

**GRAVEL AND SAND ACQUISITION**

<b>DIVISION</b>	<b>BUSINESS UNIT</b>	<b>RESPONSIBILITY AREA</b>
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 Executive Manager Works and Services on a case by case basis as follows:

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3.2.1 Gravel is to be valued within a range of \$1.00 per m<sup>3</sup> (ex GST) for moderate quality material to \$2.00 per m<sup>3</sup> (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 a maximum of \$1.50 per m<sup>3</sup> (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 a maximum of \$1.00 per m<sup>3</sup> (ex GST).

3.3. Landowners have an option to:

- a) Claim full payment for the materials extracted;
- b) Claim part payment and part private works up to the value of the materials extracted; or
- c) Receive no payment and have private works carried out to the value of the materials extracted.

The valuation of private works will be determined by the Executive 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 the 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 the 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 3.1, the Executive Manager Works and Services shall ensure the landholder is adequately satisfied by way of a signed acceptance letter.

**ADOPTED: OCTOBER 2006**

**LAST REVIEWED: 21 APRIL 2020**

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