



SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

SHOPPING CENTRE
COUNCIL OF AUSTRALIA

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[Archive](#)

AMENDMENTS TO THE WA COMMERCIAL TENANCY AMENDMENT BILL REVERSED

After several months of being stalled in the Legislative Council, the WA [Commercial Tenancy \(Retail Shops\) Agreements Amendment Bill 2011](#) has now passed the Upper House ([Shop Talk 5/5/11](#)). This Bill now has to go back to the Legislative Assembly for approval, before it can be proclaimed law. The Bill was stalled after three amendments were moved to the Bill, over the opposition of the WA Government. Last week the Minister for Commerce, Simon O'Brien, successfully negotiated the reversal of two of these amendments. The most damaging was an amendment to the definition of 'retail shop lease' which, if it had not been reversed, would have extended the coverage of the Act to include large listed retail companies, such as Coles, Woolworths and Myer. In other words, retailers which have even greater bargaining power than the largest landlord would have been given the protection of legislation designed to assist small retail tenants. While one of the two amendments to the 'market rent review' provisions of the Act was reversed, the other was not. This will expand the amount of information valuers can request when undertaking market rent reviews to include information not relevant to the market rent review. Lessors with market rent review clauses in their leases should now seek legal advice on whether they should retain such clauses in these leases when the lease is renewed. [Here](#) is an unofficial marked up copy of the *Commercial Tenancy (Retail Shops) Agreements Amendment Act*, including the amendments made by this Bill.

WA RETAIL TRADING HOURS AMENDMENT BILL 2011 NOW THROUGH PARLIAMENT

The WA Bill to increase (from 13 to 18) the number of employees that 'small retail shops' – which do not have any trading hours restrictions – can employ without losing their unrestricted trading privileges is now law ([Shop Talk 23/6/11](#)).

SUBMISSION ON VICTORIAN REVIEW OF PLANNING SCHEME PARKING PROVISIONS

The Shopping Centre Council has lodged a [submission](#) on the Victorian Government's [Parking Provisions Review](#) to amend the car parking standards (clause 52.06) for new development under the [Victorian Planning Provisions](#). One amendment seeks to halve parking rates for shopping centres: from 8 spaces per 100 square metres of leasable floor area (which is considered "excessive") to 3.5 spaces in activity centre zones, and 4 spaces in other zones. We do not oppose a reduction in the current rate but are keen to ensure that parking can still be delivered at rates based on traffic demand analysis. Recent developments have delivered parking to a rate of 4-5 spaces/100m². In certain cases this could give rise to the need to increase the provision above the proposed rates. We are also keen to ensure the changes do not give automatic rise to a requirement for a financial contribution or cash in lieu payment from a developer for any shortfall of provided spaces.

WESTFIELD SYDNEY GAINS 5 STAR GREEN RATING FROM GREEN BUILDING COUNCIL

Westfield Sydney has achieved a 5 Star Green Star-Retail Centre v1 rating from the [Green Building Council of Australia](#), representing 'Australian Excellence' in sustainable retail design. The GBC [said](#) Westfield Sydney incorporates a range of green features including the first dedicated tri-generation system in a retail development and a recycled water treatment system which cuts water usage by 80%.

MYER IS AUSTRALIAN RETAIL EMPLOYER OF THE YEAR AT ARA RETAIL AWARDS

The Australian Retailers Association held its retailer awards in Melbourne on Tuesday. Congratulations to Myer Ltd which won the Shopping Centre Council of Australia sponsored award for Australian Retail Employer of the Year. A full list of winners is [here](#).