

AMENDED OFFICER RECOMMENDATION

2.4: DEVELOPMENT APPLICATION – TAVERN AND SECTION 40 CERTIFICATE – LOT 6 TOLL PLACE, ALBANY

ITEM 2.4: AMENDED RESPONSIBLE OFFICER RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

1. THAT Council resolves to **ISSUE** a Notice of Planning Scheme Consent for Tavern at Lot 6 Toll Place, Albany subject to the following conditions:
 - a) The proposal is to comply with any details and/or amendments marked in red on the stamped, approved plans.
 - b) The loading and unloading of goods shall occur entirely within the site and be undertaken in a manner so as to cause minimum interference with other vehicular traffic.
 - c) No goods or materials shall be stored, either temporarily or permanently, in the parking or landscape areas or in access driveways, unless otherwise agreed in writing by the City of Albany.
 - d) All landscaped areas shall be maintained in good condition to the satisfaction of the City of Albany.
 - e) Stormwater disposal plans, details and calculations shall be submitted for approval, implemented and constructed to the satisfaction of the City of Albany.
 - f) The new crossover(s) shall be constructed to the specifications, levels and satisfaction of the City of Albany.
 - g) Prior to commencement of development a schedule of materials and colours to be used on the buildings/structures hereby approved shall be submitted for approval by the City of Albany.
 - h) The roof cladding of the tavern hereby approved shall be constructed in an appropriate colorbond (or similar material) colour to the satisfaction of the City of Albany. The City will not support zincalume for the roof cladding.
 - i) Prior to occupancy of the development hereby approved; the developer shall prepare and submit for approval a Noise Management Plan for the premises to the satisfaction of the City of Albany. The Noise Management Plan shall detail practices and controls to ensure the level of noise emanating from the premises will not exceed that prescribed in the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997. The requirements of the approved Noise Management Plan shall be implemented and adhered to during the hours of operation of the premises..
 - j) Notwithstanding the signage shown on the plans, exact details of the signage to be used on the tavern hereby approved shall be submitted for approval and constructed to the satisfaction of the City of Albany.
 - k) Exact details of a public art feature shall be submitted for approval and constructed to the satisfaction of the City of Albany.
 - l) All lighting visible through 90 degrees from south to east of the structure must be shrouded in such a way that all light visible to a vessel underway is only reflected off the built form to the satisfaction of both the City of Albany and Albany Port Authority.

- m) **Exact details of the liquor licensing areas shall be submitted for approval, to the satisfaction of the City of Albany.**
- n) **Details of any seating within the Public Access easement shall be submitted for approval to the satisfaction of the City of Albany. The seating will need to be designed and located so that there is a sufficient space for unobstructed public movement.**
- o) **The consumption of liquor within the Public Access easement area shown on the Certificate of Title shall be by way of table service to patrons seated at tables only, unless otherwise agreed in writing by the City of Albany.**
- p) **The Public Access easement area shown on the Certificate of Title shall remain unobstructed, for use by pedestrians at all times, unless otherwise agreed in writing by the City of Albany.**
- q) **The premises shall be connected to the Water Corporation's sewerage and reticulated water schemes.**

2. THAT Council AUTHORISES the Executive Director Planning and Development Services to ISSUE a Section 40 Certificate for a Tavern at Lot 6 Toll Place, Albany, subject to the following condition being imposed;

- a) **The consumption of liquor within the Public Access easement area shown on the Certificate of Title shall be served by way of table service to patrons seated at tables only, unless otherwise agreed in writing by the City of Albany.**

Staff Reason (D Putland):

Owners of the proposed Tavern have objected strongly to any restriction to the Tavern license which would result in removal of the takeaway liquor store. The owners contend that the liquor store is an important element of the Tavern and is essential to its viability.

The issue of public drinking which was raised in the report will not necessarily be worsened by inclusion of a take away bottle shop in the Tavern, and can be addressed through measures other than removal of the bottle shop.

The Responsible Officer recommends that Council supports the Amended Recommendation for a Tavern at Lot 6 Toll Place.