



POLICY NAME: PRIVATE WORKS POLICY

POLICY No: AP24

PURPOSE OF POLICY:

The purpose of this Policy is to:

- create a framework for the undertaking of private works on behalf of individuals, organisations and businesses (including State Government departments and service authorities) that is transparent, objective and consistent;
- ensure a clear understanding of the roles and responsibilities of each party entering into private works activities; and
- ensure that all private works undertaken by Council are undertaken at market prices, ensuring an acceptable profit margin and full cost recovery to Brighton Council that is consistent with the no advantage requirements of the *Local Government Act 1993* and comply with the National Competition Policy and competitive neutrality principles.

SCOPE:

This policy applies to:

- Private works undertaken by Council on behalf of individuals, private organisations and businesses, State Government departments and service authorities.
- Works may include the supply of plant, equipment, labour and other resources.

POLICY:

- Priority for use of Council's plant, equipment, labour and other resources is to be given to Council's own work program at all times, before entering into any private works arrangement.
- It is Council's preference that all private works be undertaken by private contractors in the first instance.
- Council reserves the right to refuse a request for private works, specifically if it is deemed to be outside of Council's capabilities or resource availability or for any other reason deeming the works unachievable by Council.

Guidelines

Private Works

Minor private works (valued at or below \$10,000) will require the consent of the General Manager or Director, Asset Services.

Major private works (valued above \$10,000) will require the consent of the General Manager.

Private works will be considered in the following circumstances:-

- Council staff have the capacity to engage in the project; or
- The works are complementary to council works being undertaken; or
- There is no private contractor available to undertake the works; or
- The works provide a valuable training opportunity for staff; or
- The project would be of strategic economic, social or environmental benefit to the community.

Plant hire

- Council will not hire out plant without an approved Council operator and in accordance with this Policy.
- Fees for plant hire are contained in Council's Fees and Charges schedule.
- Council is responsible for the payment of Council operators engaged on private works. No other payment arrangements are permitted.

Scope of works

- A scope of works is to be included with estimates and quotes for all minor and major private works.
- The scope of works must be clearly outlined, including the works to be undertaken, any permits required, estimated quantities of materials to be used and a timeframe in which the work is to be carried out.
- Major Private Works may include design drawings and specifications where appropriate and all permits required to be provided to Council prior to commencement of works.

Costings

- Labour, material, plant hire, third party costs and overhead rates for undertaking any private works will be applied at normal rates + 25%.
- A firm quotation must be provided for Major private works.
- An estimate of costs must be provided for Minor private works.
- All quotations must be in writing and must be accepted by the applicant in writing prior to commencement of the works.
- Variations to scope may incur additional charges to the original quote/estimate and must be agreed to in writing by both parties before commencing additional Major or Minor private works.
- Estimates and quotes provided are to be GST inclusive. GST will apply to all charges.

Payment

- Upon completion of private works the Director, Asset Services will arrange for the private works to be invoiced.
- Payment terms are 30 days.
- The applicant is responsible for paying the invoiced amount in full by the due date.
- A deposit or milestone payment may be required for Major private works.

Dispute Resolution

Any disputes shall be addressed as per Council's Customer Service Charter.

Conflicts of Interest

Council employees, elected members, volunteers, consultants and contractors must not gain any advantage when any private works are undertaken by Council and all provisions contained in this policy and Council's Code of Conduct apply.

REFERENCES:

Local Government Act 1993

Competition and Consumer Act 2010

Brighton Council Customer Service Charter

Brighton Council Code of Conduct

ADMINISTRATIVE DETAILS:

Policy compiled: February 2024

Adopted by Council: 16 July 2024

To be reviewed: July 2026

Responsibility: Director, Asset Services



GENERAL MANAGER