



AGENDA

SPECIAL COUNCIL MEETING

eMeeting

THURSDAY 2 APRIL 2020

COMMENCEMENT: 5:30PM

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

OFFICER RECOMMENDATION

That, pursuant to clause 3.10(2) of the *City of Subiaco Meeting Procedures Local Law*, the Chief Executive Officer be permitted to record all electronic council meetings during the currently declared public health emergency for COVID-19.

Officer Comment

The recent amendments of the *Local Government (Administration) Regulations 1996* provide that Council meetings during a public health emergency or state of emergency can be held as electronic meetings. Electronic Council meetings need to be recorded to allow members of the public to observe the meeting. Under the Meeting Procedures Local Law, the Chief Executive Officer needs to be permitted by the Council to record electronic meetings to facilitate its broadcast.

OFFICER RECOMMENDATION

That clause 4.1(2) of the *City of Subiaco Meeting Procedures Local Law* be suspended for all electronic council meetings for the currently declared public health emergency for COVID-19.

Officer Comment

As we are holding an electronic meeting under regulation 14D of *the Local Government (Administration) Regulations 1996*, this clause of the Meeting Procedures Local Law cannot be followed and should be suspended.

Clause 4.1(2) states:

4.1 Members to be in their proper places

(2) Each member is to occupy his or her allocated position at each council meeting.

This is impossible to achieve during a meeting held by electronic means as it would require all elected members to be seated in the Council Chambers.

2. ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

3. DISCLOSURES OF INTEREST

4. PUBLIC QUESTION TIME

OFFICER RECOMMENDATION

For the purposes of regulation 14E(4) of the *Local Government (Administration) Regulations 1996*, the following procedure for the conduct of public question time during all electronic council meetings for the currently declared public health emergency for COVID-19, declared by the Minister for Health under section 167 of the *Public Health Act 2016*, be adopted:

1. Questions received in accordance with the City's established public question time procedure are to be taken as read and responded to.
2. The City will provide responses to the questions via email the day after the meeting, with the exception of questions taken on notice.
3. Questions and responses to those questions are to be included in the minutes of the meeting under "Public Question Time".
4. Elected members are to receive a copy of the submitted questions and responses prior to the start of the meeting.

Officer Comment

The proposed procedure for the conduct of public question time at electronic council meetings is in response to the change to the *Local Government (Administration) Regulations 1996* requiring a council or committee meeting requiring a public question time to establish a procedure to respond to questions raised by members of the public.

The City's previously established procedure in relation to asking a question remains in place, including that questions are to be submitted by 5pm the day before the Council meeting.

It is intended that questions and responses to them not be read out at the meeting to save time. The updated regulations provide that a local government satisfies its requirement to have a public question time by providing members of the public a means to submit their questions prior to a meeting and establishes a procedure to respond to the questions raised for the meeting.

As questions received for a meeting normally have a response prepared ready for a council meeting, it is proposed to send those responses via email to the people who asked the question by midday the day after the meeting. This is to ensure that people who have asked a question are provided with an answer without having to wait for the unconfirmed minutes to be released. Where a question needs to be taken on notice, this will be communicated to the person asking the question.

It is intended that elected members will be sent a copy of each question received as per the City's normal procedure and its response prior to the meeting in lieu of the hard copy normally given to each elected member at the meeting.

This procedure will apply to all future electronic council meetings until the currently declared public health emergency declared under section 167 of the *Public Health Act 2016* (and as extended by decision of the Minister for Health) cease to be in effect.

5. ANNOUNCEMENTS BY THE PRESIDING MEMBER

6. REPORTS FOR PRESENTATION

SCM1 RATES, FEES AND CHARGES TO RESPOND TO COVID-19

REPORT FROM DIRECTOR CORPORATE SERVICES

Author: Manager Finance & Governance Services, Bianca Jones
Date: 31 March 2020
File ref: A/5630
Voting requirements: Absolute Majority - 7 elected members required to vote in favour

OFFICER RECOMMENDATION

As part of the City of Subiaco's initial response to COVID-19 which has an estimated value up to \$4,000,000.00 it is recommended that Council:

1. In relation to the 2019/20 Fees and Charges Schedule:
 - a. Amends the rate of Interest on Overdue Rates & Charges from 11% to 0% effective from 1st April 2020.
 - b. Amends the rate of interest on Overdue Sundry Debtors from 11% to 0% effective from 1st April 2020.
 - c. Amends the Rates Instalments Administration Fee charged from \$52.20 to \$0.00 effective from 1st April 2020.
 - d. Amends the Rates Adhoc Instalments Administration Fee charged from \$52.20 to \$0.00 effective from 1st April 2020.
 - e. Temporarily suspend the requirement to pay a fee for parking in all City of Subiaco parking stations (other than those in respect of which there is an agreement between the City of Subiaco and the owner of the parking station and the fee is set as per the agreement) from 6 April, through a process of deactivating the ticket issuing machines and/or placing free parking notifications on the machines.
 - f. Approves enforcement of parking compliance for safety and accessibility purposes only, up to the 30 June 2020.
 - g. Amends fees identified in Table One of this report in relation to parking compliance effective from 1st April 2020.
 - h. Amends fees identified in Table Two of this report in relation to Obstruction Permit Applications and Crossover Applications effective from 1st April 2020.
 - i. Amends fees identified in Table Three of this report in relation to Health Services fees effective from 1st April 2020.
 - j. Suspend all public consultation fees for standard development applications.
 - k. That Local Public Notice be given in relation to the approved changes to fees and charges.
2. That Council adopts as part of the 2020/21 Annual Budget:
 - a. A zero percent (0%) increase to the total rates to be levied for the 2020/21 financial year.
 - b. Transfer of \$2,000,000 from the Capital Investment Reserve as a one off contribution to Rates levied for 2020/21.
 - c. A zero percent (0%) increase to the total Waste Service Charge to be levied on all properties.
 - d. A Rates Instalments Administration Fee of \$0.00 in the Fees & Charges Schedule.

- e. **A Rates Adhoc Instalments Administration Fee of \$0.00 in the Fees & Charges Schedule.**
 - f. **A zero percent (0%) rate of Interest on Overdue Rates & Charges in the Fees & Charges Schedule.**
 - g. **a zero percent (0%) rate of Interest on Overdue Sundry Debtors in the Fees & Charges Schedule.**
 - h. **Instalment due dates for the 2020/21 budget to commence in October 2020.**
3. **Authorised the Mayor and CEO to write to the Premier and Minister for Lands requesting that the Tri-annual Revaluation be applied from 1 July 2021 not 1 July 2020 (that is, a deferral in applying the tri-annual revaluation) and to also write to WALGA requesting they continue to advocate for this position.**
 4. **Authorised the Mayor and CEO to write to the Premier and Minister for Lands to request consideration of a reduction in Land Tax and to also write to WALGA requesting it advocate for this reduction.**

Executive Summary

On 11 March 2020 the World Health Organisation declared the COVID-19 virus a Pandemic. Following this, the State Government declared a State of Emergency for Western Australia. The Federal and State governments have been responding with various measures in an attempt to contain the virus and minimise its spread which have had a significant affect on the local businesses and the community alike. This report discusses various options for Council's consideration to provide financial support to those affected.

Background

With the development of COVID-19 there have been a number of economic and social impacts experienced by the community. The City has received a number of requests for financial assistance and relief from its ratepayers, business owners, tenants, and community members.

This report discusses possible reductions and waivers in respect to rates and fees and charges and the financial implications of each option.

Comment

Section 6.16 of the Local Government Act 1996 provides authority for a local government to charge fees and charges for any goods or services it provides. Fees and charges are set at the time of adopting the annual budget. The current Fees and Charges Schedule was adopted by Council on 18 June 2019.

A local government has the power to defer, waive or write off debts owed to a local government in accordance with section 6.12 of the Local Government Act 1996, however note the act specifically excludes money owing in respect of rates and service charges.

Rates Contribution

It is recommended that there be no increase in total rates levied in 2020/21 and that a once off transfer of \$2,000,000 from the Capital Investment Reserve as a contribution to rates be incorporated into the 2020/21 budget.

The City recognises that the COVID-19 crisis has had significant financial implications for many ratepayers within the community. In response to this it is proposed that there

be no increase in the total rates levied for the 2020/21 financial year, that is, total rates are to remain the same as for 2019/20. In addition, the City proposes that a once off transfer of \$2,000,000 from the Capital Investment Reserve be used as a contribution to offset against total rates to be levied in 2020/21 financial year.

In addition to these proposals the following recommendations are suggested:

That Council authorised the Mayor and CEO to write to the Premier and Minister for Lands requesting that the Tri-annual Revaluation be applied from 1 July 2021 not 1 July 2020 (that is, a deferral in applying the tri-annual revaluation) and to also write to WALGA requesting they continue to advocate for this position.

That Council authorised the Mayor and CEO to write to the Premier and Minister for Lands to request consideration of a reduction in Land Tax and to also write to WALGA requesting it advocate for this reduction.

Given that local government is being asked to put in place significant relief packages and apply a zero increase to rates, fees and charges the State Government should lead by example in assisting Local Governments and the economic sustainability of businesses as the proposed revaluations are going to have a negative effect of ratepayers and land tax is a significant financial burden on businesses at this time.

Rates Administration Fee

It is recommended that the Rates Instalments Administration Fee and Rates Adhoc Instalments Administration Fee be reduced to \$0.00 for the 2020/21 financial year.

The City currently charges and administration fee of \$52.20 on all rates paid under an instalment option or any another payment arrangement. The 2019/20 budget for administration fees is \$150,000. As part of the 2020/21 budget process Council could consider reducing this fee to \$0.00 in respect to the 2020/21 rates levies, which would be determined at the time of adopting the annual budget.

Interest on Overdue Rates & Charges

It is recommended that the interest on overdue rates and charges be reduced to 0% from 1 April 2020 to 30 September 2020.

An interest charge of eleven percent (11%) per annum, calculated daily is imposed on rates charges and any other charges if payment is not received by the applicable due date. The 2019/20 annual budget provided a budget of \$65,000 interest on overdue rates. Council could consider reducing the interest rate from 11% to 0% for the remainder of this financial year at a cost of approximately \$30,000

As part of the 2020/21 budget process Council could consider maintaining the interest on overdue rates and charges at 0%, which would be set out in the Fees and Charges Schedule forming part of the annual budget.

Waste Charges

It is recommended that there be no increase in the total Waste Service Charges levied in 2020/21.

Waste Service Charge is levied on all properties. The waste service charge covers all the costs incurred in providing the City's waste and recycling services. The charge is a

result of the Waste Avoidance and Resource Recovery Act 2007, which places an onus on the City to provide regular collection of waste to all properties.

Lords

Following the recent measures introduced by the Federal Government including the closure of all indoor sports centres, the Lords Recreational Facility has now temporarily closed with programs suspended until further notice. This has resulted in lower than expected revenues and offsetting reductions in expenditures. It is expected that once the centre reopens there may further revenue impacts until programs recommence and membership base returns.

Parking Fees

It is recommended that parking fees in all City of Subiaco parking stations (other than those in respect of which there is an agreement between the City of Subiaco and the owner of the parking station and the fee is set as per the agreement) be temporarily suspended from 13 April 2020 to 30 June 2020, through a process of deactivating the ticket issuing machines and/or placing free parking notifications on the machines.

The intention of the proposal is to support medical staff working at King Edward Memorial Hospital (KEMH) and the QEII Medical Centre, essential staff that are required to work from offices and businesses in the Town Centre and residents working from home who reside in Transit Oriented Developments (TOD) that exclude residential parking permit eligibility.

The temporary suspension may be implemented by means of deactivating the ticket issuing machines and/or placing free parking notifications on the machines. The process of deactivating the ticket issuing machines is the most cost effective manner of offering temporary free parking as it preserves the existing parking fee structure for reactivation in the future and mitigates the statutory requirement to advertise fee changes. Deactivating the ticket issuing machines also eliminates the requirement to manually issue parking permits which creates a significant pressure on City administration resources.

If Council endorses the recommendation to temporarily suspend parking fees (which is recommended), the loss of revenue is estimated at approximately \$175,000.00 per month or \$437,000.000 in total until 30 June 2020 (based on budgeted figures).

Parking Compliance

It is recommended that the parking compliance fees be reduced effective from 1st April 2020 to 30 June 2020.

Table One:

Fee Description	Current Fee	Proposed Fee to 30 June 2020
Commercial Parking Permit – half day	\$10	\$0
Commercial Parking Permit – full day	\$20	\$0
Temporary Visitors Parking Permits – (payable after 20 free permits used)	\$6	\$0
Residential Permits – Replacement	\$31	\$0
Visitors Permits – Replacement	\$31	\$0
Private parking Compliance Service Registration	\$115	\$0
Private Parking Compliance Services Renewals	\$90	\$0
Private Parking Infringement Withdrawal	\$37	\$0

(Table One)

Furthermore, the City intends to only issue parking infringements in relation to safety and accessibility issues and seeks Councils approval for enforcement of parking compliance for safety and accessibility purposes only up to the 30 June 2020. Parking compliance will continue to be monitored and further approval sort post 30 June if required.

Infrastructure Fees

It is recommended that fees for review of Obstruction Permit Applications and Crossover Applications be reduced to \$0 effective from 1st April 2020 to 30th June 2020.

The City issues obstruction permits for approving any work occurring within the road reserve in accordance with the Activities in Thoroughfares Local Law and also use the permits for traffic management approval which is delegated to the City by MRWA for local roads under our management. This can range from a resident just disposing of somethings using a skip bin to extensive road closure for major works by companies. Of the applications the City on average receives about 15% are residential, 33% commercial, and 52% traffic management. This equates to a monthly revenue across these three groupings of \$265 residential, \$1,493 commercial, \$3,090 traffic management.

Table Two:

Fee	Description	Current Fee	Proposed Fee to 30 June 2020 ^{ee}
Review of Obstruction Permit Applications	Residential Skip Bins (short term – 1 week)	\$35.00	\$0
	Residential permit (for construction works on verge)	\$103.00	\$0
	Commercial permit	\$154.50	\$0
	Full traffic management assessment	\$206.00	\$0
	Reissue of commercial or traffic management	\$154.50	\$0
Crossover Application		\$77.25	\$0

(Table Two)

Health Services Fees & Charges

It is recommended that fees listed in the table below be reduced to \$0 effective from 1st April 2020 to 30th June 2020.

The financial impact of amending the fees listed below is unlikely to be significant due to most of the activities that they apply to being restricted as part of the State Government response to the COVID-19. The intention of including them in this report to be amended for the remainder of 2019/2020 is to allow staff to be able to respond much quicker once the restrictions begin to relax. The total cost of reducing these fees from 1st April 2020 to 30 June 2020 is approximately \$6,150.

A much more exhaustive proposal for ongoing fee reduction will be included in the fees & charges for the 2020/2021 financial year.

Table Three:

Fee Description	Current Fee	Proposed Fee to 30 June 2020
Outdoor Dining Permit Application Fee	\$310	\$0
Outdoor Dining Application Fee Expired Permit	\$135	\$0
Outdoor Dining Permit Transfer Fee	\$50	\$0

Street Trading (standard permit) Application Fee	\$79	\$0
Street Trading Permit Fee - Daily	\$60	\$0
Street Trading Permit Fee - Monthly	\$125	\$0
Street Market Permit Application fee	\$265	\$0
Street Market Permit Fee	\$10 per stall	\$0
Street Market Permit Fee	\$5 per stall	\$0
Street Market Permit Fee	\$130	\$0
Street Market Permit Transfer Fee	\$50	\$0
Food business Registration/notification Fee	\$50	\$0
Food Business Application (assessment of plans)	\$155	\$0
Temporary Food Business Administration Fee	\$50	\$0
Settlement Enquiry – food business	\$125	\$0
Settlement Enquiry – other health premises	\$61	\$0
Liquor Act Section 39 & 55 Certification	\$125	\$0

(Table Three)

Public consultation fees for standard development applications

The City's planning services currently charges fees for the following:

Application type	Fee
Standard	\$118.45 (inc. GST)
Significant	\$231.75 (inc. GST)

(Table Four)

The fees contribute to covering administrative costs.

Standard applications are the most common and typically, an owner/applicant would physically approach their neighbours to discuss their proposal and seek their comments. Whilst the City actively encourages owners/applicants to speak to their neighbour's about development applications prior to lodgement, the City considers that it is socially responsible to discourage physical meetings and to reinforce social distancing measures.

Suspending the applicable fee for the City to undertake public consultation for standard applications will discourage owners/applicants from undertaking it themselves and serves to not to act as a financial penalty.

In the period between 1 July 2018 to 30 March 2020, a total of 180 development applications required standard public consultation generating \$20,934.60. That equates to an average of approximately 9 applications advertised per month at \$118.45 each. Should the current State of Emergency declared for Western Australia go for 3 months, the Council would suspend approximately \$3,198 in standard public consultation fees.

It is therefore recommended that Council suspend all public consultation fees for standard development applications until 30th June 2020.

It is not recommended that Council suspend fees applicable for significant applications as it is unlikely that an owner/applicant will be able to seek comment from all owners/occupiers within the prescribed minimum 100m radius of the development site.

Consultation

Public consultation was not relevant to the development of this report.

Strategic Implications

The City's consideration of Rates, Fees & Charges contributes to achievement of the Strategic Plan aim relating to responsible stewardship: *"Create organisational and community culture that is underpinned by financially sustainable practice"*

Statutory and Policy Considerations

The *Local Government Act 1995* and associated Regulations provide the authority for a local government to impose a fee or charge for goods and services. It provides that fees and charges are to be imposed when adopting the annual budget but may also be imposed during a financial year and amended from time to time during a financial year.

The following sections of the *Local Government Act 1995* are relevant to the considerations discussed in this report:

- 6.2. Local government to prepare annual budget
- 6.8. Expenditure from municipal fund not included in annual budget
- 6.11. Reserve accounts
- 6.12. Power to defer, grant discounts, waive or write off debts
- 6.16. Imposition of fees and charges
- 6.19. Local government to give notice of fees and charges
- 6.32. Rates and service charges
- 6.50. Rates or service charges due and payable
- 6.51. Accrual of interest on overdue rates or service charges.

The sections quoted above require decisions to be by absolute majority.

Risk and Asset Implications

The COVID-19 pandemic is having a significant effect on the community with many people facing financial difficulties during this time. By providing this support the City can assist its ratepayers and businesses during these difficult times. The financial implications of the recommendations of this report will impact the City's financial position and affect the City's ability to fund City services, programs, initiatives and asset renewal, however this will be considered through the March 2020 budget review and the annual budget process for 2020/21. There may be a reputational risk to the City if Council resolves not to proceed with fees and charges amendments as proposed. The City may be criticised for a lack of immediate support for the community as a result of COVID-19.

Financial

The financial implications of each option is outlined in the report under the relevant headings. The total cost of all fee reductions provided above equates to approximately \$3,500,000.

Social and Environmental Implications

Providing the financial support as outlined in this report will provide much needed relief to the community during this time.

Attachments

There are no attachments to this report.

SCM2 LOCAL BUSINESS RESPONSE PACKAGE TO COVID-19***REPORT FROM DIRECTOR COMMUNITY & DEVELOPMENT SERVICES**

Author: Manager Economic Development and Place, Adam Cousins
Date: 31 March 2020
File Reference: A/5630
Voting Requirements: Absolute Majority - 7 elected members required to vote in favour

OFFICER RECOMMENDATION

As part of the City of Subiaco's initial response to COVID-19 which has an estimated value up to \$4,000,000.00 it is recommended that Council:

1. Endorses the immediate implementation of a small business grant program as outlined in Attachment 1 and including the following parameters:
 - a. Allocation of \$100,000 to the program, supported through a General Ledger journal as outlined in Table 1 of this Report;
 - b. Determination on successful grant recipients to be delegated to the Chief Executive Officer; and
 - c. Officers to prepare and submit to Council an evaluation report on outcomes from the funding program on project completion.
2. Endorses the immediate implementation of two small business capacity building programs:
 - a. The engagement of a generic business consultancy supplier to deliver a six-month small business mentoring program for local business up to a value of \$30,000; and
 - b. The engagement of a food and beverage business consultancy supplier to deliver a six-month hospitality coaching program for local business up to a value of \$15,000.
3. Note current activity undertaken by the City to support small business.

Executive Summary

The impacts and changing nature of the COVID-19 pandemic and associated restrictions imposed as part of the State of Emergency declared for Western Australia require all organisations and individuals to adapt and respond appropriately.

The City of Subiaco recommends a suite of initiatives to adapt and respond to its community and local business to ensure it provides appropriate levels of support and assistance where possible and include:

1. Changes to rates, fees and charges;
2. A local business response package;
3. Planning and compliance changes; and
4. Rent relief for tenants of the City of Subiaco.

The initiatives are the City's initial response and have an estimated value of up to \$4,000,000.

The COVID-19 pandemic is presenting unprecedented challenges for business with small business in Subiaco experiencing an immediate negative impact. The hospitality, retail, tourism, services, arts and entertainment sectors have been particularly adversely impacted. This business sector is an important component of the Subiaco economy, and place identity.

As an initial response, the City recommends that Council endorse a Local Business Response Package with the following components:

- A Small Business Grant Program;
- Two Business Capacity Building Programs, focussed on identified at-risk business sectors; and

This Local Business Response Package can be funded through existing 2019-2020 financial year budgets at an approximate value of \$145,000.

Background

On 15 March 2020, the Western Australian State Government declared a State of Emergency in accordance with s56 of the *Emergency Management Act 2005* in response to the COVID-19 pandemic (also known as 'coronavirus'). This declaration sets out wide ranging measures that impact travel, gathering of people through to closures of specific business types. All measures and restrictions imposed under the State of Emergency are designed to limit the spread of COVID-19. Importantly, these restrictions are updated regularly and will need to be regularly monitored to understand their impacts to the City of Subiaco community and local businesses.

At the time of writing, the State Government has issued the following directions:

No.	Date	Citation	Act	Section
1.	20 March 2020	<i>Mass Gatherings Directions (No 2)</i>	<i>Public Health Act 2016 (WA)</i>	157(1)(k) and 190(1)(p)
2.	23 March 2020	<i>Closure of Certain Places of Business, Worship and Entertainment Directions</i>	<i>Emergency Management Act 2005 (WA)</i>	71
3.	25 March 2020	<i>Preventative Restriction of Activities Directions</i>	<i>Public Health Act 2016 (WA)</i>	157(1)(k) and 190(1)(p)
4.	25 March 2020	<i>Closure of Certain Places of Business, Worship and Entertainment Directions (No 2)</i>	<i>Emergency Management Act 2005 (WA)</i>	71

The combined effect of these directions is that many businesses have closed (fully or partially), significantly adapted operational models, and/or experienced a substantial or total shock to traditional customer demand for products and services.

Further directions from Federal and State Government are expected to place additional direct and indirect pressure on business.

To balance the negative impacts of these directions, both Federal and State Governments have announced extensive economic stimulus measures with many of these measures targeting small business.

This report considers a Local Business Response Package for businesses operating within the City of Subiaco.

Local Government Response – Business Support

Local Governments across Australia are delivering tailored business support packages as an initial response to COVID-19. These packages address the particular conditions of each Local Government as complementary programs to Federal and State Government initiatives.

Support packages across local government vary according to size, circumstances and the particular settings of their local economies and business sector structures.

In Western Australia many local governments have already announced, or are considering business support packages that address; fees and charges, rent relief, policy and process changes and direct capacity building and funding support.

From the middle of March 2020 the City has received enquiries from local business in regard to support the City is intending to provide in response to COVID-19. All of these enquiries have been associated with retail or food and beverage businesses.

Subiaco Small Business Context

Subiaco has approximately 4842 registered businesses (as at June 2019 ABS 865.0). Approximately 80% of these businesses have a turnover of from \$200,000-\$2,000,000.

Subiaco has a number of distinct business (or industry) sectors categorised as follows:

- Category A. Industry, Construction and Wholesale.
- Category B. Professional Services, Health and Other Services.
- Category C. Health Care and Social Assistance.
- Category D. Retail Trade, Food and Beverage, Arts and Recreation (Shop Front Businesses).

Category A-C businesses are considered less vulnerable to the immediate circumstances of the COVID-19 pandemic, through lessened exposure to immediate government directives and more resilient cash flow models.

Whilst Category B represents a greater percentage of businesses in Subiaco, Category D is the focal of the proposed local business response package due to this categories vulnerability to the pandemic and important connection to 'Place'.

Category D represents approximately 8% of the total businesses in Subiaco and 14.2% of the total number of employees. Whilst this category has less employees and businesses than other sectors it is considered more vulnerable to the immediate circumstances of COVID-19 through formal government directions and the nature of tight cash-flow for these business types.

Category D businesses act as a critical point of difference for Subiaco and define the character and vibrancy of the Town Centre. These businesses are of a nature and type that reflect the attractiveness of Subiaco as a unique place and destination. They are broadly considered as being; bespoke, unique, curated or premium-based services or products. As such, not only are these businesses particularly vulnerable to the supply and demand shocks of the pandemic

itself, the clustered failure of these businesses in Subiaco potentially risks the broader destinations' character and unique point of difference beyond an economic recovery period.

City of Subiaco Small Business Support Programs and COVID-19 Business Enquires

The City has a range of business support programs and services underpinned by the City's *Economic Development Strategy 2017-2021* and *Business Investment Plan: Attraction and Retention 2019-2022*.

Aspects of these programs and services have been reviewed to determine actions that could be implemented immediately to address the impact of COVID-19 for local small businesses.

Program and service areas which can be implemented immediately include:

- Small business grants program;
- Business skills and mentoring training;
- Business support programs specific to retail trade; and
- Business engagement.

These programs and services are either active or in advanced development and are able to be tailored to current circumstances and implemented rapidly to the current circumstances to deliver the Local Business Response Package proposed.

Comment

The proposed Local Business Response Package is recommended as an initial and immediate initiative to be implemented by the City to support local business as an important community stakeholder.

This immediate response should acknowledge that subject to the length of the pandemic (During) and the severity of its impact (Recovery), further Local Business Response Packages could be developed addressing these distinct phases.

Small Business Grants

The City has an existing small business grants program. This program has been delivered over a number of years with minor changes to suit different conditions and in response to business feedback.

The current program offers up to \$5,000 value in support to businesses focussing on three streams: sales and marketing, visual merchandising and, physical improvements and signage. It is recommended that program is changed as detailed below and implemented immediately to respond to COVID-19:

- Focus on supporting small businesses most affected by the pandemic; retail, food and beverage, arts and recreation and business activity centre traders.
- Simplified application, approval and acquittal processes with expedited responses and upfront grant payments.
- Supporting investment designed to assist businesses during the recovery phases of the pandemic.
- Three new funding streams supporting:
 - Capital work improvements (maximum grant amount per business \$5000);

- On-line or e-commerce adaptations (maximum grant amount per business \$3000) ; and
- Training and professional development (maximum grant amount per business \$1000).

A detailed modified Small Business Grant program is provide at **Attachment 1**.

The Grant program would open in early April and be active until all funds are exhausted. Application assessment would be by a panel of Officers with final delegation to determine grant recipients via the Chief Executive Officer.

A budget allocation of \$100,000 is recommended for this program which may assist more than 30 businesses in Subiaco subject to the final allocation of grants. Funding can be allocated to this program from existing budgets with a net-zero impact on the Financial Year Budget 2019-2020 (see **Financial** section later in this report).

This proposed Grant program will provide some immediate assistance to small businesses most impacted by COVID-19 to assist with significant cash-flow, supply and demand ramifications.

The Grant program is tailored to complement Federal and State government stimulus, and targeted to demonstrate City support for front-facing high street type businesses in vulnerable sectors that have been identified as important to the local Subiaco economy and its unique character.

Business Capacity Building Programs

The second component of the proposed 'Local Business Recovery Package' is to deliver focussed capacity building programs for businesses most vulnerable to the circumstances created by COVID-19.

The City has previously supported local business with mentoring, coaching, and business advice through direct investment, funding programs, or connecting business with relevant service providers. City officers sought quotes from three suppliers of suitable business capacity building programs that indicated they were tailoring services in response to the COVID-19 pandemic.

An overview of each proposal is outlined below.

Proponent 1 submitted a proposal for a three session 'building capacity' package. These three sessions include a strategic review, finance review and sales and marketing review tailored to the impact of COVID-19. Although this package offers businesses immediate support it is a short program that may not help businesses retain momentum during the extended impact of COVID-19. The proposed cost to City is \$550 per business.

Proponent 2 is a Perth-based business consultancy agency that has provided content and resources for the Small Business Development Corporation on the impact of COVID-19. The proposal received consists of a six month support package including:

- Business health check (review of strategy, finance and marketing in response to COVID-19);
- Develop an individual action plan;
- As many one-to-one online consultations and phone calls as business requires;
- Fortnightly group online workshop with Subiaco businesses on the program; and
- Access all online resources.

Proposed costs for the service is \$600p/month per business.

Proponent 3 is a well-known national food and beverage consultancy agency based in Melbourne that has been engaged by a number of WA Local Governments. The proposal submitted is for food and beverage businesses only and consists of a six month support package including:

- Develop an individual action plan for each business;
- Weekly one-to-one online consultation;
- Monthly group session with the Subiaco businesses on the program;
- Access to all online resources.

The proposed costs to the City is \$550 per business.

City officers reviewed the three proposals. Whilst the intent of the quote process was to source a single provider, Officers are recommending that using two of the providers that supplied quotes will deliver a more focussed outcome for local business. This will allow for capacity support for non-food as well as food and beverage business support.

Typical business capacity building programs designed and delivered by Local Government are usually accessed via an application process and a co-contribution to the costs of the program by the participant business. In the instance of the 'Local Business Response Package' it is recommended that entry into any program is by application and subsidised by the City.

Officers are recommending the engagement of two of the proponents to deliver these services with funding as follows:

Supplier	Program Focus	Cost per Participant Total for 6 months \$	Proposed City Funding \$	Potential Maximum number of participants
Proponent #2	Generic Business consultancy	\$3,600	\$30,000	8
Proponent #3	Food and Beverage Consultancy	\$550	\$15,000	27
		Total	\$45,000	35

Funding allocation for this program is discussed in the Finance section of this report.

Existing City Business Support Actions

The City is commencing a number of actions in response to the impact of COVID-19 for Business (see **Attachment 2**). This includes directing businesses and customers to content across online platforms.

Officers recommend that Council note current activity undertaken by Officers to support small business across these channels.

Consultation

The City consulted with the 'Inner City Council' Economic Development sub-Working Group consisting of representatives from the City of Perth, City of South Perth, Town of Victoria Park and City of Vincent in preparing this report.

The City did not undertake any community consultation.

Strategic Implications

This Report has referenced the following City of Subiaco adopted strategies and plans:

- City of Subiaco Economic Development Strategy 2017 -2021;
- City of Subiaco Place Plan 2019-2022; and
- City of Subiaco Business Investment 2019-2022.

Statutory and Policy Considerations

There are no statutory or policy implications for this Report.

Risk and Asset Implications

There is a reputational risk to the City if Council resolves not to proceed with the Local Business Support Package. The City may be criticised for an absence of support for local business.

Financial

The proposed 'Local Business Response Package' has a total maximum cost of \$152,500.00.

Funds are available to support this package from the existing financial year budget, 2019-2020.

Final expenditure will be determined by the uptake of business of the components of the package. This is specific to the 'business grants' and 'capacity building' components.

The specific funding details for each component of the Local Business Response Package' are outlined below.

Small Business Grants

This component requires \$100,000. To activate this program a reallocation of \$80,200 is required from the Place Management Budget to the Economic Development Budget as outlined in Table 1 below. This reallocation has a net zero impact on the FY2019-2020 budget.

This reallocation of funding is available due to event cancellations, place activation amendments and re-prioritised program delivery from the Place Activation General Ledger Account.

This funding is the initial response within existing financial resources. Further funding will be considered as part of the March budget review process. Further small business support will be considered as part of the 2020/21 budget.

Table 1: Proposed Funding Reallocation – Small Business Grants Program

Expenditure Account	GL Ledger Account	FY 2019-2020		Proposed Account Reallocation		Budget Position After reallocation	
		Budget \$	YTD Actual	Debit	Credit	Budget \$	YTD Actual

			\$				\$
Place Activation	565115.3169	196,000	31,212	80,200		115,800	31,212
Business Grants	565031.3990	19,800	0		80,200	100,000	0
	Total	215,800	31,212	80,200	80,200	215,800	31,212

Capacity Building Programs

The total cost of this components of the 'Local Business Response Plan' is as follows:

- Capacity building programs - \$45,000.

This components can be funded through an existing General Ledger Budget: Economic Development Projects (GL 565030.3926). This funding is now available due to reprioritising work associated with a Night Time Economy Project. This project is now better suited to the recovery period of the pandemic that will likely fall in Financial Year 2020-2021.

Social and Environmental Implications

There are no direct implications.

Attachments

1. Small Business Grant Program Outline
2. Existing City Business Support Actions

SCM3 PLANNING AND COMPLIANCE CHANGES TO RESPOND TO COVID-19***REPORT FROM DIRECTOR COMMUNITY AND DEVELOPMENT SERVICES**

Authors:	Anthony Denholm, Coordinator Statutory Planning Alexander Petrovski, Manager Planning Services
Date:	31 March 2020
File Reference:	A/5360
Voting Requirements:	Simple - more than half elected members present required to vote in favour

OFFICER RECOMMENDATION

As part of the City of Subiaco's initial response to COVID-19 which has an estimated value up to \$4,000,000.00 it is recommended that Council:

1. Does not pursue compliance action (including investigation) relating to the use (but not including physical works) of any approved restaurant/café that may be acting predominantly as a fast food outlet until the State of Emergency (related to COVID-19) declared for Western Australia has ended, unless considerable amenity issues impact residential zoned properties in the immediate vicinity of the premises.
2. Deems the period of the State of Emergency (related to COVID-19) declared for Western Australia as not counting towards the six month period relating to non-conforming uses, in accordance with Clause 22(2)(b) of the City of Subiaco Local Planning Scheme No. 5.
3. Exempts all change of uses for the 'Home Business' land use for any approved dwelling on land zoned Residential in Local Planning Scheme No. 5, and that the exempted Home Business can operate under this exemption during the State of Emergency (related to COVID-19) declared for Western Australia and an additional three months (90 days) from the day it is revoked, in accordance with clause 1 of Local Planning Policy 1.8 – Development Approval Exemptions.

Executive Summary

The impacts and changing nature of the COVID-19 pandemic and associated restrictions imposed as part of the State of Emergency declared for Western Australia require all organisations and individuals to adapt and respond appropriately.

The City of Subiaco recommends a suite of initiatives to adapt and respond to its community and local business to ensure it provides appropriate levels of support and assistance where possible and include:

5. Changes to rates, fees and charges;
6. A local business response package;
7. Planning and compliance changes; and
8. Rent relief for tenants of the City of Subiaco.

The initiatives are the City's initial response and have an estimated value of up to \$4,000,000.

The planning measures recommended in this report which relate to the period in which a State of Emergency is declared, are:

- Compliance action of any approved restaurant/café that may act as a fast food outlet is not pursued;

- Dwellings used as a *Home Business* are exempt from the requirement for the land use planning approval (does not include works which are proposed), and can continue to operate for 90 days after the State of Emergency is revoked;
- The time in a declared State of Emergency does not count towards the six month period for Non-Conforming land uses; and
- Public consultation fees for Standard Development Applications are suspended (addressed in item SC1 of this agenda).

These recommendations will serve to provide practical and real assistance to the community and local business so and ensuring the reduction of red tape where possible.

Other local governments are adopting policies which remove the need for approval to change land uses in town centres and in turn reducing red tape. The City has an existing policy in place and is well prepared to consider change of uses in the town centre.

Introduction

The City's Planning Services branch has considered a range of potential operational issues and relaxations that can be made as a result of the current COVID-19 situation and subsequent State of Emergency declared for Western Australia. In response, a number of key issues were identified as being directly affected and requiring attention going forward:

- Suspension of development application fees for public advertising (addressed in SC1 of the Special Council Meeting Agenda);
- Planning compliance;
- Non-conforming uses; and
- Change of use exemptions.

This list of key issues is not exhaustive and will be monitored as the situation evolves. This may necessitate further recommended actions which will be presented to Council at the appropriate time.

Background

On 15 March 2020, the Western Australian State Government declared a State of Emergency in accordance with s56 of the *Emergency Management Act 2005* in response to the COVID-19 pandemic (also known as 'coronavirus'). This declaration sets out wide ranging measures that impact travel, gathering of people through to closures of specific business types. All measures and restrictions imposed under the State of Emergency are designed to limit the spread of COVID-19. Importantly, these restrictions are updated regularly and will need to be regularly monitored to understand their impacts to the City of Subiaco community and local businesses.

On 25 March 2020, the City received correspondence from the Minister for Planning, Hon Rita Saffioti relating to the current COVID-19 crisis. This correspondence was sent to all Mayor's and Chief Executive Officers (CEO's) in Western Australia. Broadly, it encourages all Local Governments "*to use their discretionary powers and planning processes to both promote development and support businesses during this uncertain time.*" The Minister for Planning's letter is included as **Attachment 1** of this report.

The measures outlined in this report are consistent with the intent of the request from the Minister and respond more generally to the State of Emergency and details a range of solutions to a number of key issues as they apply to the City of Subiaco.

Comment

Suspension public consultation fees for standard development applications

This initiative is discussed in the report at SC1 of this Special Council Meeting agenda.

Planning Compliance

The restrictions announced impact existing development approvals. An example is a 'restaurant/café' which the City's Local Planning Scheme No. 5 (LPS5) defines as:

'Restaurant/cafe means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the Liquor Control Act 1988 but does not include Hotel, Tavern, Small Bar, Licensed Premises or Night Club.'

Land use definitions in a Local Planning Scheme cannot be varied. This means that any approved restaurant/cafe are not be able to operate in accordance with their approved land use under the current restriction as they cannot predominantly offer for the consumption of food and drinks on the premises. They will in effect be functioning as fast food outlets which may be a use that is not necessarily contemplated in that zone. This is out of the control of those businesses and many are adapting their business models to survive and their only option is to provide for take away offerings.

The exemption is not recommended to extend to alleged unauthorised physical works and any complaint the City may receive relating to that as many properties subject to this exemption are either heritage listed or within prescribed heritage areas.

It is recommended that the City does not pursue any compliance action, including investigation, relating to the use (but not including physical works) of any approved restaurant/café that may be acting predominantly as a fast food outlet whilst the restrictions are in place. The City will only consider compliance action where the use as a fast food outlet is considered to have significant implications on the amenity of residential zoned land in the immediate vicinity.

Non-conforming uses

The *Planning and Development Act 2005* defines a 'non-conforming use' as:

'means a use of land which, though lawful immediately before the coming into operation of a planning scheme or amendment to a planning scheme, is not in conformity with a provision of that scheme which deals with a matter specified in Schedule 7 clause 6 or 7.'

An example of this would be where an Office was approved under the former Town Planning Scheme No.4 (TPS 4) but that use is no longer permissible under Local Planning Scheme No. 5 (LPS 5) due to a zoning change. As the office was lawful at the time of the granting of that approval, that property will continue to enjoy the rights to associated with that approval. This is prescribed in Clause 22(1) of LPS 5 which states:

- (1) *Unless specifically provided, this Scheme does not prevent —*
 - (a) *the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or*
 - (b) *the carrying out of development on land if —*

- (i) *before the commencement of this Scheme, the development was lawfully approved; and*
- (ii) *the approval has not expired or been cancelled.'*

Clause 22(2) of LPS 5 sets out the circumstances where the enjoyment of non-conforming use rights set out in clause 22(1) ceases [underlined for emphasis]:

- '(2) *Subclause (1) does not apply if —*
 - (a) *the non-conforming use of the land is discontinued; and*
 - (b) *a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.'*

The Federal and State Governments indicate that the restrictions may extend for longer than six months, which in some cases, may result in properties in the City that currently enjoy non-conforming use rights losing those rights (as they are not able to operate within six months). There is scope for Council to specify a period of time longer than six months and as such it is recommended that Council deems the period of the current State of Emergency declared for Western Australia as not counting towards the six month period.

Change of use exemptions

Commercial land uses in the (town) centre zone

A number of local governments in the Perth Metropolitan Region are responding to COVID-19 by exempting certain change of use development applications and/or waiving development application fees.

On 20 September 2016, Council adopted Local Planning Policy 2.28 – Land Use in the Town Centre Zone and the Town Centre Development Zone (LPP 2.28). Subject to certain criteria, the following land uses have not required development approval for a change of use in key commercial zones (ie the Town Centre Zone) since the LPP 2.28 was adopted:

- (i) Shop;
- (ii) Local Shop;
- (iii) Office;
- (iv) Consulting Rooms;
- (v) Exhibition Centre;
- (vi) Showroom; Restaurant;
- (vii) Fast Food Outlet;
- (viii) Convenience Store;
- (ix) Small Bar; and,
- (x) Health Studio;

The City is also reviewing LPP 2.28 as part of its involvement with the State Governments' Department of Planning, Lands and Heritage 'Planning Reform' initiative which seeks to cut red tape. This is being done in conjunction with the Inner City Council's Memorandum of Understanding (MOU) comprising the Cities of Subiaco, Perth, Vincent and South Perth and the Town of Victoria Park. The review will bring it into line with LPS5 land use definitions and zones and will consider further exemptions where appropriate. A report will be presented to Council in due course for consideration prior to public advertising.

As such, the City is well placed to ensure that red tape is minimised and will continue to be upon the planned adoption of the updated policy later in the year.

Home Businesses

The table below sets out the typical planning requirements for people working from home, with the different land uses representative of the different scale and intensity of those uses. Again, the definitions themselves cannot be varied.

Land use	Definition	Permissibility in Residential Zone under LPS5	Recommended adjustment
Home Office	means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation — (a) is solely within the dwelling; and (b) does not entail clients or customers travelling to and from the dwelling; and (c) does not involve the display of a sign on the premises; and (d) does not require any change to the external appearance of the dwelling;	Permitted (no DA required already)	N/A
Home Occupation	means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that — (a) does not involve employing a person who is not a member of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 20 m ² ; and (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m ² ; and (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and (f) does not: (i) require a greater number of parking spaces than normally required for a single dwelling; or (ii) result in an increase in traffic volume in the neighbourhood; and (g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;	Permitted (no DA required already)	N/A
Home Business	means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession — (a) does not involve employing more than 2 people who are not members of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 50 m ² ; and (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the internet; and (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;	Discretionary (requires DA)	Use clause 1 of LPP1.8 (refer below)

Council's *Local Planning Policy 1.8 – Development Approval Exemptions* (LPP 1.8) sets out a range of exemptions for works that would ordinarily require development approval. Clause 61(i) of Schedule 2, Part 2, Division 2 'Deemed Provisions' of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) allows the local government to nominate works that do not require development approval in a local planning policy, which is what LPP1.8 provides for.

Clause of LPP 1.8 states that the following does not require development approval [underlined for emphasis]:

'Any development, excluding signs/advertisements, which is temporary and in existence for less than 14 days or such longer time as the Council agrees.'

The *Planning and Development Act 2005* defines 'development' as [underlined for emphasis]:

'development means the development or use of any land, including —
 (a) *any demolition, erection, construction, alteration of or addition to any building or structure on the land;*
 (b) *the carrying out on the land of any excavation or other works;*
 (c) *in the case of a place to which a protection order made under the Heritage Act 2018 Part 4 Division 1 applies, any act or thing that —*
 i. *is likely to change the character of that place or the external appearance of any building; or*
 ii. *would constitute an irreversible alteration of the fabric of any building;'*

Based on the above, it is recommended that Council leverage clause 1 of LPP 1.8 as an interim solution to allow Home Businesses to operate. This will address the likely increase of people working from home and possibly a number of smaller businesses who can no longer operate as they previously have which may see them and (some) staff operating from dwellings.

By using clause 1 of LPP 1.8, Council can provide that any 'home business' that begins operation as a direct result of COVID-19 will be exempt from development approval for the period of the crisis. There will likely be a lag time or delay after the restrictions are lifted as it is unlikely to be an instantaneous transition back to normal.

This may see people operating home businesses needing to keep operating until they find suitable commercially zoned premises to resume their businesses in a manner more consistent with what they did previously. It is recommended that this exemption extend for an additional three months (90 days) from when the State of Emergency for COVID-19 is revoked for Western Australia for these home businesses to keep operating without the need to obtain development approval. This may be extended should the situation necessitate it.

Conclusion

The restrictions associated with the State of Emergency declaration for Western Australia (related to COVID-19) are dynamic and challenging. The City's Planning Services branch has considered how it can best assist the community, particularly the business and commercial sectors, and has recommended a range of measures that can be implemented that are both compassionate and practical.

In adopting the recommendations, coupled with existing measures, the City is well prepared to deal with the likely issues that it will be presented with. The City will

continually monitor the COVID-19 situation and actively investigate innovative responses to challenging circumstances.

Consultation

There are no public consultation requirements for this report.

Strategic Implications

There are no strategic implications for this report.

Statutory and Policy Considerations

There are no statutory or policy implications for this report

Risk and Asset Implications

There are no risk and asset implications for this report.

Financial

There are no financial implications for this report.

Social and Environmental Implications

There are no social or environmental implications for this report.

Attachments

1. Letter from the Minister for Planning – Request to Councils on COVID-19 Pandemic

7. MEETING CLOSED TO THE PUBLIC

PROCEDURAL MOTION (7.1(h) of the Meeting Procedures Local Law)

That the Meeting be closed to the public, pursuant to section 5.23(2)(c) and (e)(iii) of the *Local Government Act 1995* while item 7.1 is considered and decided.

Reasons:

- *Section 5.23(2)(c) provides that a meeting may be closed to deal with a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*
- *Section 5.23(2)(e)(iii) provides that a meeting may be closed to deal with a matter that if disclosed, would reveal information about the business, professional, commercial or financial interests of a person, where the information is held by, or is about a person other than the local government.*
- *It is recommended that the meeting proceed behind closed doors to discuss the report, which contains information in relation to lease agreements between the City and tenants of City property and information that relates to the business, commercial and financial interests of those tenants.*
- *The resulting decision will be placed on the public record of the meeting.*

7.1 RENT RELIEF FOR TENANTS OF THE CITY OF SUBIACO - CONFIDENTIAL

8. CLOSURE OF MEETING