

Policy Brief: Reform of Western Australia's planning legislative framework in order to promote specific public health objectives

Overweight and obesity is driving death and disability in Australia

- Unhealthy diets, overweight and obesity are the greatest risk factors for death and disease in Australia¹.
- 1 in 4 Western Australian children are now overweight or obese and face an increased lifetime risk of disease and early death². Children with obesity also face increased stigma and bullying, impacting on their emotional wellbeing. They also tend to perform worse academically than their peers³. What's more, Western Australian children are now growing up in a society where the majority of adults (close to 70%) around them are overweight or obese⁴.
- On average, 35% of the energy Australian adults consume every day comes from discretionary foods e.g. cakes, confectionery and sugary drinks. The proportion is even higher for children with 41% of 14-18 year olds⁵.
- The excess burden on the Western Australian healthcare system associated with overweight and obesity is estimated to be \$610 per year by 2026⁶.
- Studies show that the density of, and proximity to, food outlets has an influence on food purchasing and consumption. For example, a higher proportion of healthy food outlets can increase consumption of foods such as fruit and vegetables; conversely, people living in areas of greater disadvantage also have poorer access to healthy food outlets and experience poorer health outcomes⁷.

Junk food outlets are allowed to open near schools, with no regulation

- The influence of built environments, which can facilitate or inhibit health behaviours like physical activity and healthy eating, means that the urban planning laws are a potentially powerful tool for influencing health, and therefore reducing obesity.
- In May, approval was granted for a second McDonalds store in Albany. The store on the corner of Le Grande Avenue and Albany Highway Orana is less than a kilometre from North Albany Senior High School and directly opposite Albany TAFE. Despite opposition from health groups including Cancer Council WA, the Development Assessment Panel was not able to take into account these public health concerns in its deliberations because of the absence of health as a consideration in the law. This was despite the City of Albany having clear obesity prevention objectives in its Public Health Plan.
- More recently, a second McDonalds in Ellenbrook was approved. The development will be located directly opposite Aveyley Secondary College. In fact it is so close to the school, that the bus bay servicing the school is located at the front of the approved site, and students will be able to smell food cooking from school grounds. Despite concerns raised by public health groups, the school and the Department of Education, the application was approved.
- The pervasive marketing and availability of unhealthy food and drinks is the single greatest driver of overweight and obesity⁸. It is incongruous that a junk food outlet can be allowed to open up directly opposite a school, undermining parent, school and community efforts. Data from 2018/2019 shows that on average, Perth schools had 2 fast food outlets within 400m, 6 fast food outlets within 800m and 8 fast food outlets within 1km⁹. The density of fast food outlets and "Top 4" fast food chain outlets was greater in areas with more relative disadvantage⁹.

There needs to be a strong government-led policy response

- The Western Australian Government has set an ambitious goal to halt the rise in obesity by 2025, and to have the greatest percentage of the population with a healthy weight of all Australian States by 2029. Without taking strong action on unhealthy food and drink marketing, Western Australia is unlikely to meet this target.
- As part of this goal, the Sustainable Health Review Final Report recommended that changes to the planning laws be made to limit unhealthy food outlets and to support access to healthy food options, including near schools¹⁰.
- WA's Public Health Act 2016 puts the impetus on local government to promote health and wellbeing within their local areas. However, WA planning laws do not allow for consideration of health when planning applications are put forward for review.

What can the Western Australian Government do and how?

- Schedule 2 of the *Local Planning Scheme Regulations* provides a set of ‘deemed provisions’ that apply automatically to ALL local planning schemes.
 - Clause 67 of the Schedule stipulates a list of considerations that LG must have “due regard” to in assessing a local development proposal. Currently, public health/community wellbeing does not feature as a consideration, meaning that decision-makers can lawfully ignore these interests.
- Amending the Regulations to add public health as a mandatory relevant consideration would provide a basis for planning authorities to incorporate health interests in planning decisions.
- This would promote uniformity of decision-making processes across local governments. It would also align the Planning Law provisions with the obligations of Local Councils under the *Public Health Act*.

How have other jurisdictions allowed for public health to be factored into planning decisions?

United Kingdom

- “Healthy” planning principles are listed in the National Planning Policy. In practice, however, whether public health is considered in planning decisions is a matter for individual local government authorities¹¹.
Example: Bristol
- Local Plan Policy DM14 requires systematic health impact assessments (HIAs) to be carried out for ‘super’ major developments under planning protocol¹².
 - Applicants should identify impacts on health and wellbeing, and demonstrate plans to mitigate or address adverse health consequences.
 - Where impacts are identified, measures to mitigate the adverse impact of the development will be provided/secured by planning obligations.

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