2020-21 Local Government Levy Ready Grant Program (Round Two)

Program Guidelines



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An electronic copy of this report is available on the Department of Local Government, Racing and Multicultural Affairs' website at www.dlgrma.qld.gov.au.

Opening date:	28 September 2020
Closing date and time:	5:00 p.m. on 6 November 2020
Date guidelines released:	28 September 2020
Funding period:	Commences upon execution of the Project Funding Schedule. All approved projects must be completed by 30 June 2021 and final acquittal documentation provided by 31 July 2021.
Policy Agency:	Department of Environment and Science
Administering Agency:	Department of Local Government, Racing and Multicultural Affairs
Enquiries:	For general program enquiries, please contact the DLGRMA Brisbane Program Office on (07) 3452 7583.
Type of grant:	Targeted competitive

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1. Introduction

On 20 March 2018, the Queensland Government announced the development of a comprehensive waste management and resource recovery strategy underpinned by a waste disposal levy (the levy). The levy was introduced on 1 July 2019. A prerequisite to the levy's successful implementation was the installation of appropriate infrastructure, such as weighbridges, security fencing and monitoring capacity, at levyable waste disposal sites.

To assist Local Governments to undertake necessary infrastructure upgrades, the Queensland Government released the 2018-19 Local Government Levy Ready Grant Program (Round One of the Grant Program). Round One of the Grant Program provided funding to Local Governments to upgrade large levyable waste disposal sites with environmental authorities greater than 2,000 tonnes of waste. All works funded under Round One of the Grant Program worked to make funded levyable waste disposal sites compliant with the requirements of the *Waste Reduction and Recycling Act 2011* (the Act) by 1 July 2019.

Small levyable waste disposal sites with environmental authorities to dispose of less than 2,000 tonnes of waste were ineligible to apply under Round One of the Grant Program. Small sites could however, elect to delay some legislative obligations regarding the measuring and recording of waste by notifying the Department of Environment of Science of their intention use an alternate methodology to measure and record waste under section 325 of the Act. Sites granted the temporary exemption under section 325 of the Act are referred to as section 325 small sites. The section 325 temporary exemption expires on 30 June 2021.

To assist Local Government to meet increasing legislative obligations for section 325 small sites following their temporary exemption's expiration on 30 June 2021, the Queensland Government has developed 2020-21 Local Government Levy Ready Grant Program (Round Two of the Grant Program). Round Two of the Grant Program will provide funding to eligible Local Governments to upgrade or close section 325 small sites to ensure legislative compliance with the Act by 30 June 2021.

The Department of Local Government, Racing and Multicultural Affairs will administer Round Two of the Grant Program on behalf of the Department of Environment and Science. Round Two of the Grant Program will run as a competitive grant process.

2. The Grant Program

2.1 **Program aim**

Round Two of the Grant Program aims to provide financial assistance to eligible Local Governments to upgrade or close section 325 small sites to ensure compliance with the Act.

2.2 Program objectives

The objectives of Round Two of the Grant Program are to support eligible projects that:

- facilitate the accurate collection of the levy
- ensure adequate security and operation controls, and
- comply with environmental authority and regulatory requirements.

2.3 Eligibility criteria

Eligible applicants under Round Two of the Grant Program are:

• Local Government bodies, constituted under the *Local Government Act 2009* and the *City of Brisbane Act 2010*, located in the Queensland levy zone.

Eligible sites are:

- Local Government-owned levyable waste disposal sites with an environmental authority to dispose of <2,000 tonnes of waste in a year; and
- are subject to a section 325 temporary exemption, as defined by the Act.

In order to be eligible, the applicant must meet all the above listed eligibility criteria. A list of eligible Local Governments is provided at **Attachment 1**.

2.4 Eligible projects

To be eligible for Project Funding under Round Two of the Grant Program, a Project must:

- (a) be consistent with the objectives of the Grant Program;
- (b) ensure compliance with legislative and regulatory requirements regarding the measurement and recording of waste under section 59 of the Act at 30 June 2021;
- (c) be an infrastructure project which seeks to either:
 - (i) upgrade the section 325 small site so it meets impending legislative requirements under section 59 of the Act, or
 - (ii) transition the section 325 small site so it is no longer a levyable waste disposal site subject to section 59 of the Act.

2.5 Eligible project costs

Project Funding may only be applied towards "Eligible project costs".

Eligible project costs include:

- (a) Security including lighting, secure boundary fencing, bollards, barriers and/or lockable gates.
- (b) Utilities including connections and/or upgrades to energy, water and/or internet utilities.
- (c) Traffic control measures including signage and traffic lights.

- (d) Earthworks and roadworks.
- (e) Closing and capping the landfill.
- (f) Other necessary infrastructure and/or upgrades for section 325 small site to meet impending legislative requirements.

Successful applicants must use Project Funding solely for Eligible project costs.

2.6 Ineligible project costs

Ineligible project costs include:

- (a) Works already completed prior to the date of formal advice of funding approval.
- (b) Items purchased prior to the funding being announced, unless agreed to by the Chief Executive.
- (c) Temporary works, except where required as part of the construction of the eligible works or required to enable completion of the proposed project.
- (d) Land acquisition and associated costs.
- (e) Vehicle/plant leasing unless directly required for construction (e.g. water trucks, excavators).
- (f) Completed feasibility, planning studies and/or conceptual design.
- (g) Employee education and/or training.
- (h) Statutory fees and charges and any costs associated with obtaining regulatory and/or development approvals.
- (i) Ongoing costs for administration, operation and maintenance or engineering.
- (j) Costs of preparing the Project Proposal for funding or associated supporting material.
- (k) Project management costs for the Project Proposal.
- (I) Legal expenses.
- (m) In-kind contributions.
- (n) Overhead charges.
- (o) Corporate overheads and on-costs, including technical, professional and clerical salaries of Council employees.
- (p) Duplication of existing funding applications under other Queensland Government grants programs and/or initiatives.

2.7 Funding

Projects approved for funding under the Round Two of the Grant Program will be allocated a subsidy of up to 80 per cent of eligible project costs (i.e. total project cost, less ineligible costs, less other financial contributions).

All Local Governments are expected to make a financial contribution to the project/s approved for funding under the Round Two of the Grant Program. While Local Governments may request a higher subsidy rate, the final funding percentage will be determined at the discretion of the Chief Executive.

Funding is not to be used by the recipient Local Government as their contribution towards other State or Commonwealth Government funding programs.

Provision of grant funding to local governments is not considered a taxable supply and so Goods and Services Tax (GST) is not applicable. All costs associated with the project must be excluding GST.

All unspent Grant Funds must be returned to the Department at the project's close.

2.8 Funding arrangements

Successful applicants will be required to execute a Project Funding Schedule under the applicant's Head Funding Agreement with the State. If a successful applicant has not entered a Head Funding Agreement with the State, it will be required to do so.

The State has no obligation to provide Project Funding to an applicant until a Head Funding Agreement and Project Funding Schedule have been executed by the applicant and the State. Successful applicants should not make financial commitments until all necessary documents have been finalised and executed.

Once executed, the Project Funding Schedule and certain parts of the Head Funding Agreement will constitute the "Project Funding Agreement" with a successful applicant for a Project.

The Project Funding Agreement will set out the arrangements for payment of Project Funding to a successful applicant in accordance with a Milestone Schedule set out in the Project Funding Agreement.

2.9 Application process

The below table sets out key program dates. These dates are indicative only and may be subject to change.

Key Dates	Key Activities/Actions
28 September 2020	Release of program guidelines
28 September 2020	Opens for applications
6 November 2020	Closes for applications
9 – 24 November 2020	Assessment of applications

Key Dates	Key Activities/Actions
Late 2020	Expected approval
30 June 2021	Date projects must be completed
31 July 2021	Final acquittal of projects

2.10 How to apply

Funding under this grant program is awarded through a competitive application and assessment process.

Local Governments seeking project funding for multiple section 325 small sites must submit separate project proposals for each site. Within each project proposal, Council can request funding for a number of components related to that site.

To apply, applicants must:

- (a) complete the application form available on the Department of Local Government, Racing and Multicultural Affairs website at <u>http://www.dlgrma.qld.gov.au/local-government/grants/current-</u> <u>programs.html</u> and select 2020-21 Local Government Levy Ready Grant Program (Round Two)
- (b) provide all the information requested
- (c) address all eligibility criteria and assessment criteria
- (d) identify any co-contributions the Local Government will make towards the total project costs
- (e) include all necessary attachments
- (f) submit your application/s by the Grant Program's closing date and time.

Your application must also include (in addition to the application form):

- (a) a letter from the Chief Executive authorising the proposed project and confirming Council's co-contribution
- (b) valid quotations, where possible, to support cost estimates
- (c) a project plan (template attached to the application form)
- (d) a risk management plan (template attached to the application form)

Late submissions are the responsibility of the applicant. The Chief Executive of the Department of Environment and Science is under no obligation to consider applications submitted or received after the Program has closed. All decisions made are at the discretion of the Chief Executive and are considered final.

The cost of preparing and submitting an application are the sole responsibility of the applicant.

2.11 Assessment criteria

Applications that have complied with these guidelines and are found to meet the eligibility criteria will be assessed against the following assessment criteria and prioritised for funding based on merit:

- Ability to meet the Grant Program objectives (40%).
- Value for money for the State of Queensland (20%)
- Understanding of the whole of asset life costs and ability to manage ongoing asset responsibilities (20%)
- Capacity and capability to deliver the project in the required timeframes (20%)

The program's assessment scorecard is provided at **Attachment 2** for your reference.

The Chief Executive reserves the right to consider a range of factors when prioritising projects for funding.

2.12 Assessment process

Applications will be assessed according to the following process:

- All applications will be reviewed to determine eligibility and completeness. During this time, Local Governments may be asked to provide additional information to support their submitted Project Proposals.
- All eligible applications will then be referred to an appropriately qualified Moderation Panel for assessment and final recommendation. Eligible projects will be assessed against the program's assessment criteria (see Section 2.11 and Attachment 2) and other applications.
- The moderation panel will recommend projects for approval by the Deputy Director-General Environmental Policy and Programs, Department of Environment and Science.
- Successful applicants will be notified in writing by the Deputy Director-General -Environmental Policy and Programs, Department of Environment and Science. These applicants will then be contacted by the Department of Local Government Racing and Multicultural Affairs regarding funding arrangements and next steps.
- Unsuccessful applicants will be notified in writing.

Nothing in this section (2.12) limits the State's discretions under section 6.1 of these Guidelines.

2.13 Payment Claim Requirements

The Department of Local Government, Racing and Multicultural Affairs will make payments according to the following schedule, unless otherwise agreed:

Payment schedule	Milestone
First payment (60% of Project Funding)	Execution by both parties of the Project Funding Schedule/s
Second payment (up to 30% of Project Funding)	Department will pay the Council upon receipt of a satisfactory progress report and subsidy claim form. Payment of grant funds will be dependent on the recipient having expended all funds previously paid.
Final payment (10% of Project Funding)	The Department will pay the Council upon receipt and acceptance of a completed Final Acquittal Report and subsidy claim.

The second and final payment are dependent on the recipient submitting the prescribed payment form. Within this form, the recipient will be required to certify that:

- 1. the funded work has been completed to a satisfactory standard, and
- all documented expenditure has been incurred conducting approved activities as stated in the program guidelines and funding agreement.

Certification must be made by the Council's Chief Executive Officer, or authorised delegated officer, that the relevant milestone has been satisfactorily completed.

2.14 Program monitoring, acquittal and evaluation

All Projects will be monitored by the Department of Local Government, Racing and Multicultural Affairs to ensure that the Grant Program is achieving the program aim and objectives.

Quarterly progress reports in the specified form are to be provided for endorsed projects.

Successful applicants must comply with the reporting, records and audit obligations in the Project Funding Agreement.

Local Government recipients will be required to acquit funds. Acquittal involves verifying funds were expended in accordance with the program guidelines and Project Funding Agreement.

The Project Completion Report and any supporting documents must be provided to the Department of Local Government, Racing and Multicultural Affairs within one month of the approved project completion date.

All Projects will be evaluated by the Department of Environment and Science to ensure that the Grant Program achieved its aim and objectives.

3. Communications

3.1 Communications with the media

All media enquiries or public announcements relating to the Grant Program will be coordinated and handled by the Department of Environment and Science's media team in partnership with the Department of Local Government, Racing and Multicultural Affairs.

As far as practicable, all media and communications will be undertaken jointly with successful applicants.

Applicants must seek and obtain the State's approval before contacting the media to discuss any information regarding successful or unsuccessful applications for funding support under or in connection with the Grant Program

3.2 Confidentiality, privacy and use of information

The State will maintain controls in relation to the management of confidential information provided by applicants. Applicants should specifically mark any information the applicant considers to be confidential.

During the application, assessment and approval process, an applicant must keep confidential its application/s and its dealings with the State about its application/s but may make disclosures if required by law or to its representatives or advisors who are under an obligation of confidentiality.

An applicant must also keep confidential any information designated by the State as confidential.

The State may disclose information, including confidential information, of or provided by an applicant:

- (a) to its representatives and advisors for any purpose
- (b) to any government agency or authority and its representatives and advisors, including for the purpose of assessing and verifying such information
- (c) to comply with or meet applicable standards of accountability of public money or established government policies, procedures or protocols or
- (d) if required to be disclosed by law.

The State intends to publicly disclose the names of applicants, information about projects, the amount of funding granted to each successful applicant and details about the anticipated economic outcomes and benefits of successful projects.

Any personal information submitted as part of an application will not be used by the State or disclosed to any third party for a purpose other than in connection with the assessment of the application without an applicant's consent, unless required by law or in accordance with the Information Privacy Act 2009.

For audit purposes, the State is required to retain applications and other supplied supporting material. Successful applications will be retained for seven years and unsuccessful applications retained for two years.

The provisions of the Right to Information Act 2009 apply to documents in the possession of the State.

3.3 Appeals and Complaints

Applicants can only appeal decisions relating to the eligibility of their application. An applicant cannot appeal the assessment panel's recommendations, the decision to part fund a project, or the decision to fund another organisation or project.

If an applicant is found to be ineligible, the Department of Environment and Science will inform the applicant by written notice the reasons for the decision. The applicant has seven days to appeal the decision from receipt of the notice. Appeals are to be sent in writing to:

Program Manager Office of Resource Recovery wasteprograms@des.qld.gov.au

Members of the general public cannot appeal a funding decision.

Complaints can also be made via the department's website.

4. Enquiries and Contact details

For general program enquiries please contact the Department of Local Government, Racing and Multicultural Affair's Brisbane Program Office on (07) 3452 7583.

Please note, the department is not able to assist in the preparation of Applications.

5. Acknowledgement of the funding

Funding recipients must acknowledge the contributions of the Queensland Government funding.

This may include, where applicable:

- placement of signage at project construction sites
- commemorative plaque for official openings
- acknowledgement in publicly made statements, on websites, or other appropriate documentation.

Further information on acknowledgement requirements, including the use of the Queensland Government logo, is available on the Department's <u>website</u>

6. Terms and conditions

6.1 Reservation of rights

- (a) Despite any provision of these Guidelines to the contrary, the State reserves the right to administer the Grant Program and conduct the process for the assessment and approval of applications to the Grant Program in such manner as it thinks fit, in its absolute discretion.
- (b) Without limiting paragraph (a), the State retains all rights and powers to make all decisions and actions in order to achieve the program objectives and the State reserves the right, in its absolute discretion and at any time, to:
 - change the structure, procedures, nature, scope or timing of, or alter the terms of participation in the process or overall Grant Program (including submission and compliance of applications), where in such circumstances notice will be provided to applicants;
 - (ii) consider or accept, or refuse to consider or accept, any application which is lodged other than in accordance with these Guidelines or is lodged after the relevant date for lodgement, or which does not contain the information required by these Guidelines or is otherwise non-conforming in any respect;
 - (iii) vary or amend the eligibility or assessment criteria;
 - (iv) take into account any information from its own and other sources (including other Government agencies and other advisors);
 - (v) accept or reject any application, having regard to these Guidelines, the eligibility criteria, the assessment criteria or any other item, matter or thing which the State considers relevant, including the limitations on the funds available for the Grant Program;
 - (vi) give preference by allocating weighting to any one or more of the eligibility criteria or assessment criteria over other criteria;
 - (vii) conduct due diligence investigations in respect of any applicant and subject applications to due diligence, technical, financial and economic appraisals;
 - (viii) require an applicant to clarify or substantiate any claims, assumptions or commitment contained in an application or provide any additional information;
 - (ix) terminate the further participation of any applicant in the application process;
 - (x) terminate or reinstate the Grant Program or any process in the Grant Program;

- (xi) not proceed with the Grant Program in the manner outlined in these Guidelines, or at all;
- (xii) amend the nature, scope or timing of the Grant Program;
- (xiii) allow the withdrawal of an applicant;
- (xiv) seek presentations from or interviews with any applicant and conduct negotiations with any one or more applicants after the applications have been lodged;
- (xv) publish the names of applicants to the Grant Program; and
- (xvi) take such other action as it considers in its absolute discretion appropriate in relation to the Grant Program processes.
- (c) Where, under these Guidelines, it is stated that the State may exercise a right or discretion or perform any act or omit to perform any act, then unless stated otherwise the State may do so at its sole and absolute discretion and will not be required to act, or be restrained from acting, in any way or for any reason nor to take into account the interests of any third party (including an applicant).

6.2 No relationship

- (a) The State's obligations in connection with the application process are limited to those expressly stated in these Guidelines.
- (b) No contractual or legal relationship exists between the State and an applicant in connection with the Grant Program, these Guidelines or the application process or any stage of the Grant Program.
- (c) An applicant, or its representatives:
 - has no authority or power, and must not purport to have the authority or power to bind the State, or make representations on behalf of the State;
 - (ii) must not hold itself out or engage in any conduct or make any representation which may suggest to any person that the applicant is for any purpose an employee, agent, partner or joint venturer with the State; and
 - (iii) must not represent to any person that the State is a party to the proposed project other than as a potential funder, subject to the application process detailed in these Guidelines.

6.3 No action

(a) To the extent permitted by law, no applicant will have any claim of any kind whatsoever against the State (whether in contract, tort (including negligence), equity, under statute or otherwise) arising from or in connection with:

- any costs, expenses, losses or liabilities suffered or incurred by the applicant in preparing and submitting its application (including any amendments, requests for further information by the State, attendance at meetings or involvement in discussions) or otherwise in connection with the Grant Program;
- (ii) the State at any time exercising or failing to exercise, in its absolute discretion, any rights it has under or in connection with the Grant Program; or
- (iii) any of the matters or things relevant to its application or the Grant Program in respect of which the applicant must satisfy itself under these Guidelines.
- (b) Without limiting paragraph (a), if the State cancels or varies the Grant Program at any time or does not select any applicant following its assessment of the applications, or does (or fails to do) any other thing referred to under clause 6.1 of these Guidelines, no applicant will have any claim against the State arising from or in connection with any costs, expenses, losses or liabilities incurred by the applicant in preparing and submitting its application or otherwise in connection with or in relation to (whether directly or indirectly) the Grant Program.
- (c) For the avoidance of doubt, each applicant:
 - (i) participates in the Grant Program at its own risk; and
 - (ii) is wholly responsible for its costs of applying for, participating in, or otherwise in connection with, the Grant Program.

6.4 Non-exhaustive

- (a) These Guidelines do not contain all of the information that applicants may require in reaching decisions in relation to whether or not to submit an application. Applicants must form their own views as to what information is relevant to such decisions.
- (b) Applicants must make their own independent investigations of the information contained or referred to in these Guidelines. Applicants must obtain their own independent legal, financial, tax and other advice in relation to information in these Guidelines, or otherwise made available to them, during the application process.

6.5 Disclaimer

- (a) The State makes no warranty or representation express or implied, and does not assume any duty of care to the applicants that the information in these Guidelines, or supplied in connection with the Grant Program (Information) is accurate, adequate, current, suitable or complete, or that the Information has been independently verified.
- (b) The State accepts no responsibility whether arising from negligence or otherwise (except a liability that cannot lawfully be excluded) for any

reliance placed upon the Information or interpretations placed on the Information by applicants.

6.6 Intellectual property

Any intellectual property rights that may exist in an application will remain the property of an applicant or the rightful owner of those intellectual property rights. Any part of an application considered to contain intellectual property rights should be clearly identified by an applicant.

The applicant grants to the State (and will ensure relevant third parties grant) a nonexclusive, royalty free and irrevocable licence to use and reproduce the intellectual property for the purpose of administering the Grant Program.

6.7 Law

These guidelines are governed by the laws applicable in Queensland.

Attachment 1: Eligible applicants

Eligible Local Government	Eligible waste disposal site/s
Charters Towers Regional Council	Greenvale Landfill Gregory Development Road Greenvale Queensland 4816 Pentland Landfill Council Reserve off Aramac Road Pentland Queensland 4816 Ravenswood Landfill Burdekin Falls Dam Road Ravenswood Queensland 4816
Whitsunday Regional Council	Mt Coolon Landfill Bowen Development Rd Mt Coolon Queensland 4804
Banana Shire Council	Cracow Landfill 104 Cracow Road Cracow Queensland 4719 Taroom Landfill Leichhardt Highway Taroom Queensland 4420
Western Downs Regional Council	 Bell Waste Disposal Facility Tip Road (off Gum Tree Lane) Bell Queensland 4408 Burra Burri Waste Disposal Facility Burra Burri Queensland 4413 Drillham Waste Disposal Facility Warrego Highway (opposite South Drillham Rd) Drillham Queensland 4424 Dulacca Waste Disposal Facility 10 South Dulacca Rd Dulacca Queensland 4405 Ducklo Queensland 4405 Glenmorgan Waste Disposal Facility Glenmorgan Queensland 4423

Eligible Local Government	Eligible waste disposal site/s
	Tara Waste Disposal Facility Fry St Tara Queensland 4421
	Wandoan Waste Disposal Facility Tip Road Wandoan Queensland 4419
	Warra Waste Disposal Facility Cemetery Road, off Warrego Highway Warra Queensland 4411
Toowoomba City Council	Emu Creek Keyed Landfill Emu Creek Secondary Rd Emu Creek Queensland 4352

Attachment 2: Assessment Criteria

The Assessment Scorecard is intended to provide an objective approach to the Assessment Team's decision making for assessing project proposals under Round Two of the Grant Program. Project proposals are to receive a score out of 100, based on their ability to meet the following criteria.

CRITERIA	HIGH Score = 40	MEDIUM Score = 20	LOW Score = 0	SCORE
 Project proposal meets the objectives of the program: facilitate accurate collection of the levy ensure adequate security and operational site controls, and comply with environmental authority and regulatory requirements. 	Project proposal clearly demonstrates how it meets all four objectives of the program.	Project proposal clearly demonstrates how it meets at least two of the four objectives of the program.	Project proposal does not meet or poorly demonstrates how it meets the objectives of the program.	High/Medium/Low
CRITERIA	HIGH Score = 20	MEDIUM Score = 10	LOW Score = 0	SCORE
Demonstrate an understanding of whole of asset life costs and the ability to manage such responsibilities.	Information provided clearly demonstrates how the whole of life considerations contributed to the selection of the preferred project. An asset management plan, including consideration of ongoing maintenance costs, was provided.	Information provided details how the whole of life considerations contributed to the selection of the preferred project.	Information requested was not provided.	High/Medium/Low
CRITERIA	HIGH Score = 20	MEDIUM Score = 10	LOW Score = 0	SCORE

Demonstrate value for money.	Comprehensive information was provided on how value for money for this project was assessed with further supporting details also provided (e.g. multiple quotations for eligible costs were considered). Project budget is cost effective and is considered proportionate to the size and scale of the project to meet the needs of the legislative requirements. The Council's contributions have been confirmed. Other sources of funding have been sought but not confirmed.	Satisfactory information was provided on how value for money for this project was assessed. More than one option was assessed (i.e. quotations for eligible costs were considered). Project budget is reasonable and appears proportionate to the size and scale of the project to meet the needs of the legislative requirements. The Council's contributions have been confirmed.	Information on the project proposal, including budget, is not detailed correctly, well developed or confirmed. Project budget does not appear realistic or represent value for money. The Council's contributions have not been confirmed. Other sources of funding have not been sought or confirmed.	High/Medium/Low
CRITERIA	HIGH Score = 20	MEDIUM Score = 10	LOW Score = 0	SCORE
	There are no significant issues to		Information requested was	
Capacity and capability to deliver the project in the required timeframes.	be addressed that impact on the completion of this project within required timeframes. Details of similar projects/Project Managers provided.	While there are potential issues, Council is taking steps to mitigate the risk that it will impact on the commencement or completion dates.	not provided. There are significant issues to be addressed that impact on the completion of this project within required timeframes.	High/Medium/Low