



NORTHERN MIDLANDS COUNCIL

POLICY MANUAL

PRIVATE WORKS AND DRIVEWAY ENTRANCES

Originated Date: Adopted 18 December 1995-Min. No 416/95 (as Policy 16)

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Amended 12 December 2016 – Min No. 360/16
Amended 17 August 2020 – Min. No. 273/20
Amended 21 October 2024 – Min. No. 24/0357
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Applicable Legislation: Section 35 of the *Local Government Act 1993*

Objective Guidelines to ensure consistency in the undertaking of private works and the construction of driveway entrances.

Administration: Works and Infrastructure

Review Cycle/Date: October 2029

(A) PURPOSE OF POLICY

The purpose of this Policy is to:

- (i) create a framework for the undertaking of private works on behalf of individuals, organisations and businesses that is transparent, objective and consistent;
- (ii) ensure a clear understanding of the roles and responsibilities of each party entering into private works activities; and
- (iii) ensure that all private works undertaken by Council are undertaken at market prices, ensuring an acceptable profit margin and full cost recovery to Northern Midlands 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.

(B) SCOPE

- (i) This policy applies to all private works undertaken by Council on behalf of any applicant.
- (ii) Works may include the supply of labour, materials, plant and services.

(C) POLICY STATEMENT

- (i) 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 a private works arrangement.
- (ii) It is Council's preference that all private works be undertaken by private contractors in the first instance.
- (iii) Council reserves the right to refuse a request for private works if it is deemed to be outside of Council's capabilities, resource availability or for any other reason deeming the works unachievable by Council.

(D) PRIVATE WORKS

- (i) Major Private Works (valued at over \$10,000 excl GST)

Major Private Works will only be considered in the following circumstances:

- There is no private contractor available to undertake the work; and
- The project would be of strategic economic, social, or environmental benefit to the community; and
- Workers and Council have the capacity to engage in the project; and



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- The project may provide a valuable training opportunity for workers.
- (ii) Major Private Works will require the consent of the General Manager.
- (iii) Minor Private Works (valued at under \$10,000 excl GST)
 - Minor Private Works will require the consent of a relevant manager.
- (iv) Plant Hire
 - Council does not hire out plant and equipment, with or without an operator.
- (v) Scope of Works
 - A scope of works is to be included with estimates and quotes for all private works.
 - The scope of works for Minor Private Works must be clearly outlined, including the works to be undertaken, permits required, estimated quantities of materials to be used and a timeframe in which the work is to be carried out.
 - All scopes of works for Major Private Works must include design drawings, specifications where appropriate and all permits required to be provided to Council prior to commencement of works.
 - Supervisors to ensure that a private works form is signed by the applicant prior to work being commenced.
- (vi) Costings
 - Minimum charge of one half an hour for plant and labour.
 - Private works charges shall be wages at the appropriate overtime rate, plus on costs. Plant hire at the standard plant hire rate, which includes travelling to and from the place of work. Administration costs 15% on materials and labour.
- (vii) Council Employees, Elected Members, Volunteers, Consultants and Contractors
 - Council Employees, Elected Members, Volunteers, Consultants and Contractors must pay the same rates and charges for private works that would apply to anyone else.
 - All other rules contained within this policy also apply to any Council Employees, Elected Members, Volunteers, Consultants and Contractors requesting private works.
 - Council Employees, Elected Members, Volunteers, Consultants and Contractors must not gain an advantage over the general public; for example, they cannot get an advantage in relation to GST, or purchase items on Council's accounts to gain a corporate discount.
 - Council Employees, Elected Members, Volunteers, Consultants and Contractors will not receive favourable payment terms.
 - Applications for private works for Council Employees, Elected Members, Volunteers, Consultants and Contractors must be approved by the General Manager.
 - Applications for private works for the General Manager require the approval of Council.
- (viii) Payment
 - Upon completion the relevant Department Manager 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 maybe required for Major Private Works.

(E) DISPUTE RESOLUTION

- (i) Any disputes shall be addressed as per Council's relevant Department.

(F) EXCLUSIONS

- (i) Section 201 of the Local Government Act 1993 grants the power for councils to abate public nuisances including fire risks and other nuisances. Where a private property fails to comply with a nuisance notice, councils are



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entitled to undertake the work themselves or engage a private contractor. Councils are then able to levy charges to abate nuisances in the same manner as rates and charges. These are therefore excluded from being classed as being private works.

In relation to the construction of driveway entrance works the following policy provisions are applicable.

(G) DRIVEWAY ENTRANCE WORKS

Reconstruction of streets in conjunction with new kerb and gutter

- (i) When restructuring streets, driveway entrances shall be reshaped, graveled and prepared for asphalt sealing or concreting at Council's cost.
- (ii) Entrances which are currently asphalt, concrete or ironstone gravel (in heritage areas) will be reinstated to the same standard unless otherwise agreed to.
- (iii) Due to the grade of the driveway entrance generally being changed and the need for Council to perform work to a similar standard to that which is required by Council when contractors are constructing infrastructure work in new subdivisions Council will asphalt seal or concrete one standard 3.6 wide driveway entrance at no cost to the property owner.
- (iv) Entrances to be graded to the best possible grade to ensure a standard vehicle can cross the gutter without hitting the rear of the car.
- (v) When undertaking improvements existing 'Humes' crossovers should be removed wherever practical, and every effort should be made to provide the flattest grade possible by means of regrading the entrance back into the property (if possible) with consultation with the property owner.
- (vi) In the rare event a property has two driveways the second driveway entrance to the property shall be constructed to the same standard as the first driveway entrance at the property owner's expense.

Where reconstruction works are not being undertaken on the roadway

- (i) Property owners should seek permission from the Council to improve their crossover or driveway entrance.
- (ii) New concrete crossings and improvements to entrances, i.e. gravelling and sealing, must be undertaken by a recognised contractor.
- (iii) Driveways must not be sealed unless it can be proven that a minimum of 200mm of good quality gravel has been placed, compacted and prepared to Council standards.
- (iv) The driveway is to be inspected by a Council Officer following excavation, prior to placing gravel and prior to asphaltting or concreting.
- (v) A telecommunications and water location should be provided prior to work being carried out.
- (vi) The contractor is to be responsible for any damages to these services.
- (vii) The standard of work should be carried out in accordance with the relevant standards provided by Council.
- (viii) Council will contribute 50% towards the cost of the work, providing the work is done to an acceptable standard and the cost is in accordance with standard annual contract rates subject to the maximum of 20 square metres. If the works form part of development application they are the responsibility of the developer and Council will not contribute to the cost of works.

New concrete crossovers and entrances where a kerb and gutter does not exist

- (i) Are to be constructed at the property owner's expense.
- (ii) Property owners are to request permission from Council.



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- (iii) The work must be carried out by a recognised contractor.
- (iv) In accordance with Council plans and specifications.
- (v) Contractors are responsible for acquiring locations and damage to existing services.
- (vi) Council will contribute 50% towards the cost of the work, providing the work is done to an acceptable standard and the cost is in accordance with Council's standard annual contract rates subject to the maximum of 20 square metres.

Additional (second) concrete crossings

- (i) To be constructed at the property owner's expense.
- (ii) Property owners are to request permission from Council.
- (iii) The work must be carried out by a recognised contractor.
- (iv) In accordance with Council plans and specifications.
- (v) Contractors are to be responsible for acquiring locations and damage to existing services.
- (vi) Applicant must demonstrate that the street parking will not be affected by installation of a second entrance.