



Alcohol Policy Coalition

Submission in relation to the Draft Planning Policy Framework prepared by the State Planning Policy Framework Review Advisory Committee

The Alcohol Policy Coalition (APC) is a collaboration of Victorian-based health agencies, comprising the Australian Drug Foundation, Australian Medical Association Victoria, Cancer Council Victoria, Public Health Association of Australia (Vic), the Royal Australasian College of Surgeons, Turning Point, the Uniting Church and the Victorian Alcohol and Drug Association, with the shared goal of reducing alcohol harm through evidence-based policy responses. The APC is concerned about the wide range of health and social harms caused by excessive alcohol availability and consumption in Victoria.

The APC welcomes the opportunity to provide comments on the Draft Planning Policy Framework (PPF). We have previously commented on strategic planning in Victoria and its relationship to alcohol related-harms; most recently in response to the draft *Plan Melbourne – Metropolitan Planning Strategy 2013 (Plan Melbourne)*¹. The integrated PPF has the potential to affect cross-sectoral efforts to reduce alcohol-related harm in Victoria and accordingly the APC has prepared a short submission in relation to proposed amendments in the PPF.

In our submission in response to Plan Melbourne, we emphasised the significant health and social impacts that alcohol is having on the Victorian community. There is good evidence that links the increased availability of alcohol to increases in alcohol-related harms. The extent of the current alcohol problem in Victoria is acknowledged by the Government's whole-of-government alcohol and drug plan *2013-2017, Reducing the alcohol and drug toll*.³ Accordingly, the APC considers that alcohol policy must be a relevant consideration to the revised PPF as it has the potential to incorporate strategies that will result in increased alcohol availability. The evidence and reasoning set out in our previous submission underpins the comments made below in relation to drafting issues with the Draft PPF.

Cultural facilities

Proposed amendment 10.06-S-1 introduces a reference to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) while also introducing "licensed premises" into the meaning of "arts, cultural and entertainment facilities".

The current provision for Cultural Facilities in the State Planning Policy Framework (SPPF) is as follows:

19.02-3 Cultural facilities

Objective

To develop a strong cultural environment and increase access to arts, recreation and other cultural facilities.

Strategies

¹ <http://www.alcoholpolicycoalition.org.au/downloads/submissions/2013-plan-melbourne.pdf>.

³ Victorian Government. *Reducing the alcohol and drug toll: Victoria's plan 2013-2017*. Melbourne: Government of Victoria. 2012. Accessed from: <http://www.health.vic.gov.au/aod/strategy/>

Encourage a wider range of arts, cultural and entertainment facilities including cinemas, restaurants, nightclubs and live theatres, at Principal and Major Activity Centres.

Reinforce the existing major precincts for arts, sports and major events of Statewide appeal and establishing new facilities at locations well served by public transport.

(emphasis added)

“Nightclubs” are generally defined in the planning schemes (including the Melbourne Planning Scheme) to be:

A building used to provide entertainment and dancing. It may include the provision of food and drink for consumption on the premises. It does not include the sale of packaged liquor, or gaming. (emphasis added)

The relevant proposed amendments appear as follows:

10.06-S-01 **Cultural facilities**

State policy

The Victorian Commission for Gambling and Liquor Regulation (VCGLR) is an independent statutory authority that administers Victoria’s gambling and liquor laws and is responsible for liquor licensing.

Objectives and strategies

Objective 1 *To develop a strong cultural environment and increase access to arts, recreation and other cultural facilities.*
[19.02-3p1]

Strategy 1.1 *Facilitate a wide range of arts, cultural and entertainment facilities including cinemas, restaurants, licensed premises, live music venues and live theatres, in appropriate locations.*
[19.02-3p2]
(emphasis added)

Licensed premises should not be classified as “cultural facilities”

The APC considers that the proposed amendment is inappropriate and strongly opposes “licensed premises” being automatically considered in the same category as “arts, cultural and entertainment facilities”. While it is true that many arts, cultural and entertainment facilities may be licensed, the reverse is not that all licensed premises should be classified as arts, cultural or entertainment facilities. This distinction is particularly relevant to packaged liquor outlets.

Currently 19.02-3, specifically excludes “the sale of packaged liquor”. By substituting “nightclubs” for “licensed premises” the proposed amendment (incorporated into 10.06) makes the sale and consumption of liquor (including purchases from packaged liquor outlets) a central tenement of “arts, cultural and entertainment facilities”. In other words, bottle shops become a cultural facility and drinking a cultural activity. While many cultural facilities may be licensed, the consumption and purchase of liquor per se is not and should not be classified as a cultural activity in and of itself, nor should licensed premises (including bottle shops) without further refinement be considered cultural facilities. It is unarguable that alcohol can be a harmful consumer product. This is evidenced by the regulatory regime

which governs and restricts its sale and supply.⁴ The potential harmful effects of the sale and consumption of alcohol are clearly distinguishable and must be separated from art and cultural activities which have community benefits without the associated risk of harm.

The proposed amendment to include “licensed premises” leads to the “Cultural facilities” objectives, ie. “increasing access” being applied to “licensed premises”. This goes against the evidence base which shows increased alcohol availability leads to increased alcohol related harm and is also problematic as it has the potential to bring the cultural facility objective into conflict with Particular Provision 52.27 (PP 52.27) which governs licensed premises. PP52.27 requires amenity issues, including the cumulative impact of licensed premises, to be taken into account when issuing a land use permit to sell or consume alcohol. PP52.27, also requires the SPPF and local and municipal planning polices to be taken into account when deciding applications. It is foreseeable that the proposed amendment will cause difficulty if amenity concerns must be weighed up against the cultural facility objective to “increase access” to facilities “including... licensed premises”. There is also the potential for further tension to arise between the cultural facilities objective with local council polices which aim to reduce the availability of alcohol through local alcohol management policies.

Any provision in the PPF that suggests that the availability of alcohol, including packaged take-home alcohol, should be increased, is problematic because it has the potential to conflict with the *Liquor Control Reform Act 1998 (Vic)* which has the stated objective of “minimising harm arising from the misuse and abuse of alcohol”. The evidence shows that increased alcohol availability leads to increases in alcohol-related harms.

Licensed premises should not be considered under “Community Development”

The amended cultural facilities provisions in the PPF introduce information about the VCGLR under the heading of “State Policy”. The VCGLR, deals with licensing in relation to both the supply of alcohol as well as gaming. The APC considers that any references in the PPF to licensed premises and the VCGLR should not be dealt with under “Community Development”. References to, licensed premises and gaming are more appropriately grouped together (as they are both regulated through the VCGLR) and dealt with under separate headings as a part of the provisions dealing with “Economic Development”.

Conclusion

The proposed amendment to SPPF 19.02 should not proceed in its current form. Licensed premises should not be included within the definition of cultural facilities and should not be subject to a general objective of increasing access. All references to “licensed premises” and VCGLR, together with “gaming and brothels” should be removed from the “Community Development” banner.

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⁴ See generally

<http://www.vcglr.vic.gov.au/home/laws+and+regulations/legislation+and+regulations/liquor+legislation/>