

# 10-year fight to grow Kingsway City at an end

**MARISSA LAGUE**

A 10-year battle to double the size of the Kingsway City shopping centre ended last month with the WA Planning Commission adopting a structure plan outlining a major expansion that will add stores and convert the complex into an activity centre with a "main street" precinct, specialty shops, cinemas and a mixed commercial and a high-density residential development.

The first stage of Kingsway City, a 15,000sqm shopping centre, was built in the early 1990s but the protracted battle with planning authorities began late in the decade, when owner Tah Land applied to develop an activity centre on the site and to expand the shopping centre to 32,000sqm, bringing in specialty shops as well as a Target and Coles to complement existing tenants Big W and Woolworths.

The application was rejected by the City of Wanneroo because it did not comply with planning laws which restricted retail floor caps.

In the years since then, Tah Land has taken the City of Wanneroo and the WA Planning Commission to the State Administrative Tribunal just to get its proposal examined, taken part in mediation sessions and last year won a WA Supreme Court appeal where a decision by the SAT to block the expansion at the shopping centre was thrown out.

Tah Land took its long-standing battle to the court after the SAT agreed with a decision by the WA Planning Commission to refuse approval to increase the retail space in the district shopping centre. Under the expansion, the shopping centre would have been classified as a regional centre.

Michael Hotchkin, the lawyer representing Tah Land for the past decade, said the SAT had applied the Metropolitan Centres Policy to the centre expansion as if it was law and didn't properly take other factors—such as population growth and whether it was a good planning response to community needs—into consideration.

Mr Hotchkin said the protracted fight had cost the owner about \$500,000



**Michael Hotchkin**

in legal and consultant fees but the loss of income from the stymied development would be hard to gauge.

"This whole process has been an illustration of how costly land has

become in WA at a time when demand is increasing," he said.

"It's like a pincer movement where more people are coming here but the system of resolution is so bureaucratic and the people who are charged with that responsibility are under-resourced."

Raymond Tan, a director of Tah Land, said change was needed in the way applications like Kingsway City were handled.

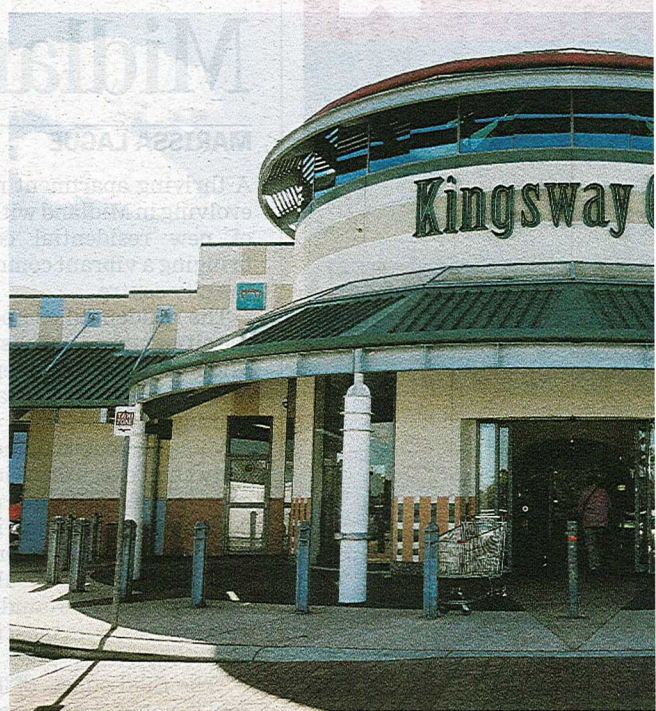
"The system definitely needs to change," he said.

"For too long, the public servants failed to properly assess the structure plan. When pushed, they kept thinking of new reasons to object, without looking at the underlying merits of the plan, costing us hundreds of thousands of dollars in fees and lost rental income because of unacceptable delays."

At one stage, the attempt by the Tan family to double the size of the shopping centre was seen as a test case that could have changed WA's archaic planning laws, which restricted the size of shopping centres and were the only ones in the nation to do so.

However, in September the planning blueprint Directions 2031 and Beyond removed outdated retail floor caps which prevented shopping centres from expanding.

Tah Land can now submit a development application to the City of Wanneroo for the extension and surrounding development, on the corner of Wanneroo Road and Hepburn Avenue in Madeley.



**Need for change: The owners say unacceptable delays have cost th**