Australian Capital Territory

Planning and Development (Draft Variation 369) Direction 2022

##### Notifiable instrument NI2022-239

made under the

Planning and Development Act 2007, s 76 (Minister’s powers in relation to draft plan variations)

### **1 Name of instrument**

This instrument is the *Planning and Development (Draft Variation 369) Direction 2022*.

### **2 Commencement**

This instrument commences on the day after its notification day.

### **Direction**

* 1. Under section 76 (2) (b) (iv) of the *Planning and Development Act 2007* (the ***Act***), I direct the planning and land authority to revise DV369 to amend the Single Dwelling Housing Development Code in the following ways:
* Amend the proposed provisions to state that they do not apply to blocks approved under an estate development plan after 1 January 2020 and renumber the provisions accordingly;
* Amend R39 to reflect changes made to private open space for blocks less than 360m2 through Technical Amendment TA2020-11;
* Adjust the definition of *deep soil zone* to include the word ‘adequate’ before ‘dimension’, to be consistent with the definition in the Multi-Unit Housing Development Code;
* Amend criteria where relevant to refer to ‘all of the following’ to clarify that a proposal needs to demonstrate compliance with all the requirements in the relevant criteria.
  1. I further direct the planning and land authority to revise DV369 to amend the Multi Unit Housing Development Code in the following ways:
* Amend the proposed provisions to state that they do not apply to blocks approved under an estate development plan after 1 January 2020 and renumber the provisions accordingly;
* Remove reference to “Not less than 20% of the total site area is planting area” in Rule R39D of the Multi Unit Housing Development Code, as this requirement is dealt with in Rule R39B;
* Amend criteria where relevant to refer to ‘all of the following’ to clarify that a proposal needs to demonstrate compliance with all the requirements in the relevant criteria.

**4 Dictionary**

In this instrument:

***DV369*** means the recommended version of the *Draft Variation to the Territory Plan 369 – Living Infrastructure in Residential Zones* October 2021, submitted to the Minister under section 69 of the Act and available online at: [www.act.gov.au/recommendedvariations](http://www.act.gov.au/recommendedvariations).

Mick Gentleman MLA  
Minister for Planning and Land Management

29 April 2022