



SHIRE OF  
**DOWERIN**  
TIN DOG TERRITORY

# AGENDA

## Special Council Meeting

To be held in Council Chambers  
13 Cottrell Street, Dowerin WA 6461  
Wednesday 10 July 2024  
Commencing 2.00pm





## NOTICE OF MEETING

Dear President and Councillors,

A Special Council Meeting will be held on Wednesday 10 July 2024 in the Shire of Dowerin Council Chambers, 13 Cottrell Street, Dowerin commencing at 2.00pm. The purpose of the meeting will be to review an application for an Alfresco, and to review and if satisfactory, award Tenders – T2024-01 – Maintenance Grading Road Works, and T2024-02 – Sale of CAT 120M Grader.

Aaron Wooldridge  
Acting Chief Executive Officer  
5 July 2024

### DISCLAIMER

Statements or decisions made at this meeting should not be relied or acted on by an applicant or any other person until they have received written notification from the Shire. Notice of all approvals, including planning and building approvals, will be given to applicants in writing. The Shire of Dowerin expressly disclaims liability for any loss or damages suffered by a person who relies or acts on statements or decisions made at a Council or Committee meeting before receiving written notification from the Shire.

The advice and information contained herein is given by and to Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

It should be noted that the Attachment hyperlinks may not be functional from this document when sourced from the Shire of Dowerin's website. Attachment copies follow on from the end of the Agenda.

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Shire of Dowerin  
Special Council Meeting  
2:00pm Wednesday 10 July 2024



**1. Official Opening**

The President welcomes those in attendance and declares the meeting open at 2:00pm.

**2. Record of Attendance / Apologies / Leave of Absence**

**Councillors:**

Cr RI Trepp	President
Cr WG Allsopp	
Cr DP Hudson	
Cr AJ Metcalf	
Cr JC Sewell	
Cr BA Ward	

**Staff:**

Mr A Wooldridge	Acting Chief Executive Officer
Mr P Dittrich	Acting Deputy Chief Executive Officer
Mr B Forbes	Asset & Works Coordinator
Ms K Rose	Governance Coordinator

**Apologies:**

Cr N McMorran	Deputy President
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**Approved Leave of Absence:**

Nil

**3. Disclosure of Interest**

Councillors are to complete a Disclosure of Interest Form for each item they are required to disclose an interest in. The Form should be given to the Presiding Member before the meeting commences. After the meeting, the Form is to be provided to the Executive & Governance Officer for inclusion in the Disclosures Register.

**4. OFFICER’S REPORTS – GOVERNANCE AND COMPLIANCE**

**4.1 Dowerin Commercial Hotel – Application for Alfresco**

<h2 style="color: red;">Governance &amp; Compliance</h2>		 SHIRE OF <b>DOWERIN</b> TIN DOG TERRITORY
<b>Date:</b>	4 July 2024	
<b>Location:</b>	Dowerin Commercial Hotel, 4 Stewart Street, Dowerin	
<b>Responsible Officer:</b>	Aaron Wooldridge, Acting Chief Executive Officer	
<b>Author:</b>	Aaron Wooldridge, Acting Chief Executive Officer	
<b>Legislation:</b>	<i>Local Government Act 1995: Schedule 3.21</i>	
<b>SharePoint Reference:</b>	Organisation / Rates & Valuations / Property Correspondence / A353 10-14 Stewart Street, Dowerin	
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	<a href="#">Attachment 4.1A – Dowerin Commercial Hotel Proposal</a>	

**Purpose of Report**

Executive Decision                       Legislative Requirement

**Summary**

The purpose of this report is for Council to consider the application for alfresco dining at the front of the Dowerin Commercial Hotel located at 10-14 Stewart Street, Dowerin. The alfresco dining decision is made by the Shire of Dowerin and does not require building or planning approval due to the nature of the application.

**Background**

The Shire of Dowerin has received an application from the Dowerin Commercial Hotel for the construction of an alfresco design layout to be erected along the kerb at the front of the hotel, located at 10-14 Stewart Street Dowerin as per the plans.

The application received will provide a functional dining space, whilst not hindering on the accessibility of the foot path or traffic along Stewart Street. The Shire of Dowerin Acting CEO had inspected the location and has deemed the space to be appropriate for the use and do not believe there will be any issues raised with the proposed development. Though, Council should consider existing structures, compared to the plans provided by the applicant, such as kerb drainage, pedestrian bollards in close proximity, existing fixed public bins etc.

**Comment**

Alfresco dining can be beneficial to the commercial centres/main streets through locating people and social activities within public spaces, it can give a feeling of vibrancy and sense of place and assist in improving of the viability of commercial centres.

It can also have benefits of:

- improving the ambience and amenity of a streetscape, by providing points of interest and activity.
- assisting with promotion of tourism, allowing dining to occur whilst utilising views.

- Providing an alternative to indoor dining and diversity in the service that owner/operators can provide to customers, as well as alternative dining options on the main street to tourists; and
- Promotes visibility and exposure of business to customers and tourists.

Alfresco dining is considered a positive inclusion in town centres.

## Consultation

Aaron Wooldridge, Acting Chief Executive Officer

Kahli Rose, Governance Coordinator

All Councillors

Patrick and Brian O'Toole, Dowerin Commercial Hotel

Natalie Bear, Bear Pantry Cafe

## Policy Implications

The application relates to Local Law; *Activities in Thoroughfares and Public Spaces and Trading Local Law 2021. Part 6; Trading in Thoroughfares and Public Spaces; Division 3 – Outdoor eating facilities on public places:*

### 6.15 Interpretation

*In this Division –*

*Facility means an outdoor eating facility or establishment on any part of a public place, but does not include such a facility or establishment on private land;*

*Permit holder means the person to whom a permit has been issued for the purpose of clause 6.16; and public place has the meaning given to it in clause 6.1.*

6.16 *Permit required to conduct Facility A person shall not establish or conduct a Facility without a permit.*

6.17 *Matters to be considered in determining application In determining an application for a permit for the purpose of clause 6.16, the local government may consider in addition to any other matter it considers relevant, whether or not-*

(a) *the Facility is conducted in conjunction with and as an extension of a food business which abut on the Facility, and whether the applicant is the person conducting such food business;*

(b) *any abutting food business is registered in accordance with the Food Act 2008 and whether the use of the business is permitted under the town planning scheme;*

(c) *users of the Facility will have access to proper and sufficient sanitary and ablutionary conveniences;*

(d) *the Facility would –*

(i) *obstruct the visibility or clear sight lines at an intersection of thoroughfares of any person; or*

(ii) *impede pedestrian access; and*

(e) *the tables, chairs and other equipment to be used may obstruct or impede the use of the public place for the purpose for which it was designed.*

### 6.18 Obligations of permit holder

(1) *The permit holder for a Facility shall –*

(a) *ensure that the Facility is conducted at all times in accordance with the provisions of this local law;*

(b) *ensure that the eating area is kept in a clean and tidy condition at all times;*

(c) *maintain the chairs, tables and other structures in the eating area in a good, clean and serviceable condition at all times; and*

(d) *be solely responsible for all and any costs associated with the removal, alteration, repair, reinstatement or reconstruction of any part of the public place arising from the conduct of the Facility.*

- (2) Whenever, in the opinion of the local government, any work is required to be carried out to a Facility, the local government may give a notice to the permit holder for the Facility to carry out that work within the time limited by the notice.
- (3) In subclause (2), “work” includes the removal, alteration, repair, reinstatement or reconstruction of any part of a public place arising from or in connection with the setting up or conduct of a Facility.

**6.19 Removal of Facility unlawfully conducted.**

Where a Facility is conducted without a permit, or in contravention of a condition of a permit, any tables, chairs, umbrellas or other equipment may be removed by an authorized person and impounded in accordance with the Act. **6.20 Use of Facility by public**

- (1) A person shall not occupy a chair or otherwise use the equipment in a Facility the subject of a permit unless the person uses them for the purpose of consuming food or drinks provided by the Facility.
- (2) A person shall leave a Facility when requested to do so by the permit holder.

**6.21 Temporary removal of Facility may be requested.**

- (1) The permit holder for a Facility is to temporarily remove the Facility when requested to do so on reasonable grounds by an authorized person or a member of the Police Service or an emergency service.
- (2) The permit holder may replace the Facility removed under subclause (1) as soon as the person who directed her or him to remove it allows it to be replaced.

<b>Statutory Implications</b>
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Nil

<b>Strategic Implications</b>
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**Strategic Community Plan**

Community Priority: Our Organisation

Objective: *We are recognised as a transparent, well governed, and effectively managed Local Government*

Outcome: 5.4

Reference: 5.4.2

**Asset Management Plan**

Nil

**Long Term Financial Plan**

Nil

<b>Risk Implications</b>
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Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	Compliance
Risk Description	Some temporary non compliances
Consequence Rating	Insignificant (1)
Likelihood Rating	Unlikely (2)
Risk Matrix Rating	Low (2)

Key Controls (in place)	Ensure annual inspection of footpaths are conducted
Action (Treatment)	Documented review processes
Risk Rating (after treatment)	Adequate

**Financial Implications**

The financial implications for the application are solely the responsibility of the applicant. The applicant is responsible for all cleaning and on-going maintenance of the alfresco dining space.

**Voting Requirements**



Simple Majority



Absolute Majority

**Officer's Recommendation - 4.1**

***That Council, by Simple Majority in accordance with Local Government Act 1995; Section 3.21 approves the application for development of an alfresco dining space along the kerb but not obstructing the footpath at the premises known as the Dowerin Commercial Hotel, 10-14 Stewart Street, Dowerin.***



**5. Matters Behind Closed Doors**

- 5.1 [Confidential Item 5.1 - T2024-01 Maintenance Grading Road Works - Evaluation](#)
- 5.2 [Confidential Item 5.2 - T2024-02 CAT 120M Grader - Offer and Valuations](#)

In accordance with Section 5.23(2)(c) of the *Local Government Act 1995*, Council will go Behind Closed Doors.

**Voting Requirements**

- Simple Majority  Absolute Majority

**Officer's Recommendation - 5**

**That, in accordance with Section 5.23(2)(c) of the *Local Government Act 1995*, Council go Behind Closed Doors.**

- 5.1 The matter of *Confidential Item - T2024-01 Maintenance Grading Road Works - Evaluation* will be discussed, and a resolution made.
- 5.2 The matter of *Confidential Item - T2024-02 Sale of CAT 120M Grader - Offer and Valuations* will be discussed, and a resolution made.

**Voting Requirements**

- Simple Majority  Absolute Majority

**Officer's Recommendation - 5**

**That, in accordance with Section 5.23(1) of the *Local Government Act 1995*, Council come out from Behind Closed Doors.**

The President will read aloud the Council Resolution(s) made Behind Closed Doors relating to Items 5.1 and 5.2. This will be reported in the Minutes.

**6. Urgent Business Approved by the Person Presiding or by Decision**

**7. Closure**

The President thanked those in attendance and declared the meeting closed at X:XX.

# **Dowerin Hotel**

## **Expression of Interest**

### **Alfresco Dining Concept**

**Written by:**

**Patrick O'Toole and Brian O'Toole**

**(Owners and Managing Directors of the Dowerin Hotel)**

**Contact:**

**+61 438 383 780**

**[admin@dowerinhotel.com.au](mailto:admin@dowerinhotel.com.au)**

## Dowerin Hotel – Expression of Interest – Alfresco Dining Concept

Can the shire advise us as to our ability / options to facilitate the proposed changes described below?

Our intentions are to transform the Dowerin Hotel into an ‘all day’ dining option for the Wheatbelt, open 7 days / week, 6am til late. To facilitate this and present a welcoming aspect to the street-facing side of the hotel, we would like to create an ‘Alfresco’ style area directly alongside Stewart Street and enclosing the existing parking bay located at the front of the Hotel. The current streetside view of the hotel is less than ideal, and does not promote the Dowerin Hotel as a desirable pub to enter. By transforming the street-front of the hotel with a modern, inviting alfresco zone, we believe may result in the following:

- i. **Increased Foot Traffic:** An alfresco dining area may attract passers-by who may not have otherwise considered entering the pub. The visual appeal of people dining outside can draw attention and potentially increase foot traffic, leading to more customers.
- ii. **Enhanced Ambiance:** Outdoor dining offers a unique ambiance, especially during pleasant weather. It can create a more relaxed and enjoyable atmosphere for diners, encouraging them to stay longer and potentially spend more.
- iii. **Expanded Seating Capacity:** Adding an alfresco dining area effectively expands the seating capacity of the pub without requiring additional indoor space. This can be particularly beneficial during peak times or special events when indoor seating may be limited (i.e. Field Days)
- iv. **Attractive Dining Option:** Many people enjoy dining outdoors, especially in settings like pub gardens or sidewalk cafes. Providing an alfresco option can attract customers who prefer to dine in the open air, thereby catering to a broader range of preferences.
- v. **Community Engagement:** Outdoor dining areas often encourage social interaction among diners and passersby. It can create a sense of community and vibrancy, contributing to the overall appeal of the pub and fostering a positive reputation within the town.
- vi. **Adaptable Space:** Alfresco dining areas can be versatile spaces that can be used for various purposes beyond dining, such as hosting special events, live music performances, or themed nights. This flexibility can help attract different customer demographics and keep the pub dynamic.
- vii. **Marketing Opportunity:** A well-designed alfresco dining area can serve as a marketing tool, attracting attention on social media platforms and in local publications. Eye-catching outdoor seating arrangements can generate buzz and draw people's interest in visiting the pub.

The 'Hotel 190' in Northam is a good example of how this could look visually:



*Figure 1 - 190 Hotel in Northam Booth street view*



*Figure 2 - 190 Hotel in Northam Booth view*

Please refer to the image/s below for the following points

- i. There is 3.0m from the door entry of the hotel to the undercover verandah end point. From the pillars holding up the verandah, there is a further 1.8m to the end of the curb. There is 2.4m of usable space from the curb to the edge of the existing parking bay.
- ii. We propose to create the new Alfresco area by enclosing approx. 30m of the front of the hotel via 'booth' style seating. This area would encompass the existing parking bay in front of the hotel and we could use decking or similar to ensure seamless transitions between the floor areas.
- iii. The owners of the Dowerin Hotel (The O'Toole Brothers) welcomes collaboration with the Shire of Dowerin to enable the correct planning and permits/approvals to ensure the requirements of health and safety are met.
- iv. We will approach the Racing, Gaming and Liquor department regarding licensing requirements once the Shire has approved of the concept.



*Figure 3 - Existing Front building configuration*





*Figure 4 - Proposed changes to front building configuration*

## Application for Alfresco Dining

Business Details			
Trader's Name:	BRIAN O'TOOLE & PATRICK O'TOOLE		
Business Name:	Dowerin Hotel		
Postal Address:	4 Stewart Street		
	Dowerin, WA, 6461		
Telephone:	Home:	Mobile:	0438 383 780
Email:	admin@dowerinhotel.com.au		

Business Operations Details	
Location of Alfresco:	4 Stewart Street, Dowerin, 6461
Days of Operations:	Mon-Sun
Hours of Operations	0630am - late Mon-Sat, 0700am-late Sun
Specify the proposed goods/services, which will be traded:	Food + alcoholic beverages

Alfresco Details	
Size:	20m x 4.2m
Number of Tables:	TBC
Number of Chairs:	TBC
Contractor Name (if known)	Unknown
Additional Details (if applicable)	Intention is to install booth-style seating with umbrellas in the proposed alfresco area.

I/We have read, understood, and agree to the terms and conditions applicable to alfresco dining application as stated above.

Signature of Applicant: Brian O'Toole Date: 13/06/2024

### ADDITIONAL DOCUMENTATION REQUIRED:

- Letter from the premises owner (if applicant does not own the premise)
- Accurate plan and description of proposed structure
- Evidence of public liability to the value of \$10 million.
- Licence Fee payable, approval will be valid from 1 July to 30 June each year.

OFFICE USE ONLY		
<input type="checkbox"/> Application Received	<input type="checkbox"/> Plans Submitted	<input type="checkbox"/> Copy of P/L Insurance
<input type="checkbox"/> Letter from Premise Owner	<input type="checkbox"/> Application Fee Paid	
Officer's Name _____	Date _____	
Comments _____		

## Shire of Dowerin – Alfresco Dining Application Terms & Conditions

### Definitions

'*Alfresco Dining*' is a term used to describe an outdoor eating area that is located on the thoroughfare (on the footpath or other Council controlled land).

'*Trading in a Public Place*' is the display of goods in any public place for the purpose of offering them for sale or reward.

### General

1. Alfresco dining area will only be approved where the proposal is an extension of an approved food business within an adjacent building.
2. Applies only to properties in the Dowerin Town centre.
3. A Temporary Alfresco dining area will not be approved where, in the opinion of Council, the gathering of customers or the elements of design will unreasonably impede pedestrian or vehicular movements, or cause conflicts with other activities.
4. All Alfresco Dining Area applications will require community consultation of 14 days including advertising via the Shires website and social media and a letterbox drop to all properties in the same block.

### Design Considerations

1. The Alfresco area is to be within the width of existing car park bays so as not to impede traffic flow.
2. The Alfresco structure must not impede the stormwater drainage flow along the road kerb line.
3. The Alfresco area is to be a minimum of 1.5 m from a property driveway, (which is the same distance that car parking bays are usually marked at), to allow access to and from driveways.
4. The Alfresco structure is to be substantially visibly permeable above a height of 1.15 m. To allow reasonable sight distance for vehicles using parking bays or driveways near the Alfresco and allowing passive surveillance.
5. The Alfresco area is to be a minimum of 0.6 m from a car parking bay. Bollards may be required to protect vehicles and the alfresco structure.

### Maintenance Obligations

1. Maintenance of the structure is the responsibility of the approved applicant.
2. The Shire can have the alfresco area closed if it considers the structure needs repair.
3. All furniture and equipment must be maintained in a clean and safe condition by the approved applicant.
4. Loose furniture to be removed from site when business is closed.
5. Un-maintained alfresco structures to be removed at the owner's cost.
6. All plants to be maintained in a neat and tidy manner.
7. The alfresco area is to be swept daily and all loose rubbish removed before closing for the day.

### Public Liability Insurance

Prior to a licence being issued the applicant is required to provide a current copy of their public liability insurance for no less than \$10 million, covering the outside area. A copy of the insurance renewal must be submitted each year.

### Furniture & Good

Furniture includes all chairs, tables, umbrellas, and planter boxes. Goods include all saleable objects and fixtures used for display purposes. All furniture and goods are required to be free standing and must be removed at the close of business each day. The furniture must be sturdy, durable, and well maintained. It must also be appropriate for the Dowerin main street. Any umbrellas must be adequately secured and have a minimum height of 1.8 metres. The number of chairs and tables that may be in an alfresco is calculated at one chair per metre square considering any permanent fixtures such as street trees.

### Cleaning

Cleaning of the approved area is the responsibility of the proprietor and must be maintained throughout the day and at the close of business each day. All rubbish is to be removed and is not to be deposited into the Council's street bins.

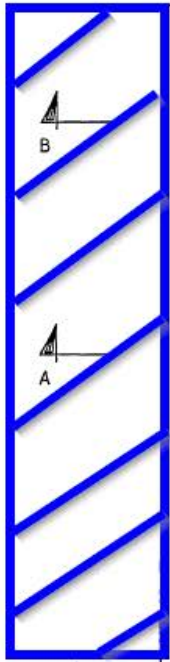
### Alcohol

The consumption of alcohol is permitted within the alfresco area provided that the appropriate licence has been obtained from the Liquor Licensing Division.

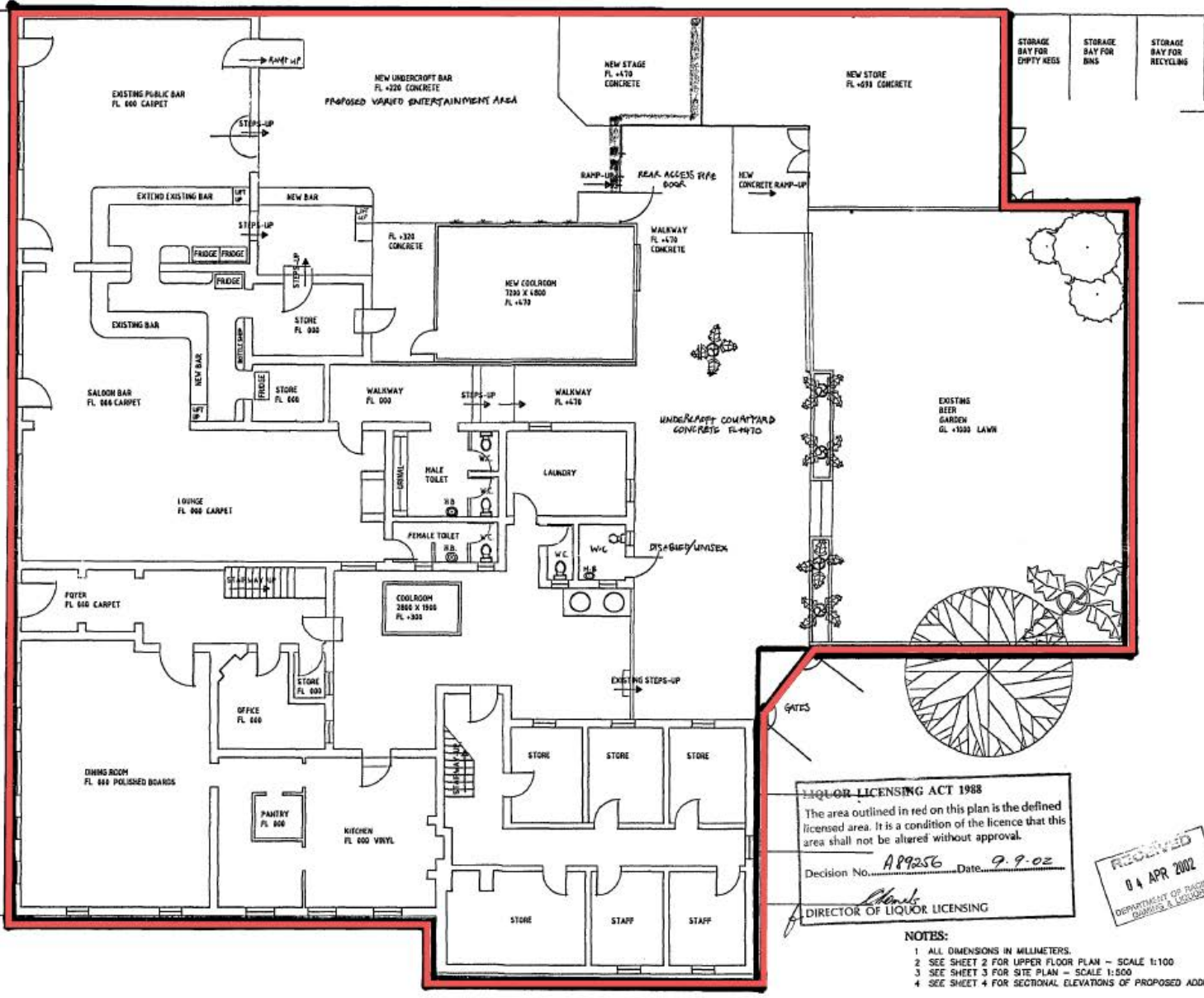
### Permitted Locations

A minimum of 1.5 metres of footpath width is to be always kept clear. If the approved area is located at the kerb at least 500mm must be maintained between the kerb and the furniture. Only the area directly adjacent to the premises is to be utilised for trading. If at any time the chairs, tables or goods are obstructing pedestrian or vehicular traffic the proprietor will be requested to move the obstruction. The Council may confiscate unapproved furniture or goods that are obstructing the footpath in any way.





Proposed new Alfresco area



LIQUOR LICENSING ACT 1988  
 The area outlined in red on this plan is the defined licensed area. It is a condition of the licence that this area shall not be altered without approval.  
 Decision No. A89256 Date. 9.9.02  
*Shane*  
 DIRECTOR OF LIQUOR LICENSING

RECEIVED  
 04 APR 2002  
 DEPARTMENT OF CASINO,  
 GAMING & LICENSING

- NOTES:  
 1 ALL DIMENSIONS IN MILLIMETERS.  
 2 SEE SHEET 2 FOR UPPER FLOOR PLAN - SCALE 1:100  
 3 SEE SHEET 3 FOR SITE PLAN - SCALE 1:500  
 4 SEE SHEET 4 FOR SECTIONAL ELEVATIONS OF PROPOSED ADDITIONS.

601 1004 101

COMMERCIAL HOTEL  
 4 STEWART STREET  
 DOWERIN