

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 XXX.

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

- (1) 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*.

Technical Manual means the *Technical Manual – Infrastructure for Growth Areas and Greenfield Development* published by the Chief Executive of the Department on the SA planning portal.

- (2) A reference in a condition to a standard, technical manual or other instrument, as it relates to a particular consent or authorisation, is a reference to that standard, technical manual or other instrument as in force at the time that the application was made.

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) In accordance with section 127(2)(a) of the Act, any condition imposed by the relevant authority must be consistent with this practice direction, including with any condition within this practice direction that must be imposed on the granting of a development authorisation for certain classes of development.

8 – Conditions specified by practice direction

Where Column 3 of either tables at Attachment 1 or Attachment 2 refers to the form of consent being granted, (for example “Planning Consent”), Column 2 specifies the conditions which must be

imposed on the issue of that consent 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.

Issued by the State Planning Commission

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

Version 10: Commences operation on XXX

Version 9: Commenced operation on 18 December 2025

Version 8: Commenced 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

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.

Attachment 2: Design Standard 1 – Engineering Requirements for Land Division

Column 1 – Development	Column 2 – Prescribed condition(s)	Column 3 – Application of condition
Civil Works		
Where <i>Design Standard 1 – Engineering Requirements for Land Division</i> applies	Prior to commencement of construction, detailed civil plans, prepared to the satisfaction of the council, must be submitted for the relevant stage or stages of the division.	Land Division Consent
Where <i>Design Standard 1 – Engineering Requirements for Land Division</i> applies	Site earthworks must be designed and managed to ensure that: <ul style="list-style-type: none"> • existing stormwater runoff storage areas or flow paths are not obstructed; and • earthworks are graded away from the location of future dwellings and structures. 	Land Division Consent
Stormwater		
Where <i>Design Standard 1 – Engineering Requirements for Land Division</i> applies	All stormwater must be managed so as not to flow or discharge onto land of adjoining owners. The management of stormwater shall be undertaken in accordance with: <ul style="list-style-type: none"> • <i>Chapter 4 – Stormwater Design</i> of the Technical Manual; or • a submitted and approved Stormwater Management Plan. 	Land Division Consent

Column 1 – Development	Column 2 – Prescribed condition(s)	Column 3 – Application of condition
Where <i>Design Standard 1 – Engineering Requirements for Land Division</i> applies	<p>Stormwater infrastructure must be designed and constructed to ensure:</p> <ul style="list-style-type: none"> • downstream stormwater infrastructure has sufficient capacity to capture and treat the runoff from the approved division; and • post-development flows do not exceed pre-development flows or any other flow rates applicable under an infrastructure scheme; and • groundwater resources are not adversely impacted; and • mitigation of flood risk. 	Land Division Consent
Where <i>Design Standard 1 – Engineering Requirements for Land Division</i> applies	<p>The quality of stormwater generated by development that discharges to existing stormwater infrastructure and waterways must be managed in accordance with the <i>Environmental Protection (Water Quality) Policy 2015</i>.</p> <p>Stormwater systems must not exceed the following mean annual pollutant loads, when compared to the unmitigated stormwater runoff:</p> <ul style="list-style-type: none"> • 80% for Total Suspended Solids (TSS); • 60% for Total Phosphorus (TP); • 45% for Total Nitrogen (TN); and • 90% for Gross Pollutants (GP). 	Land Division Consent
Where <i>Design Standard 1 – Engineering Requirements for Land Division</i> applies	Landscaping for stormwater and drainage systems will be provided and maintained to prevent erosion or disturbance to banks and to provide stabilisation to battered slopes.	Land Division Consent

Column 1 – Development	Column 2 – Prescribed condition(s)	Column 3 – Application of condition
Road and Pavement Design		
Where <i>Design Standard 1 – Engineering Requirements for Land Division</i> applies	All roads and road infrastructure, inclusive of access points and pedestrian crossings must be designed and constructed in accordance with: <ul style="list-style-type: none"> • <i>Chapter 5 – Road Design</i> of the Technical Manual; or • to the satisfaction of the council. 	Land Division Consent
Where <i>Design Standard 1 – Engineering Requirements for Land Division</i> applies	Residential driveways shall be designed and constructed to meet the requirements specified in <i>AS 2890.01: 2004 Parking Facilities Part 1: Off-street car parking</i> .	Land Division Consent
Where <i>Design Standard 1 – Engineering Requirements for Land Division</i> applies	Flexible sealed and concrete pavements must be designed and constructed to a minimum 30-year design life.	Land Division Consent
Where <i>Design Standard 1 – Engineering Requirements for Land Division</i> applies	All road pavements must be designed and constructed to accommodate the projected capacity of the traffic associated with the final developed road network and catchment.	Land Division Consent
Service Infrastructure		
Where <i>Design Standard 1 – Engineering Requirements for Land Division</i> applies	Easements and reserves must be provided for the purposes of stormwater drainage, electricity supply, telecommunications, gas supply, water supply, wastewater services and other relevant service infrastructure.	Land Division Consent
Where <i>Design Standard 1 – Engineering Requirements for Land Division</i> applies	All the requirements for the distribution and supply of electricity to serviced allotments, including but not limited to connections, easements and installation of underground mains are to be in accordance with the technical requirements of the electricity provider.	Land Division Consent

Column 1 – Development	Column 2 – Prescribed condition(s)	Column 3 – Application of condition
Where <i>Design Standard 1 – Engineering Requirements for Land Division</i> applies	Each residential allotment must be connected to an operational wastewater system.	Land Division Consent
Where <i>Design Standard 1 – Engineering Requirements for Land Division</i> applies	All services associated with servicing the proposed development, including stormwater drainage, electricity supply, telecommunications, gas supply, water supply and wastewater services are to be placed underground unless prohibited by existing site conditions, and in all cases to the requirements of the relevant service provider(s).	Land Division Consent
Where <i>Design Standard 1 – Engineering Requirements for Land Division</i> applies	Street lighting is to be provided in accordance with <i>Australian Standard AS/NZS 1158 – Lighting for roads and public spaces</i> .	Land Division Consent
Landscaping and Street Trees		
Where <i>Design Standard 1 – Engineering Requirements for Land Division</i> applies	All landscaping for the development, including street trees and open space reserves, is to be undertaken in accordance with the approved plans and/or landscape plan prepared to the satisfaction of the council prior to the commencement of planting.	Land Division Consent
Where <i>Design Standard 1 – Engineering Requirements for Land Division</i> applies	Street tree planting is to be undertaken in accordance with: <ul style="list-style-type: none"> • <i>Chapter 10 - Street Trees</i> of the Technical Manual; or • to the satisfaction of the council. 	Land Division Consent
Where <i>Design Standard 1 – Engineering Requirements for Land Division</i> applies	All tree stock supplied for installation will meet the requirements of Australian Standard <i>AS 2303 Tree stock for landscape use</i> .	Land Division Consent

Column 1 – Development	Column 2 – Prescribed condition(s)	Column 3 – Application of condition
Practical Completion		
<p>Where Design Standard 1 – Engineering Requirements for Land Division applies</p>	<p>Prior to seeking a certificate under section 138 of the <i>Planning, Development and Infrastructure Act 2016</i>, a full set of “As Constructed” documentation relating to the assets to be vested must be provided to the council, other than where a binding agreement has been entered into with the council for the satisfaction of this requirement.</p> <p>The “As Constructed” documentation must include:</p> <ul style="list-style-type: none"> • a set of the final electronic drawings in a format specified by the council; • a survey of the completed works for all infrastructure types, easements, levels; • the final hydraulic and hydrologic stormwater models, water quality models, stormwater and Closed-Circuit Television (CCTV) report; • all the quality assurance reports relating to the provision of roads, stormwater, earthworks and services that includes (but is not limited to) compaction tests report, asphalt report and pavement thickness report; and • testing plans and associated documentation for the provision of service infrastructure. 	<p>Land Division Consent</p>