



External Private Works Policy



Yarriambiack
SHIRE COUNCIL

External Private Works Policy

Yarriambiack Shire Council encourages a working environment which promotes gender equality and models non-violent and respectful relationships.

1 Objective

The intent of this policy is to provide guidance on how decisions are made in relation to providing External Private Works services to statutory bodies and agencies, utility companies, community groups and rate payers/municipal residents.

All decisions made must be open, transparent, accountable and in accordance with this policy.

2 Responsibility

Chief Executive Officer (CEO): The CEO is responsible for assessing all Community Group external works requests and either approving, or where there is a deemed conflict of interest referring to the Council for a decision.

Leadership Team: The Leadership team consists of the CEO and Managers. A member of the Leadership Team is responsible for approving all statutory body and agency, utility, and emergency management external private works requests.

Manager Infrastructure and Works: The Manager Infrastructure and Works is responsible for conducting the estimations and assessments of external private works for statutory bodies, agencies and utility companies. The Manager will ensure Council service delivery requirements will not be compromised by undertaking the additional works.

Councillors: The Councillors are responsible for assessing Community Group external works requests, where the CEO has a declared conflict of interest.

All Council Officers must ensure the requests align with Council's Procurement Policy and approvals are in accordance with Council's Financial Delegations.

3 Policy Statement and Scope

3.1 Competition and Supporting Local Contractors

Council is not in the business of being a competitor to local contractors and suppliers.

Therefore, Council will only consider external private works for statutory bodies and agencies and utility companies in circumstances where private contractors cannot be sourced or are unavailable and the works are required necessary and will provide benefit to our Community.

Community Group requests will only be considered where a local contractor or supplier is unable to provide the service, or where incurring the costs for works will create financial hardship.

3.2 External Works Requests - Statutory Bodies and Agencies

Examples of statutory bodies include but are not limited to, Catchment Management Authority, other Councils, Department of Environment Land and Water, Parks Victoria, Country Fire Authority, Vic Roads, Regional Roads Victoria.

All requests must be assessed by a member of the Leadership Team. The member will review the request and if it meets the criteria of item 3.1, the member will refer the request to the Manager Infrastructure & Works.

The Manager Infrastructure & Works will first assess the team's workload and the ability to deliver the project. If it is possible to deliver the works in the required timeframes requested, the Manager will undertake a cost estimation that will factor in full cost recovery including overheads.

The Manager will ensure that operational and maintenance regimes will not be compromised by the additional works.

Once the assessment has been complete, a member of the Leadership Team will approve the works to be conducted.

3.3 External Works Utilities

Examples of utility companies include but are not limited to; Telstra, electricity providers (Powercor), GWMWater, NBNSCo.

The process of assessment and approval will be in accordance with item 3.2.

3.4 External Works Requests – Community Groups

Community group requests must be incorporated association within the municipality.

Requests for external private works must be made in writing to the CEO. If there is a deemed conflict of interest with the request, it will be escalated to the Council for decision.

The CEO will refer to the Manager Infrastructure & Works for a cost estimate and a strategic assessment on delivery capabilities.

The CEO may approve the waiver of fees incurred from the private works if it meets the following condition:

The external private works will provide a direct benefit to the wider community, with multiple benefit for the municipality.

Examples of external private works for community groups are:

- a) The cleaning of the ANZAC Park toilets.
- b) The cleaning of the Lake Lascelles amenities.

3.5 External Works Requests – Rate Payers / Municipal Residents

Council will not perform private works for rate payers or municipal residents.

Where Council performs kerb and channel upgrades and engages a contractor to undertake the works, the rate payer will be able to liaise directly with the contractor if they express the wish to upgrade their driveways in the process. This will be deemed a commercial arrangement between the rate payer and the contractor and Council will not be a party within this arrangement.

When kerb and channel works are undertaken, Council will replace Council owned infrastructure only. Any damages to rate payer infrastructure such as a driveway will be reinstated with the same or similar material. This will be at no cost to the rate payer and will not be deemed external private works.

3.6 Emergency Management Works

Where Council responds to emergency situations in accordance with the Emergency Management Act 2013, such works will be undertaken to ensure the public safety of the community.

Such events include but are not limited to, floods and fires. Where Council undertakes works to meet the legislative requirements and to ensure public safety, there will be no cost to the rate payer incurred and the works will not be deemed external private works.

Where the Government provides grants to reinstate infrastructure due to damage incurred from extreme weather events, the works will be prioritised based on asset condition data captured, assessed, and modelled by the Assets Department. The assets prioritised will be presented to Council for review and resolution before works can commence.

Based on funding agreement requirements, if rate payers are required to contribute a monetary value towards the works, Council will enter into an agreement with the rate payer to recover their contribution.

3.7 Billing of External Private Works

The Manager Infrastructure & Works is responsible for providing the required information to the Corporate Services Department to process the debtor invoice in a timely manner. The debtor invoice is to be raised within 30 days of the works being completed.

3.8 Review and Oversight

A list of all works carried out under this Policy will be provided on a biannual basis to the Audit and Risk Committee and presented as a biannual Council report to ensure transparency and accountability.

4 Consistency with Governance Principles Local Government Act 2020

Governance Principle	Section of policy where covered
(a) Council decisions are to be made and actions taken in accordance with the relevant law;	All sections within this report have been developed based on the Local Government Act Governance Principles (s9) and the Transparency Principles (s58).
(b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;	Section 3 of this policy outlines in detail how decisions are made to ensure accountability, transparency and to adhere to good governance process in the best interest of the municipal district.
(c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;	Section 3 considers the economic benefits to the municipal district in assisting utility companies. The section also then considers the importance of not being in competition with local businesses to ensure the economic prosperity of the Shire.
(d) the municipal community is to be engaged in strategic planning and strategic decision making;	This policy is a governance document, that is required to ensure Good Governance of the Municipal district, which aligns with the principles of the Local Government Act 2020.
(e) innovation and continuous improvement is to be pursued;	Section 3.4 outlines Councils support for community groups, and encourages continuous improvement.
(f) collaboration with other Councils and Governments and statutory bodies is to be sought;	Section 3.2 outlines how Council will support statutory bodies and Agencies.
(g) the ongoing financial viability of the Council is to be ensured;	Section 3 outlines how Council will undertake works, within its scope and abilities, whilst also ensuring we are not in direct competition with private enterprise.
(h) regional, state and national plans and policies are to be taken into account in	Section 3 has been developed based on legislative frameworks and best practice guidance.

strategic planning and decision making;	
(i) the transparency of Council decisions, actions and information is to be ensured.	The policy has been developed with the aim of ensuring transparency and accountability with decision making, and steps through the process of when and why Council would undertake external private works.

References

- Occupational Health and Safety policy
- Information Privacy policy
- Occupational Health and Safety Act (2004)
- Workplace Injury Rehabilitation and Compensation Act (2013)
- Crimes Act (1958)
- Equal Opportunity Act (2010)
- Human Rights Charter
- Local Government Act 1989
- Local Government Act 2020
- Competitive Neutrality Policy (Victoria)

This Policy is implemented in conjunction with the following documents:

- YSC Financial Delegations
- Councillor & Employee Code of Conduct policies
- Project Management Policy
- WorkFlowMax Project and Financial Management Manual
- General conditions for the Provision of Goods and/or Services
- Finance and Payroll Management Manual
- Public Transparency Policy

Council Approved Policy

Policy Adopted:	Ordinary Meeting 24 February 2021	Item 15.3	Minute Page No 96
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