



Byron Shire Council



Minutes

Byron Shire Reserve Trust Committee Meeting

Thursday, 5 February 2015

INDEX OF ITEMS DISCUSSED

The following items are listed in the order in which they were dealt with.

Report No. 4.1 Byron Bay War Memorial Swimming Pool - Lease/Management Agreement... 1

BYRON SHIRE COUNCIL

BYRON SHIRE RESERVE TRUST COMMITTEE MINUTES

5 February 2015

MINUTES OF THE BYRON SHIRE COUNCIL BYRON SHIRE RESERVE TRUST COMMITTEE HELD ON THURSDAY, 5 FEBRUARY 2015 COMMENCING AT 2.14pm AND CONCLUDING AT 2.15pm

I2015/36

PRESENT: Cr S Richardson (Mayor), Cr C Cubis, Cr D Dey, Cr A Hunter,
Cr S Ibrahim, Cr P Spooner, Cr R Wanchap and Cr D Woods

Staff: Mark Arnold (Acting General Manager)
Trish Kirkland (Acting Director Corporate and Community Services)
Phil Holloway (Director Infrastructure Services)
Shannon Burt (Director Sustainable Environment and Economy)
Shannon McKelvey (Executive Manager Organisation Development)
Kylie Grainey (Minute Taker)

The Mayor opened the meeting and acknowledged that the meeting is being held on Arakwal Country and that we pay our respects to the elders past and present and extend our respect to the Bundjalung clans whose lands and waters are part of the Shire.

PUBLIC ACCESS

There was no public access

APOLOGIES

There were no apologies.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no Declarations of Interest.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 4.1 **Byron Bay War Memorial Swimming Pool - Lease/Management Agreement**
File No: I2014/161

15-031 Resolved that Council, as Reserve Trust Manager of Crown Reserve R82000:

1. Not call for tenders for the proposed lease/management agreement of the Byron Bay Byron Bay War Memorial Swimming Pool Complex (“the Complex”) for the following reasons:
 - (a) that Crown Lands (as Lessor) has not provided its consent to the calling of tenders to establish a new lease/management agreement;
 - (b) the specialised nature of pool management means that there are limited persons with sufficient experience and skill; and
 - (c) a tenure of twenty-four (24) months would be unlikely to result in commercially acceptable tenders.

BYRON SHIRE COUNCIL

2. Delegate the General Manager to negotiate and finalise a new lease/management agreement for the Complex with the current lessees/managers (Fishheads@Byron Pty Ltd) on a "without admission", "without prejudice" and "without obligation" basis and subject always to all necessary approvals from external agencies being obtained.
3. Endorse the proposed lease/management agreement for the Complex on the same basis of the current deed of agreement with the following changes:
 - (a) 24 month term, commencing 1 July 2015 and terminating on 30 June 2017,
 - (b) Rent determined via market valuation and indexed where necessary,
 - (c) Management Fee will be indexed where necessary.

subject to meeting all statutory requirements relating to any new lease including public notice and public consultation processes, obtaining approval of the Minister of Lands, as well as the Minister for Local Government if necessary.

4. That the lease/management agreement be subject to the following:
 - a) the lessees releasing Council, as Reserve Trust Manager, from all (real or perceived) claims, damages, liability, actions or the like, arising from anything to do with the tender of the Complex, leases or generally their occupation of the Byron Bay War Memorial Swimming Pool Complex at any time, such release to be in writing to the satisfaction of the General Manager and Council's solicitors; and
 - b) the lessees personally guaranteeing that they will vacate the premises by the end date of the proposed new lease, namely 30 June 2017, and indemnifying Council as the Reserve Trust Manager, from all claims, damages, actions, liability or the like in the event that they do not so vacate the premises.

(Woods/Richardson)

The motion was put to the vote and declared carried.

There being no further business the meeting concluded at 2.15pm.

I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on .

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Mayor Simon Richardson