

1 Purpose

This policy establishes Council's position on the -

- types of private works that Council may provide;
- factors for determining whether Council will engage in private works and its pricing; and
- priority for undertaking private works.

2 Scope and applications

This policy applies to all works undertaken by Council on behalf of external customers for contracts involving plant, equipment, labour, material and other resources.

Private Works undertaken by Water and Waste Services Group are for live water and wastewater network connections, extensions, relocations and modifications only and minor in nature. These works are subject to the mandate of the *Water Supply (Safety and Reliability) Act 2008* as specified in the following Council policies and Council's adopted fees and charges -

- Water Infrastructure Policy;
- Wastewater Infrastructure Policy.

Exclusions:

1. This policy does not apply to the sale of material only (e.g. gravel, signage etc). Council should refer such requests to the private sector.

3 Principles

Policy aligns with Council's 2024 - 2029 Corporate Plan focus area/s of people/place/prosperity/performance.

- 4.2 Continue to pursue prudent financial management and sustainability
- 4.3 Delivery of community and customer-focused service

In addition to upholding the Corporate Plan principles/principles outlined above, Council is committed to upholding the obligations within the *Human Rights Act 2019* by giving proper consideration to the provisions of the Act when making decisions relevant to this policy.

4 Content

4.1 Types of Private Works undertaken by Council

Toowoomba Regional Council (Council) may choose to provide or undertake work on a for profit basis for groups or individuals external to Council. This work is known as Private Works and is classified into four categories -

- Queensland Department of Transport and Main Roads (TMR) Road Maintenance Performance Contract, Sole Invitee Contracts and other mutually agreed arrangements;
- Contestable Works;
- Major Private Works; and
- Minor Private Works.

Council is not obligated to supply materials from its own quarries, stockpiles, water sources or those over which it has exclusive extraction rights. These limited resources will at all times be prioritised for Council use. Private Works contracts may be declined on the basis that the material component is unable to be supplied.

Council may include design work as requested in Design/Construct contracts or as required to carry out works impacting Council infrastructure such as water and wastewater pipeline networks.

Council will only undertake Private Works within Toowoomba Regional Council's area of jurisdiction, unless otherwise approved by the Chief Executive Officer.

4.2 Priority of works

Council's priority is the delivery of public services and completion of its scheduled capital works and maintenance activities in a timely manner.

Works will be completed in the following order of priority -

- Emergency works;
- Council works classified as high priority;
- Council scheduled works;
- Queensland TMR contracts;
- Major/Minor Private works;
- Contestable works.

4.3 Determination and pricing of Private Works

In determining whether to undertake Private Works the following will apply.

4.3.1 Queensland TMR Contracts

Council is committed to undertaking Road Maintenance Performance Contract and Sole Invitee Contract works on behalf of TMR.

A margin will be applied to all TMR contracts. This margin will cover –

- corporate overheads and oncosts on direct job costs; and
- a reasonable profit margin to cover risks as determined appropriate by a General Manager.

Following consideration by management, a recommendation to apply for TMR Road Maintenance Performance Contract or Sole Invitee Contract works will be made for approval by the Managers, General Managers and Chief Executive Officer as required in accordance with the financial delegations register.

4.3.2 Contestable Works

Council will only consider undertaking Contestable Works under the following circumstances -

- as a temporary measure where there is insufficient work available to keep the workforce fully engaged; or
- to train, challenge or professionally extend Council's workforce in a specific skill.

A documented risk assessment will form an integral part of the decision making process and the principles of the National Competition Policy must be applied.

A margin will be applied to all Contestable Works contracts. This margin will cover –

- corporate overheads and on costs on direct job costs;
- a reasonable profit margin to cover risks as determined appropriate by a General Manager.

Following consideration by a General Manager, a recommendation to apply for Contestable Works will be made for approval by the Chief Executive Officer as required in accordance with the financial delegations register.

The Chief Executive Officer reserves the right to refuse any application for Contestable Works.

4.3.3 Major Private Works (\$100,000 and over)

Council will only consider undertaking Major Private Works under the following circumstances -

- where there is a need to work with live water and wastewater infrastructure;
- there is no private sector provider readily available to undertake the work;
- the project would be of strategic, economic, social or environmental benefit to the region;

- where works are integral to other Council projects or may impact existing Council assets, services and utilities;
- as a temporary measure where there is insufficient work available to keep the workforce fully engaged; or
- to train, challenge or professionally extend Council's workforce in a specific skill.

A documented risk assessment will form an integral part of the decision making process and the principles of the National Competition Policy must be applied.

Private Works may be carried out as a collaboration between Council and a private contractor subject to the extent of the work and the requirement for live water and wastewater infrastructure works. This will be determined at the time of application.

A margin will be applied to all Major Private Works contracts. This margin will cover –

- corporate overheads and oncosts on direct job costs;
- a reasonable profit margin to cover risks as determined appropriate by a General Manager.

Following consideration, an approval for Major Private Works will be made by a General Manager, provided the total contract amount is within the General Manager's financial delegated authority. Any Major Private Works with a value greater than the General Manager's financial delegated authority should be referred to the Chief Executive Officer for approval.

The Chief Executive Officer and/or Council reserves the right to refuse any application for Major Private Works.

4.3.4 Minor Private Works (under \$100,000)

Minor Private Works requested by external customers on private property is not normally undertaken by Council, however Council will consider undertaking Minor Private Works under the following circumstances -

- where there is a need to work with live water and wastewater infrastructure;
- staff have been directly approached to perform minor works in connection with scheduled works in an area;
- there is no private sector provider readily available to undertake the work;
- the project would be of strategic, economic, social or environmental benefit to the region;
- where works are integral to other Council projects or may impact existing Council assets, services and utilities;
- as a temporary measure where there is insufficient work available to keep the workforce fully engaged; or
- to train, challenge or professionally extend Council's workforce in a specific skill.

Private Works may be carried out as a collaboration between Council and a private contractor subject to the extent of the work and the requirement for live water and wastewater infrastructure works. This will be determined at the time of application.

A margin will be applied to all Minor Private Works contracts. This margin will cover –

- corporate overheads and oncosts on direct job costs;
- a reasonable profit margin to cover risks as determined appropriate by a General Manager.

The decision to undertake and approve Minor Private Works will be based on the risk level of the works, ready availability of resources, and extent of disruption to the delivery of scheduled works and will be made by the relevant Branch Manager (or delegate) depending on the scope of the works. The Branch Manager (or delegate) will determine if it is appropriate to perform 'on the spot' works of less than \$2,000 in value. Council will not undertake 'on the spot' works associated with live water and wastewater infrastructure.

The Branch Manager (or delegate) reserves the right to refuse any application for Minor Private Works –

- that it deems will create a conflict with scheduled works;
- that it deems will conflict with the best interests of private contractors within the region; or
- if the applicant already has an outstanding account with Council.

On completion of the work, Council officers will ensure that a signed version of the quotation is received from external customers acknowledging that the works have been completed to the quotation and as requested.

4.3.5 Payment for Private Works

Terms of payment for TMR Road Maintenance Performance Contract and Sole Invitee Contract works will be as per the contract conditions.

Terms of payment for Contestable Works and Major Private Works are to be included in the project contract conditions in line with Council's Granting of Credit Policy and must be agreed to by a General Manager and/or Chief Executive Officer.

Payment for Minor Private Works will generally and preferably be pre-paid at the time that the quotation is accepted. The exceptions to this are –

- external customers who are approved creditors with sufficient existing credit available and no outstanding debts, and who have accepted in writing the conditions of the quotation;
- external customers who have been approved for 'on the spot' works or hire of plant and fleet (including an approved operator) of less than \$2,000 in value and who have accepted 7-day payment conditions in writing.

4.3.6 Customer satisfaction

Council may seek feedback on customer satisfaction for Private Works in accordance with the requirements of AS/NZS ISO 9001 Quality Management Systems and AS/NZS ISO 14001 Environmental Management Systems either through the satisfactory completion of work improvement reports, telephone surveys or by using the customer feedback form DM#5931261.

5 Responsibilities/accountabilities

It is the responsibility of the Executive Manager Construction and Maintenance and the Manager Water Infrastructure Services to review this policy.

It is the responsibility of the Supervisor of the works to ensure that a signed acknowledgement from the external customer is received when works are complete to signify that the works have been completed as agreed.

6 Relevant laws

Local Government Act 2009

Local Law No. 1 (Administration) 2011

Water Supply (Safety and Reliability) Act 2008

7 Related policies/documents

Members of the public can access Council policies on Council's website. If a policy listed below does not appear on the website, please contact 131 872 or email info@tr.qld.gov.au to request a copy. Staff may access policies via the [Policy Register and Review Schedule](#).

Council policies

2.03 Water Infrastructure Policy

2.04 Wastewater Infrastructure Policy

2.29 Granting of Credit Policy

4.22 Sundry Debt Collection

Other documents

[Corporate Plan 2024 - 2029](#)

8 Related forms

ISG Customer Feedback Form [DM#5931261](#)

9 Definitions

Term	Definition
Applicant	Person/s or entity requesting private works
Contestable works	Works (other than that offered by Queensland Department of Transport and Main Roads) advertised on the open market for tender or quotation
Council	Toowoomba Regional Council
External customer	Person/s or entity requesting private works
General Manager	A member of Council's Executive Leadership Team
Live	Current operational system
Major private works	Works of \$100,000 (excluding GST) or more in value
Minor private works	Works less than \$100,000 (excluding GST) in value
On the spot works	Works less than \$2,000 (excluding GST) in value performed by Council under contract for private persons whilst working in an area and utilising existing resources
Private works	Works undertaken by Council on behalf of external customers
Road Maintenance Performance Contract	Maintenance works undertaken on the State/National controlled road network on a formal contract basis between Council and the Department of Transport and Main Roads (TMR)
Sole invitee	Sole invitee works undertaken on the State/National controlled road network on a formal contract basis between Council and the Department of Transport and Main Roads (TMR)

10 Policy details

Policy category:	Council Policy	Policy version number¹:	3.00
Date adopted/approved:	5 August 2024	Effective date:	5 August 2024
Approval authority:	Council		
Policy Owner:	General Manager, Infrastructure Services Group		
Contact officer:	Executive Manager, Construction and Maintenance		
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11 Revision history

Policy version	Approval date	DM Reference
Amalgamation of former policies – 2.22 External Works	24 January 2012	DM#4733436v5
2.25 Minor External Works	21 February 2012	DM#4962419v1
2.00	21 September 2021	DM#5315000v11
3.00	5 August 2024	DM#11561271v2

¹ Printed copies are uncontrolled. It is the user's responsibility to ensure that any copies of policy documents are the current issue. Any delegations should be verified via the relevant Delegation Register as it takes precedence if there is a conflict. The Chief Executive Officer will, if necessary, be the sole arbiter in resolving any issues of conflict