

**From:** [K&C Moore](#)  
**To:** [CIS Evaluation](#)  
**Subject:** Department of Industry Community Impact Statement Submission  
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## Casula Community Group for Responsible Planning Inc (Casula Community)

### *Department of Industry* *Community Impact Statement Submission* [cis.evaluation@justice.nsw.gov.au](mailto:cis.evaluation@justice.nsw.gov.au)

#### **Are there opportunities to minimise overlaps in community consultation processes across local and state government? NO**

The Casula Community is a low socio-economic community who with the Liverpool City Council (Casula Community) fought the powerful cashed up De Agelis HIG for three years and won fairly in the Land and Environment Court (Dec 2015) against the approval of a large hotel with a floor space for 1100 patrons. Three and a half thousand community members from multiple cultures opposed the development the pokie pub in their local community. A fair indication that this development was not appropriate or safe given the immediate neighbours would be family homes, government aged disability units, a 860 strong government Public Schools and medical services.

The Casula Community remains very concerned that we and other communities will be deprived from having the same opportunity to appose unwanted liquor and gaming venues if the NSW Government continues to restructure current laws to weaken and or deprive communities from being afforded a fair, equal and informed say in all alcohol and gambling regulation decisions that may adversely impact upon them and their families. Given the recent record of the 100% of liquor license approval, the removal of local councils approval processes would be disastrous for local council planning and for local communities say in opposing the establishment of alcohol outlets and poky pubs close to homes, medical services, schools and churches.

#### **Question: Is community stakeholders being appropriately consulted? No**

One opportunity to view the plans – information provision alone is not a consultation

Casula Community was not consulted by the applicant and refused to engagement in consultation when approached by the Casula Community.

They did however send a heavy handed employee who frightened and intimidated this elderly multicultural community by informing the community that they had no right to object to appose the application because the land was owned by De Angelis HIG and they could do whatever they wanted. <http://www.smh.com.au/nsw/intimidation-claims-after-anti-poker-machine-meeting-20151105-gkry2d.html>

The De Angelis approached the local school P&C for an appointment with forward offer of resources, finance and buildings with agreement to not to oppose the Hotel application. An

unsavory unwanted way of consultation?

<http://www.smh.com.au/nsw/hotelier-peter-de-angelis-accused-of-trying-to-bribe-school-over-pub-and-pokie-plan-20150829-gjannd.html>

These examples provide a view of consultation controlled by the applicant

Further, we are concerned that our community might miss any notice board notification if another application is made as occurred in one local incident. The De Angis HIG, when applying for transfer of the existing motel restaurant alcohol license, gave this as Liverpool when in fact the actual address is Casula. The Casula Community found the application on the notice board by accident on the last day available for opposing the license.

One venue to advertise the applications is totally insufficient and not easily negotiated by naïve users, those from low socio-economic communities, or older adults who are not computer literate as experienced by the Casula Community. At the original street meeting just 2 of the 75 persons whom attended owned a computer and could access email. One person – the spokesperson was computer literate.

All communities should be provided a fair, equal and informed say in all alcohol and gambling regulation decisions that may adversely impact upon them and their families. As such, no application must proceed until the applicant has complied with all reasonable and effective public notification and genuine consultation requirements.

### **Are there opportunities to cut red-tape and minimise delays from the CIS process?**

Provide firm guidelines rather than maybe guidelines that clearly define that liquor outlets cannot be established within close proximity to educational centres (schools etc), medical services, and churches. Permission to do so erodes the assistance and support for persons (and their families) whom have alcohol and gaming related illness, addictions and negative financial impacts related to Alcohol and gaming.

Require applicants to reveal their anticipated catchment area and the number of patrons the floor will cater for at any time and publish this so that the community is aware to the gravity of the application.

The total catchment area at minimum should be provided the opportunity to oppose the application.

The correct address and details placed on the noticeboard should be correct.

The decision made by the Land and Environment court included the factual information provided by the testimony of two independent experts who provided the best available independent scientific evidence of alcohol related harm prevention and minimization. For the purpose of accuracy and truth, all regulatory decisions must be informed by independent scientific evidence of alcohol and gambling related harm prevention and minimization.

### **Is the information collected during the CIS process useful?**

Since the Casula Community L&E Court decision there has been critical erosion of the law prohibiting communities further than 50-100 metres from the proposed venue from opposing alcohol licenses regardless to impact. There must be no restrictions on who can object to liquor and poker machine applications unless there is also the same restriction stopping persons from outside the 50-100 meters attending the venue. Further, when alcohol licenses are issued to public transport providers as occurred with the Manly Ferries the actual sale of alcohol was approved yet there was no appeal process as the venue was a moving target. A complete breakdown of the law has seemingly occurred leaving unaccompanied 16 and 17 year young people who cannot legally be served alcohol trapped on a public transport vehicle with no means of escape to safety.

Expert evidence as reported by local medical services, local health and police should be considered as of paramount importance. All too often the facts and evidence supplied by police and health seem totally ignored when liquor licenses are issued by ILGA.

The community should no longer be denied procedural and substantive fairness and all decision making processes must be objective, fair, transparent and accountable with high ongoing levels of probity and integrity. All arbitrary restrictions relating to who can appeal such decisions must also be immediately removed as we know the harms associated with gaming (including poky) and alcohol addictive products can infiltrate communities for several kilometres.

Fair processes must be objective, fair, transparent and accountable, with ongoing high levels of probity and integrity. Consideration, recognition and effective balance the significant unfair advantages, significant resource imbalance and financial and legal alcohol and gaming specific knowledge (lack of) barriers confronting our local communities compared with those available to the industry.

A good starting point is the full and sustained funding of a professional and fully independent Community Defenders Office (CDO) such as the ACAP project who provided the necessary support that enabled Casula Community to successfully navigate the complex legal mirror maze of alcohol and gambling regulatory processes in both the planning and licensing jurisdictions. Communities have a CDO for the Environment and but none for the crucial safety, health and the community's welfare. Surely the peoples community environment is of the same importance and deserves funding and a strong CDO where a community can have one person who holds all of the necessary domain specific knowledge to relate to. Not a web site, not an unknown face and not a variety of people from who work for the government and have had this extra criterion added to their current employment position. A genuine domain specific publically advertised position for a fully independent CDO with the legal qualifications, proven expertise in the alcohol industry and community laws, and is a "people person". This position should be fully funded with all necessary resources and facility.

### **Are there opportunities to minimise overlaps in community consultation processes across local and state government? NO**

Having a two step process that requires a separate building application provides the local government area to properly plan for current and future needs. This should be retained without interference from Liquor and Gaming. It would be disastrous for communities if Liquor and Gaming were to make determine building and liquor license approvals without course of appeal. decisions given the current 100% approvals to liquor licenses being issued. That would leave the

community, local Government area, police and health sitting squarely in the hands of one person who may choose to disregard all facts, advice and continue to issue 100% of liquor licenses applied for without due regard to balancing the interests” of competing stakeholders

All regulatory decisions should also show NSW Government consistency by ensuring regulatory decisions must be informed by the consistent with the National Drug Strategy 2017 -2026.

**Good practice**

Penalties for alcohol and gambling industry legal non-compliance must be no less than the standard required for all other NSW law – abiding citizens. They must primarily provide an effective and timely deterrent against non-compliance by the corporate owners and controllers of problematic outlets who hold the overriding duty of care and due diligence responsibilities and accountabilities.

Yours Sincerely

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Criss Moore

Spokesperson for Casula community Group for Responsible Planning Inc