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## **Response to the Discussion Paper on the Evaluation of the Community Impact Statement requirement for liquor licence applications**

The Blue Mountains community services sector very much appreciates the release of the *Discussion Paper on the Evaluation of the Community Impact Statement requirement for liquor licence applications*, and the opportunity offered by the call for feedback on this important issue.

### **Background**

MCRN is the peak body for the community services sector in the Blue Mountains – as such, we convene both the generalist Interagency for the sector - the Blue Mountains Community Interagency (BMCI) - and a variety of other, issues-based interagencies.

I write today on behalf, and at the request, of the Blue Mountains Community Interagency (BMCI). MCRN's/BMCI's membership currently represents a broad cross-section of the sector, including the following organisations:

- Ability Links NSW
- Aboriginal Cultural & Resource Centre
- Aftercare
- Anglicare
- Blackheath Area Neighbourhood Centre
- Blaxland Preschool Kindergarten
- Blue Mountains City Council – Community Outcomes Team
- Blue Mountains Food Services
- Blue Mountains Interfaith Group
- Blue Mountains TAFE Outreach, TAFE NSW
- Blue Mountains Women's Health & Resource Centre
- *Bridging the Gap*
- CatholicCare Social Services
- Connect Child & Family Services
- Dianella Cottage (drug & alcohol recovery services)
- Elizabeth Evatt Community Legal Centre
- Family Worker Training & Development Program
- Gateway Family Services
- Great Community Transport
- Narrative Counselling Services
- Katoomba Neighbourhood Centre
- LEEP Inc



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- LikeMind
- Lithgow Information & Neighbourhood Centre
- Lower Mountains Neighbourhood Centre
- Mid Mountains Neighbourhood Centre
- Mountains Outreach Community Services
- Mountains Youth Services Team
- Northcott Disability Services
- Platform Youth Services
- Salvation Army – Blue Mountains
- Springwood Neighbourhood Centre Cooperative
- St Vincent de Paul – Blue Mountains Program
- Thrive Family Services
- Uniting – NDIS Local Area Coordination Transition Team
- Wentworth Community Housing
- Wentworth Healthcare (Nepean Blue Mountains PHN)
- Wesley Counselling Services
- WestConnect Domestic Violence Services.

## Issues Raised in Discussion Paper

NOTE: This response addresses only Issues numbers 1, 2, 3 & 6, as the other issues raised are beyond our purview.

### 1: Are community stakeholders being appropriately consulted?

- ◆ Are the right community stakeholders being invited to provide feedback on proposed liquor applications via the CIS process?
- ◆ Do community stakeholders have the information, time and knowledge they need to provide informed feedback about a proposed application?
- ◆ Is the CIS, once submitted by an applicant to L&GNSW, being promoted by L&GNSW in an effective and appropriate way to provide background on community consultation conducted by the applicant and reflect feedback from community stakeholders?
- ◆ How can consultation and notification processes be improved?

### 2: Does the CIS capture local community concerns and feedback?

- ◆ Does the process give sufficient opportunity for community stakeholders to express any concerns or provide positive feedback on a proposed application?
- ◆ Are the feedback and concerns of stakeholders being reported by applicants via the CIS in a reliable and accurate manner?
- ◆ Does the CIS process meet the needs of people from culturally diverse backgrounds or people with a disability, including applicants and community stakeholders?
- ◆ Does the CIS ensure applicants consult and respond to feedback received from community stakeholders prior to submitting an application?
- ◆ Do community stakeholders have confidence that ILGA and delegated officers will take their feedback into account when making a decision on an application?

3.

**The strong view of BMCI members is that the current system is very clearly *not* providing an effective, robust or transparent process to ensure the views of the local community are sought and heard, or that CISs have a clear and direct value for decision-making by L&GNSW.**

Firstly, BMCI members do NOT believe that a CIS, once submitted by an Applicant to L&GNSW, is currently being promoted by L&GNSW in an effective and appropriate way to provide background on community consultation conducted by the Applicant, and reflect feedback from community stakeholders. Indeed, the observation was that none have ever seen or been apprised of any CIS. There is no apparent requirement for the Applicant to take into account the needs of more vulnerable residents (eg the frail elderly, those with a disability or from a CALD background, someone with mental health or drug/alcohol issues) in any proposed consultation process.

Also, since it appears from the data provided in the Discussion Paper that, even where no CIS is forthcoming from the applicant, it is not currently a bar to approval of the application, it is difficult to see what impact a CIS might have on the decision-making process (i.e. there is currently a lack of consistency of application and transparency of process).

Secondly, we strongly assert that only a small portion of the appropriate stakeholders necessary to provide informed feedback on proposed applications are currently required to be approached for comment and feedback. Again, not one of the member organisations present at our June meeting, which discussed this issue, had ever been approached to provide such feedback on any proposal (though some had received informal community responses to a particularly contentious application in the upper Mountains in recent times).

It is the view of BMCI members that a complete re-think is required in regard to who might appropriately be considered “stakeholders” in such consultations for CIS. The current process of the Community Impact Statement appears to restrict these to those residents/businesses within 100 metres of the proposed outlet – presumably in relation to operating hours, noise, parking, anti-social behaviour, and other ‘good neighbour’ issues.

The BM community sector considers that, while these stakeholders are certainly important, much greater weight should be given to the issue of potential impact on the whole of the local community. For example, potential impacts on:

- local businesses more broadly in the village or town
  - in the Mountains, this has potential impact on our critical tourism and hospitality industry, in particular; and therefore, the wider local economy;
- potential loss of local amenity;
- potential impacts on social capital;
- issues around ‘secondary supply’ to minors;
- concerns around the effects of alcohol abuse on families (particularly on those most vulnerable in our community); etc.



4.

Our extensive process of community engagement and consultation (Harwood Community Conversations) across our BM community for the past 12-18 months have attempted to elicit public/community knowledge and aspirations for the kind of community they want to live in. These consultations have consistently found that, wherever residents live in the Mountains, one of the things we prize most is our “village” environment, and the sense of community and place that this engenders. Our residents will fiercely resist encroachments on this sense of “belonging”.

Many are very active in community as volunteers (we have the State’s highest level of volunteerism); many are activists on various issues of social justice and equity – they are all keen to have genuine consultation processes, where someone takes their views seriously, and acts on these accordingly.

**As an alternative process of community consultation, we propose** that the Applicants be required, as a minimum, to:

- Engage in genuine consultation i.e.
  - actively advertise to the local community, eg:
    - advertise in local newspaper,
    - via local Community Noticeboards in local community and shopping centres,
    - advertising via community services’ Facebook pages or websites, and
    - letterbox-drop homes and businesses (not simply a Notice posted outside the proposed venue) within a **radius of (say) 3 kilometres** of the proposed outlet, rather than the current 100 metres.
  - request a forum/discussion or meeting with representatives of local community services, with local community members invited to attend and voice any concerns. We recommend a prescribed list of community organisations/stakeholders which **MUST** be approached for this purpose - for instance:
    - where such a **local peak body** as MCRN exists, utilise this body as a conduit to convening a discussion with the broader community services sector via Interagencies;
    - where such a peak body does not exist, approach the **local Neighbourhood/Community Centre and the Community Outcomes Team from the local Council** to find either the Convenor of the local Interagencies, or contact details of the key stakeholders in the local village/town to invite to such a consultation and alert local community members;
    - where these organisations/interagencies do not exist, approach **state-level peak bodies** (eg Local Community Services Association, FAMS, Youth Action NSW, Women’s Health Centres NSW, Community Legal Centres NSW, NSW Council of Social Services) or Department of Family & Community Services to find the contact details of local community services;
  - there **MUST** be a requirement on the Applicant to ensure that the issues/concerns raised - and any proposed ameliorations proposed - at this forum/discussion are written up and **signed-off** by the local Convenor of the forum/consultation as a true and accurate record for submission with the CIS.
- Significantly expand the scope of required consultations and reporting to include not just ‘good neighbour’ issues, but also the impacts on the broader community (as outlined on page 3 of this submission).



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

- ♦ Does the CIS help to identify the risks to the community of a proposed liquor licence or authorisation, including with respect to alcohol-related violence and anti-social behaviour?
- ♦ Does the CIS help to identify the benefits to the community of a proposed liquor licence or authorisation?
- ♦ Are there any categories of information currently missing from a CIS that would help to identify the aforementioned risks and /or benefits?
- ♦ Does the CIS generate new and additional information beyond what is provided by community stakeholders via the DA consultation process?
- ♦ Is the feedback and information collected via the CIS of the nature that is useful to inform decision-making with respect to the consideration of applications?
- ♦ Do the benefits of the CIS justify the costs or time impositions placed on businesses, local residents and other stakeholders to participate in this requirement?

As per our response to Qs 1 & 2, we would have to suggest that the current requirements in the CIS for:

- identifying and contacting potential stakeholders/community members,
- the format for the consultation process itself,
- the scope of the issues required to be reported on in the CIS (pro and con),
- and the reporting-back processes as part of the CIS

lack authenticity or transparency, or a robust, reliable process to adequately inform decision-makers (either the Applicant or L&GNSW) about the likely broader consequences (such as alcohol-related family violence, anti-social behaviour, beliefs of residents about their safety walking alone at night, crime rates, etc.) on the local community of any given application.

The CIS, conducted appropriately and rigorously as we propose, should certainly provide much more in-depth data to assist effective analysis of risk/benefit to the local community than that acquired by seeking feedback from businesses/residents within 100 metres and the Local Council's DA process – neither of which focus on broader issues of social capital, community vulnerability, or social impact. In addition, government agencies, by their very nature, can be constricted in what they may say in the public arena – on the other hand, core business for community service organisations is advocacy on behalf of their community. The 'time imposition' on community service organisations as a consequence of their involvement in genuine consultation processes would be miniscule compared to dealing with any negative impact on individuals/families or village/town as a consequence of a poorly informed approval of an application.

The purpose of the CIS should be to demonstrate whether or not the Applicant can show 'net community value' of their proposal – not simply a lack of negative voices from a restricted number of stakeholders/community members.

6.

**6: Are the separate CIS categories (A & B) necessary and appropriate?**

- ♦ Do application types listed under the A and B categories have sufficiently different risks and risk consequences to warrant different CIS processes?
- ♦ What changes, if any, should be made to Categories A or B to improve the effectiveness of the CIS process (including combining, removing or changing each or both of the current categories) to ensure different risk profiles are appropriately recognised in the local stakeholder engagement undertaken by applicants?

We found it difficult to differentiate the CIS categories, or define any real rationale for why both categories would not be combined for the purpose of the CIS – with the possible exception of the licence “limited to the sale or supply of alcohol via phone, fax, mail order or website”, since this does not imply a physical ‘footprint’ in any given local community.

We would recommend that the more robust and rigorous process we have proposed be applied to all applications for all other licences.

We thank L&GNSW for the opportunity to make a submission on this issue of great importance to our local community, and are happy to be provide any further information/elaboration required.



Kris Newton  
Manager  
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