



SUPPLEMENTARY BUSINESS PAPER

**(Mayoral Minute MM2/24)
GENERAL MEETING**

**Wednesday 10 April 2024
at 6:30PM**



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8 PLANNING CONTROLS FOR TOBACCONIST AND VAPE SHOPS

Recently, I received representations from concerned residents about a tobacconist shop that has opened in Beecroft. The issues raised include concerns about the appropriateness of the location of the business in close proximity to shops and schools frequented by children and families.

I am aware that in accordance with NSW State Government legislation, a change of use from a shop to another shop may be undertaken without the consent of Council. Therefore, the community is denied the opportunity to comment or make representations on a proposal.

NSW Health inspectors regulate the packaging, advertising, display and sale of tobacco products, non-tobacco smoking products and e-cigarettes and accessories, under the *Public Health (Tobacco) Act 2008*. However, under the planning system, Council has no role to play in considering the suitability of where a tobacconist shop is located and is unable to apply any conditions to minimise potential impacts.

The negative health impacts of smoking are well documented. Furthermore, in recent years the use of vapes or e-cigarettes has increased rapidly particularly among young people. In addition to harmful chemicals, vapes also contain nicotine, which is highly addictive, and it is reported that young people are more susceptible to addiction.

The planning system requires that other sensitive land uses are only allowed to operate after approval has been obtained from Council and the community has had opportunity to comment. In light of their undisputed health impacts, tobacco and vape shops should also be subject to merit assessment including consideration of matters such as separation from primary or secondary schools, child minding centres, churches, parks, playgrounds, or any other place regularly frequented by children. Consideration should also be given to applying a minimum radius between these shops.

It is appropriate we are responsive to the health and social impacts of smoking and vaping for our community and exploring opportunities to advocate for changes to the planning and approval pathway for tobacconist shops to minimise their impacts on our residents. Accordingly, Council should make representations to the Minister for Planning and Public Spaces requesting changes to planning controls to require the lodgement of a development application to establish tobacconist and vape shops.

RECOMMENDATION

THAT Council write to the Minister for Planning and Public Spaces requesting changes to planning controls to require the establishment of tobacconist and vape shops to require approval through the development application process.

The Honourable Cr PHILIP RUDDOCK
Mayor

Attachments:

There are no attachments for this report.

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