

# Submission re. proposed changes to the Exempt and Complying Development SEPP

**Summary:** This submission concerns new uses that are not exempt

**Recommendation:** Add new item to s2.20B(f) of the SEPP, viz:

Section 2.20B(f)

(xiii) A retail packaged liquor outlet

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## The issue

Section 2.20A of the Exempt and Complying Development SEPP, 2008, states that where an existing retail premises changes from one kind of shop to another kind of shop, a DA is not required, subject to various conditions set out in s2.20B(g),(h) and (i)<sup>1</sup>.

Section 2.20B(f) provides a list of new uses that are not exempt and s2.20B(f)(i) specifies that the new use must not be a food or drink premises. However, packaged liquor is not regarded as a food or drink premises and thus is not included on the list of exempt developments.

This means that a retail premises can become a packaged liquor outlet [PLO] without notification to the local council, providing there are no traffic impacts or building alterations.

Proliferation of packaged liquor outlets is a planning issue as well as a licensing matter. Planning consent authorities are the local development agency responsible for considering local circumstances and evidence of harm. The licensing authority, ILGA, is a central body. In most new licensing matters ILGA requires prior DA consent. In the case of PLOs this is often bypassed due to the SEPP.

## Why this exemption is undesirable:

The number of packaged liquor outlets in NSW has increased significantly since 2008. In some local government areas the increase has been by more than 80%. In NSW as a whole, packaged liquor licences increased by 49% in the period 2006-2014 while population increased by an estimated 10%.

<sup>1</sup> State Environmental Planning Policy (Exempt and Complying Development Codes) 2008:  
<http://www.legislation.nsw.gov.au/maintop/view/inforce/epi+572+2008+cd+0+N> accessed 20 Oct 2015

PLOs, especially concentrations of PLOs, are associated with adverse social impacts.

- 1 Packaged liquor is take-home liquor and many PLOs have a large trade area often associated with journeys to and from work thus '*...the acute impacts of alcohol outlet density are likely to be more spatially distributed for off-licence outlets than for on-licence outlets*' (Cameron et al. 2015).
- 2 Concentrations of PLOs are associated with domestic violence (Livingston 2011) and increased concentrations with increased rates of domestic violence (Donnelly et al, 2014).
- 3 Domestic violence is a serious and increasing social problem in NSW. Reported domestic violence has increased in the past five years.

*Violence is extremely common in Australia, with four out of ten women & five out of ten men having experienced at least one incident of violence since the age of 15... A man was most likely to experience violence in a place of entertainment and a woman was most likely to experience violence in her home. Seven out of ten men and five out of ten women said alcohol or other drugs contributed to their most recent physical assault by a male.* (ANROWS, 2015)

- 4 Reported domestic violence underestimates actual incidence by at least 50%. (Birdsey and Snowball, 2013)
- 5 Packaged liquor outlets are associated with under-age drinking and secondary supply (McKetin et al. 2014, Rowland et al 2013). A recent study noted that pre-drinking was regarded as normal by the young people surveyed, also noting that '*Pre-drinking was strongly associated with having a recent prior experience of violence*' (Miller et al. 2015).
- 6 Concentrations of PLOs drive down prices (Morrison et al. 2015) and lower prices encourage under-age drinking, pre-drinking and side-drinking.

**Recommendation: Add new item to s2.20B(f) of the SEPP, viz:**

Section 2.20B(f)

(xiii) A retail packaged liquor outlet

**Basis for this recommendation**

- 1 Planning instruments should not inadvertently contribute to alcohol-related harm by removing or reducing scrutiny of changes of use for packaged liquor outlets.

- 2 New uses with social risks attached are the basis for the list in s2.20B(f) of the SEPP. Packaged liquor outlets have a risky social impact and should be on the list.
- 3 Although the liquor licence is approved by ILGA, that Authority relies for other liquor licence matters on DA approval prior to considering the licence application. This should apply to packaged liquor outlets as well.

#### Attachment: Growth in packaged liquor outlets – NSW & selected LGAs

LGA	No. packaged liquor licenses 2008	No. packaged liquor licenses 2014	% inc in packaged liquor licences	% inc in population, 2008-2014
<b>City of Sydney</b>	90	166	84%	23%
<b>Canterbury</b>	16	25	56%	15%
<b>Hurstville</b>	14	23	64%	15%
<b>Kogarah</b>	8	14	75%	15%
<b>Leichhardt</b>	15	27	80%	17%
<b>Marrickville</b>	13	19	46%	15%
<b>Randwick</b>	20	30	50%	19%
<b>Rockdale</b>	13	22	69%	16%
<b>Waverley</b>	17	19	12%	16%
<b>Woollahra</b>	14	33	135%	15%
<b>Manly</b>	8	15	88%	10%
				% inc in population 2006-2011
<b>Newcastle</b>	36	51	42%	4.8%
<b>Cessnock</b>	34*	47	38%	10%
<b>Lake Macquarie</b>	30	58	93%	3%
<b>Maitland</b>	15*	28	87%	9%
<b>Singleton</b>	8*	12	33%	3.5%
<b>Port Stephens</b>	14*	24	71%	7%
<b>NSW</b>	1625*	2428	49%	10%**

\* 2006 data \*\* % inc in population of NSW 2006-2014

Sources: 2008 licensing information, incl. population and rates: OLGR social profiles, 2014 licensed premises data, OLGR NSW. 2014 population estimates, profile.id; 2006 and 2011 population enumeration ABS Quickstats.

#### References

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Birdsey E and Lucy Snowball, (2013) Reporting Violence to Police: A survey of victims attending domestic violence services, NSW Bureau of Crime Statistics and Research, Issue paper no 91, October: <http://www.bocsar.nsw.gov.au/Documents/BB/bb91.pdf>

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McKetin, R., Livingston, M., Chalmers, J. and Bright, D. (2014), The role of off-licence outlets in binge drinking: a survey of drinking practices last Saturday night among young adults in Australia. *Drug and Alcohol Review*, 33: 51–58. doi: 10.1111/dar.12073

Miller, P., Droste, N., de Groot, F., Palmer, D., Tindall, J., Busija, L., Hyder, S., Gilham, K. and Wiggers, J. (2015), Correlates and motives of pre-drinking with intoxication and harm around licensed venues in two cities. *Drug and Alcohol Review*. doi: 10.1111/dar.12274

Morrison, C., Ponicki, W. R. and Smith, K. (2015), Social disadvantage and exposure to lower priced alcohol in off-premise outlets. *Drug and Alcohol Review*, 34: 375–378. doi: 10.1111/dar.12256