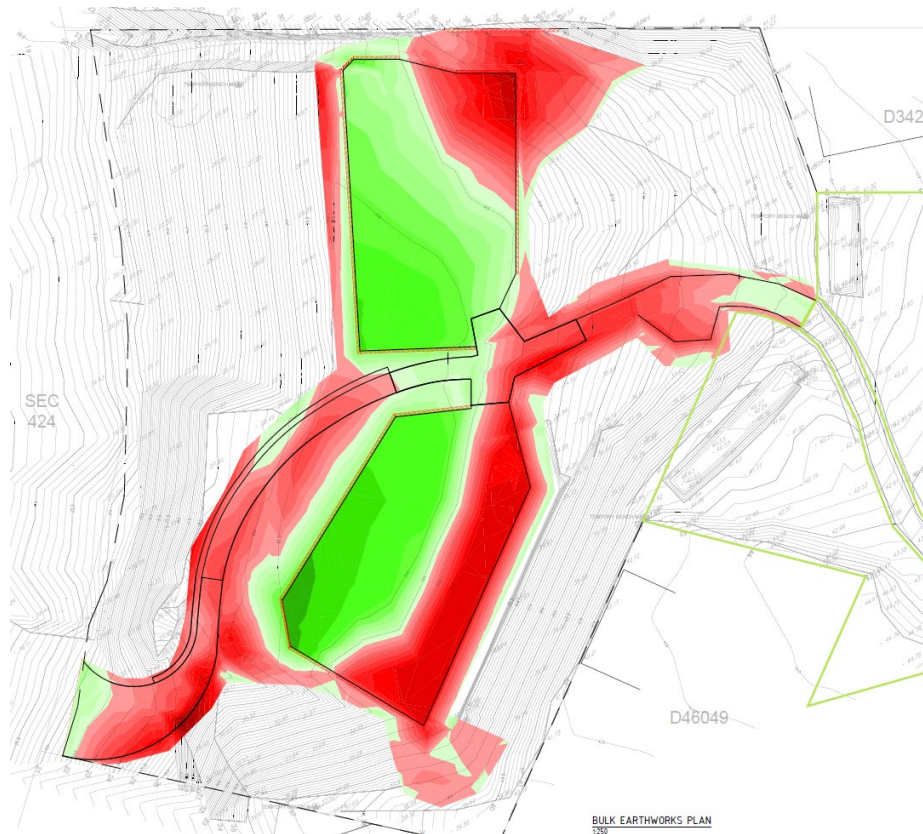


Arisvi Holdings Pty Ltd

Variation to Development Application 23005439 - Amendment to Earthworks and Levels

10 PANORAMA CT PARINGA SA 5340

Application ID 26014332



CONTENTS:

APPENDIX 1

1A Planning and Design Code Policy Extracts

ATTACHMENT 1: Application Documentation

- 1A Applicant Planning Report by MasterPlan
- 1B Certificates of Title
- 1C Civil Plan by TMK
- 1D DA 23005439 DNF & Stamped Plans

ATTACHMENT 2: Subject Land and Locality

- 2A Subject Land Map
- 2B Subject Land Zoning Map
- 2C Site Photography

ATTACHMENT 3: Referral Agency Responses

- 3A Renmark Paringa Council
- 3B Minister for the time being administering the River Murray Act 2003

ATTACHMENT 4: Public Notification

- 4A Representations
- 4B Applicant Response to Representations & Referrals

DEVELOPMENT NO.:	26014332
APPLICANT:	Arisvi Holdings Pty Ltd
ADDRESS:	10 PANORAMA CT PARINGA SA 5340
NATURE OF DEVELOPMENT:	Variation to Development Application 23005439 - Amendment to Earthworks and Levels
ZONING INFORMATION:	Zones: • Neighbourhood Overlays: • Affordable Housing • Hazards (Bushfire - Urban Interface) • Hazards (Flooding - Evidence Required) • Murray-Darling Basin • Native Vegetation • River Murray Flood Plain Protection Area • Signif Retirement Facility Supported Accom Sites • Water Resources Technical Numeric Variations (TNVs): • Maximum Building Height (Metres) (Maximum building height is 8m) • Minimum Frontage (Minimum frontage for a detached dwelling is 12m; semi-detached dwelling is 10m; row dwelling is 9m) • Minimum Site Area (Minimum site area for a detached dwelling is 400 sqm; semi-detached dwelling is 300 sqm; row dwelling is 300 sqm; group dwelling is 300 sqm; residential flat building is 250 sqm)
LODGEMENT DATE:	13 Jun 2026
RELEVANT AUTHORITY:	State Planning Commission
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2026.10 28/05/2026
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Phil Mabbs Planning Officer
REFERRALS STATUTORY:	Minister for the time being administering the River Murray Act 2003 Renmark Paringa Council
REFERRALS NON-STATUTORY:	None

EXECUTIVE SUMMARY:

The applicant proposes to vary DA 23005439 by way of amending the Earthworks and Levels approved under the previous Development Approval. The proposed development includes the construction of development pads, associated landscaping, a common driveway and stormwater infrastructure.

The variation includes the associated revisions to the ancillary elements of the development. This includes changes to the retaining wall heights, commensurate pad location and driveway alignment & gradient.

The application is classified as a performance-assessed form of development. Statutory referrals were issued to Renmark Paringa Council (the Council) pursuant to Regulations 23 of the *Planning, Development and Infrastructure (General) Regulations 2017* and the Minister for the time being administering the River Murray Act 2003 pursuant to Schedule 9 Clause 3 of the *Planning, Development and Infrastructure (General) Regulations 2017*. Public Notification was undertaken in accordance with Section 107 of the *Planning, Development and Infrastructure Act 2016* (PDI Act).

Submissions provided following public notification raised concerns with:

- Proposed land levels.
- Aboriginal remains.
- Dust/dirt control.
- Future dwellings.

The Council does not object to the proposed development, raising that there are no concerns with the proposed development in regard to impacts on the surrounding transport network, waste collection methodology, street furniture or utility connection requirements.

Following an assessment, the development concept is considered acceptable within the Neighbourhood Zone. The proposal meets the criteria with respect to the intended land use, built form height and scale, interface conditions, occupant amenity, vehicle access and service arrangements, service arrangements and environmental performance.

Subject to the applicant's adherence to conditions assigned to any Planning Consent granted, the proposal is not able to be reasonably refused.

BACKGROUND:

DA 23005439 was lodged on 1 March 2023, and was subsequently called-in by the Minister and the Relevant Authority was reassigned to the State Planning Commission on 5 April 2023. Following public notification, the DA was reviewed by SCAP on 28 August 2024 who determined to refuse the Planning Consent application. The refusal was appealed to ERD Court on 21 October 2024 and was subsequently granted Planning Consent on 12 August 2025 and Stage 1 Development Approval was granted by Renmark Paranga Council on 8 Jan 2026.

A minor variation application to DA 23005439 was granted on 11 June 2026, which granted a pseudo extension of time for the applicants to complete the landscaping works associated with Stage 1 the DA. No changes to the built form or layout of the approval were considered as part of the Minor Variation Application.

DETAILED DESCRIPTION OF PROPOSAL:

The applicant proposes to vary the previous Planning Consent, and comprises a one (1) into three (3) lot community land division, with additional earthworks and retaining walls. The variation application proposes to vary the previous approval by reducing the extent of retaining and increasing the volume of battering that is associated with building pads (to accommodate future development).

To achieve this, the pads have been shifted one (1) metre to the west, towards the 1956 Flood Level. As a result, the proposed stormwater and driveway infrastructure are to be amended to support drainage and access requirements.

The site is vacant and has been subject to retrospectively authorised earthworks. The earthworks undertaken include a combination of cut & fill, seeking to bench the pads at a height of approximately 32m AHD. The proposal seeks to conduct an approximate 2,471 cubic metres of cut and 2,467 cubic metres of fill. This equates to an overall balance of 4 cubic metres of cut across the site.

The site plan demonstrates that the proposal will provide access to Lots 3 & 4 from Panorama Court and the Murray River via a common property driveway and carriage way easements. Lots 1 & 2 will only be accessible via the common property driveway or direct access to Panorama Court. The proposed common driveway is to be constructed from a combination of compacted rubble and permeable paving.

The proposed retaining walls will reach a maximum height of one (1) metre and are to be constructed in conjunction with the drainage infrastructure. The retaining walls are to be constructed from concrete sleepers with a sandstone block pattern. The drainage infrastructure will incorporate a combination of grated sumps, junction boxes, cut off drains, stormwater pipes and grated trench drains.

[illegible][illegible]

Vehicle access and egress to the rear parking area will be provided solely via the southern end of the frontage of the site. The rear car parking area also incorporates a common bin storage area and extensive landscaping which includes multiple canopy trees.

The primary vehicle access to the site is gained via a crossover in the eastern corner of the site, with a secondary access crossover being proposed in the south-western corner of the site. The proposed driveway to lots 3 & 4 includes a passing point and the proposed river access is comprised of two easements that straddle the approved title boundaries of Lots 3 and Community Title Lot 2 (C2).

A summary of the proposal is provided in the table below, with architectural and landscape plans and a design report included in **Attachment 1**.

Land Use Description	Residential Land Use
Lot Layout	One (1) Torrens Title Lot and Two (2) Community Title Lots.
Lot Size	Between 1,730 sqm & 5,026 sqm
Frontage Dimension	9.38 metres
Site Gradient (overall)	24.99m of fall across the site = approximately 7.612 degrees of fall

BACKGROUND:

The subject site is currently vacant and has been subject to earthworks, being located within a low-density residential neighbourhood. The site is flanked (north, south and east) by residentially developed allotments, in the form of detached dwellings. The locality is comprised entirely of residential land uses, with the River Murray being on the western boundary of the site.

The application was lodged by Arisvi Holdings Pty Ltd c/ Masterplan on 13 June 2026 and was publicly notified between the dates of 29 June 2026 and 17 July 2026.

SUBJECT LAND & LOCALITY:



Figure 3 – An aerial image of the subject site

Location reference: 10 Panorama Ct Paringa SA 5340

Title ref.: CT 5899/379 **Plan Parcel:** D61221 AL53

Council: Renmark Paringa Council

Locality

Panorama Court is characterised by a mix of single and double storey residential dwellings with associated outbuildings. The subject site is approximately 285 metres north of the Sturt Highway Bridge and 135 metres west of Murtho Road.

[illegible]

Figure 4 – Subject Land Zone Map

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Other - Residential - Earthworks: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code

PUBLIC NOTIFICATION

- **REASON**
Earthworks are not a form of development that is exempt from public notification.

• SUMMARY

Five (5) submissions were received through the portal. Three (3) submissions received opposed the proposal and two (2) submissions supported the development with concerns. Three (3) of these submissions wished to be heard. Representors' concerns are summarised below:

- Proposed land levels,
- Aboriginal remains,
- Dust/dirt control and
- Future dwellings.

Copies of all representations and the applicant's response to the matters raised can respectively be found in **Attachment 4A** and **Attachment 4B**.

The matters raised apart from the land levels, respectfully, are matters that have been assessed previously, mitigated via application detail or condition of consent, or sit within the purview of another agency.

The scope of the planning assessment is not able to consider the impact of the development on local places of cultural significance. These matters are considered under the *Aboriginal Heritage Act 1988*.

Regarding land levels, the applicant's planning consultant confirms the information detailed within the engineering plans (TMK Consulting Engineers dated 29 April 2026) are correct.

Matters previously considered and conditioned within DA 23005439 will continue to be applicable, unless varied by this application, if granted consent.

AGENCY REFERRALS

- Minister for the time being administering the River Murray Act 2003
- Renmark Paringa Council

Referral Body	Function	Summary of Response
Renmark Paringa Council	Comment	• Council supports the proposal. • Connection of the lots to Council's existing infrastructure will not have a negative effect on the locality
Minister for the River Murray	Direction	• No objection. • Applicant may require additional consent and documentation under separate legislation as part of the construction/development of the site. • Conditions and Advisory Notes provided.

PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in **Appendix 1A**.

Question of Seriously at Variance

The proposed development seeks consent to conduct a Land Division, to develop allotments for residential purposes in a residential zone. Development of this nature is appropriate within the site, locality or in the subject Zone for the following reasons.

The development will support land uses which are envisaged in the Neighbourhood Zone's Land Use and Intensity Policy as specified is DTS/DPF 1.1.

The proposal seeks to create allotments that exceed the Minimum Site Area TNV of the Zone, as envisaged in DTS/DPF 2.1 of the Neighbourhood Zone.

The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.

Quantitative Provisions

Design Parameters	Planning and Design Code Guideline	Proposal	Achieved / Not Achieved
Minimum Lot Size	Detached Dwelling – 400 square metres	+1,730 square metres	Achieved
Minimum Frontage Dimension	Detached Dwelling – 12 metres	Lot 1 – 9.38 metres	Not Achieved
Building Height	2 Levels / 8 Metres	1 metre	Achieved
Maximum Driveway Gradient	25% (1-in-4)	20% (1-in-4.8) at its steepest	Achieved

The proposal would perform appropriately against quantitative provisions related to minimum recommended allotment sizes and gradient, however the front lot would not meet the minimum recommended frontage width by approximately 2.62 metres).

Whilst the proposal represents a departure from the recommended minimum allotment frontage of the zone, due to the existing consent, is not under assessment and is not discussed below.

Site Dimensions and Land Division

The Neighbourhood Zone anticipates the development of housing that complements the existing local context. The proposed allotment sizes and the layout of the land division are not sought to be revised as a part of this variation to the original planning consent. Given this, it is considered that the proposed development continues to provide an appropriate response to the Zone and the locality.

Building Height and Massing & Design and Appearance

Buildings in the Zone should be no greater than eight metres, as specified by the DTS/DPF, and should be generally consistent with the prevailing character of the locality and complementing the height of nearby buildings.

The proposed variation to the consent seeks to reduce the heights of the proposed retaining walls and to introduce additional earthworks battering, to provide a reduced building profile/appearance, to be more responsive/in-keeping with the prevailing character of the locality.

While the built form element of the proposal seeks to only construct retaining walls, the proposed variation seeks to alter the height of the retaining, in coordination with the earthworks proposed.

The proposed height of the retaining walls, as previously approved by ERD Court, sought to construct retaining walls that range in height, from 55 centimetres to 1.32 metres. The proposed variation seeks to reduce the height of the retaining walls to no more than 1 metre in height.

The River Murray Flood Plan Protection Area Overlay seeks to encourage the limited use of retaining walls both within the overlay and in highly visible locations that can be viewed from public roads or the main channel of the River Murray. The intent of this policy is to maintain the natural amenity and character along the river. The Design in Urban Areas module further seeks to promote landscaping on the low side of retaining walls, that are visible.

The proposed variation appropriately responds to these PO's by reducing the overall height/profile of the retaining walls and will not alter the previously approved landscaping plan, which includes landscaping on the low side of all proposed retaining walls.

Accordingly, the proposed variation to the previous approval is considered acceptable.

Traffic Generation

The Council was referred the application, to provide comment on the proposed development's impacts on the local traffic network. No concern was raised in response to the proposal. The proposed changes to the proposed layout and driveway are considered to appropriately respond to the Access requirements as outlined in the Design in Urban Areas policy module and the Bushfire Overlay.

In summary, the proposed vehicle access arrangements, parking provision and predicted traffic generation are considered to continue to be acceptable and in accordance with the relevant policy objectives.

Stormwater Management

The proposed development does not seek to alter the stormwater management infrastructure that was previously approved under the original consent. The proposed development was further re-referred to Council, to consider the impacts of drainage across the site in accordance with Regulation 23 of the PDI Regs. Council's referral response did not raise any objections or concerns to the proposed stormwater infrastructure. It is considered that the proposal continues to meet the requirements of the policy and will not result in unreasonable impacts to the local floodplain.

Site Contamination

The proposed variation does not seek to alter the land use. It is considered that the proposal continues to act in accordance with the previous consent and appropriately responds to the policy.

CONCLUSION

The proposal is considered acceptable and worthy of conditional Planning Consent in recognition of the following features:

- the intended development will support development that is envisaged in the Neighbourhood Zone policy;
- the proposed allotment sizes and dimensions exceed the minimum dimensions envisaged under the zone and are in keeping with the pattern of development in the locality;
- proposed departure from the minimum frontage dimension as recommended in this zone are supported by an existing approval and would not result in unreasonable impacts to the pattern of development in the locality;
- the reduction in the overall height of the retaining walls and the additional use of existing earthworks within the site to batter the pads offers a more responsive design that will reduce the visual impact of built form, when viewed from the public realm or the river;
- arrangements proposed for vehicle access to the subject land, on-site vehicle parking provision and expected traffic generation are in keeping with the Code's General Development policies; and
- technical matters and environmental factors including management of stormwater and vehicle access have been appropriately considered and addressed in the original consent and are not sought to be revised in the proposed variation.

It is therefore recommended that the variation application be granted consent, subject to the conditions detailed in this report.

RECOMMENDATION

It is recommended that the SCAP resolve that:

1. The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.
2. Development Application Number 26014332, by Arisvi Holdings Pty Ltd is granted Planning Consent subject to the following conditions and notes:

CONDITIONS

Planning Consent

Condition 1

The development authorisation granted herein shall be undertaken in accordance with the stamped approved plans, drawings, specifications and other documents submitted to the State Planning Commission, except where varied by conditions below (if any).

Condition 2

The plans and conditions with respect to Development Application **23005439** must be fully complied with except where varied by this variation application and conditions.

Conditions imposed by Minister for the time being administering the River Murray Act 2003 under Section 122 of the Act

Condition 3

Locally indigenous plant species are to be incorporated into any landscaping, screen planting or revegetation activities at the site to enhance the natural character of the locality, stabilise soils and provide habitat for native species.

Condition 4

During works or construction activities associated with the development, the subject land must be managed in a manner as to prevent erosion and pollution of the site and the environment, including keeping the area in a tidy state and ensuring any waste materials are appropriately contained to ensure no pollutants (including excavation or fill material) enter the River Murray system.

Condition 5

Any fill material brought to the site must be clean and not contaminated by construction or demolition debris, industrial or chemical matter, or pest plant or pathogenic material.

Condition 6

Any excavation or fill material surplus to the requirements of the development must be disposed of such that it will not:

- be located within the floodplain of any watercourse;
- impede the natural flow of any surface waters;
- allow sediment to enter any water body;
- adversely impact native vegetation;
- facilitate the spread of pest plant and pathogenic material.

Condition 7

Any exposed areas created or exacerbated during the works must be appropriately stabilised to minimise the potential for erosion and the entry of sediment into the River Murray.

Condition 8

Appropriate measures must be undertaken to minimise water quality impacts during works on or near the riverbed.

Condition 9

The management of stormwater runoff from the subject land (including the adjoining Crown land reserve) is to ensure discharge of water does not cause flooding or erosion, and is of the same or better quality of the receiving waters in accordance with the Murraylands and Riverland Landscape Board's *Water Affecting Activities Control Policy*.

ADVISORY NOTES

Planning Consent

Advisory Note 1

The approved development must be substantially commenced within 24 months of the date of Development Approval, and completed within 3 years from the operative date of the approval, unless this period has been extended by the relevant authority.

Advisory Note 2

This consent or approval will lapse at the expiration of 24 months from its operative date (unless this period has been extended by the Relevant Authority).

Advisory Note 3

No works, including site works can commence until a Development Approval has been granted.

Advisory Notes imposed by Minister for the time being administering the River Murray Act 2003 under Section 122 of the Act

Advisory Note 4

The applicant is reminded of the General Duty of Care under Section 23 of the *River Murray Act 2003*, which requires that a person must take all reasonable measures to prevent or minimise any harm to the River Murray through his or her activities.

Advisory Note 5

Further details on stormwater management arrangements, works and structures may be required in order to facilitate an assessment of any Crown land licence application. Prior to the commencement of any works on Crown land, the applicant is advised to seek and obtain the approval of the Minister for Climate, Environment and Water to authorise the commencement of works and occupation of Crown land pursuant to the *Crown Land Management Act 2009*. The applicant may be required to submit either an application for a new Licence to Occupy or an application to amend an existing Licence to Occupy. Application forms can be obtained from the following link: <http://www.environment.sa.gov.au/topics/crown-land/application-forms-and-fees>. For further information on Crown land tenure requirements please visit: <http://www.environment.sa.gov.au/topics/crown-land> or contact the Department for Environment and Water (Crown Lands Program, Berri) on email: DEW.CrownLands@sa.gov.au or telephone 08 8595 2105 and quote the Development Application number.

Native Title rights continue to exist on Crown land and particularly along the River Murray and its surrounding floodplains. Native Title notification may be required as a pre-requisite to the issue/amendment of a Licence to Occupy, pursuant to the provisions of the *Native Title Act 1993* (Cth) and or any associated Indigenous Land Use Agreement.

Advisory Note 6

The River Murray and many of its tributaries and overflow areas have abundant evidence of Aboriginal occupation and Aboriginal sites, objects or remains may be present on the subject land. Under section 20 of the *Aboriginal Heritage Act 1988* (the Act), an owner or occupier of private land, or an employee or agent of such an owner or occupier, must report the discovery on the land of any Aboriginal sites, objects or remains to the Minister responsible for the administration of the Act, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains. It is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object or remains (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister). If the planned activity is likely to damage, disturb or interfere with a site, object or remains, authorisation of the activity must be first obtained from the Minister under Section 23 of the Act. Penalties may apply for failure to comply with the Act. For further information and to request a search of the Register of Aboriginal Sites and Objects from the Attorney-General's Department - Aboriginal Affairs and Reconciliation visit: <http://taawika.sa.gov.au>.

Advisory Note 7

The applicant is strongly encouraged to consult the relevant Aboriginal organisation(s) for advice regarding the protection of cultural heritage at the site, prior to undertaking any works. Aboriginal groups/organisations/traditional owners that may have an interest include:

River Murray and Mallee Aboriginal Corporation (RMMAC)

General Manager: Les Harris

Email: les.harris@rmmac.org.au

Telephone: 0419 845 707

Contact Person: Les Harris

Email: les.harris@rmmac.org.au

Advisory Note 8

Prior to any construction commencing it is recommended that the applicant prepares an appropriately detailed Biosecurity Plan to manage the risk of declared weeds, pests and diseases entering the property during the construction phase (i.e. contractors, vehicles/machinery and fill material). Guidance may be sought from the Murraylands and Riverland Landscape Board (<https://www.landscape.sa.gov.au/mr/pest-plants-animals>) and Primary Industries and Regions SA (<http://pir.sa.gov.au/biosecurity>).

Advisory Note 9

Any works associated with the land division must not:

- Have a detrimental impact on habitat that is significant as a refuge for aquatic biota or affect the migration of aquatic biota;
- Have a detrimental impact on the bed and bank stability of the watercourse;
- Increase the incidence or intensity of flooding or cause or exacerbate any off-site impacts;
- Have a detrimental impact on nearby trees.

Advisory Note 10

Effective measures should be implemented during the works and on-going use of the land in order to prevent soil, silt, sediments or other pollutants leaving the site and entering adjoining properties, roads, water bodies and drains, including (but not limited to):

- Not undertaking construction works a minimum of 3 days before and/or during a high rainfall event (20mm or greater) to reduce the risk of sediment runoff. Weather forecasts reported by the Bureau of Meteorology are available on-line and the seven day forecast must be checked before work commences;
- use of erosion and sediment control measures such as catch/diversion drains, filter fences, sediment fences, sediment traps and basins, re-vegetation and straw bale barriers;
- stockpiling topsoil carefully so it is not susceptible to wind erosion or within the floodplain of a watercourse;
- cover all exposed faces and spoil on and around scarred areas with suitable ground cover;
- control dust arising from construction and other activities, so as not to be a nuisance to residents or occupiers on adjoining or nearby properties;
- ensure vehicles leaving the site do not transfer soil or mud onto adjacent roadways;
- ensuring that the fuelling site of any vehicles, plant and machinery utilised during construction is a minimum of 20 metres from any watercourse, water body or well;
- ensure that there are post construction arrangements for on-site pollutant and contaminant management in accordance with EPA Guidelines;
- Guidance on pollution prevention from construction sites can be found in the '*Handbook for pollution avoidance on commercial and residential building sites*' and the '*Stormwater pollution prevention code of practice*', which can be accessed at: <http://www.epa.sa.gov.au>.

Advisory Note 11

This approval does not obviate any considerations that may apply to the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). For further information visit: <http://www.environment.gov.au/epbc>.