

18 July 2014

Ref: J Vescio

Phone: 6451 1195

TRIM Ref: ED/14/28666

Madeleine Foley  
Committee Director  
Committees | Legislative Council  
Parliament of New South Wales  
Parliament House, Macquarie Street Sydney NSW, 2000 Australia

Dear Madeleine

***Inquiry into Regional Aviation Services***

I refer to the above matter and to your email dated 10 July 2014.

I refer to the Highlighted Transcript wherein the following question was taken on notice:-

***The Hon. CATHERINE CUSACK:*** *That is a pity, is it not, about the \$20,000 a year I mean, but that is obviously in the past. Is it a viable option to have a better located airport which is absolutely critical to the desire of people to use it? I put it to you that with the development of the Hume Highway over time, and obviously the Barton Highway now, that to drive from Sydney to the ski fields is very comparable with a flight, particularly given the congestion at Sydney Airport. I am amazed by the amount of gear that people arrive with, although I am not a skier. It is always going to be difficult to get people to shift into air if it is into Cooma but surely to Jindabyne it would open a whole new world of possibilities?*

***Mr VESCIO:*** *There are, but the cost of creating a compliant airport at Jindabyne—I am not sure the numbers would stack up.*

***The Hon. CATHERINE CUSACK:*** *Has it ever been suggested?*

***Mr VESCIO:*** *It has never been looked at because the airport was always there. I would have to go back to the contract when council sold the airport and undertook not to develop another one.*

***The Hon. CATHERINE CUSACK:*** *That is what I am wondering: For how long?*

***Mr VESCIO:*** *That is the question. I would have to go back and look at the contract to see the timeframe in it. I am not sure the numbers would stack up for council to go and build an airport.*

Accordingly, I respond as follows: -

Special Condition 49 of the Contract for Sale states: -

#### 49. No Competition

- a) The vendor undertakes that so long as the purchaser is owner of the Property the vendor will not operate an airport in competition with the airport on the property for the period of ten years following Completion.
- b) The parties acknowledge that the operation of minor aerodromes such as Jindabyne aerodrome does not constitute competition for the purpose of this clause.

Council also draws your attention to Special Condition 42 of the Contract for Sale as refers to Confidentiality. Details of this condition are as follows: -

#### 42. Confidentiality

##### 42.1 Agreement

The terms of this contract and all information exchange between the parties under this contact or during the negotiations proceeding the formation of this contract are confidential to them and may not be disclosed to any person except;

- a) to the parties' consultants, advisers and financiers (as required) in order to give effect to the parties' rights and obligations under this contract;
- b) for the purposes of this contract or otherwise with the consent of the party who supplied the information (which consent must not be reasonably withheld or delayed);
- c) if required by law or a stock exchange (and then only after the other is previously informed of the proposed disclosure and has had an opportunity to negotiate the terms of that disclosure in good faith;
- d) in connection with legal proceedings relating to this contract; or
- e) if the information is generally and publicly available otherwise than as a result of a breach of this clause or another confidentiality agreement between the person and a third party.

##### 42.2 Press releases

The vendor and the purchase must not issue a press release or disclose any information to the media about the sale of the property without the consent of the other party which must no unreasonably withhold or delay that consent.

In response to the Supplementary Question:

Do you think if the land slot availability for RPT at Sydney airport was increased that this would result in more services being provided?

Answer:

Council agrees that if the land slot availability for RPT at Sydney airport was increased that this would result in more services

Should you require any further information, please do hesitate to contact me.

Yours faithfully

/ **Joseph Vescio**  
General Manager