

Outline Consent

Version 1.0



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What is outline consent?

Outline consent is a new planning tool within the South Australian planning system. It provides a flexible assessment approach to enable an applicant to obtain an early decision on specific aspects of a development proposal.

The idea was borne from the Expert Panel's Report in 2014, that a two-step consent process (planning and building consent) may not suit all contemporary development approvals. A need for a more flexible consent process was recognised – one that could be broken up into smaller steps and cover specific issues, such as land use, building envelope and layout.

In this more flexible process, a relevant authority should not require detailed information on all aspects of a development proposal to be able to progress the assessment of a project. 'In principle' agreements would enable provisional consent, allowing proponents to provide information as a development proceeds.

Section 120 of the Act

Section 120 of the *Planning, Development and Infrastructure Act 2016* (the Act) provides for a flexible assessment process, stating that a relevant authority may, on application, grant a consent in the nature of an *outline consent* and that it may be done so in circumstances specified by a practice direction.

Practice Direction 18

Practice Direction 18 (the Practice Direction) supports the operation of Section 120 of the Act.

The object of the Practice Direction is to:

- a) outline the circumstances under which an outline consent may be granted.
- b) clarify procedural matters.
- c) specify other matters associated with outline consents.
- d) specify the operative period for an outline consent.

What is the benefit of an outline consent?

An outline consent can provide progressive certainty to a proponent about their development by providing an early decision on certain aspects of the proposal.

A granted outline consent decision will bind the assessment body to grant any subsequent consents in relation to the approved aspects, provided that they are consistent.

What aspects can be considered?

An application for outline consent may be granted for any of the following aspects:

| | |
|---|---|
| <ul style="list-style-type: none"> • building height, bulk and scale | <ul style="list-style-type: none"> • building envelope |
| <ul style="list-style-type: none"> • access | <ul style="list-style-type: none"> • land use |
| <ul style="list-style-type: none"> • density | <ul style="list-style-type: none"> • open space |

Other aspects, as agreed by an applicant and the relevant authority, that are necessary to determine the application for outline consent (such as tree damaging activity, or demolition of a heritage place) may also be considered.

Example

Development Location(s)

137-143 THE PARADE NORWOOD SA 5067

Title Ref: CT 6125/728 **Plan Parcel:** F139141 AL61

Additional Location Information:

Council: The City Of Norwood Payneham And St Peters

137-143 THE PARADE NORWOOD SA 5067

Title Ref: CT 6125/730 **Plan Parcel:** F139142 AL62

Additional Location Information:

Council: The City Of Norwood Payneham And St Peters

Nature of development

Five storey mixed-development including retail, child care facility and residential.

Outline Consent for:

- Access
- Building Envelope
- Building Height

Proposed use

Mixed-use building

Development cost (excluding fit-out)

\$3,000,000

Category of development [edit](#)

- Child Care Facility
 - Child Care Facility Code Assessed - Performance Assessed
- New housing
 - Residential flat building Code Assessed - Performance Assessed
- Shop
 - Shop Code Assessed - Performance Assessed

Category of development for this consent

- Development category Code Assessed - Performance Assessed
- Reason P & D Code

Relevant Authority

State Planning Commission [edit](#)

Are you an appropriate Relevant Authority for this consent? Yes

Reason Designated by Regs - Section 94(1)(a)(ii); [edit](#)

Scenario:

In relation to an overall development proposal which includes the construction of a five-storey mixed-use development, an applicant might seek certainty for the access arrangement, building envelope and building height.

An outline consent application is sought for the following aspects:

- Access
- Building envelope
- Building height

If the outline consent is granted, the applicant is assured that they can progress five-storey building in that location.

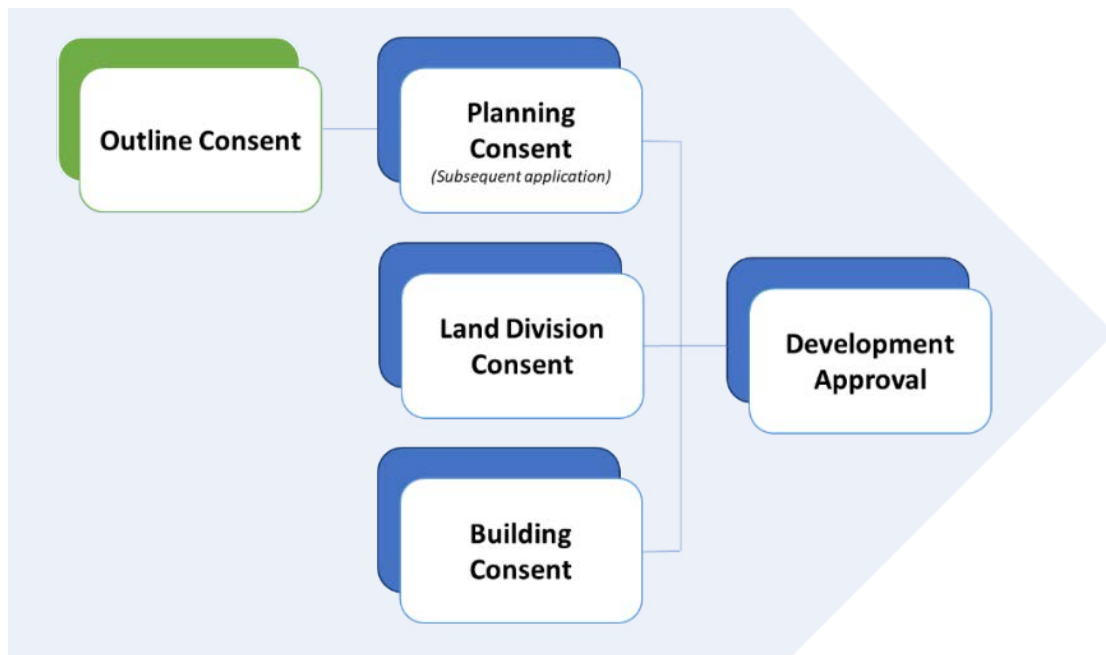
A planning application follows, and the remaining matters (such as appearance, waste management, land use etc.) will be subject to assessment.

Where does outline consent fit in the approval process?

An outline consent is sought prior to planning consent.

If approved, and the applicant continues with a subsequent application (planning consent), the relevant authority will only assess planning matters that were not granted through the outline consent.

Diagram 1: where outline consent fits in the approval process



Note: An outline consent is an *optional* assessment tool

How is an outline consent assessed?

Application process

An outline consent is an application to a relevant authority under Part 7 of the Act. This means that it is assessed against the Planning and Design Code (the Code) and follows many of the same requirements as a 'performance assessed' planning consent, including:

| | |
|---------------------------------|--------------------------------|
| ✓ verification | ✓ assessment timeframes |
| ✓ fees | ✓ appeals |
| ✓ request for information | ✓ variations (including minor) |
| ✓ referrals to agencies | ✓ ability to place on hold |
| ✓ referrals to relevant Council | ✓ conditions of approval |
| ✓ decision to refuse | ✓ assessment against the Code |

The following do not apply to an outline consent application: reserved matters, deemed consent and Schedule 8 minimum requirements.

In some instances, assessment requirements will differ from a traditional planning consent assessment. For example, the relevant authority may request additional information at any time during the assessment for an outline consent and on more than one occasion. Whereas a planning consent is limited to one request for information within the first ten days of assessment.

Application fees

Fees are set out by a [Ministerial fee notice](#). An outline consent application will incur an application lodgement fee, assessment fee and referral and notification fees if applicable.

The assessment fee is a statutory amount and not relative to development cost.

Relevant authority

The State Planning Commission (the Commission) is the relevant authority for outline consent applications.

Who can apply for outline consent?

Anyone can apply for an outline consent. However, only certain development types are eligible to be granted outline consent.

Is your development eligible for outline consent?

The Practice Direction specifies the circumstances in which an outline consent may be granted.

Currently, an application for outline consent can be sought where the development relates to the following types of Commission assessed development:

| Development Type* | Legislative Reference |
|--|--|
| South Australian Housing Trust and Urban Renewal (all Council areas) | Schedule 6 Clause 1 Subclauses (1)(a) and (1)(b) |
| Developments over \$10 million - City of Adelaide | Schedule 6, Clause 3 |
| Buildings exceeding four storeys - Inner Metropolitan Area | Schedule 6, Clause 4 & 4B |
| Developments over \$3 million in identified area (City of Port Adelaide Enfield) | Schedule 6, Clause 5 |
| Developments over \$3 million in identified area (City of Charles Sturt) | Schedule 6, Clause 8 |
| The Minister desires the Commission to act as the relevant authority | Section 94(1)(g) of the Act |
| The Minister called the proposed development in for assessment by the Commission | Section 94(2) of the Act |

* *Performance Assessed Development only*

Is your development suitable for outline consent?

Prior to formally lodging an application for outline consent, it is important to have early discussions with the relevant authority to determine whether the application is suitable for outline consent.

An outline consent can provide progressive certainty to a proponent about their development by providing an early decision on certain aspects of the proposal. However, a granted outline consent decision will bind the assessment body to grant any subsequent consents (in relation to aspects considered by the outline consent). The pre-lodgement service allows proponents and key decision makers to work together.

Early discussions will provide proponents guidance on:

- the expected level of information that may be required for their application
- whether the application may require public notification or referral to a prescribed body
- whether the nominated aspects can be assessed separately from matters that will require planning consent
- whether the relevant authority is unable to determine the application for outline consent and a that a planning consent should be lodged instead.

Preliminary discussions can be made through the free and confidential [pre-lodgement service](#) offered by the Commission.

Submitting an application for outline consent

Applications for outline consent are currently unable to be submitted online through the Development Application Processing system.

Step 1 – check if your development is eligible for outline consent

An application for outline consent can be sought where the development relates to a planning consent that is classified as Performance Assessed Development and would be assessed by the State Planning Commission (the Commission) for the following types of development:

| | |
|---|---|
| <ul style="list-style-type: none"> • <i>Schedule 6 Clause 1 –</i> Areas of all councils – Subclauses (1)(a) and (1)(b) (<i>South Australian Housing Trust and Urban Renewal</i>) | <ul style="list-style-type: none"> • Schedule 6 Clause 5 – City of Port Adelaide Enfield – developments over \$3 million in identified area. |
| <ul style="list-style-type: none"> • <i>Schedule 6 Clause 3 –</i> City of Adelaide – developments over \$10 million | <ul style="list-style-type: none"> • Schedule 6 Clause 8 – City of Charles Sturt – developments over \$3 million in identified area |
| <ul style="list-style-type: none"> • Schedule 6 Clause 4 – Inner Metropolitan Area – buildings exceeding four storeys. | <ul style="list-style-type: none"> • The Minister desires the Commission to act as the relevant authority (section 94(1)(g) of the Act) |
| <ul style="list-style-type: none"> • Schedule 6 Clause 4B – Corporation of Town of Walkerville – buildings exceeding four storeys | <ul style="list-style-type: none"> • The Minister called the proposed development in for assessment by the Commission (section 94(2) of the Act) |

Step 2 – initiate preliminary discussions

Prior to formally lodging an application for outline consent, it is important to have early discussions with the relevant authority to determine whether the application is suitable for outline consent. This can be done through the free and confidential [pre-lodgement service](#) offered by the Commission.

An outline consent can provide progressive certainty to a proponent about their development by providing an early decision on certain aspects of the proposal. However, a granted outline consent decision will bind the assessment body to grant any subsequent consents (in relation to the outline consent). The pre-lodgement service allows proponents and key decision makers to work together.

Early discussions will provide proponents guidance on:

- the expected level of information that may be required for their application
- whether the application may require public notification or referral to a prescribed body
- whether the nominated aspects can be assessed separately from matters that will require planning consent
- whether the relevant authority is unable to determine the application for outline consent and a that a planning consent should be lodged instead.

Step 3 – submit outline consent application

Following pre-lodgement discussions, an application for outline consent can be submitted to the Commission via email or post.

- Email: spcapplications@sa.gov.au
- Post: The Secretary, State Planning Commission, GPO Box 1815, SA 5001

An application should be accompanied by a completed [application form](#) and the following minimum information:

- the upper and lower limit for the height, width, and length of proposed buildings
- the approximate location of buildings
- an indication of access points
- the proposed land use for each element of the development.

What happens after I have submitted my application for outline consent?

The relevant authority will verify the consent. Verification includes reviewing the provided documents (requesting information if required), determining the process (referrals / notification) and invoicing associated fees.

Once verification is complete and payment received, the application will be processed in accordance with Practice Direction 18 and the relevant provisions of Part 7 of the Act (and associated Regulations).

The Commission will provide the applicant with information about how to track the application and respond to requests for further information, or notification tasks.

An outline consent application will be recorded on the public register and, if notified, accessible on the SA Planning Portal.

What happens after outline consent?

Subsequent application

If an outline consent is granted, further approvals are required before development approval can be issued.

A proponent may progress their outline consent development through a subsequent planning consent.

Where the subsequent planning application is consistent with the outline consent approval, the relevant authority will only assess the remaining planning matters.

A subsequent application means the application for planning consent that follows the granting of outline consent.

Note: it is not mandatory that a subsequent application is lodged following the granting of an outline consent. An outline consent will remain valid for a period of 3 years from the date consent is granted, and if a subsequent application is not lodged, the outline consent will lapse.

Inconsistent subsequent application

If the subsequent planning application is not consistent with the outline consent, a relevant authority is not bound to recognise the outline consent approval and the planning consent application will be assessed in its entirety.

Can an outline consent be used more than once?

A granted outline consent may be used more than once.

An outline consent provides a more flexible process, allowing proponents to provide information as a development proceeds. For example, an outline consent may be granted for a master-plan development, and a proponent may progress the development through multiple subsequent planning applications.

Can an outline consent be varied?

A granted outline consent may be varied in the same way as a planning consent.

Operative period

An outline consent will remain operative for a period of 3 years from the date consent is granted by the relevant authority unless a subsequent application is lodged within that period, in which case it will lapse 5 years from the date the outline consent is granted.

Can an outline consent be extended?

The relevant authority who granted an outline consent may, on its own initiative or on the application of a person who has the benefit of the outline consent, extend the operative period of the outline consent.

Further information

To find out more visit www.plan.sa.gov.au or contact the Commission Assessment Team on 1800 752 664 or email PlanSA@sa.gov.au

- [Frequently Asked Questions](#)

For more information visit
plan.sa.gov.au



Government of South Australia

Department for Trade
and Investment