



**DATE ADOPTED: 26 NOVEMBER 2019**

**VERSION: 4.0**

## **POLICY OBJECTIVES**

The objective of this policy is to ensure that where Council undertakes the provision of works or services for outside bodies, such works or services are provided in accordance with relevant legislation, and that the cost of such works or services are recovered to the extent set out in this policy.

## **POLICY SCOPE**

This policy applies to the provision of works and services to outside bodies.

## **POLICY STATEMENT**

### **STATUTORY REQUIREMENTS**

Provisions of works and services for outside bodies are covered in the *Local Government Act 1993* as follows:

#### Section 67

- (2) A Council must not carry out work under this section unless;
  - (a) it proposes to charge an approved fee for carrying out the work as determined by the council in accordance with Division 2 of Part 10 of Chapter 15, or
  - (b) if it proposes to charge an amount less than the approved fee, the decision to carry out the work is made, and the proposed fee to be charged is determined, by resolution of the council at an open meeting before the work is carried out.

#### Section 356

- (1) A council may, in accordance with a resolution of the council contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.
- (2) A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days public notice of the council's proposal to pass the necessary resolution has been given.

- (3) However, public notice is not required if:
- (a) the financial assistance is part of a specific program, and
  - (b) the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
  - (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
  - (d) the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.
- (4) Public notice is also not required if the financial assistance is part of a program of graffiti removal work.

## **GUIDELINES**

1. All requests for private works or services are required to be in writing stating the nature, location and timing of the work requested, the name and status of the person/body requesting the work, and the ownership of the land on which the work is requested.
2. Requests for private works or services are required to be accompanied by an authority provided by the owner of the land on which the work is requested.
3. Private works or services are only to be provided where the Group Manager Infrastructure & Works is satisfied that there will be no adverse impact on Council's own works program commitments.
4. Private works or services shall be charges to the person/body requesting the work, at the appropriate rates for Sundry Works set from time to time by Council, except where the recipient is a non-profit organisation where the charges are to be based on actual cost alone.
5. Any request for private works or services other than in accordance with 4 above shall be subject to separate reports to Council under the provisions of Section 67 (2) (b) or Section 356 of the *Local Government Act 1993*.



## POLICY ADMINISTRATION

BUSINESS GROUP:	Infrastructure & Works
RESPONSIBLE OFFICER:	Group Manager Infrastructure & Works
COUNCIL REFERENCE:	Ordinary Council Meeting 26/11/2019
POLICY REVIEW DATE:	Three (3) years from date of adoption
FILE NUMBER:	35/41
RELEVANT LEGISLATION	<ul style="list-style-type: none"><li>• <i>Local Government Act 1993 (NSW)</i></li><li>• Local Government (General) Regulation 2005 (NSW)</li></ul>
RELATED POLICIES / PROCEDURES / PROTOCOLS	

## POLICY HISTORY

VERSION	DATE APPROVED	DESCRIPTION OF CHANGES
1.0	23/3/1994	New policy adopted
2.0	25/1/2011	Local Government Act Sec 67 & 356 updated and also current position title
3.0	28/6/2016	Local Government Act Sec 67 & 356 updated
4.0	26/11/2019	Policy review

