

Community opposition to proposed Dan Murphy's mega-liquor store at the Como Hotel site

JDAP Three Hearings

On 17 April 2015 the Joint Development Assessment Panel (JDAP) at a third hearing, in a 3/2 vote, approved development at the Como Hotel which includes replacing the existing BWS Bottle Shop with a Dan Murphy's mega liquor outlet four times larger. The Como Hotel is owned by the Australian Leisure and Hospitality Group (ALHG). The JDAP decision inexplicably reversed two previous decisions (15 August 2014 and 17 February 2015) rejecting the development. Many in the local community have been appalled and disillusioned with the outcome of the decision, especially considering a "full house" of opposition including:

- i) The South Perth Council Meeting on 24 March 2015 passed a unanimous motion that "[The] Council does not support the development of large format liquor outlets at the Como Hotel site";
- ii) The Responsible Authority Report by City of South Perth, opposed the development on the grounds of added traffic congestion, difficulties with vehicular access, insufficient parking, and social impact on amenity;
- iii) There was support for opposing the development from Mayor Sue Doherty, Local State MP John McGrath, Federal MP Steve Irons;
- iv) A well-advertised Special Electors' Meeting overwhelmingly opposed the proposed development in July 2014;
- v) Main Roads WA and Expert traffic consultant Uloth & Associates clearly stated that the proposed development would exacerbate existing traffic congestion;
- vi) There are already 10 liquor outlets within a 5 kilometre radius which are discrete and more than adequate; and
- vii) The area does not need a Discount destination liquor outlet such as Dan Murphy which will only encourage excessive alcohol consumption which is a well-documented significant social problem.

Supreme Court Challenge by COSP

Whilst the local community represented by the Save Como Action Group (SCAG) was unable to lodge an objection to the JDAP decision to approve the development, in August 2015 the City of South Perth (COSP) resolved to proceed with legal action in regard to the JDAP's approval of the Dan Murphy's liquor store in Como. In May 2016 COSP lost the Dan Murphy challenge when Justice Peter Martino ruled the City had not established that the JDAP did not give proper consideration to Development Control Policy 5.1. The local community were very disappointed by the narrow scope of the Supreme Court challenge, as well as the poor legal representation engaged by COSP.

Liquor Commission Hearing

Currently the JDAP approved development proposed by ALHG cannot proceed until an application which has been made for an applicable liquor license is approved. Objections have been lodged by various parties. The Department of Racing, Gaming and Liquor are due to hold a hearing on 27 October 2017. A decision either way is likely to be appealed by the opposing party.

Licensed Premises Policy

Since the JDAP decision, as part of the submission for the liquor license hearing, the City of South Perth now has "Licensed Premises" Policy P317 which precludes "large" (more than 300 m²) liquor stores on the Como Hotel site. Significantly, the Minister for Planning John Day on the 4th March 2016 approved Amendment No 50 to the Town Planning Scheme No 6 Licenced Premises which prevents any liquor stores greater than 300 square meters in size to be located next to residential premises and in specified zones. The Como Hotel site is one that falls under the scheme as not being an approved site for a Dan Murphy's store.

Final Comment

The local community, represented by SCAG, support third party appeal rights, which had they been available, would have been exercised to challenge the appalling decision by the JDAP in April 2015. The fact that this appeal was not available, has unfairly narrowed the scope for objection in a JDAP system that is clearly biased toward the influential big business of ALHG. It has been a long fight and it is still not over.