

Our Vision

Nambucca Valley ~ Living at its best

Our Mission Statement

'The Nambucca Valley will value and protect its natural environment, maintain its assets and infrastructure and develop opportunities for its people.'

1.0 Policy objectives

The purpose of this policy is to:

- a) Establish policy regarding the circumstances in which Council will perform private works.
- b) Detail the manner in which costs and liability for performing private works is to be determined, allocated and charged.
- c) Establish a procedure for the guidance of the public desirous of applying for private works and for staff in the assessment and determination of any application received.

2.0 Related legislation

- Section 67 of the Local Government Act (1993)
- NSW Work, Health & Safety Act 2011 and Regulations

3.0 Definitions

- **Private Works** – Work that is outside the scope of Council core business. Private works includes the provision of services, materials, plant and labour.
- **NVC** – Nambucca Valley Council
- **AGMES** – Assistant General Manager Engineering Services
- **Senior Staff Member** – General Manager, Assistant General Manager Corporate Services and Assistant General Manager Engineering Services.

4.0 Policy Content

4.1 Background

It is recognised that private works is not “core business” and that a key factor in Council not promoting itself for conducting private works is to avoid competing against local individuals and/or businesses operating and/or engaged in the provision of such services within the community.

However it is also noted that should Council, for whatever reason, have a shortfall of work to fully engage its outdoor staff, it may actively pursue private works to maintain staff employment.

4.2 Principles

Generally, Council will only undertake private works which fall within its usual areas of operations. Works within private property will generally only be undertaken if:

- a) No local contractor is available to carry out the work; or
- b) No local contractor is capable of carrying out the work.

Council core business takes precedence over any agreed or perceived obligation to carry out private works.

Private works must not be carried out for Nambucca Valley Council staff or Councillors due to public perceptions that the staff member or Councillor is likely to obtain a private benefit.

Private works must be either pre-paid or eligible debtors can be authorised at the discretion of the Chief Financial Officer.

Council will undertake private works in accordance with the undermentioned conditions.

1. The fee for undertaking the private works shall be as per the quoted amount unless otherwise stated in the adopted Fees & Charges.
2. Floating plant, loose tools or equipment which do not require an operator for its operation shall not be made available for hire.
3. Generators, caravans and ablutions will be hired out at the discretion of the AGMES.
4. Under no circumstances shall Council equipment, be used for the fighting of fires or for any other unsafe use or for which the particular item of plant or equipment is not designed, desired or approved for use by its manufacturer.
5. Unless otherwise specifically resolved by Council, no plant or equipment may be 'loaned out' to any person or association for any purpose.
6. In requesting and authorising Council to carry out private works on private property, the applicant shall indemnify the Council against any claim, action or process for damage or injury which might arise during the process of such works and shall keep indemnified the Council against any claim, action or process for damage and/or injury which might arise from the existence of such works unless such damage and/or injury is due to or contributed to by an act or omission of Council, its employees or agents.
7. On-cost on wages will be as determined by the Finance section each year.
8. A return margin of 10% shall be applied to every quotation exclusive of GST.
9. If Council proposes to charge an amount less than the approved fee (as detailed in the Fees and Charges or estimated cost to Council plus 10% margin) then the decision to carry out the work and the proposed fee to be charged must be determined by resolution of Council at an open meeting before the work is carried out. (See Section 67 (2) (b) of the LG Act). This section does not apply to work carried out by Council, or by two or more councils jointly, for another council or for a public authority.

10. A report of work to which paragraph 9 above applies must be given to the next meeting of Council after the work is carried out specifying:

- the person for whom the work was carried out
- the nature of the work
- the type and quantity of materials used
- the charge made for those materials
- the total of the number of hours taken by each person who carried out the work
- the total amount charged for carrying out the work (including the charge made for materials)
- the reason for carrying out the work.

11. Council must include details or a summary of any resolutions made under section 67 (2) (b) of the Local Government Act 1993 in its next Annual Report.

12. Private Works' applications external to Engineering Services will follow the same principles outlined in this Policy subject to approval by the relevant senior staff member.

13. At the completion of the private works, the applicant shall be provided with a Customer Evaluation Form to be completed and returned to the AGMES or relevant senior staff member.

4.3 Application for Private Works

The process for applicants and staff is shown in the Flowchart at Appendix A. The Flowchart does not apply to subsidised private works which must be approved by Council.

Applications for private works to be performed by Council shall be as per the application form at Appendix B.

A fee will be levied for lodging a private works application to defray the cost of quotation and investigation. This fee is published in Council's Fees and Charges available on Council's website. If there is no need for investigation, at the discretion of the AGMES (or relevant senior staff member), this fee may be waived.

Applications shall be assessed by competent qualified staff and a recommendation submitted to the AGMES (or relevant senior staff member) addressing, among other things:

- a) Whether the item of plant or equipment can be made available for the purpose at or near the time proposed having regard to Council's existing work schedule;
- b) Quoted cost.

Determinations as to whether the application is approved or refused will be made by the AGMES (or relevant senior staff member). If approved, applicants will be notified by the relevant Council Officer either in writing or by e-mail.

Private works must not occur until applicants pay the required charge and sign and return the duplicate letter sent to them advising of the quotation. The quotations and acceptance shall be forwarded on the appropriate form to the Finance Section who will create a private works job number.

5.0 Related Procedures or Documents

- Nambucca Valley Council Code of Conduct for Staff Policy No G21
- Procurement of Goods and Services Policy No G 12
- Procurement Procedures Manual No ES 06
- Fraud Management Policy No CS 20
- Fraud Management Strategy Policy No CS 19
- Local Government State Award 2017
- Code of Conduct Policy No G 04
- Statement of Business Ethics Policy No G 07
- Buy Local Procurement Policy No CS 27

6.0 Appended Documents

Appendix A – Flowchart – non subsidised private works.

Appendix B – Application for Private Works

Appendix C – Customer Evaluation Form

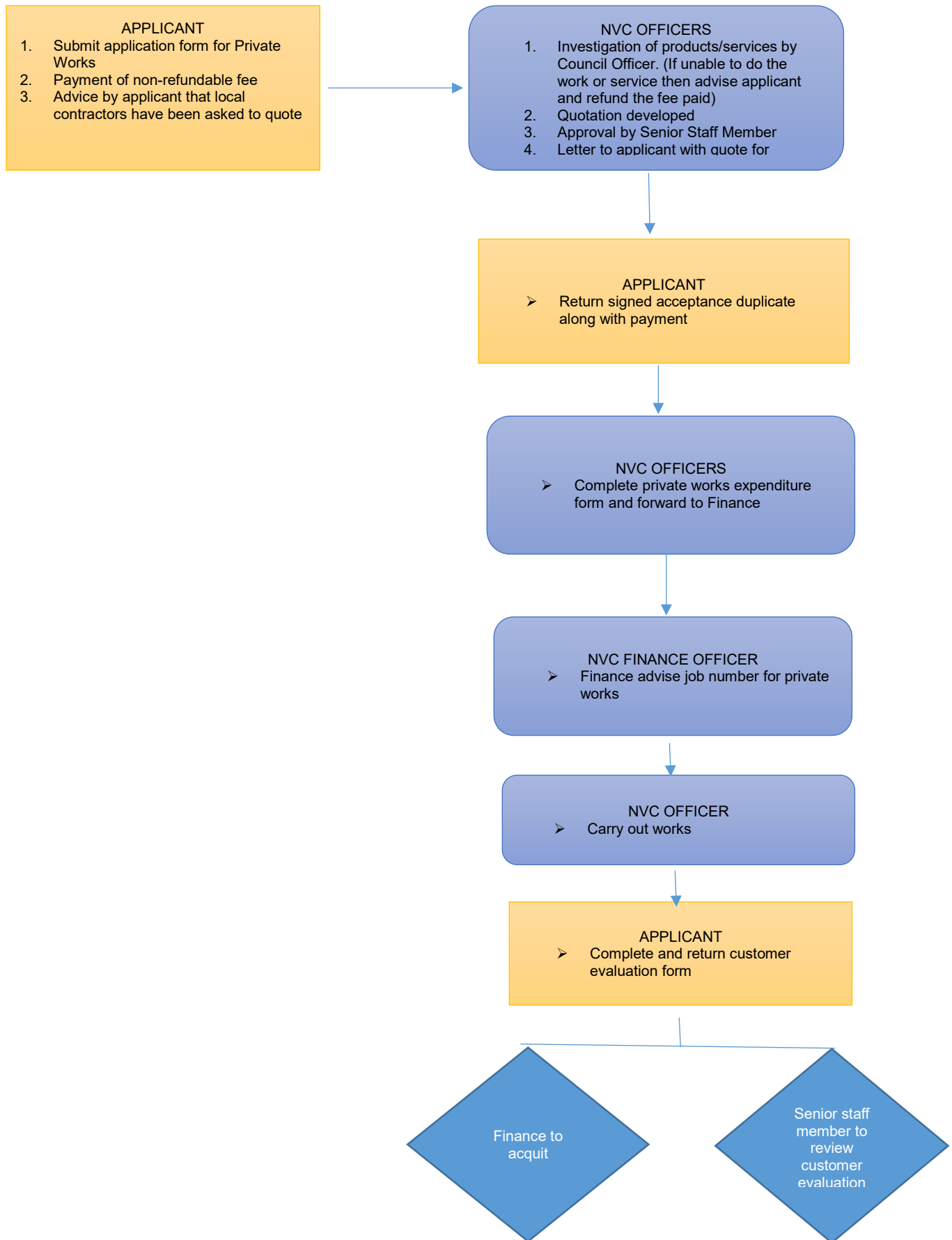
7.0 History

New policy.

Department:	Engineering Services	Last Reviewed	Resolution Number
Policy Category	Council		
Endorsed By:	General Manager		
Approval Authority	Council		
Policy Owner	AGMES		
Contact Officer	AGMES		
Document No.	49116/2019		
First Adopted	30 Jan 2020		
Resolution No:	34/20		
Review Date:	Every 2 years		

Appendix A

Flowchart



Appendix B



Application for Private Works

Applicants Name	Contact Person

Current Postal Address	Email Address

Contact Telephone Number	Street Address where work is to be done

Tenancy Details	Application Fee – required to be paid to process application
<input type="checkbox"/> Leased <input type="checkbox"/> Owned	<input type="checkbox"/> \$110 incl. GST

Description of Activity

Proposed Date/s of works to be undertaken from ----- **to** -----

Type of Works

- | | |
|---|--|
| <input type="checkbox"/> Construct residential Driveway | <input type="checkbox"/> Construct Commercial Driveway |
| <input type="checkbox"/> Construct/Repair Footpath | <input type="checkbox"/> Construct Kerb and Gutter |
| <input type="checkbox"/> Street Sweeping | <input type="checkbox"/> Reinstate Roadway |
| <input type="checkbox"/> Tree/Vegetation Removal | <input type="checkbox"/> Other |

Further Information – attach sketch if necessary

Landowner's Consent:

I confirm the above information is correct and I consent to the Application for Private Works being addressed by Council.

Signature:

Name:

Date:

Appendix C



Private Works - Customer Evaluation Form

Name:

Address:

Contact Phone No:

Contact Email Address:

Please provide feedback about your experience with Council undertaking private works for you:

Office use only

Senior Staff Comments:

File No: -----