



SHIRE OF CARNARVON  
**AGENDA**  
SPECIAL COUNCIL MEETING  
TUESDAY 5 APRIL 2022

Council Chambers, Stuart Street  
CARNARVON, West Australia  
Phone: (08) 9941 0000  
Fax: ((08) 9941 1099  
Website – [www.carnarvon.wa.gov.au](http://www.carnarvon.wa.gov.au)

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# **NOTICE OF MEETING**

Notice is hereby given  
**Shire of Carnarvon**  
**Special Council Meeting**  
will be held  
on Tuesday 5 April 2022  
Council Chambers, Stuart Street Carnarvon  
commencing at 8.30am



Andrea Selvey  
CHIEF EXECUTIVE OFFICER

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## **DISCLAIMER**

No responsibility whatsoever is implied or accepted by the Shire of Carnarvon for any act, omission or statement or intimation occurring during Council/Committee Meetings or during formal/informal conversations with Staff or Councillors. The Shire of Carnarvon disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee Meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Carnarvon during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Carnarvon. The Shire of Carnarvon warns that anyone who has an application lodged with the Shire of Carnarvon must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Carnarvon in respect of the application.

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## INFORMATION ON PUBLIC QUESTION TIME

The following information is provided should you wish to ask a question of Council at the Ordinary Meetings held on a monthly basis.

Please note that questions that have not been filled out on the Submission Form will not be accepted.

- The Local Government Act 1995 allows members of the public to ask questions in regard to any issue relating to the Shire.
- A maximum of 15 minutes will be allowed for public question time and the Presiding Member will allow a maximum of three (3) verbal/written questions per person.
- Prior to asking a question, the speaker must state his/her name and address.
- Members of the public are discouraged from asking questions which contain defamatory remarks, offensive language or questioning the competency of staff or Council members.
- The Presiding Member may nominate a member or officer to answer the question and may also determine that any complex questions requiring research be taken on notice and answered in writing.
- No debate or discussion is allowed to take place on any question or answer.
- A summary of each question asked and the response given will be included in the minutes of the meeting –

*Local Government (Administration) Regulations 1996 – Pt 2, r.11 – (in part reads -)*

*11. Minutes, content of (Act s.5.25(1)(f))*

*The content of minutes of a meeting of a council or a committee is to include –*

*(e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question.*

Responses to questions that are taken on notice will be responded to as soon as possible.

- If you wish to ask a question, please complete the Public Question Time Submission Form at the back of this information sheet. Alternatively, questions can be submitted in writing to the Shire of Carnarvon 3 days prior to the meeting.

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## SPECIAL MEETINGS OF COUNCIL

Members of the public are welcome to attend a Special Meeting of Council if open, and ask questions of the Council within the allotted public question time ***subject to the questions being asked only relating to the purpose of the Special Meeting*** (s5.23 of the Act and regulation 12 (4) of the Local Government (Administration) Regulations 1996, the Department of Local Government and Communities Guide to Meetings and Governance Bulletin April 2014 and Guideline No. 3 Managing Public Question Time.)

# INDEX

## 1.0 ATTENDANCES , APOLOGIES & APPROVED LEAVE OF ABSENCE

(The Local Government Act 1995 Section 2.25 provides that a Council may, by resolution, grant leave of absence to a member for Ordinary Council Meetings. The leave cannot be granted retrospectively and an apology for non-attendance at a meeting is not an application for leave of absence.)

## 2.0 PUBLIC QUESTION TIME

(In accordance with Section 5.24 of the Local Government Act 1995, a 15 minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them. All questions are to be provided on the Public Question Time Submission Form.)

## 3.0 DECLARATIONS OF INTEREST

(Councillors and Staff are reminded of the requirements of Section 5.65 of the Local Government Act 1995, to disclose any interest during the meeting or when the matter is to be discussed.)

## 4.0 ITEMS FOR DISCUSSION

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## 5.0 MATTERS FOR WHICH MEETING TO BE CLOSED TO MEMBERS OF THE PUBLIC

## 6.0 CLOSURE



## 4.1 ROADS TO RECOVERY FUNDING – BUDGET VARIATION

File No.	ADM0048
Date of Meeting:	5 April 2022
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Carolien Claassens – Project Contracts Manager David Nielsen – Executive Manager Infrastructure Services
Declaration of Interest:	Nil
Voting Requirements:	Recommendation 1 - Absolute Majority Recommendation 2 - Simple Majority Recommendation 3 - Simple Majority
Previous Reports:	N/A
Schedules:	NIL

### Authority / Discretion

	<b>Advocacy</b>	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	<b>Executive</b>	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
	<b>Legislative</b>	Includes adopting local laws, town planning schemes and policies.
	<b>Quasi-Judicial</b>	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	<b>Information</b>	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

### Summary of Item:

Approval is requested for an amendment of Roads to Recovery funding allocation in the 2021/22 budget. The amendment proposed is as follows:

- Defer Robinson Street reconstruction to 2022/23
- Bring forward proposed 22/23 resealing works to 21/22.

### Background:

The Department of Infrastructure, Transport, Regional Development and Communications (Department) supports the maintenance and improvement of local road infrastructure assets via the Roads to Recovery (R2R) Program. Funding is provided in a five (5) year program. The current five-year program commenced in 2019/20. The annual Shire of Carnarvon R2R funding allocation is \$807,225.

The R2R 21/22 adopted budget allocation is for reconstruction of a section of Robinson Street in the Carnarvon CBD. Reconstruction from its intersection with Olivia Terrace to its intersection with Camel Lane on the eastern carriageway (traffic into the town) is proposed.

Under R2R funding conditions, the project is to be completed by 30 June 2022. It is possible for project expenditure to occur up to six months after receipt of funding. Final payment of the 2021/22 Road to

Recovery allocation is scheduled for June 2022. All received funding must therefore be spent by December 2022.

Two attempts to engage consultant project management for the design, specification and supervision of the works have been unsuccessful. Insufficient time to complete the project has been cited as the principal reason for a lack of willingness to undertake the task.

Consultation with project managers indicated that a project timetable with construction works commencing in early 2023 is achievable. Commencing works in summer 2023 also avoids main street disruption during the Tourist season.

Advice from the Department was requested for deferring Robinson Street reconstruction works to 2022/23 and introduce a new project to ensure full expenditure of the 2021/22 R2R funding allocation. The Department advised that the proposal is acceptable if the proposal is provided as part of the April quarterly reporting process.

Bitumen re-sealing works of several town roads and sections of Carnarvon Mullewa Road are the only projects considered achievable within the short remaining 21/22 timeframe. Reasons for this include:

- No Public Tender process is required as the Shire has an existing contract for Bituminous Sealing Works with Fulton Hogan until 31 August 2023.
- Fulton Hogan has advised their availability to complete resealing works in May/ June 2022.

The following Shire roads are flagged on the RAMM asset management system as due (or becoming due) for resealing:

ROADS DUE OR BECOMING DUE FOR RESEAL	LENGTH OF RESEAL (M)	ESTIMATED RESEAL COST
Carnarvon - Mullewa Road Total	19,043	\$ 999,495
Fenner Street Total	100	\$ 5,600
Festival Road Total	400	\$ 27,125
Foss Crescent Total	508	\$ 66,570
Foss Crescent (B) Total	90	\$ 5,670
George Street Total	190	\$ 10,640
Giles Road Total	530	\$ 20,405
Granberry Drive Total	690	\$ 35,742
Hill Street Total	180	\$ 9,324
Hubble Street Total	740	\$ 70,007
North River Road Total	690	\$ 36,225
Olivia Tce Carpark (2) Total	96	\$ 7,329
Olivia Tce Carpark(1) Total	124	\$ 10,416
Shallcross Street Total	400	\$ 20,720
Smart Street Total	185	\$ 10,836
Snook Court Total	88	\$ 6,573
Speedway Road (A) Total	1,219	\$ 63,546
Tuckey Court Total	160	\$ 10,696
West Street Total	175	\$ 9,044
Wooramel Street Total	180	\$ 9,324
<b>Grand Total</b>	<b>25,788</b>	<b>\$ 1,435,287</b>

The final quantity and selection of roads for resealing will be determined once a unit rate is received from the resealing contractor and inspections are completed of each road section to "ground truth"

the flagged need. That may result in additions and deletions to the above table. A final reseal list will match the available R2R budget and the observed reseal priority.

Under the recommended proposal, required reseal works are effectively being bought forward by one year.

**Stakeholder and Public Consultation:**

Greenfield Technical Services  
 Department of Infrastructure, Transport, Regional Development and Communications  
 Fulton Hogan Industries (Contract RFT 08/2017 Bituminous Sealing Works)

**Statutory Environment:**

Local Government Act 1995 - Section 6.8 Expenditure from municipal fund not included in annual budget.

Local Government Act 1995 - Section 3.18 Performing executive functions.

**Relevant Plans and Policy:**

N/A

**Financial Implications:**

There is no net budget implication associated with the recommendations.

All financial commitments can be met by existing R2R funding allocations and existing budget allocations for design works.

Cost of resealing works is typically based on a per square metre rate. The most recent resealing works completed by the Shire was in 2019. Rates at that time were as follows:

- 10mm Reseal - \$4.51/SQM (rural roads)
- 7mm Reseal - \$4.33/SQM (urban roads)

A 35-55% increase in these rates is possible based on cost increases already experienced across the construction sector generally. Fulton Hogan has been requested to provide an updated rate but at the time of writing this had not been received. For estimating purposes a rate of \$7/sqm has been adopted.

Effectively, the higher rates will mean less area resealed per dollar.

**Risk Assessment:**

STEP 3 – Risk Tolerance Chart Used to Determine Risk						
Consequence		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Loss/repayment of funding if Robinson Street Reconstruction is not completed by December 2022.	A.3 Extreme	Accept the recommendation to defer the project.



Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Health & Safety	N/A		
Reputation	<p>Main Street reconstruction work in 2011/2012 damaged Shire reputation. Failure of the road pavement, loss of parking and an extended time to complete the works were key reasons for the damaged reputation.</p> <p>Proposed reconstruction works may again result in negative community feedback unless completed to an appropriate standard with minimum disruption.</p>	B.3 High	Defer construction as recommended to ensure proper design, planning and public communication.
Service disruption	Works causing temporary disruption to the town centre.	A.2 High	Accept the recommendation to complete works in the summer. Careful design, planning and site management (including possibly night work) will assist in minimising disruption.
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		

#### Community & Strategic Objectives:

The proposal accords with the following Shire desired outcomes as expressed in the *Community Strategic Plan 2018-2028*:

#### *Goal 2: Natural and built environment*

*A sustainable natural and built environment that meets current and future community needs*

ITEM	OUTCOMES AND STRATEGIES
2.6	Shire assets and facilities that support services and meet community need
2.6.1	Roads are appropriately managed according to their need and use

#### Comment:

Surveys to progress reconstruction works designs for the Robinson Street project were completed in March. Requests for quotation will be reissued immediately for engagement of consultants for the design, specification, and works supervision for this project, based on a revised completion in early 2023.

Design and specification work can be commenced under existing budget allocations. This will maximise the time for planning necessary to complete the works in a manner minimising community disruption.

Subject to Council decision during the 2022/2023 budget process, a construction works tender for the Robinson Street reconstruction works will be issued in September/October 2022.

**OFFICER'S RECOMMENDATION PART ONE**

*That Council, by Absolute Majority in accordance with Section 6.8 (1) (b) of the Local Government Act 1995, approves Roads to Recovery 21/2022 budget expenditure variations as follows:*

<i>COA</i>	<i>Job</i>	<i>Description</i>	<i>Current budget</i>	<i>Budget variation</i>	<i>Revised budget</i>
<i>137400</i>	<i>R2R241</i>	<i>Main Street Reconstruction</i>	<i>\$807,225</i>	<i>-\$807,225</i>	<i>\$0</i>
<i>137400</i>	<i>TBD</i>	<i>Reseal town streets and Carnarvon Mullewa Road sections.</i>	<i>\$0</i>	<i>\$807,225</i>	<i>\$807,225</i>

**OFFICER'S RECOMMENDATION PART TWO**

*That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act, 1995 resolves to proceed with the appointment of a project management consultant for the design, specification and works supervision services necessary to complete the Robinson Street (Carnarvon) reconstruction works, noting that the costs can be met within current budget allocations for design works.*

**OFFICER'S RECOMMENDATION PART THREE**

*That Council, by Simple Majority pursuant to Section 3.18 of the Local Government Act, 1995 resolves to consider as part of its 2022/2023 budget process, an allocation of \$807,225 of its Roads to Recovery funding to the reconstruction of Robinson Street Carnarvon.*

**4.2 REVISED BLOWHOLES TOURISM PRECINCT REDEVELOPMENT PROJECT COMPLETION PLAN**

File No. ADM1762  
 Date of Meeting: 5 April 2022  
 Location/Address: N/A  
 Name of Applicant: Shire of Carnarvon  
 Name of Owner: Shire of Carnarvon  
 Author/s: Carolien Claassens – Project Contracts Manager  
 David Nielsen – Executive Manager Infrastructure Services  
 Declaration of Interest: Nil  
 Voting Requirements: Simple Majority  
 Previous Reports: FC 22/2/22  
 Schedules: 4.2 Extract of Ordinary Council Meeting Minute – FC 22/2/22

**Authority / Discretion**

	<b>Advocacy</b>	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	<b>Executive</b>	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
	<b>Legislative</b>	Includes adopting local laws, town planning schemes and policies.
	<b>Quasi-Judicial</b>	When Council determines an application / matter that directly affects a person’s right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	<b>Information</b>	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

**Summary of Item:**

By way of this report, approval is requested for a revision of the Project Completion Plan for Blowholes Tourism Precinct Redevelopment Project.

**Background:**

The Blowholes Tourism Precinct Redevelopment project is funded by the Department of Primary Industries and Regional Development (DPIRD). To progress completion of the project DPIRD requested a decision from Council for insurance monies received from destruction of the projects walkway to be allocated to alternative day use facilities at the Blowholes.

Following negotiations with the Gascoyne Development Commission, a Blowholes Tourism Precinct Redevelopment Project completion plan was presented to Council at its Ordinary Meeting in January 2022. At that meeting Council resolved in part as follows in relation to a Blowholes Tourism Precinct Redevelopment Project completion plan:

**Shire of Carnarvon Funded Works Funded through insurance funds received from destruction of walkway.**

**Balance of Insurance Funds: \$198,475**

<i>Site</i>	<i>Site Works</i>	<i>Estimated Cost/Allocation</i>	<i>Comment</i>
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<i>Site 2</i>	<i>Upgrade/replace existing steel stairs with suitable high corrosion resistant equivalent</i>	<i>\$65,000</i>	<i>Cost is based on previous quotation received with 35% escalation.</i>
<i>Between Site 2 and 3</i>	<i>Erosion control works on beach area between the two sites.</i>	<i>\$50,000</i>	<i>Leverage funds toward funding application under CoastWA grants. Potential to leverage total project budget of \$110,000.</i>
<i>Site 3</i>	<i>Repair and refurbishment of three existing beach shelters</i>	<i>\$25,000</i>	<i>Existing beach shelters require timber beams to be re painted and have stainless roof sheeting installed.</i>
<i>Site 2</i>	<i>Contribution to GDC Indigenous recognition project as project partner.</i>	<i>\$33,475</i>	<i>Project likely to consist of a shelter with indigenous interpretive features.</i>
<i>All Sites</i>	<i>Project Contingency</i>	<i>\$25,000</i>	<i>May be utilized on any element.</i>
<i>Total</i>		<i>\$198,475</i>	

A copy of that February report is provided in **Schedule 4.2**. That report fully details the relevant background regarding the completion plan.

DPIRD was advised of Council's decision but was unfortunately unable to approve the adopted project completion plan for the following reasons:

1. Unable to approve the use of insurance funds for leverage of other state funding for the erosion control works between sites 2 and 3.
2. Unable to approve a project contingency item as that could not guarantee all insurance monies were expended on the project.

**Stakeholder and Public Consultation:**

Department of Primary Industries and Regional Development  
Gascoyne Development Commission

**Statutory Environment:**

Local Government Act 1995 - Section 3.18 Performing executive functions.

**Relevant Plans and Policy:**

N/A

**Financial Implications:**

The total cost of the rock retaining wall is estimated at \$145,000. Under the recommended revised plan, approximately half of that wall could be constructed with the nominated insurance funds allocation.

An additional recommendation therefore requests Council to consider allocating additional funds in its 2022/23 budget to allow full completion of the retaining wall.

Savings from the beach stairs and existing shelter refurbishments could be directed toward the retaining wall works if available.

Council may also note that additional project funding from Rio Tinto for the GDC Indigenous recognition element is now confirmed with work proceeding to finalise the necessary administrative arrangements.

Risk Assessment:

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
Consequence →		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood ↙						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Not accepting the revised Project Completion Plan would result in DPIRD not approving payment of the final project funding of approx. \$33,000.	B. 2 High	Adopt the recommendation
Health & Safety	N/A		
Reputation			
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	Completing only a portion of the required rock retaining wall does not fully mitigate erosion risk for the remainder.	B. 3 - High	Adopt the recommendation to consider allocation of Shire funds to complete the rock retaining wall.
Fraud	N/A		

**Community and Strategic Objectives:**

The proposal accords with the following Shire desired outcomes as expressed in the *Community Strategic Plan 2018-2028*:

**Goal 2: Natural and built environment**

**A sustainable natural and built environment that meets current and future community needs**

ITEM	OUTCOMES AND STRATEGIES
2.6	Shire assets and facilities that support services and meet community need
2.6.4	Parks, gardens and open space appropriately managed according to their need and use
2.6.5	Buildings and facilities are appropriately managed according to their need and use

**Goal 5: Civic**

*Strong and listening Council.*

ITEM	OUTCOMES AND STRATEGIES
5.6	The Shire advocates on behalf of its community
5.6.1	The Shire develops partnerships with government and non-government organisations to achieve positive outcomes for the region

**Comment:**

Officers were made aware by the Department that it was unwilling to support the adopted completion plan for the reasons described previously.

Officers of the Gascoyne Development Commission (GDC) subsequently assisted facilitating a revised plan as presented which removes the contingency quantity and places it fully within the construction of the rock retaining wall element.

**OFFICER'S RECOMMENDATION PART ONE**

*That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act 1995 endorses a revision of the Project Completion Plan for the Blowholes Tourism Precinct Redevelopment Project as follows:*

**Shire of Carnarvon Funded Works Funded through insurance funds received from destruction of walkway.**

**Balance of Insurance Funds: \$198,475**

Site	Site Works	Estimated Cost/Allocation	Comment
Site 2	Upgrade/replace existing steel stairs with suitable high corrosion resistant equivalent	\$65,000	Cost is based on previous quotation received with 35% escalation.
Between Site 2 and 3	Building rock retaining wall on beach area between the two sites	\$75,000	Funds allocated can complete approximately half of the required retaining wall. A total cost of \$144K is estimated to complete the full retaining wall.
Site 3	Repair and refurbishment of three existing beach shelters	\$25,000	Existing beach shelters require timber beams to be re painted and have stainless roof sheeting installed.
Site 2	Contribution to GDC Indigenous recognition project as project partner.	\$33,475	Project likely to consist of a shelter with indigenous interpretive features.
Total		\$198,475	

**OFFICER'S RECOMMENDATION PART TWO**

*That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act 1995 considers an allocation of \$69,000 in its 2022/2023 budget to complete the full extent of the rock retaining wall on beach area between the sites 1 and 2.*

File No:	ADM2152
Date of Meeting:	22 March 2022
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Susan Mizen Manager Finance
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Previous Report	Nil
Schedules	Schedule 4.3(a) Schedule 4.3(b)

#### Authority / Discretion

	<b>Advocacy</b>	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	<b>Executive</b>	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
	<b>Legislative</b>	Includes adopting local laws, town planning schemes and policies.
	<b>Quasi-Judicial</b>	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	<b>Information</b>	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

#### Summary of Item:

This report presents an officer recommendation that Council applies for a loan to assist with cashflow for the Essential Public Asset Reconstruction Works Disaster Recovery Funding Arrangements Western Australia (DRFAWA) AGRN951 – Tropical Low and Associated Flooding (28 January – 8 February 2021). A Loan is required to enable contractors for the approved works to be paid in a timely manner whilst awaiting reimbursement from the Department of Fire and Emergency Services (DFES).

#### Background:

Essential Public Asset Reconstruction (EPAR) works under event AGRN951 has been submitted by the Shire of Carnarvon for assessment under DFES Disaster Recovery Funding. The scope of works, estimated costs and related procurement processes to reinstate the essential public assets to their pre-disaster function have been confirmed as meeting the requirements of the DRFAWA. The approved estimated cost of \$10,610,194 to complete the scope of works is inclusive of base construction costs, project management, contingency, and cost escalation. The Shire is to pay contractors undertaking these works and claim reimbursement of the payments that meet the DFES funding.

Greenfield Technical Services has been engaged by the Shire to provide project management, project administration and site technical assurance to the Shire's AGRN951 flood damage reinstatement works. Greenfields has calculated the rate at which the funding will be spent once the projects are underway, as being approximately \$650,000 per fortnight, this is the optimum rate if everything goes to schedule. This rate, together with the time delay in reimbursing the Shire by DFES for approved expenditure, has shown

that there is between \$3,250,000 and \$4,550,000 maximum anticipated outstanding reimbursements which may be funded via a short term loan.

**Schedule 4.3(a)** shows two cashflow scenarios, the first where the reimbursement of expenditure is made by DFES within 60 days and the second, where the reimbursement of expenditure is made by DFES within 90 days. The highest outstanding balance for each scenario is \$3,250,000 and \$4,550,000 respectively. DFES has indicated it will reimburse approved expenditure in approximately 60 days, however recent experience has shown reimbursement to be approximately 90 days.

WA Treasury Corporation has two facilities from which the Shire is able to choose when making application for a loan to cover the disaster reconstruction. Attached as **Schedule 4.3(b)** is some information regarding a short term facility. The options are:

- Option 1 is a series of short term loans for a specified period with the maturing capital, interest and guarantee fee being paid in part or in full or rolled into a new short term loan with any additional required capital. The new maturity date can be when the next progress payment is due or for a regular period such as monthly or quarterly.
- Option 2 is a series of short term loans which are drawn down as required with each loan having the same maturity date. At the maturity date, capital, interest and guarantee fee are due. The maturity date would ideally be near the end of the construction phase and be when DFES has almost entirely reimbursed the approved expenditure. The maximum term is 12 months however the loan may be reapplied for and extended for a further short term.

Given the information in the cashflow scenarios, the rate of spending to complete the project from Greenfield Technical Services which is an optimum rate, and the loan options from WA Treasury Corporation, it is proposed to borrow the sum of \$3,000,000 over a period of 12 months via option 2, a series of short term loans, to fund the reconstruction works. The loans will however be drawn when required and may not reach \$3,000,000 due to variables in weather, reimbursements by DFES and contractor work schedules.

**Consultation:**

Greenfield Technical Services  
 Department of Fire and Emergency Services  
 WA Treasury Corporation

**Statutory Environment:**

*Local Government Act 1995.*


**Relevant Plans and Policy:**


Nil

**Financial Implications:**

Interest payable at an estimated rate of 2.9%  
 WATC security fee at 0.7% of total borrowed

**Risk Assessment:**

**Consequence**  **STEP 3 – Risk Tolerance Chart Used to Determine Risk**

		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
<b>Likelihood</b> 						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme



Rare	E	Low	Low	Moderate	High	High
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Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Without cashflow funding the Shire will be unable to pay contractors at a suitable speed to keep them engaged.	moderate	Cashflow Loan to bolster the Shire's cash on hand
Health & Safety	NA	NA	
Reputation	Tardy payment of contractors as cash on hand diminishes whilst awaiting reimbursement from DFES will damage the Shire's reputation.	moderate	Cashflow Loan to bolster the Shire's cash on hand
Service disruption	Contractors may not be paid in accordance with their terms and conditions and may withdraw their services	low	Cashflow Loan to bolster the Shire's cash on hand
Compliance	The Local Government Act requires that the proposal to borrow must be advertised for one month and the resolution to borrow must be by absolute majority	low	Resolution to be by absolute majority and one month local public notice is given
Property	NA	NA	
Environment	NA	NA	

#### Community & Strategic Objectives:

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability
5.2.1	Robust decision-making by culturally aware, well-informed and supported Councillors
5.2.3	Risks are well managed
5.2.6	Compliance with the Local Government Act 1995 and all other relevant legislation and regulations
5.4	Sound financial and asset management
5.4.4	Financial transactions are accurate and timely

#### Comment:

Attached as **Schedule 4.3(c)** is the approval letter for EPAR works under event AGRN951 from DFES. Also attached as **Schedule 4.3(d)** is a letter from Greenfields Technical Services quoting their estimated expenditure rate once the project starts.

It is clear that there will be a cashflow deficiency for the term of the works and that the Shire's finances will be unable to accommodate payment of contractors invoices without some form of short term cash injection. Application and approval for a Loan of \$3,000,000 will allow for swift payments to be made enabling claims to be submitted to DFES in a timely manner.

**OFFICER'S RECOMMENDATION PART ONE**

*That Council, by Absolute Majority, and in accordance S6.20 Local Government Act 1995, resolves to:*

- a. make application to Western Australian Treasury Corporation to borrow up to \$3,000,000 as a series of short-term loans with a common facility termination date being 12 months from establishment and drawdown of the facility; and*
- b. give one month's local public notice of the proposal to make an application to Western Australian Treasury Corporation to borrow up to \$3,000,000 as a series of short-term loans.*

**OFFICER'S RECOMMENDATION PART TWO**

*That Council by Absolute Majority, and in accordance S6.2 Local Government (Financial Management) Regulations 1996 approve the budget to be amended to incorporate a new loan of \$3,000,000.*

File No:	
Date of Meeting:	04 April 2022
Location/Address:	N/A
Name of Applicant:	Province Resources Limited
Name of Owner:	N/A
Author/s:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	Nil
Schedules:	Schedule 4.4(a) - Letter of offer from Province Resources Ltd, received 21 March 2022; Schedule 4.4(b) - Map of proposed PRL lease area in the North Common; and Schedule 4.4(c) - CONFIDENTIAL Options Paper by K&L Gates

#### Authority / Discretion

	<b>Advocacy</b>	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	<b>Executive</b>	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting, and amending budgets.
	<b>Legislative</b>	Includes adopting local laws, town planning schemes and policies.
	<b>Quasi-Judicial</b>	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	<b>Information</b>	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

#### Summary of Item:

Province Resources Limited (PRL) has written to the Shire of Carnarvon to formally make an offer of a voluntary payment based on 50% of the State lease fee in recognition of the community's interest in the land being considered for PRL's HyEnergy™ Project.

The officer's recommendation is that Council accepts the offer in principle and delegates authority to the CEO to negotiate finer details of the agreement with PRL.

#### Background:

PRL, in a joint venture with Total Eren Australia Pty Ltd (TE), wishes to develop the HyEnergy™ Zero Carbon Hydrogen Project (the Project) in the Shire of Carnarvon.

In April 2021, Council resolved to enter into a Memorandum of Understanding with PRL which articulates a commitment to working together and the Shire's support for PRL to develop the project on a portion of the North Common, subject to all necessary and proper legislative processes. See attached map of the proposed project area in the North Common – **Schedule 4.4(b)**.

Significant portions of the area are allocated as 'managed reserves' under the three separate Management Orders for the purposes respectively of 'Town Common', 'Resting place for travellers and stock' and 'Artesian Bore'. Only the 'Artesian Bore' Management Order that includes a power for the Shire to lease - of up to 21 years with the Minister's prior consent, however, the intent is that the Bore is excluded from the project area.

The State has granted PRL a non-exclusive Section 91 Licence over an area of Crown land located generally to the north of the Carnarvon town site area.

The Licence is intended to assist PRL to assess the Project's feasibility and to help identify a suitable portion of the Licence Land that PRL would wish to lease for the Project. The Licence Land includes three Crown reserves each under a separate management order with the Shire.

The Shire's 3 Management Orders represent a statutory right granted to the Shire to manage and control those relevant lands. Under current legislation, the Minister cannot exercise a power or perform any of the Minister's duties in respect of the care, control or management of Crown land in a reserve under Management Order (such as to lease the managed land) without the consent of the relevant management body unless the power being exercised is the Minister's express power to cause the revocation of a Management Order arising in some circumstances, these circumstances are itemised and explained in confidential attachment – **Schedule 4.4(c)** which is legal advice obtained by the Shire on options for the Shire to secure a benefit for the Carnarvon community.

PRL presently holds some preference that the Project's proposed Lease Area would be or would include a portion of the land in one or more of these three Crown reserves under the Management Orders.

Shire officers are supportive of the Project but understand that Council is also keen to ensure that the Shire and its residents benefit fairly from the Project.

The Department of Planning, Lands and Heritage (DPLH) has asserted that the Shire should consent to the revocation of the Shire's Management Orders where and to the extent that would be required to enable DPLH (the Minister) to enter into a lease with PRL in relation to the project area, and for the Shire and PRL to enter into a separate agreement on terms acceptable to the Shire, to encourage and enable local community engagement.

While the Shire was assessing the options and legal advice, PRL has approached the Shire with an offer of voluntary annual payments equal to 50% of the lease fee that would be paid to the State, for the life of the project, where a formal lease is entered into with the State. See attached letter of offer at **Schedule 4.4(a)**. This offer is presented as one part of a package of benefits that the PRL is suggesting will be made available as the project progresses and develops.

**Consultation:**

DPLH

**Statutory Environment:**

*Local Government Act 1995*

**Relevant Plans and Policy:**

N/A

**Financial Implications:**

**Risk Assessment:**

Consequence

STEP 3 – Risk Tolerance Chart Used to Determine Risk				
Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5

Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	<p>Potential for the shire to negotiate a higher return by assuming the role of head lessor.</p> <p>The value of the lease is unknown; therefore, the figure that would be arrived at via 50% of the lease value is also unknown.</p>	High	<p>This option also presents a risk to Council. PRL may choose to withdraw the offer of a voluntary payment and negotiate directly and solely with the State Government.</p> <p>The value is over and above the lease fee, resulting in PLR paying what is in effect 150% of the value of the lease. It is unlikely the Shire could attract a large % given the Shire’s bargaining position.</p>
Health & Safety	N/A		
Reputation	The Shire’s reputation could be damaged if the Shire rejects this offer as it may appear obstructive or be seen to be putting barriers in front of projects that have the potential to create jobs and economic prosperity.	High	Accepting this offer would demonstrate Council’s commitment to a project that is likely to result in significant economic development for Carnarvon.
Service disruption	N/A		
Compliance	N/A		
Property	Loss of a property (the North Common) for use by the community.	Moderate	The payment offered, plus the potential economic growth that could be realised from this project, compensates for the loss of this property.
Environment	Environmental impacts from the project are unknown.	Moderate	The State Government, as the head lessor and authority with legislative responsibility for environmental approvals, would assume responsibility for environmental studies and managing any potential environmental impacts.
Fraud	N/A		

## Community & Strategic Objectives:

### Goal 1: Economic

*A strong and growing economy, with a thriving regional centre, abundant business opportunities and jobs.*

ITEM	OUTCOMES AND STRATEGIES
1.1	Local business growth
1.1.1	Work with the Gascoyne Development Commission, Chamber of Commerce, Aboriginal Corporations and local businesses to identify opportunities for business growth

#### Comment:

The Shire does not seek to hinder projects that have the potential to create a lasting benefit in terms of jobs and growth for the region; however, it is also the Shire's responsibility to ensure that the community interest is recognised, valued, and protected.

The Shire has been advised that foreshadowed legislative changes to the State's existing laws would allow the Minister to excise a portion of the reserve without the consent of the Shire. This change, if passed, would diminish the Shire's bargaining capacity.

The lack of a strong bargaining position, combined with an appreciation for the potential of this project to bring about transformational and sustainable economic benefit to this community, and noting that the project is also contributing to a clean energy agenda, makes the offer by PRL for a 50% voluntary payment, one that the officer is willing to recommend that Council accepts.

It is timely that this matter is being presented to Council as the Memorandum of Understanding (MoU) between the Shire and PRL, which was originally executed in May 2021 until 30 October 2021, with an option to extend until 30 April 2022 is due to expire. The non-exclusive MoU promotes cooperation between the parties for the development of a HyEnergy™ Zero Carbon Hydrogen Project through investigation of the viability of utilising an area of land located within the Shire boundaries. The MoU allows for a further extension by mutual agreement of both Parties. PRL has expressed an interest in an extension to the MoU and the officer's recommendation is that Council accepts that request and extends the MoU for 12 months from 1 May 2022 until 30 April 2023 with an option for a further 12-month extension.

#### **OFFICER'S RECOMMENDATION PART ONE**

*That Council, by Simple Majority, pursuant to s3.18 of the Local Government Act 1995, resolves to:*

- a. Accept the offer by Province Resources Limited of annual payments equal to 50% of the lease fee that would be paid to the State, for the life of the project, where a formal lease is entered into with the State, noting that this annual payment will constitute only one part of a package of benefits that will be offered as the project is progressed; and*
- b. Delegate authority to the Chief Executive Officer to negotiate the terms of the agreement.*
- c. Extend the current Memorandum of Understanding between the Shire of Carnarvon and Province Resources Limited for 12 months from 1 May 2022 until 30 April 2023 with an option for a further 12-month extension.*

File No:	ADM0122
Date of Meeting:	5 April 2022
Location/Address:	Blowholes Reserve
Name of Applicant:	Various
Name of Owner:	Not Applicable
Author/s:	David Nielsen – Executive Manager Infrastructure Services
Declaration of Interest:	NIL
Voting Requirements:	Simple Majority

#### Authority / Discretion

	<b>Advocacy</b>	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	<b>Executive</b>	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
	<b>Legislative</b>	Includes adopting local laws, town planning schemes and policies.
	<b>Quasi-Judicial</b>	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	<b>Information</b>	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

#### Summary of Item:

A fee waiver for disposal of Blowholes shack demolition waste at the Browns Range waste facility is recommended. The recommendation is intended to support timely, cooperative shack removal and appropriate disposal by shack owners.

#### Background:

Letters were issued to Blowholes shack owners in March notifying of the Shire's intent to issue formal orders for demolition of Blowholes shacks.

At the time of writing, three requests to waive tip disposal fees for shack demolition material have been received from shack owners who have advised they are taking action to remove their shacks at the Blowholes. Additional similar requests are considered likely.

#### Consultation:

Nil Applicable.

#### Statutory Environment:

*Local Government Act 1995* Section 6.16. - Imposition of fees and charges and Section 6.12 - Power to defer, grant discounts, waive or write off debts.

#### Relevant Plans and Policy:

Nil applicable.

#### Financial Implications:

If adopted, the recommendation will result in a lost opportunity for receipt of waste disposal fees.

Calculation of the fees and charges payable for shack demolition material is not possible to determine with

any degree of accuracy as quantities for each waste type that attracts a fee is not able to be determined. Total fees forfeited by approving the waiver is not however expected to exceed \$5,000.

The table below shows applicable fees associated with anticipated shack demolition material:

Waste Material	Applicable Fee
Metal	Free
Mixed Construction and Demolition Waste	\$21/T
Asbestos	\$90/T + \$65 burial fee.

Most waste generated is anticipated to be in the form of metal sheeting, other metal and mixed construction and demolition (C and D) waste. Some asbestos waste is also likely.

Scrap metal can attract sale values between \$0 - \$130/T depending on market rates. Current scrap metal sale values are high. The recommendation includes a requirement for owners to complete waste separation to maximise recovery of scrap metal as a fee loss offset.

**Risk Assessment:**

STEP 3 – Risk Tolerance Chart Used to Determine Risk						
Consequence		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	Loss of operating revenue for waste service delivery.	B2 - High	Cost savings associated with minimising boundaries to shack removal of Blowholes shacks considered likely to outweigh fee losses.
Health & Safety	Asbestos waste not delivered to waste facility in correct manner.	C2 - Moderate	Education of shack owners regarding safe asbestos handling is included in recommendation.
Reputation	Not supporting shack owners willing to take action to comply with building orders may entrench a lack of cooperation to remove shacks.	C2 - Moderate	Adopting the recommendation is an act of good will on the part of Council adding weight to the intent to encourage and support shack owners to comply with removal orders.
Service disruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		
Fraud	N/A		



### Community & Strategic Objectives:

The proposal accords with the following Shire desired outcomes as expressed in the Community Strategic Plan 2018-2028:

#### **Goal 2: Natural and built environment**

*A sustainable natural and built environment that meets current and future community needs*

ITEM	OUTCOMES AND STRATEGIES
2.4	Waste management practices that are efficient and sustainable
2.4.3	Provide education on waste reduction and reuse, and opportunities for reuse

#### **Comment:**

A range of simple conditions are proposed to manage any risks associated with uncontrolled shack demolition waste disposal.

#### **OFFICER'S RECOMMENDATION**

*That Council, by Simple Majority pursuant to Section 6.16 of the Local Government Act 1995, authorises the CEO to advise all Blowholes shack owners that fees and charges for disposal of waste generated from the demolition of Blowholes Reserve shacks shall be waived subject to the following:*

- 1. Disposal of shack demolition waste material shall be completed prior to the date nominated in any formal shack demolition building order.*
- 2. Shack demolition waste shall be delivered to the Browns Range Waste Facility during its normal hours of operation.*
- 3. Shack waste shall separate as much as practicable all recyclable metal waste from the demolition waste material.*
- 4. Any asbestos demolition waste shall be non-friable and not greater than 10 square meters in quantity for non-licensed removal and disposal.*
- 5. Any asbestos waste shall be handled and delivered to the waste facility in accordance with the National Code of Practice for the Safe Removal of Asbestos.*
- 6. The waiver, subject to all conditions listed above, shall also apply to commercial service providers undertaking shack demolition and waste disposal works on behalf of shack owners.*

File No:	TBA
Date of Meeting:	12 April 2022
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	Amanda Leighton, Manager People, Culture & Systems
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Schedules:	4.6(a) E068 SoC Mask Policy 4.6.(b) COVID Transition Face Covering Directions

#### Authority / Discretion

	<b>Advocacy</b>	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
	<b>Executive</b>	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
X	<b>Legislative</b>	Includes adopting local laws, town planning schemes and policies.
	<b>Quasi-Judicial</b>	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.
	<b>Information</b>	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

#### Summary of Item:

This item presents a draft Policy to provide a clear protocol for members of the public, employees and elected members on how the Shire is implementing the State Government requirement for mask wearing under the Western Australian Public Health Directions (Directions).

#### Background:

Since the implementation of the Directions, members of the public, employees and elected members have had to interpret various documents relating the Directions and apply them to their individual circumstances.

This has resulted in some people not adhering to the Directions and has previously caused confrontations in Shire owned premises. The confrontation has been caused due to people having different interpretations of the directions, how they have applied them to their individual circumstances and has resulted in employees being challenged and verbally abused when trying to enforce the Directions.

As an employer, the Shire of Carnarvon has a responsibility to provide and maintain, as far as practicable, a safe working environment for our employees under Section 19(1) of the Occupational Safety and Health Act 1984 (OSH Act). The Shire as an organisation have a duty of care to provide and maintain safe workplaces, and where practicable, put policies in place to reduce the risk OSH risk for employees, members of the public and elected members entering Shire premises.

The purpose of this policy is to guide our employees, so our treatment of members of the public, employees and elected members is consistent compliant with the law and Directions. This will ensure that the actions taken to ensure compliance with this policy are consistent, transparent and legally defensible. This will ensure staff are not required to interpret the directions themselves, which could potentially be open to criticism or a perception of personal or professional bias.

**Consultation:**

Carla Vinciullo, Kennedy & Vinciullo  
 Australia Human Rights Commission  
 Department of Health  
 Government of Western Australia

**Statutory Environment:**

Public Health Act 2016  
 Emergency Management Act 2005 (WA)  
 COVID-19 Coronavirus: State Emergency Declarations

**Relevant Plans and Policy:**

Should Council endorse Policy E068 – Face Mask Policy, this policy will be included in the Shire of Carnarvon Policy Manual and guide decisions on this matter.

**Financial Implications:**

There are no direct financial implications with adopting this policy, however, should a member of the public, employee or elected member refuse to wear a mask upon entering an indoor area as outlined by the WA Public Health Directions (without proof of a valid medical exemption) they may be issued an infringement notice of \$1,000 or face 12m imprisonment and a fine up to \$50,000. The financial implications to businesses may be an infringement notice of \$5,000 and a fine up to \$250,000.

**Risk Assessment:**

**Consequence** → **STEP 3 – Risk Tolerance Chart Used to Determine Risk**

		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
<b>Likelihood</b>						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
<b>Financial</b>	If individuals, or the Shire are found in breach of the Public Health Directions, they may face significant financial costs and imprisonment.	High	The proposed policy will provide clear guidance on the expected behaviour of members of the public, employees and elected members.
<b>Health &amp; Safety</b>	The Shire has an obligation under the OSH Act to provide a safe	High	The proposed policy will provide clear guidance on the expected

	workplace for employees, members of the public and elected members.		behaviour of members of the public, employees and elected members.
<b>Reputation</b>	N/A	Low	
<b>Service disruption</b>	Delivery of services to our community may be impacted if employees are required to spend time seeking clarification and interpretation of the Mask Directions.	Moderate	The proposed policy will provide clear guidance on the expected behaviour of members of the public, employees and elected members.
<b>Compliance</b>	Individual interpretations of the Mask Directions may result in non-compliance and legal action.	High	The proposed policy will provide clear guidance on the expected behaviour of members of the public, employees and elected members.
<b>Property</b>	N/A		
<b>Environment</b>	N/A		
<b>Fraud</b>	N/A		

#### Community & Strategic Objectives:

The proposal accords with the following Shire desired outcomes as expressed in the *Community Strategic Plan 2018-2028*:

Objective 5: Civic – *Strong and Listening Council*.

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability.
5.2.6	Compliance with the Local Government Act 1995 and all other legislation and regulations.

#### Comment:

This intention of this policy is to provide clear guidelines to employees who were previously interpreting various documents. This policy will ensure staff are not required to interpret the directions themselves, and reduce the risk of criticism or a perception of personal or professional bias.

It will ensure that actions taken in accordance with this policy are consistent, transparent and legally defensible should any action be taken by persons not complying with this policy.

#### OFFICER'S RECOMMENDATION

*That Council, by Simple Majority, pursuant to s.2.17 of the Local Government Act 1995, resolves to adopt Policy E068–Face Mask Policy as presented in Schedule 4.6(a).*