

# STATEMENT OF ENVIRONMENTAL EFFECTS

## APPLICATION SEEKING MODIFICATION OF STAGING

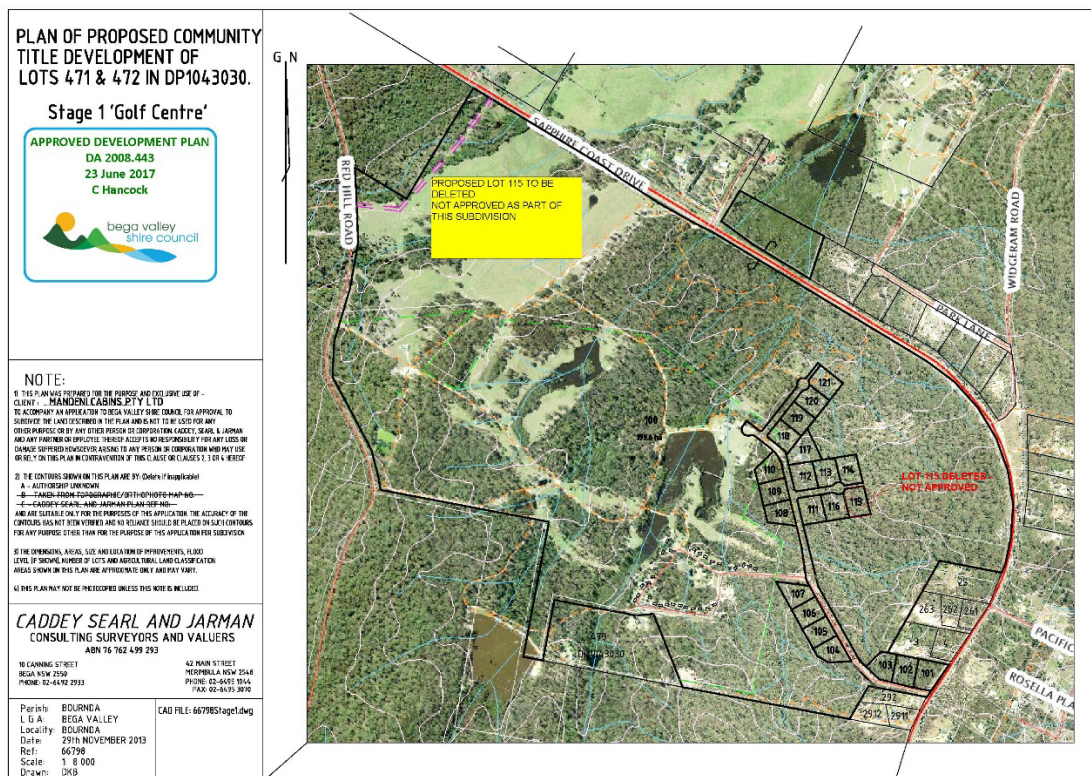
## AND CONVERSION TO TORRENS TITLE

DA2008.443

LOTS 471 AND 472 DP 1043030

MANDENI SITE, SAPPHIRE COAST DRIVE BOURNDA

OWNER: MANDENI PTY LTD.



Garret Barry Planning Services Pty Ltd

March 2025

## TABLE OF CONTENTS

<b>1</b>	<b>INTRODUCTION.....</b>	<b>1</b>
1.1	The Proposal	1
1.2	Alteration to conditions	2
<b>2</b>	<b>SITE ANALYSIS .....</b>	<b>4</b>
2.1	Existing Development	4
2.2	Services	6
2.3	Natural Resources	6
<b>3</b>	<b>COMPLIANCE WITH PLANNING CONTROLS .....</b>	<b>6</b>
3.1	Developer contributions	6
3.2	Socio economic impacts of the change from Community Title to Torrens Title	6
<b>4</b>	<b>CONCLUSION .....</b>	<b>7</b>

# 1 INTRODUCTION

## 1.1 The Proposal

This application is for modification of development consent 2008.443 to vary the proposed staging of the subdivision and to change the tenure type from Community Title to Torrens title.

The original consent approved 3 stages as follows:

Stage One: lots 101-110 and the residue

Stage Two: Lots 111-114, 116 and 117 and the residue.

Stage Three: Lots 118-121 and the residue lot 100

A copy of the approved plan follows as figure 1.

The change to the staging now sought is as follows:

Stage One: Lots 101-107 and the residue.

Stage Two: Lots 111-114, 116, 118-121 and the residue..

Stage Three: Lots 108-110, 117 and residue lot 100.

The reason for varying the staging is the owner wishes to explore options for possibly some additional lots as a later DA and /or variations to the lots in stages 2 and 3. Mandeni Pty Ltd are in the process of a masterplan for the entire site and need to retain some flexibility at this point, while achieving some supply for sale and to reimburse the expenditure to date.

The original subdivision was approved as a Community Titles subdivision. The owner seeks to change this to Torrens Title for the following reasons:

1. The original subdivision was designed by Mr Robert High, the managing director of Mandeni Cabins Pty Ltd. Mr High is deceased and never got to complete his masterplanning vision centred on various cells of development across the entire property functioning to an overall Community Title Management Statement. The consent leaves the finalisation of the Community Title concept for later.
2. The current owners also are advancing a masterplan but not to a Community Title pattern. They feel a better result will come from normal Torrens title. There is no clear parcel at this stage of masterplanning which could form the community lot. Forcing Community Title would have financial imposts on the owners who desire some cashflow and would have to pause the release of the subdivision for quite some time if Torrens could not be achieved until their alternative masterplan was complete.
3. There remains quite strong market resistance to Community Title outside of major cities.
4. The approved subdivision can function equally as well as a Torrens subdivision as no assets are proposed to be private or shared:
  - a. All roads will be normal council owned public roads developed to full Council public road standards.
  - b. Town water is being reticulated in the road system to normal Council requirements and will be maintained by Council.
  - c. Sewerage is on site and not affected either way.
  - d. Power and communications are provided to normal Torrens Estate requirements in the proposed public road system.

5. No expectation has been created with any intending purchaser that they might get some Community Title common property. No lots have been listed for sale yet and when this occurs it is intended to contract same as Torrens lots.

## 1.2 Alteration to conditions

The following conditions would need to be altered:

**Condition 3** would be deleted as it refers to a Community Title Management Statement that would not be required for Torrens.

**Condition 7** would need the sum of contribution varied for each stage to recognise the different numbers of lots released.

**Condition 10(b)**- delete the words in brackets as they refer to Community title.

**Condition 10(e)** we consider can stay as condition 10 is a general condition applicable to all stages.

**Condition 15** applies only to lot 104 and addresses the need for the effluent disposal area to be resolved with Council and shown on the plan of subdivision. We see no need to amend this condition as it is in the section applicable to all stages.

**Condition 28** addresses the intersection onto Sapphire Coast Drive. The owner has subdivision work advanced including the intersection and all stages of roadworks and services. As such this condition can apply to the revised staging, with the following modifications:

- a. 28(c). This condition should now require the whole of Road 1 to be completed in stage 1, as such it should read that all of road 1 is to be completed and the second dot point delete the word "temporary".

**Condition 29** addresses the need for an 88B restriction to ensure lot 101 accesses via the new road and not Sapphire Coast Drive. That condition would need to move to the general conditions applying to all stages which would otherwise need no further changes.

**Conditions 30** addresses stage 2. It requires amending to include all the relevant wording of condition 30(a) and (b) and condition 31(b) and (c) such that the effect is to require all of roads 2 and 3 to be completed in stage 2 and the services relevant to roads 2 and 3.

**Condition 31 addresses Stage 3.** Sub conditions (a) to (c) can be deleted as the requirements of these conditions are all addressed as part of Stage 2 Subdivision Certificate.



PLAN OF PROPOSED COMMUNITY  
TITLE DEVELOPMENT OF  
LOTS 471 & 472 IN DP1043030.

'GOLF CENTRE' STAGE 1

APPROVED DEVELOPMENT PLAN

DA 2008.443

23 June 2017

C Hancock



(R) RIGHT OF CARRIAGEWAY VARIABLE WIDTH & 30 WIDE (DP1043030)  
EASEMENT FOR SERVICES VARIABLE WIDTH & 30 WIDE (DP1043030)

NOTE:

1) THIS PLAN WAS PREPARED FOR THE PURPOSE AND EXCLUSIVE USE OF -  
CLIENT : **MANDENI CABINS PTY LTD**  
TO ACCOMPANY AN APPLICATION TO BEGA VALLEY SHIRE COUNCIL FOR APPROVAL TO  
SUBDIVIDE THE LAND DESCRIBED IN THE PLAN AND IS NOT TO BE USED FOR ANY  
OTHER PURPOSE OR BY ANY OTHER PERSON OR CORPORATION. CADDEY, SEARL & JARMAN  
AND ANY PARTNER OR EMPLOYEE THEREOF ACCEPTS NO RESPONSIBILITY FOR ANY LOSS OR  
DAMAGE SUFFERED HOWSOEVER ARISING TO ANY PERSON OR CORPORATION WHO MAY USE  
OR RELY ON THIS PLAN IN CONTRAVENTION OF THIS CLAUSE OR CLAUSES 2, 3 OR 4 HEREOF

2) THE CONTOURS SHOWN ON THIS PLAN ARE BY: (Delete if inapplicable)  
A - AUTHORSHIP UNKNOWN  
B - TAKEN FROM TOPOGRAPHIC/ORTHOPHOTO MAP NO. \_\_\_\_\_  
C - CADDEY SEARL AND JARMAN PLAN REF NO. \_\_\_\_\_  
AND ARE SUITABLE ONLY FOR THE PURPOSES OF THIS APPLICATION. THE ACCURACY OF THE  
CONTOURS HAS NOT BEEN VERIFIED AND NO RELIANCE SHOULD BE PLACED ON SUCH CONTOURS  
FOR ANY PURPOSE OTHER THAN FOR THE PURPOSE OF THIS APPLICATION FOR SUBDIVISION

3) THE DIMENSIONS, AREAS, SIZE AND LOCATION OF IMPROVEMENTS, FLOOD  
LEVEL (IF SHOWN), NUMBER OF LOTS AND AGRICULTURAL LAND CLASSIFICATION  
AREAS SHOWN ON THIS PLAN ARE APPROXIMATE ONLY AND MAY VARY.

4) THIS PLAN MAY NOT BE PHOTOCOPIED UNLESS THIS NOTE IS INCLUDED.

**CADDEY SEARL AND JARMAN**  
CONSULTING SURVEYORS AND VALUERS  
ABN 76 762 499 293

10 CANNING STREET  
BEGA NSW 2550  
PHONE: 02-6492 2933

42 MAIN STREET  
MERIMBULA NSW 2548  
PHONE: 02-6495 1044

Parish: BOURNDA  
L G A: BEGA VALLEY  
Locality: BOURNDA  
Date: 5th SEPTEMBER 2013  
Ref: 66798  
Scale: 1: 5 000  
Drawn: DKB

CAD FILE: 66798GC.dwg

G N

RESIDUE 100  
199.6 ha

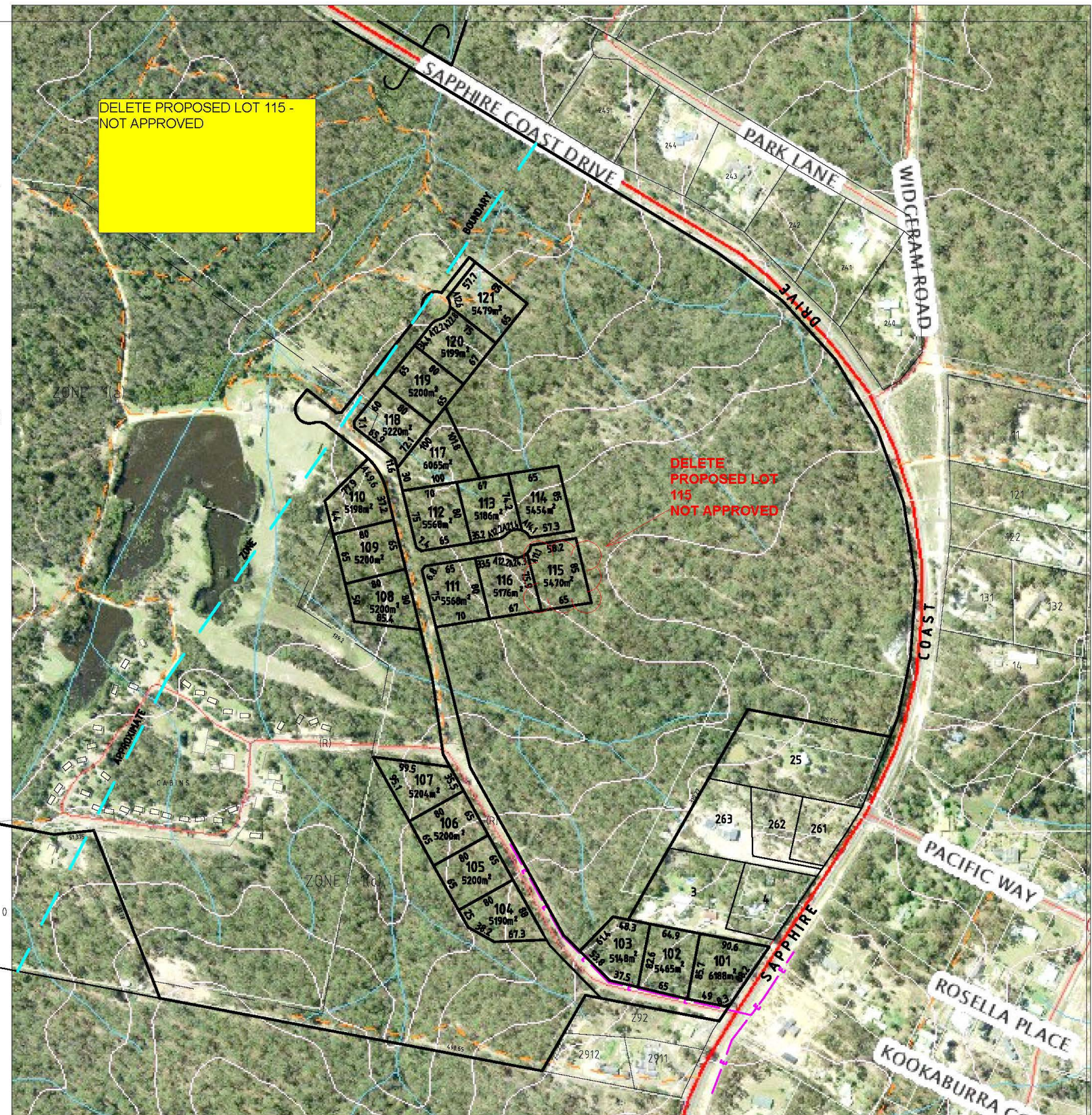


Figure 1 Approved subdivision plan



## 2 SITE ANALYSIS

### 2.1 Existing Development

#### 2.1.1 *Existing development on the site*

The subject site is the current Mandeni title of lots 471 and 472 DP 1043030 which have a combined area of 214 ha.. See Figure 2.. As at the date of this application for modification the following is the state of development on the property:

- Work is advanced on all subdivision works for the whole of the development Consent 2008.443. It is anticipated all works should be complete within about 2-3 months.
- Outside of the development footprint of Consent 2008.443, (within proposed lot 100) there is an existing tourist development of 31 cabins and managers facility, a private golf course and a dwelling house on lot 471. About 60% of this area is native vegetation with areas of high biodiversity value.

#### 2.1.2 *Existing development surrounding the site*

The subject land is located immediately north -west of the northern part of the Tura Beach urban area, on the western side of Sapphire Coast Drive.

To the immediate south are lands owned by the Bega Local Aboriginal Land Council part of which are zoned for rural residential. The other part is Crown land. All of this area is heavy forest.

To the south-west is Bournda Nature reserve.

To the north-west and north are rural holdings

# PLAN OF PROPOSED COMMUNITY TITLE DEVELOPMENT OF LOTS 471 & 472 IN DP1043030.

## Stage 1 'Golf Centre'

APPROVED DEVELOPMENT PLAN

DA 2008.443

23 June 2017

C Hancock



### NOTE:

1) THIS PLAN WAS PREPARED FOR THE PURPOSE AND EXCLUSIVE USE OF -  
CLIENT : **MANDENI CABINS PTY LTD**  
TO ACCOMPANY AN APPLICATION TO BEGA VALLEY SHIRE COUNCIL FOR APPROVAL TO  
SUBDIVIDE THE LAND DESCRIBED IN THE PLAN AND IS NOT TO BE USED FOR ANY  
OTHER PURPOSE OR BY ANY OTHER PERSON OR CORPORATION, CADDEY, SEARL & JARMAN  
AND ANY PARTNER OR EMPLOYEE THEREOF ACCEPTS NO RESPONSIBILITY FOR ANY LOSS OR  
DAMAGE SUFFERED HOWEVER ARISING TO ANY PERSON OR CORPORATION WHO MAY USE  
OR RELY ON THIS PLAN IN CONTRAVENTION OF THIS CLAUSE OR CLAUSES 2, 3 OR 4 HEREOF

2) THE CONTOURS SHOWN ON THIS PLAN ARE BY: (Delete if inapplicable)

A - AUTHORSHIP UNKNOWN

B - TAKEN FROM TOPOGRAPHIC/ORTHOPHOTO MAP NO. ---

C - CADDEY-SEARL AND JARMAN PLAN REF NO. ---

AND ARE SUITABLE ONLY FOR THE PURPOSES OF THIS APPLICATION. THE ACCURACY OF THE  
CONTOURS HAS NOT BEEN VERIFIED AND NO RELIANCE SHOULD BE PLACED ON SUCH CONTOURS  
FOR ANY PURPOSE OTHER THAN FOR THE PURPOSE OF THIS APPLICATION FOR SUBDIVISION

3) THE DIMENSIONS, AREAS, SIZE AND LOCATION OF IMPROVEMENTS, FLOOD  
LEVEL (IF SHOWN), NUMBER OF LOTS AND AGRICULTURAL LAND CLASSIFICATION  
AREAS SHOWN ON THIS PLAN ARE APPROXIMATE ONLY AND MAY VARY.

4) THIS PLAN MAY NOT BE PHOTOCOPIED UNLESS THIS NOTE IS INCLUDED.

**CADDEY SEARL AND JARMAN**  
CONSULTING SURVEYORS AND VALUERS

ABN 76 762 499 293

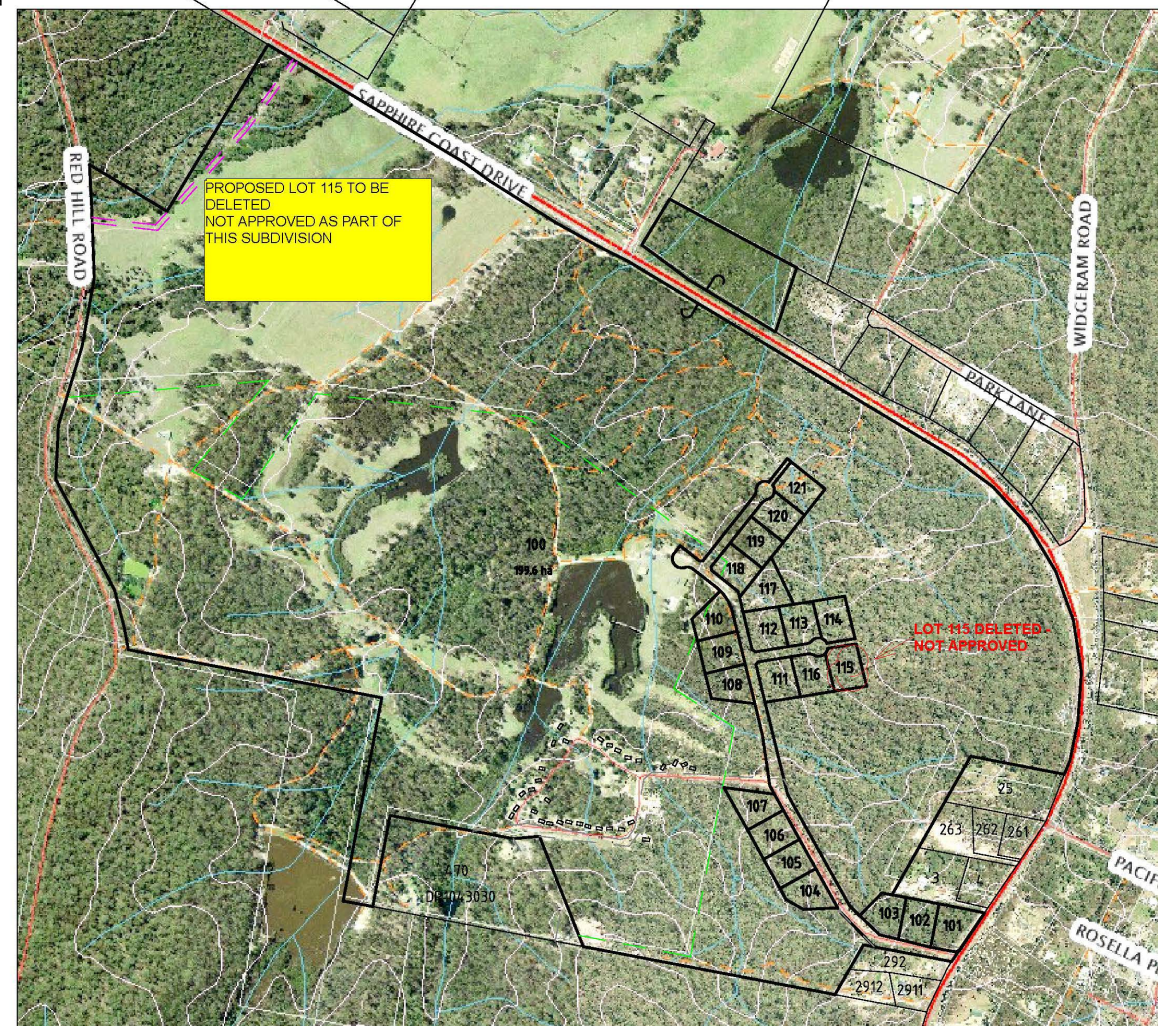
10 CANNING STREET  
BEGA NSW 2550  
PHONE: 02-6492 2933

42 MAIN STREET  
MERIMBULA NSW 2548  
PHONE: 02-6493 1044  
FAX: 02-6493 3070

Parish: BOURNDA  
L G A: BEGA VALLEY  
Locality: BOURNDA  
Date: 29th NOVEMBER 2013  
Ref: 66798  
Scale: 1: 8 000  
Drawn: DKB

CAD FILE: 66798Stage1.dwg

G, N



## **2.2 Services**

This application for modification makes no change to the services approved in the existing consent..

## **2.3 Natural Resources**

This modification creates no change to the impacts on natural resources. The clearing approved in the original consent is advanced.

# **3 COMPLIANCE WITH PLANNING CONTROLS**

There is no impact on planning controls as a result of this modification. The modification will have a positive social benefit in enabling seven rural residential lots to be released for sale in the short term. Without the modification, the owner may be forced to withhold all lots pending masterplanning.

## **3.1 Developer contributions**

As addressed in section 1.2 the only impact on developer contributions is a need to change the contributions to match the new numbers of lots to be released in each of the 3 revised stages.

## **3.2 Socio economic impacts of the change from Community Title to Torrens Title**

Community Title in principle allows sharing of common property and in some cases sharing private roads and other services.

This subdivision as approved never intended for there to be private services. Even as community title, all roads and other services are to be public services identical to that applying to a Torrens subdivision.

There are examples of community title subdivisions where owners share common lands with sports, recreation and other facilities. These services can give benefits to residents of such subdivisions, however the maintenance cost is borne by the subdivision residents.

Little is known as to the thinking or masterplanning for the original community title aspirations. The proponent of the original concept has passed away and no plans can be found of a concept in which this subdivision was to be a part. It could be that the proposal was to have many more lots as allowed back then by the zoning and lesser biodiversity controls. This may have given the viability / critical mass for community management of the residual passive open space areas, golf course...etc.

It is considered equal amenity and enjoyment will be given to the purchasers of the 20 lots in this subdivision if it is to be Torrens Title, especially as there appears to be no surviving concept to compare as to how community title was to function.

To force the current owner to have to make areas of the residue lot a community lot denies the opportunity to prepare a masterplan more in tune with the current biodiversity thinking and best utilisation of current development and zoning.



## 4 **CONCLUSION**

This application for modification to amend the staging and convert the title system from Community Title to Torrens Title, will have negligible impacts over the original consent and allow the current owner to both release lots to the market and finalise a masterplan to ensure the best planned result for Mandeni.