

18.1 LEASING A PORTION OF ALLOTMENT 664 AMBERDALE ROAD, BLAKEVIEW FOR TELECOMMUNICATION PURPOSES.

Contact Person: Mr James Pollock

Why is this matter confidential?

Subject to an order pursuant to Section 90 (3) (d) of the Local Government Act 1999, this matter is confidential because of the commercial advantage it would provide to third parties should the information be revealed regarding the lease amount should the lease not proceed and new negotiations were required to be entered into.

A. COUNCIL/COMMITTEE TO MOVE MOTION TO GO INTO CONFIDENCE

No action – this motion passed in the open section.

B. THE BUSINESS MATTER**18.1 LEASING A PORTION OF ALLOTMENT 664 AMBERDALE ROAD, BLAKEVIEW FOR TELECOMMUNICATION PURPOSES.**

Responsible Executive Manager : Mr James Pollock

Report Author : Mr Daniel Turner

Delegated Authority : Matters which cannot be delegated to a Committee or Staff.

Attachments :

- 1. [Annexure A - Tower Position](#)
- 2. [Annexure B - Proposed Deposited Plan](#)
- 3. [Annexure C - Objection](#)
- 4. [Annexure D - Optus Blakeview Reception](#)

PURPOSE

Council to make a decision on the execution of a lease to Optus for telecommunication purposes over portion of allotment 664 Amberdale Road, Blakeview.

STAFF RECOMMENDATION

1. Council endorse the execution of a lease to Optus for telecommunication purposes over portion of allotment 664 Amberdale Road, Blakeview.
2. The Terms of the agreement are to include a maximum term of 20 years at a starting rate of \$16,000 per annum and increased each year by CPI.

COMMITTEE RESOLUTION**3198**

1. Council endorse the execution of a lease to Optus for telecommunication purposes over portion of allotment 664 Amberdale Road, Blakeview.
2. The Terms of the agreement are to include a maximum term of 20 years at a

starting rate of \$16,000 per annum and increased each year by CPI.

EXECUTIVE SUMMARY

This report outlines the details of a proposed lease that has been presented to Council for the use of portion of a reserve on the corner of Craigmores Road and Park Lake Blvd, Blakeview known as Allotment 664 Amberdale Road, Blakeview.

The proposed lease will be to Optus for telecommunication purposes with options up to 20 years at an initial rental price of \$16,000 per annum which is to be increased in line with CPI annually.

The report has been prepared for a decision of Council given that one objection was received for the proposal during the public consultation period. As such it is a now a requirement of staff to approach Council for decision.

Should Council endorse the recommendation it will most likely deliver an income well in excess of \$320,000 over the life of the lease whilst not reducing the amenity of the reserve it is to be located on.

Issues that could arise if the recommendation is endorsed would be from the nearby residents who may not support the decision although it should be noted that the majority of residents did not provide an objection.

The party that have objected to the proposal have a number of concerns attached as Annexure C and Council should consider these prior to making a decision.

Should the endorsement of a lease be made, staff will make the appropriate arrangements to execute a lease with the terms outlined within this report.

This report is for the decision to enter into a lease agreement for the use of portion of the reserve only. Planning approval will still be required to determine if development of a telecommunication tower is suitable for the proposed position and will require a further consultation period. Should the recommendation be endorsed, a condition within the lease will be included that it is conditional upon full development approval.

1. BACKGROUND

Council have been approached by various Telecommunication providers over the past 12 months as the requirement for wireless data is continuously growing and further towers are required to service demand. Certain areas of Blakeview is a suburb that has been identified by providers and having insufficient coverage and as such staff have been working to determine if any Council owned land is suitable for the construction of a Telco tower. One such location that has been recognised by Optus as a potentially suitable location is an unused reserve located on the corner of Craigmores Road and Park Lake Blvd, Blakeview. After conducting an internal consultation it was revealed that a pump track has been earmarked for the site however if a position could be found that did not interfere with these plans there would be no objection from staff. The position agreed to subject to Council decision is shown as estimated within Annexure A with further proposed details shown in the proposed Deposited Plan within attached Annexure B.

A public consultation has since taken place in which one objection was received during this period and in line with the City of Playford policy, staff are now presenting the information available for Council decision.

2. RELEVANCE TO STRATEGIC PLAN

1: Smart Service Delivery Program

Outcome 1.2 Improved service delivery

This decision will impact wireless telecommunication services to the surrounding areas to which the demand for data and increasing speeds is continuously growing.

3. PUBLIC CONSULTATION

As a lease of up to 20 years is being requested, staff have conducted a public consultation process as it is a Council policy requirement. This process has now been completed in which one objection has been received attached as Annexure C.

4. DISCUSSION

- 4.1 Should Council endorse the staff recommendation it will provide an income of \$16,000 per annum increased annually to CPI representing in excess of \$320,000 over the life of the lease that would otherwise not be received.
- 4.2 The tower will increase Telecommunication / WiFi services to assist with meeting consumer demand in the area. Furthermore it will allow other Telco providers to co-locate, enhancing service to customers utilising other companies ie Telstra and Vodafone.
- 4.3 The tower has been positioned on the reserve where minimal impact on the environment and any vegetation removal will require approval from planning prior to any construction taking place.
- 4.4 There is a perception that Mobile Phone towers pose the potential for adverse health risks however there is no evidence to suggest this. All towers are regulated and must comply to strict regulations and EME exposure to the public is typically hundreds of times below the limits of the ARPANSA RF standard (source: <https://www.arpansa.gov.au/understanding-radiation/radiation-sources/more-radiation-sources/mobile-phone-base-stations>).
- 4.5 Whilst the proposed tower is not considered to enhance the amenity of the location, it will provide a stronger level of service to the area as evidenced as attached in Annexure D of this report.
- 4.6 There are numerous telecommunication towers located within the City of Playford residential areas and there has been no recognised correlation between house prices in relation to the property vicinity.
- 4.7 The planning process will further determine if appropriate levels of screening is currently in place.
- 4.8 One objection was received during the public consultation period attached as Annexure C. In summary the residents are objecting on the following grounds:
 - Negative impact on visual amenity and diminishing value to property;
 - Location close to residential premises which are actively occupied;
 - Concerns regarding Electromagnetic Energy;
 - Health Concerns – potential for illness or harm; and

- Various other concerns which Council should consider within Annexure C of this report.

5. OPTIONS

Recommendation

1. Council endorse the execution of a lease to Optus for telecommunication purposes over portion of allotment 664 Amberdale Road, Blakeview.
2. The Terms of the agreement are to include a maximum term of 20 years at a starting rate of \$16,000 per annum and increased each year by CPI.

Option 2

That Council reject the proposal and continue to utilise the area as vacant reserve.

6. ANALYSIS OF OPTIONS

6.1 Recommendation Analysis

6.1.1 Analysis & Implications of the Recommendation

- Council has satisfied the requirements under the public consultation policy with one objection being submitted.
- Nearby residents including those from the submission presented are likely to be dissatisfied with the outcome should the recommendation be endorsed.
- There is no evidence that telecommunication towers pose a health risk to nearby residents although there may be a perception that disagreeing with this.
- The lessee will be required to comply with all appropriate regulations including appropriate development approval from planning prior to construction beginning. As such it would be expected that there will be minimal disturbance to the environment or risk to public safety through the required processes.
- The total height of the proposed telecommunication tower is to be 26.34m and has been positioned so that it will not detract from the usability of the open space in the future.

6.1.2 Financial Implications

Short-term = impacts on the current year budget.

Long-term = impacts extending beyond one year, primarily implications on achievement of the LTFP and associated financial sustainability ratios.

	Current Year 2017/18 \$'000	Ongoing \$'000
Operating Revenue	0	16
Operating Expenditure	0	0
Net Operating Impact	0	320
Capital – Investing Revenue		0
Capital Expenditure	0	0
Total Borrowings (Capital Investment)	0	0

- The increased revenue will assist Council in achieving its financial goals and is considered a secure investment with minimal associated risks.
- The lessee will be responsible for all outgoings and as such no funds will be required over the duration of the lease.
- The attached numbers assumes that there is no CPI increases so the positive impact financially is likely to be much greater than \$320,000 over the lease term.
- The number assumes the lessee will take options to continue for the extent of entire 20 years which is considered highly likely.

The net operational impact of \$16,000 per annum will need to be reviewed as part of the current budget review (if once off) or next year's budget process.

6.2 Option 2 Analysis

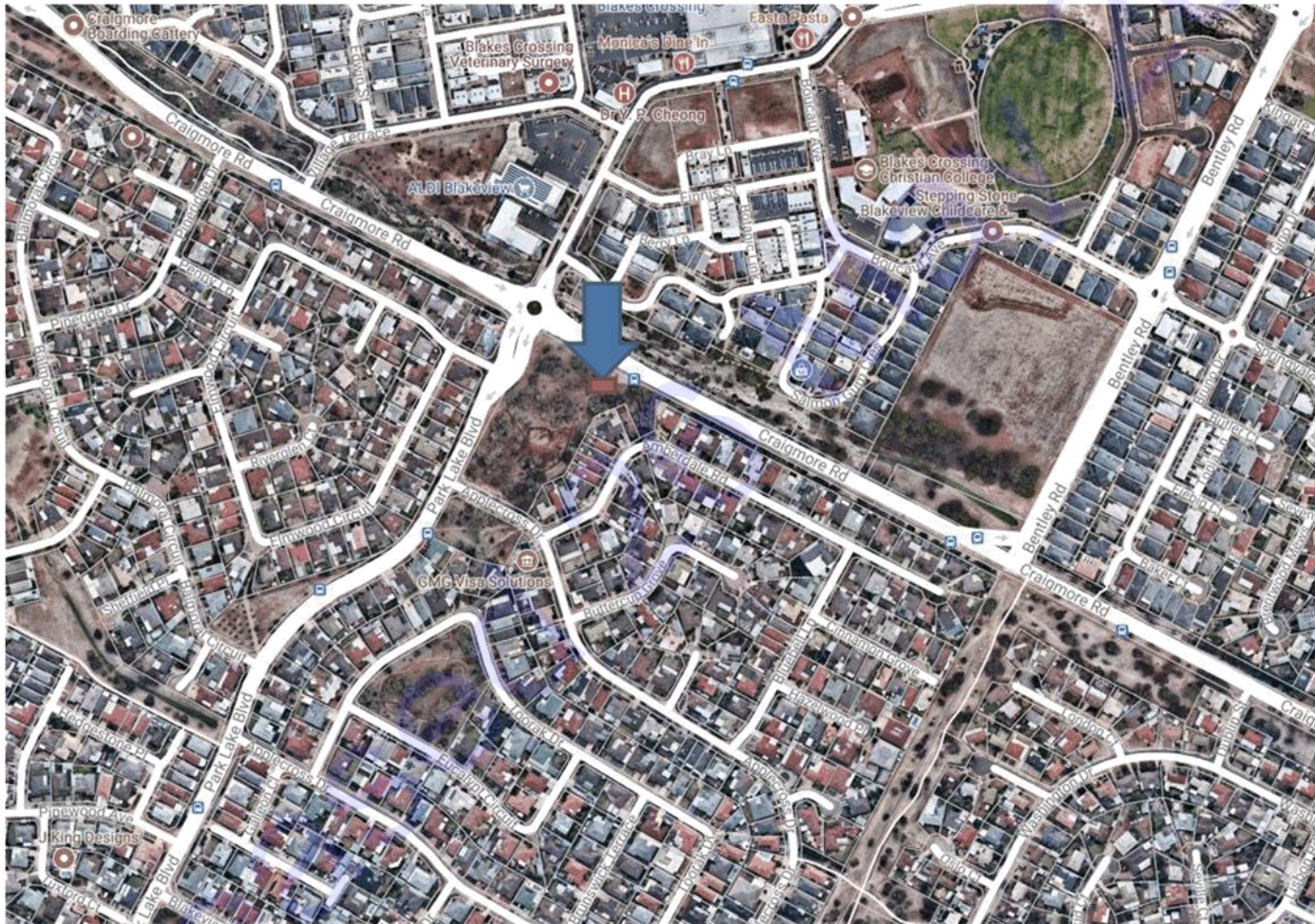
6.2.1 Analysis & Implications of Option 2

Should Council decide on option 2, it will appease the objector and potentially nearby residents. Long term there is a risk that the locality will fall behind in telecommunication services that will have a negative impact on resident satisfaction.

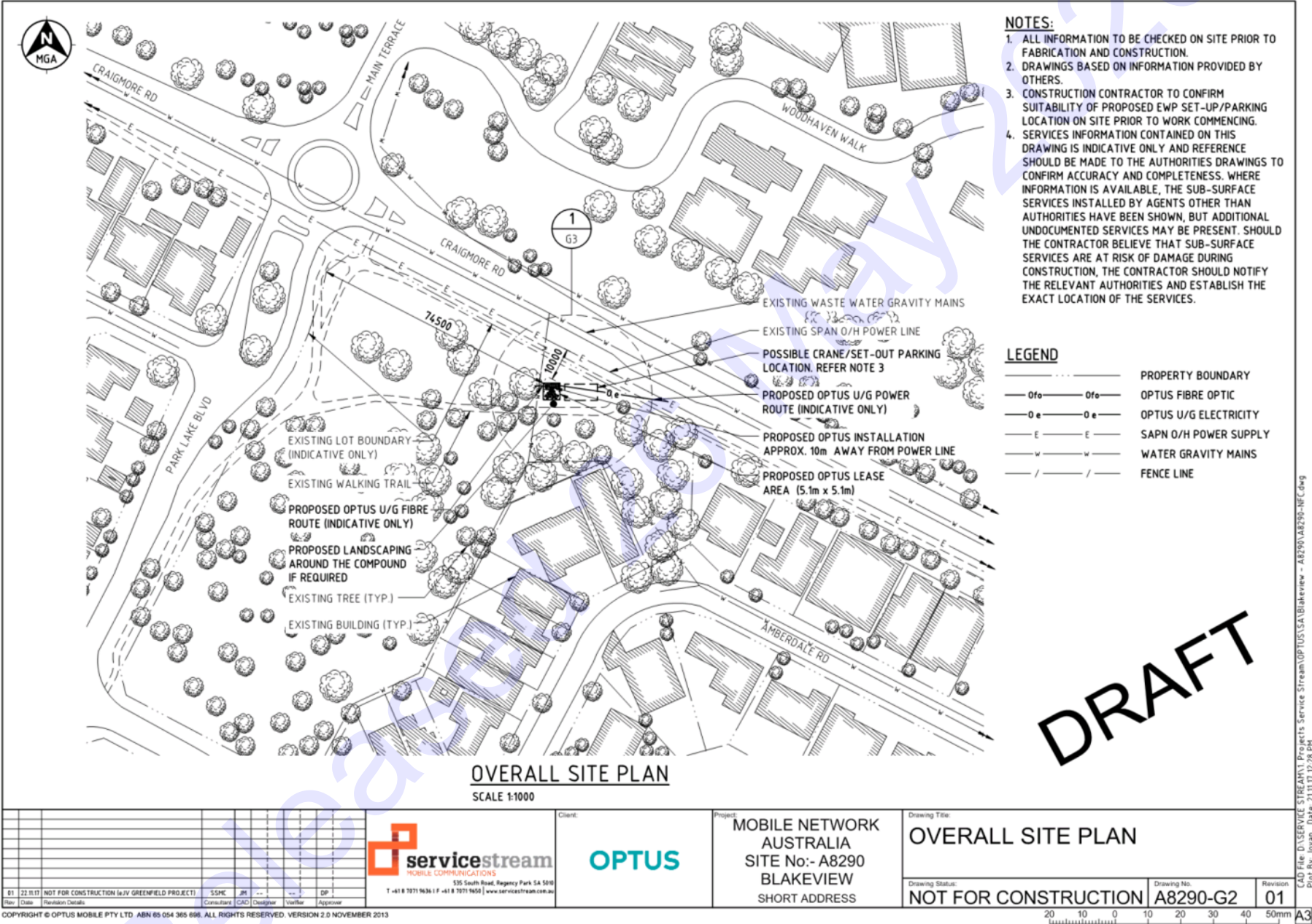
6.2.2 Financial Implications

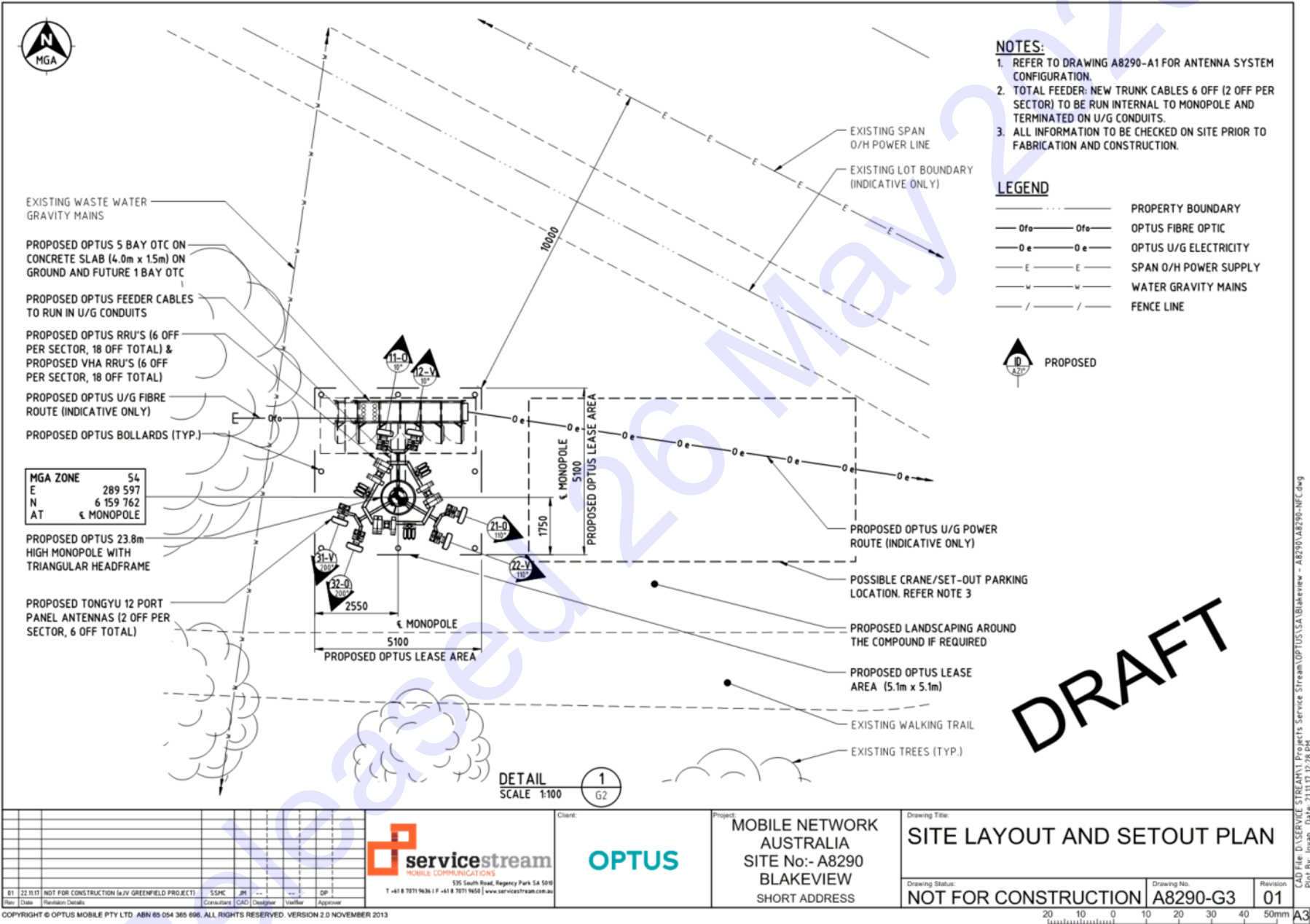
There would be no financial implications if Council rejects the endorsement and continues to utilise the area as open space.

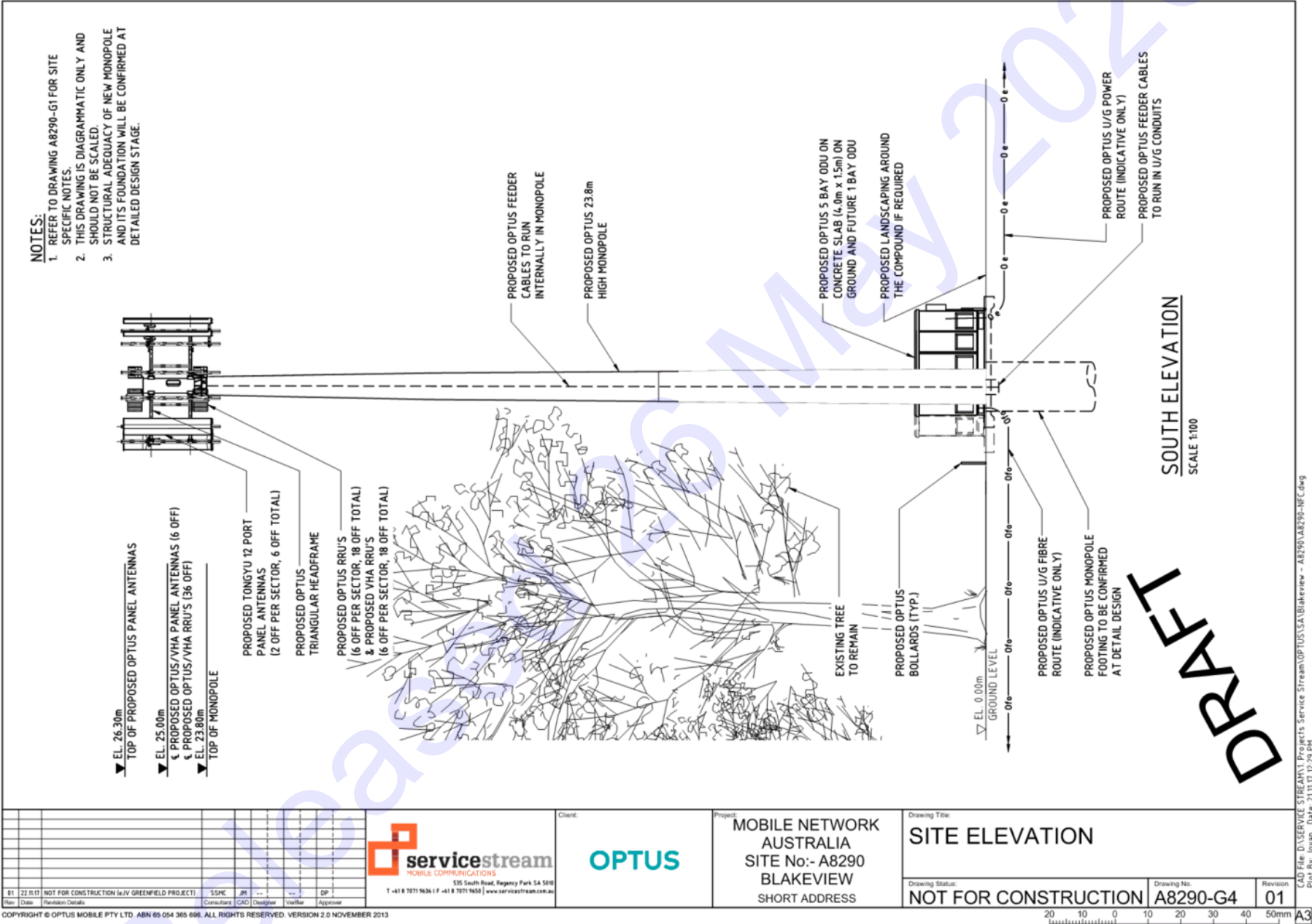
Proposed Optus Telecommunication Tower Position



- Indicated position is an estimation only. Please refer to proposed Deposited Plan for further accuracy.







CAD File D:\SERVICE STREAM\Projects\Service Stream\OPTUS\SA\Blakeview - A8290\A8290-ME.dwg
Plot By Jovan Date 21.11.17 02:29 PM



T A Van Den Heuvel &
Mrs E A Lee
17 Amberdale Road
BLAKEVIEW SA 5114

25 March 2018

City of Playford
12 Bishopstone Road,
DAVOREN PARK SA 5113

Attention: Daniel Turner, Commercial Property Officer

Dear Mr Turner,

Re: Objection to Proposal to Lease Community Land – Portion of Reserve at Park Lake Boulevard, Blakeview

We object to the proposal by the City of Playford (the Council) to grant a lease for the installation of a telecommunications tower and associated infrastructure over a portion of the Reserve situated on the corner of Craigmores Road and Park Lake Boulevard, Blakeview described as Allotment 663 in Deposited Plan 33373 contained in Certificate of Title Volume 5063 Folio 320.

The Council and Councillors have a clear obligation to consider the concerns and wellbeing of the residents who may be impacted. We assert that the proposal must be rejected on the following grounds:

- Negative impact on visual amenity and diminishing value to property;
- Location close to residential premises which are actively occupied;
- Concerns regarding Electromagnetic Energy (EME); and
- Health Concerns – potential for illness or harm.

There is no evidence that enhanced telecommunications services are essential to the liveability of the surrounding area or that the residences and local economies will benefit from improved communications services.

The Council and Councillors have an obligation to represent its residents and not the commercial interests of any telecommunications company's desire for expanding its network.

The Council must not make decisions that allow for a deterioration to the visual impact in this area. Visual impacts of a 40m high telecommunication tower are unacceptable to both residents and road users in the area.

The proposed lease site is within close proximity to the boundaries of occupied residences and has an open and clear frontage to both Craigmores Road and Park Lake Boulevard. It will

clearly be unsightly and visible to all residents in the area. Standing at a height of 40m, it will be visible from all surrounding perspectives, including from within residences, and with no possible landscape screening; it can have nothing but maximum negative visual impact for all residents in the area.

Landscaping could not provide for anything other than coverage at ground level.

The proposed location of the telecommunications tower is within only a few meters of existing residential boundaries. It is impossible to have a setback from the nearby residential boundaries so as to ensure that the amenity of adjoining land and the character of the locality are maintained. Thus, it should not be built in the area at all.

The proposed telecommunications tower will NOT enhance the surroundings in any way and will be significantly taller than any other nearby natural or built structure and therefore be dramatically imposing.

There will be no possibility for screening to reinstate the amenity of the locality and preserve any possible degradation to the value of adjacent residential premises. The Council has an obligation to its residents to ensure the retention of surrounding amenity (and property values) and must reject the proposal to provide a lease for such a tower which will have a negative impact.

The site will detract from the landscape of this area and will be clearly visible from both nearby residential premises and a high use, public road (Craigmore Road) and present a constant visual reminder of the radiation effect that may be possible.

The level and effect of exposure to EME emitted from telecommunications towers remains subject to debate. The long term impacts of exposure (including leukaemia, cancer, increased rate of miscarriages etc) remains unproven and yet to be fully studied. Consequently, the proposed location of the telecommunications tower within such a close proximity to existing residential premises is most alarming.

There are no detailed discussions or analysis as to why alternative sites are not viable or indeed that they do not exist at all.

For these reasons, we object to the proposed lease and submit that the proposed telecommunications tower is NOT appropriate in its suggested location.

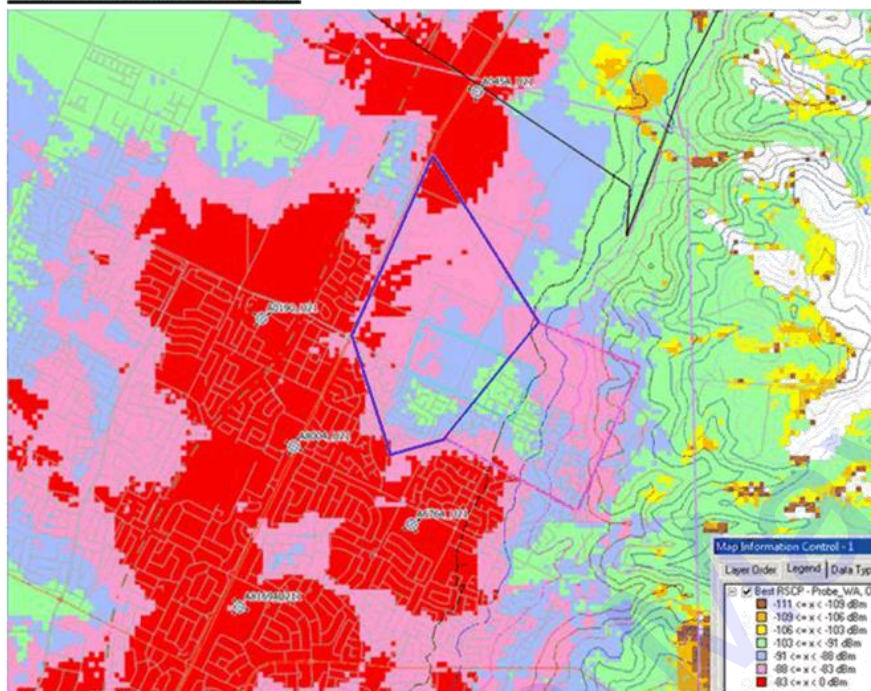
Yours sincerely



Elizabeth A Lee & Theodorus A Van Den Heuvel

Optus reception in Blakeview

Prior to Installation



Key

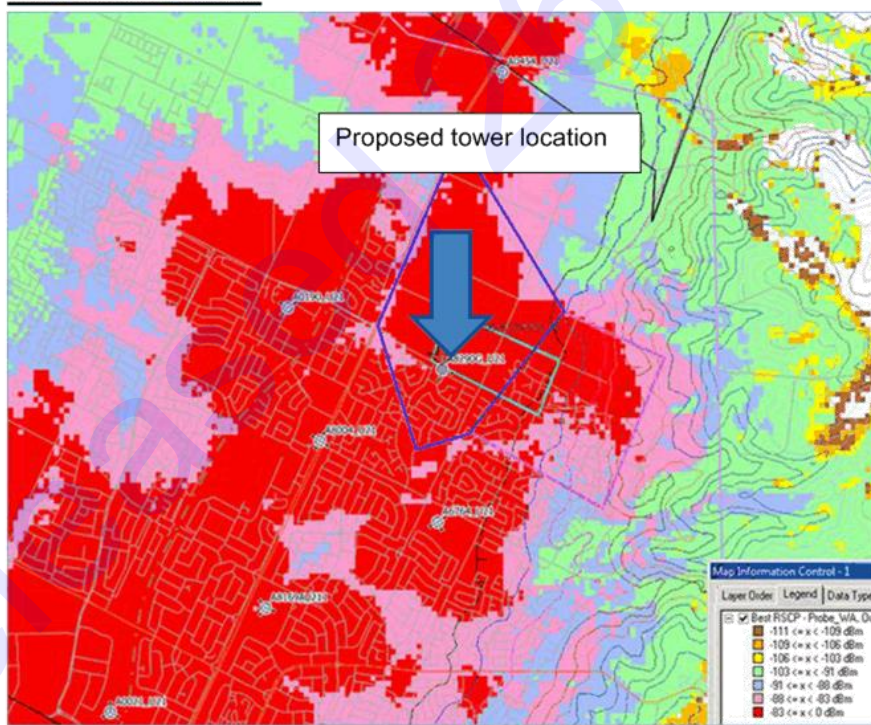
Green = Poor reception

Blue = Medium Reception

Pink = Good reception

Red = Strong reception

After Installation



*Blue Polygon shows area of highest priority of increased service area

C. COUNCIL/COMMITTEE TO DECIDE HOW LONG ITEM 18.1 IS TO BE KEPT IN CONFIDENCE**Purpose**

To resolve how long agenda item 18.1 is to be kept confidential.

STAFF RECOMMENDATION

Pursuant to Section 90(2) and Section 91(7) of the Local Government Act 1999, the Council orders that the following aspects of Item 18.1 be kept confidential in accordance with Council's reasons to deal with this item in confidence pursuant to Section 90 (3) (d) of the Local Government Act 1999:

- Report for Item 18.1
- Attachment(s) for Item 18.1
- Decision for Item 18.1

This order shall operate until the construction of the telecommunication tower is completed or will be reviewed and determined as part of the annual review by Council in accordance with Section 91(9)(a) of the Local Government Act 1999, whichever comes first.

COMMITTEE RESOLUTION**3199**

Pursuant to Section 90(2) and Section 91(7) of the Local Government Act 1999, the Council orders that the following aspects of Item 9.1 be kept confidential in accordance with Council's reasons to deal with this item in confidence pursuant to Section 90 (3) (d) of the Local Government Act 1999:

- Report for Item 9.1
- Attachment(s) for Item 9.1
- Decision for Item 9.1

This order shall operate until the construction of the telecommunication tower is completed or will be reviewed and determined as part of the annual review by Council in accordance with Section 91(9)(a) of the Local Government Act 1999, whichever comes first.