

# Frequently Asked Questions



## Outline Consent (Practice Direction 18)

### **Q – Can I apply for an outline consent?**

**A** – Currently, only certain developments are eligible to seek outline consent approval.

The Practice Direction provides circumstances in which an outline consent may be granted. In summary, an application for outline consent can be sought where:

- the development would be Performance Assessed, and
- would be assessed by the State Planning Commission (the Commission) as the relevant authority (in prescribed circumstances).

For example, proposed development with a value exceeding \$10 million in the City of Adelaide.

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### **Q – What can I seek outline consent for?**

**A** – An outline consent can be sought for any of the following *aspects* of a proposed development:

- building height, bulk and scale
- building envelope
- access
- land use
- density
- open space

For example, if a proposed development requires certainty for the height of a building or access location, an outline consent can be sought for these aspects of a development. The remainder of the development will be assessed in the subsequent application (planning consent).

### **Q – What information will be required at submission?**

**A** – Certain information is required at submission so that the authority can determine procedural matters including whether the application meets the eligibility criteria; must be publicly notified or referred to a prescribed body.

An outline consent application should be submitted with the following minimum information:

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

The submission information is required irrespective of the aspects for approval.

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### **Q – What information will be required to assess an outline consent?**

**A** – The information required to assess the application will vary depending on the nature of the development and what aspects are sought for approval.

Applicants are encouraged to have preliminary discussions with the relevant authority to understand what information may be required for their proposal to be decided as an outline consent.

The relevant authority may request further information at any time to assess the outline consent application.

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### **Q – Will an application for outline consent be referred?**

**A** – A referral may be required.

An outline consent application, in relation to any aspect being assessed, may require referral to a prescribed body if prescribed by the Code (like a planning consent).

If an application for outline consent is referred, the subsequent planning consent may also require referral if there has been a material change or are one or more new or additional matters that require assessment.

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### **Q – Will an application for outline consent be notified?**

**A** – Notification may be required.

An outline consent application may require public notification if prescribed by the Code (like a planning consent).

If an application for outline consent is publicly notified, the public may provide comment in relation to the *aspects* of the development that are being considered for an outline consent.

The subsequent planning consent must also be notified.

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**Q – Will the application be referred to Council for comment?**

**A –** Yes, the Commission will give the Chief Executive Officer of the related council an opportunity to provide a report on matters relating to the impacts of the development at the local level (Regulation 23).

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**Q – If the Commission is the relevant authority for an outline consent, will it also assess the subsequent application?**

**A –** The *Planning, Development and Infrastructure Act 2016* (the Act) does not limit the operation of outline consents to circumstances where the relevant authority for the subsequent application for planning consent is the same entity. Having said that, for the outline consent to be relevant to the assessment of the subsequent application:

- the consent to which the subsequent application relates must be for a consent contemplated by the outline consent; and
- there must not be a material change to one or more elements of the development, or a new or additional matter that requires assessment.

It is noted that if these criteria are satisfied, there is unlikely to be a different relevant authority for the subsequent application.

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**Q – Can an outline consent application be refused?**

**A –** Yes, an outline consent may be refused. Like a planning consent, a relevant authority may refuse an outline consent for lack of information or based on a performance assessed decision.

Further, a relevant authority may refuse the application if they are unable to determine the outline consent application separately from matters that require subsequent planning consent. In some circumstances, it may not be possible to assess certain aspects without considering the application as whole.

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**Q – Are there appeal rights?**

**A –** Yes, a person who has applied for a development authorisation may appeal to the Court against a prescribed matter (per Part 16 of the Act).

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**Q – Can a subsequent application be refused?**

**A –** Yes, a granted outline consent application will only bind an authority to the approved aspects of the outline consent (where consistent). A full planning assessment is required for the outstanding planning matters, and it may be determined that the subsequent application does not warrant approval.

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**Q – Will an outline consent application be recorded on the public register?**

**A –** Yes, an application for outline consent will be recorded on the public register once lodged (i.e. - verified and fees paid).

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**Q – How do I apply for outline consent?**

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

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

- Email: [spcapplications@sa.gov.au](mailto: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; and
  - the approximate location of buildings; and
  - an indication of access points; and
  - the proposed land use for each element of the development.
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**Q – Where can I get further information?**

**A –** To find out more visit [www.plan.sa.gov.au](http://www.plan.sa.gov.au) or contact the Commission Assessment Team on 1800 752 664 or email [PlanSA@sa.gov.au](mailto:PlanSA@sa.gov.au)