	<p style="text-align: center;">GOVERNANCE POLICY</p> <p style="text-align: center;">RUBBLE PITS</p>	Policy Number Version Number Issued Last Review Next Review GDS	G1.53 2 September 2021 October 2023 November 2027 9.63.1.1
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RUBBLE PITS

1. POLICY STATEMENT

The Flinders Ranges Council (Council) has a requirement to obtain rubble for road construction and maintenance works.

This policy applies to operational rubble pits being pits that have the capacity to produce rubble and are not constrained by Native Vegetation restrictions or other constraints that would prevent timely access to the rubble source.

2. POLICY OBJECTIVES

The objectives of this policy are to:

- Reduce the net cost of road making activities to residents and rate payers by obtaining road making materials as close as possible to road work sites.
- Ensure that the process of sourcing road making material is undertaken in compliance with the *Local Government Act 1999* (the Act), and in a manner designed to reach amicable outcomes for both Council and the landowner.

Pursuant to Section 294 of the Act, 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
- Conduct surveys, inspections, examinations and tests, and carry out work;
- Carry out any other incidental activity on land.

This policy aims to set out guidelines and objectives for establishing agreements between Council and landowners for the purpose of obtaining rubble and the way in which the material pit will be managed.


3. POLICY AND PROCEDURE

3.1 Consent Form

The *Rubble Pit – Consent to Enter and Occupy Land* (the Consent Form) to enter and occupy land for the purpose of obtaining rubble outlines the legislative requirements of Section 294 of the Act.

These issues include:

- Expected period of occupation
- Payment amounts covering material compensation etc.
- Reinstatement requirements
- Fencing requirements (if any)
- Land (Parcel) description

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3.2 Process

Council officers will be required to obtain written agreements via the Consent Form with the landowner prior to accessing private property to ensure compliance with Section 294 of the Act and to provide clear understanding of Councils intentions.

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

3.3 Fees Payable

3.3.1 Material

The amount payable to the landowner shall be based on the amount of material extracted from the pit by Council. Fees payable to the landowner for the rubble extracted from their property will be paid to the landowner at a rate of \$0.50c per tonne.

Any remaining rubble within the pit shall remain the property of Council, unless otherwise negotiated between the landowner and Council when the extraction of material is completed.

3.3.2 Rent

Rent will be either a once off payment based on Council's requirement for rubble and the expected life of the pit, or paid annually during the life of the pit.

The rental amount will be paid at \$150 per hectare.

3.4 Payment of Fees

All fees, unless otherwise negotiated at the time of consent, shall be paid within three (3) months of the completion of works and removal of rubble.

Council will issue the landowner with an *Agreement to Issue a Recipient Created Tax Invoice* in relation to material or rent. Once this has been completed and returned to the Council office, payment will be made via EFT. The Responsible Officers (refer Section 5 of the policy) must authorise the payment.


3.5 Fencing (and other infrastructure)

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

Council's authorised person must identify this infrastructure and list on the consent form where it is recognised that infrastructure will be damaged.

3.6 Rehabilitation

Reinstatement is to be negotiated with the landowner at the time of the Road Making Material Agreement being signed.

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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 by Council other than the natural revegetation that is likely to occur.

Rehabilitation will occur as soon as practicable upon closure of the pit within an agreed timeframe, this timeframe is to be noted on the Road Making Material Agreement.

3.7 Refusal of access

Should a property owner refuse to provide access to their property, the Responsible 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 rescheduled. This shall be at the discretion of the Road Construction and Capital Projects Coordinator and a report shall be presented to Council outlining any possible alternatives.

Council in accordance with Section 294 of the Act may elect to utilise its powers under this section to enter the land, this right will be exercised only at the discretion of Council.

4. RESPONSIBLE OFFICERS

The Council hereby delegates the following staff to execute the Agreement in accordance with this policy:

- Chief Executive Officer
- Director of Works

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

5. LEGISLATION

[Local Government Act 1999](#)
[Mining Act 1971](#)
[Mining Regulations 2020](#)


9. REFERENCES

Nil

9. REVIEW

To be reviewed within 12 months after a General Election, in line with legislation and any legislative changes or by resolution of Council.

<p><i>Electronic version on the Council Server Computer System is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.</i></p>	Page 3 of 7
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Review Date	Version Number	Change	Resolution
19 October 2021	1	Adoption	246/2021
17 October 2023	2	Minor changes to Act references only	283/2023



GOVERNANCE AGREEMENT


Version Number
Issued
Next Review
GDS

4
July 2021
July 2022
9.87.1.2

2. "The Quota"

3. Pit Name _____

MAP

 <p>The Flinders Ranges Council</p>	<p>GOVERNANCE</p> <p>AGREEMENT</p>	<p>Version Number Issued Next Review GDS</p>	<p>4 July 2021 July 2022 9.87.1.2</p>
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Signed by the Property Owner

Name

Signature

Date

Signed by or on behalf of the Council

Name

Date

Position

Signature