

GRAVEL AND SAND ACQUISITION

DIVISION	BUSINESS UNIT	RESPONSIBILITY AREA
Works and Services	Natural Res Management	Extractive Industries

OBJECTIVE

To provide clear guidelines for the acquisition of gravel, sand and clay for construction and maintenance purposes.

POLICY

1. Scope

This policy applies to all transactions between the Council and individuals when obtaining materials from private land for construction and maintenance purposes.

2. Legislation

Local Government Act 1995, Section 3.27 and Schedule 3.2 – ‘Particular things local governments can do on land that is not local government property’

Local Government Act 1995, Section 3.31 – ‘General procedure for entering property’

Local Government Act 1995, Section 3.32 – ‘Notice of entry’

Local Government Act 1995, Section 3.33 – ‘Entry under warrant’

3. Application of Policy

3.1. The Council will, when materials for construction and maintenance purposes need to be sourced from private land, obtain such material by consultation with the landowner or his/her authorised representative. Where such negotiations are successful the Council will be responsible for:

3.1.1 Satisfactory rehabilitation of the pit area, including drainage, upon completion of extraction;

3.1.2 Construction where necessary and satisfactory repair of affected haul roads, gates, fences or other structures;

3.1.3 Negotiating compensation to the landowner for materials extracted and associated justifiable imposts.

3.2 Values for materials are to be determined by the Manager Works and Services on a case by case basis as follows:

3.2.1 Gravel is to be at a rate of up to \$2.00 per m³ (ex GST). The suggested range is to be \$1.00 per m³ (ex GST) for moderate quality material to \$2.00 per m³ (ex GST) for gravel that does, or has the ability through

crushing or screening to conform to Main Roads WA Specification 501.08.01 for Naturally Occurring Basecourse material.

- 3.2.2 Sand is to be at a rate of up to \$1.50 per m³ (ex GST). The sand must be clean, free of deleterious materials such as clay, roots or other organic matter and contain no particles greater than 5mm in any dimension.
- 3.2.3 Clay and lesser quality materials to be used for landfill cover or embankment materials is to be at a rate of up to \$1.00 per m³ (ex GST).
- 3.3. Where landowners contribute to road construction and maintenance works by providing, without claim for compensation, gravel materials or sand, the Manager Works and Services is to be authorised to carry out private works at the request of the landowner. The valuation of the landowner's contribution to the road works is to be determined by the Manager Works and Services.
- 3.4. The private works in part 3.3 above may only be carried out on the property from which materials have been extracted, and subject to plant availability.
- 3.5. Prior to taking materials from private property, permission shall be obtained from the landowner or his/her authorised representative, in the form of a signed agreement.
- 3.6. When landowner consent for the extraction of road building or other materials required for public works is not granted and the Chief Executive Officer considers that acquisition of these materials is in the best interests of the public, the Chief Executive Officer provides such notices, and takes such actions, as are prescribed by the Local Government Act 1995 to secure these materials.
- If materials are extracted without the landowner's consent then the rates of royalty that would have been applicable and remedial actions to the land that would have been taken, will apply as if the landowner had given their permission.
- 3.7. Upon completion of all requirements of the agreement in part 3.4, the Manager Works and Services shall ensure the landholder is adequately satisfied, by way of a signed acceptance letter.

ADOPTED: OCTOBER 2006

LAST REVIEWED: 27 FEBRUARY 2018