

5 February 2016

Department of Infrastructure, Local Government and Planning
PO Box 15009
CITY EAST QUEENSLAND 4002

Via email: bestplanning@dilgp.qld.gov.au

Dear Sir/Madam

Draft Planning Regulations 2016

Thank you for the opportunity to provide feedback on the draft *Planning Regulation 2016*.

The Shopping Centre Council of Australia (SCCA) represents Australia's major owners, managers and developers of shopping centres. Our members own and manage over 100 shopping centres across Queensland including significant assets across Brisbane and regional Queensland.

Our feedback is limited to a number of specific concerns regarding the translation of the 'Purpose Statements' of the 'Centre Zone' categories from the current *Queensland Planning Provisions* (QPP 4.0) into draft Regulation. It is our understanding that, as a result of the Government's reform agenda, the QPP will cease to exist in its current form, with some of its existing elements incorporated into legislation or regulation, and other elements in guidance material.

Although the changes to the 'Purpose Statements' may only appear incremental, we are concerned that they may actually have a material impact on the application of these zones by local councils via their Planning Schemes. We also aren't aware of any reason why these changes are considered necessary.

We are also concerned that draft Regulation may, inadvertently or otherwise, alter the current interpretation and application of the centres hierarchy by, in effect, swapping around the definitions from that which currently exists in the QPP and the South East Queensland Regional Plan (SEQRP).

We seek clarification on these matters prior to the finalisation of the draft Regulations. We would be pleased to meet with Department officials to discuss these concerns in more detail.

Definitions

We have reviewed the 'Purpose Statements' of the centre zones in both the QPP and the draft Regulations. We are concerned that the proposed 'Purpose Statements' in the draft Regulations may 'water down' the intent and application of the hierarchy.

By way of example, we note that differences between the 'Purpose Statements' for the Principal Centre Zones in the current QPP and the draft Regulations (underlined for emphasis):

QPP 4.0: *The purpose of the principal centre zone code is to provide for the largest and most diverse mix of uses and activities that forms the core of an urban settlement.*

It includes key concentrations of high-order retail, commercial, employment, residential, health services, administrative, community, cultural, recreational and entertainment activities and other uses, capable of servicing the planning scheme area.

Draft Regulations: The purpose of the principal centre zone is to provide for a large variety of uses and activities, including, for example, administrative, business, community, cultural, entertainment, professional, residential and retail activities, that will—

(a) form the core of an urban area; and

(b) service the local government area.

The point of relativity between the Principal Centre Zone and other centres, in so far as it is intended that Principal Centres provide the “largest and most diverse mix of uses and activities” is lost in the definition in the draft Regulations.

We also note that in translating the ‘Purpose Statements’ of the Major Centre zone and the District Centre zone into the draft Regulations, the definitions appear close to identical, the only distinction being whether the zone will service ‘a part’ of a LGA or ‘a district’ of an LGA:

Major Centre: The purpose of the major centre zone is to provide for a large variety of uses and activities to service a part of the local government area, including, for example, administrative, business, community, cultural, entertainment, professional, residential and retail uses and activities.

District Centre: The purpose of the district centre zone is to provide for a large variety of uses and activities to service a district of the local government area, including, for example, administrative, business, community, cultural, entertainment, professional, residential and retail uses and activities.

Is a ‘part’ larger than a ‘district’, noting that the QPP currently requires ‘Major Centres’ be “capable of servicing a subregion in the planning scheme area”?

We also note that the ‘Purpose Statement’ for the District Centre zone in the QPP makes no reference to a local government area, which, as noted above, is proposed to be included in the definition of the draft Regulations.

We seek clarification as to why it has been thought necessary to change these definitions in their translation between the QPP and the draft Regulations. We are concerned that the definitions as drafted may result in confusion in the application and interpretation of these zones and the centres hierarchy at the local government level.

Hierarchy

In the QPP, the centres hierarchy (if considered from ‘largest’ to ‘smallest’) is understood to be structured as follows: (1) Principal centre, (2) Major centre, (3) District centre, (4) Local centre, (5) Neighbourhood centre. This primacy of Principal Centres and Major centres is further reinforced as a result of corresponding centres of these ‘types’ being identified in the SEQRP.

However, we have identified that in the draft Regulations, the centres hierarchy (again, if considered from ‘largest’ to ‘smallest’) is as follows: (1) Principal centre, (2) District Centre, (3) Major Centre, (4) Local Centre, (5) Neighbourhood centre.

Why is it proposed that ‘Major centre’ and ‘District Centre’ be, in simple terms, swapped? Based on a simple interpretation, this may be an effective ‘downgrading’ of a swathe of major centres already identified across, for example, South East Queensland.

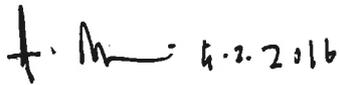
We are concerned that this change, although apparently only incremental, may have material implication on the application and understanding of the centres hierarchy at the local government level and request clarification. It may also create unnecessary uncertainty for development proponents considering their development and redevelopment options across Queensland.

Members

The SCCA's members are AMP Capital Investors, Blackstone Group, Brookfield Office Properties, Charter Hall Retail REIT, DEXUS Property Group, Eureka Funds Management, GPT Group, Ipoh Management Services, ISPT, Jen Retail Properties, JLL, Lancini Group, Lendlease, McConaghy Group, McConaghy Properties, Mirvac, Perron Group, Precision Group, QIC, Savills, SCA Property Group, Scentre Group, Stockland and Vicinity Centres.

The SCCA would welcome an opportunity to discuss this submission with representatives from the Department to ensure a sensible and clear solution is reached to the matters raised in this submission. Please do not hesitate to contact the SCCA's Senior Advisor on 02) 9033 1941 or kpryce@scca.org.au.

Yours sincerely,

Handwritten signature of Angus Nardi, dated 4.2.2016.

Angus Nardi
Executive Director