

Planning (Walkable Neighbourhoods) Amendment Regulation 2020

Explanatory notes for SL 2020 No. 162

made under the

Planning Act 2016

General Outline

Short title

Planning (Walkable Neighbourhoods) Amendment Regulation 2020

Authorising law

Section 284 of the *Planning Act 2016*.

Policy objectives and the reasons for them

The objective of the *Planning (Walkable Neighbourhoods) Amendment Regulation 2020* (the Amendment Regulation) is to ensure new residential neighbourhoods are designed to encourage walking for transport, leisure, recreation and exercise. This purpose is stated in the Amendment Regulation.

Land use planning under the *Planning Act 2016* has a role to play in supporting healthy and active communities, such as planning Queensland's neighbourhoods to make walking a convenient and comfortable option.

The Amendment Regulation sets minimum standards for new residential development, providing certainty that neighbourhoods are appropriately planned, and infrastructure provided for walking as part of the subdivision.

Achievement of policy objectives

To achieve the policy objectives, the Amendment Regulation requires that development applications for residential subdivisions are assessed by the assessment manager against assessment benchmarks for the provision of connected street layout, shorter block lengths, footpaths, street trees and proximity to parks and open space.

These five design elements are recognised as contributing to creating supportive environments for improved physical activity and health outcomes.

The new assessment benchmarks will apply to development applications for reconfiguring a lot for residential purposes in certain residential zones (except rural residential zones), where at least one road is created or extended.

The assessment manager must assess the development application against the assessment benchmarks:

- connectivity for pedestrians is provided through a grid-like street layout responding to the local landscape
- block lengths are a maximum of 250 metres
- footpaths are provided on at least one side of local neighbourhood roads and on both sides of main streets
- at least one street tree is provided per 15 metres on each side of all streets
- blocks are within 400 metres of a park or open space to the extent topography and other physical constraints reasonably permit. A park may refer to any of the types of park defined for this assessment benchmark.

A local categorising instrument, such as a government planning scheme, cannot be inconsistent with the assessment benchmarks, although it may exceed or provide extra requirements for the reconfiguration. For example, where a planning scheme requires that street trees are provided every 10 metres instead of every 15 metres or that block lengths are a maximum of 200 metres instead of 250 metres required under the Amendment Regulation. A local categorising instrument may also include other requirements to support the stated purpose, for example street lights or mid-block links.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the main objectives of the *Planning Act 2016*, that is to establish efficient, effective, transparent, integrated, coordinated, and accountable land use planning, development assessment and related matters that facilitates the achievement of ecological sustainability.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There are no alternative ways to achieve the policy objectives other than the Amendment Regulation.

Benefits and costs of implementation

Benefits

Regular physical activity improves mental and physical wellbeing. It is known to reduce the risk of cardiovascular disease, type 2 diabetes, some cancers and depression as well as contributes to the prevention of obesity.

Queensland's Walking Strategy 2019-2029 reports that walking for recreation is the most popular form of physical activity in Queensland. Walking for exercise and recreation is the most common reason for walking, while walking as part of a trip to the shops or public transport is also popular.

Despite this, most short trips in Queensland are still made by car. Physical barriers that stop Queenslanders from walking more include distances to destinations, lack of shade and shelter along routes, and lack of suitable paths to destinations (Walking in Queensland Report 2019 and subsequent departmental consultation).

The Amendment Regulation addresses these barriers by ensuring residential neighbourhoods are planned for walking - providing connected street layout, shorter block lengths, footpaths, street trees and proximity to parks and open space. The amendments introduce minimum standards for residential subdivisions, recognising that setting targets that will change practices across the state.

Costs

The developer will provide footpaths, street trees, parks and open space as part of the reconfiguration and may provide maintenance for a certain period, as is currently the case. The design of the street layout to provide connectivity and shorter block lengths will be incorporated in proposed plans of subdivision which accompany the development application.

An alternative arrangement is for local government to retrofit residential neighbourhoods at its own cost, after the residential neighbourhood has been fully developed.

The Amendment Regulation does not change existing opportunities for local government and developers to negotiate and enter into infrastructure agreements as needed.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with the fundamental legislative principles.

Consultation

Over 20,000 pieces of feedback were received in two rounds of public consultation across 2019 and 2020, with local government, communities and the development industry strongly supporting the policy intent to support healthy and active communities through walkable neighbourhoods.

Local government, industry peak bodies, industry and community groups and community members also provided comment on the walkability of current neighbourhoods, the planning and development assessment process, proposed assessment benchmarks and implementation.

The assessment benchmarks were revised and further details about implementation were provided in the second round of consultation ending in January 2020, as requested by local government and industry.

The application, assessment benchmarks and implementation of the Amendment Regulation have been refined as a result of both rounds of consultation. The department has released non-statutory operational guidance at the request of stakeholders, in addition to a suite of other technical guidance for designing walkable neighbourhoods.

In accordance with the Queensland Government Guide to Better Regulation, the Queensland Productivity Commission was consulted. An exemption from preparing a Regulatory Impact Statement was provided.