


	<h2>Council Property &amp; Infrastructure Management Policy</h2>	<b>Version No:</b>	3.2
		<b>Issued:</b>	21 August 2007
		<b>Last Review:</b>	October 2022
		<b>Next Review:</b>	January 2023

<b>Name of Council</b>	Wudinna District Council
<b>File reference</b>	9.63
<b>Responsibility:</b>	Governance
<b>Minutes reference:</b>	10.2.4 – 18 October 2022
<b>Policy Level</b>	Discretionary (Section 122 Local Government Act 1999 provides for mandatory CP & IM Plans, which are supported by this policy)
<b>Next review date:</b>	Council will endeavour to review this policy every 3 years
<b>Applicable Legislation:</b>	Local Government Act 1999 (as amended) Local Government (General) Regulations 1999 Local Government (Financial Management) Regulations 2011 Crown Land Management Act 2009 Work Health & Safety Act 2012 Native Titles Act 1993 (Clth) Aboriginal Heritage Act 1988
<b>Related Plans &amp; Policies:</b>	Asset Management & Accounting Policy Procurement & Disposal Policy Infrastructure & Asset Management Plan(s) Risk Management Plans Asset Capital Renewal & Maintenance Plans Long Term Financial Plan Community Plan 2018-2023 Corporate Action Plan 2018 – 2022 Community Bus Hire Policy Plant Procedures Request for Service Policy
<b>Related References &amp; Procedures:</b>	International Infrastructure Maintenance Manual 2015 (IIMM) Various LGA Information Papers Event Application Form Gawler Ranges Cultural Centre (Wudinna Memorial Hall) Hire Agreement Council Fees and Charges Register Cat & Animal Cage Loan Forms Customer Action Request Form

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## 1. INTRODUCTION

This policy sets the guidelines within which Council's property and facilities will be used, hired and maintained.

## 2. HIRING OF COUNCIL PLANT & EQUIPMENT

### 2.1 Objective

The hire of Council plant and equipment carries a number of maintenance, liability, return on investment, administrative and community expectation issues. This section outlines the procedure that must be followed to hire plant and equipment for private use. The policy applies to Council employees as well as the general public to ensure that the community has confidence that the process for plant and equipment hire is transparent. Exemption to this policy is resource sharing agreements.

The purpose is to ensure that the hire of equipment for private works is transparent and in accordance with Council's Code of Conduct.

### 2.2 Plant Available for Hire

Plant Type	Licence Required	Accreditation Required	Council Operator Required for Hire?
Backhoe	LR	Operator Certificate + Competency	Yes
Grader	HC	Operator Certificate + Competency	Yes
Front End Loader	MR	Operator Certificate + Competency	Yes
Bulldozer	HC	Operator Certificate + Competency	Yes
Prime Mover	HR	Competency	Yes
Tractor & Crusher	MR	Competency	Yes
Plant Trailer	N/A	Competency	Yes
Water Tanker	N/A	Competency	No
Low Loader & Dolly	N/A	Competency	Yes
Padfoot Roller	N/A	Competency	No
Vibe Roller	N/A	Competency	No
Side Tipper	N/A	Competency	No

Council has historically allowed use of Minor Plant and Equipment by members of the public but due to legalities associated with use, this practice is no longer permitted. The Chief Executive Officer and/or Manager Works and Infrastructure Services may give approval for use of this plant or equipment at their discretion, subject to the completion of the "Private Hire of Council Plant & Equipment - Application" form.

Council has a Community Bus available for hire by the public and the hire requirements for this is subject to a separate policy.

### 2.3 Private Works and Plant Hire Conditions

Hire of Council plant will be made at the discretion of the Manager Works and Infrastructure Services providing:

- Plant is to be operated by Council employees. Under special circumstances selected plant may be operated by other experienced, accredited and authorised persons (refer to 2.2 & 2.6).
- No plant or machinery to be provided for private works outside of the Eyre Peninsula area without prior Council approval, except for emergency requirements (eg. fire fighting, i-Responda). The Chief Executive Officer and Manager Works and Infrastructure Services may give approval for use of plant or machinery outside of the Council area at their discretion.
- The plant is available and does not adversely affect Council's usual operations.

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- Council does not provide engineering supervisory functions in normal plant hire operations. In these circumstances it is the responsibility of the hirer to organise, supervise and explain all proposed works to the plant operator so that the requested works can be completed in an efficient and expeditious manner.
- The applicant is responsible to discuss with the operator the standard of work to be achieved or to terminate the plant operation at any time if the work does not meet the applicant's satisfaction.
- Works will be completed with all care and efficiency, but no responsibility will be taken for the effectiveness or quality of the completed works.
- Council will not be held responsible for any loss or damage incurred by recall or withdrawal of plant or staff from any works.
- Any damages or injury caused to persons or property by the operation of Council plant (whilst on hire) shall be the responsibility of the hirer, e.g.: accidental injuries, vehicle / equipment damage, damage to water lines, electricity, telecommunications or other buildings or property.
- All plant travelling costs to and from the works location shall be an additional charge to those hours/kilometres actually worked on site. It is therefore recommended that the person wishing to hire such plant do so when that particular plant item is stationed in the nearby proximity thus minimizing travelling expenses.
- Any plant hire requested will be at Council's convenience or as directed by Council's Manager Works and Infrastructure Services (or representative) i.e. Council programmed works receive first priority over any private hire activities.
- Hire rates for Council plant and operator must comply with the Schedule of Fees and Charges as adopted in Council's budget process each financial year and as revised by Council thereafter.
- Applicants wishing to hire plant are to complete Council's "Private Hire of Council Plant & Equipment - Application" form and be approved by the Manager Works and Infrastructure Services (or representative) prior to hire commencing.
- All previous plant hire debtor accounts are to be paid prior to any additional plant hire works being undertaken by Council.
- A list of plant available for hire is included in Council's Schedule of Fees and Charges. Note: only selected plant is available for hire where it is operated by a non-Council Employee/ Contractor, please refer to 2.2.

#### 2.4 Hire Charges

Hire rates for Council plant and machinery and Council labour for private and/or commercial activities must comply with Section 188 "Fee and Charges" of the *Local Government Act 1999*.

- Ratepayers be on-costed at the rate of thirty (30) per cent.
- Private gain or Commercial activity be on-costed at the rate of fifty (50) per cent.

Council will allow the hire of plant in accordance with adopted rates for the Hire of Plant & Equipment. Current hire rates for Plant and Machinery can be found in Council's Fees and Charges. Hourly wage charges for operators will be charged at the rate set which is applicable to the relevant financial year.

Council may provide a subsidy to community based or charitable organisations in respect of plant hire. Such requests must be made in writing to Council. The Manager Works and Infrastructure Services may authorise urgent minor works in liaison with the Chief Executive Officer.

#### 2.5 Indemnity

In undertaking the hire of plant or equipment from the Wudinna District Council, the applicant shall indemnify the Wudinna District Council against any claim, action or process for damage or injury which might arise during the progress of such hire and shall keep indemnified the Wudinna District Council against any claim, action or process for damage and/or injury which might arise from the existence of such hire unless such damage and/or injury is due or contributed to by an act or omission of the Wudinna District Council, its employees or agents.

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### 2.6 Competition

The hiring of plant or equipment is not a major or core function of Council and is usually provided so as to supply a reasonable economical means of a landholder securing access to earthmoving plant and the like. This work is “contestable” and Council does not wish to promote or seek any monopoly over these functions. As such, applicants may wish to seek alternative quotations or plant hire options through other organisations.

### 2.7 Operation of Selected Plant by Non-Council Employees

Under special circumstances selected plant may be operated by other experienced, accredited and authorised persons as approved by the Manager Works and Infrastructure Services.

The following conditions apply (in addition to those at 2.2):

- The authorisation of a person to utilise plant should be a last resort and only be considered when staff are unavailable.
- A written “Private Hire of Council Plant & Equipment – Application” must be completed by the individual wishing to operate the plant and must be provided to Council in advance of the proposed hire date. This must be accompanied by a photocopy of current licence (appropriate for that machine) plus a copy of appropriate accreditation.
- It is an obligation of the hirer to ensure that only the authorised driver operates the plant.
- The hirer may only use the plant and equipment on property/land owned or occupied by the hirer or his/her immediate family unless prior approval for an alternative location is obtained (e.g. helping sporting or community activities).
- The hirer is responsible for any costs associated with the provision of alternative transport, accommodation etc should the plant break down.
- The hirer must accept full responsibility for their conduct and agree to pay for all costs incurred through damage.
- Any damages or injury caused to persons or property by the operation of Council plant (whilst on hire) shall be the responsibility of the hirer, e.g.: accidental injuries, vehicle / equipment damage, damage to water lines, electricity, telecommunications or other buildings or property.

### 2.7 Damage and Unforeseen Maintenance

Where damage to the plant is caused by the user from vandalism, irresponsible use, or malicious damage, then it will be the responsibility of that user to cover all costs incurred by Council in preparing it for further use. In the case of a major accident requiring an insurance claim, the hirer will be responsible for payment of the relevant excess for the claim. Future access to hiring plant may be denied if the plant is returned damaged.

In the case of a breakdown or “wear and tear” type repairs, these are to be reported to Council’s Manager Works and Infrastructure Services immediately. In this context, wear and tear is damage that naturally and inevitably occurs as a result of normal wear and aging when the plant is used in a manner that it is designed for. Council will be responsible for the costs associated with breakdown and “wear and tear” type repairs. Repairs to any plant are to be authorised by the Manager Works and Infrastructure Services and where required, completed by an organisation approved by Council.

Under no circumstances are any repairs to be made or allowed to occur without the express permission of Council.

The following contact numbers should be used to obtain permission:

Council Office: 08 8680 2002

Manager Works and Infrastructure Services: 0427396847

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### 2.8 Accidents and Incidents

Notify the Wudinna District Council immediately of any accident or incident (contact numbers above). Make no statements and do not admit liability under any circumstances. You are only obliged to give your name, address, the owner's name and the name of the insurance company (Local Government Risk Services).

Ensure that you have all the details of the accident, including a sketch plan that will assist in the completion of further forms. You must notify the Police of any incident or accident involving a third party and you must record the number of the police report. Any infringements incurred will be the responsibility of the driver.

In the event of an accident involving another vehicle or property, the hirer/operator must obtain all necessary information including description of other vehicle, registration number, driver's name and address, owners name and address, owners phone number, insurance company and type of cover, damage to vehicle, any injured persons details, details of any property damage, etc.

These details must be provided to the Wudinna District Council within 24 hours of an incident or accident.

### 3. HIRING OF COUNCIL PREMISES

The Chief Executive Officer shall cause a record to be maintained of the hiring of Council buildings.

Separate records shall be maintained for the:

- Council Chambers
- Gawler Ranges Cultural Centre (Wudinna Memorial Hall).

Use of the Council Chambers will be at the discretion of the Chief Executive Officer.

Use of the Gawler Ranges Cultural Centre (Wudinna Memorial Hall) will be in accordance with the Gawler Ranges Cultural Centre (Wudinna Memorial Hall) Hire Agreement.

Invoices for the use of Council premises will be issued to the user as soon as practical at the charge rate as per Councils latest Fees and Charges Register.

The Chief Executive Officer shall cause periodical checks to be made to ensure that the charges reconcile with the Record of Hiring.

### 4. HIRE OF CAT CAGES

Council has cat cages available to residents of the Council area for the purpose of catching and disposing of feral nuisance cats. To hire a cat cage, hirers must present to Council administration and pay a deposit fee as stated in Councils Fees and Charges Register and have their contact details recorded in the Cat Cage Register. The deposit fee will be refunded when the cage is returned in a satisfactory condition. Hirers must return the cage to Council within two weeks of the original hire date or liaise with Administration Officers if they wish to extend the hire period. If a cage is not returned, or it is returned in an unsatisfactory condition, the hirer will forfeit their deposit and be held liable for the cost of a replacement cage. (This is included in the Cat and Animal Cage Loan Form. Hirer is to sign this form with a copy to the hirer, original retained by Council).

### 5. ACCESS TO COSTED AND NON-COSTED PLANT BY EMPLOYEES

Access to costed and non-costed plant by employees will be permitted at no cost, providing it remains minor and the employee is not receiving remuneration for the work, which will be at the discretion of the Manager Works and Infrastructure Services. The Manager Works and Infrastructure Services will liaise with the Chief Executive Officer where necessary. If the intended use of costed plant by the Council employee is considered by the CEO or MWIS to be major or outside of the Council area, the plant will be made available for private use in line with Section 2.3 of this Policy (including hire charges).

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## 6. MINOR WORKS

The following minor works may be approved subject to a written application to the Chief Executive Officer from the Ratepayer pursuant to Chapter 1 of the Local Government Act 1999 and in accordance with any other relevant acts and regulations and within budget constraints.

- Footpath crossovers.
- Installation of drainage pipes under footpaths and any other land under Council's control.

## 7. ROADS

### 7.1 Patrol Grading

Council will undertake patrol grading to:

- Endeavour to provide the travelling public with a reasonably well maintained rural road network.
- Give high priority to Main Arterial Roads and School Bus Routes wherever possible and appropriate.
- Give reasonable consideration to other road lengths and classifications.

To establish the appropriate development of resources, the following criteria will be analysed to determine the day to day use and on-going operation of Council Patrol Grader/s and Contract Grader/s under Councils control.

#### *Road Classification*

- Arterial Roads
- Core Roads
- Local Roads

#### *Road Surface Conditions*

- Imminent Risk or evidence of danger to the travelling public
- Pertinent weather conditions
- Locality of road concerned within local road network (i.e.: Alternative routes available)

#### *Priority Ranking*

- Freight movement routes
- School Bus routes
- Primary routes to tourist attractions
- Traffic volumes (current and expected)

### 7.2 Grading of Private Roads

Grading of private roads will be carried out at the discretion of the Manager Works and Infrastructure Services and when a machine is operating in the vicinity of the property on which the works is to be carried out.

The grading work will be carried out and charged as "Private Works" at the rate of the current normal hire rate for the respective machine.

### 7.3 Roadsides – Ploughing

Council will permit roadsides to be ploughed for fire breaks or for weed control purposes providing no damage will be incurred to natural vegetation, other infrastructure or services.



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## 8. KERBING AND FOOTPATHS

### 8.1 Concrete Driveways

A ratepayer requiring a concrete driveway between the kerb and the boundary of their property shall make application for approval at the Council office. The application shall include a plan of the proposed works and a specification of the materials to be used therein, and the work shall be completed to the satisfaction of the Council or its nominated representative. The work shall be carried out at the ratepayers own expense. Any concrete driveway so approved shall be kept in a good state of repair at which, in the opinion of the Council, is not adequately maintained, may be repaired by Council at the cost of the ratepayer concerned.

### 8.2 Footpaths – Concrete

Where a ratepayer requires a concrete footpath abutting their premises, they shall make application for approval at the Council office. The application shall include plans, sections, and reduced levels of the proposed work, together with a specification of the materials to be used, the name of any contractor(s) involved, and an estimate of the cost. Council may contribute up to a maximum of 50% of the cost (either actual or estimated, whichever is the lesser) of such work which is approved by Council. Such contribution is to be paid on receipt of itemised accounts. It shall be the responsibility of the applicant to ensure that any such approved work, whether effected by the applicant or by his nominated agent, shall be completed to the satisfaction of the Council. The applicant shall further ensure that such approved work is effected with least possible inconvenience to the public and that any safety measures which may be required by Council to minimise any hazard to the public is provided and maintained to the satisfaction of Council.

### 8.3 Footpaths - Obstructions

Where complaints are received of a footpath being obstructed by an erected barrier or advertising sign the offending resident will be requested to cease such obstruction.

Where it is found a resident is using Council property for the depositing of sand, metal, personal property, building materials or similar substance, the resident will be given 7 days to clear Council's property of such material unless prior Council approval is received. Failure to comply with the notice may result in Council removing such obstruction and recovering the costs incurred from the occupier, unless prior Council approval has been granted.

### 8.4 Kerb/Watertable – Property Access Over/Through Kerb and/or Watertable

Any ratepayer in a declared township area (or other place) where a kerb and/or water table has been constructed, shall be provided on request, which shall be made as stated below, one standard driveway entrance through the kerb and/or watertable abutting their property. The provision of this standard access shall be at Council's expense unless otherwise determined by Council.

Any ratepayer requiring more than one driveway access to their property, not being a corner allotment in a declared township, shall make application in writing requesting Council to provide a further driveway access through the kerb and/or watertable. Following approval by Council of the application, the necessary work shall be effected at the applicant's cost. In the case of new kerb/watertable work, Council may waive the cost.

Any ratepayer requiring an additional driveway access, as per the above paragraph of this section, may submit a request offering to effect the required work on their behalf and at their own expense. Such an application shall be considered by Council and, if approved, the applicant shall be authorised to effect the work which shall be completed as soon as practicable under the supervision of the Council's nominated representative.

A ratepayer making an application, as in that above, may nominate a contractor to execute the required work on their behalf, and at their expense. If Council approval is given the responsibility for the satisfactory completion of the work shall still remain the responsibility of the ratepayer.

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### **Application for provision of access to property:**

Where the Council intends to construct new kerb/watertable in a declared township area a notice will be posted/delivered (to the address shown in the Council records) to ratepayers whose property/properties abut the site of the proposed works. A plan will be attached to the notice and ratepayers will be requested to mark upon the plan the location of the desired standard driveway access including measurement of distances from a readily distinguishable reference point (i.e., gate post, boundary fence, etc.) together with any provision for the disposal into watertable of runoff water from the building(s) on the property.

Ratepayers are requested to complete the plan promptly upon receipt and forward the completed plan to the Council office.

Where a ratepayer requires either more than one access, or other than standard driveway access, all details of the requirement should be noted on the plan and the completed plan forwarded to the Council office for consideration by the Council.

Standard driveway access – standard width will be 4.5 metres between control joints in the grade line of the kerb top.

The standard width of a driveway access may be varied from that above, at the discretion of the Manager Works and Infrastructure Services.

Council shall only approve low profile kerbing in all future subdivisions and land development to avoid additional costs incurred with the installation of driveway crossovers unless otherwise specified (i.e., for flood mitigation purposes).

### **8.5 Property Access Other Than Through Kerb/Watertable**

Where a ratepayer requires access to his property, the cost of provision of one such access, to the maximum width of 4.5 metres, shall automatically be borne by the Council except where:

- The provision of the required access would be detrimental to the condition of existing (or proposed) services, e.g. SA Water, Telstra, etc. or
- The required access would, in the opinion of the Manager Works and Infrastructure Services, create a hazard to traffic, or
- In the case of any reasonable unforeseen circumstance, the matter of provision of such access shall be referred to the Council for determination.

Where Council activities necessitate the provision of a drainage pipe/s under a property access, the cost of such work will be borne by the Council.

If access to the property is to exceed the standard 4.5 width, the cost of the extra width will be borne by the owner of the land.

## **9. PUBLIC CONVENIENCES**

Council aims to provide public toilets of a suitable standard at locations in the district where significant demand exists from residents and visitors. To this end, future directions for the provision and maintenance of public toilets are set out below.

### **9.1 Wudinna**

The centre of the town and its eastern side are well serviced by public toilets of a good standard at the Gawler Ranges Cultural Centre (Wudinna Memorial Hall) and Apex Park, respectively.

The toilets at the Lions Information Bay on the Eyre Highway at the western side of the town are of a poorer standard of design and construction and have deteriorated over time. When the toilets are deemed to have reached the end of their practical and useful life, a review is to be undertaken as to the best site for a replacement acknowledging the developments in the past decade such as the Gawler Ranges Information Bay – Burton Tce, and



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the Australian Farmer Granite Sculpture – Eyre Highway, which are seeking to attract visitors similarly to the intention of the Lions Information Bay.

### 9.2 Minnipa

Travellers are serviced by basic toilet facilities in a satisfactory state of repair at Apex Park on the Eyre Highway. The toilet block on Clive Street in the centre of the town gets a reasonable level of use that warrants its retention. It was replaced with a new facility in October 2015. Both sets of toilets will be retained and Council will regularly undertake general maintenance of the toilets in Clive Street. The toilets at the Minnipa Hall are not covered by this policy as the hall does not belong to Council.

### 9.3 Yaninee & Warrambo

Toilet blocks were established adjacent to the Yaninee and Warrambo halls to meet the legal requirements for places of public assembly to be provided with toilet facilities and over the years these toilet facilities have been made available for public use.

Demand for public toilet facilities in Yaninee is now minimal and ongoing Council expenditure on them is not warranted. These toilet facilities are closed for public use. Council has declined to extend the lease on the Yaninee Hall where the facility is not considered suitable as a public venue. The future of the facility is to be reviewed and determined by Council.

Community consultation has determined that the toilet block adjacent to the Warrambo Hall still gets a reasonable level of public use. These toilets will therefore be retained and maintained, and the extent of their use reviewed from time to time.

## 10. LEASE OF COMMUNITY LANDS

Any person(s), organisations or bodies wishing to lease lands vested under the care, control and management of Council are advised that Council requires the following procedure to be adopted:

- Before Council can grant a lease on lands under its care, control and management, permission must first be obtained from the Minister for Environment and Water as per the Crown Land Management Act 2009.
- The Minister has the power to impose conditions over the proposed lease or refuse to grant a lease if the lease would detract from any existing public use, prevent the land being used for the purpose it was dedicated or if it is deemed improper or undesirable to grant the lease.
- The extension of any leases granted prior to 1 June 2010 will also require Ministerial consent.
- No lease will be granted exceeding ten (10) years (plus a right of renewal equal to the original lease term) for the purpose of sports, games, agricultural shows, or public recreations on any community facilities. All action relating to alienation of community land by lease or licence to be in accordance with Section 202 of the Local Government Act 1999.

Council seeks to maintain custodianship of all community lands.

Where native title exists or a native title claim is registered, Council is required to consult with the Native Title holder/claimant.

Council has obligations under the Native Title Act 1993 (Clth) in respect to any Crown Land in its care, control and management which has native title recognised upon it. These obligations arise where Council plans to undertake public works, carry out redevelopment or issue leases.

Under the Aboriginal Heritage Act damage or disturbance to an Aboriginal site, object or remains can attract civil and/or criminal consequence regardless of whether or not native title exists on the affected land.

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### 11. DAMAGE TO COUNCIL PROPERTY

The Chief Executive Officer and Manager Works and Infrastructure Services, in liaison with the Mayor throughout, be authorised to exercise joint discretion to initiate appropriate action against offending parties where there is a clear breach of Section 233 of the Local Government Act 1999, as amended.

A person who destroys, damages or injures, or causes the destruction of or any damage or injury to any street, road, footway, dam, parapet, bridge, culvert, drain, wall, guard fence, railing, gate, post, tree guard, stake, shrub, lawn, plants, flowers, building, kiosk, safety stand, sewer, watercourse, well, fountain, lamp, lamp-post, water-pipe, name of street, traffic indicator, traffic sign, direction sign, notice board or structure or other property which is the property of or is vested in or is under the care, control, or management of a Council must pay the Council the value of property destroyed or the cost of repairing it and if the damage is done wilfully or maliciously, is guilty of an offence.

Penalty: \$1,000.00; Payment of such value or cost to the Council may be ordered by a court imposing any such penalty or may be recovered by the Council by action in a court or competent jurisdiction.

### 12. AVAILABILITY OF POLICY

This Policy will be available for inspection at Council's principal office during ordinary business hours and on the Council's website [www.wudinna.sa.gov.au](http://www.wudinna.sa.gov.au) Copies will also be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council's Schedule of Fees and Charges.