

**SHOPPING CENTRE**  
COUNCIL OF AUSTRALIA

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**BRISBANE'S DRAFT NEW CITY PLAN**

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**A submission by the**

**Shopping Centre Council of Australia**

**July 2013**

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## Executive Summary

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The Shopping Centre Council of Australia (SCCA) welcomes the opportunity to comment on Brisbane City Council's *Draft New City Plan*, as an update to *Brisbane City Plan 2000*. We congratulate Council on preparing a comprehensive strategic planning framework to manage Brisbane's growth, with a strong focus on economic development and urban form, for consultation.

Our members own and manage a number of shopping centres in the Brisbane local government area across various centres (e.g. Kenmore, Mt Ommaney, Indooroopilly, City Centre) and corridor areas (e.g. Lutwyche). A lot of these centres are covered by existing Neighbourhood Plans.

Our members also undertake development activities from time to time and work in close consultation with Council. This includes the current \$450 million redevelopment of Indooroopilly and \$400 million redevelopment of Westfield Garden City, along with projects completed in recent years such as the \$100 million redevelopment of the Wintergarden, the \$300 million redevelopment of Westfield Carindale and the \$150 million redevelopment of Mt Ommaney.

We endorse much of Council's strategic direction and the Draft Plan.

We strongly support Council's *CityShape* theme under the strategic framework which outlines the urban structure based on "a series of nodes and corridors radiating from the City Centre". This includes focussing growth around major centres and public transport hubs which in addition to ensuring efficient and sustainable growth, reflects the response from residents during the 2005/06 community consultation process. We welcome the direction that:

*The city's eight major centres of Chermside, Carindale, Upper Mount Gravatt, Indooroopilly, Toombul-Nundah, Mitchelton, Toowong and Wynnum-Central have been identified under the draft new City Plan to accommodate Brisbane's forecast growth.*

However we have two key concerns we believe need to be addressed at the strategic policy level as they could undermine fundamental aspects of the Draft Plan:

1. The proposed 'free commuter' parking provisions (and related managed parking provisions).
2. The 'large format retailing' definition, zone and assessment structure.

We also provide comments on key detailed issues such as the unwarranted restrictions on deliveries from 6am-7pm under the *Centre or Mixed Use Code*, and the new definition of "storey" which raises concerns about automatic and unintended changes to building height and density controls.

### *Free commuter parking*

We cannot support the proposed restrictions under the expanded *Transport, access, parking and servicing code (Performance / Acceptable Outcomes 14 and 15)*, which require the provision of "adequate" and free commuter parking in a Centre zone that is collocated with a public transport facility.

Most critically, it should not be the responsibility of our members to build and provide commuter parking. Requiring our members to provide public infrastructure beyond the scope of "trunk" (i.e. shared) infrastructure is unreasonable. The proposal and cost-shifting is a serious abrogation of Council's (and perhaps the Queensland Government's) responsibility.

Despite the cost and impacts on development feasibility (around \$30,000 in construction cost per multi-deck car park), the proposal is also a serious and unwarranted intrusion into the management of private car parks and overlooks a range of policy and market complexities. Our view is reinforced given there is no corresponding 'public' car parking solution being proposed by Council, whether in the form of additional commuter car parks or resident parking schemes. We think it is unreasonable that Council is removing the ability to introduce commuter pricing on one part of the transport network – albeit, a private component – whereas other parts (public components) of the network are able to introduce and maintain pricing (e.g. vehicle registration, toll roads, buses, council metered parking). The removal of commuter parking pricing is also inconsistent with the vision and directions under SEQ Regional Plan and Connecting SEQ 2031.

We therefore have no hesitation in recommending that these provisions be removed from the Plan.

But in doing so we are not attempting to be counter-productive. It is genuinely difficult to make recommendations to 'amend' these provisions given the implied and blunt intention to restrict a private property owner's rights and ability to effectively manage and operate their car parks. Proposing amendments is problematic given there is no clear or stated basis to the restrictions, including an articulation from Council on the policy issues that are trying to be addressed.

We understand Council recently extended paid metered parking hours across inner-Brisbane, using similar justifications that shopping centre owners use when introducing managed parking. It is unreasonable that Council implements its own parking management initiatives, yet now seeks to deny private land-owners doing the same in the future with increasing challenges and pressures.

Council should also be aware that our members are now questioning their willingness to have public transport facilities on their land, particularly where it is provided at minimal cost to Council under a license arrangement (some of which have expired and currently in 'hold-over'). These facilities are clearly a potential liability given the proposed policy regime.

Whilst it might be common belief that such facilities provide over-arching benefits to our members, increasing demand for parking, conflict with shoppers, and ongoing management issues suggest this is not the case. This includes the potential expanded operation of such facilities given the proposal that free-parking must be provided "during the hours of operation".

We believe that given the complexity of this area of policy, Council should arrange a separate forum to interrogate current issues and seek to develop a more comprehensive policy framework which includes public and private policy solutions. We ultimately believe this approach will also benefit the delivery of Council's strategic framework and outcome areas.

We would gladly work with Council on the development of a more comprehensive framework. The Queensland Government should also be involved in this process particularly as it relates to the provision of commuter parking (such as park 'n' ride facilities), the *SEQ Regional Plan* and *Connecting SEQ 2031*, as well as the operation of the public transport system.

### *Large format retail*

While we welcome what seems to be a proactive approach to ensure “large format retailing” is appropriately located and subjected to relevant development conditions, we have a number of concerns. A key issue is what constitutes such retailing given there is no definition, and why such retailing in any case warrants special planning treatment over other formats such as shopping centres. The ‘formats’ we assume Council is referring to – such as Costco, Masters, or bulky goods outlets– are no larger than shopping centres that are required to locate within centres and have a much more complex layout, construction and mixture of uses. These formats also sell the same goods as shopping centres; albeit often in a single stand-alone format. Why should a 15,000m<sup>2</sup> ‘large format retail’ development be able to locate in a Specialised Zone whereas a 15,000m<sup>2</sup> shopping centre development cannot? There is no policy basis to enabling one a competitive advantage (such as access to cheaper land) over the other.

It therefore raises legitimate questions why Council would potentially undermine the benefits of its structured “centres and corridors approach to the City’s growth, and not seek to ensure that such formats are properly defined and located to leverage other public and private investment, ensure the efficient use of infrastructure and improve retail competition. It is our strong view a definition of “large format retail” should be included in the final City Plan which prescribes bulky goods and limits general retailing (e.g. sale of food and clothing).

We look forward to continuing discussions with Brisbane City Council on the finalisation of the new City Plan and its implementation. Our contact details appear at the end of this submission.

## 1. Summary of Recommendations

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Our recommendations are as follows:

### *Strategic Framework*

1. The strategic framework should be retained in the final plan including the focus on growth within centres.
2. The “globally competitive economy” theme should be retained including the focus of growth within centres.
3. The elevation of the major centres at Indooroopilly, Chermside and Mt Gravatt is welcome and should be retained.
4. The continued focus on neighbourhood and district centres should be retained, which includes a proactive focus to ensure they are able to expand and diversify.
5. The “CityShape” theme should be retained which brings together the other four themes and outlines Brisbane’s urban form and structure.
6. The principal structure of “nodes and corridors” should be retained.
7. The proposed 24-hour economy direction for the City Centre should be retained and supported through the ongoing evolution of retail property operations and retailing.
8. The protection of core commercial uses in major centres from residential and other uses is welcome.
9. The proposed 18-hour economy in major centres is welcome however this should be monitored to ensure that these centres are able to evolve in the future.
10. The proposed limitation on deliveries 6am-7pm should be expanded to reflect the proposed 18-hour economy in major centres.
11. Clarification is needed on the definition of “large format retailing” and possibly more closely aligned with the QPP definition of “showroom” and specific bulky goods uses.
12. The definition of “large format retailing” should prohibit the sale of food, clothing and apparel.
13. Council should not undermine the “centres and corridors” approach by allowing unstructured out-of-centre development.
14. Council should not confer a competitive advantage to one retail format over another retail format.
15. Council should ensure there is a level playing in the development and operating conditions for retail formats located within and outside activity centres.

### *Commuter Parking Provisions*

16. Council should confirm it is not the responsibility of private property owners to build and provide commuter parking.
17. Council should remove the provisions which require developers to provide commuter parking.
18. Council should work in partnership with industry, the Queensland Government and other stakeholders to develop a comprehensive parking policy framework which includes public and private policy solutions.
19. Council should review the basis for intervening into the operation and management of shopping centre car parks.
20. Council should provide a clear rationale for the proposed managed car parking restrictions in relation to the provision of free commuter parking.
21. Council should provide clarification on the structure of the provisions including the relationship to public transport facilities.

22. Council should remove the proposed condition of 'no restrictions' being imposed on users of car parks.
23. Council should ensure that the provisions do not restrict the achievement of the strategic framework.
24. Council should consult with the Queensland Government on the consistency of the provisions with the SEQ Regional Plan and Connecting SEQ 2031.
25. Council should acknowledge the legitimate reasons for the introduction of managed parking, and consider these further before imposing the proposed restrictions.
26. Council should acknowledge that they are denying private property owners from introducing measures that Council has recently used to managed increased parking pressures.
27. Council should consult with the Queensland Government on the future roll-out of park 'n' ride facilities.
28. Council should develop 'public' policy commuter parking solutions such as the roll-out of further park 'n' ride facilities and the introduction of resident parking schemes.
29. Council should be aware that the provisions have forced a re-think as to whether our members want to have public transport facilities on their land, particularly given the current minimal license fees that are paid.
30. Council should consult with the Queensland Government on the issue on the future of public transport facilities.
31. Council and the Queensland Government should consider the future payment of more commercial rates for licensing arrangements.
32. Council should acknowledge the practical design and management issues which need to be addressed as part of any car parking policy framework.
33. Council needs to provide clarification as to how a shopping centre manager can correctly identify a "commuter" to the provisions can be effectively implemented.
34. Council should acknowledge the large costs to construct additional car parks, and the negative impact on development feasibility.
35. Council should acknowledge the provisions are infrastructure provisions outside the scope and in addition to "trunk infrastructure" under the Priority Infrastructure Plan.
36. Council should acknowledge that the provisions could limit further parking management innovations.
37. Council should acknowledge the Planning and Environment Court mediated outcome from *Westfield v Brisbane City Council* (2913/12) where it was upheld that the principle of paid parking could occur within a shopping centre.
38. Council should acknowledge that the issue of retail workers being able to access free parking is currently being considered by the Fair Work Commission.

#### *Assessment Levels, Zone and Development Codes*

39. The assessment threshold triggers should be retained in the final plan, subject to clarification that the new definition of "storey" will not have a material impact.
40. The proposed District Zone provision that parking is provided at no cost or restriction for patrons or employees should be removed from the final plan, and included in the suggested further policy investigations on broader car parking policy referred to previously in this submission (at section 3).
41. The Performance Outcome which seeks to restrict deliveries from 6am-7pm should be monitored to ensure that centres are not limited in their evolution.
42. The Performance Outcome which seeks to restrict deliveries should not place centres at a disadvantage when compared with other potential retail locations such as the proposed Specialised Zone for large format retail.

*Other Issues*

43. The definition of “storey” should be further tested to ensure there is no material change to existing assessment thresholds and development conditions.
44. Council should provide a commitment that there will be no material change from the proposed new definition.
45. Council should note industry submissions to the Government’s current review of infrastructure charges.

## 2. Strategic framework

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We are pleased to provide the following comments and recommendations:

### 2.1 Strategic framework: focus on centres

We welcome Council's strategic framework to guide Brisbane's employment and population growth out to 2031, and deliver the *Living in Brisbane 2026* vision outcomes. This includes the targeted additional 290,000 jobs and 156,000 dwellings and a focus on growth within centres; including neighbourhood, district and major centres and the City Centre. Our members will play a key role in helping Council deliver these outcomes in partnership with the community and other stakeholders.

We also welcome the strategic intent, along with the following five themes which articulate the policy directions:

1. Globally competitive economy;
2. Outstanding lifestyle;
3. Clean and green leading environmental performance;
4. Highly effective transport and infrastructure underpinning these outcomes;
5. CityShape.

We specifically welcome the *CityShape* theme which "states the outcomes for Brisbane's urban form and structure that integrates in a spatial context the four themes that underpin Brisbane's emergence as a new world city". This is a useful and practical theme to better interpret the City's future growth, including the connectivity between different sub-regions and locations.

### RECOMMENDATION

1. **The strategic framework should be retained in the final plan including the focus on growth within centres.**

### 2.2. Globally competitive economy

We support the theme of *Brisbane's globally competitive economy*, which includes the strategic outcome that Brisbane "is a celebrated shopping destination" as well as specific outcomes such as the provision of a "diverse mix of highly accessible retail and commercial locations to service a growing population".

As outlined earlier, our members are Australia's leading shopping centre owners, managers and developers and have invested heavily into delivering world-class shopping facilities which continue to evolve over time. Brisbane has a strong part in Australia's retail property history, being the home of Australia's first shopping centre which opened in 1957 at what is now Westfield Chermside.

#### *City Centre and Major Centres*

We welcome the targeted focus on growth within the City Centre and Major Centres (referred to as 'principal regional' and 'major regional' activity centres under the SEQ Regional Plan) such as Chermside, Upper Mount Gravatt, Indooroopilly, Carindale, Toombul-Nundah, Mitchelton, Wynnum Central and Toowong. We also welcome the ongoing role of Neighbourhood Planning to provide a structure to land-use planning and development in these and other locations.

The recognition of the City Centre's evolution to 24-hour activities is welcome as new uses and trends emerge. We note the proposed expansion of Brisbane's "retail heart" beyond the Queen Street Mall.

In relation to the Major Centres, we note and welcome that “the largest Major Centres at Chermside, Upper Mt Gravatt and Indooroopilly” absorb the greatest expansion of population-serving activities”. Our members own and manage the existing major retail assets at these locations.

#### *District and Neighbourhood Centres*

We welcome the focus on district and neighbourhood centres, including their need “to evolve” and offer an increased range of local services and facilities. It is critical to ensure that such centres are able to grow and expand to service a growing population and offer diverse range of uses and services.

## RECOMMENDATIONS

- 2. The “globally competitive economy” theme should be retained including the focus of growth within centres.**
- 3. The elevation of the major centres at Indooroopilly, Chermside and Mt Gravatt is welcome and should be retained.**
- 4. The continued focus on neighbourhood and district centres should be retained, which includes a proactive focus to ensure they are able to expand and diversify.**

### **2.3 CityShape**

The *CityShape* theme basically brings all the themes and policy directions together.

It “states the outcomes for Brisbane’s urban form and structure that integrates in a spatial context the four themes that underpin Brisbane’s emergence as a new world city”, and provides a much needed spatial framework and direction for growth to occur in an “efficient and timely manner”.

We welcome the principal and balanced structure of a “series of nodes and corridors radiating from the City Centre” which provides “for an efficient urban form and has meant that large-scale urban changes has been contained to less than 7% of Brisbane”. This is a logical approach to growth as it optimises public and private investment; and provides investment certainty.

This approach also delivers multiple economic, social and environmental benefits including:

- Allows efficient delivery and use of infrastructure (including road and public transport infrastructure).
- Labor agglomeration.
- Clustering of retail and services land uses allows opportunities for other non-destinational retail and other employment to co-locate and benefit from key retail anchors.
- Allows a focus for community services and entertainment, such as cafes, libraries, child care facilitates, gymnasiums, and cinemas.
- Minimisation of multiple vehicle trips where retail centres are walkable, with flow-on effects for traffic flows and road infrastructure delivery.
- Allows for establishment of a sense of place, including delivery of community space, such as urban plazas, and coherent design of place.

#### *Role of the City Centre*

Under the *CityShape* theme, we welcome the role of the City Centre outlined at Element 5.1 which includes a focus on having a 24-hour economy and other related aspects such as the activation of public spaces, design outcomes and improvements to pedestrian flows on laneways and streets.

### *Role of Major Centres*

We welcome the role of Major centres in providing significant population services activities and employment which are well serviced by public transport. This includes the location of Council's community hubs and facilities.

We welcome the mixture of uses and spatial arrangements to be identified in the relevant neighbourhood plans.

We particularly welcome the protection of core areas for "intense economic activities" to ensure that other uses (e.g. residential) do not unnecessarily restrict the operation of retail and future expansion. This includes *Strategic Outcome 4* and *Land Use Strategy 4* which provides that while major centres will comprise integrated residential development, "higher density development is provided for and will complement, but not compromise, the core commercial, retail and community functions of the Major Centre".

We are concerned about the potential limitations on the evolution of major centres through the proposed "18-hour economy"; as opposed to a 24-hour economy. Council should continually review this measure to ensure that Major Centres are not unnecessarily restricted in their operation.

In this regard, we are concerned with the conflict between the proposed 18-hour-a-day/7 days-a-week economy and the restriction outlined in the *Centre / Mixed Use Code* which seeks to limit the hours of operation for deliveries within major centres to between 6am-7pm for centre uses. This is potentially an inefficient use of the transport network, and is inconsistent to the broader hours of operation of private and public transport at these centres.

This also goes against Strategic Outcome (k) (section 3.3.1) for the theme of Brisbane's *globally competitive economy* which refers to notes "Brisbane also caters effectively for the storage and distribution needs of the fast-growing online retail sector of the economy". In the online retail sector, storage and distribution of retail goods is not limited to traditional warehouses in light industrial zones. In the case of Coles and Woolworths fulfilling online orders, their 'distribution centres' are their existing supermarkets located within regional, sub-regional and neighbourhood shopping centres. Limiting deliveries to 6am-7pm could jeopardise this efficient business model.

### RECOMMENDATIONS

5. **The "CityShape" theme should be retained which brings together the other four themes and outlines Brisbane's urban form and structure.**
6. **The principal structure of "nodes and corridors" should be retained.**
7. **The proposed 24-hour economy direction for the City Centre should be retained and supported through the ongoing evolution of retail property operations and retailing.**
8. **The protection of core commercial uses in major centres from residential and other uses is welcome.**
9. **The proposed 18-hour economy in major centres is welcome however this should be monitored to ensure that these centres are able to evolve in the future.**
10. **The proposed limitation on deliveries 6am-7pm should be expanded to reflect the proposed 18-hour economy in major centres.**

## 2.4 Large format retailing: specialised zone

Despite the positive aspects of the strategic framework noted above, we are concerned these over-arching aspects of the framework (and investment undertaken in accord with these aspects) will be undermined under the special 'carve out' approach for 'large format retailing'; including the lack of clarity of its definition and rationale for special planning treatment.

We have noted the Specific Outcome (SO8) under Element 1.3 (Brisbane's population serving economy) of the strategic framework that "Brisbane provides appropriated zoned and accessible areas for large format retailing", with a related Land Use Strategy (L8) that "Large format retail outlets for bulky goods are developed in highly visible, accessible locations along key transport routes, as identified in a neighbourhood plan or in the Specialised centre zone. Development must integrate with surrounding built form and intensity".

Linking with this part of the framework, we also note the proposed new *Specialised Zone* which includes "large format retail" (SC4) as a permissible development, which under the Specialised centre zone code will facilitate a "large format retail zone precinct".

Specifically the Large format retail zone precinct overall outcomes are (at section 6.2.6.8):

*(8) Large format retail zone precinct overall outcomes are:*

*(a) Development provides for large indoor or outdoor premises requiring direct vehicular access for handling, storage and display for sale, auction, hire or lease of goods of a bulky nature, such as vehicles, caravans, boats, machinery, equipment, electrical appliances, carpets or furniture.*

*(b) Development for an ancillary use such as food service, office and on-site workshop for the sale, servicing, fitting and repair of products and accessories may also be accommodated*

We welcome what seems to be a proactive approach to ensure "large format retailing" is appropriately located and subject to relevant development conditions. The Draft Plan appears to seek to regulate such development to ensure that the location is only in cases where it cannot be easily accommodated in other centres zones, is integrated with infrastructure, and is appropriately designed.

However a fundamental issue remains as to what constitutes such retailing (given there is no definition), and why such retailing warrants special planning treatment over other formats such as shopping centres. While the above provisions reference bulky goods outlets, we are concerned that the definition of such format will morph to include other formats (or operators that like to define themselves as special formats) such as Costco. Further, these formats are no larger than shopping centres that are required to locate within centres and have a much more complex layout, construction and mixture of uses. These so-called 'large' formats also sell the same goods as shopping centres; albeit often in a single stand-alone format. Why should a 15,000m<sup>2</sup> 'large format retail' development be able to locate in a Specialised Zone whereas a 15,000m<sup>2</sup> shopping centre development cannot? There is no policy basis to enabling one a competitive advantage (such as access to cheaper land) over the other.

It therefore raises legitimate questions why Council would potentially undermine the benefits of its structured "centres and corridors approach to the City's growth, and not seek to ensure that such formats are properly defined and located to leverage other public and private investment, ensure the efficient use of infrastructure and improve retail competition.

We strongly believe that Council needs to give further consideration to the proposed strategic policy framework for large format retail, including how to deal with one-off, ad hoc development proposals.

## RECOMMENDATIONS

- 11. Clarification is needed on the definition of “large format retailing” and possibly more closely aligned with the QPP definition of “showroom” and specific bulky goods uses.**
- 12. The definition of “large format retailing” should prohibit the sale of food, clothing and apparel.**
- 13. Council should not undermine the “centres and corridors” approach by allowing unstructured out-of-centre development.**
- 14. Council should not confer a competitive advantage to one retail format over another retail format.**
- 15. Council should ensure there is a level playing in the development and operating conditions for retail formats located within and outside activity centres.**

### 3. Commuter parking provisions

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We do not support the proposed managed car parking restrictions under the expanded *Transport, access, parking and servicing code* (or 'TAPS' code). This includes the Performance Outcomes (PO) 14 and 15 and their related Acceptable Outcomes (AO) which provide as follows:

- (AO 14.3) *Development in a Centre zone that is collocated with a train station, bus station, busway station or other major public transport interchange provides adequate car parking for commuter use.*
- (PO 15) *Development ensures that car-parking provided for commuter use in a Centre zone is made available to users without restriction during the hours of operation of associated public transport services.*
- (AO 15) *Development in the centres zones ensure that the management of commuter car-parking does not require payment of a fee or charge for access or occupation.*

Most critically, it should not be the responsibility of our members to build and provide commuter parking. It is public transport facilities which generate the demand for commuter parking; not our members. Requiring our members to therefore provide such public infrastructure goes well beyond the scope of "trunk" (i.e. shared) infrastructure. The proposal and cost-shifting is a serious abrogation of Council's (and perhaps the Queensland Government's) responsibility.

As outlined earlier, we believe the complexity of this area of policy warrants that Council works in partnership with the industry, the Queensland Government, and other relevant stakeholders to properly interrogate the issues and seek to develop a more comprehensive policy framework which includes public and private policy solutions. We ultimately believe this approach will also benefit the delivery of Council's strategic framework and outcome areas. We would be gladly involved in developing a more comprehensive framework.

#### RECOMMENDATIONS

- 16. Council should confirm it is not the responsibility of private property owners to build and provide commuter parking.**
- 17. Council should remove the provisions which require developers to provide commuter parking.**
- 18. Council should work in partnership with industry, the Queensland Government and other stakeholders to develop a comprehensive parking policy framework which includes public and private policy solutions.**

We are pleased to provide the following further comments and recommendations in relation to our concerns:

#### **3.1 An unwarranted intrusion**

The provisions are an unwarranted intrusion on the operation and management of a shopping centre car park. The management of car parks is a critical aspect of shopping centre management and performance. By limiting the ability to manage a shopping centre car park is a severe restriction on being able to get the optimal performance for the centre and its retailers.

Like public car parks, including on-street parking, the demands on shopping centre car parks need to be managed.

In recent times, the demand on car parks from non-shoppers has increased from nearby workers, commuters, or visitors to surrounding businesses. For this reason, managed parking has been introduced at certain locations, often as one of a final range of measures to ensure the best spots are available to shoppers.

## RECOMMENDATION

- 19. Council should review the basis for intervening into the operation and management of shopping centre car parks.**

### **3.2 There is no clear or stated policy basis**

There is no clear or stated rationale for the provisions, or an articulation of the policy issues that Council is seeking to address. We can find no evidence of Council deliberation's on this specific matter.

Further, the provisions are limited to centres outside the City Core and City Frame, which recognises the need for managed parking in those areas (clause 4.10(9)). This creates an unjustified two-tiered system where Council clearly acknowledges the need for controlled parking in some areas, but not others.

Given it is an entirely new provision in the TAPS code, we believe that some form of stated justification should have been provided. Given the implied intention of the provisions however, this makes it difficult from the outset to provide constructive recommendations on the nature of the provisions. We therefore have no option but to oppose them at this stage.

## RECOMMENDATION

- 20. Council should provide a clear rationale for the proposed managed car parking restrictions in relation to the provision of free commuter parking.**

### **3.3 The structure of the provisions is unclear**

The structure of the provisions is unclear. This includes the term "collocated" in relation to a train station, bus station, busway station or other major public transport interchange. Does this mean that the public transport facility must be located on the same block or title of land?

The term "adequate" is also unclear and there is no clarification on what is deemed to be adequate. There is no guidance under the proposed *Transport, access parking and servicing planning scheme policy*.

Further, the proposed term "without restriction" could have significant unintended implications. All of our member's car parks have some form of terms and conditions for their entry and use which includes time limits, which effectively means that some form of "restriction" is in place. This is even the case in centres where there is no 'managed parking' infrastructure such as boom gates, signage, ticket booths, security systems and parking navigation systems. It would be unreasonable that no "restrictions" apply and it would basically seek to remove the rights of a private property owner to impose terms and conditions for entry and use.

## RECOMMENDATIONS

21. Council should provide clarification on the structure of the provisions including the relationship to public transport facilities.
22. Council should remove the proposed condition of 'no restrictions' being imposed on users of car parks.

### 3.4 Inconsistent with the strategic framework

The provisions are not consistent with the strategic framework which seeks to increase growth within centres.

It is unreasonable that Council is seeking to increase growth within centres, including the collocation with public transport and the increased uptake of public transport, without enabling asset owners within those areas to properly manage the pressures of growth.

## RECOMMENDATION

23. Council should ensure that the provisions do not restrict the achievement of the strategic framework.

### 3.5 Inconsistent with the SEQ Regional Plan and Connecting SEQ 2031

The provisions are not consistent with the SEQ Regional Plan or Connecting SEQ 2031.

This includes Desired Regional Outcome 8 which provides that (at section 8.9.6) "manage car parking provision in regional activity centres and high-capacity transport nodes to support walking, cycling and public transport accessibility". *Connecting SEQ 2031* provides similar directions, particularly in relation to the appropriate pricing of commuter car parking within activity centres.

The provisions therefore raise the issue whether the Queensland Government has had an opportunity to properly consider the impact of the proposed provisions (which may not have been adequately checked during the State Interest Check process).

## RECOMMENDATION

24. Council should consult with the Queensland Government on the consistency of the provisions with the SEQ Regional Plan and Connecting SEQ 2031.

### 3.6 Legitimate reasons for managed parking

There are legitimate reasons for introducing managed parking, including paid parking, which are being ignored by Council. The reasons include the following:

- Deters non-users of the centres (such as employees of nearby locations or commuters) from using the car park.
- Ensures that more spaces – including premium spaces – are available to shoppers.
- Ensures increased turnover of parking spaces.
- Improves the availability of spaces available to legitimate users of the centre's retailers and facilities.

## RECOMMENDATION

- 25. Council should acknowledge the legitimate reasons for the introduction of managed parking, and consider these further before imposing the proposed restrictions.**

### **3.7 Council has adopted a hypocritical position**

A frustrating feature of the provisions is that Council is being hypocritical.

We understand Council has extended its parking meter hours this year across parts of Inner Brisbane and cited various reasons including that it will “provide more opportunity for people to find a car park”; that parking policies “need to keep up with the changing demands in inner-city areas”; and “increasing parking turnover” can “boost the local economy”. These are sound arguments and precisely the same reasons as to why shopping centres introduce managed parking.

It is therefore hypocritical of Council to deny a private land-owner’s ability to introduce paid parking for the same reasons, particularly given the increasing pressures to properly manage car parks into the future.

## RECOMMENDATION

- 26. Council should acknowledge that they are denying private property owners from introducing measures that Council has recently used to managed increased parking pressures.**

### **3.8 Council is abrogating its responsibility on commuter parking**

Council (and the Queensland Government) is abrogating its responsibility in providing commuter parking around the public transport hubs it is actively promoting, and shifting this burden on to private operators. We note there is no commuter parking stations or park ‘n’ ride facilities under the Priority Infrastructure Plan (PIP), which itself suggests a blurring of the lines between the provisions and Council’s infrastructure planning. The provision of commuter parking has been done successfully at Carindale (and other locations) through the relatively new park ‘n’ ride facility. This raises an obvious issue about the Queensland Government’s policy and program on the provision of park ‘n’ ride facilities.

We acknowledge there is concern that managed parking puts pressure into local streets.

While we do not believe that this pressure is solely due to the introduction of managed parking within certain shopping centres, it once again raises questions about the conflict between the provisions and the strategic framework.

If Council is proposing that the majority of growth will occur in major centres, with the intention of limiting growth in other existing suburban areas, then Council needs to accept the potential impact on surrounding streets in these areas. This may, for instance, require consideration of resident parking schemes. In particular, Council should accept that it must be part of the policy solution, rather than place the burden on private property-owners.

## RECOMMENDATIONS

- 27. Council should consult with the Queensland Government on the future roll-out of park ‘n’ ride facilities’.**
- 28. Council should develop ‘public’ policy commuter parking solutions such as the roll-out of further park ‘n’ ride facilities and the introduction of resident parking schemes.**

### **3.9 The future of co-located public transport facilities**

Our members are now questioning their willingness to have public transport facilities on their land, particularly where it is provided at minimal cost to Council (and the Government) under a license arrangement. These facilities are clearly a potential liability given the provisions.

If you take Westfield Mt Gravatt as an example, it has the collocation of the largest bus interchange in Brisbane with around 2,000 buses entering and exiting the depot on a daily basis. This puts a huge pressure on Westfield's car parks and is a key reason why they recently introduced managed parking.

Whilst it might be common belief that such facilities provide over-arching benefits to our members, increasing demand for parking, conflict with shoppers, and ongoing management issues suggest this is not the case. This includes the potential expanded operation of such facilities given the proposal that free-parking must be provided "during the hours of operation". Our members have a view that it would a more positive outcome to have the same prime land utilised for either car parking, or rented on more commercial terms to appropriate businesses such as drive-through fast-food restaurants, car-washes or service stations.

In the cases where public transport facilities are located on our members' land, there is a legitimate expectation that Council (and the Government) should start to pay commercial rates for utilisation of this land.

#### **RECOMMENDATIONS**

- 29. Council should be aware that the provisions have forced a re-think as to whether our members want to have public transport facilities on their land, particularly given the current minimal license fees that are paid.**
- 30. Council should consult with the Queensland Government on the issue on the future of public transport facilities.**
- 31. Council and the Queensland Government should consider the future payment of more commercial rates for licensing arrangements.**

### **3.10 Practical design and management issues**

The suggestion that parking must be provided "for commuter use" suggests the provision of parking in addition to those provided for shoppers. There is a clear link here with the parking rates outlined in the Draft Plan, however there is no proposed rates for commuter parking in the *Transport, access, parking and service planning scheme policy* either in terms of stand-alone "commuter" rates, rates which form part of the shopping centre rates, or rates which form part of "centre activities".

At a practical level, it will also be problematic to design and manage car parks with a separate "commuter" section particularly where managed parking is in place for the "shopping" car parks. It also raises the question as to who is a commuter. Would Council propose to issue "commuter" parking identification to enable a shopping centre manage to determine who is and isn't a commuter?

## RECOMMENDATIONS

32. Council should acknowledge the practical design and management issues which need to be addressed as part of any car parking policy framework.
33. Council needs to provide clarification as to how a shopping centre manager can correctly identify a “commuter” to the provisions can be effectively implemented.

### 3.11 The cost of building commuter parking

The proposed provisions would have a significant cost impact, in addition to other council imposed costs such as infrastructure charges and conditions.

Applying current industry cost benchmarks, the cost per space for a multi-deck car park is \$30,000. This is the construction cost, and does not extend to the cost of providing additional land or services.

Such costs would have a direct negative impact on development feasibility of future projects given the substantial land and capital that would be required to build and provide commuter parking. This impact is further exacerbated given the inability to produce income.

## RECOMMENDATION

34. Council should acknowledge the large costs to construct additional car parks, and the negative impact on development feasibility.

### 3.12 A blurring of infrastructure provision

The provisions are effectively asking a private developer to deliver public infrastructure outside the scope and in addition to “trunk infrastructure” under the Priority Infrastructure Plan. This raises a question about the reasonableness of the provisions which clearly relate to managing the impact of “commuters” as opposed to the users and traditional traffic generators of the shopping centre.

## RECOMMENDATION

35. Council should acknowledge the provisions are infrastructure provisions outside the scope and in addition to “trunk infrastructure” under the Priority Infrastructure Plan.

### 3.13 A disincentive for more innovative parking solutions

As outlined above, our members have been installing more modern parking management systems such as parking navigation systems. This infrastructure comes at great capital expense.

It has been suggested that future innovations could be introduced which would also address other issues. As an example, a key concern for car parks is the potential entrance and exist queues which disrupt traffic operations. Various design issues can be utilised however technology is being considered which could avoid the need for boom gates whereby vehicle registration details are recorded by the centre as part of the management process.

Restrictions such as those proposed could act as a disincentive to further invest in modern parking management systems given the potential limitations to recovery part of that investment, if deemed appropriate, through pricing.

## RECOMMENDATION

- 36. Council should acknowledge that the provisions could limit further parking management innovations.**

### **3.14 Westfield v Brisbane City Council (2913/12)**

The proposed approach is also inconsistent with the above Planning and Environment Court mediated outcome, where it was upheld that the principle of paid parking could occur within a shopping centre following Council's imposition of a condition that all new parking spaces shall be free of charge at the redevelopment of the Westfield Chermside Shopping Centre. Specifically, the key Council condition provided that:

*(32 (iii)): Parking on the site for additional 532 cars (for a total of 6,671 cars) and for loading and unloading of vehicles within the site. All new carparking spaces shall be free of charge.*

Since the resolution of this issue there has been a legitimate expectation that this issue had been properly resolved.

## RECOMMENDATION

- 37. Council should acknowledge the Planning and Environment Court mediated outcome from Westfield v Brisbane City Council (2913/12) where it was upheld that the principle of paid parking could occur within a shopping centre.**

### **3.15 Retail workers / Fair Work Commission**

To the extent that Council believes that free parking should be provided for commuters, as an avenue to enable free parking to retail workers, this matter is the jurisdiction of the Fair Work Commission. There is currently a case before the Commission, brought by the Shop, Distributive and Allied Employees' Association as part of the review of the *General Retail Industry Modern Award*, to seek to have retail workers reimbursed by the retailer where they pay for parking in a shopping centre. The respondent to this application is the National Retail Association (NRA) and we have provided a statement as part of the NRA's evidence which we can share with Council.

## RECOMMENDATION

- 38. Council should acknowledge that the issue of retail workers being able to access free parking is currently being considered by the Fair Work Commission.**

## 4. Assessment levels, zone and development codes

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We are concerned about some of the level of assessment and issues outlined in the zone codes and development codes.

### 4.1 Levels of assessment

We support the proposed levels of assessment, including for shopping centres (as “Centre activities” within the Principal centre zone where development which adds no GFA is self-assessable (subject to conditions), while new additions / adding to existing require code assessment in accordance with the number of storeys, building height, gross floor area, plot ratio and site cover specified in the relevant neighbourhood plan. In both cases, the assessment criteria is outlined in the *Centre or mixed use code* or the *Principal centre zone code*.

In Major centres, the trigger for code assessment is an increase in GFA where no greater than 10 storeys, or the number of storeys, building height, gross floor area, plot ratio and site cover specified in the relevant neighbourhood plan.

In District centres, the trigger for code assessment is an increase in GFA where no greater than 5 storeys in the District zone, 4 storeys in the Corridor zone, or the number of storeys, building height, gross floor area, plot ratio and site cover specified in the relevant neighbourhood plan. In the Neighbourhood centre zone, the trigger for code assessment is an increase in GFA where no greater than 3 storeys.

We support the proposed levels of assessment and related principal conditions however this is based on there being no material change to triggers and thresholds from the proposed new definition of “storey” (see section 5 of this submission).

### RECOMMENDATION

- 39. The assessment threshold triggers should be retained in the final plan, subject to clarification that the new definition of “storey” will not have a material impact.**

### 4.2 Zone Codes

We support the changes to the zone codes from the current City Centre (MP1) and Major Centre (MP2) zones into a single “Principal Centre” zone with a City Centre and Regional Centre precincts.

The existing Suburban Centre (MP3) becomes the District Centre zone and the Convenience Centre (MP4) becomes the Neighbourhood Centre.

The District Centre zone code provides (at section 4 (d)) that “development provides parking in conjunction with a use, that is available at no cost or restriction to patrons or employees of the facility during operating hours”.

As outlined in a previous section, we have concerns with the proposed *Specialised Zone* as it relates to large format retailing.

### RECOMMENDATION

- 40. The proposed District Zone provision that parking is provided at no cost or restriction for patrons or employees should be removed from the final plan, and included in the suggested further policy investigations on broader car parking policy referred to previously in this submission (at section 3).**

### 4.3 Development codes

The *Centre or Mixed use Code* includes a Performance Outcome (PO1) which provides that "Development has hours of operation which are controlled so that the use does not detrimentally impact on the amenity of adjoining residents", and a related Acceptable Outcome (AO1) which provides that "Development has hours of operation including for deliveries which are limited to 6am-7pm.

We believe this is unreasonable and given that retail can be located in *Specialised Zones* where there is potentially not conflict with adjoining residents, Centres locations should not be disadvantaged when compared to out-of-centre development. While we note that similar limitations have been placed in the *Specialised Centre Code*, we are concerned that the more 'mixed-use' nature of centres will limit their diversification. A possible solution could be – due to noise concerns – limitations based on the use of certain delivery vehicles as an alternative solution.

#### *Building heights*

We note the proposed default maximum buildings heights of 10 storeys (Major Centre), 5 storeys (District Centre), 4 storeys (District centre/Corridor), 3 storeys (Neighbourhood Centre), and 4 storeys (Mixed Use/Inner-city), 5 storeys (Mixed use/Centre Frame) and 4 storeys (Mixed use / Corridor), which may differ depending on individual neighbourhood plans either in place or being developed.

The *Centre of mixed use design code* goes into a range of detailed design issues which we believe to be excessive however we believe these issues are best resolved at the design stage in discussion with Council, as well as under the specific provisions provided under the Neighbourhood Planning process.

### RECOMMENDATIONS

- 41. The Performance Outcome which seeks to restrict deliveries from 6am-7pm should be monitored to ensure that centres are not limited in their evolution.**
- 42. The Performance Outcome which seeks to restrict deliveries should not place centres at a disadvantage when compared with other potential retail locations such as the proposed Specialised Zone for large format retail.**

## 5. Other issues

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### 5.1 Definition of “storey”

We are concerned with the proposed definition of “storey” which departs from the Draft QPPs (version 3) definition, but also the definition under the current *City Plan 2000*.

Under the Draft QPPs (version 3), storey means:

*A space within a building which is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but not:*

- *a space that contains only:*
  - *a lift shaft, stairway or meter room; or*
  - *a bathroom, shower room laundry, water closet, or other sanitary compartment; or*
  - *accommodation intended for not more than three vehicles; or a*
  - *combination of the above;*
- *a mezzanine.*

*Note—definition from the Building Code of Australia.*

This term is then referenced under the definition of “basement” and “gross floor area”.

Council proposes:

*A space within a building which is situated between 1 floor level and the floor level next above it, or if there is no floor level above, the ceiling or roof, above, but not a space that contains only:*

- (a) A lift shaft, stairway or meter room;*
- (b) A bathroom, shower room, laundry, watercloset or other sanitary compartment; or*
- (c) A combination of the above.*

*For the purposes of this definition, a mezzanine is considered to constitute a storey.*

*A roofed structure on a rooftop is considered to constitute a storey if:*

- (a) The structure exceeds 30% of the roof top area (unless solely accommodating building plant or equipment); or*
- (b) Any part of the structure is for exclusive use for a unit, tenant or other occupant.*

Council’s current definition already includes a mezzanine as a “storey”, although the QPPs excludes a mezzanine. Council’s new proposed definition adds to what constitutes a “storey” to include certain rooftop structures.

Council is well aware that storey is a critical term which is referenced in building height triggers, gross floor area and plot ratio requirements. The development of shopping centres is also unique given that “retail storeys” can be higher than the storeys typical in other building types such as commercial buildings. We are therefore concerned that the change to a more ‘community accepted’ definition will have corresponding impacts on other critical requirements. As an example, could an existing 6-storey height limit now be breached with 5-storeys under the new definition? The change could, for instance, undermine development proposals and feasibility in the context of current building heights by artificially ‘adding’ another storey to a development to (for instance) a shade structure on a shopping centre roof-top car park. We believe this area needs further testing and analysis.

## RECOMMENDATIONS

43. The definition of “storey” should be further tested to ensure there is no material change to existing assessment thresholds and development conditions.
44. Council should provide a commitment that there will be no material change from the proposed new definition.

### 5.2 Priority Infrastructure Plan: Future Trunk Infrastructure

We strongly support Council’s integration of land-use and infrastructure planning and provisions under the Draft Plan. We note Council’s *Schedule of Works for Future Trunk Infrastructure*, which proposes \$5.2 billion (Net Present Value at the base date of 30 June 2011) in future trunk infrastructure as summarised below:

Network	Total Cost (\$)	Items/ Projects (No.)	Avg (\$)/Item	Lowest cost project (\$)	Highest cost project (\$)
Water supply	\$ 166,719,509	398	\$ 418,893	\$ 549	\$ 20,000,000
Sewerage	\$ 800,937,770	422	\$ 1,897,957	\$ 8,997	\$ 109,586,086
Stormwater	\$ 830,875,253	4,875	\$ 170,436	\$ 1,002	\$ 9,962,082
Transport (local road)	\$ 2,342,807,363	318	\$ 7,367,319	\$ 71,435	\$ 86,449,388
Transport (pathways)	\$ 218,250,314	379	\$ 575,858	\$ 25,312	\$ 5,466,313
Transport (ferry terminals)	\$ 60,438,962	28	\$ 2,158,534	\$ 1,889,050	\$ 5,271,768
Transport (bus stops)	\$ 980,399	281	\$ 3,489	\$ 649	\$ 14,058
Community (public parks)	\$ 698,894,734	422	\$ 1,656,149	\$ 26,425	\$ 21,967,431
Community (community facilities)	\$ 71,986,155	28	\$ 2,570,934	\$ 528,971	\$ 5,988,531
<b>Total</b>	<b>\$ 5,191,890,459</b>	<b>7,151</b>	<b>\$ 726,037</b>		

As noted in section 3 of this submission, we note that the PIP does not include commuter parking such as park ‘n’ ride facilities’.

Most of our concerns relate to the cost impacts of infrastructure charges on new development, and this also relates to critical areas such as crediting, offsetting and refunds. The Queensland Government is currently reviewing infrastructure charges, which includes the recent release of a Discussion Paper which closes for comment on 2 August 2013. We have been a member of the Stakeholder Working Group (which includes Brisbane City Council).

Some of the issues for review under that Paper directly relate to issues under future trunk infrastructure such as open space embellishments. The Government has also taken note of development feasibility issues, as well as alternative funding methods to traditional infrastructure charges.

## RECOMMENDATION

45. Council should note industry submissions to the Government’s current review of infrastructure charges.

## **6. Shopping Centre Council of Australia**

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The Shopping Centre Council of Australia represents the major owners and managers of shopping centres. Our owners own and manage more than 11 million square metres of retail space around Australia, in more than 500 shopping centres.

Our members own and manage a number of shopping centres across the Brisbane local government area.

Our members are AMP Capital Investors, Brookfield Office Properties, Charter Hall Retail REIT, Colonial First State Global Asset Management, DEXUS Property Group, Eureka Funds Management, Federation Centres, GPT Group, ISPT, Ipoh Management Services, Jen Retail Properties, Jones Lang LaSalle, Lend Lease Retail, McConaghy Group, McConaghy Properties, Mirvac, Perron Group, Precision Group, QIC, Savills, Stockland, Westfield Group and Westfield Retail Trust.

### **Contacts**

The Shopping Centre Council would be happy to discuss any aspect of this submission. Please do not hesitate to contact:

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