



**DISTRICT
PLANNING
SCHEME No. 2**

Amendment No. 148

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION TO PREPARE AMENDMENT TO LOCAL PLANNING SCHEME

CITY OF WANNEROO - DISTRICT PLANNING SCHEME NO. 2 - AMENDMENT NO. 148

RESOLVED that the local government pursuant to section 75 of the *Planning and Development Act 2005*, AMEND the above Local Planning Scheme by amending “Table 1 (Clause 3.2) – The Zoning Table” by modifying the use class ‘Liquor Store’ to a discretionary use requiring advertising (‘A’) in the Commercial and Business Zones, and modifying the use class “Tavern” to a discretionary use requiring advertising (‘A’) in the Business, Commercial and Private Clubs/Recreation Zones.

The Amendment has been determined to be a ‘standard amendment’ under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* because the amended permissibilities in the zoning table are consistent with the objectives of the relevant zones.

Dated this 10th day of November 2015

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CHIEF EXECUTIVE OFFICER

TEXT AMENDMENT PAGE

PLANNING AND DEVELOPMENT ACT 2005

CITY OF WANNEROO

DISTRICT PLANNING SCHEME NO. 2 - AMENDMENT NO. 148

The City of Wanneroo under and by virtue of the powers conferred upon it in that behalf by the *Planning and Development Act 2005* hereby amends the above local planning scheme by amending “Table 1 (Clause 3.2 – The Zoning Table” by modifying the use class ‘Liquor Store’ to a discretionary use requiring advertising (‘A’) in the Commercial and Business Zones, and modifying the use class ‘Tavern’ to a discretionary use requiring advertising (‘A’) in the Business, Commercial and Private Clubs/Recreation Zones.

PLANNING AND DEVELOPMENT ACT 2005

CITY OF WANNEROO

DISTRICT PLANNING SCHEME NO 2 - AMENDMENT NO. 148

SCHEME AMENDMENT REPORT

Background

A motion was raised at the City's Annual General Meeting on 4 December 2014 for Administration to investigate and report back to Council on the permissibility of liquor stores in District Planning Scheme No.2 (DPS 2) with a view to changing the permissibility of a Liquor Store from Permitted ('P') to a use requiring discretion.

The motion was presented in response to a growing concern in the local community over the impact of liquor availability and the perceived increase in liquor store approvals by the City,

The motion pre-empted the release of the Western Australian Local Government Association's (WALGA) 'Local Government Town Planning Guideline for Alcohol Outlets' in February 2015 which provides direction for local governments on their role in planning for alcohol outlets and the liquor licensing process. The guidelines have encouraged many local governments to undertake scheme amendments and develop local planning policies for the purpose of gaining more control over the location of liquor stores.

WALGA's guidelines suggest that greater management and control over liquor related land uses can be obtained by attributing those land uses as a discretionary use 'D', a discretionary use requiring advertising 'A' or use not permitted 'X', rather than 'P' in the local planning scheme zoning table.

Listing the use as 'A' will ensure that any proposal relating to a liquor store or tavern will undergo the scrutiny of public advertising. Additionally, discretionary classifications give the Council the opportunity to consider the proposal on its merits and exercise discretion in determining the proposal. It also enables the local government to develop a policy to assist and guide decision making. Ultimately, this will ensure that the potential impacts of liquor related land uses can be considered in the decision making process, which is not the case if classified as a 'P' use.

Detail

Amendment No. 148 proposes to amend the land use permissibility for 'Tavern' as well as 'Liquor Store' due to the similarity of issues that arise in the assessment of planning applications and the often contentious nature of these land uses. The Amendment seeks to provide greater control over the location of these types of land uses and reduce the impact of these land uses on the amenity of the locality.

The current permissibility for 'Liquor Store' in Table 1 – Zoning table in DPS 2 is 'D' in a Business Zone, 'P' in a Commercial Zone and 'X' in all other zones. The current permissibility for 'Tavern' is 'D' in the Business, Commercial and Private Clubs/Recreation Zones and 'X' in all other zones.

Amendment No. 148 amends the current permissibility for 'Liquor Store' in Commercial and Business Zones and for 'Tavern' in Business, Commercial and Private Clubs/Recreation Zones to a discretionary use requiring advertising 'A', as shown in **Attachment 1**.

Comment

Amendment No.148 has been prepared in response to a request from the community to provide Council with the discretion to determine all applications for liquor stores on merit. This coincided with the release of WALGA's Local Government Town Planning Guideline for Alcohol Outlets, which included recommendations to tighten controls over the permissibility of alcohol related land uses in local planning scheme zoning tables.

The land use permissibility proposed in Amendment No 148 requires applications for a liquor store or a tavern in zones where they are designated 'A' to be advertised for public comment. Following the public advertising period, Council would have the discretion to determine whether to approve or refuse the application based on its assessment of the proposal and with consideration of any submissions received. This provides Council with greater control to determine the appropriate location for liquor stores and taverns than what is currently provided for under the existing DPS 2.

In accordance with Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Amendment No. 148 has been determined by Council to be a standard amendment due to its compliance with point (a) of the definition of a standard amendment in that Amendment No. 148 proposes to amend land use permissibility's for uses in zones where the proposed permissibility's are consistent with the objectives of those zones.

A draft Local Planning Policy 2.8: Licensed Premises (LPP 2.8) has been prepared to guide discretionary planning decisions for liquor store and tavern applications and to outline the City's role and responsibilities in the liquor licensing process under the *Liquor Control Act 1988*. LPP 2.8 will be advertised for public comment concurrently with Amendment No. 148.

ATTACHMENT 1 – DPS 2 ZONING TABLE

Existing												
ZONES												
USE CLASSES	RESIDENTIAL	MIXED USE	BUSINESS	COMMERCIAL	CIVIC & CULTURAL	PRIVATE CLUBS/RECREATION	GENERAL INDUSTRIAL	SERVICE INDUSTRIAL	GENERAL RURAL	RURAL RESOURCE	SPECIAL RURAL	SPECIAL RESIDENTIAL
Liquor Store	X	X	D	P	X	X	X	X	X	X	X	X
Tavern	X	X	D	D	X	D	X	X	X	X	X	X

Proposed												
ZONES												
USE CLASSES	RESIDENTIAL	MIXED USE	BUSINESS	COMMERCIAL	CIVIC & CULTURAL	PRIVATE CLUBS/RECREATION	GENERAL INDUSTRIAL	SERVICE INDUSTRIAL	GENERAL RURAL	RURAL RESOURCE	SPECIAL RURAL	SPECIAL RESIDENTIAL
Liquor Store	X	X	A	A	X	X	X	X	X	X	X	X
Tavern	X	X	A	A	X	A	X	X	X	X	X	X

Adopted by resolution of the Council of the City of Wanneroo at the Ordinary meeting of the Council held on the 10th day of November, 2015

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MAYOR

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CHIEF EXECUTIVE OFFICER

Adopted for final approval by resolution of the City of Wanneroo at the meeting of the Council held on the ____ day of _____ 20____ and the Common Seal of the City of Wanneroo was hereunto affixed by the authority of a resolution of the Council in the presence of:

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MAYOR

.....

CHIEF EXECUTIVE OFFICER

Recommended/Submitted for final approval

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DELEGATED UNDER S.16 OF
PD ACT 2005

DATE

Final Approval Granted

.....
MINISTER FOR PLANNING

DATE