

1.1.1 Lease to Optus Mobile Pty Ltd – Common Seal		
MEETING DATE:	18 March 2019	
AUTHOR:	Kate Gilmore, Governance Officer	
RESPONSIBLE OFFICER:	David Singe, Chief Executive Officer	
PREVIOUS MEETING:	Nil	
REFERENCES:	Nil	
FILE NO:	16.51.1/36	
ATTACHMENTS:	Extract of the proposed Lease with Optus Mobile Pty Ltd, including plan of the affected land portion, identified as FX251810	
IN CONFIDENCE:	No	
POLICY REFERENCE:	There are no known policy requirements related to this item.	
LEGISLATIVE REFERENCE:	There are no known legislative requirements related to this item.	
STRATEGIC MANAGEMENT PLAN REFERENCE:	Goal:	Strong Leadership, Management, and Delivery of Transparent Council Services
	Outcome:	Effective Council management and business systems
	Strategy:	Review Councils Governance and Strategic Policy requirements
FINANCIAL CONSIDERATIONS:	Budget:	\$
	Actual (YTD):	\$
	Budget Variation Required:	No
CONSULTATION UNDERTAKEN:	Nil	

PURPOSE OF REPORT:

To authorise the Mayor and Chief Executive Officer to sign and seal the Lease between the District Council of Grant and Optus Mobile Pty Ltd.

BACKGROUND:

Optus Mobile Pty Ltd approached Council in 2017 expressing an interest in erecting a mobile tower at the Mount Gambier Regional Airport. Whilst negotiations took longer than expected, due to a number of issues with erecting structures on airport land, those negotiations have now been completed to the satisfaction of all parties, and a Lease Agreement has been prepared by Council's Legal Advisors.

COMMENT:

An extract of the Lease is attached for Council's information.

As Optus have requested that the Lease be registered with the Land Titles Office, Council is required to endorse the use of the Common Seal on the Lease.

STAFF RECOMMENDATION:

That Council authorise the Mayor and Chief Executive Officer to execute the Lease between the District Council of Grant and Optus Mobile Pty Ltd, over the portion of the Land comprised in Certificate of Title Register Book Volume

6136 Folio 163 (more particularly described as 'Area Z' in FX251810 attached to this report) by affixing the Common Seal.

THE SCHEDULE

Item 1 The Lessee:	Name: Optus Mobile Pty Limited ACN 054 365 696 Address: 1 Lyonpark Road, Macquarie NSW 2113 Email: mdsspropertyissues@optus.com.au Attention: National Site Acquisition Coordinator Phone: 02 8113 5128
Item 1 The Council:	Name: District Council of Grant ABN 60 468 119 582 Address: 324 Commercial Road West, Mount Gambier SA 5290 Email: Kate.Gilmore@dcgrant.sa.gov.au Attention: Kate Gilmore Phone: 08 8721 0444
Item 2 The Land:	The land comprised in Certificate of Title Volume 6136 Folio 163.
Item 3 The Property:	Portion of the Land more particularly described as 'Area Z' in FX251810 as shown on the plan attached in Annexure A Name of Property: Mount Gambier Airport Location: 81 Airport Road, Wandilo SA 5291
Item 4 The Lease Period:	Twenty (20) years commencing on the Commencement Date and expiring at midnight on 2039.
Item 5 The Commencement Date:	2019
Item 6 Rent:	Seven thousand, five hundred dollars (\$7,500.00) during the first year of the Lease Period, and increased by 2% on each anniversary of the Commencement Date throughout the Term
Item 7 Date for Payment of	To be paid yearly in advance, on the anniversary of the

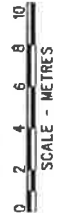
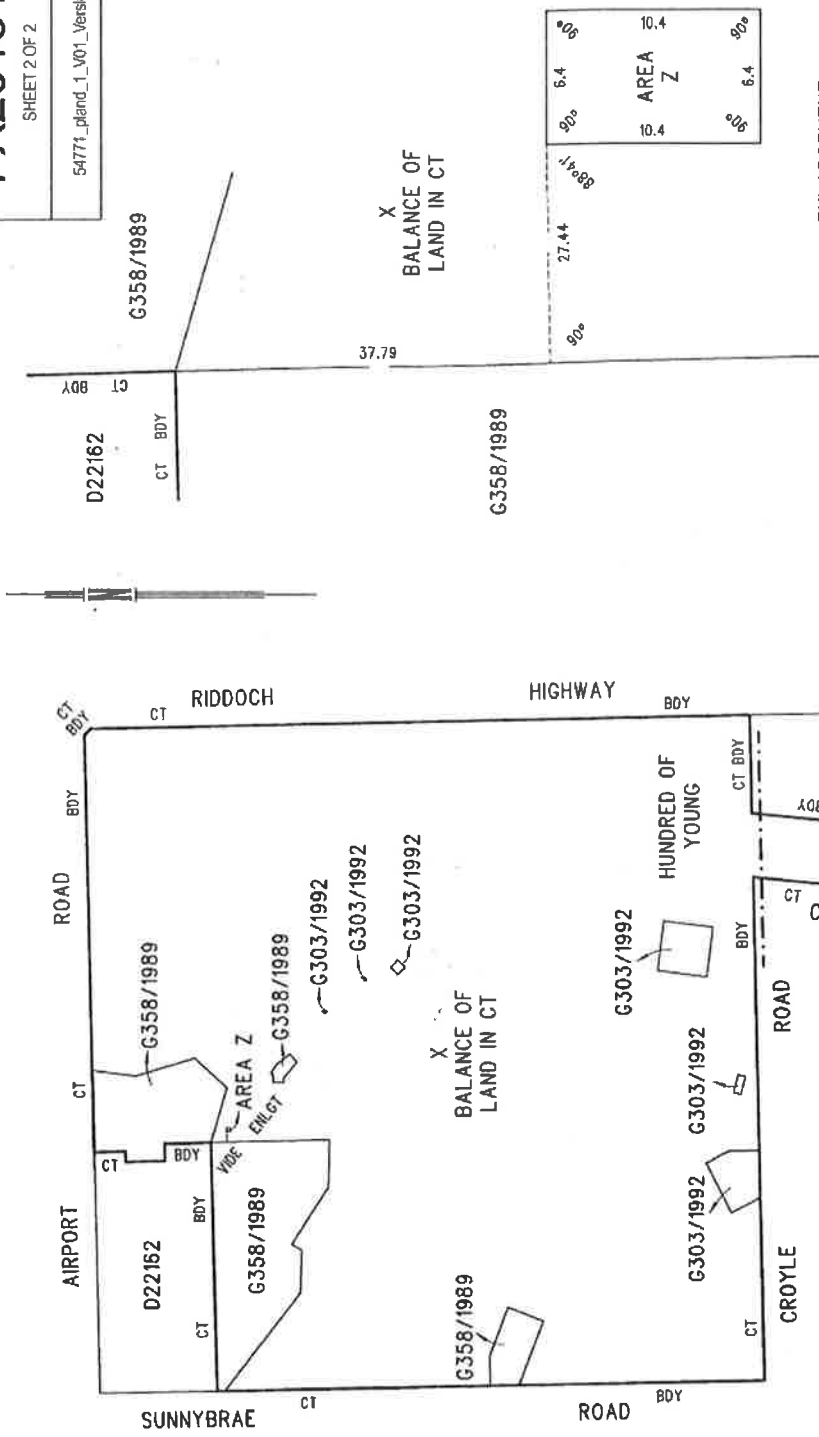
Rent:	Commencement Date each year during the Lease Period. The Council will invoice the Lessee directly at least 30 days prior to the anniversary of the Commencement Date each year where the Rent is due.
Item 8 Permitted Use of the Property:	Constructing, maintaining and operating a telecommunications network and telecommunications service including but not limited to installing, storing, operating, repairing, maintaining, altering and replacing Telecommunications Equipment consistent with the evolving nature of telecommunications services.
Item 9 Public Risk Insurance:	Ten Million Dollars (\$10,000,000) at the commencement of the Lease. Note: The Council has the right, at all times acting reasonably, to require the Lessee to increase the Public Risk Insurance to a greater or lesser figure as reasonably required and as nominated by the Council acting reasonably anytime during the Lease Period.
Item 10 Break Dates:	Each of the following dates: (a) the date that is 5 years after the Commencement Date; and (b) the date that is 10 years after the Commencement Date; and (c) the date that is 15 years after the Commencement Date.
Item 11 Property Insurance: Contents Insurance:	To be taken out by: Lessee To be taken out by: Lessee
Item 12 Outgoings	Not applicable.
Item 13 Special Conditions	Attached as Annexure B .
Item 14 The following clauses have been amended and differ from the clauses in the Lease:	4.1.2 – rent review to be as agreed between parties, not CPI 4.2 – electricity charges 4.12.2 – access track to remain the property of Council at expiry (new clause) 5.1.2 – Lessee’s Assumption of Responsibilities (new clause) 7.2 – Access to the Property (new clause)

ANNEXURE A

FX251810

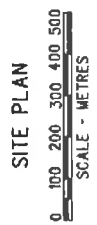
SHEET 2 OF 2

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LEGEND	
CT	CERTIFICATE OF TITLE
BDY	BOUNDARY

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 P11 18542 DRAWING 18542-LEASE SHEET 1



AREA Z AND X BALANCE OF LAND IN CT ARE UNLIMITED IN HEIGHT.