

# Planning (Walkable Neighbourhoods) Amendment Regulation 2020

## Human Rights Certificate

### Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Cameron Dick, Treasurer, Minister for Infrastructure and Planning provide this human rights certificate with respect to the amendments contained within the *Planning (Walkable Neighbourhoods) Amendment Regulation 2020* made under the *Planning Act 2016*.

In my opinion, the *Planning (Walkable Neighbourhoods) Amendment Regulation 2020*, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019* (Human Rights Act). I base my opinion on the reasons outlined in this statement.

## Overview of the Subordinate Legislation

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.

Land use planning through the planning framework under the *Planning Act 2016* has a role to play in ensuring Queensland's neighbourhoods are planned to make walking a realistic and enjoyable option.

The Amendment Regulation will set minimum standards for new residential development across Queensland. Development applications for residential subdivisions will be required to be 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.

## Human Rights Issues

### Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

#### Freedom of movement

Section 19 of the Human Rights Act provides that every person lawfully within Queensland has the right to move freely within Queensland and to enter and leave it, and has the freedom to choose where to live.

The Amendment Regulation prioritises walking for transport, leisure, recreation and exercise in the design and development of new residential development within Queensland. The Amendment Regulation sets minimum standards for certain residential development to be walkable, with provision of connected street layouts, shorter block lengths, footpaths, street

trees and access to parks and open space. The Amendment Regulation promotes people being able to move freely and easily in residential areas. A person's right of freedom of movement is not restricted by the Amendment Regulation.

### **Property rights**

Section 24 of the Human Rights Act provides that all persons have the right to own property alone or in association with others. A person must not be arbitrarily deprived of the person's property.

The Amendment Regulation introduces assessment benchmarks that development proposals for residential subdivisions must be assessed against. The Amendment Regulation does not change the development assessment process under the planning framework. A person's right to property is not deprived of any legal or proprietary interests or ability to use or develop land in accordance with the planning framework by the Amendment Regulation.

### **Consideration of reasonable limitations on human rights (section 13 *Human Rights Act 2019*)**

#### **Freedom of movement**

Every person lawfully in Queensland has the right to move freely within Queensland, enter or leave Queensland, and choose where they live.

With respect to freedom of movement of persons within Queensland, the Amendment Regulation does not limit or restrict a person's rights but rather promotes people being able to move freely and easily in residential areas.

#### **Property rights**

This right protects the right of all persons to own property (alone or with others) and provides that people have a right not be arbitrarily deprived of their property.

With respect to the property rights, the Amendment Regulation does not restrict the right to own property. Rather the Amendment Regulation imposes assessment benchmark requirements on development occurring on the property. This is unlikely to restrict a landowner's ability to undertake certain development activities but will require development to incorporate the assessment benchmark standards into a development proposal.

## **Conclusion**

I consider that the *Planning (Walkable Neighbourhoods) Amendment Regulation 2020* is compatible with the *Human Rights Act 2019* because it raises human rights issues but does not limit human rights.

**CAMERON DICK MP**  
TREASURER, MINISTER FOR INFRASTRUCTURE AND PLANNING