

Policy 5.1 Works**Gravel, Sand and Water Supplies and Pit Rehabilitation****Reference/s**

Local Government Act 1995, including sections 3.21, 3.22, 3.27, 3.31, 3.32, 3.33 and Schedule 3.2
Environmental Protection (Clearing of Native Vegetation) Regulations 2004
Main Roads Standards and Guidelines
Shire of Cranbrook Council Plan 2025–2035
Shire of Cranbrook Strategic Resource Plan 2017–2032

This policy supports the delivery of the Shire of Cranbrook Vision

That the Shire of Cranbrook is a proactive, sustainable, safe, friendly and prosperous place to be

PURPOSE

This policy establishes a framework to ensure the Shire of Cranbrook has reliable access to sufficient, suitable gravel, sand and water for its road maintenance, road construction and other operational requirements, while ensuring material acquisition, landowner arrangements and pit rehabilitation are undertaken equitably, transparently and in accordance with relevant legislation.

SCOPE

This policy applies to the Shire's access to, extraction and use of gravel, sand and water for public works and other Shire operational requirements, including arrangements with landowners, testing and payment for materials, pit management and rehabilitation.

OBJECTIVE

The objectives of this policy are to:

- Ensure access to an adequate supply of suitable road-building materials and water.
- Provide an equitable payment arrangement for the supply of gravel, sand and water for Shire requirements.
- Ensure that an effective rehabilitation program is in place.
- Ensure landowners are treated fairly and disruption to landowners is minimised.
- Ensure that all facets of material acquisition, extraction, compensation and rehabilitation are transparent and compliant with relevant legislation.

POLICY**Access to Material**

Council recognises that in order to access gravel, sand or water it needs to pay a fair price and abide by its own policies and local laws. To this end, Council will undertake the following:

1. Approach the landowner at least four weeks prior to the time that the works are due to commence, where practicable, to advise the landowner of the Shire's intention, advise of compensation and enable the landowner to make any necessary arrangements in relation to stock, farming operations or other activities.
2. Prior to taking gravel, sand or water from private property, permission shall be obtained from the landowner or their authorised agent in the form of a signed agreement.
3. Where water is to be acquired, the source, estimated quantity, access arrangements and compensation arrangements shall be agreed with the landowner prior to extraction.
4. All pits opened on private property will be reclaimed before the plant shifts to the next programmed job, unless firm arrangements are made with the landowner for not reclaiming.
5. If the area is required for dam catchments, all topsoil shall be stockpiled or removed if suitable for road building.
6. If required by the landowner, the areas shall be fenced, and suitable gates fitted to the

- fenced area, at the Shire's expense.
7. Construction shall occur when necessary to create or repair affected haul roads.
 8. All care will be taken to reduce, as much as possible, the impact or inconvenience to the landowner.
 9. All pits will be rehabilitated in accordance with this Policy and the applicable landowner agreement.
 10. Material from pits will be tested to ensure specifications are suitable for construction.
 11. Rate of payment for materials shall be:
 - Gravel - \$2.00 per cubic metre for gravel, exclusive of GST.
 - Sand - \$1.50 per cubic metre, exclusive of GST.
 - Water - \$1,000 per ML, no GST
 12. All transactions are to be in accordance with relevant legislation and include a written agreement, detailing all aspects of the proposed transaction, including rehabilitation of the quarry/pit. No works are to occur prior to the signing of the agreement by both parties.
 13. 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 material extracted; or
 - c. Receive no payment and have private works carried out to the value of the materials extracted.

The value of private works will be determined by the Manager of Works in accordance with the Shire's adopted private works rates and existing delegations.

14. Private works undertaken in lieu of payment may only be carried out on the property from which the gravel, sand or water has been acquired and are subject to plant, equipment and staff availability. Any works scheduled are to be performed during the budgeted financial year and are not to be carried over.
15. Wherever possible, granular materials shall be taken from land that has already been cleared. The establishment of pits in native vegetation and the use of roadside pits are to be avoided wherever practicable.
16. Where clearing of native vegetation is required, the relevant environmental legislation and approvals, including the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, shall be considered and any necessary clearing permits obtained prior to clearing.
17. Where landowner consent for the extraction of road-building or other materials required for public works is not granted, and the Chief Executive Officer and Manager of Works consider the acquisition of these materials to be in the public interest, the Chief Executive Officer will provide such notices and take such actions as prescribed by section 3.27 of the Local Government Act 1995 to secure the materials. The Shire's statutory powers of entry and acquisition will only be used as a last resort.
18. Where materials are extracted without the landowner's consent in accordance with clause 17, the applicable royalty rates and rehabilitation requirements will apply as if the landowner had provided consent.
19. Upon completion of the Shire's obligations under the applicable landowner agreement, the Manager of Works shall seek confirmation from the landowner that the agreed works, rehabilitation and compensation requirements have been satisfactorily completed.

Pit Rehabilitation

The Shire recognises that pit rehabilitation is necessary to minimise soil compaction, manage surface drainage, prevent erosion and minimise visual impacts.

1. In general, prior to opening a pit, a management plan of the site will be prepared which will include rehabilitation and monitoring.
2. Private operators are required to submit and abide by a pit management plan, which includes rehabilitation and monitoring, before establishing a pit.

3. Wherever possible, new pits will be established on cleared land, not existing bushland and not be located on a road verge.
4. Where necessary, the visual impacts of an operating pit will be minimised through the establishment of buffers between the pit and visual vantage point/s.
5. Where necessary, the dust and noise impacts of an operating pit will be minimised through the establishment of buffers between the pit and neighbours.
6. Throughout the life of the pit, topsoil, overburden and vegetation will be stockpiled separately ready for respreading in the rehabilitation process.
7. If weeds have developed on the topsoil mounds these will be removed prior to respreading the topsoil.
8. If necessary, drainage structures will be established within the pit, to reduce any ponding and/or surface erosion.
9. Rehabilitation will be undertaken progressively throughout the life of the pit.
10. The site will be monitored every year for three years after closure of the pit. If after three years, rehabilitation is considered inadequate, appropriate measures will be undertaken to bring the pit up to the appropriate rehabilitated standard.
11. Private pits shall be rehabilitated in accordance with the signed gravel rehabilitation agreement

Bush Sites

Where a proposed pit is located within bushland, the following will apply:

1. Clearing is discouraged and should only be considered where suitable material cannot reasonably be sourced from previously cleared land.
2. The requirements of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 shall be considered and all necessary clearing permits obtained prior to clearing.
3. Prior to opening a pit, seed from local endemic species will be collected from the site and stored for use in the revegetation phase of rehabilitation.
4. The general process of rehabilitation will be:
 - a. Rip the floor of the pit at one metre intervals across the contour.
 - b. Shape the ripped pit so that the surfaces are as smooth as possible.
 - c. Batter the edges down to blend in with the landscape with the batter slopes no steeper than 4H:1V.
 - d. Return the overburden and the topsoil to the pit.
 - e. Then cross-rip the site at one metre intervals on the contour to encourage plant growth and
 - f. Return all vegetation and debris to the pit.
5. Seeds collected prior to pit establishment should be scattered on the site at the time of year suited for germination (varies with location) if establishment from respreading vegetation has been inadequate. If a store of seeds is not available, seed from local endemic species should be collected from surrounding areas; and
6. If required by the landowner and the pit is located on farmland, the rehabilitated area may be fenced at the Shire's expense to exclude stock and assist regeneration.

Pastured Sites

1. Prior to establishment of the site, the landowner will be asked how they want the site rehabilitated.
2. For sites to be rehabilitated back to pasture the general process of rehabilitation will be:
 - a. Rip the floor of the pit to a depth of at least 50cm along the contour.
 - b. Shape the pit so that the surfaces are as smooth as possible and edges are battered down to blend in with the landscape.
 - c. Return the overburden and then topsoil to the pit.
 - d. Pasture seed will be spread.

Abandoned Pits

1. As part of its annual budget deliberations, Council may determine an amount for the

rehabilitation of abandoned pits for which the Shire has responsibility. This will take into account the works program to ensure that, over time, abandoned pits are rehabilitated to a satisfactory standard.

2. The method of rehabilitation will generally be consistent with the rehabilitation requirements for current pits contained within this Policy.
3. Where suitable fill is no longer available, appropriate spoil from roadworks or other suitable sources may be used. Where topsoil is no longer available on site, suitable material may be carted to the area where required to achieve satisfactory rehabilitation.
4. Rehabilitated abandoned pits will be monitored as appropriate. Where rehabilitation is inadequate, reasonable remedial measures will be undertaken to achieve a satisfactory outcome.

ROLES AND RESPONSIBILITIES

Elected Members

- Provide strategic leadership by endorsing policies, strategies and plans that support the responsible sourcing, extraction and rehabilitation of gravel and sand supplies and the acquisition of water.
- Consider the requirements of this policy when making decisions relating to road construction and maintenance programs, material sourcing, land access and rehabilitation obligations.
- Allocate appropriate resources through Council's budgeting and long-term financial planning processes to support access to suitable materials and the rehabilitation of gravel and sand pits.

Chief Executive Officer

- Ensure the implementation of Council's strategic direction for the sourcing of gravel, sand and water and the rehabilitation of extraction sites.
- Ensure appropriate governance, agreements, resources and organisational systems are in place to support transparent and legislatively compliant material acquisition and pit rehabilitation.
- Ensure the requirements of the Local Government Act 1995 are followed where access to road-building materials is required for public works.

Manager of Works

- Manage landowner consultation, written agreements and arrangements for the acquisition of gravel, sand and water in accordance with this policy and the Shire's existing delegations.
- Ensure extracted materials are suitable for their intended construction or maintenance purposes, and that pit management, rehabilitation and monitoring requirements are incorporated into works planning and delivery.
- Oversee compensation or approved private works arrangements, rehabilitation activities and landowner acceptance following completion of the Shire's obligations.

Works Supervisor

- Assist with landowner liaison and operational arrangements associated with material acquisition.
- Ensure extraction and site works are undertaken in accordance with agreed arrangements and this policy.
- Assist in ensuring only suitable materials are acquired, and appropriate rehabilitation measures are implemented.

STANDARDS ASSOCIATED WITH THIS POLICY

Legislation and Regulations

- Local Government Act 1995, including relevant provisions of Part 3 and Schedule 3.2.

- Environmental Protection Act 1986.
- Environmental Protection (Clearing of Native Vegetation) Regulations 2004.
- Work Health and Safety Act 2020.
- Aboriginal Heritage Act 1972, where applicable.
- Biodiversity Conservation Act 2016, where applicable.
- Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth), where applicable.

Other Relevant Requirements and Guidance

- Applicable clearing permits and environmental approvals.
- Main Roads standards and guidelines, where applicable.
- Relevant Shire planning requirements and local laws.
- Shire of Cranbrook Council Plan 2025–2035.
- Shire of Cranbrook Strategic Resource Plan 2017–2032.
- Landowner agreements for acquisition, extraction, compensation and rehabilitation.
- Applicable environmental, pit management and rehabilitation standards and guidelines.
- Shire of Cranbrook Delegation Register.
- Shire of Cranbrook adopted private works rates.