

Date: 22 January 2018

Your Ref: 08594/0307/17

Our Ref: SN881

### **Freedom of Information – Determination**

I refer to your application made under the *Freedom of Information Act, 1991* ("the Act") and payment of the application fee received by SA Water on 27 November 2017, seeking access to:

- 1) *Current leases or licences of land granted by the SA Water, excluding any lease or licence granted to [REDACTED] (or any of its predecessors) If possible the lease information in a spreadsheet format. [REDACTED] does not require any lease or licence documents, if possible, [REDACTED] requests a report from a lease database in excel format with the following fields:*
  - a. *Address including Postcode*
  - b. *Site area (sqm)*
  - c. *Lease commencement and expiry date*
  - d. *Lease purpose (e.g. commercial lease, grazing lease, community lease etc.)*
  - e. *Annual rental amount*
- 2) *Fee schedules, policies or decisions made or published by SA Water since 1 January 2010, regarding standard fees for leases or licences to access SA Water land or infrastructure.*

SA Water has identified two documents within scope of your request. Based on my assessment of these documents, I have determined to provide partial access to one document and full access to the other document.

Section 20 of the Act provides that an agency may refuse access to a document, or sections of a document, if the information is considered exempt pursuant to the provisions listed under Schedule 1 to the Act. The documents which I consider exempt and the reasons for their exemption are explained in more detail below.

Clause 7(1)(b) of Schedule 1 to the Act states that:

#### **7—Documents affecting business affairs**

- (1) *A document is an exempt document—*

...

- (c) *if it contains matter—*

- (i) consisting of information (other than trade secrets or information referred to in paragraph (b)) concerning the business, professional, commercial or financial affairs of any agency or any other person; and
- (ii) the disclosure of which—
  - (A) could reasonably be expected to have an adverse effect on those affairs or to prejudice the future supply of such information to the Government or to an agency; and
  - (B) would, on balance, be contrary to the public interest.

As per part 1 of your request, document 1 is a spreadsheet containing the lease type, start/stop dates and cost of SA Water lease agreements. You will note the address and site area has been omitted from this document. Due to the unrestricted nature of information determined for release under the Act, it is my opinion that disclosure of the address and/or area size along with the lease amount would have an adverse impact on SA Water's ability to negotiate value for money on future lease agreements. By comparing address and/or area locations with amounts, interested parties would use this information to their benefit during the negotiating process when SA Water are attempting to maximise their returns. It is in the interests of SA Water customers and therefore the public interest for SA Water to maximise revenue from alternate sources which contribute to keeping water and wastewater charges as low as possible.

When assessing this document, I have weighed the public interest factors in favour of disclosure, including the objects of the Act which promote openness and accountability of Government. However, I consider the adverse impact disclosure would have on SA Water and SA Water customers, outweighs any public interest factors in favour of disclosure. It is for this reason that I have determined the address and area should be omitted from document 1 as they are exempt pursuant to clause 7(1)(c) of Schedule 1 to the Act.

In response to part 2 of your request, document 2 is the procedure for real estate lease and licence management within SA Water. The Property Lease Preparation Fee for Non-Commercial Agreements is estimated by SA Water and quoted within the lease agreement. No fee schedules are published.

If you are dissatisfied with this determination, you are entitled to exercise your rights to internal review and appeal as outlined under Section 29 of the Act. To apply for an internal review you must lodge an internal review application form with SA Water within 30 days of this determination. Internal review applications can be addressed to the Principal Officer, GPO Box 1751, Adelaide SA 5001.

If you have any queries in relation to the above, or if you wish to obtain a copy of the internal review application form, please contact me on telephone (08) 7424 1777 or via email at [freedomofinformation@sawater.com.au](mailto:freedomofinformation@sawater.com.au).

Yours sincerely

  
Ben Roberts  
**ACCREDITED FREEDOM OF INFORMATION OFFICER**

Freedom of Information application: SN881 - [REDACTED]						
1) Current leases or licences of land granted by the SA Water, excluding any lease or licence granted to [REDACTED] (or any of its predecessors) If possible the lease information in a spreadsheet format. [REDACTED] does not require any lease or licence documents, if possible, [REDACTED] a report from a lease database in excel format with the following fields:						
a. Address including Postcode						
b. Site area (sqm)						
c. Lease commencement and expiry date						
d. Lease purpose (e.g. commercial lease, grazing lease, community lease etc.)						
e. Annual rental amount						
2) Fee schedules, policies or decisions made or published by SA Water since 1 January 2010, regarding standard fees for leases or licences to access SA Water land or infrastructure.						
No	Date	Author	Document Description	Determination	Clause	Reason
1	N/A	SA Water	Database extract of current SA Water leases of land (excluding [REDACTED])	Partial Release	Clause 7 (1)(c)	Disclosure would have an adverse impact on SA Water financial affairs
2	26/02/2016	SA Water	Real Estate Lease and Licence Procedure	Full Release		



SAWATER - SA Water Leasehold Portfolio

Charges		Start Stop	Term Option	Review	
Details	Amount			Date	Type
<b>Section: SAW_01 - SA Water Leasehold Portfolio</b>					
Special Rental	120.00	14-Nov-2006 13-Nov-2007	1y Overholding	1-May-2016	Tenure Documents
	N/A	1-Jul-1977 30-Jun-2007	30y 30y	1-Jul-2016	Tenure Documents
	N/A	1-Oct-1976	Open ended Nil		
	N/A	1-Jan-1979 31-Dec-2003	25y Overholding	1-Jun-2016	Tenure Documents
	N/A	1-Jan-1978 31-Dec-1978	1y Auto Rollover		
	N/A	1-Jul-1978 30-Jun-1979	1y Auto Rollover		
	N/A	1-Jul-2011 30-Jun-2012	1y Overholding		
	N/A	1-Jan-1979 31-Dec-1979	1y Auto Rollover		
	N/A	1-Jan-1980 31-Dec-1980	1y Auto Rollover		
	N/A	1-Apr-1980 31-Mar-1981	1y Auto Rollover		
	N/A	1-Jul-1980 30-Jun-1981	1y Auto Rollover		
	N/A	1-Apr-1981 31-Mar-1982	1y Auto Rollover		

Special Rental	50.00	1-Jul-1985 30-Jun-1986	1y Auto Rollover	1-Jul-2018	Market
	N/A	1-Jul-2015 30-Jun-2016	1y Nil		
Special Rental	50.00	1-Jan-1983	Open Ended	1-Jan-2017	Market
	N/A	6-Mar-1986 5-Mar-1996	10y Nil	6-Mar-2016	Tenure Documents
Special Rental	144.74	1-Mar-1989	Auto Rollover	1-Mar-2019	CPI
	N/A	1-Jan-1990	Open Ended Auto Rollover		
	N/A	1-Jul-2015 30-Jun-2016	1y Nil		
	N/A	1-Jul-2009 30-Jun-2019	10y 1 x 10 years		
Special Rental	4,040.00	1-Jan-1990 31-Dec-1993	4y Overholding	1-Jul-2017	Tenure Documents
Telecommunications rental	28,699.97	3-Aug-2003	10y	3-Aug-2016	Tenure Documents
Telecommunications rental	<del>1,624.53</del> 30,324.50	<del>2-Aug-2013</del>	Overholding		
Telecommunications rental	24,255.00	21-Feb-2015 20-Feb-2020	5y 3 x 5 years	21-Feb-2018	Fixed 5%
Telecommunications rental	7,313.16	29-Nov-2010 28-Nov-2020	10y Nil	1-Jul-2016	Tenure Documents
Telecommunications rental	7,313.16	22-Dec-2005 21-Dec-2010	5y Overholding	1-Jul-2016	Tenure Documents
Telecommunications rental	14,759.72	1-Jan-2014 31-Dec-2018	5y 3 x 5 years		

Telecommunications rental	29,549.11	20-Mar-2015 19-Mar-2020	5y 1 x 5 years	19-Mar-2018	Fixed 5%
Special Rental	300.00	1-Sep-2014 31-Aug-2034	20y 1 x 10 years		
Vacant	N/A				
Special Rental	105.25	1-Apr-1997	Open Ended Auto Rollover	1-Apr-2018	CPI
Telecommunications rental	10,500.00	31-Aug-2001 30-Aug-2016	15y Nil	1-Oct-2017	Tenure Documents
Telecommunications rental	8,849.43	1-Jul-2005 30-Jun-2015	10y Overholding	1-Jul-2017	Tenure Documents
Telecommunications rental	18,795.69	3-Oct-2004 2-Oct-2009	5y Overholding	1-Jun-2016	Tenure Documents
Telecommunications rental	15,357.64	3-Oct-2004 2-Oct-2009	5y Overholding	1-Jul-2016	Tenure Documents
Telecommunications rental	7,313.16	9-Nov-2005 8-Nov-2010	5y Overholding	1-Jul-2016	Tenure Documents
Telecommunications rental	12,115.47	9-Nov-2005 8-Nov-2010	5y Overholding	1-Jul-2016	Tenure Documents
Telecommunications rental	8,596.22	26-Oct-2009 25-Oct-2014	5y Overholding	1-Jul-2016	Tenure Documents
Telecommunications rental	10,395.13	1-May-2006 30-Apr-2011	5y Overholding	1-Jul-2016	Tenure Documents
Telecommunications rental	7,313.16	1-Dec-2005 30-Nov-2010	5y Overholding	1-Jul-2016	Tenure Documents
	N/A	1-Jul-2016 30-Jun-2017	1y Nil		
Telecommunications rental	12,600.00	1-Mar-2016 28-Feb-2021	5y 3 x 5 years	1-Mar-2018	Fixed 5%

Telecommunications rental	13,251.45	1-Mar-2012 28-Feb-2017	5y 3 x 5 years	1-Mar-2018	Fixed 5%
Telecommunications rental	8,755.89	1-Mar-2012 28-Feb-2017	5y Nil	1-Mar-2018	Fixed 5%
Telecommunications rental	18,232.60	3-Aug-2013 2-Aug-2018	5y	1-Jul-2016	Tenure Documents
Telecommunications rental	13,781.25	8-Feb-2015 7-Feb-2020	5y 3 x 5 years	8-Feb-2018	Fixed 5%
Telecommunications rental	12,621.39	1-Jan-2013 31-Dec-2017	5y Nil		
Special Rental	50.00	1-Mar-1979	Open Ended Auto Rollover		
Telecommunications rental	8,922.87	1-Apr-2014 31-Mar-2019	5y Nil	1-Apr-2018	Fixed 5%
	N/A	1-Jun-1991	Open Ended		
	N/A	9-Feb-1989	Open Ended		
	N/A	16-Sep-1977	Open Ended Auto Rollover		
	N/A	16-Sep-1977	Open Ended Auto Rollover		
	N/A	20-Mar-1986	Open Ended Auto Rollover		
	N/A	3-Feb-1984	Open Ended Auto Rollover		
	N/A	7-Jun-1989	Open Ended Auto Rollover		
Telecommunications rental	21,106.50	1-Dec-2009 30-Nov-2014	5y Overholding	1-Jul-2016	Tenure Documents



Telecommunications rental	21,106.47	1-Nov-2009 31-Oct-2014	5y Overholding	1-Jul-2016	Tenure Documents
Special Rental	217.05	1-Nov-1999 31-Oct-2001	2y Auto Rollover	1-Jul-2016	Tenure Documents
	N/A	20-Apr-2000 19-Apr-2005	5y Nil	1-Jul-2016	Tenure Documents
Telecommunications rental	13,400.95	1-Jan-2010 31-Dec-2014	5y Overholding	1-Jul-2016	Tenure Documents
	N/A	1-Jan-2000 31-Dec-2020	21y Nil	1-Jan-2017	Rent Review
Telecommunications rental	10,914.37	1-Apr-2015 31-Mar-2020	5y Nil	1-Apr-2018	Fixed 5%
Telecommunications rental	10,314.10	1-Sep-2015 31-Aug-2020	5y Nil	1-Sep-2018	Fixed 5%
Telecommunications rental	18,336.14	1-Jul-2015 30-Jun-2020	5y Nil	1-Jul-2016	Tenure Documents
	N/A	1-Feb-1999 31-Jan-2003	4y Auto Rollover	1-Jul-2016	Tenure Documents
Telecommunications rental	18,336.13	1-Sep-2015 31-Aug-2020	5y Nil	1-Sep-2018	Fixed 5%
	N/A				
Special Rental	3,922.15	24-Dec-2009 23-Dec-2014	5y Overholding	1-Jul-2016	Tenure Documents
Telecommunications rental	10,107.81	18-Aug-2014 17-Aug-2019	5y Nil	18-Aug-2018	Fixed 5%
Special Rental	300.00	1-Jul-2010 30-Jun-2020	10y Nil		
Special Rental	0.01	1-Jul-2006 30-Jun-2016	10y Nil		

Telecommunications rental	7,203.48	1-Mar-2011 29-Feb-2016	5y Nil	1-Jul-2016	Tenure Documents
Special Rental	138.00	1-Jul-1999 30-Jun-2009	10y Overholding	1-Jul-2016	Tenure Documents
Telecommunications rental	15,801.58	30-Jul-2013 31-Mar-2017	3y 8m 2d 1 x 5 years	30-Jul-2018	Fixed 5%
Telecommunications rental	13,718.90	1-Mar-2012 28-Feb-2017	5y 3 x 5 years	1-Mar-2018	Fixed 5%
Telecommunications rental	12,459.94	1-Mar-2012 28-Feb-2017	5y 3 x 5 years	1-Mar-2018	Fixed 5%
	N/A	31-Jan-2013 30-Jan-2023	10y Nil		
Special Rental	500.00	1-Jan-2015 31-Dec-2015	1y Overholding	1-Jul-2016	Tenure Documents
Telecommunications rental	9,772.17	18-Jan-2007 17-Jan-2012	5y Overholding	1-Jul-2016	Tenure Documents
Special Rental	310.26	1-Aug-2012 31-Jul-2017	5y Nil		
Telecommunications rental	10,084.86	12-Oct-2015 11-Oct-2020	5y Nil	11-Oct-2018	Fixed 5%
Telecommunications rental	10,084.88	12-Oct-2015 11-Oct-2020	5y 1 x 5 years	1-Jul-2016	Tenure Documents
Telecommunications rental	10,084.86	12-Oct-2015 11-Oct-2020	5y Nil	12-Oct-2018	Fixed 5%
Telecommunications rental	17,190.17	12-Oct-2015 11-Oct-2020	5y Nil	12-Oct-2018	Fixed 5%
Telecommunications rental	12,535.30	27-Jul-2015 26-Jul-2020	5y Nil	1-Jul-2018	Tenure Documents
Telecommunications rental	24,749.14	1-Nov-2012 31-Oct-2017	5y Nil		

Special Rental	463.05	1-Apr-2009 31-Mar-2014	5y Overholding	1-Jul-2016	Tenure Documents
Special Rental	542.97	1-Jun-2008 31-May-2014	6y Overholding	1-Jul-2016	Tenure Documents
	N/A	1-Dec-2008 30-Nov-2014	6y Overholding	1-Jun-2016	Tenure Documents
	N/A	1-Feb-2009 31-Jan-2015	6y Overholding	1-Jun-2016	Tenure Documents
	N/A	1-Feb-2002 31-Jan-2022	20y Nil	1-Feb-2022	Overholding
Special Rental Rec - Garden Maintenance	350.00 <del>1,200.00</del> 1,550.00	1-Jul-2013 <del>30-Jun-2023</del>	10y 1 x 10 years	1-Jul-2018	CPI
	N/A	1-Jun-2003 30-Jun-2023	20y 1m Nil		
	N/A	1-Jun-2003 31-May-2004	1y Overholding	1-Jul-2016	Tenure Documents
	N/A	30-Jun-2003 29-Jun-2024	21y Nil		
Telecommunications rental	1,000.00	1-Dec-2003 30-Nov-2013	10y Overholding	1-Jul-2016	Tenure Documents
Telecommunications rental	4,336.99	1-Jan-2014 31-Dec-2018	5y 1 x 5 years	1-Jan-2019	Market
Telecommunications rental	21,879.11	1-Dec-2013 30-Nov-2018	5y 3 x 5 years	1-Dec-2018	Market

Residential Rental - Ex GST	5,735.71	4-Jan-2016 3-Jan-2017	1y Periodic Tenancy		
	N/A				
Special Rental	1,280.00	14-Aug-2004 30-Jun-2006	1y 10m 17d Overholding	1-Jul-2015	Overholding
Special Rental	1,308.52	1-Aug-2015 31-Jul-2016	1y Nil		
	N/A	17-Dec-2004 31-Jul-2015	10y 7m 15d Nil	17-Dec-2015	CPI
Telecommunications rental	4,336.99	1-Jan-2014 31-Dec-2018	5y 1 x 5 years	1-Jul-2016	Tenure Documents
Special Rental	3,720.00	1-Oct-2004 30-Jun-2006	1y 9m Overholding	1-Jul-2016	Tenure Documents
Special Rental	220.00	14-Nov-2005 13-Nov-2006	1y Overholding	1-Jul-2016	Tenure Documents
	N/A	1-Oct-2005 30-Sep-2010	5y Auto Rollover	1-Jul-2016	Tenure Documents
Telecommunications rental	18,336.14	20-Mar-2015 19-Mar-2020	5y 2 x 5 years	1-Jul-2016	Tenure Documents
Special Rental	564.44	10-Jan-2006 9-Jan-2031	25y Nil	1-Jan-2019	Fixed 3%
Special Rental	200.00	1-Jul-2006 30-Jun-2011	5y Overholding	1-Jul-2016	Tenure Documents
Telecommunications rental	27,499.45	10-Jul-2016 9-Jul-2021	5y 2 x 5 years	10-Jul-2018	Fixed 5%
Telecommunications rental	21,550.28	23-May-2005 22-May-2015	10y 2 x 5 years	1-Jul-2016	Tenure Documents

	N/A	1-Sep-2006 31-Aug-2007	Open Ended Overholding		
	N/A	21-Nov-2006 20-Nov-2007	1y Overholding	19-Nov-2015	Overholding
Special Rental	3,517.76	1-Jul-2011 30-Jun-2026	15y Overholding	1-Jul-2018	Fixed 5%
Residential Rental - Ex GST	3,910.71	1-Jul-2015 30-Jun-2016	1y Nil		
	N/A	1-Dec-2007 30-Nov-2012	5y Auto Rollover	30-Nov-2016	Overholding
Telecommunications rental	4,995.21	16-Feb-2004 15-Feb-2024	20y Nil	15-Feb-2018	Fixed 4%
	N/A	1-Jun-2011 31-May-2014	3y 1 x 3 years		
Telecommunications rental	11,256.80	8-Jul-2012 7-Jul-2017	5y 1 x 5 years	1-Jun-2016	Tenure Documents
	N/A				
Telecommunications rental	8,933.97	1-May-2016 30-Apr-2021	5y 2 x 5 years	1-May-2018	Fixed 5%
	N/A	1-Jul-2010 30-Jun-2020	10y 1 x 10 years		
Special Rental	1,340.10	11-Jul-2011 10-Jul-2021	10y 2 x 5 years	11-Jul-2018	Fixed 5%
Telecommunications rental	10,720.76	1-Oct-2016 30-Sep-2021	5y 3 x 5 years	1-Oct-2018	Fixed 5%
Telecommunications rental	13,400.95	21-Oct-2016 20-Oct-2021	5y 3 x 5 years	21-Oct-2018	Fixed 5%
Telecommunications rental	13,400.95	20-Nov-2016 19-Nov-2021	5y 3 x 5 years	20-Nov-2018	Fixed 5%

	N/A	1-Apr-2014 31-Mar-2019	5y 1 x 5 years	1-Apr-2017	Fixed 3%
Telecommunications rental	8,933.98	1-May-2012 30-Apr-2017	5y 3 x 5 years	1-May-2018	Fixed 5%
	N/A	11-Feb-2013 10-Feb-2023	10y 1 x 10 years		
Telecommunications rental	5,788.13	1-Oct-2014 30-Sep-2019	5y 3 x 5 years	1-Oct-2018	Fixed 5%
	N/A				
Telecommunications rental	12,678.75	1-Sep-2015 31-Aug-2020	5y 3 x 5 years	1-Sep-2018	Fixed 5%
Special Rental	219.00	1-May-2015 30-Apr-2025	10y Option	1-May-2018	Rent Review
	N/A	1-Mar-2017 28-Feb-2018	1y Option		
Telecommunications rental	9,240.00	21-Jul-2016 20-Jul-2021	5y 3 x 5y	21-Jul-2018	Fixed 5%
Telecommunications rental	4,160.00	1-Sep-2016 31-Aug-2036	20y Break Date	1-Dec-2016	Tenure Documents
Telecommunications rental	4,160.00	1-Sep-2016 31-Aug-2036	20y Break Date	1-Dec-2016	Tenure Documents
Telecommunications rental	6,968.00	1-Aug-2016 31-Jul-2036	20y Break Date	1-Dec-2016	Tenure Documents
Special Rental	12,000.00	1-Sep-2016 31-Aug-2026	10y Nil	1-Sep-2018	Rent Review
Telecommunications rental	18,000.00	1-Jan-2017 31-Dec-2036	20y Break Date	1-Jan-2019	Fixed 5%
Telecommunications rental	11,550.00	9-Sep-2016 8-Sep-2036	20y Nil	9-Sep-2018	Fixed 5%

	N/A	1-Mar-2017 29-Feb-2020	3y Nil		
Telecommunications rental	11,576.25	1-Sep-2014 31-Aug-2034	20y Break Date	1-Sep-2018	Fixed 5%
	N/A	1-Apr-2017 31-Mar-2018	1y Nil		
Special Rental	30,000.00	1-Jun-2017 31-May-2020	3y 1 x 3 years	1-Jun-2020	Fixed 3%
Telecommunications rental	5,200.00	17-Jul-2017 30-Sep-2034	17y 2m 14d Nil	17-Jul-2018	Fixed 4%
	N/A	12-Oct-2017 30-Jun-2028	10y 8m 19d By Negotiation		
Telecommunications rental	19,222.09	1-Jul-2013 30-Jun-2018	5y 3 x 5 years	1-Jun-2016	Tenure Documents
	N/A	1-Jul-2015 30-Jun-2016	1y Auto Rollover		
Special Rental	250.00	7-Aug-2015 6-Aug-2016	1y Nil		
	N/A	28-Aug-2015	Auto Rollover		
	N/A	1-Mar-2015 28-Feb-2017	2y 4 x 1 year		
	N/A				
Telecommunications rental	5,000.00	21-Apr-2017 20-Apr-2022	5y	21-Apr-2018	Fixed 4%





# Real Estate Lease and Licence Procedure

## Purpose

- a) To ensure that the assessment of requests for the on-going use of SA Water land or assets, by external parties, is carried out in accordance with the Public Access and Land Use Policy and Procedure;
- b) To ensure the granting of a lease/licence over SA Water land or assets, is transparent and justifiable, and according to legislative requirements; and
- c) To ensure the granting and management of a lease/licence takes into consideration optimal service delivery, security water quality and environmental outcomes, while minimising risk.
- d) To ensure contaminating activities do not occur on lease/licence sites.

## Scope

Land owned (Certificate of Title) or controlled (Crown Land dedicated to SA Water) by SA Water is available for on-going use by external parties via a lease or licence agreement or other administrative arrangements.

Land/sites that SA Water will assess for leases/licences includes, but is not limited to, tank sites and pumping stations, strategic landholdings, buffer zones around wastewater treatment plants, and firebreaks within reservoir reserves (for hay-cutting leases).

### Exclusions of Procedure:

Property owned by third parties and leased to SA Water.

Leasing of SA Water buildings for office accommodation.

Forestry SA Operations on SA Water land (which are subject to a separate MOU).

DPTI Significant Environmental Benefit sites on SA Water land (which are subject to a separate MOU).

Licences for Non-SA Water land e.g. MDBA land.

### Range of Procedure:

This procedure is applicable to all SA Water Property employees, the Corporation's real estate Portfolio Manager of the time and third party real estate agents acting for the principal (the Corporation).

## Definitions and Acronyms

Term	Description
Dedicated land	Crown Land for which ongoing care, control and management has been dedicated to SA Water for a specific purpose.
Telco lease/licence	A standard form agreement for the construction, maintenance, and operation of a telecommunication facility as part of a telecommunications network.
Lease	A registrable interest in land pursuant to the Real Property Act providing exclusive possession for a particular time.
Licence	A mere contract between two parties not conveying exclusive possession or granting a registrable interest in land.
Lessee/Licensee	A party which holds a lease or licence on Corporation property.
Strategic landholding	Land held by the Corporation which may be required in the future for the provision of water/wastewater services.
Portfolio Management	Rental Collection and Tenancy Management.
DPTI	Department of Planning, Transport and Infrastructure.
DEWNR	Department of Environment Water and Natural Resources.

## Procedure Steps

A new lease or licence is either initiated by SA Water or requested by a third party.

The steps in this procedure are listed in the table below:

Step	Description	Responsibility
1.	Assess the proposed lease/licence request against the principles of the Public Access and Land Use Policy and Procedure to determine if it is acceptable to the Corporation < >: <ul style="list-style-type: none"> <li>If yes, go to Step 2.</li> <li>If no, advise requestor according to the Public Access and Land Use Procedure.</li> </ul>	Property Consultant / Public Access Officer
2.	Assess whether the proposed lease/licence is on freehold land or Crown land. <ul style="list-style-type: none"> <li>For any request on freehold land go to Step 3.</li> <li>For a Telco request on Crown land go to Step 4.</li> <li>For any other request on Crown land go to Step 6.</li> </ul>	Property Consultant
3.	<b>Any Lease/Licence on Freehold Land</b> a) Liaise with key internal stakeholders to obtain feedback regarding the proposed lease/licence (Refer Steps 13-16). b) Establish the terms and conditions of the lease/licence ensuring at all times a maximum return of investment to the Corporation unless in-kind work is undertaken, or a quantifiable community benefit can be shown. c) Go to Step 10.	Property Consultant
4.	<b>Telco Lease/Licence on Crown land</b> <ul style="list-style-type: none"> <li>If the request is for a Telco lease on Crown Land dedicated to SA Water and it is proposed that the Telco structure is erected on the SA Water infrastructure at the site e.g. on a water tank, then:</li> </ul>	Property Consultant

Step	Description	Responsibility
	<p>a) Liaise with key internal stakeholders to obtain feedback regarding the proposed lease/licence (Refer Steps 13-16).</p> <p>b) Establish the terms and conditions of the lease/licence ensuring at all times a maximum return of investment to the Corporation unless in-kind work is undertaken, or a quantifiable community benefit can be shown.</p> <p>c) Go to Step 10.</p> <p>• If the request is for a Telco lease on Crown Land dedicated to SA Water, and a Telco structure already exists on the land, or it is proposed that the Telco structure is established directly on the land, then:</p> <p>a) Liaise with key internal stakeholders to obtain feedback regarding the proposed lease/licence (Refer Steps 13-16).</p> <p>b) Following endorsement from key stakeholders contact the Department of Environment and Natural Resources for possible purchase of the land from the Crown. If purchase not possible Go to Step 5.</p> <p>c) Once land is purchased establish the terms and conditions of the lease/licence ensuring at all times a maximum return of investment to the Corporation unless in-kind work is undertaken, or a quantifiable community benefit can be shown.</p> <p>d) Go to Step 10.</p>	
5.	<p>Should acquisition not be possible due to high purchase costs, or DEWNR being unwilling to excise and /or sell the land, then do not renew any existing lease nor establish any new facilities with the Telco.</p> <p>Refer the Telco to DENR to secure a lease/licence. NB: Such referral is made subject to the reservation by SA Water of ongoing operational considerations in establishing the facility.</p>	Property Consultant
6.	<p><b>Any Lease/Licence on Crown Land</b></p> <p>If the request is for a land use, other than Telco, on Crown Land (insert a sunset clause, and) then:</p> <p>a) Liaise with key internal stakeholders to obtain feedback regarding the proposed lease/licence (Refer Steps 13-16).</p> <p>b) Seek approval from Regional DENR Property Administrator.</p> <p>c) Establish the terms and conditions of the lease/licence ensuring at all times a maximum return of investment to the Corporation unless in-kind work is undertaken, or a quantifiable community benefit can be shown.</p> <p>d) Go to Step 10.</p>	Property Consultant
	<b>Review and renewal, or termination of existing lease/licence initiated by the Portfolio Manager 3 months before the expiry of the term.</b>	
7.	<p>All leases /licences will be reviewed in accordance with the lease/licence audit schedule in Appendix B, and renewed or terminated as relevant.</p> <ul style="list-style-type: none"> <li>• If renewing a lease or licence on Freehold land Go to Step 8.</li> <li>• If renewing a lease or licence on Crown reserve, Go to Step 9.</li> </ul>	Property Consultant
8.	<p>a) Liaise with key internal stakeholders to obtain feedback regarding the proposed lease/licence (Refer Steps 13-16).</p> <p>b) Establish the terms and conditions of the lease/licence ensuring at all times a maximum return of investment to the Corporation unless in-kind work is undertaken.</p> <p>c) Prepare the lease/licence document based on previous document or revised document (based on consultation).</p> <p>d) Go to Step 11.</p>	Property Consultant

Step	Description	Responsibility
9.	Establish the terms and conditions of the lease/licence ensuring at all times a maximum return of investment to the Corporation unless in-kind work is undertaken, or a quantifiable community benefit can be shown. a) Liaise with key internal stakeholders to obtain feedback regarding the proposed lease/licence (Refer Steps 13-16). b) Seek approval from Regional DEWNR Property Administrator c) Prepare the lease/licence document based on documents previously provided by Crown Solicitor's Office. d) Go to Step 11.	Property Consultant
	<b>Lease/Licence Management</b>	
10.	Prepare new lease/licence document (undertaking consultation as per Steps 13-16). Go to Step 11.	Property Consultant
11.	Execute lease/licence documentation on behalf of the Corporation and send a copy of the document to the Portfolio Manager for ongoing collection of lease/licence fees. Go to Step 12.	Property Consultant
12.	Advise key stakeholders (Appendix A) of the outcome of the consultation. Advise Regional Service Delivery Manager that a copy of the final agreement will be provided upon request.	Property Consultant
13.	As per Appendix A, key stakeholders will be consulted about any proposed or renewing lease/licence agreements.	Property Consultant
14.	All feedback will be recorded on the Consultation Sheet in Appendix A. The Property Consultant will address feedback at their discretion.	Property Consultant
15.	Should there be a strong objection to a proposed lease/licence the stakeholder must provide a valid and justifiable reason for their objection.	Key Stakeholder
16.	Any objections will be first assessed by the Property Consultant. If the Property Consultant is unable to reach resolution, the issue will be escalated to the Senior Property Consultant, then the Manager Property Services, Manager LANA, as required. A final decision will be made at the discretion of the Manager LANA.	Property Consultant / Senior Property Consultant / Manager Property Services./ Senior Manager Commercial & Contracts

## Related Links

- [Public Access and Land Use Policy](#)
- [Public Access and Land Use Procedure](#)
- [Land Management Policy](#)
- [Land Management Procedure](#)
- [Crown Lands Management Act, 2009](#)

## Responsibilities


Implementation	Compliance	Review	Interpretation and Advice
Senior Property Consultant / Manager Property Services	Senior Manager Commercial & Contracts	Senior Manager Commercial & Contracts	Manager Property Services /Senior Property Consultant

## Performance Indicator(s)

- All leases/licences due to expire are identified 3 months prior to expiry date and action commenced to renew or terminate.
- All consultation carried out and recorded in accordance with Appendix A.
- 95% of lease/licences are reviewed in accordance with Appendix B.
- 75 % of leases/licences are up to date at any given time.

## Document Control

### Approver

Role	Signature and Date
GM Commercial & Business Development	<div style="text-align: center;">  </div> <hr/> Jim McGuire

## Version History

Version	Effective Date	Author	Comments	Next Review
1.0	01/03/12	John Howard	First version	01/03/15
1.1	01/01/15	BMS team	Links added/updated	01/03/15
1.2	26/02/16	Kris Hassiotis	DEWNR definition added and minor changes to job titles	26/02/19

**APPENDIX A: Consultation Requirement and Record**

The following consultative steps must be followed for the development of any new lease/licence:

1. The following positions are to be directly consulted:

- LANA Policy and Planning Coordinator
- Service Delivery Manager
- Manager Emergency Management Services
- GM Business Assurance & Risk
- Manager WQ and Integrated Management
- Manager, Stakeholder Relations
- Manager Asset Management
- Manager, Systems Planning

The following consultative steps must be followed for the renewal of any new lease/licence:

2. When renewing a lease/licence the following positions are to be directly consulted:

- LANA Policy and Planning Coordinator
- Service Delivery Manager



**LEASE/LICENCE CONSULTATION SHEET**

This SHEET is to be used to demonstrate the breadth of consultation undertaken when developing/reviewing a lease/licence.

Copy to be retained on file.

Lease/Licence Details:	Section#: CT#: Address: Type of Lease/Licence:
New or Revised Lease/Licence:	

Position and Person	Nature of consultation e.g. email, focus group, targeted, AquaNet)	Substance of Feedback This may be in the form of a copy and paste from an email, paraphrasing, or any other way which conveys the integrity of feedback in a succinct manner.	Outcome of Feedback Indicate whether the feedback was adopted and if not, why not.	Nil Response (Nil)
e.g. Manager LANA – Sue Lefebvre	General conversation	Tenant has not passed a number of inspections. May be prudent to advertise for new tenant.	Gave tenant notice and advertised for new tenant.	
LANA Policy & Planning Coordinator				
Service Delivery Mgr.				
Mgr. Emergency Mgt Services				
GM Business Assurance & Risk				
Mgr. WQ & Integrated Mgt				

**APPENDIX B: Lease/Licence Audit Schedule**

SharePoint Link:

Lease Licence Audit Spreadsheet