

05 May 2026

Mr Nathan Grantham
Acting Manager
Commission Assessment Planning and Land Use Services
Department for Housing and Urban Development
Via: PlanSA Portal

Our Ref: 53004LET15

Dear Mr Grantham

Re: Variation to Development Application 23005439 - 10 Panorama Court, Paringa

MasterPlan (SA) Pty Ltd act on behalf of Arisvi Holdings ('the applicant' or 'the client') in relation to this matter.

Our clients seek to vary their existing authorisation DA ID: 23005439 to undertake a *'Community title land division comprising the division of one (1) allotment into three (3) allotments with associated common property, retrospective and future earthworks, construction of retaining walls, and associated landscaping.'*

The variation is based on reducing the extent of fill required for the site, while still satisfying the intent of the works and meeting the expectations established by SCAP by their decision.

At its meeting on 28 August 2024, the State Commission Assessment Panel (SCAP) refused Planning Consent in relation to Development Application 23005439. Subsequently, an appeal was lodged to the Environment, Resource and Development (ERD) Court in respect of this decision. After a compromise was reached between parties, the Planning Consent and Stage 1 Development Approval was granted via Court Order on 16 April 2025.

The applicant now seeks to vary the approved Planning Consent by amending the location of two (2) dwelling pad sites and associated earthworks.

Please find enclosed the following documentation:



- Amended Civil Plan, Bulk Earthworks Plan and Section Plan, prepared by TMK Consulting Engineers.
- Copy of Court Order, dated 16 April 2025.
- Copy of Decision Notification Form for Stage 1 Development Approval, dated 8 January 2026.
- Copy of Certificate of Title and Deposited Plan.

On 18 December 2025 the applicant lodged a minor variation request in respect to this development application which, at the time of this correspondence, is yet to be determined by the State Planning Commission (SPC). The request relates to the amending of Condition 3.10.1 of the Planning Consent pertaining to the delivery of particular stages of the development.

We maintain this matter achieves the criteria for being treated as a minor variation to the Consent, however, if the SPC disagrees, we foresee this matter could be included in this variation development application. Therefore, we'd appreciate if the SPC is able to make a determination on the minor variation request currently before them.

Proposed Development

The applicant seeks to vary the location of the two (2) pad sites as they pertain to proposed allotments 3 and 4. The proposal is necessary to correct an inconsistency in the levels previously granted Planning Consent under development application 23005439 that has only recently been identified.

Specifically, the proposal includes:

- Relocation of both the 'North Pad' (associated with proposed allotment 4) and 'South Pad' (associated with proposed allotment 3) approximately one (1) metre to the west.
- Establish an amended bench level for both pad sites to 32.30 reduced from 33.90-34.00 for the 'North Pad' and 33.90-34.10 for the 'South Pad'.
- Marginal rotation of each pad site to suit site contours and to maintain a setback from the 1956 Flood Line extent.
- Commensurate realignment of stormwater infrastructure associated with each pad site (cut-off drains, headwall/s, and junction boxes).
- Maintaining provision of maximum one (1) metre high retaining walls at the periphery of the two (2) pad sites.
- Minor revision to the alignment of permeable paver surfacing to suit amended pad site locations.

Importantly, we confirm the proposal:

- Does not alter the total area or shape of either pad site as previously granted Planning Consent.



- Maintains and does not result in any increase to the height of the previously approved retaining walls at the front and rear of the pad sites.
- Maintains both pad sites beyond the mapped 1956 Flood Line extent.
- Does not locate either pad site any closer to external allotment boundaries than the previously granted Planning Consent.
- Facilitates the transportation of the same volume of fill previously identified to rectify the earthworks on the land.
- Does not increase the elevation of either pad site to a greater extent than the previously granted Planning Consent.
- Maintains the currently approved boundaries of the Plan of Division previously granted Planning Consent, together with the extent of the two (2) common properties, reciprocal Rights of Way and three (3) community allotments being unaltered.
- Does not alter any other elements of the previously approved proposal including landscaping and stormwater management (beyond those nominated above).

Procedural Matters

Table 1 below provides a summary of the applicable Zone, Subzone, Overlays and General Development Policy sections, which have been identified as applying to the subject land.

Table 1: Zoning

Planning and Design Code Summary	
Version and Date	Version 2026.8 gazetted 30 April 2026
Zone	Neighbourhood Zone
Overlays	Affordable Housing Hazards (Bushfire – Urban Interface) Hazards (Flooding – Evidence Required) Murray-Darling Basin Native Vegetation River Murray Flood Plain Protection Area Significant Retirement Facility and Supported Accommodation Sites Water Resources
Technical and Numeric Variations (TNVs)	Maximum Building Height: 8 metres Minimum Frontage: Detached dwelling 12m, Semi-detached dwelling 10m, Row dwelling 9m.



Planning and Design Code Summary	
	Minimum Site Area: Detached dwelling 400m ² , Semi-detached dwelling 300m ² , Row dwelling 300m ² , Group dwelling 300m ² , Residential flat building 300m ² .
General Development Policies	Land Division Site Contamination

A summary of the Procedural Matters as they pertain to the proposal is provided below:

Table 2: Procedural Matters Summary

Procedural Matters Summary	
Relevant Authority	State Planning Commission
Assessment Pathway	Code Assessed – Performance Assessed
Statutory Referrals	Not Required
Public Notification	Not required

The relevant procedural matters involved in the identified assessment pathway are discussed below.

Relevant Authority

The original development application (23005439) was ‘called in’ by the Minister for Planning and as such the State Planning Commission (SPC) was the relevant authority. Given this, the relevant authority to assess the development application remains the SPC.

Public Notification

The proposal is a variation to a previously granted Planning Consent. The original development application underwent public notification due to the proposal incorporating ‘earthworks’ as an element noting that ‘land division’ is specifically exempt from requiring public notification per the Procedural Matters of the Neighbourhood Zone.

In this case, the variation pertains to the location of the proposed pad sites in respect to their previously approved location. The variation provides both pad sites at the same area and dimension as previously approved, along with the extent of retaining walls being consistent with that previously approved, at a maximum height of one (1) metre.



The proposal results in the two (2) pad sites being at a lower elevation than previously granted consent with the extent of additional earthworks beyond those previously granted consent being minimal and of a greater net benefit to the site. As a result, we are of the opinion that the SPC can treat this proposal as minor for the purposes of the Procedural Matters of the Neighbourhood Zone, and therefore public notification of the variation application is not required.

Referrals

The proposal is a variation to a development application that created allotments by way of land division. As there is no change to the approved boundaries associated with the plan of division, and the variation is limited to the siting and bench levels of the respective pad sites on each allotment, we are of the opinion that a referral to the Department of Environment and Water (Minister responsible for the *River Murray Act 2003*) is not required per the Procedural Matters of the River Murray Flood Plain Protection Overlay.

The original development application has been granted Planning Consent to establish a residential use of the land. As such, no referral to the Environment Protection Authority (EPA) is required for this development application per Part 2, 5, (5), (c), (ii) of Practice Direction 14 – *Site Contamination Assessment*.

We note the original development application was referred to, and supported by, the EPA where a Preliminary Site Investigation report was undertaken.

The proposed variation does not result in any further impacts to Native Vegetation beyond those matters previously considered under the original development application. Therefore, no referral to the Native Vegetation Council is required.

Planning Assessment

The following matters are relevant to the assessment of this development application.

River Murray Flood Plain Protection Area Overlay

The proposed amendments incorporate the same, or substantially the same, amount of retaining in relation to the two (2) pad sites as granted Planning Consent under development application 23005439. The pad sites are relocated westward by approximately one (1) metre respectively, and resultant retaining walls associated with the pad sites being of maximum one (1) metre in height, to match the previously approved scheme.

The resultant bench level is some two (2) metres lower than previously approved, which does result in greater batter slopes on the eastern elevation of each pad site. Proposed batters are to be revegetated with hydroseed mix per the existing Planning Consent with a mixture of 'Tall Kerosene Grass', 'River Saltbush', 'Round-Leaf Pigface', 'Spreading Emu Bush' and 'Creeping Boobialla'.



We highlight the proposed bench levels will increase the setback of any future dwellings from the boundaries of the site and further reduce the visibility of future dwellings on these pad sites when viewed from existing buildings at Panorama Court.

A key feature of the negotiated outcome through the ERD Court was that the cut and fill balance across the site had been reduced to an almost equal rate, along with demonstrating that the impacts of the proposed earthworks are able to be redistributed on-site. Critically, this principle has been met by the revised proposal as demonstrated by the **enclosed** sectional drawings prepared by TMK Consulting Engineers.

The other key element of the negotiated outcome, related to the height and visibility of the proposed retaining walls at the leading edge and the rear of the respective pad sites. The height of the retaining walls does not substantially change from those approved as a result of the negotiated outcome.

As outlined in previous correspondence relating to the original development application, the impacts on the riverine environment must be considered in the context of both the amount of earthworks required to remedy the existing site condition of the land and the presence of the Neighbourhood Zone, which also applies to the site.

The application of provisions of the River Murray Flood Plain Protection Area Overlay must be done so within the context of the locality, which is an established residential area within the Neighbourhood Zone and which is outside of the River Murray flood plain.

While the development will result in impacts on the riverine character, these impacts have now been reduced to a level commensurate with development in the locality. It is also clear the Planning and Design Code envisages a degree of impact in this locality, due to the presence of the Neighbourhood Zone. The proposed amended pad sites result in an improved outcome than previously granted Planning Consent as outlined above.

Design

PO 8.1 and PO 9.1 of the Design module of the General Development Policies seek that earthworks limit disturbance to natural topography and that retaining walls do not unreasonably impact visual amenity.

The proposed amendments do not create additional retaining wall height than previously granted Planning Consent. The location of the pad sites, and the associated retaining walls, are relocated westward by approximately one (1) metre, resulting in a bench level that is some two (2) metres lower than previously approved.



The resultant batter slopes above and below the relocated pad sites will require some marginal amendment, as demonstrated by the **enclosed** section drawings prepared by TMK Consulting Engineers. The extent of these works are reasonable in the context of the site and locality, and do result in an improved outcome than previously approved. We highlight that the batter slopes provide opportunities for revegetation to ultimately reduce the visual impact of these excavated and fill surfaces.

It is considered that the proposed amendments satisfactorily align with POs 8.1 and 9.1 of the Design module and are consistent with the previous authorisation.

Land Division

PO 2.1 of the Land Division module within the General Development Policies seeks for the minimisation earthworks and retaining walls as they pertain to land division proposals. As noted above, the extent of retaining walls directly associated with each pad site remains the same when compared to the previous Planning Consent.

As highlighted earlier, the length of the batter slopes to the east of each pad site are greater under this proposal than previously granted Consent. This is directly attributed to the bench levels being established further down the subject site by some two (2) from the original proposal. The proposed bench levels will further reduce the visibility of future dwellings when viewed from the west as demonstrated by the **enclosed** section drawings prepared by TMK Consulting Engineers. Batter slopes will be revegetated with hydroseed mix in the same manner as previously granted consent by the Courts to reduce the visual impact of excavated and filled land when viewed from the east.

Closing

The proposed development comprises a variation to development application 23005439 to relocate two (2) pad sites associated with proposed allotments 3 and 4 respectively. The amendments result in a minor relocation of each site by approximately one (1) metre westward, and associated adjustments to stormwater infrastructure and driveway pavement to suit.

The proposal will result in substantially the same outcome as granted Planning Consent by the ERD Court in April 2025, however, will result in siting each pad site being on a lower elevation ultimately reducing the visual impact of the proposal on the existing dwellings on neighbouring allotments above.

The extent of retaining walls are the same as those previously granted Planning Consent, with the resultant batter slopes above and below the two (2) pad sites being able to be revegetated to ultimately rectify visual impact currently experienced at the development site.



The proposal is deemed to suitably align with the relevant provisions of the Code and warrants consent.

If you have any concerns or require clarification on any matters, please do not hesitate to contact the undersigned on 08 8193 5600 or via kylet@masterplan.com.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Kyle Tapscott'.

Kyle Tapscott
MasterPlan SA Pty Ltd

Enc: Amended Civil Plan, Bulk Earthworks Plan and Section Plan, prepared by TMK Consulting Engineers.
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