



Shire of
Perenjori
Embrace Opportunity

Shire of Perenjori – Special Meeting of Council

AGENDA

Thursday 5 September 2024

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 5 September 2024 at 10.00 am in the Shire of Perenjori Council Chambers, 56 Fowler Street Perenjori.

The purpose of the meeting is to:

1. Consider costings and possible budget amendment for the fit out of the supermarket to enable an operator to commence trading
2. Progress with the Terra Mining Road Agreement and trial request
3. Consider recent tender submissions for RFT02-2024/25 One Prime Mover – Road Train

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

Paul Anderson
CHIEF EXECUTIVE OFFICER

2 September 2024

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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 to be held on Thursday 5 September 2024, at the Shire of Perenjori Council Chambers, 56 Fowler Street, Perenjori WA 6620 commencing at 10.00 am.

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° 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: Cr Dael Sparkman

5. Public Question Time:

5.1 Response to Questions Taken on Notice:

Insert Response

5.2 Questions Without Notice:

Insert Question

6. 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.”

7. Reports:

7.1 REQUEST TO VARY ROAD AGREEMENT FOR TRIAL PERIOD

Applicant:	Terra Mining
File:	ADM 0705 / ADM 0901
Date:	5 September 2024
Disclosure of Interest:	
Voting Requirements:	Simple Majority & Absolute Majority
Author:	Paul Anderson – Chief Executive Officer
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	7.1.1 – Correspondence from Terra Mining

Summary

This report provides additional detail in support of a request from Terra Mining to utilise additional Shire roads for a trial period transporting ore to the Karara Minesite.

Background

On 16 August 2024 the Shire received email correspondence (Attachment [7.1.1](#)) requesting a trial period to supply 300,000 tonnes of iron ore to the Karara Minesite from the Extension Hill Minesite. This equates to 75,000 tonne per month.

It is also indicated if the trial is successful the trial may result in a long-term arrangement.

The Council considered the request at the Ordinary Council Meeting held on 29 August 2024 and considered that previous resolutions of Council from the Special Meeting held 2 May 2024 and Ordinary Council Meeting held 25 July 2024 had not been sufficiently addressed and resolved the following;

Council Resolution Number: 29082024.32

Moved: Cr Fraser

Seconded: Cr Hepworth

That Council:

Advise Terra Mining that the request for a trial period (September 2024 to December 2024) to utilise Perenjori-Rothsay Road, Warriedar Copper-Mine Road and Karara Road to supply 300,000 tonnes of iron ore to the Karara Minesite is not approved.

Motion put and carried 6/0

For: Cr Sutherland, Cr Hepworth, Cr Sparkman, Cr Bradford, Cr Fraser, Cr Campbell

Against: Nil

Terra Mining were advised of Council's decision on Friday 30 August and have further advised the following:

- *We had commissioned the road assessment on the 12 July with Greenfields and received the final version on the 8 August.*
- *We had started to engage with the road works contractor Safe Roads WA on the 7 August to get quotes for the road repairs along the Perenjori/Rothsay Rd and Wanarra East Rd. They have provided a quote for the potholes and will commence work on the 9 Sept. We had also asked on the 7 August for a quote for work on the side of the roads that require repairs along with the section of road near the Telstra Tower (Perenjori/Rothsay Rd, Syson Rd and Wanarra Rd) which we hadn't received as yet as the contractor needed to measure the area needing work.*
For the record we are also repairing sections of the road that were not caused by our activities (this was captured in the Greenfields report dated 8 November 2023) for the safety of all road users. As Marty and Andy King will attest was due to poor design when the road was built, where the crown of the road was not overlaid correctly.

- *We had started to work on the SLK2.59 back on the 29 May and sent out requests for quotes on the 7 June with Catwest and Downer. Unfortunately we had not provided enough information to the contractor on the actual road requirements which both Council and Terra Mining worked together with Greenfields to provide. There was a delay in getting the soil results due to what we believe was the lab being backed up which hindered getting the work quoted. We received the results on the 14 Aug and the road design requirements. We have gone out to Catwest, Downer and Safe Roads WA for a RFQ and have a return date of 12 September with a potential start date of 30 Sept so we can hopefully have the road completed before the grain hauling but that will depend on the availability of the contractor and the cropping activities.*
- *As of yesterday we had paid all of monies up to date which totals \$64,729 as per our agreement. The only money I am aware of we owe is the previous months invoice of \$15,000.*
- *We have maintained our presence at the Perenjori Agricultural Show including the ceasing of operations on the day which was a considerable expense to Terra Mining and Campbells as we did not have sufficient stock in the shed to meet our shipping schedule.*
- *The bank guarantee and the Councils offer will be responded to today and I apologise for the delay in our response but Tim will send through by Monday.*
- *We continue to work to get the road onto rail with Karara and other potential opportunities.*

The first payment of \$100,000 for the bank guarantee (\$500,000) in accordance with the Road User Agreement has now been deposited into Council's bank account.

The May and June community fund contributions have also been paid, with only July outstanding. August will be raised when the figures are provided.

This is endeavouring to resolve the rail transport of iron ore on the Wubin Mullewa Road by utilising the Karara Minesite rail siding. This will reduce the reliance on trucks hauling iron ore on the commercial licence from the current haulage task where the ore is being hauled through Perenjori, Morawa and Mingenew to Geraldton Port.

Statutory Environment

Local government Act 1995

10(1)(a) Revoking or changing decisions (Act s. 5.25(1)(e))

If a decision has been made at a Council or a committee meeting then any motion to revoke or change the decision must be supported, in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority.

Policy Implications

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

Consultation

Paul Anderson – Chief Executive Officer

Maarten Noordhof – Manager Infrastructure Services

Josh Kirk – Principal Greenfields

Financial Implications

The cost to upgrade the road to the requested standard would be significant and beyond the Councils financial capabilities.

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.

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

4.6. The organisation, assets and finances of the Shire are managed responsibly.

Officer Comment

The email response outlines the progress that Terra have made in addressing the issues that are required in accordance with the Road User Agreement and would appear to be making positive progress in addressing the issues that Council has raised.

The report of 2 May 2024 and the assessment from Greenfields technical services noted that there are a number of concerns in regard to the utilisation of the proposed route by the proposed vehicles.

The officers report from 2 May 2024 contained the following:

Based on a previous assessment carried out by Greenfields in November 2023 a similar configuration in which the requested vehicle was a RAV 7.3 (see attachments) identified a number of concerns.

It would be advisable to request that the proponent have an assessment of the route carried out by a third party such as Greenfields or GHD at their own cost to assess the suitability of the route for the vehicles proposed, with particular consideration given to the width of the road, the road surface condition and ability to withstand the increased heavy vehicle volume at AMMS 3 concessional loading weights for the requested RAV class, and the intersection at Wannara rd. and Perenjori – Rothsay road for suitability of the vehicles requested.

In the attached Greenfield report in section 5.3 this intersection is noted as requiring upgrade for RAV 7 vehicles which are ~ 23 metres shorter and 97 tonnes lighter than the proposed vehicles in this application.

Once this assessment was carried out, all aspects of the report must be satisfied, and any upgrades carried out at the proponent's expense and a robust road user agreement be put in place prior to use.

This assessment was assuming the road would be utilised on a full-time basis and not just for the proposed 3 month trial period.

The current Road User Agreement with Terra Mining expires on 26 December 2024.

The correspondence received from Terra Mining indicates that a preliminary assessment was undertaken on Karara Road on the 5 August 2024 that has costings to upgrade this road only to a suitable condition for the proposed usage.

This report only deals with Karara Road and does not address the other concerns that the Council has raised with the Perenjori/Rothsay Road and Warriedar Coppermine Road, including the intersection of Wannara Road and the Perenjori/Rothsay Road.

Further correspondence has been received on Wednesday 4 September 2024 as follows:

In relation to our discussion on the using the Karara Rd via the Perenjori/Rothsay Rd, in order for us to expediate the process for getting the trucks away from Perenjori and other towns on the way to Geraldton Port, we are working with Karara Mining to find a solution to achieve the goal we have always worked towards, hence why the trials are important to ensuring all risks and issues are identified.

To be able to have this a solution we require an urgent trial before making a large capital investment by Karara Mining modifications requirement to the plant and equipment for processing the material.

Karara Mining need to ensure the ore is manageable and suitable to the requirements of their product and to ensure that if the trial is successful the requirements for upgrading the Karara Rd. As upgrading the Karara Rd is going to be an expensive project (I think we saw potential figures of \$11m in the Greenfields report) Karara Mining need to be confident of the product and method we are providing the ore. To do this Karara Mining have requested we complete a 55,000t haulage trial from Extension Hill to Karara mine along the said roads. The process should be about 10-12 days depending on the weather and any delays to production on-site.

As we are aware the road is rated RAV 10.3 for the section to Karara Rd (including the T intersection) and then RAV 7.3 from the T intersection to the site. To minimise the time we are hauling on this road we are proposing using C Trains for the trial, although we would prefer quads to finish the trial as quickly as possible to reduce any potential wear and tear on the road, minimise any chance of weather events affecting the timing and any disruption that could occur. We do realise the Karara Road is not rated accordingly and Terra Mining and Karara Mining will manage these requirements for a successful operation.

How best can we seek approval for the requested work above to expedite this approval and allow the short-term trial so we can improve the opportunity to getting the haulage to rail as soon as possible? Noting your email dated 16 August 2024 to me, our email to you dated 30 August 2024 and the special council meeting 5 September 2024, this is for a significantly reduced period and volume.

This most recent request is now for only a trial of 55,000 tonnes over a period of 10-12 days, utilising vehicles that meet the RAV guidelines for the roads proposed to be utilised. These vehicles are currently in line with other road users utilising the roads for ore transportation.

The is currently no indication of the timeframes for increased ore transportation if the trial is successful.

The officer recommendation put to Council on 29 August 2024 at the Ordinary Council Meeting was as follows;

That Council:

Advise Terra Mining that the request for a trial period (September 2024 to December 2024) to utilise Perenjori Rothsay Road, Warriedar Copper Mine Road and Karara Road to supply 300,000 tonne of iron ore to the Karara Minesite be approved/not approved on the following conditions:

- 1) That Karara Mining Limited and Terra Mining accept all responsibility to maintain and keep Karara Road in an acceptable condition to ensure road user safety.
- 2) That the existing Road agreement with Terra Mining be amended to include the following Shire roads Perenjori-Rothsay Road, Warriedar Copper Mine Road and Karara Road, including but not limited to the proponent being fully responsible for commissioning an updated engineering report(s) prior to utilising the roads that details the roads suitability, upgrades required and maintenance schedule to the satisfaction of the Shire with the proponents of the Extension Hill Mining project.
- 3) Advise the Main Roads and Relevant Government Ministers that it does not support the long-term transportation of material from the Extension Hill Minesite to the Geraldton Port via the Wubin Mullewa Highway.

If Council considers the proposed trial to be acceptable it may consider the following recommendation:

That Council:

Advise Terra Mining that the request for a trial period of 10-12 days to utilise Perenjori-Rothsay Road, Warriedar Copper Mine Road and Karara Road to supply 55,000 tonne of iron ore to the Karara Minesite utilised vehicles that meet the current RAV guidelines be approved/not approved on the following conditions:

- 1) That Karara Mining Limited and Terra Mining accept all responsibility to maintain and keep Karara Road in an acceptable condition to ensure road user safety during the trial.
- 2) That Karara Mining Limited and Terra Mining be advised that any further transportation of ore at the conclusion of the proposed 55,000 tonne trial will only be considered on the following conditions, the existing Road User Agreement and conditions contained within with Terra Mining being amended to include the following Shire roads, Perenjori-Rothsay Road, Warriedar Copper Mine Road and Karara Road, including but not limited to the proponents being fully responsible for commissioning of an updated engineering report(s) prior to further utilising the roads that details the roads suitability, upgrades required by the proponents, commitment to undertaking the upgrades and maintenance schedule by the proponents to the satisfaction of the Shire.

The Council can consider the following options:

1. Reaffirming the decision to not approve the request
2. Considerer revoking the decision to approve
3. Revoke the previous decision to not approve
4. Reconsider the request and put forward another motion for discussion.

OFFICER RECOMMENDATION

Council Resolution Number:

Moved: **Seconded:**

That Council advise Terra Mining that Council Decision (Resolution Number: 29082024.32) from the Ordinary Council Meeting held 29 August 2024 is reaffirmed as follows:

The request for a trial period (September 2024 to December 2024) to utilise Perenjori-Rothsay Road, Warriedar Copper-Mine Road and Karara Road to supply 300,000 tonnes of iron ore to the Karara Minesite is not approved.

Motion put and carried

For:

Against:

OR

Council Resolution Number:

Moved: **Seconded:**

Council considers revoking Council Decision (Resolution Number: 29082024.32) of the Ordinary Council Meeting held 29 August 2024, which reads:

“That Council advise Terra Mining that the request for a trial period (September 2024 to December 2024) to utilise Perenjori-Rothsay Road, Warriedar Copper-Mine Road and Karara Road to supply 300,000 tonnes of iron ore to the Karara Minesite is not approved.”

Motion put and carried by Absolute Majority

For:

Against:

AND

Council Resolution Number:

Moved: **Seconded:**

Council revokes Council Decision (Council Resolution Number: 29082024.32) of the Ordinary Council Meeting held 29 August 2024, which reads:

“That Council Advise Terra Mining that the request for a trial period (September 2024 to December 2024) to utilise Perenjori-Rothsay Road, Warriedar Copper-Mine Road and Karara Road to supply 300,000 tonnes of iron ore to the Karara Minesite is not approved”.

***The Council Decision was revoked to allow Council to reconsider the request from Terra Mining and consider a new motion for discussion.**

Motion put and carried by Absolute Majority

For:

Against:

AND

Council Resolution Number:

Moved: **Seconded:**

That Council advise Terra Mining that the request for a trial period of 10-12 days to utilise Perenjori-Rothsay Road, Warriedar Copper Mine Road and Karara Road to supply 55,000 tonne of iron ore to the Karara Minesite utilised vehicles that meet the current RAV guidelines be approved/not approved on the following conditions:

- 1. That Karara Mining Limited and Terra Mining accept all responsibility to maintain and keep Karara Road in an acceptable condition to ensure road user safety during the trial.**
- 2. That Karara Mining Limited and Terra Mining be advised that any further transportation of ore at the conclusion of the proposed 55,000 tonne trial will only be considered on the following conditions, the existing Road User Agreement and conditions contained within with Terra Mining being amended to include the following Shire roads, Perenjori-Rothsay Road, Warriedar Copper Mine Road and Karara Road, including but not limited to the proponents being fully responsible for commissioning of an updated engineering report(s) prior to further utilising the roads that details the roads suitability, upgrades required by the proponents, commitment to undertaking the upgrades and maintenance schedule by the proponents to the satisfaction of the Shire.**

Motion put and carried

For:

Against:

[Next Item](#)



Perenjori Shire Council
56 Fowler Street
PO Box 22
Perenjori WA 6620

Proposal to Utilise the Karara Rd to Haul material from Extension Hill to Karara Mine

16 August 2024

Jude, Paul and Fellow Councillors

We have been approached by Karara Mining Limited (KML) to supply 300,000 tonne of iron ore to their minesite from our Extension Hill mining operation for a trial period. KML are trialling different product blends to ensure KML produces ore required by their client.

This 75k tonne per month trial is not surplus to our current tonnage rates, therefore this would also equate to a reduction of approximately 680 less truck movements per month through the town of Perenjori. We are proposing to move the 300,000 tonne from September to December 2024, completing around Christmas.

We propose to use a RAV10 sidetipper configuration hauling between 110t and 120t per load. Utilising these RAV10 road trains rather than a smaller RAV7 C-Train combination means we will have 34% less truck movements through the area.

The route will be from Extension Hill mine along the Wanarra East Rd, Rothsay/Perenjori Rd, Warriedar Mine Copper Rd and then along the Karara Rd into KML's operations. The first 3 roads are already approved for RAV 10.3 and Tri-drive TD5.3. The Karara Rd is rated RAV 7.3.

Terra Mining will maintain the Karara Rd by ensuring the road is regularly watered and graded to the required standard and accept liability for the Karara Rd. As with the previous Road Agreements with council we will maintain the other 3 roads to the current standards and make any necessary repairs. With your approval this trial also presents us with a great opportunity we never had before to backload roadbase material from the Karara minesite to The Warriedar Copper Rd/Karara Rd intersection, and other sections of the route that need repairs, which benefits all road users.

Should the trial be successful we will propose a long term arrangement with Council in which we will upgrade the Karara Rd to RAV 10.3 and TD5.3 permanently, and upgrade the Karara R/Warriedar Copper Mine Rd T-Intersection in-line with Greenfields report *Karara Rd Preliminary Assessment* dated 5th August 2024.

We look forward to Councils favourable consideration in this matter.

Yours faithfully,

Barry Cook
Chief Operating Officer
Terra Mining Pty Ltd



UNIT 1, LEVEL2, 7 RHEOLA STREET, WEST PERTH WA 6005
SUITE 2/349 HANNAN STREET, KALGOORLIE WA 6430
ADMIN@TERRAMINING.COM.AU

8. New Business of an Urgent Nature Admitted by Council:

9. Confidential Reports:

9.1 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 to consider confidential items 9.2 and 9.3.

Motion put and carried / lost

For:

Against:

9.2 **CONFIDENTIAL ITEM – FIT OUT COSTS FOR A SUPERMARKET**

Applicant:	Shire of Perenjori
File:	RFT02-23/24
Date:	5 September 2024
Disclosure of Interest:	
Voting Requirements:	Absolute Majority
Author:	Paul Owen – GFG Consulting
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	Nil

OFFICER RECOMMENDATION

Council Resolution:

Moved: Seconded:

That Council:

1. Endorse the budget allocation for the supermarket to be increased to \$4,011,000 with the additional allocation to be sourced from additional borrowing and own source funding as required.
2. Approve the fixed fit out items in schedule 2, totalling \$643,786.95 as a variation to the contract.
3. Approve the loose fit out items in schedule 3, be put to public tender.

Motion put and carried / lost by Absolute Majority

For:

Against:

9.3 CONFIDENTIAL ITEM – RFT02-2024/25 ONE PRIME MOVER – ROAD TRAIN

Applicant:	Shire of Perenjori
File:	RFT02-24/25
Date:	5 September 2024
Disclosure of Interest:	
Voting Requirements:	Simple Majority
Author:	Paul Owen – GFG Consulting
Responsible Officer:	Paul Anderson – Chief Executive Officer Marty Noordhof – Manager Infrastructure Services
Attachments:	9.3.1 – Evaluation Summary

OFFICER RECOMMENDATION

Council Resolution:
Moved: Seconded:
That Council:
1. That Council appoint Daimler Truck Perth for the supply of one Freightliner Cascadia 126 Prime Mover based upon the assessment of the compliance, qualitative and pricing structures tendered under RFT02-2024-2025 Supply of one Prime Mover – Road Train, and representing the best value for money.
2. That plant item P1678 – 2014 UD Prime Mover be offered for sale by public auction through Smith Broughton Auctioneers with a reserve price of \$50,000.
Motion put and carried / lost
For:
Against:

9.4 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
For:
Against:

10. Closure of Meeting:

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