

Outline Consent – how does it work?

Procedure	Summary	Further Information or Example
Eligibility	An application for outline consent can be sought where the development: ✓ relates to a Planning Consent that would be classified as a Performance Assessed Development and ✓ relates to a Planning Consent that would be assessed by the State Planning Commission as the relevant authority*.	*Through the call-in process, or for the following Schedule 6 Application types: • All council areas - development undertaken by the Urban Renewal Authority (Clause 1b) • City of Adelaide – developments over \$10 million (Clause 3) • Inner Metropolitan Area – buildings exceeding four storeys (Clause 4) • Morphettville and Camden Park – building exceeding four storeys (Clause 4A) • Corporation of Town of Walkerville – buildings exceeding four storeys (Clause 4B) • City of Port Adelaide Enfield – developments over \$3 million in identified area (Clause 5) • City of Charles Sturt – developments over \$3 million in identified area (Clause 8)

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Lodgement	Using an outline consent application form (NEW), the application is lodged with the relevant authority, which is the State Planning Commission. The Applicant will identify the nature of development for the related subsequent planning consent and nominate what aspects of the development they are seeking outline consent approval for. An outline consent may be granted for any of the following aspects of the development: ✓ Building height ✓ Building envelope ✓ Access ✓ Land Use ✓ Density ✓ Open space ✓ Other agreed-to aspect	Example: In relation to planning consent (nature of development): • <i>Construct 10 storey residential flat building</i> Outline consent application for: • <i>Building height; and</i> • <i>Building envelope</i>
How will it be assessed?	An application for outline consent is an application to a relevant authority under Part 7 of the Act, meaning that the relevant provisions of Part 7 of the Act (and associated regulations) apply as discussed throughout this table.	An outline consent will bind the assessment body to grant any subsequent consents in relation to the outline consent. The assessment of an outline consent may be no less intensive than consideration of a planning consent application.
Verification	The relevant authority will verify that the outline consent application satisfies the 'circumstances' prescribed by the Practice Direction.	This task will be undertaken in accordance with existing regulation requirements (albeit an amendment to the requirement to provide notice via the portal).

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Fees	The following fees are applicable for an outline consent application: • Lodgement fee (\$193 from 1 July 2023) • Assessment fee (\$6000 approx.) • Referrals (if required) • Notification (if required)	The <i>Planning, Development and Infrastructure (Fees) Notice</i> is required to be updated to accommodate an outline consent application. An application for outline consent may not necessarily have a known estimated development cost and, as such, a set amount for assessment is proposed. The proposed assessment fee represents a portion of the average assessment fee received for applications that meet the prescribed circumstances. Note: the outline consent pathway is not anticipated to be used for small scale developments, such as garages and single dwellings.
What will it be assessed against?	An application for outline consent will be assessed against the relevant provisions of the Planning Rules that would apply as if the application for an outline consent were an application for planning consent.	
Request for information (RFI)	As is currently permitted by the Act and Regulations, a relevant authority may request an applicant to provide further information. Note: a request for information will not be limited to the '1 occasion'. This is to facilitate an opportunity to work through matters which may otherwise be fatal to the processing of the application.	Example: An applicant may be asked to provide further information: • to eliminate any ambiguity in relation to the nature of the development (what category, whether a referral or notification is required). • where it has been identified that an aspect of the application cannot be assessed in isolation. For example, while an applicant may seek outline consent for 'height' the relevant

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		authority may advise that the building envelope should also form part of the consent due to a road widening scenario. to advise the applicant of issues and offer an opportunity to discuss or amend the proposal.
Referrals	An outline consent may be referred to state or local government agencies in accordance with the Act and Regulations. When a subsequent application is lodged, a referral will not be required in relation to the approved 'aspect(s)'. However, outstanding planning matters may require referral.	Example: Scenario: outline consent is sought for the aspect of 'building envelope', and the site is located within the 'Future Road Widening Overlay'. - The outline consent application would be referred to the Commissioner of Highways if the 'building envelope' was located within or may encroach within a Future Road Widening Area. - Once outline consent is granted, the subsequent application would not be referred to the Commissioner of Highways for advice on the location of the development.
Notification	An outline consent may be publicly notified in accordance with the Act and Regulations. Where the Code requires notification in relation to the nominated 'aspect(s)', the outline consent application will be notified. When a subsequent application is lodged, notification will not be required again in relation to the approved 'aspect(s)'. However, may be required in relation to outstanding planning matters.	Example: An applicant might seek certainty within a Future Road Widening area through an outline consent for 'building envelope'. The application for outline consent may not be notified if it meets the relevant Code provisions (Table 5, column A). Once granted, the subsequent application will not be notified due to the location of the development (building envelope). However, may require notification in relation to subsequent planning matters such as 'building height'.

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Separation of planning matters	The relevant authority may form the opinion that an application for outline consent ought not to be considered separately from all or any of the subsequent planning consent matters. In this case, the relevant authority must notify the applicant that it is unable to determine the application and that an application for planning consent should be lodged instead. If the applicant does not withdraw the application, the relevant authority will issue a refusal.	As the Commission is the relevant authority, applicants are encouraged to utilise the pre-lodgement service. The pre-lodgement service is free, voluntary, and confidential. The service allows proponents and key decision-makers to work together, and advice may be provided as to the suitability of an outline consent prior to formally lodging (and payment of the assessment fee).
Separation of aspects	The relevant authority may form the opinion that the outline consent cannot be determined separately from all or any other aspects. In this instance, the relevant authority will advise the applicant and the applicant may amend the proposal to seek approval for additional aspects. If no agreement is made, the outline consent will be refused.	Example: An application for outline consent is made and the proposal will impact upon state or local heritage. A relevant authority may form the opinion that the outline consent cannot be determined separate from the heritage impacts. The outline consent can be amended to include heritage impacts as an 'other aspect'. Similarly, an application for outline consent is made for 'building envelope' and the indicative information provided identifies a building height that exceeds the maximum building height that would also trigger a referral to an airport-operator company. The relevant authority may advise that 'building height' cannot be considered separately.

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Assessment	The relevant authority will assess the application for outline consent against the relevant provisions of the Planning Rules (and Planning Design Code) as it would if the application were an application for Planning Consent.	Example: An application for outline consent is made for 'building height' of a 10-storey building within the Capital City Zone. The outline consent application will be assessed against applicable Performance Outcome policies, any associated Designated Performance Features, and relevant Desired Outcomes.
Conditions	An outline consent decision may be subject to such conditions as a relevant authority thinks fit to impose in relation to the development (as currently permitted by the Act and Regulations). Note: a relevant authority may not impose a reserved matter on an outline consent decision.	
Timeframes	A relevant authority should deal with an application as expeditiously as possible and within the time prescribed by regulation 53. The Regulation will be updated to include an outline consent pathway, and it is proposed that an outline consent would be processed the same as an application for planning consent (performance assessed). Note: a deemed consent notice does not apply to outline consents. The applicant may apply to the Court for an order requiring the relevant authority to make its determination (per s125 of the Act).	The Commission should assess an outline consent application according to the following timeframes: 20 business days + 20 business days (Commission) + Notification + Referral

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Decision	Once a decision has been made about an outline consent application, a Decision Notification Form (DNF) will be issued.	A new DNF is required. To allow for transition to the ePlanning system, the Regulations are to be updated so that notice of the decision for outline consent does not need to be given via the Portal.
Appeals	A person who has applied for a development authorisation may appeal to the Court against a prescribed matter (per Part 16 of the Act).	
Operative Dates	The operative period for an outline consent is prescribed by the Practice Direction. An outline consent will remain operative for a period of 3 years from the date the outline consent is granted. If a subsequent application for planning consent is lodged within the 3-year period, the outline consent operative period is extended, and will lapse five years from the date the outline consent is granted.	Nothing prevents an applicant seeking an extension of time to an outline consent.