

Policy Brief: Reform of Western Australia's planning legislative framework in order to increase healthy eating

KEY MESSAGES.

- Local access to healthy, affordable food is an essential part of living in well-connected, sustainable neighbourhoods. Currently, unhealthy food outlets selling highly processed, heavily marketed unhealthy food and drinks far exceed healthier outlets.
- Unhealthy food outlets surround Perth schools, in high exposure locations and in higher concentrations in more disadvantaged suburbs. Exposure to unhealthy food outlets near schools and homes is related to poorer dietary outcomes.
- Reform is urgently required to ensure planning laws support access to healthy food options and limit unhealthy food outlets. Community health must be incorporated as a relevant consideration in development proposals. This will:
 - » Allow decision makers to account for the evidence regarding the negative impact to community health of new unhealthy food outlets.
 - » Align local governments' obligations to promote and protect health under the *Public Health Act* with their role in land-use planning.
 - » Respond to strong community expectations regarding approvals for unhealthy food outlets.

Urgent action is required to support Western Australians to increase healthy eating

- The WA Government has set an ambitious goal to halt the rise in people living with obesity by 2025 in order to transition to a sustainable health system that addresses the increasing social, health and economic costs of rising rates of children and adults who have overweight and obesity¹.
- Unhealthy diets and living with overweight and obesity are the greatest risk factors for preventable death and disease in Australia second only to tobacco use².
- Illness from overweight and obesity cost WA hospitals \$338.7 million in 2016, and it is estimated that this will rise by 80 per cent to \$610.1 million in 2026³.
- Eating highly processed, unhealthy food and drinks makes up a significant proportion of WA adult and children's diets. Total energy from discretionary foods and drinks is 35 per cent for adults, 40 per cent children 9-13 years old and 41 per cent for children 14-18 years old⁴.
- 74 per cent of children exceed their recommended levels of free sugar intake: children aged 9-13 years consume 64g (16 teaspoons) per day and children 14-18 years 73g (18 teaspoons) per day⁴.

Unhealthy food outlets surround schools and are in higher numbers in disadvantaged suburbs

- On average, Perth schools have three unhealthy food outlets within 400m⁵.
- Fifty per cent of secondary schools have at least one of the top chain fast food outlets within 1km (McDonald's, Hungry Jacks, KFC and Red Rooster)⁵.
- Schools in areas of low socio-economic status (SES) have significantly higher frequency of all unhealthy food outlets and top chain outlets within 400m and 1km⁵.
- There are twice the number of unhealthy food outlets (11) in the most disadvantaged Perth suburbs compared to the most advantaged (4)⁶.

High exposure to unhealthy food outlets and their placement around schools and homes undermines community health

- Unhealthy food outlets sell highly processed, heavily marketed convenience foods. Food and drinks are sold in large sizes, are nutrient poor, and high in cheap ingredients including salt and sugar which are bad for health.
- The WA Department of Health published an evidence brief in 2022 summarising that density of, and proximity to, food outlets has an impact on dietary intake and obesity⁷.
- For example, a higher proportion of healthy food outlets can increase consumption of foods such as fruit and vegetables; conversely, moving to an area with a higher number of unhealthy food outlets near home increases intake of unhealthy food⁷.
- Forty-five per cent of Perth secondary school children purchase unhealthy food and drinks from outlets near their school on a weekly basis. This is more likely when the food outlet is one of the top chain fast food outlets⁸.

Unhealthy food outlets are allowed to open near schools with no controls and despite strong community opposition

- May 2021. Approval was granted for a second McDonald's store in Albany. The outlet 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 consider 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.
- September 2020. Approval was granted for a second McDonald's in Ellenbrook despite 216 objections by residents and evidence submitted by public health groups, the school and the Department of Education. The development is located directly opposite Aveley Secondary College. It is so close to the school that the bus bay servicing the school is located at the front of the now built McDonald's.
- February 2023. Approval was granted for a McDonald's in Alkimos. The proposal received 168 public objections from the local community, extremely concerned with the proximity to residential homes, Alkimos College and the existing number of drive-through food outlets in the area.
- These are among numerous cases of new unhealthy food outlets being approved despite proximity to schools, homes, against community objection and disregard for community health.

Planning and health agendas must align at the local level

- The places where we spend our lives have a profound impact on our physical, mental, social, environmental and economic wellbeing as well as on health equity⁹. Urban planning laws are a potentially powerful tool for influencing health and can provide public service to ensure developments deliver positive outcomes for the local community.
- Local governments are legislatively bound via the Public Health Act 2016 to promote health and wellbeing within their local areas. Empowering and enabling community to increase healthy eating is one of four focus areas set by the State Public Health Plan for WA for local governments to include in public health planning. However, WA planning laws do not allow for consideration of health when planning applications are put forward for review and therefore have limited influence to control proliferation of unhealthy food outlets.
- Using planning laws to limit unhealthy food outlets and to support access to healthy food options, including near schools is a key recommendation of the Final Report of the Sustainable Health Review 2019¹, National Obesity Strategy 2022-203¹⁰, the WA Health Promotion Strategic Framework 2022-2026¹¹, and the WA Food Policy Index Report Card 2023¹².
- There is strong public support: 71 per cent of Western Australians agree that local governments should have the power to reject planning applications for fast food outlets, such as when next to a school¹³.

WHAT CAN THE WESTERN AUSTRALIAN GOVERNMENT DO AND HOW?

- A review of the legal regulatory framework that governs local planning in WA in relation to unhealthy food outlets found that current processes are not sufficient to proscribe or refuse unhealthy food outlets¹⁴.
- 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 Local Governments 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 decisions¹⁴.
- This would promote uniformity of decision making processes across local governments and align the planning law provisions with the obligations of Local Governments under the Public Health Act¹⁴.

HOW HAVE OTHER JURISDICTIONS ALLOWED FOR PUBLIC HEALTH TO BE FACTORED INTO PLANNING DECISIONS?

United Kingdom

- The UK National Planning Policy Framework sets out the government’s planning policies for England and how these are expected to be applied. The policy stipulates that planning policies and decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, including issues such as ‘access to healthier food’¹⁵.
- In 2019, 50 per cent of local government areas in the UK had a policy specifically targeting “hot food take-aways”¹⁵.
- There are three types of planning guidance to limit the number of unhealthy food outlets in which local governments can implement¹⁶;
 1. Restricting new unhealthy food outlets near schools.
 2. Restricting new unhealthy food outlets if the density of existing outlets has surpassed a certain threshold of all retail outlets.
 3. Restricting new unhealthy food outlets if childhood obesity rates are above a certain threshold.

Example: Gateshead

- Gateshead, a local authority in England aimed to reduce the number of children living with obesity and to achieve this goal implemented all three types of planning guidance described in the *Supplementary Planning Document 2015 Hot Food Take-aways*.
- Within a four-year period, the density of unhealthy food outlets decreased as a proportion of population and total food outlets compared to similar authorities¹⁶.

Example: Bristol

- Local Plan Policy DM14 requires systematic health impact assessments (HIAs) to be carried out for ‘super’ major developments under planning protocol¹⁷.
 - » 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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