

Supreme Court for next round in superblock battle

Superblock owner Warren Anderson and Peppermint Grove council will continue their battle over cash-in-lieu for public open space in the Supreme Court next month.

On May 22, mediation will begin but, according to the council, there is some uncertainty whether further subdivisions of the block will occur.

Submissions have already been put to the Supreme Court by both parties.

At a meeting on Monday, chief executive Graeme Simpson said the shire did not ask for an amount of cash-in-lieu for the provision of public open space.

He said: "It is a matter of how much should be paid at law.

"There has not been any indication from the developer on whether or not he intended to continue with the subdivision and it is entirely at his whim.

"But information came to hand on April 23 that suggests fur-

ther action will be taken to subdivide the stage three R25 coded land."

In March, the WA Planning Commission (WAPC) agreed to finalise subdivision of part of Mr Anderson's superblock and issue titles.

It signed a land deed and reached an agreement with Mr Anderson's company, Owston Nominees No. 2, after taking the issue out of the council's hands.

By law, 10% of the subdivision, or its equivalent value, must be given to the council for public open space.

The council asked for money under the new Town Planning Act, which came into force last year.

The figure of \$1.45 million is much higher than the \$600,000 offered by Mr Anderson in 2004 when it was approved by the WAPC under the old Town Planning Act.

The agreement with the WAPC approved the Stage 2 development

of the superblock, which includes ten 1000sq.m blocks around its perimeter and two 500sq.m blocks from the Stage 3 development, which is made up of 11 500sq.m blocks.

The additional two blocks will allow a right-of-way entry into six back lots which were bought by Pankaj and Radhika Oswal, an Indian family who are behind the \$700 million Burrup Fertilisers ammonia plant in the north-west.

At \$22.7 million, this is said to be one of the biggest residential deals in Australia.

However, the WAPC put a caveat over the remaining 500sq.m blocks as a security measure, until the Supreme Court can decide how much money Mr Anderson owes for public open space.

The court will decide whether the cash-in-lieu is calculated under the old or new Town Planning Act.