

Agenda

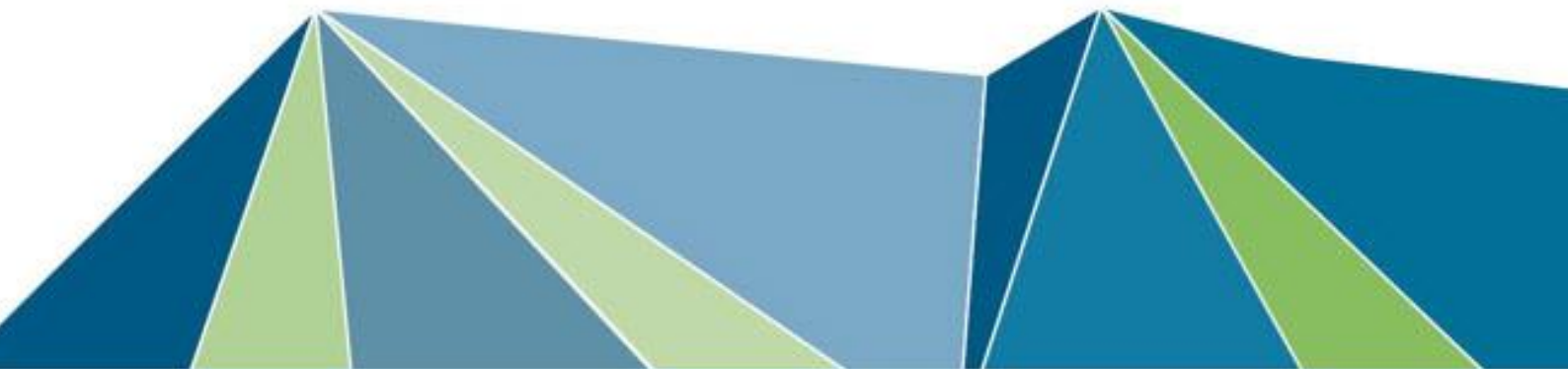
Commercial Services Committee Meeting

16 November 2021

A Commercial Services Committee Meeting will be held in the Ballina Shire Council Chambers, 40 Cherry Street, Ballina on **16 November 2021 commencing at 4.00pm.**

1. Apologies
2. Declarations of Interest
3. Deputations
4. Committee Reports

Paul Hickey
General Manager



Deputations to Council – Guidelines

- Deputations by members of the public may be made at Council meetings on matters included in the business paper.
- Deputations are limited to one speaker in the affirmative and one speaker in opposition.
- Deputations, per person, will be limited to a maximum of two items on the agenda.
- Requests to speak must be lodged in writing or by phone with the General Manager by noon on the day preceding the meeting.
- Deputations are given five minutes to address Council.
- Deputations on the same matter will be listed together with the opposition first and the speaker in affirmative second.
- Members of the public are advised that any documents tabled or given to Councillors during the meeting become Council documents and access may be given to members of the public in accordance with the requirements of the Government Information (Public Access) Act 2009.
- The use of powerpoint presentations and overhead projectors is permitted as part of the deputation, provided that the speaker has made prior arrangements with the General Manager's Office at the time of booking their deputation. The setup time for equipment is to be included in the total time of five minutes allocated for the deputation.
- To avoid conflicts of interest, real or perceived, deputations will not be accepted from:
 - Tenderers during a public tender or request for quotation
 - Persons or representatives from organisations seeking financial support from Council that involves an expression of interest
 - Consultants who are engaged by Council on the matter the subject of the deputation.

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- Attendance at the meeting is taken as consent by a person to their image and/or voice being webcast.
- All speakers should refrain from making any defamatory comments or releasing any personal information about another individual without their consent.
- Council accepts no liability for any damage that may result from defamatory comments made by persons attending meetings. All liability will rest with the individual who made the comments.
- This meeting must not be recorded by others without the prior written consent of the Council in accordance with Council's Code of Meeting Practice.

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1. Apologies
 2. Declarations of Interest
 3. Deputations
-

1. Apologies

2. Declarations of Interest

3. Deputations

4.1 Club Lennox - Proposed Amalgamation

4. Committee Reports

4.1 Club Lennox - Proposed Amalgamation

Section	Commercial Services
Objective	To seek direction in respect to the future of the Lennox Head Community Sports Club.

Background

The Ballina Bowling and Recreation Club Limited (BBRC), generally referred to as the Cherry Street Sports Club, and the Lennox Head Community Sports and Recreation Club Ltd (Club Lennox) are seeking to amalgamate.

In order for the amalgamation to proceed, BBRC and Club Lennox are seeking a new long term lease over the site pertaining to Club Lennox, being 10 Stewart Street and part of the King Street road reserve in Lennox Head.

Key Issues

- Leasing of Community Land
- Lease terms and rental
- Maximum community benefit from community owned land

Discussion

Club Lennox has advised Council they are experiencing trading difficulties and lack access to the capital required to maintain and improve their facilities to remain financially viable.

In order to remain financially viable, Club Lennox is seeking to amalgamate with BBRC.

The proposed amalgamation should provide the funds and resources needed to undertake necessary building repairs and upgrade works including new fit-out, replacement of the air conditioning system and fencing the boundaries of the property.

Club Lennox currently has two leases with Council, one over 10 Stewart Street, which is Council owned freehold land, and the other over part of the King Street road reserve. A site plan is included as Attachment 1 and both leases are due to expire on 31 December 2024.

The rental for Club Lennox is 50% of the assessed market rental for both leases, as resolved by Council.

4.1 Club Lennox - Proposed Amalgamation

In addition to this Council approved a 15 month 100% rental waiver for April 2020 to June 2021 due to the COVID-19 pandemic, and another three month 100% rental waiver at the September 2021 meeting as a result of further impacts from the pandemic.

To proceed with the amalgamation proposal, BBRC has requested the following:

1. Lease term of 25 years over the Club Lennox site
2. Reduced lease fees (50%) for at least five years
3. Discharge of General Security Agreement on gaming entitlements
4. A commitment regarding the use of outdoor space at Club Lennox in line with new planning changes, announced recently.

Each request from BBRC is dealt with as follows.

Lease term of 25 years

The land known as 10 Stewart Street, leased by Club Lennox, is Council owned freehold land, which Council has classified as Community Land under the Local Government Act (the Act). The site size is 6,012 square metres.

Under the provisions of the Act for the leasing of community land, Council is required to undertake a consultation process in the form of public notices, which also typically includes notification to adjoining owners and other interested parties.

Council is also required to seek Minister's consent if the lease period exceeds 21 years, or a submission by way of objection is received for any lease longer than five years (Section 47 of the Act).

The lease over part of the King Street road reserve is a lease under the Roads Act and cannot exceed five years. The leasing process requires public notice and notification to adjoining owners and other interested parties.

If Council wishes to provide a longer term lease over the road reserve area, it would have to apply to formally close this section of road reserve. Upon closure of the road reserve a consolidation with the adjoining property, known as 10 Stewart Street Lennox Head, could be undertaken.

This process would cost approximately \$10,000.

Reduced rental (50%) for at least five years

Club Lennox has been on, as a minimum, a rent reduction of at least 50% since the de-amalgamation with the Ramsgate Club in 2013.

They have also recently been provided with 100% rent free periods totalling 18 months, due to the financial impacts associated with COVID-19.

BBRC is proposing to undertake significant capital works to improve the facilities, which is hoped will then improve trading into the future.

This provides some merit for the continued rental subsidy.

4.1 Club Lennox - Proposed Amalgamation

A number of rental options are available to Council including the 50% rental subsidy requested, or possibly looking at stepped increases for the first five years to ensure that a commercial return is generated at year five (i.e. subsidy reducing from 50%, to 40%, to 30%, to 20%, to 10%, to nil at year five).

Any rental should be reviewed to market at the end of, at least, every five year period.

Discharge of General Security Agreement on Gaming Entitlements

In 2013, in approving the transfer of the lease from Ramsgate Pty. Ltd. to Club Lennox Ltd., Council resolved as follows:

1. *That Council approves the transfer of the existing lease and licence for the Lennox Head Bowling Club from Ramsgate Pty. Ltd. to Club Lennox Ltd, subject to the following amendments:*
 - a) *Revised rental based on the terms resolved by Council at the September 2013 Ordinary meeting*
 - b) *A caveat or other appropriate legal restriction being placed over 20 poker machine licences to the benefit of Council.*
 - c) *That the caveat over 10 of the poker machines in point b) will only apply up until 50% rental is being paid.*
2. *That Council approves the Council seal to be attached to any legal documents associated with this transfer*

At that time, the General Security Agreement (the Agreement) over a number of gaming entitlements provided Council with a degree of security for the payment of rent by Club Lennox, as they were a newly formed entity in 2013.

Council can resolve to discharge the Agreement, at any time, if BBRC was approved as the future lessee.

With BBRC having demonstrated a sound financial performance for a number of years, the need for the Agreement is significantly diminished, noting that the BBRC's 2021 Annual Report states that BBRC has Total Equity of \$8.1m.

Outdoor Space

The State Government has announced an Alfresco Restart Package, as part of measures to kick start the economy following the end of numerous Covid-19 restrictions.

This Restart Package commences in November 2021 and runs to April 2022 and includes provisions for registered clubs to temporarily re-purpose their outdoor spaces, such as car parks and bowling greens, to serve food and drinks.

All sites will be subject to development standards to manage environmental impacts, such as hours of operation, patron capacity, safety and waste management.

4.1 Club Lennox - Proposed Amalgamation

Discussions with Council's Planning Section indicates that Club Lennox may be able to satisfy the criteria.

Landowner's consent is required under the Exempt and Complying Development planning provisions, and as such Council can resolve to support the application to use the bowling greens for this purpose.

Community Consultation Policy

The Local Government Act requires Council to provide public notice for proposed leases over Community Land.

The Roads Act also provides for public consultation for the leasing process.

Club Lennox and BBRC have advised that they are undertaking consultation with their members on the proposed amalgamation.

Financial / Risk Considerations

The proposed amalgamation between Club Lennox and BBRC will likely not proceed unless there is a new long term lease in place over the Club Lennox site, as BBRC needs certainty to recoup any capital investment.

Should the amalgamation not proceed, the long-term financial viability of Club Lennox is unknown, including the payment of rent to Council.

A financial consideration for Council is that at least a 50% rent reduction has been in place since 2013, including a 100% waiver for a lengthy period during the last two years.

The market rent valuation for 10 Stewart Street and King Street road reserve in 2019 was approximately \$70,000, with land values increasing significantly since that date.

Options

There are a number of options open to Council in respect to this report including:

1. Provide in principle support for the proposal from the BBRC and commence the public notice process. No final decision on this proposal can be made until the outcomes of the community land public notice period are completed, with a report likely to come back to the February or March 2022 Ordinary meetings.

Section 46A(3) of the Act also states as follows:

(3) A lease or licence for a term exceeding 5 years may be granted only by tender in accordance with Division 1 of Part 3, unless it is granted to a non-profit organisation.

4.1 Club Lennox - Proposed Amalgamation

Therefore a tender process would need to be conducted if BBRC did not meet the non-profit organisation requirements of the Act, with BBRC confirming they are a non-profit organisation, therefore this should negate the need for a tender process.

2. Provide in principle support, subject to a variation in the 50% rent relief proposal (i.e. stepped).

If there are on-going rental subsidies, as per options 1 and 2, there is merit in ensuring that those subsidies are linked to improvement works on the facilities.

3. Council could take a broader and more strategic approach to this landholding. It may well be that there are other potential parties interested in leasing this land from Council that may be in a position provide broader benefits to the community.

Recognising that the existing community land lease expires in 2024 there may be opportunities to reinvent the type of services provided to the community.

For example, Council could undertake an expression of interest process to test the market to determine the level of interest in this well located and highly valuable site.

A number of Council owned bowling clubs and greens have been either closed or modified across Australia during the last 20 years and other potential uses for the site could include café / restaurant, community meeting rooms, community gardens, green space etc.

The provision of a new 21 year lease removes the opportunity to reassess the site until at least 2043. Council could also commence the reclassification process from Community Land to Operational Land to expand the opportunities available for the use of the land, as operational land does not require Ministerial approval for lengthy leases.

From an optimum land management and transparency perspective, the preferred approach would be to call expressions of interest to determine the full range of options available to Council for the future management of this land.

However the difficulty is that Club Lennox is facing financial difficulties and BBRC is seeking a timely response from Council.

Councils do need to be careful in making significant decisions with limited information available and importantly the Community Land provisions of the Act require public notice of any leasing proposal.

On that basis the recommendation is to provide public notice of the leasing proposal, along with a recommendation that the report back to Council provide more information on other options available for the site, that also deliver significant community benefits.

Examples from other councils facing, or having faced, similar issues would form part of that report.

4.1 Club Lennox - Proposed Amalgamation

This will then allow the newly elected Council to make an informed decision on the long term future of this site.

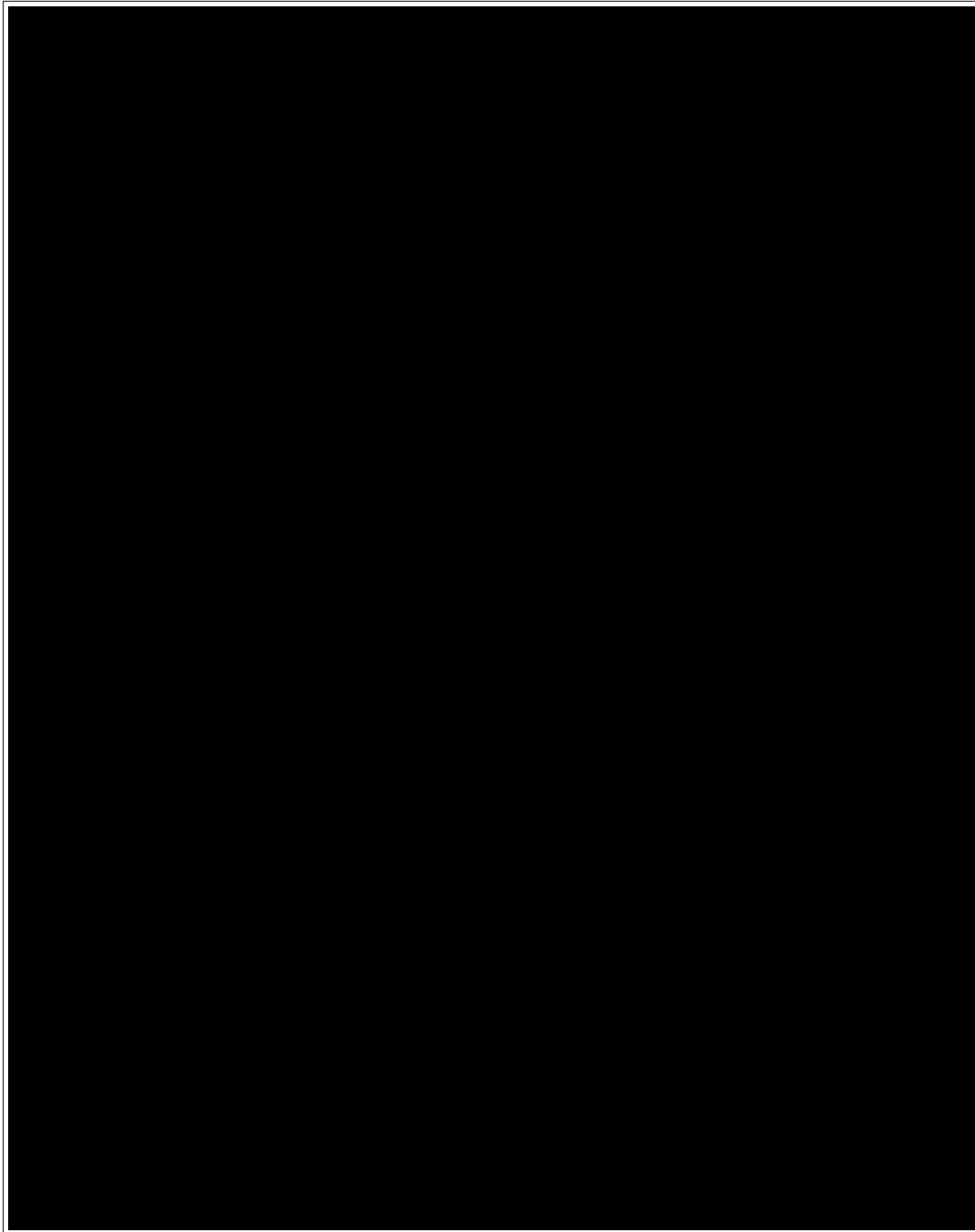
The recommendations also provide landowner approval to temporarily re-purpose the outdoor spaces such as car parks, bowling greens to serve food and drinks consistent with the State Government's Alfresco Restart Package, to help with ensuring the current financial viability of Club Lennox.

RECOMMENDATIONS

1. That Council approves the public notification of the proposal to provide a new lease for Council owned community land at 10 Stewart Street, Lennox Head for a term of 21 years, at 50% rent reduction for the first five years, to the Ballina Bowling and Recreation Club (BBRC) Limited, with that lease not requiring a General Security Agreement on gaming entitlements due to the financial viability of the BBRC. This public notice is also to include notification of the new lease for the King Street Road Reserve for the maximum period permitted of five years.
2. The report back to Council on the outcomes of the community land public notification process is to also examine other potential uses of the subject site, that provide significant community benefits, to ensure that Council is fully informed on options for the site, prior to making a final decision on the 21 year community land lease.
3. That Council provides landowner approval for an application for Club Lennox to temporarily re-purpose their outdoor spaces such as car parks, bowling greens to serve food and drinks consistent with the NSW State Government's Alfresco Restart Package to help with ensuring the current financial viability of Club Lennox.

Attachment(s)

1. Site Plan - 10 Stewart Street and King Street Road Reserve [↓](#)



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**Lennox Head Community Sports Club - King
Street Lease Proposal**

ballina shire council
geographical information system

Projection: GDA94 / MGA zone 56
Date: 6/05/2019

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4.2 Compton Drive - Land Sale

4.2 Compton Drive - Land Sale

Section Commercial Services

Objective To provide an overview of the confidential report later in this agenda regarding the possible sale of Part Lot 1 DP 781542, Compton Drive, East Ballina, following an expression of interest process.

Background

Council owns a parcel of land known as Lot 1 DP 781542, Compton Drive, East Ballina ("the site"). The site has area of 158.1m² and includes a concrete slab, retaining wall and sewer infrastructure. A public stairway running down from Pine Avenue to Compton Drive encroaches upon the site. A locality plan is included as Attachment 1.

A report was placed before Council's July 2021 Ordinary meeting to determine if Council wishes to dispose of the parcel of land. The resolution from the meeting was as follows:

"That Council authorises the General Manager to proceed with an Expression of Interest process for the sale of Part 1 DP 781542 as detailed within this report.

That a further report be provided to Council on the outcomes of the Expression of Interest Process."

Key Issues

- Sale of Council land
- Sale price
- Caretaker period

Discussion

An expression of interest process was undertaken for a period of 28 days, with a closing date of 6 October 2021. Two submissions were received. Council staff then commenced negotiations with both parties, details of which are noted in the confidential report later in this agenda.

Community Consultation Policy

An expression of interest process was undertaken with local agents and adjoining owners notified.

Financial / Risk Considerations

Revenue generated from the sale of this land would be directed into the Commercial Property Development Reserve.

4.2 Compton Drive - Land Sale

The NSW Local Government caretaker provisions, which commenced on Friday 5 November 2021 and end on Saturday 4 December 2021, state, in part, as follows:

Councils and general managers of councils must not exercise the following functions during the caretaker period:

entering into any contract or undertaking involving an expenditure or receipt by the council of an amount equal to or greater than \$150,000 or 1% of the council's revenue from rates in the preceding financial year (whichever is the larger)

Council's rate revenue for 2020/21 was approximately \$25m, which means the threshold applicable is approximately \$250,000.

The sale figures outlined in the confidential report later in this agenda are below that threshold.

Options

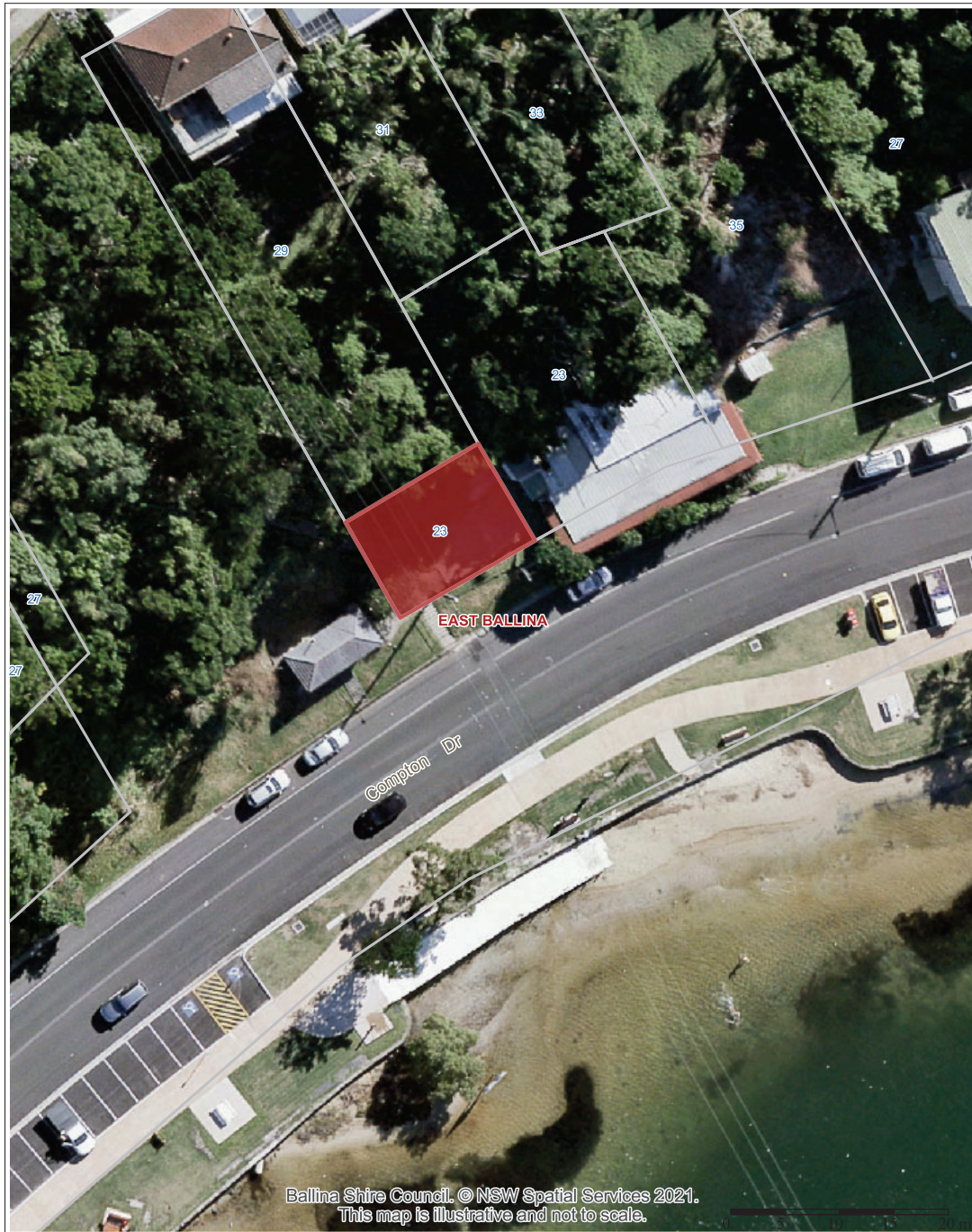
This report provides a summary of the confidential report later in this agenda and is for noting only.

RECOMMENDATION

That Council notes the contents of this report in respect to the potential sale of Part 1 DP 781542, Compton Drive, East Ballina, following an expression of interest process, with the sale terms and conditions outlined in a confidential report later in this agenda.

Attachment(s)

1. Locality Plan - Lot 1 DP 781542 Compton Drive East Ballina [↓](#)



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**Locality Plan Lot 1 DP 781542, Compton Drive
East Ballina**

ballina shire council
geographical information system

Projection: GDA94 / MGA zone 56
Date: 7/07/2021

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4.3 Financial Support Package (Covid-19) - Update

4.3 Financial Support Package (Covid-19) - Update

Section	Commercial Services
Objective	To seek Council's support for a further financial support package for commercial tenants

Background

At the 23 September 2021 Ordinary meeting, Council endorsed a financial support package to assist Council tenants in dealing with the impacts of the Covid-19 pandemic. This confidential report later in this agenda provides further information from Council's commercial tenants seeking financial support.

Key Issues

- Ongoing impacts to Council tenants from COVID-19.
- Financial cost to Council in providing support.

Discussion

Council provided a financial support package at the 23 September 2021 Ordinary meeting. A number of commercial tenants were not in a position to provide the relevant information to support their request for financial support at that time and have only now been able to provide the documentation.

Details relating to financial dealings with tenants are commercial in-confidence and are included in the confidential report later in this agenda.

Community Consultation Policy

Council staff have liaised with tenants who have requested rental relief.

Financial / Risk Considerations

The package takes into account State and Federal Government support provisions and the impact of the Covid-19 pandemic within our community.

Options

This report is for noting only with the confidential report later in this agenda providing commercial details of the requests for financial support.

RECOMMENDATION

That Council notes the contents of this report in respect to the financial support package (Covid-19) – update, with the confidential report later in this agenda outlining the commercial details of the requests for further support.

Attachment(s)

Nil

4.4 Flat Rock - Tent Park Fees and Charges 2022/23

4.4 Flat Rock - Tent Park Fees and Charges 2022/23

Delivery Program

Commercial Services

Objective

To seek Council's approval to exhibit the draft fees and charges for the Council operated tent park for the period 1 February 2022 to 31 January 2023.

Background

The NSW Local Government Act requires councils to publicly exhibit and adopt their fees and charges prior to implementation. The majority of Council's fees are set each June as part of the Operational Plan however Flat Rock Tent Park's fees are set for the twelve months from 1 February each year.

It is important that Flat Rock Tent Park guests are informed in advance of the fees for their next holiday and this timeline also enables the fees and charges to be included in holiday and camping publications.

This report seeks Council approval for setting Flat Rock Tent Park's fees and charges for the period 1 February 2022 to 31 January 2023.

Key Issues

- Variation in fees
- Conditions attached to the fees

Discussion

The occupancy rates and revenue for the park are monitored on a regular basis to ensure that it is both sustainable and meeting customer expectations.

The following table provides a summary of the revenue collected as per Council's financial records.

Year	Income (\$)
2020/21	439,160
2019/20	207,367
2018/19	462,500
2017/18	406,306
2016/17	402,374

Income for 2019/20 was significantly lower as a result of COVID-19 and the forced closure of Flat Rock Tent Park from 24 March 2020 to 1 July 2020.

The Park income levels have improved for FY 20/21 although incomes levels for this financial year are still below budget due to continued border closures and Public Health Orders.

Flat Rock Tent Park has limited facilities and occupancy is heavily dependent on external factors such as weather and ocean conditions.

4.4 Flat Rock - Tent Park Fees and Charges 2022/23

The proposed fees take into account factors such as park facilities and standards, feedback from the Park Managers and guests, as well as industry comparisons with similar parks on the NSW North Coast and the latest Consumer Price Index (CPI).

A new premium site fee for the 2020/21 year was adopted to differentiate between the standard sites and the beachfront sites that are closest to the beach access track.

The beachfront sites are in a favourable location, are relatively flat and the most popular.

The change to the charging of the different sites did not significantly impact on the occupancy levels of the sites.

Council also introduced a one night booking during off peak period – Monday to Thursday.

Based on our occupancy data the average booking length is 2.87 nights.

This is fairly consistent with the occupancy data from 2019/20 of 2.69 nights.

It is proposed to keep the current booking terms and conditions.

A copy of the proposed fees, charges and cancellation policy is included as Attachment 1. The key fee changes are set out below:

Current Fees	Off Peak	Shoulder	Peak
Standard site (based on 2 people)	\$38.00	\$43.00	\$50.00
Beachfront premium site (based on 2 people)*	\$43.00	\$48.00	\$55.00
Adult (extra)	\$16.00	\$16.00	\$16.00
Child (4-17 years incl)	\$9.00	\$9.00	\$9.00

Proposed Fees	Off Peak	Shoulder	Peak
Standard site (based on 2 people)	\$39.00	\$45.00	\$52.00
Beachfront premium site (based on 2 people)*	\$44.00	\$50.00	\$57.00
Adult (extra)	\$17.00	\$17.00	\$17.00
Child (4-17 years incl)	\$10.00	\$10.00	\$10.00

* Premium sites are situated at Site numbers 34 to 43 (refer to Attachment 1).

Community Consultation Policy

The proposed draft fees and charges will be placed on public exhibition for 28 days seeking community feedback, particularly from customers during the Christmas / New Year holiday period, with any feedback to be reported back to Council.

Section 610F(3) of the Local Government Act does allow councils to adopt new fees or fees amended due to a change in service levels, by only providing 28 days' notice without considering submissions.

4.4 Flat Rock - Tent Park Fees and Charges 2022/23

As these fees relate to an existing service, with no real change in that service, the preference is to invite submissions, albeit that Council has very rarely received submissions in respect to the exhibition of the Flat Rock fees.

Financial / Risk Considerations

The small increase proposed should have positive financial benefits for the operation of the Flat Rock Tent Park.

Options

The options are to either exhibit the proposed fees or amend the fees.

The recommended option is to exhibit the proposed fees as the changes are consistent with industry trends and competitors.

The fees will be re-submitted to Council for adoption following the exhibition period.

RECOMMENDATION

That Council authorises the exhibition of the draft Flat Rock Tent Park fees and charges for 1 February 2022 to 31 January 2023, as per Attachment 1 to this report, for public comment.

Attachment(s)

1. Fees and Charges (Draft) - Flat Rock Tent Park 2022- 2023 [↓](#)



DRAFT

Flat Rock Tent Park Fees
1 February 2022 to 31 January 2023

Accommodation Pricelist
1 February 2022 to 31 January 2023

Tourist Sites Accommodation

	Proposed 2022/23 \$	Proposed 2022/23 \$	Proposed 2022/23 \$
	Off Peak*	Shoulder⁺	Peak[^]
Sites/night			
Unpowered Site (based on 2 people)	39.00	45.00	52.00
Premium Unpowered Site (based on 2 people) Site No. 34-43	44.00	50.00	57.00
Extra Adult (18+)	17.00	17.00	17.00
Extra Child (4-17 years incl)	10.00	10.00	10.00

Prices are GST inclusive

*Off Peak – All periods other than Shoulder and Peak Period.

+Shoulder – All NSW and Queensland Public Holidays and School Holidays, including long weekends, excluding Christmas and Easter Peak Period.

^Peak – Christmas: 25 December 2022 – 10 January 2023
 Easter: 15 April 2022 – 19 April 2022

- Accommodation packages such as special deals in off peak season may be applied based on the above scheduled fees.
- Rates are based on 2 adults – fees apply for additional occupants.
- You must be over 18 years of age to book and stay with us, if you are not accompanied by a parent or guardian. Management reserves the right to cancel any of these types of reservations.

Booking Information

Christmas Peak Period: 25 December 2022 – 10 January 2023

- Site bookings of a minimum seven nights, up to 31 October.
- Shorter site bookings taken at park manager's discretion from 1 November if the site booking can be added to the beginning or end of an existing site booking
- Payment for site bookings - \$100.00 deposit at time of site booking. 50% of accommodation charge less deposit to be paid by 31 July and remaining balance to be paid by 31 October. If making your reservation after 31 July, 50% deposit is required at time of site booking with remaining balance payable by 31 October. If making your site booking after 31 October, full payment is required at time of site booking.

Easter Peak Period – 15 April 2022 – 18 April 2022

- Site bookings of minimum seven nights taken until one month prior to Easter Holidays for the Easter weekend period only.
- Shorter site bookings taken at Park Manager's discretion, from one month prior to Easter Holidays if the site booking can be added to the beginning or end of an existing site booking.
- Payment for site bookings - \$100 deposit at time of site booking and remaining balance to be paid by 28 February.

Shoulder Periods – All NSW and Queensland School Holidays, excluding Christmas and Easter Peak Season

- Minimum seven night's site booking (subject to Park Manager's discretion).
- Shorter site bookings taken at Park Manager's discretion if the site booking can be added to the beginning or end of an existing site booking.
- Payment for site bookings - \$100.00 deposit at time of site booking with balance on arrival.

Shoulder Periods – All NSW and Queensland Public Holidays, including long weekends, excluding Christmas and Easter Peak Season

- Minimum three night site booking (subject to Park Manager's discretion).
- Payment for site bookings - \$100.00 deposit at time of site booking with balance on arrival.

Off Peak Period – Friday - Sunday

- Minimum two night site booking (subject to Park Manager's discretion).
- Payment for site bookings – one night's accommodation deposit at time of site booking with balance on arrival.

Off Peak Period – Monday to Thursday

- Minimum one night site booking.
- Payment for site bookings – one night's accommodation charge at time of site booking.

Whilst every effort is made to provide specific site bookings, management reserves the right to relocate or change the booked site number prior to or on arrival.

Bookings can only be made up to 12 months in advance.

General

Rates

Rates are based on 2 adults – fees apply for additional occupants.

Late Departure Fee

Late departure fee of \$15.00 per site, is applicable if guests request a late checkout or have not vacated the site by the advertised check-out time. The latest check out time is 6.00pm (at Manager's discretion).

All Seasons

Should people vacate a site early, no refund or credit is to be given.

Tariffs and deposits are not refundable if your stay is cut short.

Booked sites will only be held for 24 hours from booked time of arrival, unless otherwise arranged. No credits or refunds will be given for no-show bookings.

Cancellation Policy

Refunds of deposits and fees paid are available from Flat Rock Tent Park under certain circumstances:

Peak Period Site Bookings

Where at least 28 days written notice of cancellation has been given before being due to arrive, deposits or prepayments will be refunded with the following options:

- Option A: Full credit of deposit or prepayment to a future site booking. Future site booking date(s) must be provided at the time of request. Future site booking date(s) can only happen once with any site booking and if the second site booking cannot be kept the whole deposit is lost. Any future site booking dates must be within 12 months of the original site booking date.
- Option B: Refund of deposit or prepayment less administration fee per site booking.

Where less than 28 days written notice has been given before being due to arrive, deposits or prepayments will be refunded with the following options:

- If management are able to rebook the site and no losses are incurred to the park, both Options A and B are applicable
- If the site is not able to be rebooked, no refund is applicable.

Shoulder and Off Peak Bookings

Where at least 14 days written notice of cancellation has been given before being due to arrive, deposits or prepayments will be refunded with the following options:

- Option A: Full credit of deposit or prepayment to a future site booking. Future site booking date(s) must be provided at the time of request. Future site booking date(s) can only happen once with any site booking and if the second site booking cannot be kept the whole deposit is lost. Any future site booking dates must be within 12 months of the original site booking date.
- Option B: Refund of deposit or prepayment less administration fee per site booking.

Where less than 14 days written notice of cancellation has been given, the full deposit will be forfeited. Balance of amounts above the deposit paid will be refunded either via cash, EFT or credit card upon a written application by the guest.

NOTIFICATION OF CANCELLATION OF SITE BOOKINGS WITHIN 24 HOURS OF BEING DUE TO ARRIVE - NO CREDIT OR REFUND OF ANY MONIES SHALL BE PAID.

Severe Weather / Unforeseen Circumstances eg. Public Health Orders, State Border Closures

In the event of severe weather or unforeseen circumstances, **if deemed so by Council**, no refunds apply. Guests may apply, in writing, for the following option depending on which circumstances applies:

- Full Cancellation Prior to Arrival - a full credit of the amount paid can be used to a future site booking. Future site booking date can only happen once with any site booking and if the future site booking date cannot be kept the credit is lost. Any future site booking must be within six (6) months of the original site booking.

- Remaining stay cancellation - a credit of the remaining amount of the guest's nights left on the reservation will be held for the period of six (6) months from when the site booking was first made with the Park.
- In the event of Public Health Orders or State Border Closures the credit applied as above will commence upon lifting of Public Health Order or reopening of State Border Closure.

Booking Credit

Bookings where a credit has been retained for a future stay must be used **within twelve (12) months** of the original booking arrival date, otherwise credit becomes expired and will no longer be available for use. Credits are not transferrable.

How refund payments are made

Cash payments in person – refunded by cash (providing sufficient cash reserves are held in the Park, if not, then refunded by EFT).

Credit card payments – refunded back to the original credit card used at time of booking.

Cheque payment – refunded by EFT (Note: EFT refunds may take approximately 2-3 weeks for processing and posting).

Cancellation/Administration Fee - Refunds

The following cancellation/administration fee applies to all cancellations and refunds per site booking.

One night site booking in off peak	\$39.00
All other site bookings	\$50.00

No administration fee will be charged for individual site bookings made and cancelled on the same date.

The administration fee may be waived for cancellations in emergency situations. A request in writing must be sent to Park Management.

4.5 Airport Car Park - Draft Fees and Charges

4.5 Airport Car Park - Draft Fees and Charges

Section Commercial Services

Objective To endorse the draft fees and charges for Ballina-Byron Gateway Airport car park for implementation on 1 March 2022.

Background

Construction works are well underway for the upgrade of the Ballina Byron Gateway Airport (BBGA) car park to create additional car spaces, improve traffic and pedestrian flow, installation of access control equipment, additional shade structures and solar panels.

The current pay and display parking meters will be replaced with an access control system (ACE) car park management system, including boom gates to facilitate a more efficient means of revenue collection.

The Local Government Act requires councils to publicly exhibit and adopt their fees and charges prior to implementation.

Key Issues

- Return on capital investment
- Management of the car park
- Reduction in revenue leakage
- Improved passenger experience

Discussion

The BBGA car park currently generates approximately \$700,000 p.a. in revenue.

A report prepared by PTC Consultants in 2019 identified potential leakage of approximately \$6,694 per week with existing pay and display parking meters.

The improved car park layout and revenue collection system, growth in passenger numbers and increase in parking fees could potentially increase revenue to approximately \$1.1m p.a.

The upgraded car park will increase in size from 537 to 614 car spaces (subject to final construction layout) when works are complete in February 2022.

The proposed car park fee increases are scheduled to commence 1 March 2022 and will continue until 30 June 2022.

They are based upon fees charged by other airports including those noted in the following table.

4.5 Airport Car Park - Draft Fees and Charges

Airport	General Parking	30 mins	1 hr	2 hr	1 day	1 wk	Premium parking	Taxi levy
Gold Coast	10 mins free	\$6	\$10	\$12	\$73	\$511	\$45/day \$315/wk	0
Coffs Harbour	30 mins free	\$0	\$4	\$8	\$16	\$91	\$23/day \$161/wk	0
Newcastle	Nil	\$0	\$5	\$10	\$50	\$155	\$40/day \$320/wk	\$3 per depart.
Sunshine Coast	15 mins free	\$7	\$8	\$9	\$23	\$105	\$25/day \$175/wk	\$3 per depart.
BBGA current	Nil	\$2	\$2	\$8	\$8	\$56	\$14/day \$98/wk	0
BBGA proposed	15 mins free	\$4	\$4	\$6	\$20	\$120	\$30/day \$200/wk	\$3 per depart.

The fees and charges proposed for BBGA are included in Attachment 1.

Community Consultation Policy

Section 610F of the Local Government Act requires councils to provide public notice of fees, for at least 28 days, as part of the exhibition of the annual Operational Plan and consider any submissions duly made during the period of public notice.

Importantly 610(F) (3) also states as follows:

(3) However, if, after the date on which the operational plan commences--

(a) a new service is provided, or the nature or extent of an existing service is changed, or

(b) the regulations in accordance with which the fee is determined are amended,

the council must give public notice (in accordance with section 705) for at least 28 days of the fee proposed for the new or changed service or the fee determined in accordance with the amended regulations.

Under Section 610(F) (3) Council is only required to provide public notice of the new or amended service fee, as the nature of the existing service is changing due to the introduction of the new ACE car park management system with boom gates.

Based on this Section of the Local Government Act the new fees will be advertised in early 2022 prior to the introduction of the new system.

Financial / Risk Considerations

Projected airport carpark revenue (excluding commercial agreements with rental car and shuttle bus operators) have been estimated and summarised in the following table

FY 2020/21 (actual)	FY 2021/22 (projected)	FY 2021/22 (budgeted)	FY 2022/23 (projected)
\$706,573	\$527,000	\$700,000	\$1,110,000

4.5 Airport Car Park - Draft Fees and Charges

Options

The options are to approve the exhibition and adoption of the proposed fees or amend the fees. The recommendation is to exhibit and adopt as the proposed fees are consistent with industry trends and competitors.

RECOMMENDATIONS

1. That Council adopts the amended Ballina Byron Gateway Airport Car Park fees, as outlined in Attachment 1 to this report, based on the introduction of the new access control system car park management system, including boom gates.
2. That Council authorises the public exhibition of the fees, as outlined in Attachment 1 to this report, for a minimum period of 28 days, as required by Section 610F(3) of the Local Government Act, prior to the introduction of the new fees.

Attachment(s)

1. Ballina Byron Gateway Airport Car Park - Fees 1 March 2022 to 30 June 2022 [↓](#)



DRAFT

**Ballina Byron Gateway Airport
Carpark Charges
1 March 2022 – 30 June 2022**

Car Park Pricelist 1 March 2022 – 30 June 2022

General Parking

0-15 minutes	Free
16-60 minutes	\$4.00
1 – 2 hours	\$6.00
2 + hours	\$2.00 per hour to maximum of \$20/day
2 days	\$40.00
7 + days	\$20.00/day to maximum of \$120/week

Premium Parking

0 – 1 day	\$30/day
7 + days	\$30/day to maximum of \$200/week

Additional Charges

Lost ticket/access fee	Applicable parking fee plus administration fee
Administration fee	\$15.00 per event

Ground Transport Area Access Permit

Taxi/Uber/Chauffer Limousine	\$3.00 per airport precinct departure
Shuttle Bus/Coach	\$0.50 per available seat per airport departure

4.6 Airline Agreement - Negotiation Update

4.6 Airline Agreement - Negotiation Update

Section Commercial Services

Objective To provide Council with an overview of confidential negotiations in regards to an airline agreement for the Ballina Byron Gateway Airport.

Background

The negotiation of airline agreements requires commercial negotiations in respect to dealings with the service providers. This means it is essential that confidentiality is maintained to ensure the best value to the community. The confidential report later in this agenda provides details in regards to current negotiations in respect to one airline agreement.

Key Issues

- Renewal of existing airline agreement
- Agreement terms and conditions
- Agreed fees and benefits

Discussion

Airline agreements represent a major revenue source to ensure the long term financial viability of the Ballina Byron Gateway Airport.

The airline agreements are subject to commercial negotiations and the confidential report later in this agenda provides an update on discussions that have been entered into for the renewal of an existing agreement.

Community Consultation Policy

Staff have been in discussions as part of renewal of an existing airline agreement.

Options

This report is for noting only with the commercial information contained in the confidential report later in this agenda.

RECOMMENDATION

That Council notes the contents of this preliminary report on one airline agreement negotiation, with the confidential report later in this agenda detailing the commercial aspects of that agreement.

Attachment(s)

Nil

5. Confidential Session

In accordance with Section 9 (2A) of the Local Government Act 1993, the General Manager is of the opinion that the matters included in the Confidential Business Paper, and detailed below are likely to be considered when the meeting is closed to the public.

Section 10A(4) of the Local Government Act, 1993 provides that members of the public are allowed to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

A brief summary of each of the reports recommended for consideration in confidential session follows:

5.1 Compton Drive - Land Sale

Refer to Item 4.2 of this agenda.

5.2 Financial Support Package (Covid-19) - Update Details

Refer to Item 4.3 of this agenda

5.3 Airline Agreement - Negotiation Update

Refer to Item 4.6 of this agenda.

RECOMMENDATION

That Council moves into committee of the whole with the meeting closed to the public, to consider the following items in accordance with Section 10A (2) of the Local Government Act 1993.

5.1 Compton Drive - Land Sale

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993. which permits the meeting to be closed to the public for business relating to the following:-

- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest due to the ongoing commercial negotiations and the release of the information could prejudice those negotiations.

5.2 Financial Support Package (Covid-19) - Update Details

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993. which permits the meeting to be closed to the public for business relating to the following:-

- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest due to ongoing commercial negotiations and the release of any information could prejudice those negotiations.

5.3 Airline Agreement - Negotiation Update

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993. which permits the meeting to be closed to the public for business relating to the following:-

- d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as the release of any confidential information could prejudice negotiations.