

# 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.

### 3 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 360m<sup>2</sup> 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.
- (2) 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