paper No. ....	
Field Book .....	pages .....

**Council Clerk's Certificate**

I hereby certify that --

(a) the requirements of the Local Government Act, 1919 (other than the requirements for the registration of plans), and

(b) the requirements of section 343 of the Metropolitan Water-  
Supply and Sewerage Act, 1902, as amended by the Drainage  
Water, Sewerage and Drainage Act, 1935, so amended

have been complied with by the applicant in relation to the  
proposed subdivision  
("insert" new "subdivision" or "consolidated lot" set out herein  
Subdivision No. 19191)

Date 4th October 1991

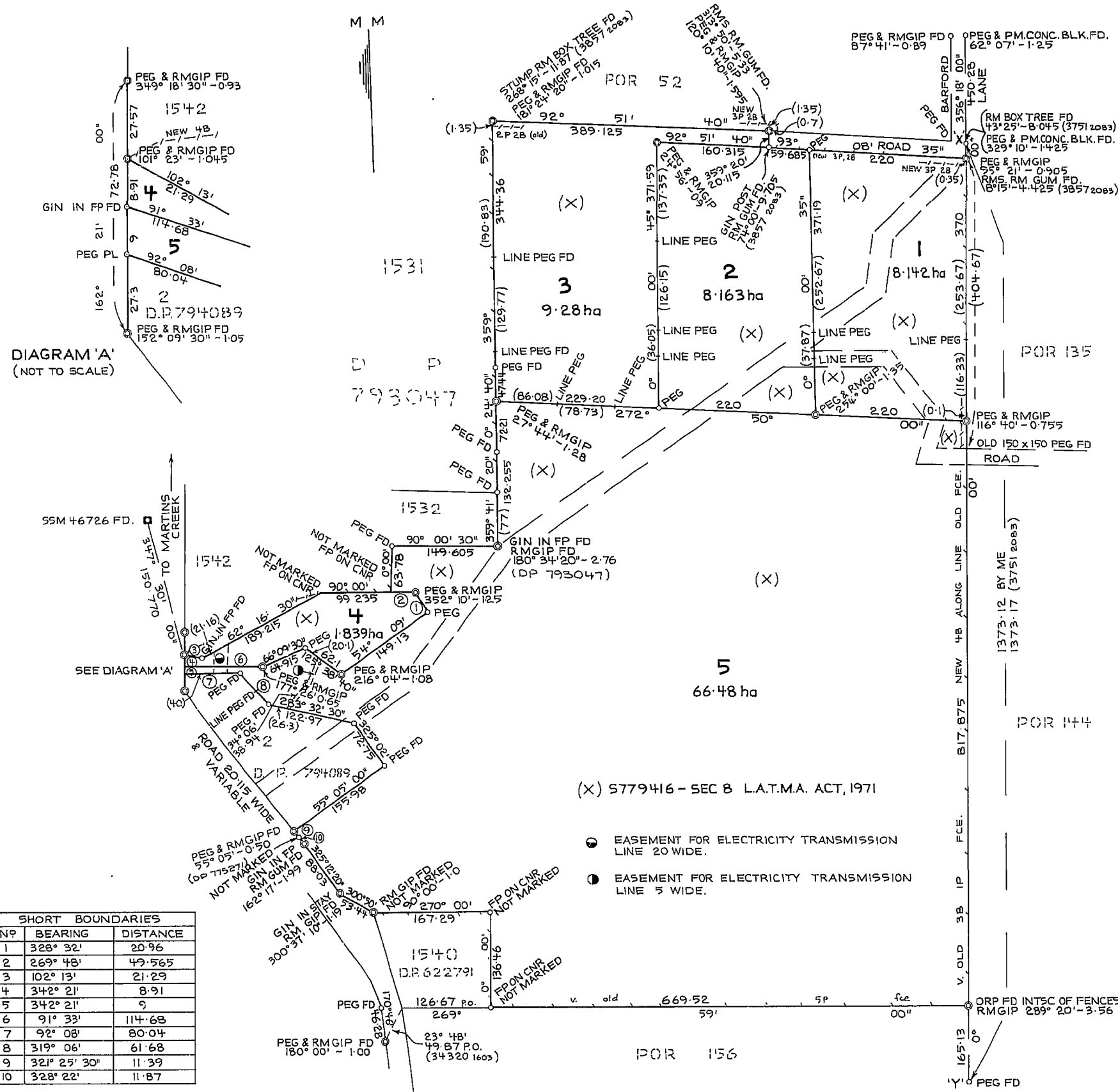
(Signature) [Signature]  
Council Clerk

Council File No. 171/89/134

\* This part of certificate to be deleted where the application is only for a consolidated lot or the granting of a new lot or where the land to be subdivided is wholly outside the areas of operations of the Metropolitan Water Sewerage and Drainage Board and the Hunter District Water Board.

† Delete if inapplicable.

**SURVEYOR'S REFERENCE**




SHORT BOUNDARIES		
Nº	BEARING	DISTANCE
1	328° 32'	20.96
2	269° 48'	49.565
3	102° 13'	21.29
4	342° 21'	8.91
5	342° 21'	9
6	91° 33'	114.68
7	92° 08'	80.04
8	319° 06'	61.68
9	321° 25' 30"	11.39
10	328° 22'	11.87

**WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION**

This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day. 18th November, 1991

	10	20	30	40	50	60	70	Table of mm	110	120	130	140
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Registered:  RC 15-11-1991

C.A: N° 19/91 OF 4-10-1991

Title System: TORRENS

Purpose: SUBDIVISION

Rel. Map: PARISH #

Last Plan: DP 794089

PLAN OF SUBDIVISION  
OF LOT 1544 D.P. 775721  
& LOT 1 D.P. 794089

Lengths are in metres. Reduction Ratio 1:4000

Mun./Shire City	DUNGOG
Locally:	MARTINS CREEK
Parish:	BARFORD
County:	DURHAM (6)

This is sheet 1 of my plan in \_\_\_\_\_ sheets.  
(Delete if inapplicable).

1. FRANCIS JOHN SULLIVAN.....  
of PATERSON.....

a surveyor registered under the Surveyors Act, 1929, as amended, hereby certify that the survey represented in this plan . . . OF . . . SUBDIVISION . . . is accurate and has been made in accordance with the Survey Practices Regulations, 1933 and any special requirements of the Department of Lands, and was completed on

# 1st APRIL 1990  
Signature *74 Sullivan*  
Surveyor registered under Surveyors Act, 1929, as amended.  
Datum Line of Azimuth  
Insert date of survey X-Y (3751-2087)

Plans used in preparation of survey/ completion.	
D.P. 117246	2965 2083
D.P. 622791	3751 2083
D.P. 749456	3856 2083
D.P. 775721	3857 2083
D.P. 793047	R 34320 1603
D.P. 794089	

PANEL FOR USE ONLY for statements of intention to dedicate public roads or to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.

IT IS INTENDED TO CREATE  
PURSUANT TO SECTION 88B  
OF THE CONVEYANCING ACT 1919.

1. EASEMENT FOR ELECTRICITY TRANSMISSION LINE 20 WIDE.
2. EASEMENT FOR ELECTRICITY TRANSMISSION LINE 5 WIDE.



LAND  
REGISTRY  
SERVICES

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1542/749456

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SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
15/10/2021	9:01 AM	11	16/7/2018

LAND

-----

LOT 1542 IN DEPOSITED PLAN 749456  
AT MARTINS CREEK  
LOCAL GOVERNMENT AREA DUNGOG  
PARISH OF BARFORD COUNTY OF DURHAM  
TITLE DIAGRAM DP749456

FIRST SCHEDULE

-----

ANGUS LLOYD MCGEE  
CARLY ANN MCCORRISTON  
AS JOINT TENANTS (T AN504420)  
SECOND SCHEDULE (2 NOTIFICATIONS)

-----

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND  
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
  - 2 AN504421 MORTGAGE TO BEYOND BANK AUSTRALIA LIMITED
- NOTATIONS

-----

UNREGISTERED DEALINGS: NIL  
\*\*\* END OF SEARCH \*\*\*

David Cant Surveyors

PRINTED ON 15/10/2021

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PLAN FORM 1

Plan Drawing only to appear in this space

OFFICE USE ONLY

SIGNATURES, SEALS AND STATEMENTS of intention to dedicate public roads or to create public reserves, drainage reserves, easements or restrictions as to user.



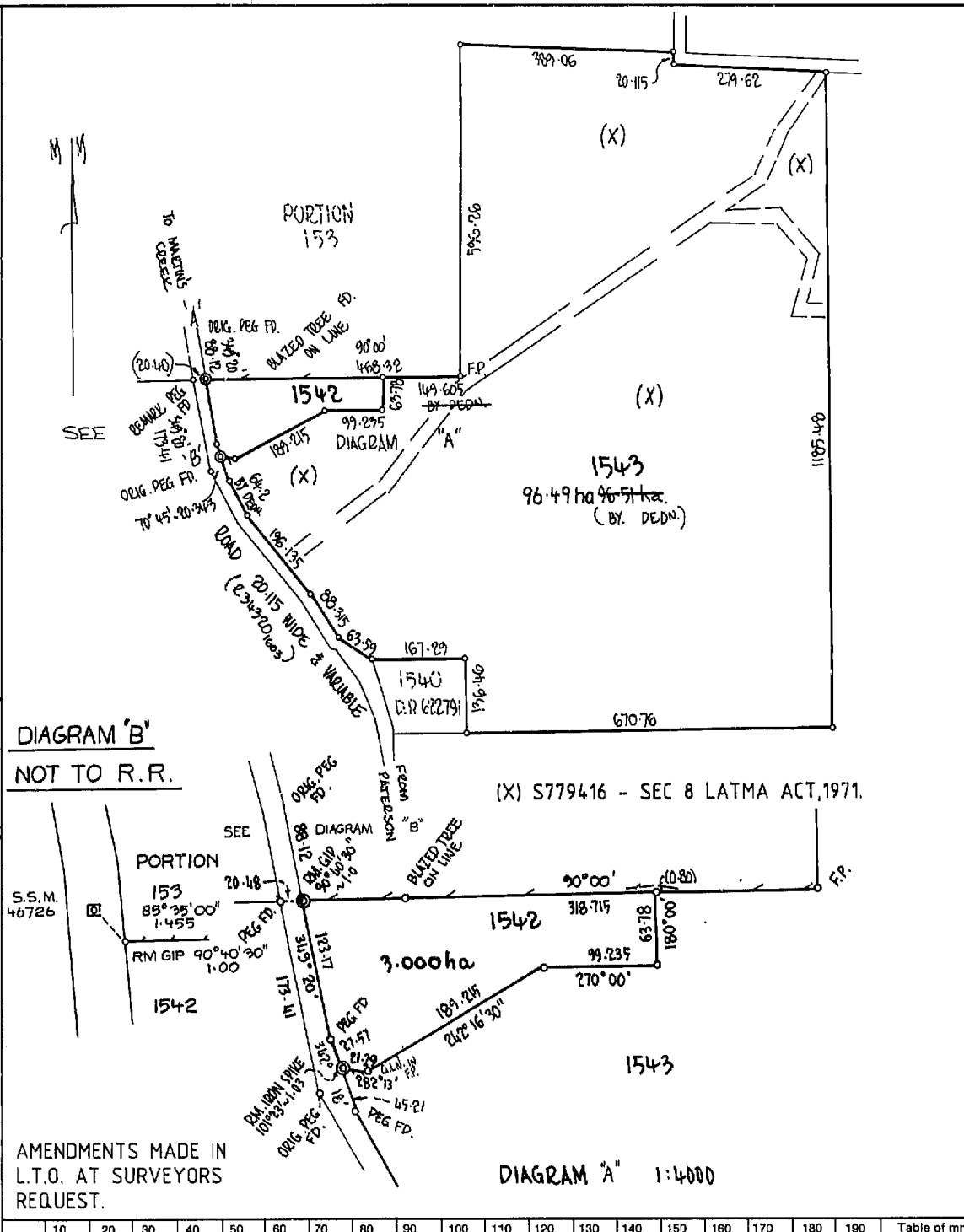
Crown Lands Office Approval

PLAN APPROVED .....  
Authorised Officer .....  
Land District .....  
Paper No. ....  
Field Book ..... pages

Council Clerk's Certificate

I hereby certify that -  
(a) the requirements of the Local Government Act, 1919 (other than the requirements for the registration of plans), and  
(b) the requirements of section 84D of the Metropolitan Water, Sewerage and Drainage Act, 1904, as amended, and the Hunter District Water, Sewerage and Drainage Act, 1920, as amended,  
have been complied with by the applicant in relation to the proposed ..... subdivision  
(Insert "new road", "subdivision" or "consolidated lot") set out herein  
Subdivision No. ....  
Date ..... 28th August 1987  
(Signature) .....  
Council Clerk  
Council File No. .... DA 2719

\*This part of certificate to be deleted where the application is only for a consolidated lot or the opening of a new road or where the land to be subdivided is wholly outside the areas of operations of the Metropolitan Water Sewerage and Drainage Board and the Hunter District Water Board.  
† Delete if inapplicable.



D. P. 7 4 9 4 5 6

Registered: 16/11/1987

C.A: No. 2719 OF 28-8-1987.

Title System: TORRENS

Purpose: SUBDIVISION

Ref. Map: PARISH #

Last Plan: DP113337 & DP622791

PLAN OF SUBDIVISION OF LOT 1541  
D.P. 622791 AND LOTS 7,8  
DP 113337

Lengths are in metres. Reduction Ratio 1: 6000

Mun./Shire City: DUNGOO

Locality: MARTINS CREEK

Parish: BARFORD

County: DURHAM

Plans used in preparation of survey/compilation.  
D.P. 622791, PORTION PLANS 153, 154  
& 155, R 34320 1603

I, GEOFFREY ALLAN GOWLEDGE  
of RENNE & PARTNERS P/L, P.O. BOX 192 MAITLAND 2320  
a surveyor registered under the Surveyors Act, 1920, as amended, hereby certify that the survey represented in this plan AS REGARDS LOT 1542  
is accurate and has been made in accordance with the Survey Practice Regulations, 1933 and any special requirements of the Department of Lands, and was completed on  
7 MAY 1987  
Signature .....  
Surveyor registered under Surveyors Act, 1920, as amended.  
Datum Line of Azimuth. A-B  
† Insert date of survey.

SURVEYOR'S REFERENCE: 87/31

M. P. D.

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17th November, 1987

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