



## **10. PROPERTY MANAGEMENT**

Policy 10.16

ROADWORKS – PROVISION OF UNUSABLE MATERIALS TO PROPERTY OWNERS

**Version 4**

## **10. PROPERTY MANAGEMENT**

### **10.16 ROADWORKS – PROVISION OF UNUSABLE MATERIALS TO PROPERTY OWNERS**

#### **OBJECTIVES:**

This policy provides an equitable system that allows otherwise unusable spoil material associated with roadworks to be offered to nearby property owners.

#### **DEFINITIONS:**

Spoil material – means material collected from a road, table drain, cut off drain or within the road surrounds in the preparation of a road for improvement works that in the opinion of the Construction or Maintenance Supervisor is unsuitable for use on the road or any other Council works and would otherwise be uneconomical to be transported to the nearest landfill for disposal.

#### **POLICY:**

Should any spoil material (excavated soil or felled vegetation) be recovered from roadworks and be requested by a private landowner, then the responsible Works Coordinator shall:

- Ensure that all landowners within close proximity to road works be offered an opportunity to accept spoil materials.
- Should more than one landowner accept the offer, spoil materials will be divided equally, unless this division reaches such a point where it becomes more economical to dispose the spoil material at a landfill site.
- Only offer material if he/she is of the opinion that it is not economical to remove the materials for disposal at a landfill.
- Ensure that the Director Infrastructure Services provides written approval for the provision of any materials prior to the provision of the materials.
- The material shall not be offered if the relevant Supervisor has reason to believe that the spoil material shows evidence of any obvious contamination, e.g. discolouration or presence of hydrocarbon odour.
- The material shall only be placed on a person's land and no other works shall be undertaken to spread the material unless an appropriate Work at Owners Cost process has been put in place.
- The landowner shall be responsible for all sedimentation controls once the material is deposited.
- The property owner shall agree that Council shall not be responsible for any damage incurred to his or her property as a result of disposing of materials.
- The General Manager may have cause from time to time to be supplied with more specific details in relation to procedures and processes in the form of a Standard Working Procedure.
- A written agreement advising the conditions of spoil provision must be signed by the Director Infrastructure Services and the landowner, in this order. See Appendix A. This agreement must be produced on Council letterhead and be registered according to Council's records management process.

Ultimately, the provision of spoil material to any person is entirely at Council’s discretion. For any reason, Council may make alternate arrangements for disposal or re-use of spoil material.

<b>Maintained by Department:</b>	Infrastructure Services	<b>Approved by:</b>	Council		
<b>Reference:</b>	Dataworks: Policy Register	<b>Council Policy No:</b>	10.16	<b>Effective Date:</b>	2019
<b>Min No:</b>	V1 07-52 V2 09-189 V3 - 14-244 V4 – 20-255	<b>Version No:</b>	4	<b>Reviewed Date:</b>	Mar 2009 Jul 2013 June 2014 September 2019 October 2020
<b>Attachments:</b>	Annexure A – Agreement for Provision of Spoil				

<<25 July 2019>>

<<Resident Name>>

<<Address Line 1>>

<<Address Line 2>>

Dear <<Resident Name>>,

### **Agreement – Provision of Unsuitable Materials to Property Owner**

This letter provides approval for the provision of spoil to the abovementioned property pending an acknowledgement by the property owner (by means of a signature below) that they agree to the conditions outlined below.

- Council will enter your property with machinery and equipment required to unload spoil material.
- While Council will make every attempt to ensure any disturbance or damage is mitigated, this access may result in minor disturbance or damage to your property. Council does not accept liability for such damage;
- Council endeavours to ensure any available offer for spoil material is equitably distributed to all other residents in close proximity to the road works. Should any other resident also request such benefit, remaining spoil will be equitably distributed;
- Only a visual inspection of the spoil material has been conducted to confirm it is free from contaminants. If additional contaminant testing is required, this shall be performed at the property owners' discretion;
- Council shall only place material on the respective property. No additional works will be undertaken to spread the material or otherwise;
- The property owner is responsible for any required sedimentation control once the material is deposited; and
- Council may rescind this offer at any time and cease to continue providing spoil material to any property owner.

By signing this letter below, you agree to the conditions above, extracted from Council Policy 10.16 – Roadworks – Provision of Unusable Materials to Property Owners.

Signed:

---

Print Name:

Date:

If you have any further questions, please don't hesitate to contact Council on (02) 6354 9999.

Yours sincerely

<<Name>>

<<TITLE>>