



SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

SHOPPING CENTRE
COUNCIL OF AUSTRALIA

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NSW PLANNING WHITE PAPER RELEASED: FOCUS ON STRATEGIC PLANNING

The NSW Government released for consultation this week the [Planning White Paper](#) outlining what the Planning Minister, Brad Hazzard MP, describes as a "world class planning system". The proposed new system includes the standard features of strategic planning, development assessment, building regulation and infrastructure provision. The Minister has emphasised, however, some key shifts, including a focus on "evidence based, whole of government strategic planning" – with a strong hierarchy of plans and policies – as well as improving the delivery culture of planners and stronger community participation. The strategic plan framework includes a new State Planning Policy on 'Employment and Economic Growth' which includes retail, which is broadly supported. The Minister is keen to improve community participation in the preparation of new plans to ensure views are considered at the start of the planning process. The infrastructure contributions framework, on a preliminary review, poses some concerns. This approach looks similar to the approach adopted in Queensland around five years ago and which is now the subject of a second review in as many years due to the complexities and increased costs imposed on developers, with a resultant freeze on developments. A new Contributions Taskforce is to provide advice on this new approach. Submissions are due by 28 June.

SHOP TRADING RESTRICTIONS AROUND AUSTRALIA ON ANZAC DAY, 25 APRIL 2013

Large shops in WA and Queensland must close on Anzac Day (Thursday 25 April). Large shops in the Adelaide CBD can trade after noon; in Tasmania, after 12.30pm; and in NSW and Victoria, after 1pm. There are no trading hours restrictions in the ACT and the Northern Territory but large shops generally close on the morning of Anzac Day. A detailed state-by-state guide is available [here](#).

VICTORIAN RETAIL LEASES REGULATIONS 2013 HAVE NOW BEEN GAZETTED

The Victorian Government has now gazetted the [Retail Leases Regulations 2013](#), which commence on 22 April 2013, and which will replace the [Retail Leases Regulations 2003](#) ([Shop Talk 4/4/13](#)). The most significant change is that the Government has decided to replace the present disclosure statement with four different disclosure statements: one for non-shopping centre premises; one for shopping centre premises; one for tenants renewing a lease; and one for the assignment of a lease involving the sale of a business in a retail premise. Importantly, the Regulations also include a transition provision to enable the current disclosure statement to continue to be used until 22 July 2013. The substantial change to the disclosure statement regime at this time is regrettable. Victoria was the State which drove the 'harmonised disclosure statement' process which, ultimately, only NSW, Victoria and Queensland signed on to ([Shop Talk 24/9/10](#) & [10/12/10](#)). It is a pity that this partial harmony has now been destroyed by Victoria going its own way. This is a reminder that, unless there is national legislation, harmonisation of retail tenancy regulation around Australia will never be achieved.

The proposed new disclosure statements and other regulations will be explained and discussed at a breakfast seminar by Minter Ellison Lawyers, partnering with the Property Council, Victoria, next Tuesday 23 April. Further details and bookings [here](#).

COCKBURN GATEWAY SHOPPING CITY IS 2013 WA SHOPPING CENTRE OF THE YEAR

Congratulations to [Cockburn Gateway Shopping City](#) (owned by the Perron Group, managed by Jones Lang LaSalle) named Shopping Centre of the Year at last week's PCA WA Shopping Centre Awards. Congratulations also to Julie Elliott, also of Cockburn Gateway, named Marketing Manager of the Year. Details of all winners are [here](#). The Shopping Centre Council of Australia was a sponsor of these awards.