



Introduction

This practice direction is issued by the State Planning Commission (“the Commission”) under sections 42(1) and 127 of the *Planning, Development and Infrastructure Act 2016* (“the Act”).

Practice direction

Part 1 – Preliminary

1 – Citation

This practice direction may be cited as the *State Planning Commission Practice Direction 12 – Conditions*.

2 – Commencement of operation

This practice direction came into operation on 31 July 2020.

Version 8 of this practice direction commences operation on 10 October 2025.

3 – Object of practice direction

The object of this practice direction is –

- (a) to specify conditions that must be imposed pursuant to section 125(5)(b) of the Act where deemed planning consent is taken to be granted under section 125(3) of the Act;
- (b) to specify conditions that may be imposed by a relevant authority pursuant to section 127 (1)(b) and (2)(a) of the Act, including prohibiting certain conditions or classes of condition; and
- (c) to specify conditions that must be imposed on the granting of a development authorisation for certain classes of development.

4 – Interpretation

In this practice direction, unless the contrary intention appears –

Act means the *Planning, Development and Infrastructure Act 2016*.

Regulations means the *Planning, Development and Infrastructure (General) Regulations 2017*.

Note: Section 12 of the Legislation Interpretation Act 2021 provides that an expression used in an instrument made under an Act has, unless the contrary intention appears, the same meaning as in the Act under which the instrument was made.

Part 2 – Conditions

5 – Prescribed Conditions for the purpose of Deemed Planning Consent

Where Column 3 of the table at Attachment 1 refers to 'Deemed Planning Consent', Column 2 specifies the conditions which must be imposed for the purpose of a deemed planning consent taken to be granted pursuant to section 125(3) of the Act where a development incorporates the class of development specified in Column 1.

6 – Notification of Deemed Planning Consent Notice

Where a person has issued a Deemed Planning Consent Notice ("the Notice") to a relevant authority pursuant to section 125(2) of the Act, the relevant authority to whom the Notice is addressed must, upon receipt of the Notice, provide a copy of the Notice to:

- (a) Any other relevant authority that has given or is considering another development authorisation relating to the same development; and
- (b) If the application was referred to a prescribed body under section 122 of the Act—to that prescribed body or bodies; and
- (c) If the owner of land to which the application related is not a party to the application – to the owner of that land; and
- (d) If any person has made a representation to the relevant authority in respect of the proposed development – to that person or persons; and
- (e) In the case of restricted development, the Environment, Resources and Development Court.

7 – Conditions a relevant authority thinks fit to impose on planning consent

- (1) If a development authorisation is granted by a relevant authority, conditions may be imposed as the relevant authority thinks fit under section 127(1)(a) of the Act.
- (2) Under section 127(2)(a) of the Act, any condition imposed by the relevant authority must be consistent with this practice direction.

8 – Conditions specified by practice direction

Where Column 3 of the table at Attachment 1 refers to 'Planning Consent', Column 2 specifies the conditions which must be imposed on planning consent issued by a relevant authority pursuant to section 127(1) of the Act where a development incorporates the class of development specified in Column 1.

9 – Conditions or classes of conditions prohibited by section 127 of the Act

A development condition must not do any one or more of the following —

- (a) require a person or body not related to the subject development authorisation to carry out works for the development; or
- (b) require further approval (whether a development authorisation or under other legislation) to enable the condition to be met unless the condition relates to a matter reserved for further consideration; or

- (c) require a person to enter into an infrastructure agreement; or
- (d) require the payment of a monetary contribution towards public works (including the establishment, operating or maintenance costs of public infrastructure, works to be carried out for public infrastructure or land to be used for public infrastructure), unless:
 - (i) the payment or contribution relates to an offset scheme established under the Act or Regulations, or a carparking fund established under the *Development Act 1993*; or
 - (ii) the payment or contribution relates to an obligation imposed under an Infrastructure Agreement; or
 - (iii) the works can be directly attributed to or are required as a result of the development proposal and the monetary contribution will be applied to the relevant works; or
- (e) require an access restriction strip; or
- (f) limit the period a development approval has effect for a use or works forming part of a network of infrastructure, other than State-owned or State-controlled transport infrastructure; or
- (g) fetter statutory powers by binding future decisions of a relevant authority, nor can it fetter the discretion of an authority under any other legislation; or
- (h) require substantial variation by altering the fundamental nature of an application¹; or
- (i) relate to any other subject matter other than the subject matter of the application; or
- (j) go beyond the scope of what is being approved; or
- (k) be unduly onerous; or
- (l) be vague and uncertain; or
- (m) be for a purpose other than a purpose envisaged by the Act; or
- (n) prevent the leasing, renting or occupation of ancillary accommodation; or
- (o) restrict the occupation of ancillary accommodation (including by restricting occupation to family members of those residing in the primary dwelling); or
- (p) restrict the occupation of a Class 1a dwelling, for matters not relevant to the suitability of the occupation of the building as contemplated by section 152 of the Act.

¹ Where an application as lodged does not comply with the Code, refusal of the application may be a more appropriate determination than attempting to address any fundamental discrepancy via condition.

Issued by the State Planning Commission

Note: This practice direction commences operation in accordance with clause 2 'Commencement of operation'

Version 8: Commences operation on 10 October 2025

Version 7: Commenced operation on 12 September 2025

Version 6: Commenced operation on 5 September 2025

Version 5: Commenced operation on 26 June 2025

Version 4: Commenced operation on 1 July 2024

Version 3: Commenced operation on 13 October 2023

Version 2: Commenced operation on 19 March 2021

Version 1: Commenced operation on 31 July 2020

PRACTICE DIRECTION 12

Conditions



Attachment 1: Standard Conditions

Column 1 – Development	Column 2 – Prescribed condition(s)	Column 3 – Application of condition
Essential Infrastructure		
Any application involving essential infrastructure of a prescribed class or Crown development	Before any building work is undertaken, the building work must be certified by a building certifier, or by some person determined by the Minister, as complying with the provisions of the Building Rules to the extent that is appropriate.	Planning Consent
Division of land – Community Titles		
Where the application involves the division of land under the <i>Community Titles Act 1996</i> and it creates more than six community lots when all stages of the development are complete (including the subsequent division of development lots under the <i>Community Titles Act 1996</i> , if applicable).	Council must confirm that either the common driveway (including all access points to and from the common driveway) has been constructed or that evidence of appropriate security for the construction of the common driveway has been provided before the State Planning Commission issues its land division certificate under section 138 of the <i>Planning, Development and Infrastructure Act 2016</i> .	Planning Consent
Co-located housing		
Where the application is for co-located housing.	Co-located housing must be undertaken in accordance with the approved scheme description for the development site.	Planning Consent

Column 1 – Development	Column 2 – Prescribed condition(s)	Column 3 – Application of condition
Division of land in an Environment and Food Production Area		
Where the application is for or includes the division of land in an Environment and Food Production Area.	The additional allotments created will not be used for residential development.	Planning Consent Deemed Planning Consent
Fortifications		
Where the Commissioner of Police determines that a proposed development involves the creation of fortification pursuant to section 124 of the <i>Planning, Development and Infrastructure Act 2016</i> .	The creation of fortifications is prohibited.	Planning Consent Deemed Planning Consent
Stormwater Management		
Where the application includes a rainwater tank to be installed in accordance with DTS/DPF 1.1 of the Stormwater Management Overlay in the Planning and Design Code.	Rainwater tank(s) must be installed in accordance with DTS/DPF 1.1 of the Stormwater Management Overlay in the Planning and Design Code (as at the date of lodgement of the application) within 12 months of occupation of the dwelling(s).	Planning Consent Deemed Planning Consent
Regulated and significant trees		
Where the application is for or includes the killing, destruction or removal of a regulated or significant tree.	Either: a. Replacement trees must be planted within 12 months of months of completion of the development at the following rates: i. if the development relates to a regulated tree—2 trees to replace a regulated tree; or ii. if the development relates to a significant tree—3 trees to replace a significant tree; Replacement trees cannot be within a species specified under regulation 3F(4)(b) of the <i>Planning, Development and Infrastructure</i>	Planning Consent Deemed Planning Consent

Column 1 – Development	Column 2 – Prescribed condition(s)	Column 3 – Application of condition
	<p><i>(General) Regulations 2017</i>, and cannot be planted within 3 metres of an existing dwelling or in-ground swimming pool; or</p> <p>b. Replacement trees must be planted within 12 months of occupation of the dwelling(s) at the following rates:</p> <ul style="list-style-type: none"> i. if the development relates to a regulated tree—2 trees to replace a regulated tree; or ii. if the development relates to a significant tree—3 trees to replace a significant tree; or; <p>Replacement trees cannot be within a species specified under regulation 3F(4)(b) of the <i>Planning, Development and Infrastructure (General) Regulations 2017</i>, and cannot be planted within 3 metres of an existing dwelling or in-ground swimming pool; or</p> <p>c. Payment of an amount calculated in accordance with the <i>Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019</i> be made into the relevant urban trees fund (or if an urban trees fund has not been established for the area where the relevant tree is situated, or the relevant authority is the Commission or an assessment panel appointment by the Minister or a joint planning board, the Planning and Development Fund) in lieu of planting 1 or more replacement trees. Payment must be made prior to the issue of development approval.</p>	

Column 1 – Development	Column 2 – Prescribed condition(s)	Column 3 – Application of condition
Urban Tree Canopy		
Where the application is for or includes a new dwelling in an area subject to the Urban Tree Canopy Overlay in the Planning and Design Code.	<p>Either:</p> <ul style="list-style-type: none"> a. Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained; or b. Where provided for by any relevant off-set scheme established under section 197 of the <i>Planning, Development and Infrastructure Act 2016</i> (as at the date of lodgement of the application), payment of an amount calculated in accordance with the off-set scheme may be made in lieu of planting/retaining 1 or more trees as set out in the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). Payment must be made prior to the issue of development approval. 	<p>Planning Consent Deemed Planning Consent</p>
Conditions imposed by a referral agency		
Where the application is required to be referred to a prescribed body for the purposes of section 122 of the <i>Planning, Development and Infrastructure Act 2016</i> .	Any condition imposed by the prescribed body pursuant to section 122(5)(b)(ii) of the <i>Planning, Development and Infrastructure Act 2016</i> .	Deemed Planning Consent

Column 1 – Development	Column 2 – Prescribed condition(s)	Column 3 – Application of condition
Ancillary buildings/structures		
<p>Where the application is for or includes an outbuilding, carport, verandah or pergola that is clad in sheet metal, to which either of the following General Development Policies of the Planning and Design Code apply to the application:</p> <ul style="list-style-type: none"> - Design in Urban Areas [Ancillary Development] Performance Outcome (PO) or Deemed-to- satisfy criteria/Designated performance feature (DTS/DPF) 19.1 - Design [Ancillary Development] PO or DTS/DPF 13.1. 	<p>The structure must be pre-colour treated or painted in a non-reflective colour.</p>	<p>Deemed Planning Consent</p>
Noise		
<p>Where General Development Policies - Interface Between Land Uses [Activities Generating Noise or Vibration] PO or DTS/DPF 4.1 of the Planning and Design Code apply to the application.</p>	<p>Noise that affects sensitive receivers achieves the relevant performance outcome and/or the Environment Protection (Commercial and Industrial Noise) Policy 2023 under the <i>Environment Protection Act 1993</i>.</p>	<p>Deemed Planning Consent</p>
<p>Where the application is for or includes a swimming pool to which the General Development Policies - Interface Between Land Uses [Activities Generating Noise or Vibration] PO or DTS/DPF 4.3 of the Planning and Design Code apply to the application.</p>	<p>The swimming pool pump and/or filtration system ancillary to a dwelling erected on the same site is:</p> <ol style="list-style-type: none"> a. enclosed in a solid acoustic structure located at least 5m from the nearest habitable room located on an adjoining allotment, or b. located at least 12m from the nearest habitable room located on an adjoining allotment. 	<p>Deemed Planning Consent</p>

Column 1 – Development	Column 2 – Prescribed condition(s)	Column 3 – Application of condition				
<p>Where General Development Policies – Interface Between Land Uses [Activities Generating Noise or Vibration] PO or DTS/DPF 4.6 of the Planning and Design Code apply to the application.</p>	<p>Development incorporating music includes noise attenuation measures that will achieve the following noise levels:</p> <table border="1" data-bbox="806 331 1527 571"> <thead> <tr> <th data-bbox="806 331 1102 383">Assessment location</th> <th data-bbox="1102 331 1527 383">Music noise level</th> </tr> </thead> <tbody> <tr> <td data-bbox="806 383 1102 571">Externally at the nearest existing noise sensitive location</td> <td data-bbox="1102 383 1527 571">Less than 8dB above the level of background noise ($L_{90,15min}$) in any octave band of the sound spectrum ($LOCT_{10,15} < LOCT_{90,15} + 8dB$)</td> </tr> </tbody> </table>	Assessment location	Music noise level	Externally at the nearest existing noise sensitive location	Less than 8dB above the level of background noise ($L_{90,15min}$) in any octave band of the sound spectrum ($LOCT_{10,15} < LOCT_{90,15} + 8dB$)	<p>Deemed Planning Consent</p>
Assessment location	Music noise level					
Externally at the nearest existing noise sensitive location	Less than 8dB above the level of background noise ($L_{90,15min}$) in any octave band of the sound spectrum ($LOCT_{10,15} < LOCT_{90,15} + 8dB$)					
Car Parking and Vehicle Access						
<p>Where the application is for or includes a new car parking area or vehicle access point and to which the General Development Policies – Transport, Access and Parking [Vehicle Parking Rates] PO or DTS/DPF 5.1 of the Planning and Design Code apply to the application.</p>	<p>All vehicle car parks, driveways, vehicle entry and manoeuvring areas must be designed, constructed and maintained in accordance with Australian Standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6.2009)</p>	<p>Deemed Planning Consent</p>				
Landscaping						
<p>Where the following provisions of the General Development Policies of the Planning and Design Code apply to the application:</p> <ol style="list-style-type: none"> a. Bulk Handling and Storage Facilities [Buffers and Landscaping] PO or DTS/DPF 2.1 or 2.2; b. Design [Landscaping] PO or DTS/DPF 3.1, [Car parking Appearance] PO or DTS/DPF 7.5, 7.6, [Fences and Walls] PO or DTS/DPF 9.2, [Communal Open Space] PO or DTS/DPF 23.4, [Soft 	<p>Landscaping must be undertaken within 12 months of occupation of the development and maintained in accordance with the plans and details forming part of the development authorisation.</p>	<p>Deemed Planning Consent</p>				

Column 1 – Development	Column 2 – Prescribed condition(s)	Column 3 – Application of condition
<p>Landscaping] PO or DTS/DPF 25.1 or 25.2;</p> <p>c. Design in Urban Areas [Landscaping] PO or DTS/DPF 3.1, [Car parking Appearance] PO or DTS/DPF 7.5, 7.6, [Fences and Walls] PO or DTS/DPF 9.2, [Landscaping] PO or DTS/DPF 13.1, 13.2, [Landscaping] PO or DTS/DPF 22.1, [Soft Landscaping] PO or DTS/DPF 34.1 or 34.2;</p> <p>d. Resource Extraction [Separation Treatments, Buffers and Landscaping] PO or DTS/DPF 3.2; or</p> <p>e. Tourism Development PO or DTS/DPF [Caravan and Tourist Parks] 2.2 or 2.4.</p>		
External Lighting		
<p>Where General Development Policies - Interface Between Land Uses [Light Spill] PO 6.1 or 6.2 of the Planning and Design Code apply to the application.</p>	<p>All external lighting must be designed and constructed according to conform to Australian Standard (AS 4282-1997).</p>	<p>Deemed Planning Consent</p>
<p>Where:</p> <p>a. the application includes car parking for 6 or more vehicles; and</p> <p>b. the application involves access to the car park during non-daylight hours; and</p> <p>c. General Development Policies – Transport, Access and Parking [Vehicle Parking Areas] PO 6.5 of the Planning and Design Code applies to the application.</p>	<p>Common vehicle parking areas are provided with lighting to entry and exit points in accordance with Australian Standard (AS 4282-1997).</p>	<p>Deemed Planning Consent</p>

Column 1 – Development	Column 2 – Prescribed condition(s)	Column 3 – Application of condition
Transportable buildings		
<p>Where the application is for or includes a transportable building and General Development Policies – Design [Design of Transportable Dwellings] PO or DTS/DPF 21.1 or Design in Urban Areas [Design of Transportable Dwellings] PO or DTS/DPF 25.1 of the Planning and Design Code apply to the application.</p>	<p>The sub-floor space between the building and ground level is clad in material and finish consistent with the building.</p>	<p>Deemed Planning Consent</p>
Waste Storage/Collection		
<p>Where:</p> <ul style="list-style-type: none"> a. the application is for or includes an industry, warehouse, store, retail fuel outlet, depot, or renewable energy facility; and b. General Development Policies – Design [Wash-down and Waste Loading and Unloading] PO 32.1 or Design in Urban Areas [Wash- down and Waste Loading and Unloading] PO 43.1 of the Planning and Design Code apply to the application. 	<p>Areas for activities including loading and unloading, storage of waste refuse bins in or wash-down areas used for the cleaning of vehicles, vessels, plant or equipment must be:</p> <ul style="list-style-type: none"> a. designed to contain all wastewater within a bunded and roofed area to exclude the entry of external surface stormwater run- off b. paved with an impervious material c. designed to drain wastewater to either: <ul style="list-style-type: none"> i. a treatment device such as a sediment trap and coalescing plate oil separator with subsequent disposal to a sewer, private or Community Wastewater Management Scheme <p>or</p> <ul style="list-style-type: none"> ii. a holding tank and its subsequent removal off-site on a regular basis. 	<p>Deemed Planning Consent</p>

Column 1 – Development	Column 2 – Prescribed condition(s)	Column 3 – Application of condition								
Temporary Development										
Where an application seeks approval for a temporary development.	On cessation of the temporary development as specified in the application documentation— <ul style="list-style-type: none"> i. the previous use of the land will revive and the use of the land subject to this development authorisation will cease; and ii. any person who has the benefit of the development will restore the land to the state in which it existed immediately before the development. 	Deemed Planning Consent								
Hours of Operation										
<p>Where:</p> <ul style="list-style-type: none"> a. the application is for or includes a consulting room, office or shop; and b. the subject land is located adjacent to a site containing an existing sensitive land use or a neighbourhood-type zone¹; and c. General Development Policies - Interface Between Land Uses [Hours of Operation] PO or DTS/DPF 2.1 of the Planning and Design Code apply to the application. <p>¹ Neighbourhood-type zone has the meaning defined in Part 8 of the Planning and Design Code</p>	<p>Hours of operation are limited to the following:</p> <table border="1" data-bbox="808 703 1525 1318"> <thead> <tr> <th data-bbox="808 703 1093 788">Class of Development</th> <th data-bbox="1093 703 1525 788">Hours of operation</th> </tr> </thead> <tbody> <tr> <td data-bbox="808 788 1093 873">Consulting room</td> <td data-bbox="1093 788 1525 873">7am to 9pm, Monday to Friday 8am to 5pm, Saturday</td> </tr> <tr> <td data-bbox="808 873 1093 957">Office</td> <td data-bbox="1093 873 1525 957">7am to 9pm, Monday to Friday 8am to 5pm, Saturday</td> </tr> <tr> <td data-bbox="808 957 1093 1318">Shop, other than any one or combination of the following: <ul style="list-style-type: none"> a. restaurant b. cellar door in the Productive Rural Landscape Zone, Rural Zone or Rural Horticulture Zone </td> <td data-bbox="1093 957 1525 1318">7am to 9pm, Monday to Friday 8am to 5pm, Saturday and Sunday</td> </tr> </tbody> </table>	Class of Development	Hours of operation	Consulting room	7am to 9pm, Monday to Friday 8am to 5pm, Saturday	Office	7am to 9pm, Monday to Friday 8am to 5pm, Saturday	Shop, other than any one or combination of the following: <ul style="list-style-type: none"> a. restaurant b. cellar door in the Productive Rural Landscape Zone, Rural Zone or Rural Horticulture Zone 	7am to 9pm, Monday to Friday 8am to 5pm, Saturday and Sunday	Deemed Planning Consent
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