

Submission: Proposed changes to the Exempt and Complying Development SEPP – Opposition to Exemption of Packaged Liquor Outlets (PLO)

I wish to confirm my concern about the current SEPP which exempts the requirement to lodge a DA when the use of a retail premise converts to a PLO.

In lodging my objection I also rely upon the submissions of Dr Alison Ziller a leading Australian Social Scientist/Planner specialising in alcohol harm prevention in the NSW Planning and Licensing jurisdictions and the Foundation Alcohol Research & Education (FARE).

Alcohol harm prevention and Planning

With very few exceptions, the NSW/Local government Planning sector (including Land & Environment Court) have failed to keep pace with the contemporary independent scientific evidence available to effectively prevent and respond to the broad range of primarily preventable alcohol related harms that in many cases derive from poor planning decisions.

Many local councils' planning departments mistakenly believe that the social impact assessment of liquor related DAs and s96 variations are the sole prerogative of OLGR or the Independent Liquor & Gaming Authority (ILGA). However, ILGA's submission to the Foggo Review of the NSW Liquor Act recognised that the social/community impact assessment of liquor related matters to do with approval and use, was a dual responsibility.

Section 79C of the Planning Act does not exempt alcohol from the mandatory social impact assessment process.

The current SEPP's exemption fails to acknowledge that alcohol is not an ordinary consumer product. It is not just like "breakfast cereal and toilet paper" as the liquor industry would have us believe in their submissions to the OLGR review of its Liquor Promotion Guidelines in 2013.

See <http://www.smh.com.au/comment/liquor-logic-might-as-well-be-written-on-toilet-paper-20130716-2q288.html>

<http://www.smh.com.au/comment/smh-editorial/weaker-laws-and-young-drinkers-a-dangerous-cocktail-20130720-2qawn.html>

The recent National Inquiry into Competition (Harper Report) explicitly acknowledged that alcohol was "no ordinary commodity" consistent with earlier findings from the World Health Organisation.

http://www.ndphs.org/documents/2253/Babor_alc%20no%20ordinary%20comm%20second%20edition.pdf

The former Director of OLGR Mr Newson during the time of the above Liquor Promotion Review observed again that alcohol was "no ordinary commodity" and was deserving of special regulations and controls of its promotion and provision.

<http://www.smh.com.au/nsw/woolworths-intimidated-regulator-20140503-zr3ux.html>

All elements of the NSW Planning jurisdiction must step up and start playing their important part in collaborating with the community and other agencies to prevent the scourge of

alcohol fuelled domestic violence and wide range of well documented devastating related harms.

Planning is a critical starting point in determining safe and responsible land use **and preventing** foreseeable environmental and social harms.

The **cumulative** adverse impacts of a proliferation of licensed premises are well documented and there is no reason why these liquor outlets should not be subject to DA requirements since the evidence is that increased concentrations of packaged liquor outlets are associated with increased alcohol-related harm.

Alcohol-related harm requires a whole of government response to prevent alcohol related harms. This includes all NSW planning approval authorities and the Land & Environment Court.

A small but important contribution would be adding packaged liquor outlets to the list of new uses or retail premises that are not exempt development.

Tony