



# SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

SHOPPING CENTRE  
COUNCIL OF AUSTRALIA

Thursday 2 December 2010

[Archive](#)

## NSW PASSES LEGISLATION TO PAVE THE WAY FOR ENVIRONMENTAL UPGRADES

The NSW Parliament has passed the [Local Government Amendment \(Environmental Upgrade Agreements\) Bill 2010](#), which aims to overcome two major barriers to sustainability capital investment: first, access to capital, including longer term loans; and, second, the 'split incentive' between landlords and tenants, where the landlord doesn't get the direct benefit from the investment. The Bill establishes a framework that enables shopping centre owners to voluntarily enter an "environmental upgrade agreement" with a lending authority and local council. The central aspect of the scheme is that an owner pays back the loan for an agreed set of environmental upgrade works via the local council in the form of a rate or levy, therefore enabling the landlord to recover the expenditure from retail tenants (which they are currently unable to do). The scheme provides a range of requirements for shopping centre owners to work with retail tenants when entering into an environmental upgrade agreement.

The Shopping Centre Council strongly supported the Bill as a key measure to generate sustainability capital investment. We are continuing to work with the NSW government to improve the scheme and its operation. A copy of our submission on the Bill is available [here](#).

## QUEENSLAND INTRODUCES AMENDMENTS TO THE RETAIL SHOP LEASES ACT

The Queensland Attorney-General, Cameron Dick, has [introduced](#) legislation to amend the Queensland *Retail Shop Leases Act*. The [Bill](#) corrects a court decision in 2009 and confirms that 'ratchet rent' clauses in a retail lease are void ([Shop Talk 17/7/09](#)). The Bill also extends protections to assignees. The Bill will not be debated until the Queensland Parliament resumes in 2011.

## WA INFORMATION PAPER ON OUTGOINGS FOR NON-STANDARD TRADING HOURS

The Western Australian Department of Commerce has released an information paper concerning the allocation of operating expenses (outgoings) incurred by tenants who voluntarily trade during non-standard trading hours. The information paper is available [here](#).

## NSW PASSES LEGISLATION TO PERMIT TRADING ON BOXING DAY IN SYDNEY CBD

The NSW Parliament has now passed the [Bill](#) permitting trading in the Sydney CBD on Boxing Day. This Bill was necessary to correct doubts over whether the long-standing practice of Boxing Day trading for retailers in the Sydney CBD could continue for most retailers ([Shop Talk 12/11/10](#)).

## PROPERTY COUNCIL'S 2010 SHOPPING CENTRE BENCHMARKS NOW AVAILABLE

The Property Council's 2010 series of benchmarks of operating costs in shopping centres are now available, both in hard copy and electronically (Microsoft Excel). These provide owners and managers with a reliable tool for evaluating the performance of their centres and for preparing operating budgets. Click [here](#) to order an electronic or hard copy. Before you purchase, a demonstration file can be viewed [here](#).

## GREEN CITIES 2011 CONFERENCE IN MELBOURNE 27 FEBRUARY–2 MARCH

The Property Council and Green Building Council are hosting the Green Cities 2011 Conference, at the Melbourne Convention Centre from 27 February to 2 March. Click [here](#) to view the program, sponsor or buy tickets online (early bird discount available if you book by 17 December) or register via [post](#).