



LEETON  
SHIRE COUNCIL

**DRAFT (REVISED)**

# PRIVATE WORKS POLICY

DECEMBER 2024

## DOCUMENT CONTROL

<b>RESPONSIBLE OFFICER:</b>	Manager Governance, Corporate & Customer Service / Director Operations				
<b>REVIEWED BY:</b>	Senior Management Team				
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5	6/12/2024	Content reviewed and updated, agreement attached,	Manager Governance / Director Operations	Council	TBC

## REVIEW OF THIS DOCUMENT

This document will be reviewed every 4 years or as required in the event of legislative changes or operational requirements.

Any major amendments to the document must be made by way of a Council Resolution. Minor amendments such as corrections to spelling, changes to wording for improved clarity, formatting and updates to the Appendixes may be made without approval from the Council.

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## 1. Objective

The objective of this policy is to provide the community with access to Council's labour, plant, equipment, and resources on a commercial, fee-for-service basis. This access should not disadvantage local contractors and is subject to the convenience of Council's works program.

Where local contractors cannot perform the requested work, this policy establishes a transparent, objective, and consistent framework for undertaking private works or services for landowners in the Leeton Shire.

## 2. Scope

This policy applies to any work carried out by Council on private or public lands outside Council's responsibility, pursuant to an agreement with a landowner. This policy excludes work on Council-owned assets and State Roads.

The policy applies to Council staff with delegated authority to approve private works.

## 3. Purpose

The purpose of this Policy is to:

- a. Provide a clear, transparent, and consistent framework for performing private works.
- b. Limit the scope of private works to allow Council to prioritise its maintenance and capital works programs
- c. Ensure all parties involved in private works understand their roles and responsibilities
- d. Ensure that all private works are fully costed, with overheads and a commercial profit margin included.

## 4. Competitive Neutrality

Council acknowledges the principles of competitive neutrality. Private works, primarily for community groups or government agencies, are restricted to those aligned with Council's works program and objectives, ensuring transparency and fairness. which aims to ensure that Council's public ownership does not confer any unfair advantage over private businesses.

## 5. Eligibility

Council will consider applications for private works from individuals, private businesses, not-for-profit organisations, community groups, and Council officials, provided the work can be scheduled without impacting Council's works program.

Private works will not be undertaken on properties outside the Leeton Shire Local Government Area (LGA), except for works commissioned by other LGAs.

**Conditions:**

- Applicants must complete and submit the approved Council form (**Appendix 1**) to [council@leeton.nsw.gov.au](mailto:council@leeton.nsw.gov.au).
- Verbal or informal applications **will not be** accepted.
- Applications must include complete details such as plans, specifications, approvals, and any required legislative documents.
- Incomplete applications will be declined.

Quotations and estimates will be GST-exclusive and based on provided information. Final costs will be determined by the actual quantities used. No private works will take priority over Council's works program.

Council reserves the right to refuse any private works application.

## 6. Procedure

**Council Priorities:** Council's plant, equipment, labour, and resources will be prioritised for Council's works program. Private works applications will only be considered if they do not impact the delivery of Council's essential works.

**Indemnity:** The applicant must indemnify Council against any claims, actions, or processes related to damage or injury arising during the works, except in cases of Council's negligence.

**Cost Estimates:** Written estimates will be provided to the applicant, which will:

- be based on the information provided by the applicant,
- include a provision for additional costs if the final work exceeds the estimate.

**Firm Quotations:** If requested, firm quotations can be provided at the discretion of the General Manager or Director Operations.

**Costing Basis:** Estimates and quotations will be based on current market rates. All costs will include administration charges, profit margins, where applicable and are GST exclusive.

**Work Execution:**

- Only licensed and approved Council staff will operate plant and equipment for private works.
- Council is responsible for paying its staff and subcontractors, and no alternative payment arrangements will be allowed.
- Each private works project will be tracked with a unique work order for accurate costing and invoicing.

**Work Scheduling:** The applicant will be informed of the expected timeframe for the works to commence.

**Misuse of Council Resources:** Any misuse or unauthorised use of Council resources may be considered misconduct under Council's Code of Conduct (refer to sections 9.13–9.19).

**Reinstatement:** If Council uses private land for work or access to materials, the land will be reinstated to its original condition after the completion of works.

**Conflict of Interests:** Council Officials must conduct any personal dealings with the Council in a manner consistent with how other community members interact with the Council. This includes disclosing and appropriately managing any conflicts of interest in accordance with the requirements set out in Council's Code of Conduct

## 7. Applications made by Council Officials

- All private works requested by Council officials must be approved by the General Manager or Director Operations.
- If a conflict of interest is identified, an independent Council official, not involved with the parties, will be responsible for developing the quotation and ensuring no work or resources are used beyond the approved scope.

## 8. Payment

- Once the applicant accepts the quotation and signs the agreement, Council will issue an invoice for 50% of the total value of the private works, which must be paid before works commence.
- The final invoice will be based on actual costs for the completed works, with this clearly stated to the applicant at the time of quotation. A final invoice or credit note will be issued upon completion of the works.
- Works will be scheduled for delivery once the initial 50% payment has been received.
- If the applicant defaults on payment, interest will be applied, and, in accordance with Council's Debt Recovery Policy, proceedings for debt recovery will be initiated, with any associated costs added to the principal amount.

## 9. Roles and Responsibilities

There are several positions in the organisation that a responsibility under this policy:

### 9.1 General Manager

General Manager has ultimate authority to authorise private works and determine which staff are delegated to authorise private works.

### 9.2 Director Operations

Director Operations is accountable for ensuring staff are resourced to undertake private works as well as ensuring adherence to Council's policies and procedures. Director Operations is required to manage any breach of the Policy within their areas of responsibility.

## 9.3 Managers

Managers have the following responsibilities:

- Liaising with the public or companies to scope and estimate the costs of private works.
- Ensuring appropriate cost centres (Ledgers and Work Orders) are set up to accurately capture costs for invoicing.
- Issuing invoices once the quotation is accepted, and ensuring a final invoice or credit note is issued upon completion of works.
- Adhering to record management policies and procedures. Documentation related to Private Works are to be stored in Council's electronic records system TRIM and in folder number **EF24/175**.
- Managing conflicts of interest in accordance with Council's Code of Conduct.

## 10. Definitions

**Council Official:** Councillors, members of staff, Council committee members and any delegates of Council.

**Private Works:** Construction or maintenance of civil infrastructure that is not owned, operated or the responsibility of Leeton Shire Council.

**Council Authorising Officer:** General Manager

## 11. Related Documents

This policy should be read in conjunction with the following documents:

Code of Conduct  
Debt Recovery Policy  
Fraud and Corruption Policy  
Plant – Disposal of Surplus Plant, Equipment or Materials Policy  
Private Use of Council Tools, Plant, Property and Equipment Policy  
Procurement Policy  
Procurement Procedure  
Procurement Quick Guidelines  
Public Interest Disclosure Policy  
Records Management Policy  
Supplier Contract Management Policy

## 12. Legislation

This policy aligns with the following legislation:

*Local Government Act 1993*  
*Public Interest Disclosures Act 2022*  
*State Records Act 1998*  
*Local Government Regulation 2021*

## Appendix 1 – Private Works Application Form



### APPLICATION FOR PRIVATE WORKS QUOTATION

**COUNCIL WILL PROVIDE AN ESTIMATE FOR THE WORKS, BASED ON APPROVED CONSTRUCTION CERTIFICATE PLANS AND SITE VISIT. THE APPLICANT IS RESPONSIBLE FOR THE ACCURACY OF THE DETAILS SUPPLIED IN THE CC PLANS**

**PLEASE ANSWER ALL QUESTIONS**, failure to do so may result in the return of this application.

**Applications are to be emailed through to [council@leeton.nsw.gov.au](mailto:council@leeton.nsw.gov.au) for consideration and processing.**

#### 1 Applicant Details

*In this context the applicant is the consent holder of the approved development application. If a 3<sup>rd</sup> party is seeking to make an application on their behalf the 3<sup>rd</sup> party will require the applicant's consent below.  
All correspondence, both written and verbal and notice of determination will be sent to the applicant.  
It is important to notify Council of any change of address and / or telephone number if this occurs during the processing of the application.*

☐ Mr☐ Mrs☐ Ms☐ Miss☐ Other:

Family name(s) OR company name

  

Given name(s)

  

Postal Address

(All correspondence will be sent to this address)

  
  

Email Address

Daytime telephone number(s)

  

Signature of applicant(s)

  

#### 2 Owners details and consent

*This section must be completed by the development consent holder. If the development consent holder is a company, then the director/s or the secretary of the company must sign the application and affix the body corporate stamp, if required, to this form or as an attachment with the appropriate details confirming consent.*

Name(s) OR company name

  

Signature(s)

  

Daytime telephone number



### 3 Property description / Location

*It is important that the property is accurately identified by its legal description.  
This information is shown on your Rates Notices, property deeds etc.*

Unit / street no.	Street name	Suburb / Locality	Postcode
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Lot no.	Section no.	Deposited Plan no.	Parish
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

### 4 Description of requested works

*Please briefly describe the works that you wish Council to estimate.*


### 5 Site plan and plans / drawings of proposed works

*Please attach a copy of your approved civil construction plans*

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### 6 Check box if complete!

<p><input type="checkbox"/> The works have been completed to CCC plans.</p> <p><input type="checkbox"/> The works have been marked out and pegged.</p> <p><input type="checkbox"/> The work area clear of obstructions or debris.</p> <p><input type="checkbox"/> The works area surface level is final.</p> <p><input type="checkbox"/> The CCC plans include all services and clearances including but not limited:</p> <ul style="list-style-type: none"><li>• Water</li><li>• Sewer</li><li>• Stormwater</li><li>• Power</li><li>• Telecommunications</li><li>• Gas</li></ul>
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