



Shire of  
**Perenjori**  
Embrace Opportunity

Shire of Perenjori – Special Meeting of Council

# AGENDA

**Thursday 12 October 2023**

Shire of Perenjori Council Chambers,  
56 Fowler Street, Perenjori WA, 6620



## NOTICE OF A SPECIAL MEETING OF COUNCIL

Dear Council Member

Pursuant to *Section 5.25(1)(g) of the Local Government Act 1995* and *Regulation 12(3) of the Local Government (Administration) Regulations 1996*, Public Notice is hereby given that:

**A Special Meeting of Council will be held on Thursday 12 October 2023 at 3.00 pm in the Shire of Perenjori Council Chambers, 56 Fowler Street Perenjori.**

The purpose of the meeting is:

1. To consider a confidential item relating to the employment of a designated senior employee;
2. To consider a confidential item relating to a matter before the State Administrative Tribunal; and
3. To consider a route determination request for support.

A handwritten signature in black ink, appearing to read 'Paul Anderson', is positioned above the printed name.

Paul Anderson

**CHIEF EXECUTIVE OFFICER**

Date: 4 October 2023

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## Council Roles

### **Advocacy:**

When Council advocates on its own behalf or on behalf of its community to another level of government /body /agency.

### **Executive/Strategic:**

The substantial direction setting and oversight role of the Council e.g. Adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### **Legislative:**

Includes adopting local laws, town planning schemes and policies.

### **Review:**

When Council reviews decisions made by Officers.

### **Quasi-Judicial:**

When Council determines an application/matter that directly affects a person's rights and interests. 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 licences, applications for other permits/licences (e.g.: under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

## Disclaimer

"Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity that has an application before the Shire must obtain, and should only rely on, written notice of the Shire's decision and any conditions attaching to the decision and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the Shire on the operation of a written law, or the performance of a function by the Shire, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Shire. Any advice on a matter of law, or anything sought to be relied upon as a representation by the Shire should be sought in writing and should make clear the purpose of the request."

## Shire of Perenjori

Agenda for the Shire of Perenjori Special Meeting of Council held on Thursday 12 October 2023, at the Shire of Perenjori Council Chambers, 56 Fowler Street, Perenjori WA 6620 commencing at 3.00 pm.

### 1. Declaration of Opening/Announcement Of Visitors:

The Shire President to declare the meeting open and welcome those in attendance.

#### **Acknowledgement of Traditional Custodians: -**

As per the Shire of Perenjori Policy (N<sup>o</sup> 1021) we wish to acknowledge the traditional owners of the land upon which the Shire of Perenjori is situated and to demonstrate respect for the original custodians.

*The Shire of Perenjori would like to respectfully acknowledge the past and present custodians of the land on which we are meeting, the Badimia people. It is a privilege to be standing on Badimia country.*

### 2. Opening Prayer:

The Shire President to read.

#### **Acknowledgement of Pioneers: -**

*The Shire of Perenjori acknowledges the pioneers who settled this country, developed the land and turned it into the productive country that we know today.*

### 3. Disclaimer Reading:

As printed.

### 4. Record of Attendance/Apologies/Leave of Absence:

#### 4.1 Attendance:

Members:

Staff:

Distinguished Visitors:

Members of The Public:

Leave of Absence:

Apologies:

### 9. Public Question Time:

#### 9.1 Response to Questions Taken on Notice:

Insert Response

#### 9.2 Questions Without Notice:

Insert Question

## 10. Declaration of Interest:

“Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences.”

Cr Hepworth declared an impartiality interest in agenda item 11.2, pursuant to sections 5.60B of the Local Government Act 1995, due to his Brother-In-Law owning land neighbouring the proposed tree farm.

Cr Sparkman declared an impartiality interest in agenda item 11.2, pursuant to sections 5.60B of the Local Government Act 1995, due to being a relative of the vendor.

Cr King declared a proximity interest in agenda item 11.2, pursuant to sections 5.60B of the Local Government Act 1995, due to his business partner purchasing adjoining land.

Cr Bryant declared a proximity interest in agenda item 11.2, pursuant to sections 5.60B of the Local Government Act 1995, due to his farm neighbouring the vendors farm.

## 11. Confidential Reports

### 11.1 COUNCIL DECISION TO GO BEHIND CLOSED DOORS PROCEDURAL MOTION

**Council Resolution:**

**Moved:**                      **Seconded:**

**That, in accordance with section 5.23 of the Local Government Act 1995, Council accept that the meeting is to be closed to all members of the public.**

**Motion put and carried / lost**

### 11.2 **\*CONFIDENTIAL ITEM\*** PROPOSED TREE FARM – LOTS 8 & 11 BAXTER ROAD, PERENJORI OFFICER RECOMMENDATION

**Council Resolution Number:**

**Moved:**                      **Seconded:**

**That Council consider the officer's recommendation as contained within the confidential report 11.2, Proposed Tree Farm – Lots 8 & 11 Baxter Road Perenjori.**

**Motion put and carried / lost**

### 11.3 **\*CONFIDENTIAL ITEM\*** CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW - 2023 OFFICER RECOMMENDATION

**Council Resolution Number:**

**Moved:**                      **Seconded:**

**That Council consider the officer's recommendation as contained within the confidential report 11.3, Chief Executive Officer Performance Review – 2023.**

**Motion put and carried / lost**

### 11.4 COUNCIL DECISION TO RETURN FROM BEHIND CLOSED DOORS PROCEDURAL MOTION

**Council Resolution:**

**Moved:**                      **Seconded:**

**That Council return to standing orders and re-open the meeting to the public.**

**Motion put and carried / lost**

## 12. Governance

### 12.1 ROUTE DETERMINATION REQUEST FOR SUPPORT – RESOURCES

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	ADM 0705
<b>Date:</b>	5 October 2023
<b>Disclosure of Interest:</b>	
<b>Voting Requirements:</b>	Simple Majority
<b>Author:</b>	Paul Anderson – Chief Executive Officer
<b>Responsible Officer:</b>	Paul Anderson – Chief Executive Officer
<b>Attachments:</b>	Nil

#### Summary

This item seeks Council consideration on the route determination request received by Main Roads on behalf of NewHaul/Fenix Resources.

#### Background

The Shire of Perenjori received correspondence on the 19 September 2023 from Main Roads Heavy Vehicle Services (HVS) on behalf of NewHaul/Fenix Resources. The submission requested comment to add roads onto the Performance Based Standards (PBS) network specifically for the following roads:

Dimension Requirements					
Road No.	Road Name	From Location (SLK)	To Location (SLK)	Current Network	Requested Network
5140143	Wanarra East Rd	Wanarra Rd (0.00)	LGA Boundary (38.75)	Tri Drive Network 5 & PBS Tri Drive Quad Axle Network 2B	Individual Access – 60m Quad Road Train
5140018	Wanarra Rd	Perenjori-Rothsay Rd (0.00)	Wanarra East Rd (24.11)	Tri Drive Network 5 & PBS Tri Drive Quad Axle Network 2B	Individual Access – 60m Quad Road Train
5140015	Perenjori-Rothsay Rd	Perenjori Rail Siding (0.88)	Wanarra Rd (17.81)	Tri Drive Network 5 & PBS Tri Drive Network 3B	Individual Access – 60m Quad Road Train
Mass Requirements					
Road No.	Road Name	From Location (SLK)	To Location (SLK)	Current Mass Level	Requested Mass Level
5140143	Wanarra East Rd	Wanarra Rd (0.00)	LGA Boundary (38.75)	AMMS Level 3	No change
5140018	Wanarra Rd	Perenjori-Rothsay Rd (0.00)	Wanarra East Rd (24.11)	AMMS Level 3	No change
5140015	Perenjori-Rothsay Rd	Perenjori Rail Siding (0.88)	Wanarra Rd (17.81)	AMMS Level 3	No change

The request is for Road No. 5140015 (Perenjori Rothsay Road) and the length of the Perenjori Rail Siding to be amended to 15.21 km at SLK 2.59, which is where vehicles would access the rail head.

It is understood that NewHaul, on behalf of Fenix Resources, has requested to utilise 60-meter PBS quads from Extension Hill to the Perenjori Rail Siding via Wannara Road and Perenjori Rothsay Road.

Due to the high cost of carting via rail, it is believed that NewHaul will utilise AB Triple Road train combinations, with a length of approximately 36.5 metres and a gross mass of 118 tonne, from the Perenjori Rail Siding to the Geraldton Port for a 6-month trial period.



The latest advice is that 110,000 tonnes of material is proposed to be carted, per month, for the first 6 months. This equates to roughly 850 movements one way between Extension Hill Mine Site and the rail siding on the Perenjori-Rothsay Road.

On the assumption that the AB Triple Road train configuration is utilised to transport the material to Geraldton, approximately 1450 loads one way, per month, would be required.

#### **Statutory Environment**

Nil

#### **Policy Implications**

Council Policy 3007- Application to Operate Restricted Access Vehicles (RAV) on Shire of Perenjori Roads.

#### **Consultation**

Paul Anderson – Chief Executive Officer  
Marty Noordhof – Manager Infrastructure Services  
Main Roads Heavy Vehicles Services

#### **Financial Implications**

Nil

#### **Strategic Community Plan**

Goal 2: Eco-friendly, attractive and well-maintained towns, surrounded by outstanding natural beauty, landscapes, flora and fauna to be protected and enjoyed.

2.6. Roads, footpaths and drainage are appropriately managed according to their need and use.

Goal 4: A strong and diverse Council working closely with the proactive and involved community.  
Strategic Objectives

4.3. The Shire advocates and partners effectively on behalf of the community.

#### **Officer Comment**

The request for the individual access 60-meter quad road train on Council roads in isolation appears reasonable and in line with requests that council has previously considered. The utilisation of the vehicles on the Performance Based network system requires an improved standard of safety of the vehicle and less vehicle movement required to transport the loads.

A draft road user agreement is being developed for the use of the road by the proponents but is yet to be finalised and agreed upon due to change of vehicles, differing proponents and route variations, however any consideration of approvals and road agreements will be contingent upon the proponents having full responsibility to maintain the road to an agreed standard.

As Council is aware, the main concern with the commencement of operations at the Extension Hill Minesite is the proposal not to utilise the rail freight and to instead transport the material direct from the mine site to the Geraldton Port, utilising the Wubin-Mullewa Highway and other connecting routes. This proposal will significantly increase the road train vehicle movements on the Wubin-Mullewa Highway through the Perenjori, Morawa and Mingenew Shires and townsites.

Whilst the potential haulage route enters Main Road's jurisdiction on the Wubin-Mullewa Highway through Perenjori and then through the Shires of Morawa and Mingenew to Geraldton, it is in Council's interest to be well informed of any potential issues that may directly impact the townsite.

The Shire President has been in discussions with representatives of Main Roads regarding the concerns and impacts upon communities, in regard to the utilisation of road freight when there is the option to utilise the rail freight, and will continue to elevate this issue to the relevant Government Ministers.

**OFFICER RECOMMENDATION**

**Council Resolution Number:**

**Moved:**

**Seconded:**

**That Council:**

- Advise Main Roads Heavy Vehicle Services (HVS) Route Assessments that Council supports/does not support the application to utilise individual access 60m Quad Road trains on the following roads**

Dimension Requirements					
Road No.	Road Name	From Location (SLK)	To Location (SLK)	Current Network	Requested Network
5140143	Wanarra East Rd	Wanarra Rd (0.00)	LGA Boundary (38.75)	Tri Drive Network 5 & PBS Tri Drive Quad Axle Network 2B	Individual Access – 60m Quad Road Train
5140018	Wanarra Rd	Perenjori-Rothsay Rd (0.00)	Wanarra East Rd (24.11)	Tri Drive Network 5 & PBS Tri Drive Quad Axle Network 2B	Individual Access – 60m Quad Road Train
5140015	Perenjori-Rothsay Rd	Perenjori Rail Siding (2.59)	Wanarra Rd (17.81)	Tri Drive Network 5 & PBS Tri Drive Network 3B	Individual Access – 60m Quad Road Train

- Advise HVS Route Assessments that any approval to utilise the Shire roads of Wanarra East, Wanarra and Perenjori-Rothsay Roads will only be considered on the condition of a binding Road User Agreement to the satisfaction of the Shire with the proponents of the Extension Hill Mining project.**
- Authorise the CEO to prepare a draft Road User Agreement to be endorsed by the Council for the use of Wanarra East, Wanarra and Perenjori- Rothsay Roads between the Shire of Perenjori and the proponents of the Extension Hill Mining project.**

**Motion put and carried / lost**

### 13. Closure of Meeting:

The Shire President to declare the meeting closed and thank those in attendance.