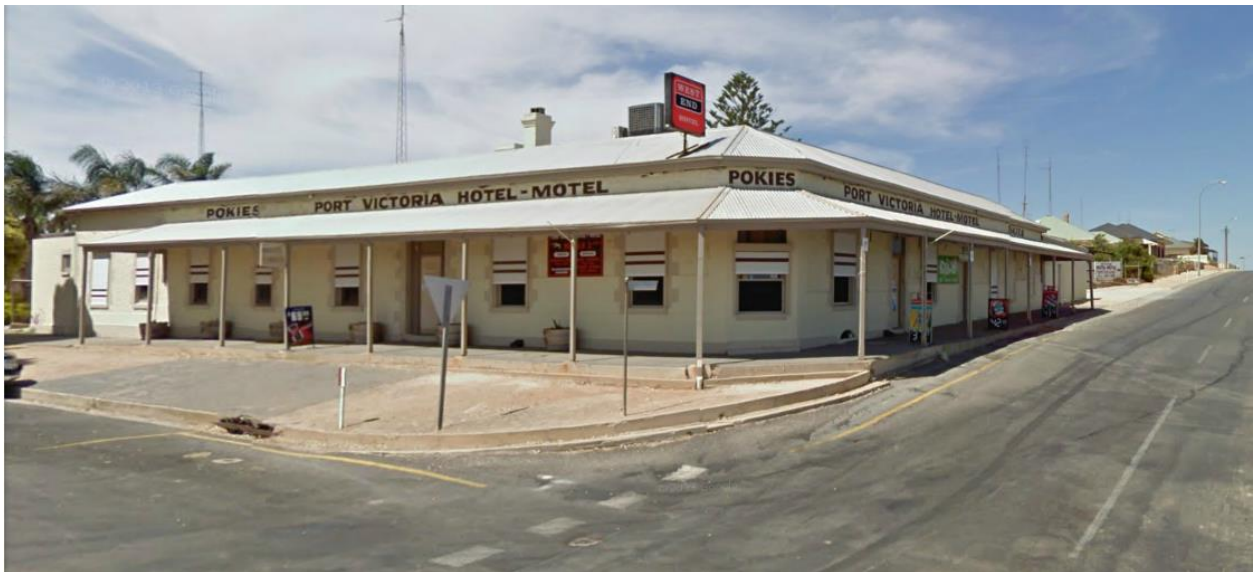




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PUBLIC CONSULTATION REPORT

PROPOSED LEASE OVER ROAD RESERVE - PORT VICTORIA HOTEL-MOTEL



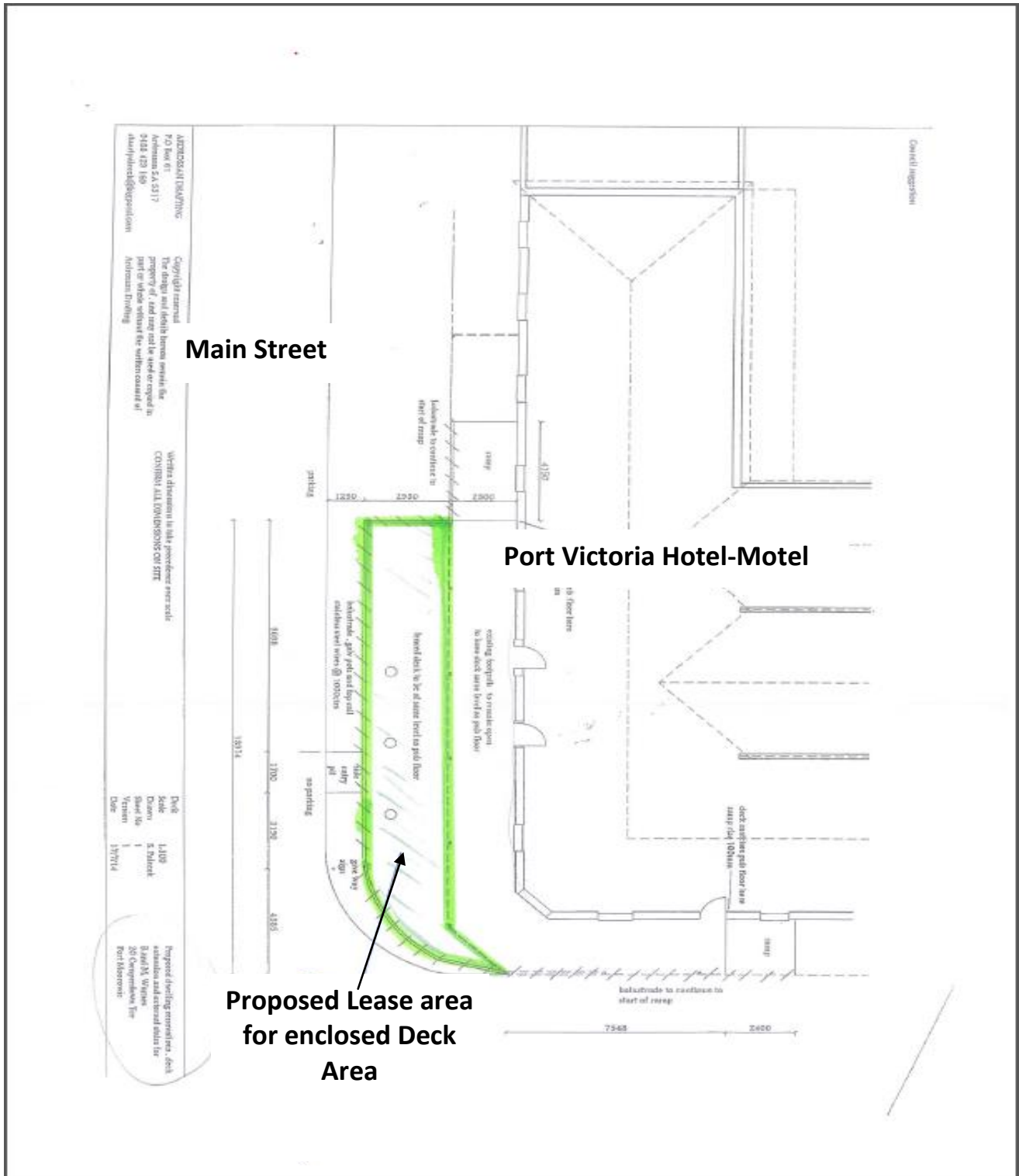
17th February 2015

Yorke Peninsula Council

Background and Use of Land

The land for inclusion in the proposed lease is approximately 52 square meters of Council road reserve which juts onto Main Street Port Victoria adjacent to the Port Victoria Hotel-Motel (Hotel). Renovations are to be undertaken at the Hotel with an enclosed deck area for exclusive use by hotel patrons to be built on the portion of road reserve.

Portion of road reserve for proposed lease outlined in green below:



Reason for the Proposal

To document the occupation of the portion of Council road reserve 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. Any development would be subject to the Lessee obtaining appropriate Development Act approval for the extension and for any structures, fixtures or equipment where relevant.

The proposed lease would be over approximately 52 square meters of Council road reserve verge land.

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 when a new footpath for public access is created as part of the development. There will be, at all times, a footpath width of not less than two (2) metres maintained for unobstructed pedestrian use.

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 operable 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 **17th February 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 Tuesday 10th March 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 **8th April 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