



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

Council Chambers, Stuart Street  
CARNARVON, West Australia  
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## CONFIDENTIAL SCHEDULES UNDER SEPARATE COVER

Schedule 4.4(b) – Province Resources – Option Paper (CONFIDENTIAL)

## SCHEDULE 4.2 – EXTRACT ORDINARY COUNCIL MEETING FEBRUARY 2022 – FC 22/2/22

### 7.4.2 BLOWHOLES TOURISM PRECINCT REDEVELOPMENT PROJECT COMPLETION PLAN

2.06pm – Cr Skender declared an Impartiality Interest in this item as his partner is co-author of the report. Cr Skender was not required to leave the meeting and could participate and vote on the matter.

File No.	ADM1762
Date of Meeting:	22 February 2022
Location/Address:	Blowholes – day use facilities
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:	SCM 2/5/20
Schedules:	Schedule 7.4.2(a) – Project Status Schedule 7.4.2(b) – Revised Platform Concept Schedule 7.4.2(c) – Project Completion Plan

#### 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 Project Completion Plan for the Blowholes Tourism Precinct Redevelopment has been developed and is recommended to Council for endorsement including authorisation for the CEO to negotiate and finalise the funding arrangement with the Department of Primary Industries and Regional Development (DPIRD).

#### Background:

At its Special Council meeting on 21 May 2020 Council awarded contract RFT 03/2020 for the Design and Construction of Tourism Facilities at Blowholes.

This project included multiple improvements to day use facilities across three Blowholes Reserve area sites. Works included car parks, viewing platforms, public toilets, picnic shelters, signage, and a walkway.

**Schedule 7.4.2(a)** summarises the status of the project elements.

Project elements requiring Council consideration centres around destruction of the walkway at the Blowholes viewing area, Site 1.

On 13 July 2021 the Carnarvon coast was impacted by a significant swell event. Large wave impacts resulted in the walkway being irreparably damaged. Demolition and removal of the remnants of the structure was required.

Walkway construction cost was \$237,600. An insurance claim was lodged and an insurance payout value of \$198,475 was approved by the Shire’s insurer LGIS and subsequently paid to the Shire. There is no obligation for that insurance payout to be utilised for reconstruction of the destroyed walkway and view platforms.

This event has delayed project completion until a way forward could be determined. This report recommends a plan for the successful project completion which should satisfy the project funding arrangements.

**Stakeholder and Public Consultation:**

Northern Aspects – Project Contractor  
 Department of Primary Industries and Regional Development  
 Gascoyne Development Commission

**Statutory Environment:**

N/A

**Relevant Plans and Policy:**

N/A

**Financial Implications:**

There are financial implications associated with the recommendations. The financial commitments to are detailed in the Project Completion Plan in Schedule 7.4.2(c). All financial commitments may be met by the existing funded project budget and insurance monies already received.

**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	Cost escalation.	C2 – Moderate	Escalation has been included in estimates with a specific allowance made for contingency.
	Failure to complete the funded project by 30 June 2022 risks existing funding.	D3 - Moderate	Scope reduced to interpretive platform only as recommended in Completion Plan.
Health & Safety	Risk to public from waves impacting boardwalk users	C5 - Extreme	Scope reduced to interpretive platform only as recommended in Completion Plan.
Reputation	Incomplete project seen as project failure.	C2 - Moderate	Endorse project Completion Plan.
Service disruption	N/A		
Compliance	N/A		
Property	Damage to walkway likely if rebuilt to same standard.	A3- Extreme	Scope reduced to interpretive platform only as recommended in Completion Plan.
Environment	N/A		
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 4: Cross-cultural connection

*Acknowledged and celebrated traditional owners and diverse cultures that make up the community.*

ITEM	OUTCOMES AND STRATEGIES
4.1	The community's distinctive cultural mix and history is acknowledged and celebrated
4.1.1	lingarra, the first people of this area, are acknowledged and celebrated

#### 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:

The Blowholes project under Contract RFT 03/2020 is funded by the Department of Primary Industries and Regional Development (DPIRD). Funding received in 2010/11 included two project stages. The first stage was for construction of ablution facilities. Those works were completed in 2013/14.

The second stage included development of day use facilities generally outlined in the Blowholes Master Plan. It should be noted; the 2014 Blowholes Management Plan superseded the Blowholes Master Plan however the day use facilities remained consistent.

The walkway was a significant project feature. Its destruction and replacement raise simultaneous and inter-related practical, financial and risk issues as follows:

- Proposed Blowholes site interpretive signage had signage being installed along the boardwalk and view platforms. Some form of structure is required to maintain interpretive signage project elements;
- Structurally, a solid concrete walkway and platforms is the necessary engineering solution to resist wave action previously demonstrated;
- Concrete walkway construction requires either a concrete pump, an access track or crane and kibble arrangement to deliver concrete onto the cliff where it is poured to form a walkway. These all contribute to make the unit rate for walkway construction higher than the previous walkway structure;
- Insufficient project budget (including the insurance payment) remains available to complete a solid concrete boardwalk with platforms to the same length as previously proposed and the interpretive signage project elements; and
- A platform of a reduced length (say half) will still place users at risk of waves from swell events. This risk is rated as extreme – Possible with extreme consequences.

As a result, replacement with even a partial walkway is not recommended.

The recommended option is to construct a concrete interpretive platform area adjacent to the carpark as indicated in **Schedule 7.4.2(b)**.

This option:

- is able to be constructed with no specialist equipment requirements;
- will be used to support the interpretive signage elements;
- can be funded within the existing available project budget; and
- reduces the public risk to a level assessed as Low – Unlikely with minor consequences.

If endorsed, this element would proceed as a variation under the existing RFT 03/2020 contract as it is necessary to coordinate the revised platform with the signage works already a part of that contract.

The Department has been updated on the boardwalk destruction and insurance claim. To progress completion of the Blowholes Tourism Precinct Redevelopment Project, DPIRD officers have generally agreed to proceed on the following basis:

1. Complete designs for all interpretive signage (Sites 1 and 2);
2. Complete design for interpretive platform at Site 1 as generally indicated in Schedule 7.4.2(b);
3. Approval of items 1 and 2 by the Department/Project Working Group with construction of these elements;
4. That would complete the funding agreement requirements to a point where the project may be acquitted and closed; and
5. Allocation of insurance monies to alternative day use facilities only at the Blowholes. These items would be undertaken separate from the funded works and are therefore not time critical in relation to a funding program.

In addition, the Gascoyne Development Commission (GDC) is currently working on development of an additional shelter adjacent to Site 2 to specifically recognise indigenous cultural aspects of the area. It is likely that procurement of that structure and interpretive signage will occur under Shire auspice due to statutory limitations within GDC operations. GDC have however undertaken to complete all project management activities associated with the project.

GDC are attempting to source some additional private sector funding for this project. Latest advice indicated high confidence in sourcing those funds.

As the infrastructure will be on a Shire controlled reserve, the Shire will ultimately become responsible for its care and control. It is important therefore that the Shire has input to the project not only in terms of asset durability but also as it supports development of day use facilities generally and will be a visitor facility improvement for the area.

It is recommended that a portion of the available insurance monies contribute to this element and is included in the Project Completion Plan.

Further, erosion of an area of beach dune between Sites 2 and 3 occurred at the July 2021 swell event and the 2021 Cyclone Seroja. The Project Completion Plan proposes an allocation of \$50,000 toward erosion control at that site. In particular, Coast WA grants are currently open, and it may be possible to leverage up to an additional \$60,000 for erosion control and coastal remediation works.

The full proposed Project Completion Plan is provided in full summary in **Schedule 7.4.2(c)**.

OFFICER'S RECOMMENDATION PART ONE

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

Contract Works – RFT 03/2020 - Funded through existing DPIRD funding agreement.

*Balance of Project Funds: \$116,991.43*

<i>Site</i>	<i>Site Works</i>	<i>Estimated Cost</i>	<i>Estimated Completion</i>	<i>Comment</i>
<i>Site 1</i>	<i>Interpretive Platform</i>	<i>\$61,000</i>	<i>June 2022</i>	<i>By existing contractor</i>
<i>Site 1 and 2</i>	<i>Interpretive Signage</i>	<i>\$55,000</i>	<i>June 2022</i>	<i>By existing contractor</i>
<i>Total</i>		<i>\$116,000</i>		

Shire 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>
<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>	

OFFICER'S RECOMMENDATION PART TWO

That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act 1995 authorises the CEO to negotiate and finalise with the Department of Primary Industries and Regional Development the Project Completion Plan for completion of the Blowholes Tourism Precinct Redevelopment Project as detailed above.

**FC 22/2/22**

**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION**

*Cr Skender/Cr Ferreirinha*

**PART ONE**

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**Balance of Project Funds: \$116,991.43**

Site	Site Works	Estimated Cost	Estimated Completion	Comment
Site 1	Interpretive Platform	\$61,000	June 2022	By existing contractor
Site 1 and 2	Interpretive Signage	\$55,000	June 2022	By existing contractor
<b>Total</b>		<b>\$116,000</b>		

Shire 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	Erosion control works on beach area between the two sites.	\$50,000	Leverage funds toward funding application under CoastWA grants. Potential to leverage total project budget of \$110,000.
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.
All Sites	Project Contingency	\$25,000	May be utilized on any element.
<b>Total</b>		<b>\$198,475</b>	

**PART TWO**

That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act 1995 authorises the CEO to negotiate and finalise with the Department of Primary Industries and Regional Development the Project Completion Plan for completion of the Blowholes Tourism Precinct Redevelopment Project as detailed above.

**CARRIED**  
**F7/A0**



SCHEDULE 4.3(a)

PROJECTED CASHFLOW SCENARIO - AGRN951 DRFAWA

SCENARIO 1 - REIMBURSEMENT STARTS WITHIN 60 DAYS

DAYS SINCE CLAIM	7	21	35	49	63	77	91	105	119	133	147	161	175	189	203	217	231	245	
FORTNIGHT #	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
1	650,000					-2,122,039	-650,000												
2	650,000	1,300,000					-2,122,039	-650,000											
3	650,000		1,950,000					-650,000											
4	650,000			2,600,000				-3,422,039	-650,000										
5	650,000				3,250,000				-4,072,039	-650,000									
6	650,000					3,900,000													
7	650,000						4,550,000												
8	650,000							5,200,000											
9	650,000								5,850,000										
10	650,000									6,500,000									
11	650,000										7,150,000								
12	650,000											7,800,000							
13	650,000												8,450,000						
14	650,000													9,100,000					
15	650,000														9,750,000				
16	650,000															10,400,000			
Outstanding Balance	1,300,000	1,950,000	2,600,000	3,250,000	1,777,961	1,777,961	1,777,961	1,777,961	1,777,961	1,777,961	1,777,961	1,777,961	1,777,961	1,777,961	1,777,961	1,777,961	1,127,961	477,961	0

SCENARIO 2 - REIMBURSEMENT STARTS WITHIN 90 DAYS

DAYS SINCE CLAIM	7	21	35	49	63	77	91	105	119	133	147	161	175	189	203	217	231	245	259	273	287	
FORTNIGHT #	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
1	650,000																					
2	650,000	1,300,000																				
3	650,000		1,950,000																			
4	650,000			2,600,000																		
5	650,000				3,250,000																	
6	650,000					3,900,000																
7	650,000						4,550,000															
8	650,000							5,200,000														
9	650,000								5,850,000													
10	650,000									6,500,000												
11	650,000										7,150,000											
12	650,000											7,800,000										
13	650,000												8,450,000									
14	650,000													9,100,000								
15	650,000														9,750,000							
16	650,000															10,400,000						
Outstanding Balance	1,300,000	1,950,000	2,600,000	3,250,000	3,900,000	4,550,000	3,077,961	3,077,961	3,077,961	3,077,961	3,077,961	3,077,961	3,077,961	3,077,961	3,077,961	3,077,961	1,988,155	1,338,155	688,155	38,155	0	

Essentially when looking at debt financing for a large construction project, there are two separate issues that need to be addressed and managed;

1. Cashflow management during construction period (i.e., progress payments to supplier); and
2. Interest Rate Management for the term of the loan (i.e., many organisations tend to borrow for a similar term to the life of the asset).

For the cashflow management during construction period there are a number of alternatives to consider, which include an element of taking the interest rate applicable on the day the funds are required, however this is only for a short period of time and does not have longer term consequences to that of the financing for the life of the asset. Other matters to consider during construction phase include:

- Debt servicing or capitalisation of interest. Some organisations will make interest repayments during construction phase, where other organisations include the cost of interest as part of the cost of construction and capitalise interest. This is really dependent on sufficient cashflows during construction to service debt.
- Flexibility as to timing of drawdowns as many projects run behind schedule.

### **Short Term Loan Facility**

Under a short term loan facility, cash flow management for projects can be drawn down as required for terms from seven days out to a maximum of one year (or longer subject to agreement by Treasury Corporation). Short term loans have all interest and capital repayable on the maturity date.

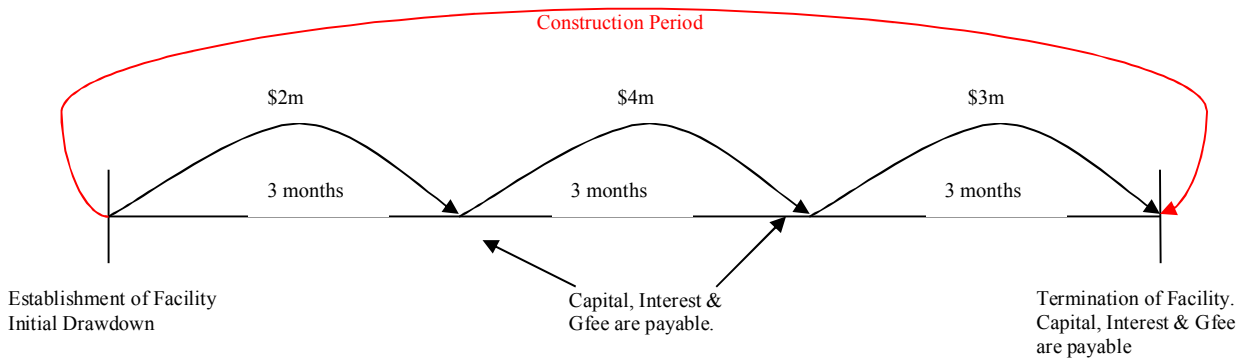
At the end of the short term facility a long term loan may be established which can have the interest rate fixed at any point in time prior to its drawdown date. By having the final maturity date of the loans under the short term loan facility the same as the drawdown date for the long term loan, this effectively rolls the short term loans into the long term loan, with the net difference to be settled on the day.

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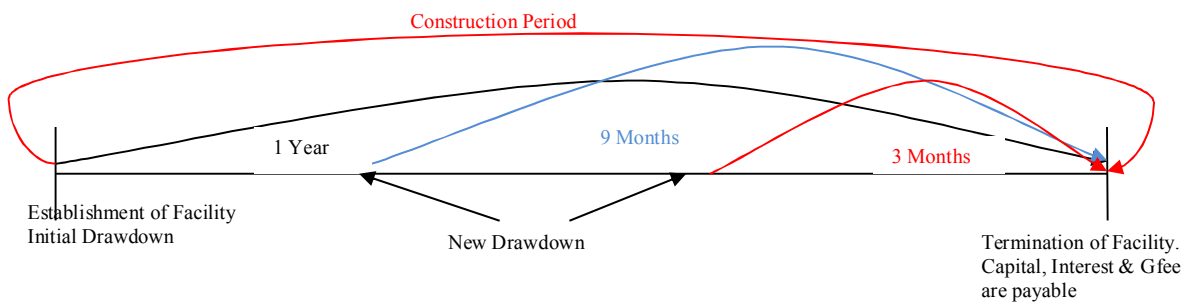
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### Option 1 – Rolling Short Term Loans



Loan is drawn down for a specified period, the maturity date may be the next required drawdown date. At the maturity date, the maturing capital, interest and guarantee fee can be repaid 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 – Series of Short Term Loans



Loans are drawdown when funds are required with each loan having the same maturity date. At the maturity date, capital, interest and guarantee fee are effectively due at the completion of the construction phase.

**DISCLAIMER**

Any opinions, judgments, conclusions, forecasts, predictions or estimations contained in this advice are made in reliance on information provided to Western Australian Treasury Corporation which Western Australian Treasury Corporation believes to be reliable. Western Australian Treasury Corporation, however, cannot guarantee the accuracy of that information. Thus, any recommendations are made in good faith but are provided only to assist you with any decisions which you make. These recommendations are not intended to be a substitute for professional advice on a particular matter. Before accepting or rejecting those recommendations you must discuss your particular needs and circumstances with Western Australian Treasury Corporation

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Ms Andrea Selvey  
Chief Executive Officer  
Shire of Carnarvon  
3 Francis Street  
CARNARVON WA 6701

Dear Ms Selvey,

**Approval – Cost Estimate Essential Public Asset Reconstruction Works  
Disaster Recovery Funding Arrangements Western Australia (DRFAWA)  
AGRN951 – Tropical Low and Associated Flooding (28 January – 8 February  
2021)**

The cost estimate to undertake Essential Public Asset Reconstruction (EPAR) works under event AGRN951 submitted by the Shire of Carnarvon (Shire) has been assessed by DFES Disaster Recovery Funding Officers. 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 approved cost estimate should not be considered a budget for reconstruction works, and the Shire must retain accurate records relating to project risks that eventuate and require the use of contingency.

The Shire may submit a claim for reimbursement of actual costs incurred through regular instalments for larger projects to ease potential cashflow issues, or at the completion of the reinstatement program.

Reimbursement of expenditure will be paid on the eligible actual expenditure incurred up to the value of the approved cost estimate. Supporting documentation such as (but not limited to) compliant tax invoices, daily work docket and evidence of payment to suppliers is required to be submitted for assessment and approval. Each claim will be assessed by DFES to verify eligibility of costs and ensure work undertaken aligns with the scope of works approved in the cost estimate.

Any queries that may arise through the claim process will be addressed directly with the Shire and where issues arise that may take time to resolve, a part payment of the claim may be paid to minimise disruption to restoration activities and potential cashflow issues.

Once eligible activities and expenditure have been approved and any applicable deductions have been confirmed, a DRFAWA claim form will be forwarded for completion and a GST exclusive tax invoice will be requested from the Shire to finalise payment.

Please note the following:

- Works are due to be completed no later than 30 June 2023 to comply with the DRFAWA.
- Should the cost of works (actuals incurred + estimated costs of future works to be completed) have the potential to exceed the value approved cost estimate, DFES must be advised as soon as possible. Discussions can then occur in relation to actions that may be required in respect of any variance above the approved cost estimate, including the submission of a Cost Variation Form to DFES.
- Any reimbursement of costs above the approved cost estimate will be subject to satisfactory evidence being provided that details the unforeseen risks and/or special circumstances that impacted the delivery of the scope of works.

The Shire has indicated through the EPAR cost estimate process that access to Asset Repair Working Capital (ARWC) will be required. ARWC is an advance payment of 20% of the value of the approved cost estimate. The Terms and Conditions of ARWC are attached.

To access ARWC for event AGRN951, please submit the following:

- Signed Terms and Conditions document, confirming that the Shire has read and understood the terms and conditions associated with the advance payment and intends to use the ARWC for the works related to AGRN951.
- A GST exclusive tax invoice for 20% of the approved cost estimate, being **\$2,122,039**, addressed to the Department of Fire and Emergency Services.

If you require any further assistance, please contact the Disaster Recovery Funding Officers at [drfawa@dfes.wa.gov.au](mailto:drfawa@dfes.wa.gov.au).

Yours sincerely

**Robbie Stainton**  
**Manager Disaster Recovery Funding**

24 March 2022

#### Schedule 4.3 (d) – Email from Greenfields Technical Services regarding Expenditure Rate

**From:** Hayden Andrews <[hayden.andrews@greenfieldtech.com.au](mailto:hayden.andrews@greenfieldtech.com.au)>  
**Sent:** Thursday, 6 January 2022 1:22 PM  
**To:** Carolien Claassens <[claassens.c@carnarvon.wa.gov.au](mailto:claassens.c@carnarvon.wa.gov.au)>  
**Cc:** Susan Mizen <[Mizen.S@carnarvon.wa.gov.au](mailto:Mizen.S@carnarvon.wa.gov.au)>  
**Subject:** RE: [#J0612] DFES - upfront payment Flood works & cashflow

Good Afternoon Carolien,

Yes, we will be able to get 20% upfront so a bit over \$2M on our current estimate.

The way the process works we currently have the scope of works approved (with estimated pricing) and need to confirm the pricing via a competitive tender (which we have done). Once council accepts our recommendation for award, we will be able to plug the respective rates back into the cost estimate and have the final cost estimate approved by DFES.

This would then be the point at which we apply for the 20% upfront payment which Greenfield will be able to assist with.

In terms of invoicing, we generally run things on a 2 week cycle so you could expect 2 invoices per contractor per month. Invoice will be based on the actual hours worked on each machine + other accommodation and supervision resources involved.

As a very general indication we might expect around \$30k/ day per contractor and they will work 21 days per month so can expect expenditure of around \$1.3M/month which will eat into your upfront payment very quickly. This is obviously highly variable due to the schedule of rates contract and things would change quickly if different contractors start at different times and working rosters/ hours are varied.

Greenfield will collate all of the necessary information in order to get each claim submitted and approved by DFES. The key things that we need from the Shire is that immediately after an invoice is paid, we are provided copies of the remittance and the signed/ stamped invoice. Without these we cannot submit the claim and if these are provided to us straight away then the holdup to submitting the claim will be with Greenfield and not the Shire.

Unfortunately, we often are in a situation where we are not provided copies of these items and end up having to chase down the copies for each invoice we know has been submitted. By the time we receive them we can see that it may have been paid >6 weeks ago and is directly related to having the claim submitted and then there is a well-known delay to it being approved.

Sorry I'm getting into the habit of sending you large emails however I hope this clarifies a few things for you.

Let me know if I can help with anything else.

Kind Regards,

**Hayden Andrews**  
Senior Project Engineer

[hayden.andrews@greenfieldtech.com.au](mailto:hayden.andrews@greenfieldtech.com.au)

M 0448 984 502

Andrea Selvey  
Chief Executive Officer  
Shire of Carnarvon  
PO Box 459  
Carnarvon WA 6701

Dear Andrea,

Further to our regular discussions in relation to Province Resources leasing what is known as the Town Common area for the HyEnergy™ green hydrogen development, I wish to provide a formal offer for consideration by the Shire of Carnarvon.

Province has discussed the proposed lease extensively with the State Government, including the current and former Minister for Lands and the Department of Planning, Lands and Heritage. It is clear based on those discussions that the State believes it should be the lessor of the Town Common and should enter a lease agreement directly with Province Resources. Province is comfortable with this position.

Although a formal valuation for the land is yet to be finalised and the final advice from the Valuer General's office on how the State Lease costs will be charged, initial discussions have indicated that the lease fee could be up to \$1 million per annum, depending on final infrastructure installed on the Town Common area.

Given the Shire's current interest in the land, and the desire by Province that the local community sees tangible benefits from the HyEnergy™ development, we propose to make a voluntary payment to the Shire of Carnarvon in addition to the fee paid to the State. Province proposes this annual payment to be 50% of the State lease fee.

Province would be happy to enter into a formal agreement with the Shire to provide comfort that this payment is guaranteed for the life of the project where a formal lease is entered into with the State for the Town Common area.

It is important to note that Province sees this payment as just one part of a package of benefits that the HyEnergy™ Project will provide to the local community in Carnarvon and the broader Gascoyne region. Those benefits will be further defined as the project's feasibility studies provide a more mature understanding of the impact of the development. These may include direct and indirect economic opportunities and initiatives to address and capitalise on the social impacts of the project.

I look forward to the Shire of Carnarvon's response on this matter. We continue to greatly value the strong support we receive from the Council through both the elected representatives and the Shire staff.

Yours sincerely,

PP 

David J Frances  
CEO and Managing Director

EOXX		COVID TESTING POLICY	
<b>POLICY OWNER:</b>	People, Culture & Systems Manager		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>	11/03/2022	<b>REVIEW SCHEDULE:</b>	Annually
<b>DATE EFFECTIVE FROM:</b>	11/03/2022		
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>APPROVED BY CEO:</b>

## 1. Overview

This policy, the *Shire of Carnarvon COVID-19 Face Mask Policy* (Policy), has been developed in conjunction with information and guidelines from various governing and medical bodies within Australia and well as applicable Western Australian directions and mandates.

## 2. Scope

This Policy applies to all:

- Shire of Carnarvon employees, agents, contractors including temporary contractors, interns, and consultants and anyone else attending a Shire of Carnarvon premise for any reason (Staff); and
- Shire of Carnarvon visitors (casual, repeat or otherwise) and anyone else attending a Shire of Carnarvon premise for any reason (Visitors).

This Policy applies to any Shire of Carnarvon location, place and equipment including vehicles (including Shire of Carnarvon stakeholder, customer/client sites and locations) (Shire of Carnarvon Premises). This Policy extends for Staff to all functions and places that are work related, for example, work functions and conferences.

## 3. Purpose

The purpose of this Policy is so the Shire of Carnarvon can provide guidelines regarding the requirement to wear a face mask on Shire of Carnarvon Premises.

To be clear, all applicable State and Federal requirements regarding COVID-19 must be complied with. This policy provides for consistent and transparent interpretation of current and applicable legal requirements.

## 4. Our expectations

No person will attend any Shire of Carnarvon premise, in breach of the requirements and standards contained in this Policy to ensure the Shire is compliant and not at risk of legal action.



## 5. Face masks

Unless a person has a genuine medical exemption, a suitable face mask is required to be worn at all times whilst indoors at a Shire of Carnarvon premise.

A person who has had COVID-19 and exited isolation/quarantine within the previous seven (7) days, will be required to wear a suitable face mask in all Shire of Carnarvon premises, including outdoor spaces, unless they have a genuine medical exemption.

Under this Policy the following types of face masks are suitable:

- Single use surgical face masks; or
- Reusable fabric face masks.

Any other form of face covering, including but not limited to scarves, bandanas, and t-shirts, are not suitable face masks for the purpose of the requirements and standards contained in this Policy.

The requirements and standards contained in this Policy cannot be waived by Staff under any circumstances except by amendment to this Policy.

## 6. Genuine Medical Exemption

A person who has a genuine medical exemption, is required to produce to a member of Staff at the premise a medical certificate that certifies they have an illness, injury, condition, or disability that makes wearing a face covering unsuitable. This medical certificate must be produced prior to entering the premise; entry is prohibited until expressly permitted (which will occur on production of a valid medical certificate).

A person who is requested to produce a medical certificate, must also refrain from acting in a manner that is threatening, intimidating or offensive. If a person that has been requested to produce a medical certificate, acts in a threatening, intimidating or offensive manner, the Shire of Carnarvon may decline entry to the premise.

With a person's voluntary written consent, the Shire of Carnarvon may retain a copy of their medical certificate in order to facilitate your access to the Shire of Carnarvon premises. If a person would like the Shire of Carnarvon to retain a copy of their medical certificate confirming a genuine medical exemption from wearing a face mask, you must complete the Shire of Carnarvon Consent Form (attached at Annexure A).

The member of Staff may take reasonable steps to confirm the validity of your medical certificate, including contacting the medical practice and/or doctor named on the certificate. In the event the medical certificate is invalid, the Shire of Carnarvon may decline entry to the premise.

To ensure the safety of all Staff and Visitors, an exempt person is required to maintain social distancing by staying 1.5m away from all other Staff and Visitors and, depending on the reason for their attendance, you may be required to limit their visitation time.

The Shire of Carnarvon will make every reasonable effort to accommodate exempt persons, including making reasonable efforts to arrange suitable outdoor spaces where possible, the Shire of Carnarvon reserves the right to decline access where appropriate.

## **7. Food and drinks**

Food and/or drink consumption must not be used as a reason for Staff and Visitors to not wear a face mask in accordance with this Policy. Water or other suitable liquids may be consumed as needed, and the face mask must be placed back on the face after a sip is taken.

## **8. Removal of masks to speak**

Unless a person has a genuine medical exemption; to the extent permitted by law, face masks must be worn in accordance with this Policy. In the event that the face mask is required to be removed to provide clear communication, only the person speaking (unless exempt) may remove their mask. Once the person has finished speaking, the mask must be placed back on the face immediately. No more than one person in a room may remove their mask (unless exempt).

## **9. Compliance with this Policy**

All Shire of Carnarvon Staff and Visitors must comply with this Policy.

Staff failure to comply with the Policy may result in disciplinary action for employees, up to and including termination of employment and, in the case of contractors and others, cessation of work with the Shire of Carnarvon.

Visitor failure to comply with this Policy may result in the Shire of Carnarvon declining entry to its Premises.

## **10. Key contacts**

The Shire of Carnarvon key contact officers/COVID-19 task force team in relation to COVID-19 are:

- Andrea Selvey, CEO
- Dave Nielsen, Executive Manager Infrastructure
- David Perry, Executive Manager Community & Development
- Susan Mizen, Manager Finance
- Harriet Murphy, Manager Tourism & Economic Development
- Amanda Leighton, Manager People, Culture & Systems

Any questions or queries in relation to this Policy may be directed to the key contacts.

## **11. Privacy**

We respect your right to privacy. Any personal, sensitive or health data you provide to us in connection with this Policy, public health laws, your fitness for work, vaccination status or your employment will be treated in line with applicable laws and our Privacy Policy.

## 12. More information

Shire of Carnarvon personnel are encouraged to appraise themselves of relevant information. Some further information can be accessed through the following:

- Shire of Carnarvon – COVID-19 Plan
- WA Government - <https://www.commerce.wa.gov.au/worksafe/covid-19-coronavirus-industry-specific-information>
- WA Health - <https://www.wa.gov.au/government/publications/covid-transition-face-covering-directions-no-3>
- WA Department of Health - [https://www.healthywa.wa.gov.au/Articles/A\\_E/Coronavirus/Face-masks](https://www.healthywa.wa.gov.au/Articles/A_E/Coronavirus/Face-masks)

## 13. Variations

The Shire of Carnarvon reserves the right to vary, update and amend this Policy in its discretion from time to time.

This policy shall remain in place as long as the Emergency Management Act is in place.

**ANNEXURE A – CONSENT FORM**

I \_\_\_\_\_ declare that as at today's date I have a genuine medical exemption from wearing a face mask, as reflected in the medical certificate attached hereto.

I agree to the Shire of Carnarvon retaining a copy of this medical certificate and details of my exemption on record in accordance with applicable laws and Shire of Carnarvon policies (including the Shire of Carnarvon's Privacy Policy).

I understand and agree that I will disclose to the Shire of Carnarvon as soon as possible any changes to my present medical exemption.

I understand and agree that this declaration will be relied upon by the Shire of Carnarvon, and I confirm that it is true and correct to the best of knowledge and belief.

X .....

Signature

\_\_\_\_\_  
Print full name

Date: 2022

# EMERGENCY MANAGEMENT ACT 2005 (WA)

## Section 72A

### COVID TRANSITION (FACE COVERING) DIRECTIONS

The World Health Organization declared COVID-19 a pandemic on 11 March 2020.

On 15 March 2020, the Minister for Emergency Services declared a state of emergency with effect from 12 am on 16 March 2020 in respect of the pandemic caused by COVID-19 pursuant to section 56 of the *Emergency Management Act 2005 (WA)* (**Act**) (**State of Emergency**). The State of Emergency applies to the State of Western Australia.

I, Christopher John Dawson, Commissioner of Police and State Emergency Coordinator, consider it reasonably necessary to give other directions to prevent, control or abate the risks associated with the emergency presented by the pandemic caused by COVID-19 pursuant to my powers under sections 72A of the Act.

#### PREAMBLE

1. The purpose of these directions is to require the wearing of a **face covering** in the **affected area** in order to prevent, control or abate the risks associated with the emergency presented by the pandemic caused by COVID-19 and to otherwise limit the spread of COVID-19.

#### CITATION

2. These directions may be referred to as the **COVID Transition (Face Covering) Directions**.

#### COMMENCEMENT

3. These directions come into effect at 12.01am on 31 January 2022.

#### OPERATION

4. These directions apply in addition to any requirements imposed by other **directions** requiring the wearing of a face covering, and to the extent of any inconsistency, these directions prevail.

## DIRECTIONS

### Requirement to wear a face covering in certain places

5. Subject to paragraph 7, a person in the affected area must wear a face covering at all times while they are:
  - (a) in an **indoor space**; or
  - (b) at or in a residential aged care facility, or residential disability facility, whether in an indoor space or **outdoor space**; or
  - (c) at a **hospital**; or
  - (d) in a vehicle of any kind, including one that is being used for public transport, taxi or rideshare services.
  
6. A person must not, in the affected area, enter or remain:
  - (a) in an indoor space; or
  - (b) at or in a residential aged care facility, or residential disability facility, whether in an indoor space or outdoor space; or
  - (c) at a hospital; or
  - (d) in a vehicle of any kind, including one that is being used for public transport, taxi or rideshare services,

unless the person is wearing a face covering or one or more of the face covering exceptions in paragraph 7 apply to that person at that time.

### Exceptions from face covering requirements

7. A person is not required to wear a face covering where:
  - (a) the person is within or at their **home** unless another direction requires them to wear a mask at home; or
  - (b) the person is attending a gathering of persons at a home, provided that the gathering is not prohibited by these or any other directions; or
  - (c) the person is a child 12 years of age or under, except at any time the child is attending school in Year 7 and above; or
  - (d) the person is at the time attending school as a student in Year 6 or below; or

- (e) the person has a physical, developmental or mental illness, injury, condition or disability which makes wearing a face covering unsuitable; or
- (f) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
- (g) the nature of a person's occupation means that wearing a face covering at that time is impractical to perform that occupation or creates a risk to their health and safety; or
- (h) the person needs to temporarily remove their face covering so as to enable another person to appropriately perform their occupation; or
- (i) the nature of a person's work or the activity that they are engaging in means that clear enunciation or visibility of the mouth is essential; or
- (j) the person is at that time consuming food, drink or medicine; or
- (k) the person is asked to remove the face covering to ascertain identity; or
- (l) not wearing a face covering is required for emergency purposes (other than emergency preparation or emergency preparation activities, unless another exception specified in this paragraph applies); or
- (m) the person is working in the absence of others in an enclosed indoor space (unless and until another person enters that indoor space); or
- (n) the person is a resident in a residential aged care facility or residential disability facility; or
- (o) the person is a patient in a hospital; or
- (p) the person is engaged in an activity involving swimming; or
- (q) the person is running or jogging or otherwise engaged in some form of strenuous or vigorous exercise or physical activity; or
- (r) the person is travelling in a vehicle and either is the sole occupant of that vehicle or is travelling in the vehicle with other persons provided that all the occupants of the vehicle are members of the same **household**; or
- (s) the person is undergoing medical, dental or beauty related care or treatment to the extent that such care or treatment requires that no face covering be worn; or

- (t) the person is directed by a judicial officer or tribunal member in proceedings in a court or tribunal to remove their face covering to ensure the proper conduct of those proceedings; or
- (u) the person is a prisoner or detainee in a prison, detention centre or other place of custody; or

*Note: Nothing in these directions affects any other power a person may have to require a prisoner or detainee to wear a face covering.*

- (v) not wearing a face covering is otherwise required or authorised by law; or
- (w) wearing a face covering is not safe in all the circumstances,

provided that:

- (x) a person is only excepted from the requirement to wear a face covering under subparagraph (e) if the person produces a medical certificate that certifies that the person has an illness, injury, condition or disability that makes wearing a face covering unsuitable:
  - (i) upon request by an **authorised officer**, and
  - (ii) if requested to do so whilst at or on any **premises**, by the **responsible person** for those premises or by the **staff** of the responsible person; and
- (y) where a person is relying on an exception under subparagraph (f) to (w), that person resumes wearing the face covering as soon as reasonably practicable after the person no longer falls within the relevant exception.

8. A patron who is requested by a responsible person or a member of staff of the responsible person to produce a medical certificate that certifies that the person has an illness, injury, condition or disability that makes wearing a face covering unsuitable must not act in a manner that is threatening, intimidating or offensive towards a **relevant officer** or any member of staff of the specified vaccination venue.

#### **Requirements for persons who leave the affected area**

9. A person who was in any **region** of the affected area at any time after the **effective time** for that region and travels or has travelled outside of the affected area must, for a period of 14 days after the date and time that the person was last in the affected area,



comply with paragraphs 5 and 6 of these directions whilst they are outside the affected area as if they were in the affected area.

## **AUTHORISATION**

10. For the avoidance of doubt, in addition to and without limiting any other authorisation any **relevant officer** may have to do so, all relevant officers are authorised under section 61 of the Act to give any direction to a person for the purpose of giving effect to these directions.

## **INTERPRETATION**

11. Unless specified otherwise, any reference in these directions to any other direction made by the State Emergency Coordinator is deemed to be a reference to that direction as amended or replaced from time to time.

## **DEFINITIONS**

12. **Affected area** means:
- (a) the Great Southern region described in Schedule 3 to the *Planning and Development Act 2005* (WA); and
  - (b) the Metropolitan region described in Schedule 3 to the *Planning and Development Act 2005* (WA); and
  - (c) the Peel region described in item 6 of Schedule 4 to the *Planning and Development Act 2005* (WA); and
  - (d) Rottnest Island, as described in section 4 of the *Rottnest Island Authority Act 1987* (WA); and
  - (e) the South West region described in item 8 of Schedule 4 to the *Planning and Development Act 2005* (WA); and
  - (f) the Wheatbelt region described in item 9 of Schedule 4 to the *Planning and Development Act 2005* (WA).
13. **Authorised officer** has the same meaning that it has in the Act.

*Note: At the time of making these directions, all **police officers** are authorised officers, and paragraph 10 ensures that relevant officers are also authorised officers for the purposes of these directions.*

14. **Direction** includes any direction under the Act or the *Public Health Act 2016* (WA), whether the direction is given orally or in writing.
15. **Effective time** means:
  - (a) for the **Great Southern region**, 12.01am on 20 January 2022; and
  - (b) for the **Metropolitan region**, 12.01 am on 6 January 2022; and
  - (c) for the **Peel region**, 12.01 am on 6 January 2022; and
  - (d) for **Rottnest Island**, 12.01 am on 6 January 2022; and
  - (e) for the **South West region**, 12.01 am on 12 January 2022; and
  - (f) for the **Wheatbelt region**, 12.01am on 20 January 2022.
16. **Emergency officer** has the same meaning that it has in the *Public Health Act 2016* (WA).
17. **Face covering** means a disposable surgical mask or fitted cloth mask that covers the nose and mouth (but does not include a face shield).
18. **Great Southern region** means that part of the affected area referred to in paragraph 12(a).
19. **Home** means the premises or place where a person usually resides or other premises (such as a hotel or short stay accommodation) at which a person is able to reside.
20. **Hospital** has the same meaning as in the *Health Services Act 2016* (WA).
21. **Household** means two or more persons who usually reside at the same home, irrespective of whether those persons are related to each other.
22. **Indoor space** means an area, room or premises that is or are substantially enclosed by a roof and a **sufficient dividing structure**, regardless of whether the roof or sufficient dividing structure, or any part of them, are permanent or temporary or capable of being opened or closed.
23. **Metropolitan region** means that part of the affected area referred to in paragraph 12(b).
24. **Outdoor space** means any space that is not an indoor space.
25. **Peel region** means that part of the affected area referred to in paragraph 12(c).

26. **Police officer** means a person appointed under Part I of the *Police Act 1892 (WA)* to be a member of the Police Force of Western Australia.
27. **Premises** includes:
- (a) land (whether vacant or not); and
  - (b) land covered by water, whether permanently or temporarily or from time to time; and
  - (c) the whole or any part of a building or other structure, of whatever type and whether of a permanent or temporary nature; and
  - (d) a vehicle, including a vessel.
28. **Region** means any region of the affected area specified in paragraph 12(a) to 12(f), and for the avoidance of doubt includes Rottnest I
29. **Relevant officer** means:
- (a) an authorised officer; or
  - (b) an **emergency officer**; or
  - (c) a **responsible officer**.
30. **Responsible officer** means:
- (a) an officer, employee or contractor of the Department of Health; or
  - (b) an officer, employee or contractor of a health services provider; or
  - (c) any other person authorised by the Chief Health Officer orally or in writing to perform a function for the purposes of these directions.
31. **Responsible person**, in relation to particular premises, means the occupier or other person apparently in charge of those premises.
32. **Rottnest Island** means that part of the affected area referred to in paragraph 12(d).
33. **South West region** means that part of the affected area referred to in paragraph 12(e).
34. **Staff** means a person who has responsibilities at a place as an officer or employee or in some other capacity (including a voluntary capacity) and includes:
- (a) in the case of a sporting activity, coaches and officials such as umpires, referees or scorekeepers; and

- (b) in the case of a religious service at a place of worship:
  - (i) a person who leads or presides at the service, such as an imam, priest or rabbi; and
  - (ii) persons who assist the person who leads or presides at the service (including those who would ordinarily read from scripture or some other sacred text to a congregation or other group gathered to participate in the service); and
  - (iii) persons present for the purpose of live streaming or recording the service.

35. **Sufficient dividing structure** means a wall or other structure which:

- (a) substantially comprises material that is impervious to air flow; and
- (b) is anchored to the ground or floor in a way which ensures that it cannot be lifted or pushed apart; and
- (c) either:
  - (i) reaches from the ground or floor to the ceiling (or roof if there is no ceiling); or
  - (ii) starts from the ground or floor and is at least 2 metres high from the ground or floor to its lowest vertical point measured from the ground or floor.

*Note: In addition to meeting these requirements, a sufficient dividing structure must comply with any other legal requirements applicable to the structure in any way, including any legal requirements relating to the structural integrity of the structure (such as, but not limited to, requirements typically imposed or administered by local governments).*

36. **Wheatbelt region** means that part of the affected area referred to in paragraph 12(f).

**PENALTIES**

It may be an offence to fail to comply with any of these directions, punishable by imprisonment for up to 12 months or a fine of up to \$50,000 for individuals and \$250,000 for bodies corporate.



.....  
**Christopher John Dawson**  
Commissioner of Police and State Emergency Coordinator

29 January 2022 1644 hours