

## Recommendation

**That Council approve Item 11.1 as Urgent Business to be introduced by a decision of the meeting.**

### 11.1 Road Closure Request | South32 Worsley Alumina

File Reference: 2.063  
Applicant: South32 Worsley Alumina  
Disclosure of Interest: Nil  
Author: Chief Executive Officer  
Attachments: 11.1A Request for Road Closures  
11.2B Map of Proposed Road Closures  
11.2C Map of Development and Transport Corridors

#### Summary

Council is requested to consider a request from South32 Worsley Alumina to close various roads within the Shire of Boddington for the purpose of continuing mining activities.

#### Background

In December 2022, Council considered a request from South32 Worsley Alumina (South32) to close Ashcroft Road to all traffic from 8 January 2022 to 8 January 2042, a period of 20 years. The Council resolution was:

That Council:

1. Advises South32 Worsley Alumina that the request to close the road from 8 January 2023 will not be considered, until a proposal outlining compensation and reinstatement activities, is received for all roads planned to be closed in relation to imminent mining activities.
2. Advises South 32 Worsley Alumina that consultation is required to be undertaken with the community and those potentially affected by the proposal in accordance with legislation.

Since December 2022, South32 representatives have met with Council and presented a proposal to address the road closure timing, outline the reinstatement actions, and associated compensation.

#### Comment

The roads proposed to be closed, as well as the associated timing are detailed in Attachment 11.1 A and 11.1B, and in summary are as follows:

- Ashcroft Road April 2023 – April 2038
- Stagbouer Road December 2023 – December 2038
- Morts Road April 2023 – December 2025
- Siding Road December 2023 – July 2038
- Rogers Bend Permanent Closure from July 2023

When considering an application for a long term road closure, Council should take into account:

- whether the road reserve is actually unused, and whether future planning (land use or strategic projects) for the area may necessitate the retention of the road reserve

- the views of adjoining owners and whether or not they support the proposal
- the concerns of various service authorities who may have infrastructure contained within the road reserve
- any submissions for or against the proposal lodged in response to advertising
- the reason for the request to close the road reserve
- whether the road reserve closure is detrimental to traffic movement or safety
- any other relevant matters

There are a number of matters relevant to this proposal, including:

- restriction on access to the Tullis Bridge precinct via Morts Road
- the community's ability to traverse throughout the Shire in a manner they have been accustomed to
- a fewer number of emergency exit options via road
- the difficulty to guarantee road re-opening dates

South32 have provided a proposal which addresses the majority of concerns that have been discussed to date. One of the key elements that remains to be addressed is the method of guaranteeing the reopening of Morts Road by December 2025. South32 have requested further time to consider how to best address this concern. There are a number of other minor items from an administrative point of view that are likely to require amendment prior to an agreement being recommended to Council for endorsement, however, it is considered reasonable that these amendments may be progressed concurrently with the consultation process.

A request for a road closure is not able to be determined until the statutory requirements under the Local Government Act are achieved. This includes the following:

- Consultation with service authorities such as gas providers, Telstra, Western Power and the Water Corporation, which must occur to determine whether there is any objection to the road reserve closure, and if there are services (pipes and/or cables) located within the portion of road reserve being considered for closure.
- The requirement to advertise the proposed closure for public comment for a reasonable time. Advertising involves writing to all adjoining landowners to the road reserve requesting comments, and various other advertising to comply with the local public notice provisions of the Local Government Act. The advertising period allows residents to submit an objection to, or provide their support for the proposal.

It is proposed that Council approves the commencement of the consultation process, which will allow Council the option of determining the request at a future Council meeting. Following receipt of submissions, a report will be prepared for consideration.

### Consultation

Significant consultation requirements are legislated under the Local Government Act, and will be progressed in accordance with the Council decision.

### Strategic Implications

Aspiration	Performance
Outcome 12	Visionary Leadership and Responsible Governance
Objective 12.1	Maintain a high standard of leadership, corporate governance and customer service

## Legislative Implications

### Local Government Act 1995 – Section 3.50

#### Closing certain thoroughfares to vehicles

- 1) A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.  
(1a) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.
- 2) The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.
- 3) [deleted]
- 4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to —
  - a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission; and
  - b) give written notice to each person who —
    - I. is prescribed for the purposes of this section; or
    - II. owns land that is prescribed for the purposes of this section; and
  - c) allow a reasonable time for submissions to be made and consider any submissions made.
- 5) The local government is to send to the Commissioner of Main Roads, appointed under the Main Roads Act 1930, a copy of the contents of the notice required by subsection (4)(a).

## Policy Implications

Nil

## Financial Implications

Closing a road without a detailed agreement regarding responsibilities, and obligations regarding cost, may give rise to significant financial implications into the future. This is particularly the case given this proposal to close roads includes a full decommissioning of the asset. South32 have committed to a reinstatement of the road network at the end of the closure period, which will minimise the financial risk to the Shire.

## Economic Implications

The impact of the road closure to the Tullis Bridge precinct includes the lack of ability for both community and tourists to visit this reserve. Tullis Bridge and the associated railway trail is noted as a project of strategic importance to the community.

The road closure request is required by South32 to progress their mining operations. Delays in the approval process may cause a negative economic impact to both the operation and the community.

## Social Implications

The impact regarding this road closure is yet to be determined, however, will be somewhat established through the public consultation.

### Environmental Considerations

The extent of environment impacts such as verge side flora disturbance are not specified within the proposal. Mining expansion projects are required to be underpinned by a comprehensive approval process to the Environmental Protection Authority (EPA), and the clearing alongside the roads that are subject to closure is part of the area included in the EPA process.

### Risk Considerations

Risk Statement and Consequence	The key risks in relation to this item are the financial impact of road reinstatement, economic impact, and a lack of community support for the closure.
Risk Rating (prior to treatment or control)	High
Principal Risk Theme	Financial, Reputational
Risk Action Plan (controls or treatment proposed)	The officer recommendation includes the requirement for an agreement to be endorsed prior to a final determination being made.

### Options

1. Endorse the public notice period commencing.
2. Declining the request for a road closure.

### Voting Requirements

Simple Majority

### Officer Recommendation

#### **That Council:**

- 1. Endorse the Chief Executive Officer to give public notice of the proposed road closures outlined in Attachment 11.1A, in accordance with Section 3.50 of the Local Government Act.**
- 2. Note that submissions will be presented to a future Council meeting for consideration.**
- 3. Advise the applicant that an agreement in relation to the road closures, is required to be endorsed by Council prior to this application being determined.**



22 March 2023

Ms Julie Burton  
Chief Executive Officer  
Shire of Boddington  
PO Box 4  
BODDINGTON WA 6390  
Your Ref: 2.096 and Road 58

South32  
Worsley Alumina  
PO Box 344  
Collie WA 6225  
T +61 8 9734 8311  
South32.net

By email: [ceo@boddington.wa.gov.au](mailto:ceo@boddington.wa.gov.au)

Dear Ms Burton,

### **South32 Worsley Alumina – Proposed Future Road Closures**

Further to Council's decision of 19 December 2022 (resolution 141/22), South32 Worsley Alumina Pty Ltd (ABN 58 008 905 155) is pleased to provide this comprehensive proposal in support of our requested road closures for the Nullaga Mine Development in the Shire's Marradong and Boddington localities.

#### **1 Description of Proposed Road Closures**

- 1.1 South32 Worsley Alumina's planned mining activities are incorporated within our Pre-existing Mining Approval Area, Worsley Mining Development Envelope (WMDE), and Bauxite Transport Corridor (BTC), as shown in the plan included as Attachment 1, sourced from our Worsley Mine Expansion Environmental Review Document (June 2022).
- 1.2 Among other things, our planned mining activities will include:
  - a) Construction of a 24m-wide dual carriageway haul road over a distance of approximately 11km, between our Marradong Primary Crusher and Gold Mine Road near the intersection with Siding Road. The proposed haul road alignment traverses several public roads that will need to be closed for the duration of mining activities to ensure public safety; and
  - b) Mining within the roads that pass through Marradong Timber Reserve, including Ashcroft Road and Morts Road. This will require closure of those roads while mining activities are occurring, followed by their reconstruction and reinstatement for public access once mining operations have concluded and the surrounding land has been recontoured.
- 1.3 South32 Worsley Alumina respectfully requests Council's advertising and approval of our proposed road closures in accordance with sections 3.50(4) – (6) of the *Local Government Act 1995* and (for Rogers Bend only) section 58 of the *Land Administration Act 1997* and regulation 9 of the *Land Administration Regulations 1998*.
- 1.4 Our requested road closures are described in Table 1 on the following page and illustrated in the plan included as Attachment 2. Unless otherwise noted, where a temporary road closure is proposed in Table 1, the road closure is intended to commence on the first calendar day of the first month stated in the closure date range for that road and remain in place until (and including) the last calendar day of the last month stated in the closure date range.



Table 1 – Proposed Road Closure Summary

Road	Closure Type	Comment
<b>Ashcroft Road</b>	Temporary 17 April 2023 – Aug 2038 (15 yrs)	<ul style="list-style-type: none"> <li>Ashcroft Road is currently constructed as a 6m-wide (approximately) gravel road, trafficable by two-wheel drive vehicles, providing a north-south connection between Morts Road and Pinjarra-Williams Road.</li> <li>The proposed closure length is around 3.4km, from the north-eastern corner of Lot 7615 Ashcroft Road to the intersection with Morts Road.</li> <li>The northern portion of Ashcroft Road to be closed is contained within our Pre-existing Mining Approval Area and proposed WMDE and BTC, while the southern portion to be closed is contained within the WMDE.</li> <li>The closed portion of Ashcroft Road will be impacted by mining operations and will be reconstructed and reinstated once those activities have concluded.</li> </ul>
<b>Stagbouer Trail</b>	Temporary Dec 2023 – Dec 2038 (15 yrs)	<ul style="list-style-type: none"> <li>The gazetted road reserve of Stagbouer Trail is around 570m long, extending from the intersection with Morts Road to the north-eastern corner of Lot 5013 Stagbouer Trail.</li> <li>The first 400m of Stagbouer Trail from Morts Road is constructed as a 5.5m-wide (approximately) sealed road, with the remainder being a 5m-wide gravel track, trafficable by two-wheel drive vehicles. The track informally extends a further 940m over freehold land owned by Worsley Alumina Joint Venture Partners, to provide access to Lot 387 (owned by A. M. Chinnery).</li> <li>Upon closure of Stagbouer Trail, alternate access will be provided to Lot 387 from the south to Ashcroft Road, via an easement over private property owned by Worsley Alumina Joint Venture Partners.</li> <li>The Stagbouer Trail road reserve will be impacted by mining operations and will be reconstructed and reinstated once those activities have concluded.</li> </ul>
<b>Rogers Bend</b>	Permanent July 2023	<ul style="list-style-type: none"> <li>The gazetted road reserve of Rogers Bend is around 240m long, extending from the intersection with Morts Road to the northern boundary of Lot 11 Morts Road. It is currently constructed as a 5m-wide (approximately) gravel track trafficable by two-wheel drive vehicles.</li> <li>Rogers Bend only provides access to Lots 7 and 11 Morts Road, which are both owned by Worsley Alumina Joint Venture Partners. No other landholdings will be affected by the permanent closure of Rogers Bend.</li> </ul>
<b>Morts Road</b>	Temporary 17 April 2023 – December 2025 (2.5 yrs)	<ul style="list-style-type: none"> <li>Morts Road is currently constructed as a 6.5m-wide (approximately) gravel road trafficable by two-wheel drive vehicles, providing access between Robins Road and Tullis Bridge.</li> <li>The proposed closure covers the full length of Morts Road, from Robins Road to Tullis Bridge, a distance of around 7.1km.</li> <li>The eastern and part of the northern portion of Morts Road to be closed is contained within our Pre-existing Mining Approval Area, while the remainder is encompassed by our proposed WMDE and BTC.</li> <li>The proposed closure of Morts Road will temporarily prevent public access to the Tullis Bridge picnic area and walk trail on the southern side of the Hotham River. This will be offset by South32 Worsley Alumina's community benefit contribution described in section 3 of this proposal.</li> </ul>



Road	Closure Type	Comment
		<ul style="list-style-type: none"> <li>The proposed closure will also temporarily remove vehicle access to Lots 3 and 5542 Morts Road, owned by Nullaga Pastoral Co. Pty Ltd. Worsley Alumina has entered into a commercial agreement between the Worsley Joint Venture Partners and Nullaga Pastoral Company for mining operations and restoration. The Agreement has been approved by the Minister for Development, Jobs and Trade in accordance with the <i>Alumina Refinery (Worsley) State Agreement 1963</i> (State Agreement).</li> <li>The closed portion of Morts Road will be impacted by mining operations and will be reconstructed and reinstated once those activities have concluded.</li> </ul>
<b>Siding Road</b>	Temporary Dec 2023 – Dec 2038 (15 yrs)	<ul style="list-style-type: none"> <li>Siding Road is currently constructed as a 6.5m-wide (approximately) gravel road trafficable by two-wheel drive vehicles, providing access from Gold Mine Road to the former Tullis Bridge railway siding on the northern side of the Hotham River. The proposed closure covers the full length of Siding Road, a distance of some 4.5km.</li> <li>The proposal includes closure of an unconstructed and unnamed road reserve situated at the southern end of Siding Road extending around the western and southern sides of the former Tallis Bridge railway reserve comprised in Crown Lots 1808 and 1947.</li> <li>Siding Road is predominantly used by Newmont to access its water-related infrastructure adjacent to the Hotham River, in the vicinity of Tallis Bridge.</li> <li>Although closed to the public, keyed access to Siding Road will be available to Boddington Gold Mine Joint Venture Partners (managed by Newmont). Other privately owned land east of Siding Road on the northern side of the Hotham River will still be accessible via Old Soldiers Road whilst Siding Road is closed.</li> <li>The northern portion of Siding Road to be closed is contained within our Pre-existing Mining Approval Area, while the remainder is encompassed by our proposed WMDE and BTC.</li> <li>Construction of our haul road near the southern end of Siding Road will incorporate an underpass for pedestrian and equestrian users of the proposed rail heritage trail, which is intended to run alongside the old, abandoned rail line connecting Pinjarra and Narrogin west of Tullis Bridge.</li> </ul>

## 2 Road Reinstatement

- 2.1 South32 Worsley Alumina's planned mining operations will impact the current vertical and horizontal alignments of Ashcroft Road, Stagbouer Trail, Siding Road and Morts Road. Affected portions of those roads will therefore be redesigned and reconstructed in future, before being handed over to the Shire and reopened for public access.
- 2.2 Prior to the formal closure of the roads, South32 Worsley Alumina and the Shire of Boddington will agree, in writing, the terms and conditions of the road closures, including:
  - a) The designs and specifications for the reconstruction and reinstatement of each closed road affected by its mining operations.
  - b) The designs and specifications referenced in 2.2 a) above will be mutually agreed with the Shire and are to be based on the following considerations:



- (i) Be generally equivalent to, but not less than, the condition of the road at the time of closure as assessed according to 2.2 a) above;
  - (ii) The guidance provided in section 2.3.2 of the ARRB *Technical Basis for Estimating the Cost of Road Wear on Unsealed Local Government Roads in Western Australia* (February 2019); and
  - (iii) The intended function and technical level of service of each road, considering the volume and type of traffic to be accommodated and the corresponding seasonal performance characteristics required.
- c) Agreement by both parties on the reporting and management requirements of project delays to avoid or minimise impacts to public access to the Tullis Bridge recreation area beyond the agreed timeframes.

### 3 Community Benefit Contribution

- 3.1 In consideration of the temporary loss of public access to the Tullis Bridge recreation area due to the short-term closure of Morts Road, South32 Worsley Alumina will provide the following community benefit contribution towards one or more of the initiatives identified in the *Shire of Boddington Council Plan – 1 July 2022 to 30 June 2032*:
- a) A contribution of \$500,000 in June 2023;
  - b) A contribution of \$750,000 in June 2024; and
  - c) A contribution of \$750,000 in June 2025.
- 3.2 South32 Worsley Alumina's community benefit contribution described in 3.1 above, totaling \$2,000,000:
- a) Reflects the shared objective of South32 and the Shire of Boddington to support legacy projects for the benefit of the Boddington community.
  - b) Adds to our 2021/22 investment of more than \$2.3M in businesses located within the Boddington Shire and \$270,000 in Shire community projects and events, including the Hotham Park development and successful Summer by the River events.
- 3.3 South32 Worsley Alumina's community benefit contribution described in 3.1 above is conditional upon the following:
- a) The 2023 contribution amount, being \$500,000, will be paid to the Shire upon formal closure of all roads described in this proposal for the type and duration requested by South32 Worsley Alumina, in accordance with South32 standard payment terms and conditions;
  - b) The contribution stated in 3.3 a) shall be paid to and retained by the Shire of Boddington within a Reserve Account established for the purpose of the jointly identified project/s, and shall only be expended by the Shire for that purpose;
  - c) The 2024 and 2025 instalments, being \$750,000 in each year, will be paid to the Shire once:
    - a. satisfactory completion of mutually agreed project milestones; and





- b. satisfactory agreement is reached in writing on the design and specification for Morts Road, in accordance with 2.2 c) earlier.
- d) The contribution stated in 3.3 c) shall be paid to and retained by the Shire of Boddington within a Reserve Account established for the purpose of the jointly identified project/s, and shall only be expended by the Shire for that purpose;

We look forward to your favourable consideration of this proposal and would welcome the opportunity to discuss this matter with you and the Shire President prior to it being presented to Council at its meeting on 23 March 2023.

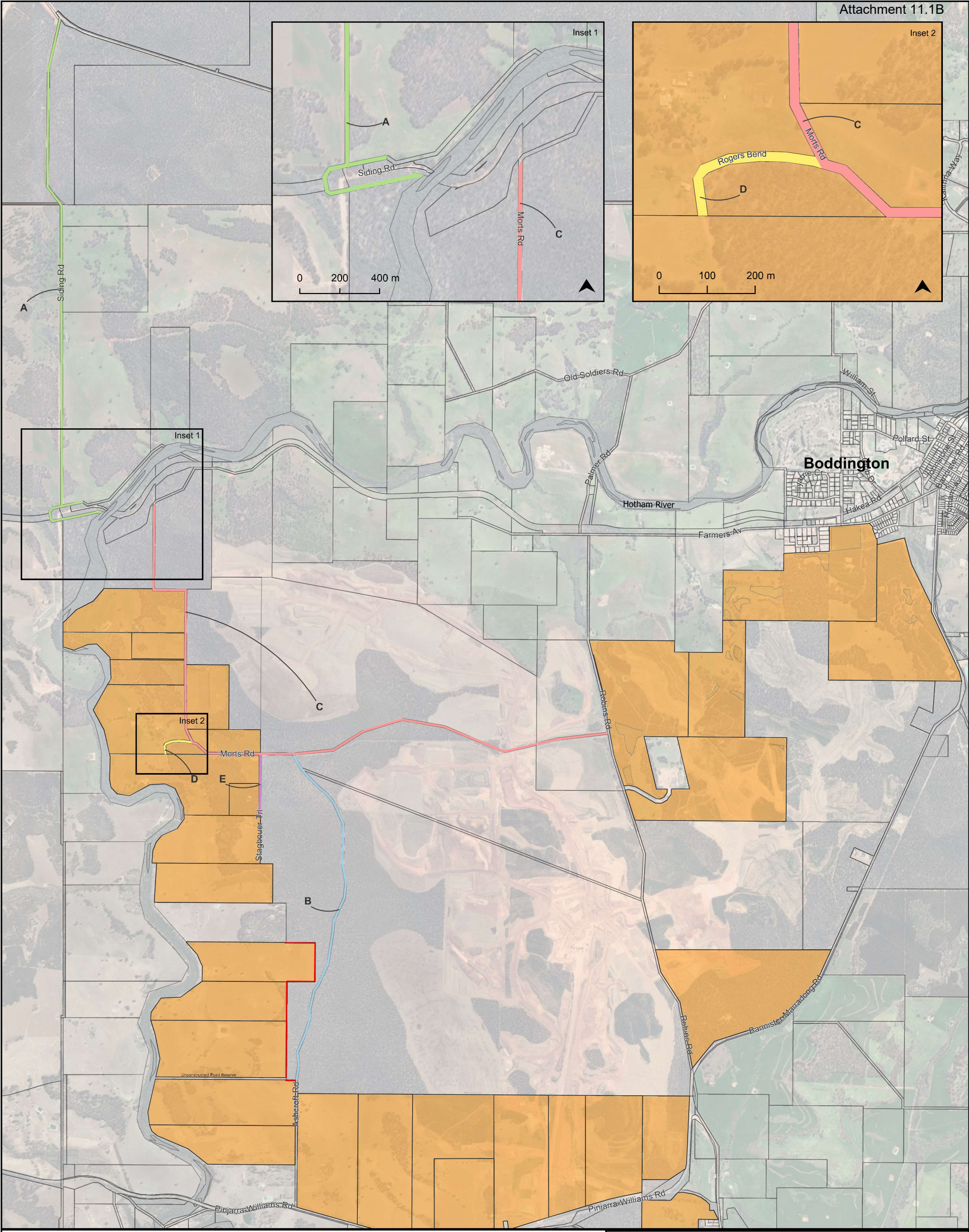
If you have any queries in the meantime, please do not hesitate to contact Liam Stower, Manager External Affairs on 0402 939 488 or via email at [Liam.Stower@south32.net](mailto:Liam.Stower@south32.net).

Yours sincerely,

A handwritten signature in black ink, reading 'Aaron Nash', is positioned below the 'Yours sincerely,' text.

Aaron Nash  
**Acting General Manager – Mine & Materials**  
Worsley Alumina Pty Ltd





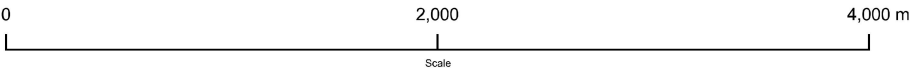
Legend

Property

- Access Easement
- South 32 Landholdings
- Cadastral Boundaries

Road Adjustment

- A - Temporary Closure December 2023 - December 2038
- B - Temporary Closure April 2023 - April 2038
- C - Temporary Closure April 2023 - December 2025
- D - Permanent Closure July 2023
- E - Temporary Closure December 2023 - December 2038



Worsley Alumina Pty Ltd

Proposed Road Closure Map

FIGURE

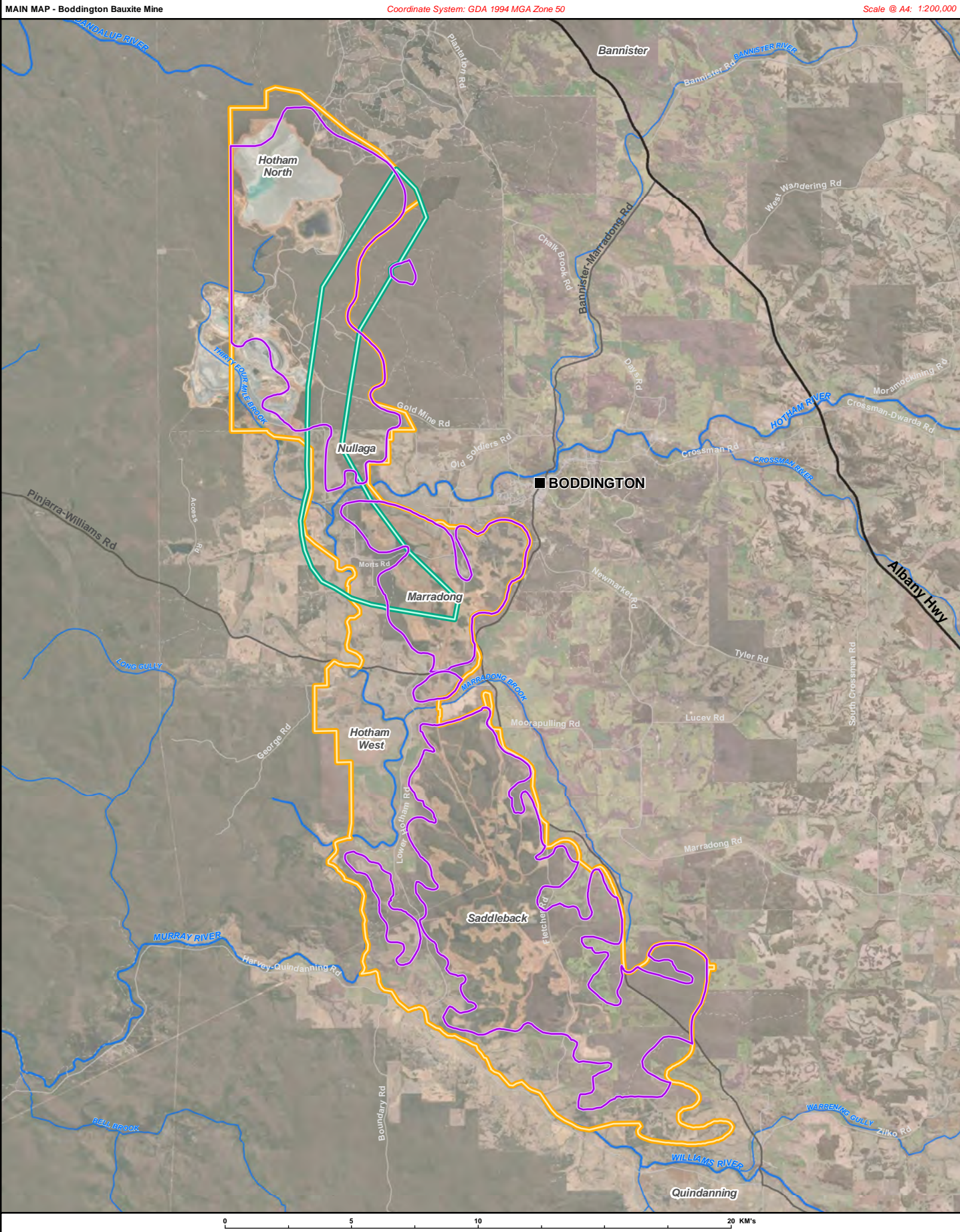
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REV 3

Author: OT\_LKA

Created: 18/01/2023





LEGEND

	Town		State Highway		Minor Road		Major River		Lake
	Main Road		Track		Minor River				



Worsley Alumina Pty Ltd

Worsley Mining Development  
Envelope and  
Bauxite Transport Corridor

FIGURE

1-2

Author: dlmm1

Created: January 2022