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# Fowler Group Properties Pty Ltd

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Mr Robert Cruickshank  
Manager Development Services  
Town of Victoria Park  
VICTORIA PARK WA 6100

By email: [rcruickshank@vicpark.wa.gov.au](mailto:rcruickshank@vicpark.wa.gov.au)

10 June 2021

Dear Mr Cruickshank,

## **Application to Amend DA5.2016.151.1 – For Council Consideration**

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### **Summary**

The purpose of this application is to seek from the Town of Victoria Park Council, support to amend Condition 1 of JDAP/16/01046, (DA5.2016.151.1) (highlighted by underline below) from;

“For the life of the building the subject of this approval, the applicant shall provide community meeting rooms for the use of the community under the supervision of the Town on the basis that no rent or occupation charges are to be levied for that community use, but the Town to meet all outgoings otherwise incurred by the applicant in respect to that use”.

to;

“Up to a maximum period of 20 years the subject of this approval, the applicant shall provide community meeting rooms for the use of the community under the supervision of the Town on the basis that no rent or occupation charges are to be levied for that community use, but the Town to meet all outgoings otherwise incurred by the applicant in respect to that use”.

### **Background**

In 2016, Fowler Group Properties Pty Ltd (FGP) made application to the Town of Victoria Park (ToVP) for the development of a modern, mixed use residential, commercial and retail building known as ‘Vic Quarter’, located at 646-660 Albany Highway Victoria Park.

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As part of the DA process, FGP proposed the inclusion of a partial seventh story with 4 multiple dwellings (Penthouse Apartments). The ToFVP at the time opposed the inclusion of the 4 apartments on the basis of height and plot ratio concerns and various other planning considerations.

Believing the inclusion of the 4 apartments were complementary to the overall design and amenity of the project, FGP made application to JDAP to approve the addition of the 4 apartments.

JDAP subsequently considered the matter on 17 September 2017 resolving to support FGP's development application and at the same time included Condition 1 as part of the approval. It is important to note that in making submissions to JDAP, neither the ToFVP nor FGP proposed Condition 1 to JDAP.

### **Reasons for Amendment**

The following points are provided in support of the proposed amendment.

1. Reasonable period - FGP seeks to limit the Community Room(s) period of use from 'the life of the building' to a more reasonable period of up to a maximum of 20 years. 'For the life of the building' is not seen as reasonable due to the open-ended nature of the commitment based on Vic Quarters large scale and high-quality development.
2. Building Amenity - FGP believes that whilst the ToFVP may have had planning reservations about the Vic Quarter development (specifically the addition of the 4 apartments) in 2016/2017, the end product of a high quality mixed use residential and commercial development has both substantially improved both the Towns vision for higher density living together with providing improved amenity and services to visitors and the local community. The Vic Quarter development is a substantial improvement to the second-hand car yards that previously occupied and still currently neighbor the Albany Hwy/Miller St area.
3. Future Development – The ToFVP now encourages development and enhancement opportunities within the Town with the launch of 'Invest in Vic Park'. Whilst early adopters, FGP have complemented this type of initiative with the Vic Quarter development. If the Vic Quarter DA was lodged today, would Council still have reservations with such a positive development and expect similar open-ended tradeoffs such as the JDAP Condition 1 resolution?
4. Ongoing Expense Liability – 'For the life of the building' also commits the ToFVP to an open-ended commitment to maintain and meet financial outgoings for the same open-ended period. The JDAP resolution requires the ToFVP to meet the relevant outgoings at Vic Quarter. By reducing the period of use to 'up to a maximum period of 20 years', provides the ToFVP with the flexibility to enjoy the near term benefits of the meeting room(s) together with limiting the longer term financial liability.
5. Meeting Room(s) – as detailed above, neither the ToFVP nor FGP proposed the meeting rooms as tradeoff for the inclusion of a partial seventh story at Vic Quarter. While FGP acknowledges JDAP's compromise, it did not have the opportunity at the time to provide feedback to the open ended period.

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FGP properties therefore seeks from Council, support to amend the JDAP decision in relation to Condition 1 of JDAP/16/01046, (DA5.2016.151.1) resolution from *'for the life of the building'* to *'up to a maximum period of 20 years'*.

We look forward to your consideration of this important matter.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Richard Burt', written in a cursive style.

**Richard Burt**  
**CHIEF EXECUTIVE OFFICER**