

creating a living environment

the bushland shire

BUSINESS PAPER

WORKSHOP MEETING

Wednesday, 23 November, 2011 at 6:30pm

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AGENDA AND SUMMARY OF RECOMMENDATIONS

PRESENT

OPENING PRAYER

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

Statement by the Chairperson

"We recognise our Shire's rich cultural and religious diversity and we acknowledge and pay respect to the beliefs of all members of our community, regardless of creed or faith."

ABORIGINAL RECOGNITION

Statement by the Chairperson:

"We acknowledge we are on the traditional lands of the Darug and Guringai Peoples. We pay our respects to elders past and present."

AUDIO RECORDING OF COUNCIL MEETING

Statement by the Chairperson:

"I advise all present that tonight's meeting is being audio recorded for the purposes of providing a record of public comment at the meeting, supporting the democratic process, broadening knowledge and participation in community affairs, and demonstrating Council's commitment to openness and accountability. The recordings will be made available on Council's website once the Minutes have been finalised. All speakers are requested to ensure their comments are relevant to the issue at hand and to refrain from making personal comments or criticisms."

APOLOGIES / LEAVE OF ABSENCE

DECLARATIONS OF INTEREST

Clause 52 of Council's Code of Meeting Practice (Section 451 of the Local Government Act, 1993) requires that a councillor or a member of a Council committee who has a pecuniary interest in a matter which is before the Council or committee and who is present at a meeting of the Council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable. The disclosure is also to be submitted in writing (on the form titled "Declaration of Interest").

The Councillor or member of a Council committee must not be present at, or in sight of, the meeting of the Council or committee:

- (a) at any time during which the matter is being considered or discussed by the Council or committee.
- (b) at any time during which the Council or committee is voting on any question in relation to the matter.

Clause 51A of Council's Code of Meeting Practice provides that a Councillor, Council officer, or a member of a Council committee who has a non pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable. The disclosure is also to be submitted in writing (on the form titled "Declaration of Interest").

If the non-pecuniary interest is significant, the Councillor must:

a) remove the source of conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another Council official.

OR

b) have no involvement in the matter by absenting themself from and not taking part in any debate or voting on the issue as if the provisions of Section 451(2) of the Act apply.

If the non-pecuniary interest is less than significant, the Councillor must provide an explanation of why they consider that the interest does not require further action in the circumstances.

PETITIONS

RESCISSION MOTIONS

ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS

Note:

Persons wishing to address Council on matters which are on the Agenda are permitted to speak, prior to the item being discussed, and their names will be recorded in the Minutes in respect of that particular item.

Persons wishing to address Council on **non agenda matters**, are permitted to speak after all items on the agenda in respect of which there is a speaker from the public have been finalised by Council. Their names will be recorded in the Minutes under the heading "Public Forum for Non Agenda Items".

GENERAL BUSINESS

- Items for which there is a Public Forum Speaker
- Public Forum for non agenda items
- Balance of General Business items

GENERAL MANAGER'S DIVISION

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Item 1 GM25/11 COUNCILLORS STRATEGIC PLANNING WEEKEND -4TH AND 5TH NOVEMBER 2011

RECOMMENDATION

THAT Council endorse the outcomes of the 2011 strategic planning workshop.

CORPORATE AND COMMUNITY DIVISION

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Item 2 CC67/11 FUTURE USE OF 179 BEECROFT ROAD, CHELTENHAM -CONSIDERATION OF GOLDEN KANGAROOS REVISED PROPOSAL

RECOMMENDATION

THAT Council consider the options discussed in Executive Manager's Report No. CC67/11 and determine its position in respect of the future use of 179 Beecroft Road, Cheltenham.

ENVIRONMENT DIVISION

Nil

PLANNING DIVISION

Nil

WORKS DIVISION

Nil

CONFIDENTIAL ITEMS

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QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

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SUPPLEMENTARY AGENDA

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1 COUNCILLORS STRATEGIC PLANNING WEEKEND - 4TH AND 5TH NOVEMBER 2011

EXECUTIVE SUMMARY

A weekend workshop allows Councillors the time and space to undertake thoughtful and insightful consideration of strategic issues and plan ahead with vision and purpose. Councillors participated in a strategic planning exercise on Friday 4^{h} November and Saturday 5^{th} November 2011. The workshop was moderated by an independent facilitator.

Councillors focused on the high priority actions for the remaining term of Council and the challenges facing the organisation in the longer term.

PURPOSE

The purpose of this Report is to report the outcomes of the Councillor's strategic planning workshop held at Wyong from 6pm Friday 4th to 5pm Saturday 5th November 2011.

DISCUSSION

The strategic planning weekend workshop provided Councillors and senior management the appropriate time and space to reflect on strategic future directions, issues to be actioned in the coming 9 months, and specific issues of interest. The overarching objective for the planning weekend was to provide Councillors with the opportunity to reflect and build on previous planning weekends and to determine the direction of the Council.

The weekend workshop was moderated by an independent facilitator to manage both the process and the interactions, and create a favourable environment to optimise the time and ensure all views were given consideration. Hornsby Shire Council engaged the services of Elizabeth Darlison of The Miller Group. Ms Darlison developed the agenda and format for the workshop following telephone discussion with Councillors.

The weekend workshop commenced with an acknowledgement of the achievements and significant attainments so far in this term of Council as per the attached document.

The focus then moved to reviewing progress on high priority issues of;

- Legal actions associated with the Hornsby Quarry
- Studies on noise, dust, traffic and heritage associated with the Quarry site
- Epping Town Centre master-planning and the implications for road infrastructure
- Projects to be delivered according to the strategic town planning programme
- The obstacles to effective communication with the community
- The use of social media and web sites for mobile devices
- The revitalisation of Hornsby Westside
- Affordable housing in the Shire

- The operations of the Heritage Committee
- Development options in Galston and Glenorie
- Options for Hornsby Park and the Hornsby Aquatic Centre site

Budget discussions

In the budget discussion Councillors considered both their financial priorities for the organisation and the financial challenges faced by the organisation.

The financial considerations identified as necessary for long term viability include:

- 1. Achieving a budget surplus and ensuring equity of funding for all residents
- 2. Forward planning of infrastructure and realistic project costings
- 3. A focus on asset renewal and replacement
- 4. Appropriate return on assets and investments

The financial challenges for the organisation now and in the future include:

- 1. The dependence on rate income and whether Council could or should increase its role in business activities
- 2. Ensuring Council communicates the community benefit of projects funded by the rate variation
- 3. The ability to set medium term budgets in line with the Long Term Financial Plan rather than focussing on annual budgeting
- 4. Developing a strategic property plan which includes acquisition and disposal of properties as well as a schedule for refurbishment of the commercial property portfolio
- 5. The funding source for possible expansion of projects identified in the rate increase application
- 6. The rising cost of labour and the constant need for productivity savings
- 7. A review of all restricted assets and reserves
- 8. The funding of any proposals for the Hornsby Quarry site

It was agreed that the 2012/13 budget would be devised based on a rates income pegged at 6%, the assumption of a normal continuation of services, and the need for ongoing fiscal discipline which includes the following seven key points:

- Labour increases in accordance with the award
- Labour estimates based on 50 weeks, equating to an approximate cost reduction of \$1M
- Nil increase to the majority of non-labour costs in the annual budget
- Zero based budgeting for some line items
- Reduce the use of asset sales to fund the capital budget
- Reduce the reliance on an external loan to fund 'recurrent' capital works
- Divisions to be provided with a budget target

Communications discussion

In the communications discussion Councillors noted the need for media outlets to report factual and balanced information. Councillors also commented on the diverse geography of Hornsby Shire and the number of media outlets operating within the Shire. For these reasons Councillors endorsed the following:

- The development of a new communications and marketing strategy with a strong emphasis on social media
- A web site for mobile devices, with review in twelve months
- Appropriate public relations / marketing resourcing for the organisation

TEM 1

- A council newsletter delivered with or as part of the quarterly rates notice
- Appropriate wifi access points at some council buildings

Other discussion

Councillors received the outcome of the Planning for the Future of Local Government conference, known as Destination 2036. Destination 2036 started with the preparation of a long term vision and short term action plan for local government in NSW. Councillors will consider the draft action plan at the December Ordinary Meeting.

BUDGET

The hosting of the Councillors strategic planning workshop is funded from within existing resources and therefore does not have an impact on the current budget.

The budget implications from the agreed outcomes are:

- Wifi access Nil (\$5K will be funded from existing Information Services budget)
- Web site for mobile devices \$20K pa
- Improved community communications and public relations resources \$50K pa
- Newsletter \$30K pa

POLICY

There are no direct policy implications related to this report however this report may require new policies associated with wifi access and communications.

CONSULTATION

All Councillors were invited to contribute to the workshop agenda and seven Councillors attended the workshop. Council's senior staff were also present.

TRIPLE BOTTOM LINE SUMMARY

Enhance social and community well being

Councils play a major role in creating the environment within which the local and regional community pursue their objectives. To achieve this, councils must take a short, medium and long term focus on the diverse mix of interests and needs that exist in their areas. (DLG 2000:5)

Effective community infrastructure and services

Council's strategic focus needs to be sufficiently specific and so clearly understood and accepted that it guides any resource allocation decisions.

Guidance towards a sustainable future

Council can not do everything. Councillors, managers and planners need to exercise both creativity and rationality in articulating their vision for the future. Council has worked to identify priority areas that need attention if it is to secure its long term future and that of the shire.

RESPONSIBLE OFFICER

Julie Williams, Manager Strategy and Communications is responsible for this report, and can be contacted on 9847 6790 for further information.

RECOMMENDATION

THAT Council endorse the outcomes of the 2011 strategic planning workshop.

SCOTT PHILLIPS General Manager General Manager Division

Attachments:

1. Achievements for this Term of Council

File Reference:F2011/00032Document Number:D01797494

2 FUTURE USE OF 179 BEECROFT ROAD, CHELTENHAM -CONSIDERATION OF GOLDEN KANGAROOS REVISED PROPOSAL

EXECUTIVE SUMMARY

In August 2011, Council considered Report No. CC5/11 dealing with the future use of Council's property at 179 Beecroft Road, Cheltenham which is currently occupied by the Epping RSL Golden Kangaroos. Council decided to defer consideration of the Report until the November 2011 Workshop Meeting to allow meetings to be held to discuss the issues raised in the Report. An Informal Briefing of Councillors was subsequently held on 9 November 2011 and was attended by representatives from the Golden Kangaroos who outlined a revised offer in respect of their continued use of the subject property. The staff's assessment of that revised offer is detailed in this Report.

In Report No. CC5/11, concerns were also raised about how to fund the backlog and ongoing maintenance associated with the property. If Council is supportive of the Golden Kangaroos revised proposal, it should be noted that the full extent of the backlog maintenance will still not have been addressed. Given these concerns, and having regard to the Golden Kangaroos' comments in their submission relating to the investigation of alternate accommodation options in the medium term, it is considered appropriate that staff commence further discussions on these issues when the Golden Kangaroos' short term arrangements are settled. It is proposed that the discussions be based on the notion of selling the subject property at the end of the proposed five year lease period with a reinvestment of a proportion of the proceeds from the sale into the construction of a new facility that has the capacity to be shared with other groups in a mutually suitable location.

Two options appear to be available to Council. The first is to accept the revised offer from the Golden Kangaroos. This would see 179 Beecroft Road, Cheltenham being retained in Council's ownership for at least the next five years but with further consideration being given to its potential sale during that time. The second would be to sell the property in terms of the recommendation made in the attached Report No. CC5/11.

PURPOSE/OBJECTIVE

The purpose of this Report is to respond to Council's resolution of 24 August 2011 in respect of Executive Manager's Report No. CC5/11 – Future Use of 179 Beecroft Road, Cheltenham and provide two options for consideration.

DISCUSSION

At the 24 August 2011 Ordinary Meeting, Council considered Executive Manager's Report No. CC5/11 – Future Use of 179 Beecroft Road, Cheltenham (copy attached). The Report noted that the subject property is currently occupied by the Epping RSL Golden Kangaroos on the holding over provisions of a lease which expired in September 2007, and sought a decision on the future use of the property given:

Report No. CC67/11 Page 6

- feedback from the Golden Kangaroos regarding their capacity to pay the rental figure and undertake the maintenance requirements as calculated in line with the Code for
- the Backlog Maintenance Report and the 20 Year Asset Management Plan created for the property and the impact this would have on Council's finances.

the Lease/Licence of Council Land and Buildings to Community Groups.

• the potential sale of the property given the valuation by Council's consultant valuer.

Following consideration of the Report, it was resolved that:

- 1. Council note that in 2007 it adopted a Code for the Lease/Licence of Council Land and Buildings to Community Groups to provide a framework for the equitable, efficient and effective lease/licence of Council's property assets to community groups. The Code assists Council officers to assess community group applications for the use of Council land and buildings in a transparent manner, based on agreed eligibility criteria, and to formulate appropriate lease/licence terms and conditions for consideration by Council.
- 2. Council note that properties/facilities leased to community groups under the provisions of the Code for the Lease/Licence of Council Land and Buildings to Community Groups generally rely on the in kind contributions from the respective community groups renting the facility and/or the income derived from the lease of the facility to fund the maintenance required at the facility.
- 3. Consideration of Executive Manager's Report No. CC5/11 be deferred until the November 2011 Workshop Meeting to allow the Epping RSL Golden Kangaroos to meet with their sponsors (The Epping Club and the Epping RSL Sub Branch), Council staff, and interested Councillors as necessary to review the Golden Kangaroos' offer in respect of their continued occupation of the church building at 179 Beecroft Road, Cheltenham. Such review should have regard to the contents of Executive Manager's Report No. CC5/11.
- 4. A further report be urgently prepared for Council's consideration at the September 2011 Ordinary Meeting addressing the condition of the fibro shed at 179 Beecroft Road, Cheltenham, in particular the cost of its removal.

Subsequent to a Mayoral meeting with representatives of the Golden Kangaroos (which was held soon after Council's consideration of the above Report), and a number of further meetings and discussions between representatives of the Golden Kangaroos and relevant staff, an Informal Briefing of Councillors was held to discuss the matter on 9 November 2011. At that Briefing, the Golden Kangaroos outlined a revised offer in respect of their continued use of the subject property which took into account the issues which had been raised in Report No. CC5/11. A copy of the Golden Kangaroos' submission is attached.

Since the Briefing, staff have assessed the submission and provide the following comments against the eligibility criteria in the rental subsidy section of the Code for the Lease/Licence of Council Land and Buildings to Community Groups. In this regard, the Golden Kangaroos have applied to renew their lease under the Discounted Market Category of the Code which requires a rental contribution of 50% of the market rental value of the property.

Criteria	Comment
Satisfies all eligibility criteria under Section F	Meets criteria.
Provides some benefits for the community (i.e. one or more target groups identified in the Hornsby Shire Council Social Plan)	Meets criteria.
Limited or no multiple use opportunity (i.e. nature of community groups' operations and capital investment by the groups supports minimal multiple usage	Meets criteria.
Responsible for day to day maintenance only	Meets criteria.
Has reasonable revenue raising ability from their activities, private sector sponsorship or government grants (net of cost of service)	Meets criteria.

Given the above, officers consider that if Council is supportive of granting a further lease of the property under the proposal submitted by the Golden Kangaroos, the following Heads of Lease arrangements should be applied:

- 1. **Period of lease** five years.
- 2. Use of Property musical tuition, rehearsal, audition centre and for meetings associated with the Golden Kangaroos.
- 3. **Rental as per Code** \$19,503 per annum inclusive of GST comprised of \$9,751 per annum in cash and the balance via in kind contributions as listed in the submission from the Golden Kangaroos.
- 4. **Rental Review** Annual CPI adjustments.
- 5. **Statutory Outgoings** 50% Payment of any Council and water/sewerage rates.
- 6. **Operating Costs** 100% of electricity, gas, telephone, water usage, etc.
- 7. **Insurance** Public liability insurance, indemnity \$20 million.
- 8. Legal fees 50% of lease preparation costs.
- 9. **Maintenance as per Code** Responsible for repairs and maintenance of the premises as shown in the "Discounted Market Rent" Category of the Code plus the agreed maintenance regime as outlined in the submission from the Golden Kangaroos as part of their in kind rental contribution.

It is noted that the Golden Kangaroos have requested a waiver of the requirement to pay Statutory Outgoing Costs for the first two years of a new lease. Whilst staff are of the opinion that payment of these costs should not be waived, it is considered appropriate and reasonable in this instance that payment occur through in kind contributions to the backlog maintenance tasks during that period. This is because the undertaking of the repairs by the Golden Kangaroos is above and beyond what would be required to be undertaken under the Discount Market Rental Subsidy Category of the Code.

Unfunded Ongoing Maintenance

Report No. CC5/11 raised concerns about how to fund backlog and ongoing maintenance of the property at 179 Beecroft Road, Cheltenham. If Council is supportive of the Golden Kangaroos revised proposal and allows them to continue their tenancy of the building, it should be noted that the full extent of the backlog maintenance (i.e. approximately \$45,000 of safety related backlog maintenance and \$140,000 of general backlog maintenance) will not have been addressed. Whilst the Golden Kangaroos are proposing to undertake certain maintenance tasks, the cash component of their offer of \$9,751 (less approximately \$4,000 of statutory costs which would be paid through in kind contributions in the first two years) is not enough to meet the forecast average maintenance costs associated with the building of approximately \$42,000 per annum. This if of particular concern to staff as it will leave unfunded the larger structural repairs needed on the property.

Given the concerns, and having regard to the Golden Kangaroos' comments in their submission relating to the investigation of alternate accommodation options in the medium term, it is considered appropriate that staff commence further discussions on these matters when the Golden Kangaroos' short term arrangements are settled. It is proposed that the discussions be based on the notion of selling the current property at the end of the proposed five year lease period with a reinvestment of a proportion of the proceeds from the sale into the construction of a new facility that has the capacity to be shared with other groups in a mutually suitable location. The Golden Kangaroos should also be encouraged to fundraise during the next five years such that they are in a position to financially contribute to the construction costs of a new facility when required.

If Council is supportive of the above, the building at 179 Beecroft Road, Cheltenham could then be managed in such a way that only essential short term maintenance is undertaken during the period of a new lease. Funding for that level of maintenance could be provided from the income derived from the leasing of the Council property at 10 Eucalyptus Drive, Westleigh (former Westleigh Child Care Centre). In that regard, Council's resolution in respect of that matter was that:

Funds received from the rental be used to manage and maintain the property at 10 Eucalyptus Drive, Westleigh in the first instance, with any funds remaining being used for the maintenance of Council's other community building assets.

It is noted that the funds derived from the former Child Care Centre lease have also been earmarked to assist in undertaking unfunded maintenance on the Shire's oldest public building, the Joseph Collingridge Hall in Kenley Park, Normanhurst. In this instance, the Hornsby Shire Historical Society, as tenants of the building, have requested that Council delete the Society's maintenance responsibilities associated with their lease. Officers met with the Society and have informally discussed a partnership arrangement whereby the Society would relinquish their lease on the building and Council would utilise the services of the Historical Society volunteers on the site. This approach would further highlight the contribution that Council makes to local history, form a stronger partnership with a long standing local group and address unfunded asset management issues on the Shire's oldest public building. Also, a Memorandum of Understanding would be developed with the Society which would govern the arrangement to achieve these mutually beneficial outcomes. Once a formal request is received from the Historical Society to terminate their lease, a report will be prepared for Council's consideration. This should occur early in the 2012 calendar year.

Asbestos Shed

Advice from Council's consultant valuer indicates that the presence of the fibro shed at the time of any sale of the property will not adversely impact on the price received for the property. The Manager, Engineering Services has, however, on the basis of advice from Council's consulting asbestos specialist, recommended that the shed be removed. In this regard, a quotation has been sourced and it indicates a cost of approximately \$25,000. Because all costs associated with Council's management of this property are funded from the income received from the lease of the property, no funding is currently available to remove the shed. As such, funding would need to be allocated in a quarterly budget review if removal is to occur.

Options

Two options appear to be available to Council in respect of this matter.

The first option would be to accept the revised offer from the Golden Kangaroos. This would see 179 Beecroft Road, Cheltenham being retained in Council's ownership for at least the next five years but with further consideration being given to its potential sale during that time. The second option would be to sell the property in terms of the recommendation made in the attached Report No. CC5/11.

If Council is supportive of the first option, an appropriate resolution could be that:

- 1. The contents of Executive Manager's Report No. CC67/11 be received and noted.
- 2. Council delegate authority to the General Manager to enter into a lease of 179 Beecroft Road, Cheltenham with the Epping RSL Golden Kangaroos on the following basis:

Period of lease – five years.

Use of Property – musical tuition, rehearsal, audition centre and for meetings associated with the Golden Kangaroos.

Rental as per Code – \$19,503 per annum inclusive of GST - comprised of \$9,751 per annum in cash and the balance via in kind contributions as listed in the letter from the Golden Kangaroos attached to Executive Manager's Report No. CC67/11.

Rental Review – Annual CPI adjustments.

Statutory Outgoings – 50% payment of any Council and water/sewerage rates.

Operating Costs – 100% of electricity, gas, telephone, water usage, etc.

Insurance – *Public liability insurance, indemnity \$20 million.*

Legal fees – 50% of lease preparation costs.

Maintenance as per Code – Responsible for repairs and maintenance of the premises as shown in the "Discounted Market Rent" Category of the Code

plus the agreed maintenance regime as outlined in the letter from the Golden Kangaroos attached to Executive Manager's Report No. CC67/11 as part of their in kind rental contribution.

- 3. A further report be prepared for Council's consideration on the potential for the sale of 179 Beecroft Road, Cheltenham and the reinvestment of a proportion of the proceeds from that sale into the construction of a new facility that has the capacity to be shared by the Golden Kangaroos and other community groups.
- 4. Asset maintenance for the property at 179 Beecroft Road, Cheltenham be managed over the forthcoming five years in the knowledge that the property may be disposed of within the next six years. Funding for this asset management work should be derived from the cash rental paid by the Epping RSL Golden Kangaroos in the first instance and then from the income derived from the leasing of the former Westleigh Nursery and Preschool.
- 5. The asbestos shed at 179 Beecroft Road, Cheltenham be removed at the earliest possible time, with funding for the removal of the shed (estimated to be \$25,000) to be considered at the next available quarterly budget review.

BUDGET

Report No. CC5/11 outlined forecast asset management costs associated with the retention of the property at 179 Beecroft Road, Cheltenham. Report No. CC5/11 also outlined approximately \$200,000 in backlog maintenance for the building with approximately \$60,000 in safety related maintenance that had not been completed. If Council is supportive of offering the Golden Kangaroos a further five year lease, excess asset maintenance funds could be sourced from revenue generated by the lease of the former Westleigh Nursery and Preschool. Further, if Council is supportive of the advice of the asbestos consultant, an additional \$25,000 is required to remove the shed on the property in order to ensure ongoing community safety. This funding would need to be allocated at the next available quarterly review.

POLICY

The Code for the Lease/Licence of Council Land and Buildings to Community Groups is the relevant policy.

CONSULTATION

Consultation has been undertaken with representatives of the Golden Kangaroos and Council's Engineering Services Branch.

TRIPLE BOTTOM LINE SUMMARY

The Triple Bottom Line is a framework for improving Council's decisions ensuring accountability and transparency on social, environmental and economic factors. It does this by reporting upon Council's strategic themes. If Council was to proceed with the options proposed in this Report, contributions would be made to the following strategic themes:

- Society and Culture enhance social and community well-being.
- Economy vibrant local economy and sustainable resource use.
- Human Habitat effective community infrastructure and services.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is Mr David Johnston - Manager Community Services who may be contacted on 9847-6800.

RECOMMENDATION

THAT Council consider the options discussed in Executive Manager's Report No. CC67/11 and determine its position in respect of the future use of 179 Beecroft Road, Cheltenham.

DAVID JOHNSTON Manager - Community Services Corporate and Community Division GARY BENSLEY Executive Manager Corporate and Community Division

Attachments:

- 1. Executive Manager's Report No. CC5/11
- 2. Renewed lease offer Golden Kangaroos
- **3.** Summary of accommodation options
- **4.** Golden Kangaroos Financial Details

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