

FACT SHEET

625 lot subdivision on Commercial Road, Seaford Meadows

Proposal

A development application (number 145/D036/2018) for the division of lot 501 Commercial Road, Seaford Meadows to create 625 Torrens title allotments from one allotment, including associated public roads, drainage infrastructure, recreation reserves, earthworks and landscaping, has been approved by the state government's State Commission Assessment Panel (SCAP).

Background

The land has been zoned residential since circa 1988. Renewal SA tendered the land for sale in mid-2016, with the Hickinbotham Group awarded the tender.

As the land is currently owned by Housing SA, the SCAP is the relevant decision-making body for the development application. The state government's SCAP determined that the proposal was of a type that did not require public notification. The Council was provided the opportunity to comment as a referral authority.

Council comments

At its meeting of 17 April 2018, the Council's elected members resolved to provide formal comments to the SCAP, via a letter from Mayor Rosenberg and a separate technical response from council staff.

These letters raised significant concerns with the proposed development, including minimal public consultation, location of entry points on Commercial Road, internal road layout, and lack of connectivity with the adjoining Onkaparinga River Recreation Park.

The Council agenda, decision and attachments, including Council's two letters to SCAP, are available on council's website [here](#) (refer item 9.5).

Decision

Council officers and Hickinbotham were provided the opportunity to address the SCAP at its meeting on 23 August 2018. Council officers reiterated the many concerns of Council with respect to the proposal.

The SCAP then made its decision in confidence, which was to approve the development application subject to a number of conditions. The SCAP's agenda of 23 August 2018 is available [here](#) and minutes [here](#) (refer item 2.2.3).

The approved plan of division is shown over page.

Next steps

At its meeting in October 2018, Council sought more detailed advice about potential grounds of challenge via judicial review in the Supreme Court.

The Council considered this advice, in confidence, at its meeting of 22 January 2019.

In confidence, the Council resolved to commence proceedings in the Supreme Court seeking judicial review of the SCAP's decision. The proceedings are likely to raise questions about various aspects of the SCAP's decision-making process, including whether SCAP should have been the decision-maker, whether the application should have been subject to public notification and whether the decision is invalid because the council did not consent to the vesting of roads and reserves. The application in the Supreme Court was lodged on 21 February 2019.

Council resolved on 19 March 2019 to agree to Hickinbotham's offer to enter into negotiations, rather than proceeding to a trial process before the court. Council hopes to achieve a better development outcome, but reserves the right to revert to a formal trial process should the negotiation process not succeed.

