



**PUBLIC CONSULTATION REPORT**

**PROPOSED LEASE OVER ROAD RESERVE - PORT VICTORIA HOTEL-MOTEL**

**REVISED PLAN FOR RENOVATIONS / LEASE AREA**



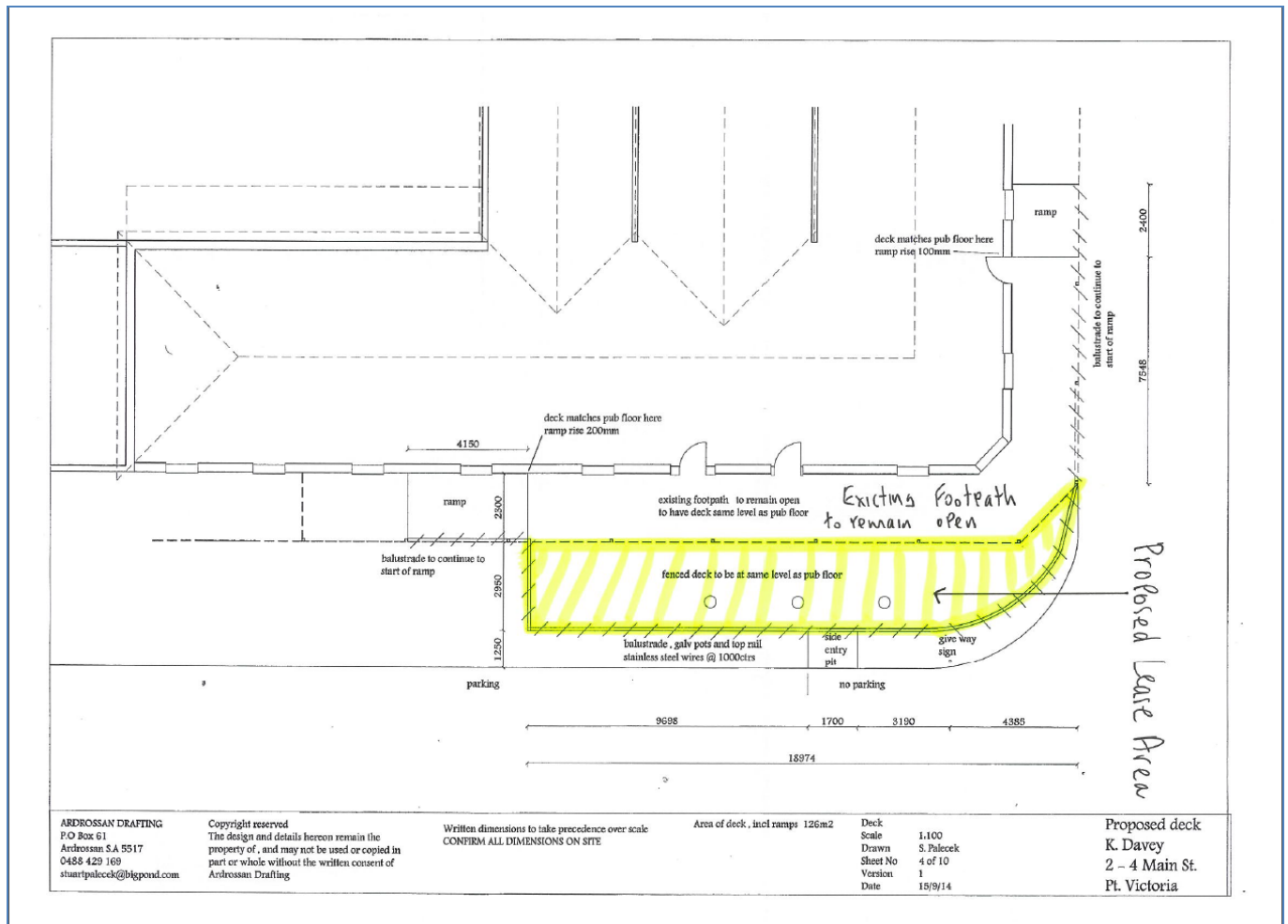
**14<sup>th</sup> July 2015**

**Yorke Peninsula Council**

## Background and Use of Land

Public consultation was previously undertaken in May 2015 for the proposed renovations to the Port Victoria Hotel-Motel (Hotel). The renovations included a proposed enclosed deck area for exclusive use by hotel patrons, built on the portion of road reserve adjacent to the Hotel. The land for inclusion in the proposed lease was approximately 52 square meters of Council road reserve which juts onto Main Street Port Victoria, adjacent to the Hotel.

## Original Plan submitted for first Public Consultation



## Purpose of a further Public Consultation

At the close of the public consultation period on 10 March 2015 no submissions were received by Council.

A letter however was received from Progress on 23 March 2015 with concerns about footpath access for pedestrians if the new decking adjacent to the hotel was to proceed as shown in the original plan.

The original plan indicated that the public footpath would pass between the hotel and the new proposed deck area which would have pedestrians not patronising the hotel, passing through a licensed area of the hotel.

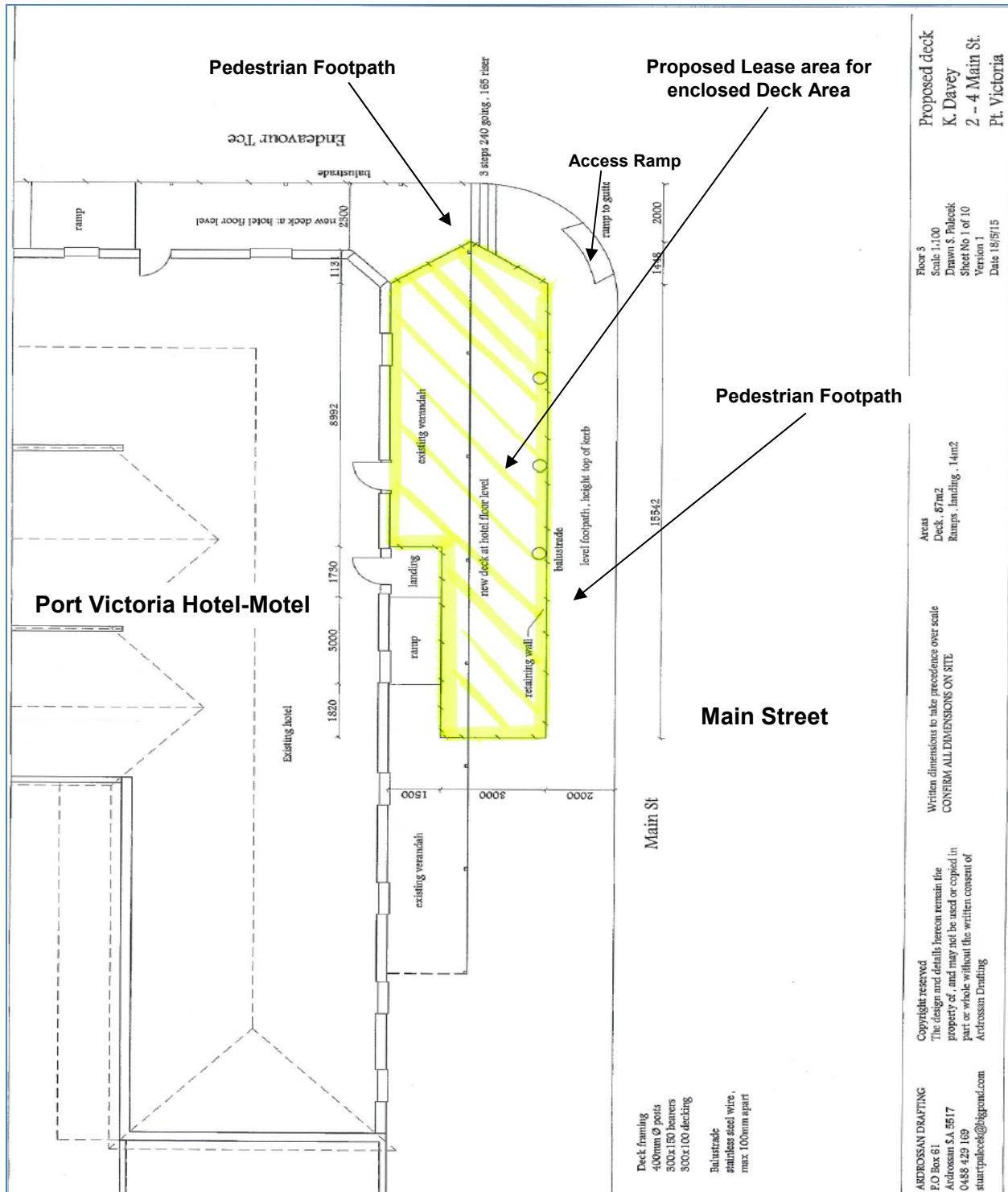
An onsite meeting was arranged with Council staff, the Hotel Licensee and representatives from Progress.

As a result of the meeting and consultation it is proposed that a rerouted footpath adjacent to Victoria Terrace will deviate to the right, around to the front of the hotel adjacent to Main Street, abutting the curb, and continue on to the current Main Street footpath past the hotel verandah.

The access ramp on the corner of the curb would provide access for pedestrians to cross over Main Street and Victoria Street. Taking into consideration all suggestions from the attendees at the meeting, it was agreed that the hotel licensee have amended plans prepared for further consultation.

The amended plan indicates a lease area of 62.7 square metres.

### Revised Plan for decking extension



## **Lease Details**

As previously presented, it is proposed that a five year lease with three (3) five year rights of renewal be prepared between Council and the hotel's licensees, Mr Peter J Raison & Mr Kenneth John Davey and the property owner Parker Hotels Pty. Ltd. The revised plan will once again be subject to the Lessee obtaining appropriate Development Act approval for the extension and for any development, structures, fixtures or equipment where relevant.

## **Community Benefits**

The intent of the outdoor dining area is to promote the hotel's patrons dining and entertaining experience by exposing the views from the hotel to the north and west over the Port Victoria jetty and bay area. The renovation also has the potential to create an added benefit to the community with potential tourism growth.

The current inherent risks associated with the awkward high drop on the northern end of the western footpath adjacent to the hotel, which is a concern to Council and residents alike, will be addressed with the new footpath for public access as part of the development.

## **Conditions on granting the proposed lease**

The proposed lease with Council is subject to the requirements of the Hotel's Office of Liquor and Gambling application and once granted, Council must be fully informed if any variation at all is made in the terms and particulars of the said licence.

It is proposed that the liquor licensing hours for the deck will be the same as the current hotel trading hours with supply of liquor to be within the prescribed times. The licence will also specify the number of persons permitted to consume food / drink within the leased area.

All furniture on the decking will be removed at close of business each day if not already a permanent fixture.

If customers purchasing food and/or liquor wish to consume the same within the leased area, they must do so at the tables provided therein using crockery and cutlery supplied by the Lessee.

All furniture / equipment on the leased area must be free from litter and waste materials and no waste material is to be swept or placed into the water table.

The leased area, including pavement, furniture, fixtures, equipment and the like must be maintained in a safe and operatable condition to the reasonable satisfaction of Council. The Lessee will bear the cost of cleaning the leased area and of all pavement repairs and maintenance.

Other structures on the street (e.g. trees, power pole, signs and services etc.) may not be moved, altered or interfered with in any way except with the express, written approval of Council. Any

alteration to the portion of road reserve will not interfere with or cause damage to or in any way affect the property of any other person.

Should Council be of the opinion that the lessee is required to provide protection to the outdoor dining patrons from intrusion of impacting vehicles, the lessee must organise and bear all costs associated with the purchase and installation of approved crash tested protection barriers (e.g. crash tested bollards).

For the term of the Lease, the Lessee will maintain all fixtures and equipment erected or installed on the leased area and vegetation planted will be kept in good condition and to recognised standards.

To indemnify the Council, its servants and/or agents against all actions, costs, claims and demands for injury, loss or damage arising out of any negligent act or omission of the Lessee in relation to the alteration to the road, the granting of this Lease and the general and special conditions contained herein and such indemnity shall be in addition to any statutory immunity in favour of the Council.

For the term of the Lease, the Lessee will take out and keep current a public liability policy of insurance to an appropriate level of cover, in respect of any negligent act or omission of the Lessee in relation to the alteration to the road or any activity arising out of or from the granting of the Lease.

At the expiration or earlier termination of this lease the lessee is to remove, if so directed by the Council, any or all structures or object erected or installed on the leased area and to reinstate the road to the satisfaction of the Council.

## **Consultation process**

The public consultation process is the first step in the process to give consideration to granting a lease to Mr Peter J Raison & Mr Kenneth John Davey and the property owner Parker Hotels Pty. Ltd

The public consultation process entails advertising a notice in the YP Country Times and on Council's website on the **14<sup>th</sup> July 2015** with this information report made available at Council offices and on Council's website.

After the 21 days public consultation period a report will be prepared for Council outlining the outcome of the public consultation process including any written submissions.

Council must consider all submissions made in response to this public consultation process prior to making a decision to grant the lease.

The public can formally participate in the consultation process in two ways:

1. Provide a written submission which is to be received no later than **5:00 pm on Monday 10th August 2015**.

Please forward submission to:

Port Victoria Hotel - Motel Lease  
Yorke Peninsula Council  
PO Box 88  
Minlaton SA 5575

2. Include in the written submission, a request to appear in person before Council when the matter is considered.

It is planned that the matter will be considered at the **9<sup>th</sup> September 2015** Council meeting.

If any members of the public wish to attend this meeting to listen to Council's consideration of this matter, they should view Council's meeting Agenda to verify when the matter is being considered.

This meeting is a formal meeting of Council and only people who have requested in writing to address Council will be considered to do so.

All questions regarding the consultation process can be directed to Marilyn Mensforth, Property Tenure Officer on (08) 8832 0000.

Andrew Cameron

Chief Executive Officer