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RUBBLE PIT AND ROYALTIES' POLICY

Policy No: **DCSB-I-14.05**	Approved on: **23 June 2016**	Administered by: **General Manager of Infrastructure**
Last Reviewed: **August 2014**	Review Date **June 2019**	Record No: **F16/1142**
Classification: **Infrastructure**		
Strategic Plan link: **Strategy 1.1.7** Ensure compliance of relevant Council policies and procedures with legislative requirements.		
References and related Policies, Procedures and Forms: *Local Government Act 1999* DCSB 14 Form 40 Consent Form – Rubble Pits – Enter and Occupy Land		

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1. Introduction

Council during road construction and maintenance works, are from time to time required to enter and occupy land for the purposes of obtaining rubble.

2. Policy Objective/Statement

This policy aims to set out regulations and requirements to establish agreements between Council and landowners for the purpose of obtaining rubble.

Pursuant to Section 294 of the Local Government Act 1999 Council has the power to enter and occupy land in connection with road maintenance or road construction to;

- Obtain earth, minerals or timber from land
- Deposit soil on land
- Construct temporary roads and structures on land
- Deposit or store materials on land
- Carry out any other incidental activity on land

3. Scope

This section outlines the steps involved in order to obtain access to rubble.

3.1. Consent Form

The “Consent Form” to enter and occupy land for the purpose of obtaining rubble outlines legislative requirements that need to be addressed prior to occupation of the land. These issues include;

- Expected period of occupation
- Payment amounts (if any) covering property rental, crop damage compensation and material compensation
- Fencing requirements (if any)
- Land description

3.2. Process

Council officers will be required to obtain written agreement via the Consent Form (DCSB 14 Form 40 Consent Form – Rubble Pits – Enter & Occupy Land) with the land owner prior to accessing private property to ensure compliance with Section 294 of the *Local Government Act 1999*, and to provide better understanding of Councils intentions.

All items on the consent form must be completed prior to occupation of the land.

3.3. Fees Payable

- The fees shall be set at, at least (2) rates; Grazing/Non Cropped Land and Cropped Land.
- Fees payable shall be set annually as part of Council Fees and Charges in the Annual Business Plan.
- The amount payable to the land owner shall be the amount of rubble that is utilised by Council.
- Any remaining rubble within the pit shall revert to the property owner, unless otherwise negotiated between the landowner and Council when the consent form is completed.

3.4. Payment of Fees

All fees, unless otherwise negotiated at the time of consent, shall be paid within six (6) months of the completion of works, and removal of rubble.

3.5. Fencing (and other Infrastructure)

Any fencing or other infrastructure that is damaged during the course of raising, loading or carting that lies on the direct route from the rubble pit to the nearest entry point to the road reserve shall be the responsibility of the Council.

Council's delegated person must identify this infrastructure and list on the consent form.

3.6. Rehabilitation

Council will rehabilitate a rubble pit that they create if the rubble pit is not to be utilised again within a 12 month period.

Rehabilitation will include as a minimum;

- Overburden and excess stones pushed into pit
- General levelling and battering of edges

Rehabilitation aims to give the appearance of a more natural depression in the ground, no revegetation of pits will be undertaken other than the natural revegetation that is likely to occur.

Rehabilitation should occur as soon as practicable upon completion of works and within 12 month of completion of works.

4. Refusal to Access

Should a property owner refuse to provide access to their property, the delegated officers shall make all reasonable attempts to establish an alternative supply within a reasonable vicinity of the proposed works.

If no supply of rubble is found within a reasonable vicinity of the proposed works, such works may be required to be re-scheduled, this shall be at the discretion of the Operations Manager and a report shall be presented to Council.

Council in accordance with Section 294 of the Local Government Act may elect to utilise its powers under this section to enter the land, this will only be undertaken at the direction of Council.

5. Delegations

The Council hereby delegates the Operations Manager to;

- Negotiate the terms and conditions of the consent form;
- Execute the consent form

In the absence of the above mentioned officers delegation shall extend to any person appointed to act in the position.

6. Records Management

Council shall keep records of the quantity of the said materials in cubic metres taken from the said land.

All records shall be kept and disposed of in accordance with councils, Records Management Policy & Procedure and the General Disposal Schedule 20.

7. Availability of Policy

This policy will be available for inspection at the Council's principal office during ordinary business hours at no charge. Copies of this policy may be obtained upon request at a cost to be determined by Council from time to time.