



PRIVATE WORKS POLICY

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Responsible Officer: Director of Engineering Services
Department: Engineering Services

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1	GRC 0035	04/02/2010	Adopted
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1. PURPOSE

- 1.1. To provide a clear understanding of the responsibilities and requirements of Council staff when entering into an agreement to undertake private works; and
- 1.2. To ensure that the administrative process is transparent, equitable and consistent.

2. DEFINITIONS

2.1. **Private Works** – works undertaken by Council for which a fixed quote or estimate has been provided and written consent obtained from a landowner, government body or contractor for works on private lands and/or public lands not within Councils responsibility, including but not limited to:-

- (a) The supply of items from Council's Stores;
- (b) Construction of private roads, crossovers and driveways;
- (c) Maintenance of private roads;
- (d) Installation of water services;
- (e) Street sweeping;
- (f) Line marking; and
- (h) Tree pruning.

3. IMPLEMENTATION GUIDELINES

3.1. Application Process

- 3.1.1 Applications for private works must be completed on the prescribed forms (Private Works Agreement Form or Tax Invoice/Receipt);
- 3.1.2 The following details must be recorded on the prescribed form:
 - (a) Billing details (name, address and contract details);
 - (b) Location/delivery details; and
 - (c) Brief description of works required.

3.1.3 Refer to section 3.2 for requests made under the Tax Invoice/Receipt Book process.

3.1.4 Any requests for private works are to be transferred to the Department of Engineering Services assessment and approval (refer to section 3.3); and

3.2. Tax Invoice/Receipt Book (Minor Works Only)

3.2.1 Requests of private works under the Tax Invoice/Receipt Book process are only to be used for minor works;

3.2.2 On completion of the work, the relevant staff member shall fill out the Tax Invoice/Receipt with all the relevant details;

3.2.3 The customer must then sign the Tax Invoice/Receipt agreeing to the total GST inclusive price and terms of payment;

3.2.4 The staff member shall then sign the Tax Invoice/Receipt and present the customer with the white copy;

3.2.5 The customer shall supply the staff member with payment by way of cheque or present the Tax Invoice/Receipt for immediate payment by cash or card at Council's Customer Service Office

3.2.6 The staff member will forward the green copy and payment (if applicable) to the relevant Supervisor to be forwarded to the Customer Service Office; and

3.2.7 This process does not require an assessment/approval process (section 3.3).

3.3. Assessment/Approval Process

3.3.1 The relevant staff member shall inspect the works and provide a written fixed quote or estimate (inclusive of GST) that will be valid for a period of 3 months:

- i. In providing the estimate, every effort will be made by staff to provide an accurate estimate that is reflective of the proposed works; and
- ii. If, during the process of carrying out the proposed private works, the estimate proves to have a variance of greater than \$250, Council will endeavour to notify the applicant to minimise any potential issues arising from the recovery of the additional costs.

3.3.2 For private works in excess of \$30,000 Council requires the applicant to enter into suitable payment arrangements;

3.3.3 On acceptance of the fixed quote or estimate, the applicant must sign and agree to the terms and conditions of the agreement;

3.3.4 Generally, all estimates are to be estimated on a "cost plus" basis (actual cost + 6% Profit + GST);

3.3.5 The Private Works Agreement is to be forwarded to Corporate Services (Finance) to allocate a private works job cost number;

3.3.6 A copy of the Private Works Agreement will be forwarded to the relevant staff member for works to be undertaken.

3.4. Private Works in Conjunction with Council's Works Program

3.4.1 Urban Works

- (a) Whilst carrying out concrete kerb and channel or footpath works in urban areas, Council will offer the following services to adjoining landowners:
 - Construction or replacement of driveways & paths from the road edge to the property boundary for the cost of materials only.
 - Consideration of other works located wholly within the road reserve at discounted rates.
- (b) Council will not undertake works within private property under these arrangements.

- (c) The landowner will be required to enter into a Private Works Agreement with Council and payment will be required prior to works being undertaken.

3.4.2 Rural Works

- (a) In return for allowing Council to park machinery within private property whilst undertaking maintenance or capital works in rural areas, and/or the indirect surveillance of the equipment, Council may undertake minor grading or other maintenance works of main accesses and / or areas disturbed by Council in return.
- (b) Where landholders supply water for roadworks Council Officers may negotiate a consummate amount of works in return based on quantity of water provided, proximity of water to the job site and access to the water.
- (c) The extent of works shall be at the sole discretion of Council in return for the contribution by the landowner. The supervising Council Officer shall note the details of these negotiations in the Officer's diary.
- (d) On completion of the works, the supervising Council Officer is to document the actual works undertaken and duration of works.

3.5. Private Works to be Undertaken

- 3.5.1** No private works shall take precedence over the completion of Council's works program unless prioritised accordingly by the Director, District Engineer or Manager;
- 3.5.2** On completion of works, the Private Works Agreement is to be signed off by the staff member responsible for undertaking the works and returned to the Corporate Services (Finance) for processing.

3.6. Finance/Invoice Requirements

- 3.6.1** Corporate Services (Finance) to process Private Works Agreement
- 3.6.2** Should the actual costs exceed the fixed quote or estimate by 10%, a *Pro Forma Invoice* will be forwarded to Department of Engineering Services for assessment and review. Final approval from the Director or Manager must be obtained prior to authorisation;
- 3.6.3** Upon authorisation, the signed *Pro Forma Invoice* is to be returned to Corporate Services for processing.

3.7. Notes

- Supervisors may authorise the undertaking of private works up to the maximum limit of \$3,000 inclusive of GST. Works exceeding \$3,000 must be countersigned by the Director, Manager, District Engineer or Technical Officer;
- All labour rates exclude plant or vehicles etc. These items of plant must be allowed for in the estimate separately;
- Generally, private works less than \$400 in value should be avoided unless there is no alternate supplier or the works are done as a service to the community;
- Generally, a minimum of 4 hours plant hire should be allowed except for small private works jobs; and
- Generally, all quotes should be estimates only and the works charged on a "cost plus" basis.