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# Additional documents

## Ordinary Meeting of Council

Wednesday, 24 March 2021, 6.00pm

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**FPOL2102-2 NEW LEASE – BAKPAK FREO PTY LTD – 18 PHILLIMORE STREET, FREMANTLE**

**Officer Comment**

Part 1 of the Committee Recommendation (shown below) was adopted as an amendment at the Council Meeting dated 24 February 2021, however, it was omitted from the final Committee Recommendation in the FPOL Committee Minutes dated 10 March 2021, therefore omitted from the Council Agenda (24 March).

The following recommendation has been updated to reflect the correct Committee Recommendation for Council consideration.

**COMMITTEE RECOMMENDATION ITEM FPOL2102-2**

- 1. *In recognising that prior to COVID-19 BakPak Freo Pty Ltd was paying full market rent, added value to Fremantle’s economic mix and that the impacts of COVID-19 have effectively reduced the large majority of their trade, council agree that:***
  - a. in recognition of the unprecedented event that is COVID-19, it is reasonable to accept that full rent would normally be received and therefore this request would be considered exempt from the “Leasing of City Property in a competitive manner”, and***
  - b. this request should therefore be considered as exempt from the Leasing of City Property in a Competitive Manner Policy.***
  
- 2. Approve a Lease between the City of Fremantle and the Bakpak Freo Pty Ltd for 18 Phillimore Street, Fremantle and authorise the Chief Executive Officer to negotiate the terms and conditions of the lease based on the following:**
  - a. Lease area: 941m<sup>2</sup>**
  - b. Lease commencement date: TBA**
  - c. First term: ten years**
  - d. Second term: five years subject to;**
    - a. The lessee carries no outstanding arrears associated with the initial 10-year term**
    - b. The lessee is not in breach of any lease terms**
    - c. The nature of the lessee’s business remains predominantly as backpacker hostel accommodation**
  - e. Rent: \$100,000 per annum + GST**
  - f. Rent Review: Consumer Price Index annually on the Lease Commencement date. Market rent review every third year.**
  - g. *Rent Adjustment: From the commencement of the lease the rent payable will be 25% of the annual rent subject to the following conditions:***
    - i. application for a building permit being lodged within 4 weeks of the commencement of the lease***

- ii. Substantial commencement of works to occur within 4 weeks of receiving an approved building permit*
- iii. Subject to achieving the previous conditions rent payable will be 25% of the Annual Rent until whichever is first of the following:*
  - a) Reopening of international tourism to Western Australia, or*
  - b) Opening of the lessee proposed bar/restaurant, or*
  - c) An improvement of business operations through regular quarterly review of the financial accounts of the business, or*
- h. Two years from commencement of the lease.**
- i. Permitted use: Hostel accommodation, bar and restaurant.**
- j. Condition precedent: The lease is subject to;**
  - i. Surrender of the existing lease between the City of Fremantle and Bakpak Freo Pty Ltd**
  - ii. The lessee gaining all planning and building approvals.**
  - iii. The lessee gaining liquor license approvals.**

**FPOL2102-2 NEW LEASE – BAKPAK FREO PTY LTD – 18 PHILLIMORE STREET, FREMANTLE**

**Proposed Amendment to Committee Recommendation – Cr Andrew Sullivan**

1. In recognising that BakPak Freo Pty Ltd was paying full market rent prior to COVID-19, added value to Fremantle’s economic mix and that **it is** the impacts of COVID-19 **that** have effectively reduced the large majority of their trade, council agree that:
  - a. ~~in recognition of the unprecedented event that is COVID-19,~~ it is reasonable to accept that full rent would normally be received **and the new lease rent clause is set to market,** ~~and therefore~~ this request would be considered exempt from the “Leasing of City Property in a competitive manner”, and
  - b. this request should therefore be considered as exempt from the Leasing of City Property in a Competitive Manner Policy.

## FPOL2103-8– CLIMATE CHANGE ENGAGEMENT

### Proposed Amendment to Committee Recommendation – Cr Jenny Archibald

#### Council

1. Note the community feedback on Climate Change received as outlined in the Engagement Report provided in Attachment 1.
- ~~2. Note and support the following actions proposed in response to the community feedback received on Climate Change:-
  - a. the program of additional engagement and capacity building proposed for 20/21
  - b. additional engagement and capacity building activities in 21/22 (subject to budget availability)
  - c. progression of implementation of the Corporate Energy Plan (subject to budget availability).~~
2. Confirm its commitment to a climate change response focussed on:
  - a. Advocacy
  - b. Climate change adaption actions (as per Climate Change Adaption Plan)
  - c. Corporate carbon reduction initiatives (as per Corporate Energy Plan)
3. Adopt the Climate Emergency Position Statement provided in Attachment 2 for the purposes of coherent communication of Council's previously adopted positions.
4. Update public information available on the City's website to reflect Council's position and provide links to other information sources and groups.
5. Provide an update to the Youth Forum Network on the engagement process and Council responses.

#### Reasons for Change:

To provide clear direction on Council's priorities for further activity, focussed on advocacy and tangible actions

**FPOL2103-11 NOTICE OF MOTION BY CR RACHEL PEMBERTON –  
COMMUNICATION OF DIVERSE AND AFFORDABLE HOUSING  
OBJECTIVES AND CONCERNS TO THE MINISTER FOR  
HOUSING AND STATE HOUSING AUTHORITY**

**Proposed amendment submitted by Cr Hannah Fitzhardinge**

**That Council:**

- 1. Notes the significant opportunity that exists to increase social housing availability through the redevelopment of Department of Communities sites at Burt Street, Holland Street and the Davis Park Precinct, whose demolition has in the short term led to a decrease in available public housing in Fremantle.**
- 2. Request the CEO to write to the new Minister for Housing and to the Department of Communities requesting a meeting, and:**
  - a. Stating Council’s strategic objective to maintain a housing mix that is “diverse and affordable, to meet the current and future needs of the City’s residents”, in alignment with the stated principles of the WA Housing Strategy; and**
  - b. Requesting that public housing levels be maintained, and redeveloped public housing units be replaced in the area to ensure retention of affordable housing options in our community, in a timeframe that ensures long-term residents are able to stay in the Fremantle community while redevelopment occurs.**

**SPT2103-3 CAT BUS REVIEW 2020/21 AND FINDINGS**

**Proposed Amendment to the Amended Officer's Recommendation submitted by Cr Rachel Pemberton**

8. Request that officers further investigate and pursue discussions with the City of Cockburn, and the Town of East Fremantle, **as well as major landholders and attractions (once patronage profile is better defined)** regarding potential support for maintenance and/or extension of the service

**Reason for Change:**

Anecdotal feedback from Visitor's Service Officers at the WA Museum sites indicate that customers have complained about the cancelation of the CAT Bus. With further activation of Victoria Quay - Fremantle Ports property planned, and in recognition of the need to service major education and tourist attractions, further discussions should be undertaken with stakeholders once data is collected.

SPT2103-2 MEDIUM DENSITY CODE - SUBMISSION

**Proposed Amendment to Amended Officer's Recommendation – Cr Rachel Pemberton**

*c. The use of bonus criteria to support greater density and housing diversity in well serviced locations is supported as a broad principle however the criteria proposed are considered inappropriate, potentially undermining the role of local planning strategies and schemes in establishing appropriate densities giving regard to a wider range of considerations. If the approach is to be retained, it is recommended that:*

- *Criteria C 1.1.3 ii b (laneway access) be ~~removed, having too wide an application and potentially resulting in too dramatic a change~~ supplemented with additional requirements to ensure inclusion of adequate open space, deep soil zones and setbacks and streetscape controls,*
- *the high frequency bus routes definition exclude achievement of the frequency criteria by combining multiple services further consideration be given to increasing the design standards through, for example, through support from a Design Review Panel, increased garden area and increased sustainability standards, reflective of the community priorities identified by the City in its engagement on the Freo Alternative.*
- *further consideration be given to ensuring the bonuses contribute to housing diversity as distinct from lot diversity.*

**Reason for Change:**

To recognise the possibility to develop medium density or small homes where access is available via a laneway, where other key design considerations are addressed.