

recent developments

SOUTH AUSTRALIA

Tom Ivey and Rebecca McAulay

Planning Review

By Marc Duncan – Norman Waterhouse

In mid-2007 the State Government initiated a wide ranging review of the SA planning and development system primarily to address four key areas:

- to facilitate the realisation of a range of targets and objectives in South Australia's strategic plan;
- to establish SA as the most competitive place in Australasia in which to do business;
- to improve the performance, timeliness, certainty and accountability of the planning system in both State and Local Government arenas; and
- to review the respective roles of State and Local Government within the planning system.

The State Planning and Development System Review has released its first initiative, the Simplified assessment, for faster approvals for new homes and home improvements in South Australia, comprised in two publications released on 10 June being a draft SA Residential Development Code and a Guide to the Code.

The stated aims of these planning reforms is to cut red tape to simplify and speed up the approval processes for a wide range of residential building matters. As part of this package, the Government has developed a "Four-Pronged" approach to deliver simpler, faster approvals for release for consultation and testing prior to its implementation in stages during 2009. The four areas which the Government has chosen to implement involve:

- Expanding exempt development.
- Creating a new "Building Consent only" list for other home improvements.
- Creating a new Residential Development Code.
- Streamlining traditional "merit" assessment processes.

Adelaide City Council relieved of planning powers

By Rebecca McAulay – Norman Waterhouse

On 14 July 2008 the State Government relieved the Adelaide City Council ("Council") of its powers to assess development applications for proposals in excess of \$10 million. This reaction is said to have been triggered by the Council's recent refusal to approve the Aspen Group's \$180 million Central Tower 8 proposal. The Council's Development Assessment Panel resolved to refuse the proposal rather than to defer its decision to enable further amendments to the proposal. The Government claimed that the Council had politicised the assessment process. The Development Assessment Commission will now be the relevant authority with respect to proposals in excess of \$10 million.

Justice Bruce DeBelle retires

By Victoria Shute – Wallmans

On 20 June 2008, a special sitting of the Supreme Court of South Australia was held to mark the retirement of Justice Bruce DeBelle. During a judicial career which has spanned close to 18 years, Justice DeBelle made a considerable contribution to the areas of commercial, administrative, valuation and planning law.

Of these, Justice DeBelle's contribution to the Land and Valuation Division of the Supreme Court of South Australia has been the most significant. Justice DeBelle has produced a substantial number of notable judgments in this area, significantly influencing the ongoing development of planning and environment law in South Australia.