

minutes

Policy Committee

MEETING HELD ON **MONDAY, 8 AUGUST 2011**

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CITY OF JOONDALUP

MINUTES OF THE POLICY COMMITTEE MEETING HELD IN CONFERENCE ROOM 2, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON MONDAY, 8 AUGUST 2011

ATTENDANCE

Committee Members:

Cr Kerry Hollywood	Presiding Person
Cr John Chester	Deputy Presiding Person
Mayor Troy Pickard	
Cr Geoff Amphlett	Deputising for Cr Liam Gobbert
Cr Mike Norman	Deputising for Cr Christine Hamilton-Prime
Cr Russ Fishwick	Deputising for Cr Fiona Diaz

Officers:

Mr Mike Tidy	Acting Chief Executive Officer
Mr Jamie Parry	Director, Governance and Strategy
Ms Dale Page	Director, Planning and Development
Ms Debbie Terelinck	Manager, Community Development and Library Services
Mrs Lesley Taylor	Governance Officer

DECLARATION OF OPENING

The Presiding Person declared the meeting open at 6.00 pm.

APOLOGIES/LEAVE OF ABSENCE

Apologies: Cr Fiona Diaz
Cr Liam Gobbert
Cr Christine Hamilton-Prime

Leave of Absence previously approved

Cr Christine Hamilton-Prime	8 - 12 August 2011 inclusive.
Cr Brian Corr	14 - 21 August 2011 inclusive.

CONFIRMATION OF MINUTES

MINUTES OF THE POLICY COMMITTEE HELD ON 7 FEBRUARY 2011

MOVED Mayor Pickard, **SECONDED** Cr Chester that the minutes of the meeting of the Policy Committee held on 7 February 2011 be confirmed as a true and correct record.

The Motion was Put and

CARRIED (6/0)

In favour of the Motion: Crs Hollywood, Chester, Amphlett, Fishwick, Norman and Mayor Pickard

ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Presiding Person thanked Crs Amphlett, Fishwick and Norman for deputising for their fellow Ward Councillors in order that the meeting may proceed.

DECLARATIONS OF INTEREST

Nil.

IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS

Nil.

PETITIONS AND DEPUTATIONS

Nil.

REPORTS**ITEM 1 ALFRESCO ACTIVITIES POLICY**

WARD: All

RESPONSIBLE DIRECTOR: Ms Dale Page
Planning and Development

FILE NUMBER: 03360, 101515

ATTACHMENTS: Attachment 1 Alfresco Activities Policy (amended Draft Policy)

PURPOSE

To consider amendments to the Alfresco Activities Policy to provide additional clarity.

EXECUTIVE SUMMARY

At its meeting held on 13 October 2009, Council adopted a revised Alfresco Activities Policy which provided a uniform approach to the location of alfresco dining activities in the City Centre, as well as measures to ensure that alfresco activities contribute to an interesting and attractive streetscape.

The operation of the Alfresco Activities Policy has been reviewed, and is generally considered to be operating well. It is considered, however, that clarity can be provided as to the use of the term 'visually permeable' when referring to alfresco area enclosures. It is considered appropriate that the term 'clear' be used instead. This would ensure that alfresco areas maintain a level of interaction with the street, and do not simply become extensions of the associated restaurant or café, on public land.

It is recommended that the Policy Committee recommend to Council that the Alfresco Activities Policy be amended to remove the use of the term 'visually permeable' and replace it with 'clear plastic blinds (cafe blinds) or other clear blinds which can be easily seen through during both the day and night', and other minor amendments as set out in Attachment 1.

BACKGROUND

In September 2008, a review of Policy 7-5 Alfresco Activities was initiated to give consideration to the uniform location of alfresco activities within the City of Joondalup. It was considered that the then current practice of locating alfresco activities beneath awnings was not in keeping with the intention of providing pedestrians with a continuous sheltered path of travel. As such, a review was undertaken to establish an appropriate location for alfresco dining activities.

At its meeting held on 13 October 2009, Council adopted a revised Alfresco Activities policy in order to provide a uniform approach to the location of alfresco dining activities in the City Centre. Council also resolved to:

- Introduce a fee to utilise public land (\$30 per sqm);
- provide planter boxes to alfresco areas to provide amenity and interest to City streets and delineate alfresco dining areas.

DETAILS

The amended Draft Policy - Alfresco Activities is at Attachment 1.

Element 4 of the Alfresco Activity Policy states:

"Any screening for weather protection, with the exception of roof cover and breeze barriers, must be visually permeable and readily removable. Canvas and shade cloth type materials will not be permitted."

Issues and options considered:

Council has the option to:

- Retain the policy without modification, or
- Modify the policy to provide additional clarity or provisions.

Legislation/Strategic Plan/Policy Implications

Legislation Clause 8.11 of the City of Joondalup District Planning Scheme No 2 enables Council to prepare, amend and add to local planning policies that relate to any planning and development matter within the Scheme area.

Strategic Plan

Key Focus Area: Economic Prosperity and Growth

Objective: 3.1 To encourage the development of the Joondalup CBD.

Strategic Plan

Key Focus Area: The Built Environment

Objective: 4.1 To ensure high quality urban design within the City.

Policy City Policy - Alfresco Activities.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Costs associated with advertising any proposed amendment to the Policy in the local newspaper, and notice of any final adoption of the amended Policy, will be approximately \$810.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Clause 8.11 of DPS2 requires any amendment to a Policy to be advertised for public comment, including a notice published once a week for two weeks in the local paper.

COMMENT

The Alfresco Activities Policy is attempting to ensure that alfresco areas are not simply an enclosed extension of the adjoining café or restaurant on public land. In addition, the alfresco activity should 'give something back' to the area by way of creating an interesting and vibrant street. An enclosed area with no interaction with the street will not achieve this. The Policy supports these principles by:

- Ensuring enclosures are not permanent, and that they must be retracted or removed after hours,
- Requiring enclosures be visually permeable at all times; shade cloth and canvas are unlikely to ever meet the spirit and intent of the policy and are therefore not permitted.

It is possible that the term 'visually permeable' may be interpreted in different ways. Therefore, in order to avoid confusion in regard to what constitutes 'visually permeable', the policy could be modified as follows:

v. Any screening for weather protection, with the exception of roof cover and breeze barriers, must be clear plastic blinds (cafe blinds) or other clear blinds which can be easily seen through during both the day and night and are readily removable. Canvas and shade cloth type materials will not be permitted.

In addition, two minor text amendments have been proposed in order to update the current Directorate name and remove repeated text.

A review of the operation of the Alfresco Activities Policy has indicated that the policy is operating well, however, increased clarity as outlined above will assist both alfresco operators and the City.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That the Policy Committee RECOMMENDS that Council:

- 1 APPROVES the following proposed amendments to City Policy – Alfresco Activities, for the purpose of public advertising:
 - 1.1 Amends Part 4 (v) of Element 4: Shelter, Shade, Barriers and Incidental Structures to replace the words 'visually permeable' with the wording 'clear plastic blinds (cafe blinds) or other clear blinds which can be easily seen through during both the day and night' and are readily removable. Canvas and shade cloth type materials will not be permitted;
 - 1.2 Amends the Responsible Directorate to Planning and Development;
 - 1.3 Removes repeated text under Part 3 of Element 1: Alfresco Location;
- 2 ADVERTISES the proposed amendments to City Policy – Alfresco Activities for public comment for a period of 21 days, in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No 2.

MOVED Cr Fishwick, SECONDED Cr Amphlett that the Policy Committee RECOMMENDS that Council:

- 1 **APPROVES the following proposed amendments to City Policy – Alfresco Activities, for the purpose of public advertising:**
 - 1.1 **Amends Part 4 (v) of Element 4: Shelter, Shade, Barriers and Incidental Structures to replace the words 'visually permeable' with the wording 'clear plastic blinds (cafe blinds) or other clear blinds which can be easily seen through during both the day and night' and are readily removable. Canvas and shade cloth type materials will not be permitted;**
 - 1.2 **Amends the Responsible Directorate to Planning and Development;**
 - 1.3 **Removes repeated text under Part 3 of Element 1: Alfresco Location;**
- 2 **ADVERTISES the proposed amendments to City Policy – Alfresco Activities for public comment for a period of 21 days, in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No 2.**

AMENDMENT MOVED Cr Fishwick, SECONDED Cr Amphlett that an additional Point 3 be added to the Motion as follows:

“3 AGREES that those restaurants that currently have installed shade cloth blinds shall have three years from the adoption of the Policy to comply with the requirements of Part 4(v) of Element 4 of the Policy.

The Amendment was Put and

CARRIED (6/0)

In favour of the Amendment: Crs Hollywood, Chester, Amphlett, Fishwick, Norman and Mayor Pickard

The Original Motion as amended, being:

That the Policy Committee RECOMMENDS that Council:

- 1 APPROVES the following proposed amendments to City Policy – Alfresco Activities, for the purpose of public advertising:**
 - 1.1 Amends Part 4 (v) of Element 4: Shelter, Shade, Barriers and Incidental Structures to replace the words ‘visually permeable’ with the wording ‘clear plastic blinds (cafe blinds) or other clear blinds which can be easily seen through during both the day and night’ and are readily removable. Canvas and shade cloth type materials will not be permitted;**
 - 1.2 Amends the Responsible Directorate to Planning and Development;**
 - 1.3 Removes repeated text under Part 3 of Element 1: Alfresco Location;**
- 2 ADVERTISES the proposed amendments to City Policy – Alfresco Activities for public comment for a period of 21 days, in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No 2;**
- 3 AGREES that those restaurants that currently have installed shade cloth blinds shall have three years from the adoption of the Policy to comply with the requirements of Part 4(v) of Element 4 of the Policy.**

Was Put and

CARRIED (6/0)

In favour of the Motion: Crs Hollywood, Chester, Amphlett, Fishwick, Norman and Mayor Pickard

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1agnpolicy080811.pdf](#)

ITEM 2 DRAFT BED AND BREAKFAST POLICY

WARD:	All
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Development
FILE NUMBER:	101116
ATTACHMENTS:	Attachment 1 Draft Bed and Breakfast Policy

PURPOSE

To provide the Policy Committee with a draft Bed and Breakfast Policy for consideration for the purposes of public advertising.

EXECUTIVE SUMMARY

District Planning Scheme No 2 (DPS2) includes 'Bed and Breakfast' as a use class within the zoning table. DPS2 provides no further guidance as to the appropriate location within a zone, parking requirements or management practices. The draft Local Planning Strategy includes an action to prepare a Bed and Breakfast policy.

Informal guidance is currently provided to prospective Bed and Breakfast operators in the form of an information sheet. A draft policy has been prepared to formalise and expand the information currently contained in the existing information sheet.

The draft policy provides requirements on the provision of car parking and management of Bed and Breakfast accommodation.

It is recommended that the Policy Committee recommend to Council that the draft policy be advertised for public comment.

BACKGROUND

At its meeting held on 16 February 2010, Council adopted a draft Local Planning Strategy (LPS) for the City. The LPS contains a strategy and action relating to Bed and Breakfast accommodation as set out below:

Strategy Promote home businesses, including bed and breakfasts, as important for local employment and provide opportunities for residents to 'incubate' a business.

Action Prepare a Bed and Breakfast Policy.

This report therefore presents a draft policy for consideration.

DETAILS

'Bed and Breakfast' is defined within DPS2 as:

"any dwelling in which the resident of the dwelling provides accommodation on an overnight or short-term basis, usually to the travelling public, and may include the provision of breakfast."

DPS2 identifies 'Bed and Breakfast' as being able to be considered for approval in the following zones:

Residential zone	- D (discretionary)
Mixed Use zone	- P (permitted)
Business zone	- D (discretionary)
Commercial zone	- P (permitted)
Private Clubs and Recreation zone	- P (permitted)
Special Residential zone	- D (discretionary)
Rural zone	- D (discretionary)

Bed and Breakfast is not permitted in the following zones:

Civic and Cultural zone	- X (not permitted)
Service Industrial zone	- X (not permitted)

The draft policy has been developed to provide guidance on:

- Preferred location
- Car parking
- Management
- Signage
- Public consultation

In order to provide clarity as to the form of building that a Bed and Breakfast can occupy, the draft policy provides guidance on the use of Ancillary Accommodation and self-contained additions, as follows:

Use of Ancillary Accommodation

Ancillary Accommodation is self-contained accommodation that must be occupied by a family member of the main dwelling. However, in the event that the accommodation is no longer needed for this purpose, the ancillary accommodation becomes a vacant asset.

As an alternative use, the draft policy proposes to permit vacant Ancillary Accommodation be used as Bed and Breakfast accommodation. This arrangement can provide additional visitor accommodation for the City, whilst ensuring management is maintained due to the landowner or a permanent resident operating the Bed and Breakfast residing at the same property, as is required in order to be considered a Bed and Breakfast use under DPS2.

In the event that the Bed and Breakfast use ceases, a new approval for use as Ancillary Accommodation would need to be sought, or the kitchen facilities removed (in order that it is not self-contained and thereby not a second dwelling).

Other self-contained additions

Ordinarily, self-contained additions are only permitted in the form of Ancillary Accommodation, to ensure they are not used as a second dwelling on the site. The draft policy allows consideration be given to proposals to specifically construct a self-contained addition in order to operate a Bed and Breakfast activity.

However, this would need to be conditional on, in the event that the Bed and Breakfast use ceases, any kitchen facilities being removed (in order that it is not self-contained and thereby not a second dwelling) or approval being obtained for its use as Ancillary Accommodation.

In addition, it is considered appropriate that any self-contained addition used for Bed and Breakfast be of a size no larger than that of Ancillary Accommodation, that is, a maximum floor area of 60m² in accordance with the Residential Design Codes.

The draft Bed and Breakfast policy is provided as Attachment 1 to this report.

Issues and options considered:

- Recommend that Council approves the draft policy for the purposes of public comment; or
- Recommend that Council approves the draft policy for public comment with modifications; or
- Recommend that Council does not approve the draft policy for the purposes of public comment.

Legislation/Strategic Plan/Policy Implications**Legislation**

Clause 8.11 of DPS2 enables the City to prepare, amend and add to local planning policies that relate to any planning and development matter within the Scheme area.

Strategic Plan

Key Focus Area: The built environment

Objective: 4.1 To ensure high quality urban development within the City.

Policy

The subject of this report is a draft Bed and Breakfast Policy.

Risk Management considerations:

DPS2 currently provides limited guidance for the assessment of Bed and Breakfast applications. There is a risk that City or Council decisions on Bed and Breakfast proposals may be difficult to defend in the event of a State Administrative Tribunal review. The adoption of a Bed and Breakfast Policy will provide specific requirements that applications will be assessed against and will therefore provide support for decision making.

Financial/Budget Implications:

Advertising costs are estimated to be \$810.

Regional Significance:

The adoption of a Bed and Breakfast Policy will provide greater guidance for the development of tourist accommodation within the City of Joondalup which helps to service the North West corridor.

Sustainability Implications:

The promotion of Bed and Breakfast accommodation will assist economic sustainability by providing further opportunities for local businesses and tourism.

Consultation:

Should Council wish to initiate the draft policy for the purpose of public advertising, the proposal is required to be advertised for a period of not less than 21 days. Advertising is undertaken by way of a notice published once a week for two consecutive weeks in a local newspaper, as well as on the City's website.

In addition, stakeholders such as Tourism Western Australia will be notified in writing of the public consultation period and invited to comment.

COMMENT

Bed and Breakfast establishments provide an alternative form of tourist accommodation within the City of Joondalup. They offer a unique form of short term accommodation, giving visitors the opportunity to enjoy home style hospitality, and the many attractions of the City and surrounding environment. To provide clear guidance for this type of development, a policy is appropriate.

It is recognised that the preservation of residential amenity is key when considering proposals such as Bed and Breakfast establishments. It is considered that the policy promotes protection of residential amenity by:

- including provisions for parking onsite;
- requiring a Management Plan that outlines the measures to address noise and/or anti-social behaviour, and how any complaints from neighbours will be addressed;
- a limited approval period of 12 months, which provides the ability to review any complaints or issues which arise in this time and condition a renewal accordingly, or not renew the activity.

It is recommended that the draft policy be advertised for public comment.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That the Policy Committee RECOMMENDS that Council, in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No 2, ADVERTISES the draft City Policy – Bed and Breakfast, as shown in Attachment 1 to this Report, for public comment for a period of 21 days.

MOVED Cr Fishwick, SECONDED Cr Norman that the Policy Committee RECOMMENDS that Council, in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No 2, ADVERTISES the draft City Policy – Bed and Breakfast, as shown in Attachment 1 to this Report, for public comment for a period of 21 days, subject to the following amendments:

Car Parking

- **Point 1 - deletion of the words “For a single dwelling, this will be 2 car bays.”**
- **Point 2 – additional wording to be added at the end of the sentence as follows:**
“No verge parking is permissible.”

Management

- **Point 2**
 - **First dot point to be deleted.**
 - **The words “and granted” to be deleted from the second dot point.**
- **Point 3**
 - **First dot point to be deleted.**
 - **The words “and granted” to be deleted from the second dot point.**
- **Point 4 – to be reworded to read:**
“Separate bathroom facilities are encouraged to be provided for each Bed and Breakfast room.”
- **An additional point (Point 5) to be added to read:**
“Access to a dining area must also be provided for guests within the dwelling, along with communal laundry facilities.”
- **Point 5 to be renumbered to Point 6.**
- **Point 6 to be renumbered to Point 7.**
- **Point 7 to be revised to align with the conditions set out for the Management Plan relating to the Short Stay Accommodation policy.**

The Motion was Put and

CARRIED (6/0)

In favour of the Motion: Crs Hollywood, Chester, Amphlett, Fishwick, Norman and Mayor Pickard

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2agnpolicy080811.pdf](#)

ITEM 3 DRAFT SHORT STAY ACCOMMODATION POLICY

WARD:	All	
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Development	
FILE NUMBER:	72584, 81593	
ATTACHMENTS:	Attachment 1	Policy – Short Stay Accommodation (as advertised and modified)

PURPOSE

The purpose of this report is to present modifications to the draft Local Planning Policy – Short Stay Accommodation for final adoption.

EXECUTIVE SUMMARY

In 2007, Scheme Amendment No.36 to District Planning Scheme No 2 (DPS2) was initiated and a draft Short Stay Accommodation Policy developed. The proposed amendment sought to provide a definition of short stay accommodation and identify in which zones such accommodation would be permitted.

The draft policy provides management parameters for the operation of short stay accommodation. As the draft policy was developed to support the associated scheme amendment, the policy could not be implemented until the scheme amendment was finalised.

With the finalisation of the scheme amendment, the amended policy needs to be adopted as final. Furthermore, in accordance with Council's prior resolution, the Town Planning Delegations require amendment to require all applications for short stay accommodation abutting a 'Residential' zone to be referred to Council for determination. The amendment to the Town Planning Delegations will be included in the forthcoming review of the Register of Delegated Authority.

Two additions to the draft policy are proposed to clarify that the policy applies to zones where short stay accommodation is permitted, and to require, as part of the Management Plan, the provision of the short stay accommodation owners contact telephone number to adjoining neighbours.

It is recommended that the Policy Committee RECOMMENDS that Council, in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No 2, ADOPTS the modified City Policy – Short Stay Accommodation, as shown at Attachment 1 to this Report, as final.

BACKGROUND

Amendment No 36 was originally initiated in 2007. The amendment proposed a definition of short stay accommodation and specified in which zones the use may be permitted. Within the 'Residential' zone, short stay accommodation was proposed to be an 'A' use meaning the use is not permitted unless discretion is exercised to grant planning approval, following public consultation.

A draft policy was also prepared to provide guidelines in terms of the preferred location and management of short stay accommodation.

In August 2007, Council resolved to advertise the draft amendment and policy for a period of 42 days. The public consultation consisted of a notice in the local newspaper for two consecutive weeks and a notice placed on the City's website. A total of 31 submissions were received, 27 of which were objections to the proposed ability to operate short stay accommodation in residential areas.

At its meeting held on 15 April 2008 (CJ066-04/08 refers), Council, resolved to adopt the scheme amendment, however, in response to the submissions of objection, the amendment was modified to prohibit short stay accommodation within the 'Residential' zone. The amendment was then forwarded to the Minister for Planning for consideration of final approval.

At this meeting, Council also resolved the following:

"NOTES that, pending the successful adoption of the short stay policy and District Planning Scheme No 2 amendment, that the delegation of planning powers notice will be amended to reflect that proposals for short term accommodation abutting a residential zone will be referred to the Council for determination."

In July 2009, the Minister directed the City make modifications to the amendment in relation to the some of the definitions provided. Amendment No 36 and the revised draft policy (removing reference to provisions relating to the 'Residential' zone) was subsequently readvertised for 21 days, from 4 February to 25 February 2010, during which time no submissions were received. Amendment No 36 came into effect on 16 July 2010.

In response to a petition requesting Council 'overturn' Amendment 36, Council at its meeting held on 19 April 2011, resolved, in part:

"NOTES the petition and retains the current DPS2 provisions for short stay accommodation within the City at this stage, noting that the provisions for short stay accommodation will be considered as part of the review process for DPS2, which is expected to ultimately lead to DPS3"

DETAILS

Given that DPS2 does not permit Short Stay Accommodation in the 'Residential' zone, the draft Short Stay Accommodation Policy was previously amended to remove reference to the requirements applicable to the 'Residential' zone. However, the draft Policy is required to be endorsed by Council before coming into effect.

The draft policy requires the submission of a management plan and code of conduct, the keeping of a guest register, and requires an annual renewal of any approval issued.

The draft Short Stay Accommodation Policy is at Attachment 1.

Issues and options considered:

The options available to the Policy Committee are to:

- Recommend that Council adopts the modified draft Policy.
- Recommend that Council refuses to adopt the modified draft Policy.
- Recommend that Council adopts the modified draft Policy with additional changes.

Legislation/Strategic Plan/Policy Implications

Legislation Clause 8.11 of the City of Joondalup District Planning Scheme No 2 enables Council to prepare and amend local planning policies that relate to any planning and development matter within the Scheme area.

Strategic Plan

Key Focus Area: The built environment

Objective: 4.1 To ensure high quality urban development within the City.

Policy

It is proposed to adopt a City Policy – Short Stay Accommodation.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

A final approval notice will be published in the local paper at a cost of \$270.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The modified draft policy was advertised for 21 days from 4 to 25 February 2010. No submissions were received.

COMMENT

The draft policy provides management parameters for the operation of short stay accommodation which are aimed at ensuring that the operation of short stay does not have a significant impact on adjoining properties.

Two additions to the draft policy are proposed:

- It is currently indicated that the policy applies to the whole of the City of Joondalup. It would be more appropriate to indicate that the Policy applies to those zones where short stay accommodation may be permitted, that is, the 'Mixed Use', 'Business', 'Commercial' and 'Private Clubs/Recreation' zones.
- It is considered appropriate that the required management plan include the provision of the short stay accommodation owners contact telephone number to adjoining neighbours in order for the owner to provide an immediate response to any issues or concerns that arise from neighbours.

The above proposed additions to the draft policy are highlighted within Attachment 1.

It is noted that the modification to the Town Planning Delegations to require any Short Stay Accommodation proposals abutting the 'Residential' zone be referred to Council for determination, in accordance with Council's resolution of 15 April 2008, will be included in the forthcoming review of the City's Register of Delegated Authority.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick, SECONDED Cr Chester that the Policy Committee RECOMMENDS that Council, in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No 2, ADOPTS the modified City Policy – Short Stay Accommodation, as shown at Attachment 1 to this Report, as final.

The Motion was Put and

CARRIED (6/0)

In favour of the Motion: Crs Hollywood, Chester, Amphlett, Fishwick, Norman and Mayor Pickard

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3agnpolicy080811.pdf](#)

ITEM 4 ALCOHOL MANAGEMENT POLICY AND PLAN

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt, Chief Executive Officer

FILE NUMBER: 26173, 101515

ATTACHMENTS: Attachment 1 Draft Alcohol Management Policy
Attachment 2 Draft Alcohol Management Plan

PURPOSE

To provide the Policy Committee with the Draft Alcohol Management Policy and Plan to seek input prior to presenting to Council for endorsement.

EXECUTIVE SUMMARY

In June 2009, and in response to an invitation from Western Australian Local Government Association (WALGA), the City agreed to participate in a pilot program with 11 other local governments in the development of Alcohol Management Policies and Plans.

The attached draft Alcohol Management Policy and Plan was developed with the purpose of addressing alcohol-related issues and reduce alcohol-related harm in the community. The Policy, which should be read in conjunction with the Plan, sets out a series of strategies intended to address priority needs associated with alcohol and focuses on the following:

- The City's involvement in the allocation of Liquor Licences.
- Alcohol and City-owned land property and facilities.
- Responding to community concerns.
- Community education.
- Designing out alcohol-related crime.

BACKGROUND

Between August 2009 to November 2010, City officers developed a draft Alcohol Management Policy and Plan using the guidelines recommended by WALGA to assist the process.

The draft Policy and Plan were presented to the Community Safety and Crime Prevention Working Group in March 2011 and feedback has been incorporated into the documents.

DETAILS

Legislation/Strategic Plan/Policy Implications:

Participation in the WALGA pilot program required the development of a Council Policy and Plan on Alcohol Management.

Risk Management considerations:

It is considered good risk management practice to implement a Policy and Plan associated with the use/misuse of alcohol in the community.

Financial/Budget Implications:

There may be some costs associated with the implementation of the Alcohol Management Plan. When identified, costs will be put forward for consideration in the City's usual budget process.

Consultation:

City officers attended regular meetings at WALGA with the other local government participants in the pilot program. This ensured that the City kept up to date with trends and issues associated with alcohol management at a community level and the responses and actions of other local governments.

To date two pilot program participants have achieved a Council adopted Alcohol Management Policy and/or Plan and the others are at various stages in the development process.

On 17 June 2010, local liquor license holders attended a meeting with the City to discuss the proposed Policy and Plan. Those in attendance stated their appreciation of being involved in the process and expressed their desire to set up a local network of licensees to meet regularly in the future.

The draft documents have been presented to the Community Safety and Crime Prevention Working Group and their feedback incorporated into the draft documents. There were no major concerns from the Working Group.

COMMENT

The City prides itself on responding effectively to alcohol-related issues in the community through a combination of well-developed processes and maintenance programs. The Alcohol Management Policy and Plan serve to bring initiatives together in one statement in order to provide a common understanding of the commitment to the well-being of the community in relation to alcohol availability and use.

The Community Safety and Crime Prevention Working group discussed the drafts in March 2011 and their comments were incorporated in the drafts.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That the Policy Committee RECOMMENDS that Council ADOPTS the draft Alcohol Management Policy and Draft Alcohol Management Plan forming Attachments 1 and 2 to this Report.

MOVED Mayor Pickard, SECONDED Cr Amphlett that the Policy Committee RECOMMENDS that Council ADOPTS the draft Alcohol Management Policy and Draft Alcohol Management Plan forming Attachments 1 and 2 to this Report, subject to the following amendments:

Draft Alcohol Management Policy

- Title of Policy be amended to read – Alcohol Management.
- 3 Description

Additional points to be added to the end of this section as follows:

- “That the City is responsible for assessing development applications for outlets providing access to liquor on the basis of planning grounds under the relevant legislation.
- That the final decision on the provision of a liquor licence rests with the Department of Racing, Gaming and Liquor.”

Draft Alcohol Management Plan

Strategies – Outcome 1 – Liquor Licence Applications

That liquor licences can also be approved for individuals and that community education strategies should include individuals as well as community groups.

The Motion was Put and

CARRIED (6/0)

In favour of the Motion: Crs Hollywood, Chester, Amphlett, Fishwick, Norman and Mayor Pickard

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4anpolicy080811.pdf](#)

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

Nil.

CLOSURE

There being no further business, the Presiding Person declared the Meeting closed at 7.10 pm, the following Committee Members being present at that time:

Cr Kerry Hollywood
Cr John Chester
Mayor Troy Pickard
Cr Geoff Amphlett
Cr Russ Fishwick
Cr Mike Norman

ALFRESCO ACTIVITIES

STATUS: **City Policy** - *A policy that is developed for administrative and operational imperatives and has an internal focus.*

City policies are referred to Council for review and endorsement.

RESPONSIBLE DIRECTORATE: ~~Planning and Community Development~~ Planning and Development

- OBJECTIVES:**
- 1 To encourage and facilitate alfresco activities within the City of Joondalup as a means of increasing vibrancy and choice. Alfresco activities refers to outdoor dining and/or the consumption of alcohol by the general public while seated at tables that are located on the street verge or in a public space, generally as an extension of an existing premises already operating within an adjacent building.
 - 2 To allow for the operations of alfresco activities in such a manner that will not conflict with, or prejudice, the activities in adjacent premises (commercial and/or residential) or interfere with the traffic flow in the area or any other normal function of the area.
 - 3 To provide guidelines for the granting of planning approval for alfresco activities.
 - 4 To complement the provisions for outdoor dining as specified in Part 3 – Outdoor Dining – Trading in Public Places Local Law.

DEFINITIONS:

“Alfresco activities” means outdoor dining and/or the consumption of alcohol by the general public while seated at tables that are located on the street verge or in a public space, generally as an extension of an existing premises already operating within the adjacent building.

“Alfresco zone” means the area of the verge or other public space where alfresco activities may be permitted.

“Kerbside Zone” is the area between the road and the Alfresco Zone, which ensures that adequate area is provided between the Alfresco Zone and roadside activities. (ie opening of car doors, informal pedestrian crossings, refuge from traffic or minimum separation between alfresco activities and passing traffic)

“Pedestrian Zone” means the area to provide continuous and unobstructed pathway.

“Verge” means the space between the property boundary and the road, commonly occupied by footpath or landscaping.

POLICY AREA:

This policy shall apply to alfresco activities within the City of Joondalup. The policy is to be implemented in conjunction with the provisions of Part 3 – Outdoor Dining of the City of Joondalup’s Trading in Public Places Local Law.

STATEMENT

ELEMENT 1: ALFRESCO LOCATION

The City of Joondalup employs a system of zones within the verge to accommodate and balance its uses. Zone widths may vary depending on the overall width of the footpath or the specifics of a particular location or use.

1. Notwithstanding the site specific guidelines that follow, alfresco activities must conform to the following:

- Pedestrian Zone: 2.0 metres minimum width
- Alfresco Zone: 2.5 metres maximum width
- Kerbside Zone: 0.5 metres (kerbside zone abuts on-street parking)
1.0 metres minimum (kerbside zone abuts a lane of traffic)

and must be configured in the manner illustrated below, unless the City of Joondalup deems compliance is not necessary in a particular instance.

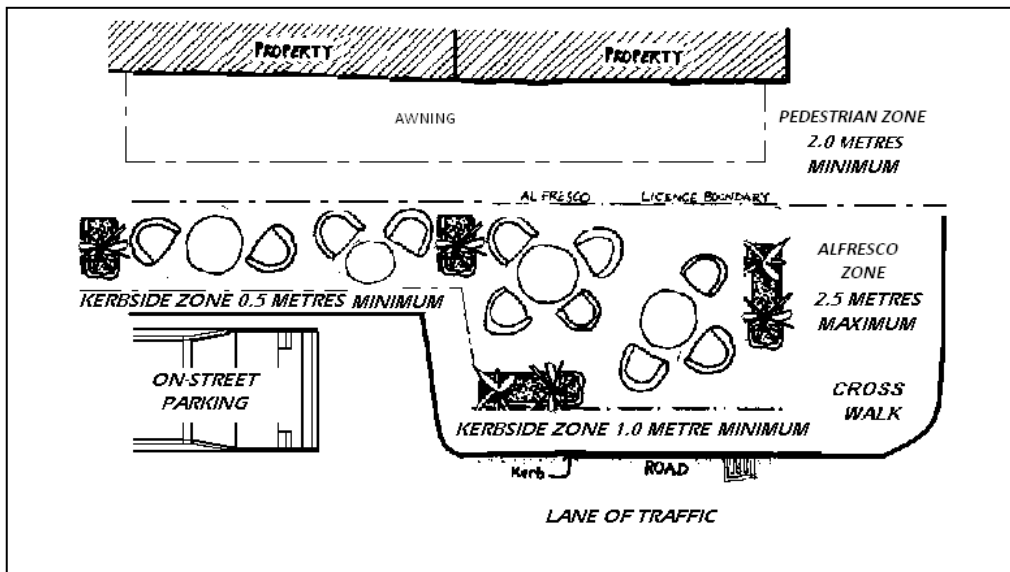


FIGURE 1: GENERAL STANDARD FOR ALFRESCO LOCATION

2. Alfresco activities located on Lakeside Drive and Central Walk must conform to the following:

Lakeside Drive

- Pedestrian Zone: 2.5 metres minimum width
- Alfresco Zone: 4.0 metres maximum width
- Kerbside Zone: 1.5 metres minimum width

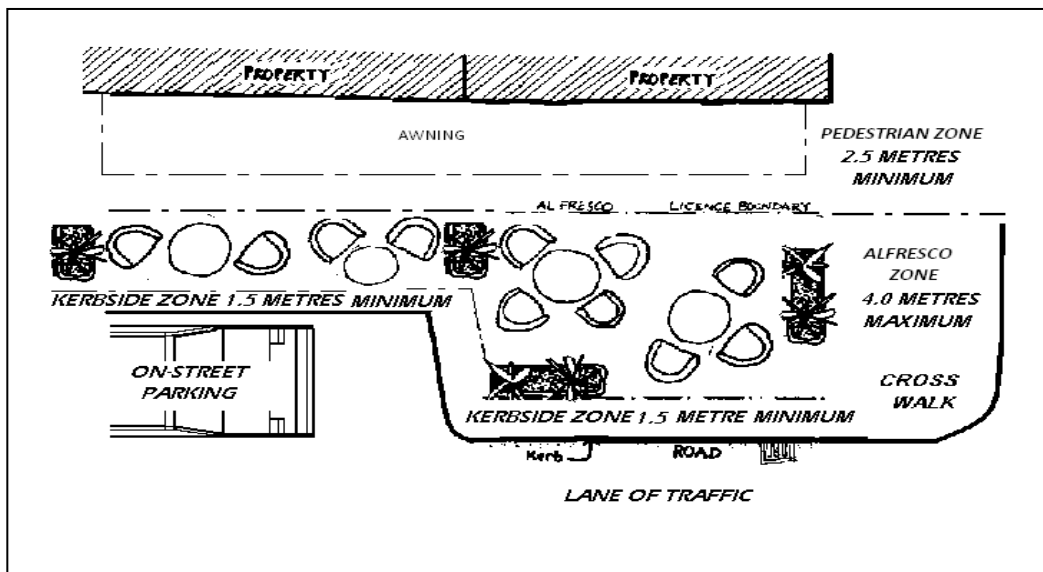


FIGURE 2: ALFRESCO LOCATION FOR LAKESIDE DRIVE

3. Alfresco activities located on Lakeside Drive and Central Walk must conform to the following:

Central Walk

Alfresco Zone: 2.5 metres maximum width
 Pedestrian Zone: 5.0 metres minimum width
 Kerbside Zone: None

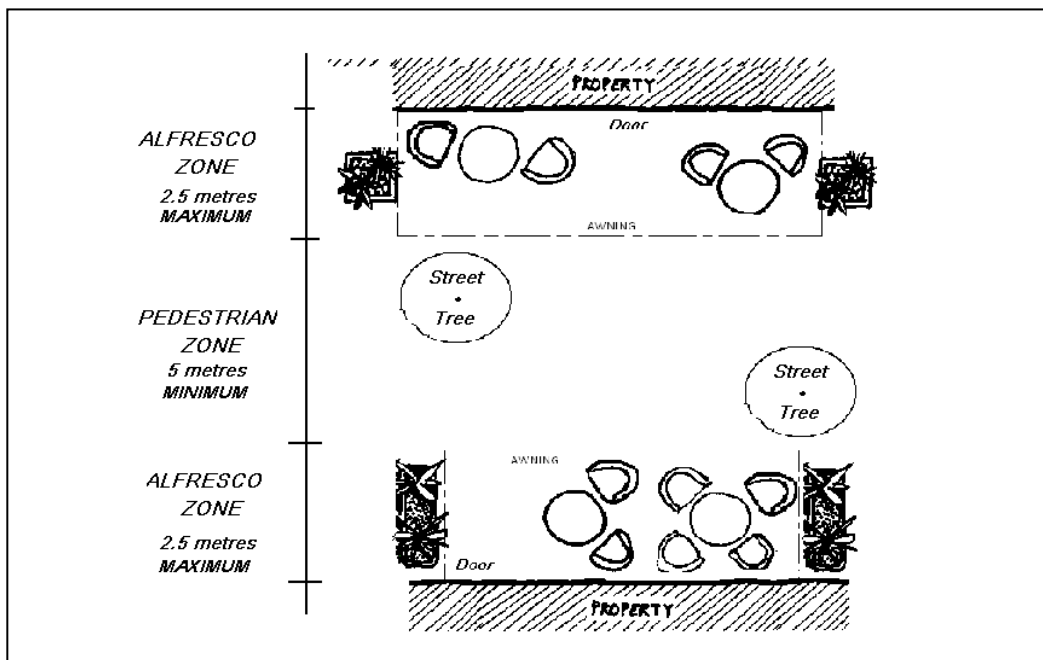
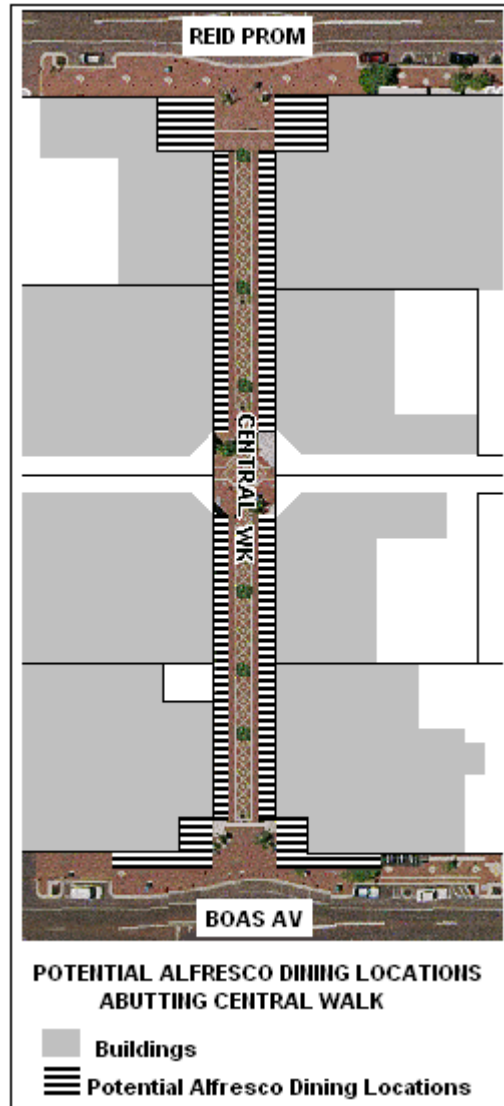


FIGURE 3: ALFRESCO LOCATION FOR CENTRAL WALK

- 3** For the purpose of buildings with frontage to both Central Walk and Boas Avenue, alfresco activities may abut the building along both frontages and be located beneath awnings where provided in accordance with Figure 4 below.

Alfresco activities located along the Boas Avenue frontage must conform to the dimensions for the alfresco, pedestrian and kerbside zones as specified in Figure 1.



**FIGURE 4: ALFRESCO LOCATION FOR BUILDINGS ABUTTING CENTRAL WALK
– BETWEEN BOAS AVENUE AND REID PROMENADE**

ELEMENT 2: STREETSCAPE AND AMENITY

1. Alfresco activities must be appropriate to the character and functions of the area in which they are proposed to be located.
2. The alfresco activities must be presented in a way that enhances the amenity of the adjoining properties and the street in general.
3. Alfresco activities must not restrict pedestrian access under awnings, with the exception of Central Walk where alfresco activities are permitted beneath awnings.

ELEMENT 3: TABLES AND CHAIRS

1. No chairs, tables or incidental structures are permitted outside the designated and approved alfresco zone.
2. Chairs and tables utilised within the Alfresco Zone must be suitable for outdoor use. Plastic chairs and tables are not permitted.
3. Chairs and tables must be able to withstand windy conditions yet be moveable so as to access the area for cleaning purposes.

Note:

1. Where the proposed alfresco activity increases the seating capacity of the premises, the application may result in a greater car parking requirement.

ELEMENT 4: SHELTER, SHADE, BARRIERS AND INCIDENTAL STRUCTURES

1. Alfresco activities shall be demarcated to the satisfaction of the City of Joondalup. This is to be achieved through the use of planter boxes. Fences are not permitted.

Note:

1. Any structures placed within the public domain in accordance with this clause must be considered in respect to other clauses in this policy and the City of Joondalup's Trading in Public Places Local Law.
2. Alfresco activities may incorporate shelter or shade structures (for example umbrellas) where:
 - i. Such structures are firmly anchored and free of sharp protrusions.
 - ii. Such structures have a minimum 2.0 metre vertical clearance from the pavement to any overhead structure.
3. Alfresco activities shall incorporate planter boxes (at the expense of the City) or other such structures as deemed appropriate by the City and:
 - i. are not to be erected between the building and the alfresco zone. The alfresco zone facing the building must remain open;
 - ii. must not be greater than 1.2 metres in height;
 - iii. do not have the visual effect of enclosing a public place;
 - iv. must not hinder use of a public place during and after trading hours;
 - v. no advertising is to be displayed on these structures;
 - vi. must be maintained in accordance with an approved management plan;

4. Alfresco activities may incorporate a permanent shade structure where:

- i. the verge to which the permanent shade structure is located exceeds 5.0 metres in width;
- ii. the shade structure does not exceed 3.0 metres in height above pavement level;
- iii. the shade structure is to be constructed of similar materials and be sympathetic to the building to which it adjoins;
- iv. the design of the permanent structure is not to give the impression that the verge is a private space;



EXAMPLE OF PERMANENT SHADE STRUCTURE ON 9 METRE WIDE VERGE.

- v. Any screening for weather protection, with the exception of roof cover and breeze barriers, must be **visually permeable clear plastic blinds (cafe blinds) or other clear blinds which can be easily seen through during both the day and night** and are readily removable. Canvas and shade cloth type materials will not be permitted;
 - vi. Clear plastic rolled down blinds are not to be affixed to awnings, with the exception of the alfresco areas identified in Figure 4 of this Policy; and
 - vii. Screening is retracted or removed when the alfresco activities are not in operation.
5. Alfresco activities and associated structures (shade structures, seating, planter boxes, screens, fencing etc) must not damage street trees, street furniture or pose a safety risk.

ELEMENT 5: HAZARD MANAGEMENT

1. Alfresco activities must not restrict direct pedestrian access to buildings entrances/exits.
2. Alfresco activities should not result in the gathering of customers or incidental structures that will impede pedestrian or vehicular movements, cause conflict with or inconvenience other adjoining activities. Pedestrians should be able to make normal use of the footpath without being obliged to step onto the road at any point, or make other unwarranted detours.
3. Alfresco activities must not obstruct sight lines for either vehicles or pedestrians, both at road/laneway junctions and vehicle access crossovers.
4. Additional requirements or conditions of approval including the provision of bollards, increased kerbside zone or other may be imposed dependant on nature of a street intersection, traffic speeds or other circumstance.

ELEMENT 6: MANAGEMENT

1. The applicant is solely responsible for all and any associated costs with the removal, alteration, repair, reinstatement or reconstruction (to the satisfaction of the City of Joondalup) of the street carriageway, footpath or any part thereof arising from the use of the alfresco zone.
2. Umbrellas and other temporary structures must be stored away in extreme wind conditions, and in all cases, must be stored away from the public space after hours of operation.
3. Council will accept no responsibility or liability for any interruption to business caused by the need for Council, any other Authority or adjoining development to carry out any type of maintenance works or new development on or in the vicinity of the approved alfresco area.

Amendments:	CJ213-06/99; CJ024-02/04, CJ206-10/05; CJ052-04/08, CJ225-10/09
Related Documentation:	Schedule of Fees and Charges; Trading in Public Places Local Law – Outdoor Dining
Issued:	October 2009

APPENDIX

The following information is provided to assist applicants when preparing an application for alfresco activities.

REQUIREMENTS TO OPERATE ALFRESCO ACTIVITIES:

In order to operate alfresco activities prospective operators require:

- a valid planning approval; and
- a valid outdoor dining licence issued under the City of Joondalup's Trading in Public Places Local Law.

Note: Depending on the location of proposed alfresco areas and whether permanent structures are proposed, applications for planning application, may need to be referred by the City of Joondalup to other public authorities for comment or approval (eg Main Roads WA).

MAKING AN APPLICATION FOR PLANNING APPROVAL:

Applications must be accompanied by

- Completed Development Application Form (Form 1).

The application form is required to be signed by the City of Joondalup where the road reserve is vested to the City.

- Site Plan (3 copies).

A scale site plan (1:200) of the development site indicating the location of:

- any street furniture or other structures situated in the verge area including any power poles, bollards, phone booths, bus shelters, fire hydrants, street trees or free standing signage;
- the footpath and carriageway alignment, vehicle crossovers and any on-street parking; and
- The proposed alfresco activities including the seats (both alfresco dining seating and seating internal to the premises), tables, screens, planter boxes or any other permanent or temporary structures proposed to be used or displayed in the alfresco zone.

- Elevation (3 copies).

A scale elevation is to be provided to indicate the height and detail of any screens, bollards or proposed structures associated with the alfresco activities.

- A management plan as outlined under part 3 (clause 17d and e) Outdoor Dining of the City of Joondalup's Trading in Public Places Local Law.

- A management plan outlining the manner in which the planter boxes will be maintained on a regular basis.

- Photographs or manufacturer's details of the furniture to be used.
- Any applicable fees.

FEES

{Development Application Fee} In accordance with the City of Joondalup schedule of fees and charges.

{Use of Public Land Fee} Fees and charges relating to the use of public land will be charged at a rate per square metre of alfresco dining area in accordance with the City of Joondalup schedule of fees and charges.

PLANNING APPROVAL

A planning approval for alfresco activities will include the following standard conditions and advice notes:

Conditions

1. The licence holder shall make adequate insurance arrangements to the satisfaction of the City of Joondalup, for a minimum public liability insurance cover of \$10 million. It will also be a condition of the licence that the City will respond to any actions, suits, claims, damages, losses and expenses caused by or arising from the negligence of the Council and the licensee will respond to any suits, claims, damages, losses and expenses caused by or arising from the negligence of the licensee. A copy of the policy will need to be provided to the City prior to the commencement of trading. The City of Joondalup shall be advised directly by the insurance company of any possible changes to the policy.
2. Structures and furniture must be stable under windy conditions.
3. The operator shall not, without the prior approval of the City of Joondalup:
 - (a) make use of any method of noise making (ie live music, record, tape, radio, etc);
 - (b) carry out any specific functions (ie fashion parades, art exhibitions, etc); and
 - (c) prevent the public from using the alfresco zone, whether paying customers or not.
4. The operator shall keep the alfresco zone clean and free from rubbish to the satisfaction of the City of Joondalup.
5. All structures associated with the alfresco activities shall be maintained in a good condition to the satisfaction of the City.
6. The approval is valid for a period of 36 months.

7. The tables, chairs and all equipment associated with the alfresco activities shall be removed from the public space outside normal trading hours for the associated premises.
8. Any modifications of the street verge or any relocation of existing street furniture, trees or services shall not be undertaken without the prior approval of the City of Joondalup. All costs associated with any such works will be totally at the applicant(s) expense.
9. Planter boxes shall be maintained by the operator in accordance with an approved management plan.

Advice Notes

1. In granting approval, the City of Joondalup may limit operating hours.
2. The City of Joondalup reserves the right to require the alfresco zone to be cleared at any time, either permanently or temporarily, at the applicant's expense, in order to undertake essential maintenance work, accommodate road widening, or other required works.



BED AND BREAKFAST

STATUS: City Policy - *A policy that is developed for administrative and operational imperatives and has an internal focus.*

City policies are referred to Council for review and endorsement.

RESPONSIBLE DIRECTORATE: Planning and Development

OBJECTIVE: To provide guidance and provisions for the establishment of Bed and Breakfast Accommodation that will minimise the impact on adjoining properties.

AUTHORITY

This policy has been prepared in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No 2 (DPS2) which allows Council to prepare planning policies relating to planning or development within the scheme area.

DEFINITIONS:

“Bed and Breakfast” shall have the same meaning as in District Planning Scheme No.2, being:

“any dwelling in which the resident of the dwelling provides accommodation on an overnight or short-term basis, usually to the travelling public, and may include the provision of breakfast.”

“Ancillary Accommodation” shall have the same meaning as in the Residential Design Codes, being:

“Self-contained living accommodation on the same lot as a single house that may be attached or detached from the single house occupied by members of the same family as the occupiers of the main dwelling”.

“short-term basis”, for the purpose of this Policy, means a period of accommodation that does not exceed a continuous period of 3 months.

POLICY AREA:

This policy applies to the Residential, Mixed Use, Business, Commercial, Private Clubs/Recreation, Special Residential and Rural zones.



STATEMENT:

In assessing any development application for Bed and Breakfast accommodation the following will be considered:

LOCATION

1. Preferably, Bed and Breakfast accommodation should be located close to high frequency public transport, commercial centres, beaches or tourist attractions.
2. The appearance of the Bed and Breakfast accommodation must be in keeping with the surrounding environment, and should not be detrimental to the amenity of the adjoining properties or surrounding area by way of excessive noise or vehicle movement and parking.

CAR PARKING

1. One (1) car parking bay is required per guest bedroom.

In addition, car parking for permanent residents is to be in accordance with the Residential Design Codes. ~~For a single dwelling, this will be 2 car bays.~~
2. All parking is to be provided on site. **No verge parking is permissible.**
3. The Bed and Breakfast accommodation must not require the provision of car parking bays in a manner that would detract from the residential appearance of the dwelling or dominate the streetscape.

MANAGEMENT

1. The owner/resident of the Bed and Breakfast accommodation shall reside on-site at all times that the Bed and Breakfast is in operation.
2. **Ancillary Accommodation that is no longer needed for that purpose, may be utilised for Bed and Breakfast purposes with the approval of the City. In the event that the Bed and Breakfast activity ceases, approval will again be required in order to use the addition as 'Ancillary Accommodation'.**
 - ~~• Any kitchen facilities are to be removed in order to ensure that the addition is no longer self contained, or~~
 - ~~• Approval is to be sought and granted by the City to utilise the addition as 'Ancillary Accommodation'.~~
3. Self contained dwelling additions up to 60 square metres in area, whether separate from the main dwelling or not, may be utilised for Bed and Breakfast purposes with the approval of the City. **In the event that the Bed and Breakfast activity ceases, approval will again be required in order to use the addition as 'Ancillary Accommodation'.**



- ~~Any kitchen facilities are to be removed in order to ensure that the addition is no longer self contained, or~~
 - ~~Approval is to be sought and granted by the City to utilise the addition as 'Ancillary Accommodation'.~~
4. Up to 6 guests may be accommodated at any one time, exclusive of the permanent residents.

Note: Additional guests will lead to the premises being required to be registered and comply as a Lodging House under the Health Act 1911.

5. Separate Ensuite bathroom facilities are encouraged to may be provided for within each Bed and Breakfast room. ~~Access to a dining area must also be provided within the dwelling, along with communal laundry and bathroom facilities (if applicable).~~
6. Access to a dining area must also be provided for guests within the dwelling, along with communal laundry facilities.
7. Meals may only be provided for Bed and Breakfast guests. This is usually breakfast, but may include other meals.
8. A Management Plan is required to be submitted at the time of lodging the application. The operation of the Bed and Breakfast is then required to be in accordance with that approved plan. The Management Plan shall cover and/or include:
- The control of noise;
 - Complaints management procedure, which is to include the provision of the Bed and Breakfast accommodation owners contact telephone number to adjoining neighbours;
 - The ongoing maintenance of the premises and all common property areas;
 - Security of guests, residents and visitors;
 - Control of anti-social behaviour and potential conflict between guests, residents and neighbours. A Code of Conduct or 'House Rules' shall be prepared detailing the expected behaviour of guests in order to minimise any impact on adjoining properties;
 - Parking Management Plan;
 - Compliance with House Rules, such as recycling;
 - Exclusive use of storage areas by the permanent occupier of the dwelling; and
 - If located on a strata-titled development, appropriate by-laws being entered into the strata management statement acknowledging the Bed and Breakfast activity on the site.
 - ~~Measures to be implemented to control and/or address excessive noise or anti-social behaviour issues;~~
 - ~~How any complaints from neighbours will be addressed, including the provision of contact telephone numbers to neighbours;~~



- ~~How customer arrivals and departures will be managed to ensure minimal disturbance to neighbours; and~~
- ~~How these requirements will be communicated to customers.~~

The Management Plan shall be kept on the premises at all times, and the Code of Conduct or House Rules shall be displayed in a prominent position within the premises.

SIGNAGE

1. One (1) advertising sign, not exceeding 0.2 square metres in area, is permitted on site, in accordance with the City's Signs Policy.

PUBLIC CONSULTATION

1. All new applications and renewals for Bed and Breakfast accommodation will be advertised for public comment for a minimum period of twenty one (21) days by way of:
 - Letters to adjoining and nearby landowners; and
 - A notice on the City's website .
2. The City will arrange the public consultation process; however, all costs associated with advertising are to be borne by the applicant.



APPROVAL PERIOD

1. Any approval issued is valid for twelve (12) months. Prior to the expiry of the approval, an application to renew the Bed and Breakfast must be submitted and approved by the City to enable the continuation of the activity.

APPROVAL PROCESS AND INFORMATION

See Appendix

Amendments:

Related Documentation:

District Planning Scheme No 2
Application for Approval to Commence Development
Form - MRS Form 1
Bed and Breakfast Fact Sheet
Lodging Houses Fact Sheet
Health Local Law 1999
Building Licence Application Form 2

Issued:



APPENDIX

The following information is provided to assist applicants when preparing an application for a Bed and Breakfast.

MAKING AN APPLICATION FOR PLANNING APPROVAL

- An Application for Approval to Commence Development Form - MRS Form 1 signed by the owner of the land.
- Planning approval application fee in accordance with the City of Joondalup schedule of fees and charges.
- Site plans (3 copies).
 - A scaled site plan (1:200) of the site indicating the location of:
 - lot boundaries;
 - the dwelling; and
 - onsite parking for residents and guests.
- Floor plans (3 copies).
 - A scale floor plan indicating the rooms to be used for the Bed and Breakfast accommodation.
- A cover letter stating the number of expected visitors and how the Bed and Breakfast will be operated.
- The management plan required by the Bed and Breakfast Policy.

Please note: applications cannot be accepted without the complete information, an application form and a fee, as referred to above.

OTHER REQUIREMENTS

In order to operate a Bed and Breakfast, prospective operators may require the following additional approvals:

1. The Food Act 2008 requires any food handling premises (i.e. the provision of meals for guests) to register as a Food Business with the Local Government.
2. If alterations or additions are proposed, a Building Licence may be required to be obtained from the Local Government.



3. **The Bed and Breakfast establishment** Each guest bedroom is to **should** be provided with an **have** approved smoke detector^s installed in accordance with Building Code of Australia. **Installation of a Dry** Chemical Portable Fire Extinguisher shall be installed in each guest bedroom **is also recommended.**

An emergency lighting system **should** is to be installed in appropriate areas of the dwelling as deemed necessary.



4. The City encourages applicants to provide access and facilities for aged and disabled persons. Information regarding design for access and mobility can be found in Disability Standards (Access to Premises - Buildings) 20101, Disability Discrimination Act 1992 and the Australian Standard (AS) 1428.1.

STANDARD CONDITIONS OF APPROVAL

A planning approval for Bed and Breakfast may include the following standard conditions and advice notes.

Conditions:

1. The maximum number of guests shall not exceed 6 persons at any one time.
2. A maximum of ___ vehicles associated with the Bed and Breakfast guests shall be permitted on the premises at any one time.
- 3, All visitor parking associated with the bed and breakfast to be accommodated on-site at all times.
4. Signage for the development is limited to one sign which can be a maximum area of 0.2m².
5. The Bed and Breakfast shall be operated in accordance with the submitted Management Plan.
6. This approval is valid for a period of 12 months only from the date of this decision letter.

Advice notes:

1. Further to condition ___, a new application must be lodged with the City for a determination before this approval expires should you wish to continue operating the Bed and Breakfast.
2. Should the applicant wish to provide food to guests, an application for Registration under the Food Act 2008 is required to be lodged with the City prior to the commencement of operation.
3. The applicant is advised of the need to install Smoke alarms in accordance with Part 3.7.2 Vol. 2 of the Building Code of Australia and where applicable Part E2 Vol. 1 of the Building Code of Australia.

CONSIDER YOUR NEIGHBOURS

The use of dwellings for bed and breakfast should not impact adversely on the privacy of neighbours. The operation of any Bed and Breakfast needs to be carefully managed such that the quiet and relaxed atmosphere which characterises many residential neighbourhoods is maintained. Attention should be paid to minimise the disturbance to neighbours during the arrival and departure of visitors.



POLICY No: SHORT STAY ACCOMMODATION

STATUS: **City Policy** - *A policy that is developed for administrative and operational imperatives and has an internal focus.*

City policies are referred to Council for review and endorsement.

RESPONSIBLE DIRECTORATE: Planning and Community Development

OBJECTIVE: To specify standards of development and use for sites proposed to be used as short stay accommodation.

To protect the amenity and character of adjoining residential areas by minimising potential impacts associated with short stay accommodation.

AUTHORITY

This policy has been prepared in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No 2 (DPS2) which allows Council to prepare planning policies relating to planning or development within the scheme area.

POLICY AREA

This policy applies to the whole of the City of Joondalup – Mixed Use, Business, Commercial, and Private Clubs and Recreation Zones.

POLICY STATEMENT

Short stay accommodation is defined within the District Planning Scheme as:

“the use of a single house, grouped dwelling or multiple dwelling for the purposes of providing temporary accommodation to any person or persons; for the purpose of the definition of “short stay accommodation”, temporary accommodation excludes any period of accommodation which exceeds a continuous period of 3 months;”

This policy does not apply to Residential Building, Bed and Breakfast, motel, or hotel proposals, as these are separately and specifically defined under DPS2.

Amenity Impacts

This policy aims to protect the residential amenity of permanent term residents and minimise the negative impacts that may be caused by the transient nature of the occupation, such as:

- excessive noise and/or anti-social behaviour
- potential increased demand for car parking
- sense of loss of security
- poor property appearance and maintenance

To ensure these amenity impacts are minimised, the following will apply:

1. Location criteria within Residential zones

The Council will consider relative merits and compatibility of the proposal with the surrounding areas. Criteria that will be considered include (but are not limited to) whether the use will-

- not result in the requirement for a greater number of parking facilities than those provided on the site so as to cause an unacceptable inconvenience to adjoining residents and road users;
- not result in the generation of traffic beyond that of adjoining residential properties;
- not, given the nature and character of the prevailing area, have the potential to unreasonably disturb the desired character of the area, in the Council's opinion;
- be located within close proximity of supporting and complementary land uses and opportunities (like shops, transport networks, entertainment facilities etc)

2.1. Short Stay Accommodation within Grouped and Multiple Dwellings

Short stay accommodation is required to be separated from permanent dwellings that may be located on the same site or building. This can be achieved by exclusive access arrangements (vehicular and/or pedestrian), separate floors for short stay accommodation in multi storey buildings, provision of separate communal open space areas for short stay accommodation.

Short stay accommodation is not to form the predominant land use in situations where residential dwellings and short stay accommodation are located on the same site.



3.2. Management Plan

A management plan is required to be submitted at the time of lodging the application. The operation of the short stay accommodation is then required to be in accordance with that approved Plan. The management plan shall cover and/or include:

- The control of noise
- Complaints management procedure, which is to include the provision of the short stay accommodation owners contact telephone number to adjoining neighbours
- The on-going maintenance of the premises and all common property areas
- Security of guests, residents and visitors
- Control of anti social behaviour and potential conflict between long term and short term guests. A Code of Conduct shall be prepared detailing the expected behaviour of residents in order to minimise any impact on adjoining properties.
- Parking Management Plan
- Compliance with House Rules such as recycling
- Exclusive use of storage areas by the occupier of the accommodation.
- If located on a strata-titled development, appropriate by-laws being entered into the strata management statement acknowledging the short stay activity on the site.

The management plans shall be kept at the premises at all times, and the Code of Conduct shall be displayed in a prominent position within the premises.

4.3. Guest Register

A register of all persons occupying the accommodation is required to be kept.

The register shall:

- (a) show the name and address of every person staying within the accommodation and the unit occupied
- (b) be signed by the person
- (c) include the date of arrival and departure
- (d) be kept on the premises of the short stay accommodation or at such other place as agreed to by the Council and shall be open to inspection on demand by an authorised City Officer.

5.4. Annual Renewal

Where short stay accommodation abuts the Residential Zone, or where a short stay accommodation is located on the same site or building as dwelling/s, the time limit for any approval granted will be not more than 12 months. A fresh approval will be required after that time if the use is proposed to continue.



Details Required For Planning Application

In addition to the management plan referred to above, and normal planning application requirements (for lodgement of plans), the following additional information is required be submitted on application for planning approval:

1. Information justifying the proposed location of the accommodation, and
2. Justification as to how and why the proposed accommodation will be compatible with the adjoining area.

Compliance with Health Act 1911 and City Of Joondalup's Health Local Law.

The development of short stay accommodation may be classified as a Lodging House under the City of Joondalup Health Local Law. ***Strict requirements apply to Lodging Houses, and potential applicants are advised to be familiar with these requirements and incorporate those requirements into the proposal, prior to the application being submitted.***

Advertising of Proposal

Advertising requirements are established in District Planning Scheme No 2.

Related Documents

District Planning Scheme No 2
Planning Application Fact Sheet
Health Local Law

Amendments:

Related Documentation:

Issued:

ALCOHOL MANAGEMENT

STATUS: **Council Policy** — *A strategic policy that sets governing principles and guides the direction of the organisation to align with community values and aspirations. The policy has a strategic focus and aligns with the Mission, Vision and Strategic Directions.*

Council policies are developed and reviewed by the Policy Committee.

RESPONSIBLE DIRECTORATE: Office of the CEO
Community Development and Library Services

OBJECTIVE: To outline the City's commitment to encouraging the responsible availability and consumption of alcohol.

1. STATEMENT:

The City of Joondalup encourages the responsible availability and consumption of alcohol in the community

2. BACKGROUND:

The social and economic cost of alcohol-related harm in the community is high. Alcohol-related injuries account for a significant proportion of emergency presentations and hospitalisations, and a large proportion of mental health presentations are related to alcohol and other drugs. There is also a direct relationship between alcohol and crime; particularly assault, property damage, domestic violence, and burglary.

In addition, alcohol- and other drug-related crime and antisocial behaviours can dramatically affect the economic prosperity, character, and residential amenity of local areas. Moreover, the impact on community perceptions on safety can be long-term and difficult to reverse.

In partnership with other agencies and organisations, the City of Joondalup has a role to play in encouraging responsible alcohol consumption in the community.

3. DESCRIPTION:

The City of Joondalup will encourage the responsible availability and consumption of alcohol in the community by:

- a. encouraging the responsible allocation of liquor licences by the Department of Racing, Gaming and Liquor for new or existing premises;
- b. encouraging responsible service of alcohol at Licensed Premises;
- c. promoting safe levels of alcohol-consumption;
- d. supporting relevant external agencies and organisations in alcohol management;
- e. engaging with the community regarding alcohol matters;
- f. ensuring that local laws associated with alcohol are enforced;
- g. supporting alcohol-related community education.

The City will not take on responsibilities undertaken by other Government departments such as Police.

It is noted that the City is responsible for assessing development applications for outlets providing access to liquor on the basis of planning grounds under the relevant legislation.

The final decision on the provision of a liquor licence rests with the Department of Racing, Gaming and Liquor.

Amendments:

Related Documentation: *Alfresco Activities Policy*
Community Facilities — Built Policy
Hire of Community Facilities and Venues Policy
Reserves, Parks and Recreation Grounds Policy
Alcohol Management Plan 2011–2014
Local Government and Public Property Local Law 1999
Trading in Public Places Local Law 1999

Issued: #DATE#

City of Joondalup

Alcohol Management Plan 2011 - 2014

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Introduction

The City of Joondalup acknowledges the rights of its residents, ratepayers and visitors to purchase and consume alcohol whilst spending leisure time in its environs. At the same time, the City recognises that it has a role to play in the responsible availability and consumption of alcohol in the community.

The *Alcohol Management Plan 2011–2014* has been developed with the purpose of addressing alcohol-related issues in the City. The Plan, which should be read in conjunction with the Council Policy *Alcohol*, sets out a series of Strategies intended to address priority needs associated with alcohol. The Plan focuses on the following four Outcomes:

Outcome 1 — Liquor Licence applications

- The City of Joondalup supports the Department of Racing, Gaming and Liquor in the responsible allocation of Liquor Licences for new or existing premises.

Outcome 2 — City-owned and -managed property

- The City of Joondalup recognises the need to minimise the harmful effects of alcohol for members of its community accessing City-owned and -managed land and facilities.

Outcome 3 — Responding to the community

- The City of Joondalup supports the reduction of the negative impacts of alcohol on the community.

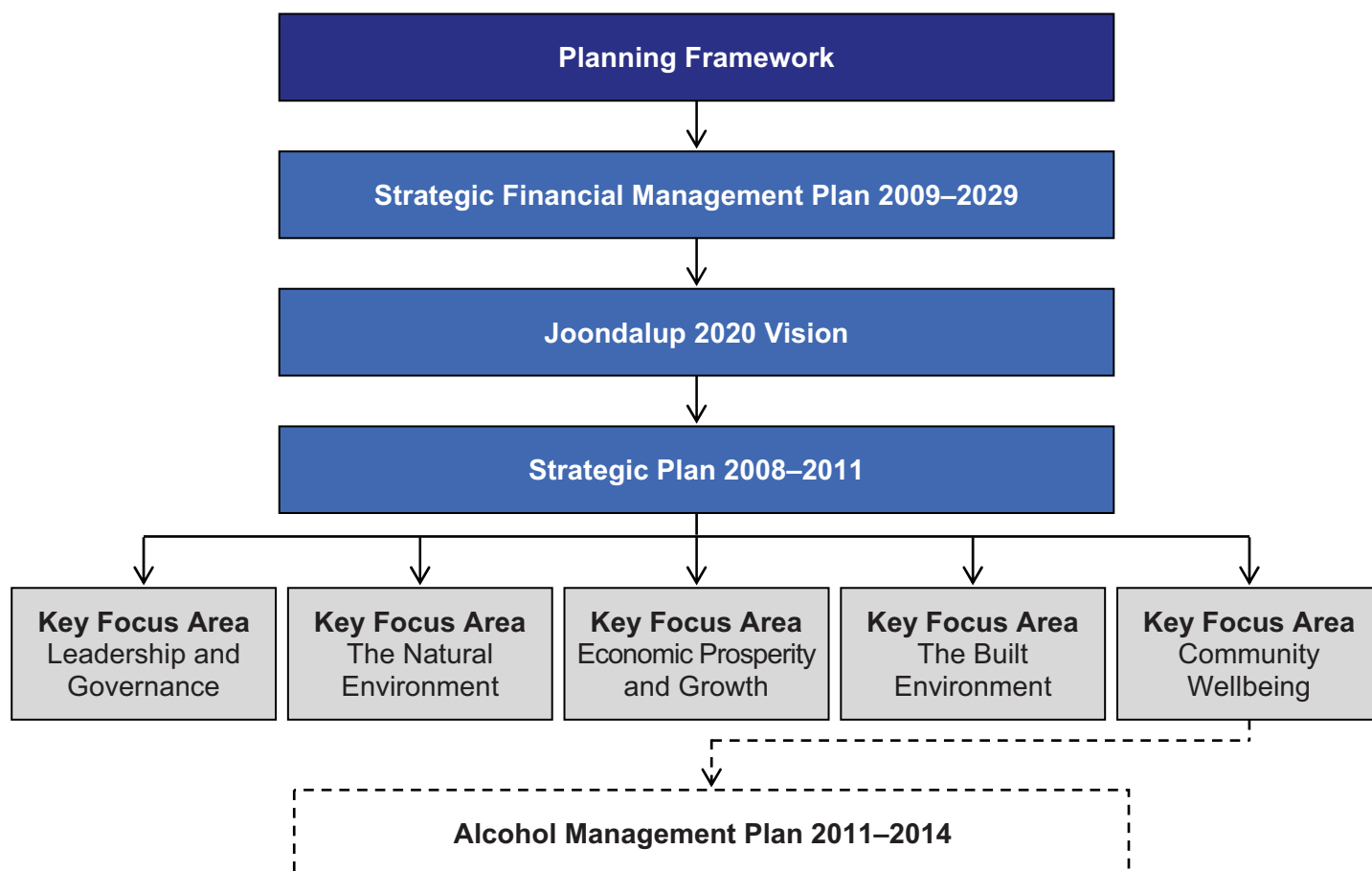
Outcome 4 — Urban design and town planning

- The City of Joondalup will use designing out crime principles in order to minimise the risks associated with the use of alcohol.

These Outcomes contain Objectives with specific Strategies under each. The *Alcohol Management Plan 2011–2014* will be implemented utilising a whole-of-organisation approach.

Planning context

The City of Joondalup planning context for the *Alcohol Management Plan 2011–2014* is represented by the diagram below:



Related legal, strategic and policy documents

There are various City of Joondalup legal, strategic and policy documents that are pertinent to the *Alcohol Management Plan 2011–2014*. The following highlights the relevant information from each document.

Local laws

1. *Local Government and Public Property Local Law 1999*
 - Restrictions on the sale, supply and consumption of alcohol on City-owned or -managed property.
2. *Trading in Public Places Local Law 1999*
 - Outlines conditions on Outdoor Dining Licences relating to the arrangements for serving alcohol.

Policies

1. *Alcohol Policy*
 - Encourages responsible availability and consumption of alcohol in the City of Joondalup.
2. *Reserves, Parks and Recreation Grounds Policy*
 - Outlines conditions for the sale and/or consumption of alcohol in City reserves, parks and recreation grounds.
3. *Hire of Community Facilities and Venues Policy*
 - Details bond charges for the regular hire of community facilities and venues due to the serving of alcohol (where they otherwise could be waived).
4. *Community Facilities — Built Policy*
 - Outlines conditions for the sale and/or consumption of alcohol in community facilities.
5. *Alfresco Activities Policy*
 - Outlines conditions for planning approval of alfresco activities involving the sale and/or consumption of alcohol.

Plans and strategies

1. *Community Development Strategy 2006–2011*
 - Aim of improving the quality of life for current and future residents and ratepayers.
2. *Youth Plan*
 - Aim of providing young people with access to safe and appropriate youth spaces and public places.
 - Aim of providing young people with access to a wide range of health services information.
3. *Road Safety Plan 2011–2015 (draft)*
 - Aim of improving road safety communication to the local community.
 - Aim of enabling the local community to engage in safe road usage.
4. *Community Safety and Crime Prevention Plan 2009-2011 (draft)*
 - Aim of sustaining partnerships between the City, State Government agencies, the community and business to work towards community safety outcomes.
 - Aim of facilitating safer communities through community connectedness and community ownership.

Stakeholders

Statutory stakeholders

There are various State Government departments and agencies empowered with specific responsibilities for the relating to the availability and consumption of alcohol. A brief description of the relative roles is outlined below.

Department of Racing Gaming and Liquor

The Department of Racing, Gaming and Liquor, through the licensing of suppliers and the provision of industry support services, promotes and maintains the integrity of lawful liquor activities for Western Australians to participate in, within community expectations on harm minimisation.

In relation to liquor licensing, the Department performs numerous functions, including:

- hearing and determining applications in accordance with the *Liquor Control Act 1988*;
- monitoring the standards of licensed premises;
- ensuring compliance with the requirements of the *Liquor Control Act 1988*;
- facilitating various liquor accords and community alcohol agreements;
- developing and implementing policy consistent with State Government objectives;
- providing policy advice;
- negotiating and liaising with industry groups;
- considering complaints about noise or behaviour related to licensed premises and responding to such complaints; and
- dealing expeditiously with any other matters arising from the administration of the *Liquor Control Act 1988*.

Drug and Alcohol Office (Department of Health)

The Drug and Alcohol Office was formed in January 2002 in response to the recommendations of the 2001 *Community Drug Summit*. The Office incorporates the functions of all State Government agencies in the field of alcohol and other drugs.

Specialist services are provided to help adults, younger people, and their families or carers, with drug- and alcohol-related problems. Services are delivered through a network of Government and non-Government agencies contracted by the Drug and Alcohol Office.

Western Australian Police

The role of Western Australian Police is to uphold the *Liquor Control Act 1988*. Their function is to deal with breaches of the Act associated with:

- underage drinking;
- street drinking;
- trading hours of licensed premises; and
- drinking and driving.

Office of Crime Prevention (Western Australian Police)

The Office of Crime Prevention was established in October 2001 as the State Government agency responsible for coordinating crime prevention and community safety initiatives within Western Australia. Will relation to alcohol management, the Office of Crime Prevention:

- develops and coordinates comprehensive strategies and policies;
- provides crime prevention advice to local and State Government;
- provides strategic and project leadership in crime prevention efforts;
- undertakes and commissions research to establish 'best practice' community safety and crime prevention strategies;
- informs the relevant stakeholders about training and development programs; and,
- provides grant funding for community safety and crime prevention initiatives.

The Office of Crime Prevention seeks to minimise the number of people and businesses who are victims of crime and to minimise the impact of offending on the broader community by providing leadership on crime prevention and engaging the community at all levels.

Non-statutory stakeholders

Sporting and community groups

The City of Joondalup provides accommodation to hundreds of sporting and community groups in its buildings and facilities. These groups have an interest in responsible alcohol management and demonstrate a willingness to work in partnership with the City towards positive outcomes for community members. The alcohol-associated needs of groups range from full bar provision and licensing, to ad-hoc functions.

License holders and Licensed Premises

There are 114 Liquor Licences allocated to hotels, taverns, liquor stores, bars, nightclubs, restaurants and wholesalers in the City of Joondalup. All Licence holders will have an interest in the *Alcohol Management Plan 2011–2014*. A group of Licensees participated in discussions during the development of the Plan,

demonstrating a willingness to work in a collaborative manner towards its implementation.

Individuals

Individuals in the local community may be impacted by the use and effects of alcohol. Those who live in close proximity to a hotel or club, for instance, may be faced with anti-social behaviour, property damage and litter as a direct result of alcohol use. Individuals have an interest in responsible alcohol management and the minimisation of the negative effects of alcohol use.

Strategies

Outcome 1 — Liquor Licence applications

The City of Joondalup supports the Department of Racing, Gaming and Liquor in the responsible allocation of Liquor Licences for new or existing premises.								
Objectives		Strategies		Year				Lead responsibilities (Business Units)
				2011	2012	2013	2014	
1.1	Review and improve processes for all Extended Trading Permits associated with Liquor Licences.	1.1.1	Review process for applications for Extended Trading Permits.	✓		✓		<ul style="list-style-type: none"> ▪ Community Development and Library Services ▪ Compliance and Regulatory Services ▪ Planning Services ▪ Strategic and Organisational Development
		1.1.2	Continue to ensure all applications for Extended Trading Permits are discussed across relevant Business Units as received.	ongoing				<ul style="list-style-type: none"> ▪ Community Development and Library Services ▪ Compliance and Regulatory Services ▪ Planning Services
1.2	Promote responsible use of alcohol at community events.	1.2.1	Develop resources to encourage and support individuals and community groups to offer alcohol-free events and/or plan for the responsible management of alcohol at other events. Distribute materials as required.		✓	✓	✓	<ul style="list-style-type: none"> ▪ Community Development and Library Services ▪ Governance and Marketing ▪ Leisure and Cultural Services
		1.2.2	Ensure staff are made aware of the requirement to de-licence Licensed venues for youth events so that young people have a positive experience in Licensed venues without alcohol at City events.	✓				<ul style="list-style-type: none"> ▪ Community Development and Library Services ▪ Leisure and Cultural Services
		1.2.3	Where the consumption of alcohol is considered appropriate for celebratory purposes, ensure that the principles of responsible service are promoted.	ongoing				<ul style="list-style-type: none"> ▪ Community Development and Library Services. ▪ Governance and Marketing

The City of Joondalup supports the Department of Racing, Gaming and Liquor in the responsible allocation of Liquor Licences for new or existing premises.								
Objectives		Strategies		Year				Lead responsibilities (Business Units)
				2011	2012	2013	2014	
		1.2.4	Liaise with Western Australian Police and the Drug and Alcohol Office during the planning stages of events wherever possible.	ongoing				<ul style="list-style-type: none">▪ Community Development and Library Services▪ Leisure and Cultural Services▪ Rangers, Parking and Community Safety

Outcome 2 — City-owned and -managed property

The City of Joondalup recognises the need to minimise the harmful effects of alcohol for members of its community accessing City-owned and -managed land and facilities.								
Objectives		Strategies		Year				Lead responsibilities (Business Units)
				2011	2012	2013	2014	
2.1	Define prohibited alcohol-related activities.	2.1.1	Investigate 'best practice' approaches for informing the public about prohibited alcohol-related activities in public spaces and the consequences of such activities.	✓				<ul style="list-style-type: none"> ▪ Asset Management ▪ Infrastructure Management Services ▪ Rangers, Parking and Community Safety
2.2	Provide information to sporting, community, youth and seniors groups about alcohol provision and consumption in City-owned and -managed property.	2.2.1	Conduct information sessions for all individuals and groups about alcohol provision and consumption as it relates to their activities.	✓	✓	✓	✓	<ul style="list-style-type: none"> ▪ Community Development and Library Services ▪ Leisure and Cultural Services ▪ Rangers, Parking and Community Safety.
		2.2.2	Provide relevant information about alcohol provision and consumption in City-owned and -managed property through the City's website, factsheets, brochures etc.		✓	✓	✓	<ul style="list-style-type: none"> ▪ Asset Management ▪ Community Development and Library Services ▪ Governance and Marketing ▪ Leisure and Cultural Services

Outcome 3 — Responding to the community

The City of Joondalup supports the reduction of the negative impacts of alcohol on the community.								
Objectives		Strategies		Year				Lead responsibilities (Business Units)
				2011	2012	2013	2014	
3.1	Ensure staff awareness of their legislative compliance responsibilities.	3.1.1	Ensure that staff are aware of their obligations under the <i>Liquor Control Act 1988, District Planning Scheme No. 2</i> and <i>Planning and Development Act 2005</i> as appropriate to their role.	ongoing				<ul style="list-style-type: none"> ▪ Asset Management ▪ Community Development and Library Services ▪ Compliance and Regulatory Services ▪ Leisure and Cultural Services ▪ Planning Services
3.2	Work co-operatively with Licensees to address the negative impacts of alcohol in and around Licensed Premises.	3.2.1	Facilitate collaboration, as required, between Licensees to work on common issues that impact amenity.	ongoing				<ul style="list-style-type: none"> ▪ Community Development and Library Services ▪ Compliance and Regulatory Services ▪ Planning Services ▪ Rangers, Parking and Community Safety
		3.2.2	Streamline the Extended Trading Permit application process. Develop Fact Sheets for those who wish to apply for Liquor Licences.	✓				<ul style="list-style-type: none"> ▪ Compliance and Regulatory Services ▪ Planning Services ▪ Strategic and Organisational Development
3.3	Respond to community concerns about alcohol-related issues in the City.	3.3.1	Continue to respond to concerns and complaints from members of the community about alcohol-related issues. Integrate into the CRM system.	ongoing				<ul style="list-style-type: none"> ▪ Compliance and Regulatory Services ▪ Governance and Marketing ▪ Planning Services ▪ Rangers, Parking and Community Safety
		3.3.2	Review complaints mechanisms to capture more information regarding alcohol-related issues.		✓			<ul style="list-style-type: none"> ▪ Compliance and Regulatory Services ▪ Planning Services ▪ Strategic and Organisational Development

The City of Joondalup supports the reduction of the negative impacts of alcohol on the community.								
Objectives		Strategies		Year				Lead responsibilities (Business Units)
				2011	2012	2013	2014	
3.4	Liaise and collaborate with relevant external agencies.	3.4.1	Liaise with Western Australian Police and other relevant external agencies when planning and implementing City events.	ongoing				<ul style="list-style-type: none"> ▪ Community Development and Library Services ▪ Leisure and Cultural Services
		3.4.2	Report alcohol-related issues during existing regular meetings with Western Australian Police.	ongoing				<ul style="list-style-type: none"> ▪ Community Development and Library Services ▪ Rangers, Parking and Community Safety
		3.4.3	Raise alcohol-related issues during existing regular meetings with other State Government departments.	ongoing				<ul style="list-style-type: none"> ▪ Community Development and Library Services
		3.4.4	Provide information to non-Government agencies as required.	ongoing				<ul style="list-style-type: none"> ▪ Community Development and Library Services

Outcome 4 — Urban design and town planning

The City of Joondalup will use designing out crime principles in order to minimise the risks associated with the use of alcohol.								
Objectives		Strategies		Year				Lead responsibilities (Business Units)
				2011	2012	2013	2014	
4.1	The use of 'designing-out-crime' principles, as they pertain to alcohol, will be considered, where relevant, in facility planning and maintenance activities.	4.1.1	'Designing-out-crime' principles will be considered in the planning and development of new areas and facilities by the City.	ongoing				<ul style="list-style-type: none"> ▪ Asset Management ▪ Compliance and Regulatory Services ▪ Infrastructure Management Services ▪ Leisure and Cultural Services ▪ Operation Services ▪ Planning Services
		4.1.2	The City will aim to incorporate relevant 'designing-out-crime' elements in the upgrade or redevelopment of City-managed areas and facilities.	ongoing				<ul style="list-style-type: none"> ▪ Asset Management ▪ Compliance and Regulatory Services ▪ Infrastructure Management Services ▪ Leisure and Cultural Services ▪ Operation Services ▪ Planning Services

Review

The Strategies of the *Alcohol Management Plan 2011–2014* will be reviewed through the *Annual Plan* to:

- enable the evaluation of current Strategies;
- incorporate additional Strategies, if required; and
- determine progress towards achieving the Outcomes of the Plan.

A final review will be conducted in 2014–2015 at the conclusion of the *Alcohol Management Plan 2011–2014*. This review will examine the Outcomes and Objectives, and determine the efficacy of Strategies.