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24 July 2026

Phil Mabbs
State Planning Commission

Dear Phil

Development Application ID:	26014332
Applicant:	Arisvi Holdings Pty Ltd
Proposal:	Variation to Development Application 23005439 - Amendment to Earthworks and Levels
Location:	10 Panorama Court, Paringa; CT 5899/379, D61221 A53
Relevant Authority:	State Planning Commission
Date received by DEW:	13 June 2026

Thank you for referring the above mentioned development application to the Minister responsible for the *River Murray Act 2003* ('the Minister') in accordance with Section 122(1)(a) of the *Planning, Development and Infrastructure Act 2016* and Schedule 9(3)(15) of the *Planning, Development and Infrastructure (General) Regulations 2017* (PDI Act).

The proposed development is within a River Murray Protection Area and has been assessed against the Objects of the *River Murray Act 2003* and its Objectives for a Healthy River Murray. These Objects and Objectives include consideration of potential impacts on river health, environmental flows, water quality and the human dimensions of the River Murray system.

The purpose of referral (as expressed in the Planning and Design Code) is "*to provide expert assessment and direction to the relevant authority on potential impacts from development on the health of the River Murray system, its natural flow regime (including floodwaters), water quality, and cultural heritage*". The purpose does *not* include assessment of potential natural hazard risk impacts on development (e.g. flooding, riverbank stability considerations, bushfire hazard etc.)

PROPOSAL

The proposal is the variation of development application 23005439 which involved a "*community title land division comprising the division of one allotment into three allotments with associated common property, retrospective and future earthworks, construction of retaining walls and associated landscaping*" and was granted Planning Consent and Stage 1 Development Approval by the Environment, Planning and Development Court (ERDC) in its Court Order dated 16 April 2025. The Court Order included six of the seven Conditions that the Minister directed the State Planning Commission to attach to any approval of 23005439, generally relating to site maintenance and stabilisation, use of locally indigenous species in landscaping activities and stormwater management.

As outlined in the Masterplan correspondence of 5 May 2026, the proposed variation comprises:

- 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 metres Australian Height Datum (m AHD) reduced from 33.90-34.00m AHD for the 'North Pad' and 33.90-34.10m AHD 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.

It appears that the proposed variation would not result in any changes to the footprint of works that would occur on the adjoining Crown land (CR 570/713).

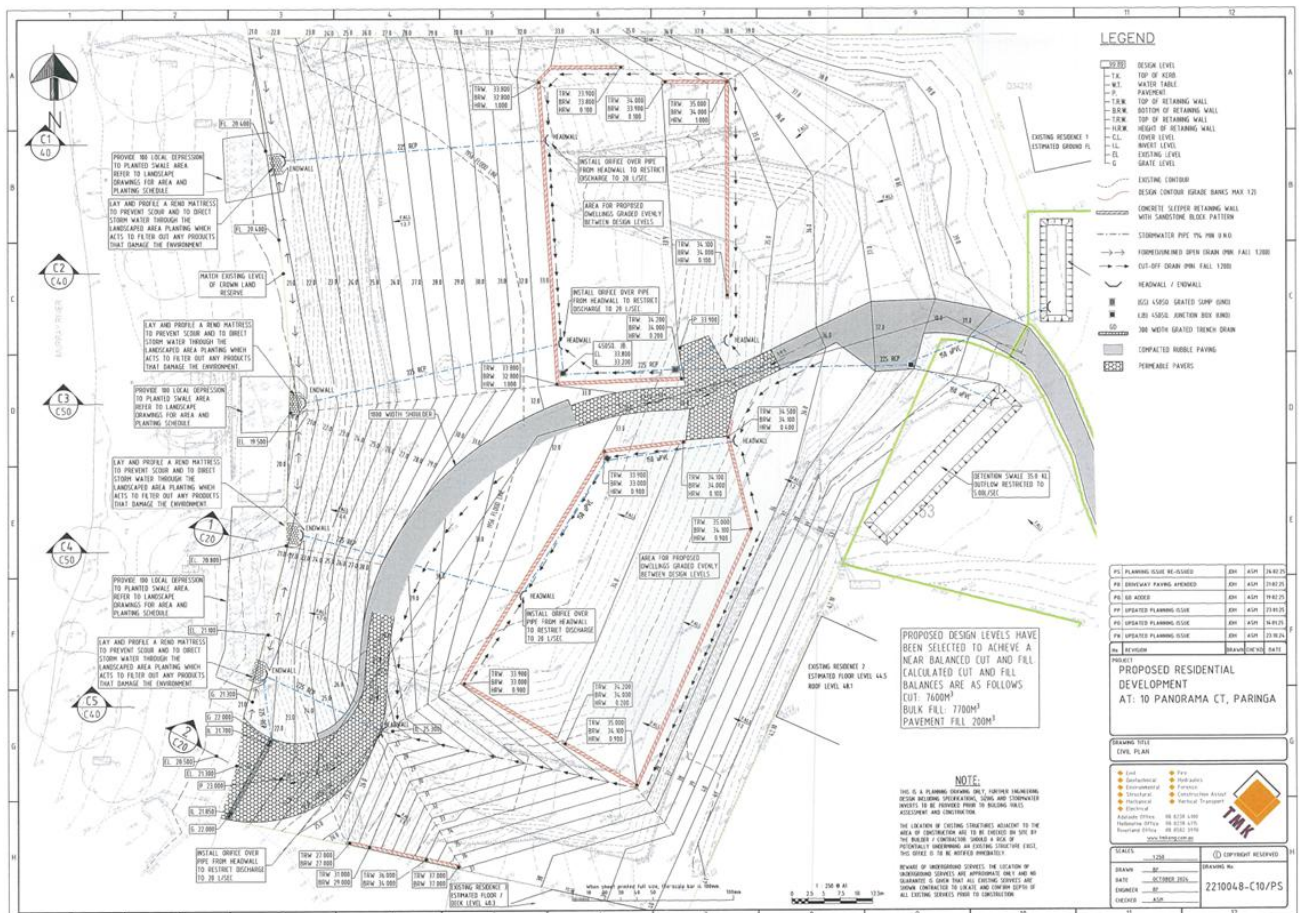
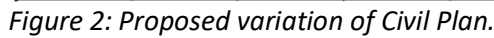


Figure 1: Civil Plan as approved by the ERDC 16 April 2025.



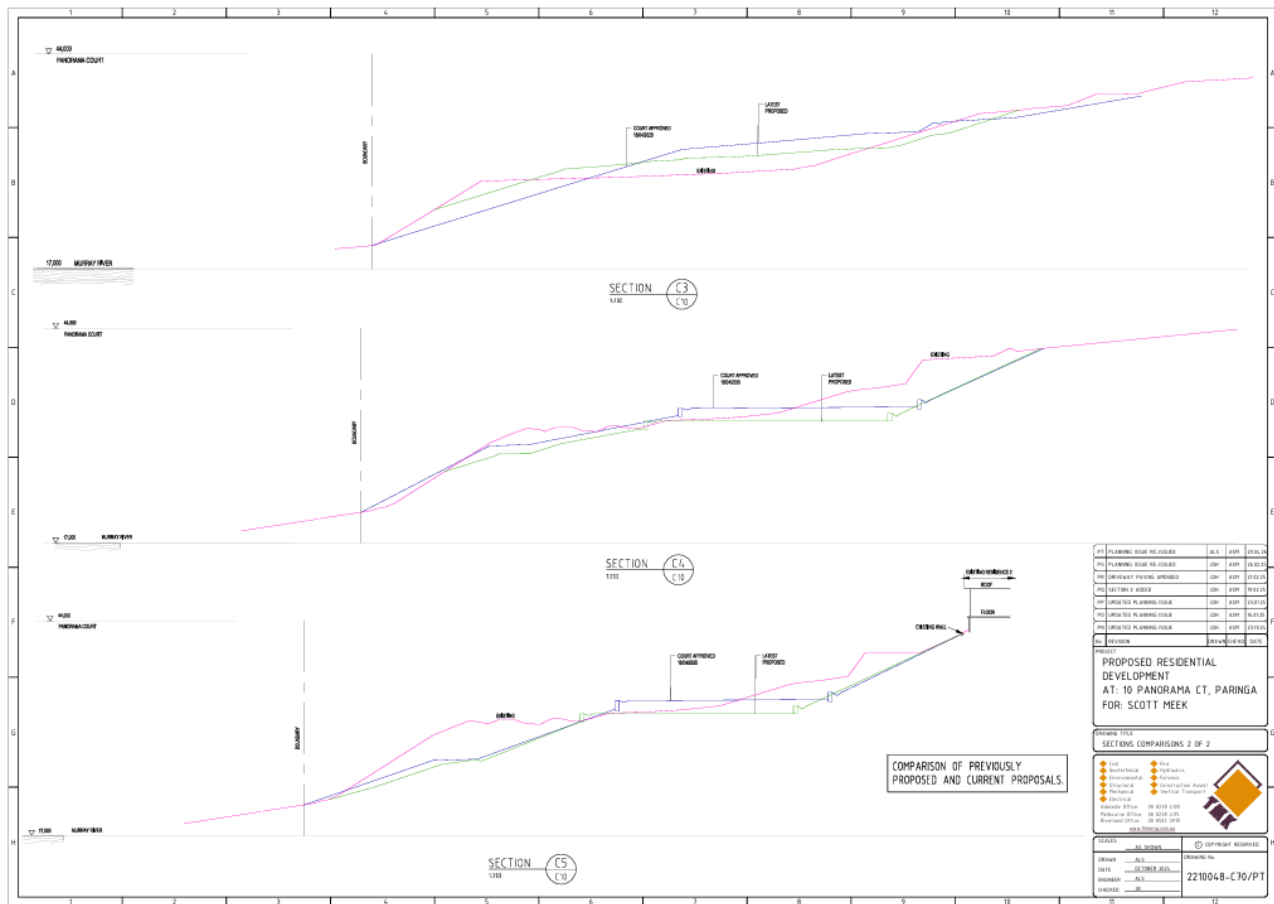


Figure 6: Section Plan with comparison of site levels (Pink = Existing; Blue = ERDC Approved; Green = Proposed).

RIVER MURRAY ACT & POLICY CONSIDERATIONS

The Minister's Delegate has taken the following matters into account in the assessment of the development application, as required under Section 22(4) of the River Murray Act:

- The objects of the River Murray Act; and
- The objectives for a Healthy River Murray (including River Health, Environmental Flows, Water Quality and the Human Dimension); and
- The extent to which the proposal may affect the River Murray; and
- The extent to which a similar activity is being or is likely to be undertaken and the anticipated accumulative effects on the River Murray; and
- The views, responses and requirements of other bodies that are relevant to the assessment; and
- The following policies published by the Minister (available for download at:

<https://www.environment.sa.gov.au/topics/river-murray/river-restoration-and-environmental-water/enacting-river-health-in-legislation>):

- *River Murray Act 2003 Referral Assessment Policy: Overview and General Provisions*; and
- *River Murray Act 2003 Neutral or Beneficial Effect Guidelines to assist with the preparation and assessment of referred matters under the River Murray Act 2003*;
- *River Murray Act 2003 Referral Assessment Policy – Special Provision: Wetlands and Floodplains*; and
- *River Murray Act 2003 Referral Assessment Policy – Special Provision: Heritage*.

The Overview and General Provisions Policy lists examples of impacts that are likely to hinder or prevent an objective for a Healthy River Murray being met. Examples relevant to this application include:

- modification of a natural landscape associated with the river system; and
- departure from the desirable character of the location; and
- adverse impacts on any culturally significant aspects of the river; and

- degradation of cultural or natural heritage, including amenity value.

The Wetlands and Floodplains Policy contains principles relating to:

- preventing pollutants (e.g. nutrients and sediment) from reaching the River Murray; and
- avoiding excavation or modification of landform closer than 50 metres to the River Murray, unless carried out for an ecological purpose that is supported by a suitable management plan with clear ecological objectives.

The Heritage Policy lists the following as key threats to heritage values of the River Murray:

- degradation of landscape and amenity values of the river; and
- damage, disturbance or interference with Aboriginal sites, objects or remains as defined by the *Aboriginal Heritage Act 1988*.

Further, the Heritage Policy also provides that activities involving heritage sites, places or objects should not harm the River Murray in ways that result in:

- degraded landscape or amenity values; and
- damage, disturbance or interference with Aboriginal sites, objects or remains without authorisation of the Minister for Aboriginal Affairs and Reconciliation.

In addition, the Minister has regard to other related operational Acts such as the:

- *Landscape South Australia Act 2019* and associated policy related to water affecting activities;
- *Environment Protection Act 1993* and the associated *Environment Protection (Water Quality) Policy 2015*; and
- *Crown Land Management Act 2009* which is administered by the DEW Crown Lands Program on behalf of the Minister for Climate, Environment and Water.

PLANNING AND DESIGN CODE

The subject land is within the Planning and Design Code's (the Code) 'River Murray Flood Plain Protection Overlay' and 'Neighbourhood Zone'. While it is acknowledged that the Neighbourhood Zone envisages certain land division and residential development, the Minister's interests predominately align with the River Murray Flood Plain Protection Overlay, of which the desired outcome is the conservation and protection of the riverine environment.

Relevant planning principles and policies that align with the Minister's interests, as reflected in the *River Murray Act 2003 Referral Assessment Policies* referred to above, include outcomes such as:

- Conservation and protection of water quality and the riverine environment;
- Buildings and structures sited and designed to be unobtrusive when viewed from the River Murray and nearby public roads;
- Development setback from the River Murray to establish a consistent character along the river front;
- Limited use of retaining walls in highly visible locations that can be viewed from public roads or the main channel of the River Murray to maintain the natural amenity and character along the river;
- Adverse impacts on the natural features and stability of the waterfront are minimised;
- Development incorporates buffer areas to protect the river and associated natural features such as wetlands and native vegetation;
- Modification to the natural landform, including land reclamation, is avoided or minimised to prevent impacts on natural features, natural flow paths, floodwaters and the stability of the waterfront;
- Waterfront reserve areas between buildings and the water are maximised to preserve the amenity of view corridors along the riverine environment;
- Driveways, access tracks and parking areas are designed and constructed to minimise excavation and filling.

ASSESSMENT

River Health

The applicant has declared that the proposed variation would not involve the clearance of native vegetation, noting that the Native Vegetation Council approved the clearance of six scattered trees associated with the original application 23005439. Should any further native vegetation clearance be intended, the applicant should consult the Native Vegetation Council to ascertain relevant requirements under the *Native Vegetation Act 1991* and its Regulations pursuant to the *Native Vegetation Act 1991*.

It is noted that the '*Panorama Court Landscape Restoration*' methodology and '*Landscape Masterplan*' referred to in Condition 3.1.2 of the Court Order are included in the submitted documentation. Whilst these documents do not directly relate to the allotments subject to the variation, the Minister is of the view that they remain fundamental to any support of the proposal and the Relevant Authority is encouraged to incorporate the implementation of the plans as a condition of any approval of the current application.

Given the scale of the works, it is recommended that a Biosecurity Plan be prepared to appropriately manage the risk of declared weeds and unwanted pests, such as insects and diseases, spreading through the subject land during the construction phase (i.e. contractors). The Biosecurity Plan could include wash-down procedures to remove any contaminated soil or weed material from vehicles and machinery before entering the property, and ensuring any fill material brought to the site is free of weeds and pathogens. An advisory note to this effect is recommended. 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 (<https://pir.sa.gov.au/biosecurity>).

Environmental Flows

The site that is subject to the proposed variation is located outside of the 1956 River Murray flood extent as indicated on the submitted Civil Plan, and consistent with SA Property and Planning Atlas mapping. As such, it is considered that the residential allotment components of the proposal are unlikely to adversely impact on the natural flow regime of the River Murray system. It should also be ensured that any works associated with the variation do not impede the flow of any natural drainage lines that run toward the river system.

Any taking of water from the River Murray Prescribed Watercourse for use within the proposed land division as varied (including irrigation of landscaping) may require authorisation (water licence and sufficient allocation) under the *Landscape South Australia Act 2019*. As such, the applicant should consult the DEW Water Licensing Branch to ascertain relevant requirements, prior to the taking of any water associated with the proposed land division. A note to this effect is recommended.

Water Quality

The proposed variation involves earthworks on steep terrain which would both ameliorate the extensive damage from the previously unauthorised earthworks and also to facilitate the future development of two of the three residential allotments associated with the land division. In comparing the approved Civil Plan and Section Plans with that of the proposed amended plans, it is understood that the proposal would result in the two 'pad' sites achieving lower bench levels, with less cut and fill required. It is considered that the proposal, if approved, may assist in the management of stormwater draining towards the river. To this end, it is understood that the proposed variation includes a realignment of the previously approved stormwater infrastructure associated with each pad (drains, headwalls and junction boxes as indicated on the varied Civil Plan). It should be noted that the stormwater management elements of the proposed works as varied may be considered a water affecting activity under the Landscape Act (Section 104(4)(c) – Drainage or discharge of water into a watercourse or lake) and should be undertaken in accordance with the *Murraylands and Riverland Water Affecting Activities Control Policy*¹.

¹ Download from: <https://www.landscape.sa.gov.au/mr/water/managing-water-resources/water-affecting-activities>

Provided that the potential for erosion, sedimentation and uncontrolled stormwater runoff is managed appropriately during and post construction of the earthworks and stormwater management infrastructure, the proposed development is considered unlikely to result in adverse impacts on water quality. The Minister considers that it would be appropriate to attach conditions relating to the management of stormwater and erosion control (as per those of the Court Order) to any approval of the proposed variation. Advisory notes regarding site management during the works are also recommended.

Human Dimension

Development along the River Murray should ideally be of the minimum size and scale required to perform its primary function, with minimal disturbance to the natural or existing landform and minimal impact on the visual amenity of the surrounding area, including from across the river. Whilst the proposed lower site elevations may assist in reducing the visual prominence of potential future residential development on the land, any future dwellings and ancillary development would be subject to separate application(s) and assessment on their merits against Code policy.

Whilst the application does not vary the footprint of any infrastructure or works on the adjoining Crown land, the applicant is reminded that all structures and activities (including landscaping and irrigation) require authorisation pursuant to the *Crown Land Management Act 2009* and no works can commence until all requirements are fulfilled, including Native Title notification under the *Native Title Act 1993* and any potential Heritage Survey. It is recommended that an advisory note to this effect is attached to any approval of the proposed variation.

The River Murray and its overflow areas have abundant evidence of Aboriginal occupation. The subject land may therefore contain Aboriginal sites, objects or remains given its proximity to the River Murray. Attorney General's Department - Aboriginal Affairs and Reconciliation (AGD-AAR) advice regarding obligations under the *Aboriginal Heritage Act 1988* and contact details for Aboriginal organisations with an interest in the land, are attached as Advisory Notes for the applicant's information. Given the extent of the proposed earthworks, it is strongly recommended that the applicant consult the Aboriginal organisation(s) indicated and AGD-AAR prior to undertaking any further ground-disturbing activities. It is the applicant's responsibility to comply with the requirements of the Aboriginal Heritage Act.

RESPONSE

In accordance with Section 122(5)(b)(ii) of the Act, the Relevant Authority is directed to attach the following conditions to any approval:

Conditions

1. 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.
2. During works or construction activities associated with the development, the subject land must be managed 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.
3. 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.
4. Any excavation or fill material surplus to the requirements of the development must be disposed of such that it will not:
 - a. be located within the floodplain of any watercourse;
 - b. impede the natural flow of any surface waters;

- c. allow sediment to enter any water body;
 - d. adversely impact native vegetation;
 - e. facilitate the spread of pest plant and pathogenic material.
5. 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.
 6. Appropriate measures must be undertaken to minimise water quality impacts during works on or near the riverbed.
 7. 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

1. The applicant is advised of their general duty of care under the *River Murray Act 2003* to take all reasonable measures to prevent any harm to the River Murray through his or her actions or activities.
2. **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.

3. 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 and 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 (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 or object, 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 visit: <http://taawika.sa.gov.au>.
4. 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

5. 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>).
6. Should the applicant intend to take water from the River Murray Prescribed Watercourse in addition to any allocation that has already been granted under the *Landscape South Australia Act 2019* to service the development, the applicant should consult the Department for Environment and Water (DEW), to ascertain relevant requirements. For further information contact the DEW Water Licensing Branch (Berri office) on 8595 2053 or visit: <http://www.environment.sa.gov.au/licences-and-permits/water-licence-and-permit> forms.
7. 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.
8. Effective measures should be implemented during any 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>.
9. 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>.

In determining this response I have had regard to, and have sought to further, the Objects and Objectives of the *River Murray Act 2003*.

Any comments or queries relating to the contents of this correspondence, and a copy of the decision notification form, may be directed to: DEW.RiverMurrayReferrals@sa.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'DW' or similar initials, written in a cursive style.

Daniel Walton
Senior River Planner, Coast Unit
Delegate for the
Minister for the time being administering the *River Murray Act 2003*