

9 August 2021

Strategic Planning
City Planning and Economic Development
Brisbane City Council
GPO Box 1434
Brisbane QLD 4001

Attn: Strategic Planning Team

Dear Strategic Planning Team

RE: Proposed citywide amendment - planning scheme policy - Amendment package N

We write in reference to the Brisbane City Council (BCC) '*Proposed Citywide Amendment - Planning Scheme Policy - Amendment Package N*' advertised on Council's website. Stormwater Queensland (SQ) notes with some concern that the amendment proposes to adopt Version 1.3 of the Stormwater Quality Improvement Device Evaluation Protocol (SQIDEP).

Whilst we acknowledge that Stormwater Australia is progressing both the governance and technical issues with SQIDEP, we believe that the adoption of SQIDEP Version 1.3 by BCC is premature and comes with numerous risks. Additionally, the message that this action sends to the industry is that SQIDEP Version 1.3 is a document that can be relied upon to provide a rigorous understanding of how stormwater quality improvement devices perform and therefore, the degree to which it can protect Brisbane's waterways and Moreton Bay. Given the current technical limitations with the document and its governance framework, SQ does not support this position and encourages BCC to reconsider the adoption of SQIDEP Version 1.3 into its planning scheme.

To date, only two products have achieved certification status under SQIDEP. Council currently has 14 approved devices. Reducing this to only two will greatly limit the selection of an 'appropriate' stormwater treatment device and may result in a device being used in an incorrect location, as there are limited certified options. We also note that SQIDEP Version 1.3 can be applied to green stormwater infrastructure, such as wetlands and bioretention systems. If SQIDEP is accepted in its current format therefore, this could prevent the use of such green infrastructure which are unlikely to be certified under SQIDEP in the near future.

SQ has prepared a detailed [submission](#) to Stormwater Australia which we request BCC considers as part of our submission to BCC (refer to Appendix A). Stormwater Australia recently responded to some of the governance matters addressed in SQ's submission however, SQ believes that several matters addressed in this response remain unresolved. This is detailed in our [response letter](#) (refer to Appendix B) which we also request BCC consider as part of our submission. The technical matters addressed in our original submission remain outstanding and at this point, there is no assurance that those matters will be suitably addressed (in a revised version of SQIDEP) in time for the BCC planning scheme amendment. Equally, even if the next version of SQIDEP was released in time, there would not be any time for industry assessment of whether the technical issues had been suitably addressed. We encourage BCC not to commit to a document with so much uncertainty.

We understand that there have been some concerns in the industry regarding both Stormwater Australia's and SQ's management of conflicts of interest. We would like to draw your attention in the two attachments which highlight the lengths that SQ has gone to in order to address its own conflicts of interest.

We would welcome further discussion with your officers about perceived conflicts of interest, how they have been managed by SQ or any other matters raised in our submissions.

Should you have any comments or questions, please contact SQ via secretary@stormwaterqueensland.asn.au

Kind regards



David Simpson

Secretary, Stormwater Queensland
On behalf of the Stormwater Queensland Committee

Appendix A: Stormwater Queensland SQIDEP Submission

12 March 2020

Stormwater Australia
nationalpresident@stormwater.asn.au

Attn: Alan Hoban

Cc: Darren Drapper, Megh Thakkar, Ann Shaw Rungie and Peter Coombes

Dear Alan,

RE: STORMWATER QUEENSLAND SUBMISSION ON THE STORMWATER QUALITY IMPROVEMENT DEVICE EVALUATION PROTOCOL

Stormwater Queensland (SQ) strongly supports the need for the development and implementation of a national stormwater quality improvement device protocol and an independent evaluation process for devices tested using such a protocol. These are much needed and long overdue pieces of reform which can bring numerous benefits to the industry including greater transparency, credibility, certainty, equity and probity. We applaud Stormwater National's (SNat's) initiative and efforts in developing the Stormwater Quality Improvement Device Protocol (SQIDEP) Version 1.3.

SQ welcomes the opportunity to provide SNat with a submission on the SQIDEP Version 1.3. Significant effort has gone into the development of SQIDEP over several years and this is acknowledged by SQ. SQ is grateful to all those involved in the development of SQIDEP to date.

SQ recently surveyed its members requesting feedback on SQIDEP and this submission includes, but is not limited to, key messages which have arisen from member's survey responses.

The submission has been structured according to the following sections:

- SQIDEP administrative matters
- SQIDEP scientific/technical matters
- SQs view on SQIDEP.

SQ would appreciate a written response to the issues raised in this submission and in recognition of SNat's limited resources, we would like to request that SNat advise SQ within a month of receiving this submission a suitable timeframe for responding to the matters raised herein. Separate timeframes for addressing the administrative matters and technical issues are expected. SQ has taken the time to provide an individual submission with unique points and nuances and would appreciate the same courtesy in receiving a specific, individual response to this submission.

Managing SQ Committee Conflicts of Interest in Developing this Submission

This submission has been prepared by the SQ Committee. SQ is very careful in the way it declares and manages conflicts of interest and this submission is no exception. The SQ Committee openly acknowledges that its committee members may have perceived or have actual conflicts of interest to varying degrees with respect to SQIDEP. In response, SQ has implemented a strict and rigorous framework for suitably declaring and managing conflicts of interest in drafting this submission (Appendix A).

It has been acknowledged by the SQ Committee that in drafting this submission, it was not possible to eliminate all conflicts of interest, as most people in our industry have some degree of conflict of interest with respect to SQIDEP. This situation, therefore, raised the importance of how conflicts were managed. By following the framework outlined in Appendix A, SQ is confident that it has suitably declared and managed its own conflicts of interest appropriately.

In adopting this framework, the committee also acknowledged the significant influence proprietary manufacturers have had in drafting this protocol and therefore, the framework adopted seeks to minimise influence from manufacturers in drafting the submission. However, this framework did not prevent any manufacturers (or anyone else for that matter) from making a submission to SQ on the protocol. All submissions and feedback, including those from proprietary manufacturers, were considered upon merit.

SQIDEP Administrative Matters

1. Governance and Managing Conflicts of Interest

a. General Governance Matters

SQ supports the general governance matters which have been raised by Water Research Australia (2017) including that, '*extensive research through the Australian Water Research Centre of Excellence (AWRCoE) has resulted in the development of WaterVal, which can be adopted for stormwater.*' The WaterVal framework (<https://www.waterra.com.au/research/waterval/>) has already achieved recognition by numerous regulators and water utilities and would be an appropriate framework under which best practice and adequate independence could be achieved, if it was adopted as the SQIDEP governance framework. Other suitably independent organisations for the administration and governance of SQIDEP include VicWater and the Australian Water Association.

SQ would like to request that SNat advise why SQIDEP is not placed under the WaterVal framework or under the auspices of VicWater or the Australian Water Association.

b. Stormwater Quality Improvement Device Advisory Committee (SQIDAC)

SQ understands that the SQIDAC, responsible for drafting SQIDEP, was comprised entirely of individuals employed either directly or indirectly (e.g. through contracts reviewing manufacturers' devices) by stormwater quality device manufacturers. SQ acknowledges that their conflicts of interest were declared during SQIDAC meetings. It is unclear however, how those conflicts have been managed.

SQ therefore requests confirmation about the process which was followed by SNat in managing conflicts of interest (we request similar detail to that provided in Appendix A).

c. SQIDEP Independent Evaluation Panel (IEP)

SQ believes that the IEP, responsible for the assessment of applications under SQIDEP, needs to have complete independence from stormwater manufacturers and any actual or perceived conflicts of interest need to be declared and managed appropriately. SQ considers that to appropriately manage conflicts of interest, neither the IEP, nor those selecting the IEP members, should be employed either directly or indirectly (e.g. by reviewing manufacturers' devices) by stormwater quality device manufacturers.

SQ would like to request disclosure related to the IEP including:

- i. Clarification regarding who selected the individuals appointed to the IEP, what their conflicts of interest were and how those conflicts were appropriately managed.
- ii. Clarification regarding who will select IEP members to review each product, how their conflicts of interest need to be declared and how they will be managed. This should be a written process documented on the SNat website.
- iii. Conflicts of interest made by each member of the IEP including transparency related to the nature of the conflict and organisations with which the conflict exists. These should be documented in a register of interest held by SNat which should be made available to any member of SNat upon request. SQ would like to request a copy.

2. The Validation Framework

It is understood that SQIDEP V1.3 was publicly released without a supporting validation framework. SQ is aware of some local governments in Queensland (QLD) which have approved development applications on the basis that proposed stormwater quality treatment systems receive SQIDEP certification. This is not possible without a documented validation framework.

This places the developer in a situation whereby they cannot meet the condition of approval and the local government in a situation where their development permit may be legally challenged because it stipulated a condition which may fail the '*reasonable and relevant*' test under QLD planning law. This could create significant implications for SNat if such a case was brought before the Planning and Environment Court, which could extend to SQ, if it supported the current protocol.

While it is noted that a validation framework is being developed, this issue highlights one of the problems with releasing the SQIDEP without a supporting validation framework.

SQ would like to request:

- a. That a copy of the validation framework is provided for comment once developed.
- b. That all documents which make up applications be made publicly available once validation has been achieved.
- c. That the timeframes for review of applications be clearly documented in the framework.
- d. That the process for appeals be clearly documented in the framework including guidance to applicants about how to make an appeal and guidance to the Governance Panel for assessing appeals. This should be a written process documented on the SNat website.
- e. A schedule for the review of the validation framework. It is suggested that the framework should be reviewed bi-annually (once every two years), at least for the first decade.
- f. That the validation framework documents how certifications between products certified under different versions of SQIDEP will be managed.

- g. Confirmation about how consistency will be managed between reviewers of the same product and between reviewers of different products.
- h. Confirmation about how SNat plans on managing the issue with SQIDEP being used in development approvals. An industry practice note is recommended to be released.

3. Consultation Process

Consultation on SQIDEP is necessary to ensure its widespread support and to avoid issues such as those raised in point 2 above. The results from the SQ SQIDEP survey suggest that while some private companies feel they were adequately consulted, there are many of the coastal local governments in Queensland which do not.

Based on this feedback, SQ is concerned that direct consultation, in particular with QLD regulators, has been less than ideal.

SQ would like to request:

- a. A summary of the direct consultation SNat has undertaken with local and state governments in Queensland.
- b. Advice about further planned direct consultation. SQ would like to be involved in any consultation with local governments within Queensland going forward.
- c. Evidence of any written endorsement of the SQIDEP from Queensland regulators.

SQIDEP Scientific/Technical Matters

Early work on SQIDEP and the associated governance arrangements included the following key publications:

- *Independent verification scheme for stormwater treatment devices, Road map discussion paper* (Iouri Vaisman 2013)
- *Literature review for Stormwater Quality Improvement Device Validation Protocol* (Water Research Australia 2017), commonly referred to as the 'Swinburne University review'.

In the survey undertaken by SQ on SQIDEP, a number of SQ members expressed confidence in SQIDEP on the understanding that it went through a peer review process and that the peer review was undertaken by a reputable organisation (Swinburne University). In preparing this submission, SQ compared SQIDEP against the above two documents and it has become evident that many of the key recommendations of those documents have not actually been reflected in SQIDEP.

The value of any peer review process is undermined when the document reviewed has not been updated to suitably address the reviewer's comments. As a result, the faith some of our members have placed in the peer review process may be misplaced and undermined by a lack of suitably responsive actions, including amendment of the protocol to reflect the reviewer's comments.

Outlined below are scientific/technical matters identified with respect to SQIDEP including, but not limited to, those raised in the above documents. Many of these points have the potential to significantly influence performance claims and are therefore not considered minor in nature.

SQ is aware that many of the technical matters raised below relate to potential issues associated with testing sites approved during the Quality Assurance Project Plan (QAPP) process delivering inadequate data to achieve verification, depending on the standards set by SQIDEP. This has resulted in SQIDEP departing from criteria seen in best practice stormwater protocols, including some of the criteria recommended in the Swinburne University review.

Related to this issue, SQ is also aware that commercial interests from parties potentially affected by SQIDEP are resulting in some discord in the industry. Different manufacturers will have different approaches to monitoring which do not readily fit with what SQIDEP does/may require. Similarly, different regulators will have different requirements in response to the needs of their receiving environments. SQ would like to suggest a simple solution that has the potential to mitigate these related issues and potentially bring greater harmony to the industry.

Currently, SQIDEP only provides a single level of verification which does not necessarily fit with the need for the protocol to set a standard at least equivalent to best practice protocols. Similarly, this model does not meet the needs of all the different manufacturers or regulators. SQ suggests that rather than having a single level of verification, consideration be given to a tiered approach, with different tiers targeting the needs of different manufacturers and regulators e.g. Tier 1, 2, 3 or 1, 2, 3 star or 1, 2, 3 drop etc.

Ideally, SQIDEP would set different standards for verification enabling very high-quality monitoring (above the current version of SQIDEP) as well as very low-quality monitoring (below the current version of SQIDEP). This would enable manufacturers at all levels to be engaged in the process and achieve a level of verification which reflects what level of monitoring they are prepared to achieve. It would also give greater transparency for regulators and enable the protocol to set the highest environmental standards for the highest tier. Further, it is recommended that the highest tier be set at a level which none of the current manufacturers are likely to meet, in order to provide an incentive for innovation and exceptional monitoring standards. Although if this were adopted, the purpose of setting an exceptionally high standard should be made clear so that regulators do not assume this is necessarily the right tier to be requesting from manufacturers to protect their receiving environments.

Applying for the lowest tier would ideally be simpler and therefore attract a lower fee for verification, enabling new players to enter the market and improve their rating over time. Similarly, it would still enable utilisation of valuable data which does not meet the current standards to be capitalised upon. The approach could also partially account for the variability in rainfall and water quality data i.e. proprietors could still achieve a level of verification if their approved sites did not produce the expected quality of data.

1. Sampling Criteria

SQIDEP should clearly differentiate between:

- **Mandatory criteria** – criteria which should be necessary to achieve 100% compliance for verification e.g. failing to measure flow. The representativeness of data should also be improved by specifying mandatory criteria.
- **Guideline/desirable criteria** – criteria which are desirable to achieve 100% compliance for certain levels of verification but verification can still be attained if these are not met, albeit with discounting of removal efficiencies and reporting/disclosure of such as part of verification e.g. only achieve a percentage of minimum dissolved inorganic nitrogen (DIN) concentrations (refer to point 5 below for further detail about minimum DIN concentrations).

SQ would like to request that:

- a. SQIDEP more clearly differentiates between mandatory criteria and guideline criteria, defines these terms, articulates how discounting (e.g. to a lower tier of verification) might be applied/calculated and how this will be reported as part of the verification. Care needs to be taken to ensure that any discounting methods do not encourage intentional monitoring of catchments that provide lower performance results.

- b. The following mandatory criteria are adopted in SQIDEP in accordance with existing established protocols noting that each of these should achieve 100% compliance to attain higher levels of verification:
- (i) 1 laboratory test followed by 1 field test. It is noted that SQIDEP does not currently require any laboratory monitoring even though this was a recommendation of the peer review. SNat has stated that this was not included because it's a complex issue and laboratory testing was considered by SNat to be the 'gold standard' and 'best way to get confidence in performance results'. While these reasons are not considered to justify exclusion of laboratory testing, it is acknowledged that SNat has advised that adopting of laboratory testing in the next version of SQIDEP will be investigated, which is encouraging.
 - (ii) Minimum fifteen (15) sequential storm events (discussed further in item 2 below). It is also highlighted that Water Research Australia had previously advised that the minimum number of storm events is very low and should be increased.
 - (iii) Minimum of eight (8) aliquots per storm. It is noted that SQIDEP currently requires at least 8 aliquots for the majority of qualifying events (80%). It is acknowledged that such flexibility was included to maximise data, however, it also means that for the remaining 20% of events, a limited number of aliquots (down to just one (1) aliquot) would be acceptable. This also enables selective inclusion of data at any stage of the hydrograph which has the potential to falsely skew results and provide misleading results. Eight (8) aliquots per storm is the accepted international best practice standard and this is not considered an onerous requirement. Defining short storms vs 'longer duration storms' may also be a valuable addition with due consideration of impacts upon verification tiers.

Detailed information regarding the above recommendations can be obtained from the Water Research Australia review recommendations and the *Stormwater Manufactured Treatment Devices Certification Guidelines* (American Society of Civil Engineers, 2017).

2. Qualifying Storms

SQIDEP currently does not provide any requirements for monitoring of sequential qualifying storms. This creates a situation which enables manufacturers to selectively pick data which provides inflated performance reduction claims. This lack of procedure potentially allows for selective monitoring practices and misleading water quality performance data. Sampling sequential storms in accordance with a defined procedure is far more robust than selectively choosing 15 random storms from a larger data set, as is enabled under the current version of SQIDEP.

SQ acknowledges that applying a requirement for monitoring sequential qualifying storms limits the overall number of potentially qualifying storms, however, this is not considered adequate justification for the current process which enables selective storm analysis. Again, monitoring sequential qualifying storms is consistent with international best practice protocols.

SNat has suggested that any data should be accepted as 'real-world' data if the IEP has approved the monitoring sites as part of the QAPP process. Without sequential monitoring however, limited data would be collected which would inform an understanding of the remobilisation of pollutants and the accumulation of pollutants between events. Accepting non-sequential data approved as part of the QAPP process does not therefore provide confidence that the data represents real-world conditions.

SQ would like to request that:

- a. SQIDEP includes a set of rules around exclusion of an event due to equipment failure, and high/low influent concentrations, which seeks to prevent selective monitoring practices such as deleting unfavourable storm data from the sampler head and claiming equipment failure. The rules for example could include:
 - i. A documented validation process is developed and published which guides the IEP to ensure data is not being selectively chosen to inflate performance data claims. This should include the reviewer cross-referencing rainfall data during testing against local Bureau of Meteorology rainfall data to ensure storms are being captured sequentially.
 - ii. Providing a copy of the chain-of-custody forms for water quality monitoring to the IEP reviewer.
 - iii. Providing a copy of the original results from the laboratory to the IEP reviewer.
- b. SQIDEP includes a defined procedure for analysing samples which also seeks to prevent selective monitoring practices.
- c. That the above be applied to both the 'Body of Evidence' and 'Local Field Test' pathways particularly to ensure any past selective monitoring practices are identified and excluded from verification under SQIDEP.

3. Monitoring Multiple Sites

While SQIDEP does not currently require monitoring across multiple sites, it also does not currently preclude the practice. Monitoring across multiple sites has the potential to provide greater variability across different land uses creating more robust datasets. It can also be used however, to claim that collectively the minimum number of storms have been met while a smaller number of individual storms were sampled, limiting the overall variability in data.

To balance the positive and negative aspects of monitoring across multiple sites, SQ requests that SQIDEP:

- a. States that where monitoring is to be undertaken across multiple sites, a minimum of seven (7) storms from each site are monitored.
- b. Provides clear guidance as to when it may/may not be acceptable to shift from one site to another due to technical reasons. Examples of when this may be acceptable include difficult flow conditions and biofouling, noting that measuring flow with a bubble meter (the most likely instrument to be used), only works well without tailwater conditions and with low organic loads. These kinds of exclusions should be identified in the QAPP. Simply getting unfavourable water quality results should not be considered adequate justification.

4. Sampling Design

There needs to be a higher level of direction provided in SQIDEP regarding the selection and reporting of appropriate sampling design. Manipulating the inflow and outflow sampling lines for example to face upstream and downstream respectively, would potentially provide misleading water quality results which indicate a higher level of water quality treatment than is achieved by the treatment device.

SQ would like to request that:

- a. SQIDEP provides a greater level of direction regarding the selection and reporting of appropriate sampling design including:
 - i. The inflow and outflow sampling lines.
 - ii. Sampling design reviewed by third party academic.

- iii. Water inflow and outflow recorded at the same time.
- b. A method for checking the sampling design be included in the IEP verification process. Note that this may require random inspections by the peer reviewers during monitoring which would require early notification of intent to apply for verification by the manufacturer.

5. Dissolved Inorganic Nitrogen (DIN) Concentration

SQIDEP currently does not provide any guidance about any minimum water quality parameters to be considered in testing. However, from a stormwater quality performance testing perspective, minimum DIN (ammonia and nitrogen oxides including (nitrite (NO₂) and nitrate (NO₃)) concentrations of pre-treatment water quality at test sites are a particular concern. Taylor *et al.*(2005)¹ have shown that dissolved nitrogen is an important component of stormwater runoff.

This is of particular relevance in Queensland where:

- DIN that is discharged into the Great Barrier Reef (GBR) has been shown to influence crown-of-thorns starfish outbreaks and algae production².
- Nitrogen limits phytoplankton productivity in Moreton Bay and DIN has been linked to outbreaks of the cyanobacterium (blue-green alga) *Lyngbya majuscula*³.
- Outbreaks of *L. majuscula* have also occurred across Hervey Bay and although research is limited, may also be linked to DIN.

The absence of a minimum DIN concentration in SQIDEP also has the potential to overestimate technology performance claims obtained from sites with high levels of particulate forms of nitrogen. Further, SQIDEP's approach contrasts with other similar protocols including those within the Sydney metropolitan area which require a minimum DIN concentration of 25% in pre-treated stormwater quality.

SQ acknowledges that applying a requirement for minimum DIN concentrations in stormwater limits the overall number of potentially qualifying storms, however, this is not considered adequate justification for the current process which enables overestimated technology performance claims. Acknowledging that SQIDEP can be used for monitoring a wide range of pollutants and assets, this requirement can be written to apply specifically to stormwater quality treatment devices which manage nutrients. This is another issue which could also potentially be addressed by the tiered verification approach with a DIN concentration of 25% recommended to apply to at least the top two tiers.

¹ Geoff D. Taylor, Tim D. Fletcher, Tony H.F. Wong, Peter F. Breen, Hugh P. Duncan 2005, 1982–1989 *Nitrogen composition in urban runoff—implications for stormwater management*, Water Research 39.

² For example: Brodie J, Fabricius K, De'ath G, Okaji K 2005, *Are increased nutrient inputs responsible for more outbreaks of crown-of-thorns starfish? An appraisal of the evidence*, Marine Pollution Bulletin, 2005; 51(1-4):266-78.

³ For example: Kathleen Ahern (2009). *Blooms of the toxic cyanobacterium Lyngbya majuscula in Moreton Bay: links to anthropogenic nutrients*. PhD Thesis, School of Civil Engineering, The University of Queensland.

Quigg, A., Litherland, S., Phillips, J.A., and Kevekordes, K. 2010 12 30. Phytoplankton productivity across Moreton Bay, Queensland, Australia: the impact of water quality, light and nutrients on spatial patterns In, Davie, P.J.F. and Phillips, J.A. (eds.), Proceedings of the Thirteen International Marine Biology Workshop, the Marine Fauna and Flora of Moreton bay, Queensland, *Memoirs of the Queensland Museum – Nature* 54(3): 355372, Brisbane, ISSN 0079-8835.

Moss, A., Connell, D.W, and Bycroft, B. 1992. Water quality in Moreton bay. Pp 103-113, In, Crimp, O. (Ed.), *Moreton Bay in the Balance*, (Australian Littoral Society and Australian Marine Science Consortium: Brisbane).

O'Donohue, M.J.H and Dennison, W.C. 1997, Phytoplankton productivity response to nutrient concentrations, light availability and temperature along Australian estuarine gradient, *Estuaries* 20: 521-533.

Gilbert, P.M., Heil, C.A., O'Neil, J.M., Dennison W.C. and O'Donohue, M.J.H. 2006, Nitrogen, phosphorus, silica, and carbon in Moreton Bay, Queensland, Australia. Differential limitation of phytoplankton biomass and production, *Estuaries and Coasts* 29: 209-221.

SQ would like to request that:

- a. SQIDEP requires a minimum DIN concentration of 25% for all stormwater quality treatment device test sites, or at least requires that DIN be tested and reported by the manufacturer so that regulators know the limitations of the verification. Note that it may be unwise for local governments to accept assets in catchments with receiving environments sensitive to DIN where those assets were monitored in catchments with a DIN concentration below 25%. These are the recommendations SQ is likely to provide to QLD regulators.
- b. The SQIDEP verification for each stormwater quality treatment device clearly states which DIN values were used in testing to enable informed decision-making by those specifying and approving stormwater assets. This would be consistent with the categorisation of verification as outlined above.

6. Performance Metrics

SQIDEP currently outlines seven (7) different approaches for calculating and analysing removal rates and performance efficiencies. Manufacturers could readily choose the method which provides the best results. To provide equity and consistency, the number of methods should be reduced and ordered according to a hierarchy.

SQ would like to request that:

- a. SQIDEP requires a hierarchy of performance metrics as follows: 1: Efficiency Ratio (ER) 2: Average and Median Concentration Removal Efficiency (CRE) 3: Summation of Loads (SoL).
- b. If ER and median CRE differ by more than 10%, then use average ER and median CRE.

7. Gross Pollutants

It is noted that gross pollutants are not included in the current version of SQIDEP. SNaT has advised that the reason for this is the paucity of data which would inform how best to test for and measure the performance of gross pollutants. SQ accepts this justification and acknowledges that gross pollutants are likely to be considered in the next review of SQIDEP.

There is risk however, that gross pollutant traps verified under SQIDEP could be interpreted as being verified for gross pollutant treatment. This can easily be avoided if the verification documentation clearly states which pollutants are verified along with the verification pollutant reduction efficiencies (it is noted that gross pollutants are noted on the example Verification Certificate provided in the SNaT website but it's unclear whether this would be provided on every certificate). To avoid any possible misinterpretation for verified gross pollutant traps, the associated verification documentation should also clearly state that gross pollutants are not verified for the management of gross pollutants i.e. the verification documentation should not assume any pre-existing knowledge of what SQIDEP does/does not contain. This will simplify the task of reviewing/approving stormwater quality assets by local government officers.

SQ would like to request that:

- a. The next review of SQIDEP includes further consideration of and possible inclusion of gross pollutant measurement.
- b. The verification documentation clearly states which pollutants are verified along with the verification pollutant reduction efficiencies (it is noted that gross pollutants are noted on the example Verification Certificate provided in the SNaT website but it's unclear whether this would be provided on every certificate).
- c. For any stormwater quality treatment assets which have gross pollutant management as their primary function (including any assets considered a 'gross pollutant trap', the verification documentation clearly states that gross pollutants are not verified.

8. Dry Weather Sampling

The current version of SQIDEP does not require dry weather sampling of 'wet sump' gross pollutant traps. The decomposition of organic matter under anaerobic conditions which occurs in devices has been demonstrated in previous studies. These studies suggest a 'spike' in nutrients following rainfall, including bioavailable forms which contribute to algal blooms in receiving waterways.

There is nothing in SQIDEP which requires monitoring of nutrient species in wet sump gross pollutant traps in ambient conditions. This kind of testing would help manufacturers stress the importance of maintenance and assist local governments to understand and potentially provide greater investment in maintenance.

SQ would like to request that:

- a. Dry weather sampling of 'wet sump' gross pollutant traps be included in the next iteration of SQIDEP including the monitoring of nutrient species.
- b. For any wet sump gross pollutant traps, the verification documentation clearly states whether dry weather sampling has been undertaken.
- c. For any wet sump gross pollutant traps, the verification documentation clearly states the frequency of maintenance undertaken during testing.

9. Maintenance

All existing established protocols reviewed by Water Research Australia require maintenance to be detailed and recorded while SQIDEP does not. SQIDEP is currently silent on maintenance. If asset managers do not follow the same maintenance schedule that was implemented during monitoring, performance outcomes are likely to differ. Maintenance schedules should form part of the operational evaluation criteria and reporting requirements for verification.

SQ would like to request that:

- a. SQIDEP requires that the maintenance and operation schedule followed during monitoring be reported.
- b. The verification process requires that the maintenance and operational criteria be checked by the IEP in certification.
- c. The verification clearly outlines what maintenance and operation are necessary to achieve the claimed performance (it is noted that the maintenance undertaken during monitoring is noted on the example Verification Certificate provided in the SNat website but it's unclear whether this would be provided on every certificate).

10. Transferability of Performance Claims

A number of SQ members who responded to the SQ SQIDEP survey asked about the transferability of performance claims and MUSIC input parameters across different regions, climates (including during La Nina and El Nino years), weather patterns, land uses and scales of development.

SQ would like to request that:

- a. SQIDEP provides specific advice about each of these topics to make it clear about the transferability of the certifications.
- b. Reference to that advice is made in the verification documentation.

11. Monitoring of Vegetated Stormwater Assets

The protocol is called the 'Stormwater Quality Improvement Device Evaluation Protocol'. While it is acknowledged that the definition of 'device' in the protocol includes '*any permanent, repeatable man made device, structure or system designed primarily for the improvement of stormwater quality*', the word 'device' is typically associated in our industry with structural asset, while 'systems' are typically used to describe vegetated assets. This has led to confusion about whether or not the protocol can/should be used for vegetated assets.

This confusion is further exacerbated by the fact that the protocol was developed primarily by proprietary device manufacturers. Similarly, in terms of the protocol's application, it is more than likely that it will be used primarily (although not exclusively) for structural assets at least in the first few years.

SQ would like to request that:

- a. Further advice is provided in the protocol about its application to vegetated assets.
- b. SNat consider a more all-encompassing name for the protocol.

Note that this is not necessary for SQ to support SQIDEP in the future.

Stormwater Queensland's view on SQIDEP

SQ's view has been based upon a review of SQIDEP by committee members as defined by the conflict of interest process and the views expressed by SQ members in the recent SQIDEP survey. SQ's view is summarised in the following points.

1. There is strong support for the development and implementation of a national stormwater quality improvement device protocol and an IEP for devices tested using this process.
2. These are much needed and long overdue pieces of reform which can bring numerous benefits to the industry including greater transparency, credibility, certainty, equity and probity.
3. SQ recognises SNat's initiative and efforts in developing such a protocol.
4. The matters identified in this submission raise questions about the robustness of SQIDEP. These include loopholes which could enable selective monitoring practices and potentially misleading water quality performance data.
5. SQ suggests that rather than having a single level of verification, consideration be given to a tiered approach, with different tiers targeting the needs of different manufacturers and regulators.
6. The implications of these matters are significant and create a constraint for SQ endorsing SQIDEP in its current form. For clarity, SQ does not support the current version of SQIDEP.
7. It is requested that SNat consider the matters raised in the submission and provide a suitable response to SQ in a timely manner.
8. SQ is willing to provide support where possible and appropriate.

Please note that SQ will be recommending to QLD regulators that they do not use SQIDEP version 1.3 to: evaluate stormwater treatment devices; assess development applications; or prepare requirements for planning schemes. For local governments with receiving environments potentially sensitive to DIN (which may include those in GBR, Hervey Bay and Moreton Bay catchments as well as any local waterways), SQ is likely to be further recommending that only those assets tested at sites with a DIN concentration of at least 25% be considered acceptable as being fit-for-purpose for DIN reduction.

As noted above, SQ is strongly supportive of a scientifically robust national protocol and wishes SNat all the best in the forthcoming review of SQIDEP. We welcome further discussion and opportunity to help shape the subsequent version of SQIDEP towards a more technically robust testing protocol.

Should you have any comments or questions, please contact SQ via admin@stormwaterqueensland.asn.au.

Kind regards



Daniel Niven
Vice President, Stormwater Queensland

Appendix A: Framework adopted by SQ Committee in Declaring and Managing Conflicts of Interest in Developing the SQIDEP Submission

This framework was discussed, improved upon and agreed upon (by democratic vote) by the SQ Committee to ensure the robustness of the framework. The framework builds upon and complements existing SQ requirements for declaring and managing conflicts of interest. The framework is summarised as follows:

1. A committee meeting was held where all committee members present were requested to make conflict of interest declarations.
 2. Committee members not in attendance during this meeting were subsequently requested to make declarations via email (flying minutes) and those declarations were ratified at the subsequent committee meeting.
 3. Declarations of conflicts of interest were made by committee members to which any of the following categories applied:
 - a. Anyone employed by a company whose employees are or have been involved in the drafting of SQIDEP.
 - b. Anyone employed by a company which is or has been involved in any of the SQIDEP panels including the Independent Evaluation Panel, Governance Panel or Technical Review Panel.
 - c. Anyone employed by a company engaged in any of the following activities: developing, licensing, manufacturing, marketing, or selling proprietary stormwater quality treatment devices.
 - d. Any individual who has undertaken a review of a proprietary stormwater quality treatment device report or data on behalf of a company which sells stormwater quality treatment devices or on behalf of anyone engaged by that company in any capacity.
 - e. Any individual who has undertaken monitoring of a proprietary stormwater quality treatment devices on behalf of a company which sells stormwater quality treatment devices where that data forms part of a SQIDEP application or has designed a monitoring program for the same purpose.
 - f. A current Stormwater Australia board member.
 - g. Consultants and regulators involved in the specification, design, construction, establishment or rectification of stormwater treatment assets.
 4. Declaration of conflicts of interest were recorded in the minutes of the committee meetings.
 5. Committee members who made a conflict of interest declaration in accordance with categories 3.a.to 3.f. were not:
 - a. Involved in discussions about how the conflicts of interest would be managed
 - b. Involved in drafting or reviewing this submission prior to its finalisation
 - c. Involved in committee discussions about this submission
 - d. Permitted to be present when this submission was being voted upon
 - e. Permitted to cast a vote upon this submission.
- One of the SQ committee members, Sina Moshirvaziri, did not agree with this framework and therefore did not make a conflict of interest declaration. Consequently, Sina was not involved in the preparation, drafting or reviewing of this submission prior to its finalisation. He was also not involved in committee discussions about the content of this submission, nor was he present when this submission was being voted upon. He has specifically requested that the submission note that he did not play any role in the preparation of this submission and he does not endorse it.
6. All points raised in the submissions received by SQ, regardless of who submitted them, were assessed for their relevance and merit prior to deciding whether any specific points should be included in the SQ submission.

Appendix B: Stormwater Queensland SQIDEP Response

6 August 2021

Stormwater Australia Board and SQIDEP Governance Panel
Stormwater Australia
c/o Alan Hoban and Andrew Swindells
nationalpresident@stormwater.asn.au, info@makemore.com.au

Attn: Stormwater Australia Board and SQIDEP Governance Panel

Dear Stormwater Australia Board and SQIDEP Governance Panel

RE: STORMWATER QUEENSLAND SECOND SUBMISSION ON THE STORMWATER QUALITY IMPROVEMENT DEVICE EVALUATION PROTOCOL

We refer to your correspondence dated 6 July 2021 (Appendix A) and would like to thank you for responding to Stormwater Queensland's (SQ) [submission](#), dated 12 March 2020, on the Stormwater Quality Improvement Device Evaluation Protocol (SQIDEP).

We acknowledge and are encouraged by the progress which has been made in improving both the governance and technical matters outlined in our submission, however, we feel that several matters addressed in your response remain unresolved. As a result of these matters and the outstanding technical matters, which we understand are being addressed by the Technical Review Panel (TRP), SQ cannot change its current position to support SQIDEP in its current form.

To address the outstanding governance matters, we provide the following recommendations for future improvements of SQIDEP. SQ recommends that:

1. SNat confirms the process which was followed by SNat in managing conflicts of interest of the Stormwater Quality Improvement Device Advisory Committee (SQIDAC) in drafting the current version of SQIDEP. We note your responses provided information which is either not related to SQIDAC (items 1b.(i)-(iv)), or general information (item 1b.(v)), rather than the specific detail requested in our submission.
2. SNat confirms the conflicts of interest of those involved in the selection of the Independent Evaluation Panel (IEP) with specific details of how those conflicts were managed (rather than general statement about the procedure).
3. Any Board members and committee/executive members with a conflict of interest related to SQIDEP exclude themselves/be excluded from any discussion and decision-making related to SQIDEP. This should include but not be limited to considering and deciding upon the recommendations of the Governance Panel, TRP and IEP. This should become part of an appropriate conflict of interest policy governing SQIDEP and the SQIDEP Evaluation Process Chart. At a minimum, it is expected this would apply to those directors who have undertaken work for manufacturers including but not limited to reviewing and/or monitoring of devices on behalf of any manufacturer. This is considered to be the most transparent way that SQIDEP conflicts of interest can be managed with integrity by SNat and reflects the steps SQ has taken to manage its own committee members' conflicts of interest (discussed further below).

We remain confident in the abilities of the Governance Panel, look forward to continuing our good working relationship and seeing the recommendations it makes to the Board. We encourage the Governance Panel to take up our recommendations as recommendations to the Board.

There are also a number of points we would like to clarify in response to your letter as follows:

1. We note your advice that SNat has helped initiate a meeting of SEQ local governments to allow them to confer on the matter of SQIDEP being used in development approvals (point 3 of your correspondence). During the mediation session held in January 2020, SQ expressed concern that SNat was consulting with local governments within its jurisdiction without its involvement. At the time, Alan Hoban agreed to include SQ in any meetings with QLD local governments or its members. We request that SNat involve SQ in all consultation with Queensland local governments and SQ members.
2. We note your request for a copy of the recording of the SQIDEP seminar hosted by SQ (point 3 of your correspondence). As previously advised, permission from presenters and audience members was not sought prior to the event and as such, the SQ committee is not at liberty to provide you with a copy.
3. Regarding your comments about SQ's conflicts of interest (point 3 of your correspondence), we have explicitly made clear the processes SQ uses to manage the conflicts related to SQIDEP and how they have been managed. This has included removing from any related decision making those committee members who have made a conflict of interest declaration in accordance with categories 3.a.to 3.f. of the framework outlined in the SQ SQIDEP [submission](#). We would welcome similar action for SNat and believe such action would resolve much of the concerns we have with the conflicts of interest of some SNat Board members. Additionally, SQ has established a conflicts of interest policy and register further strengthening the integrity of committee decision making, including that related to SQIDEP.
4. With respect to your request for a copy of the SQIDEP survey results, we note that this was also requested previously by SNat. This was discussed by the SQ Committee in February 2020 and a motion was passed that a copy of the results not be distributed beyond those SQ committee members involved with drafting the SQIDEP submission. Reasons for not providing a copy of the survey results to SNat include that survey participants were assured that the survey was confidential and would be used for the purposes of drafting the SQ SQIDEP submission. Sharing it with others for other purposes beyond those stated would be a clear breach of that confidentiality. Further, the statement in your response about the survey results not being provided to the SQ Committee is incorrect. All committee members who did not make a conflict of interest declaration in accordance with categories 3.a.to 3.f. of the framework outlined in the SQ SQIDEP [submission](#) were provided a copy of the survey. We believe this is appropriate to protect the integrity of the survey and the aforementioned confidentiality..

Regarding the SQIDEP scientific/technical matters, we acknowledge the hard work being undertaken by the TRP in addressing these matters. We have established a good working relationship with this panel and trust they will develop a sound set of recommendations for the Board's consideration. We welcome a response to the scientific/technical matters raised in our [submission](#) once the Board has considered those recommendations.

Should you have any comments or questions, please contact SQ via secretary@stormwaterqueensland.asn.au

Kind regards



David Simpson

Secretary, Stormwater Queensland
On behalf of the Stormwater Queensland Committee

Appendix A: Stormwater National Correspondence

6th July 2021

Stormwater Queensland
admin@stormwaterqueensland.asn.au

CC: Stormwater Australia Governance Panel

Dear Stormwater Queensland Committee,

RE: STORMWATER QUEENSLAND SUBMISSION ON THE STORMWATER QUALITY IMPROVEMENT DEVICE EVALUATION PROTOCOL

I refer to your correspondence dated 12th March 2020. The letter below outlines a response to the key points raised.

SQIDEP Administrative Matters

1. Governance and Managing Conflicts of Interest

a. General Governance Matters

SQ would like to request that SNat advise why SQIDEP is not placed under the WaterVal framework or under the auspices of VicWater or the Australian Water Association.

SQIDEP was developed by Stormwater Australia in response to a request from its membership.

A wide range of organisations, including Melbourne Water and CSIRO, entertained the development of a protocol but desisted. Melbourne Water engaged Swinburne and WaterRA to perform a peer review of the document, which was discussed and incorporated into the current version where the Advisory Committee agreed. The widespread view was that the protocol needed to be national, and led by Stormwater Australia through a collaborative approach. A detailed history of SQIDEP was provided as part of the webinar provided to industry and residing on the Stormwater Australia website (<https://www.stormwater.asn.au/publications/webinars>).

The WaterVal framework has not had any products successfully complete the process and has no funding to support it.

b. Stormwater Quality Improvement Device Advisory Committee (SQIDAC)

SQ therefore requests confirmation about the process which was followed by SNat in managing conflicts of interest

There are five key processes for managing conflicts of interest with regards to SQIDEP

- (i) An independent, active, experienced Governance Panel to oversee probity and decisions regarding SQIDEP, independent of the Board.
- (ii) Inclusion of provisions relating to conflicts of interest in the Charters of each relevant entity in the process (Governance Panel, Technical Review Panel, Independent Evaluator Panel)
- (iii) A documented process formulated by the Governance Panel for assigning IEP members (assessors) to applications that explicitly manages conflict of interest

- (iv) All completed assessments are placed on the Stormwater Australia website so that there is transparency in the process, including who has been involved in the assessment.
- (v) As is standard practice in many Boards, the SWA board maintains a register of interest that requires Directors to declare their interests. Where there is an actual or potential conflict of interest, the Board decides on a case by case basis whether the relevant board member is excluded from decisions, excluded from the discussion and decisions, or is excluded from the meeting.

c. SQIDEP Independent Evaluation Panel (IEP)

A copy of the process for appointing evaluators is attached and on the SWA website: (<https://www.stormwater.asn.au/sqidep/sqidep-governance>).

Evaluators provide a list of entities for which they have actual or perceived conflicts of interest to the Governance Panel. As that list may from time to time include potential commercial matters, it is not a public document.

The Independent Evaluators Joint Report includes a declaration of independence and is evaluated by the Governance Panel for veracity and transparency.

2. The Validation Framework

- a) That a copy of the validation framework is provided for comment once developed.
A: Please see the Evaluation Process Chart on the Stormwater Australia website. https://www.stormwater.asn.au/images/SQIDEP/SQIDEP_Flow_Chart_FINAL.pdf
- b) That all documents which make up applications be made publicly available once validation has been achieved.
A: A detailed verification report documenting the basis for the assessment is provided on the Stormwater Australia website. <https://www.stormwater.asn.au/sqidep/sqidep-verified-products>
- c) That the timeframes for review of applications be clearly documented in the framework.
A: Initial applications have taken longer than expected, as is normal with any new process. The Evaluation Process outlines the goal timeframes. https://www.stormwater.asn.au/images/SQIDEP/SQIDEP_Flow_Chart_FINAL.pdf
- d) That the process for appeals be clearly documented in the framework including guidance to applicants about how to make an appeal and guidance to the Governance Panel for assessing appeals. This should be a written process documented on the SNat website.
A: Thanks, this is a good suggestion and is presently being improved by the Governance Panel following feedback from a few Lobby groups. In the interim, any appeals can be sent to any of: the Directors, Governance Panel Members, or the National Administration Officer in accordance with the procedure identified in the Terms of Use included at the end of the SQIDEP Submission Forms.
- e) A schedule for the review of the validation framework. It is suggested that the framework should be reviewed bi-annually (once every two years), at least for the first decade.
A: The Governance Panel is presently preparing a schedule to review the various Panels. The Technical Review Panel (TRP) is presently reviewing the Protocol document and is tasked with delivering recommendations this year.
- f) That the validation framework documents how certifications between products certified under different versions of SQIDEP will be managed.

A: This issue will be addressed in detail as new versions of SQIDEP become ready for release, as the process will need to have regard to the degree of change between versions, and the need for industry confidence in the process. This is the role of the Technical Review Panel to advise.

- g) Confirmation about how consistency will be managed between reviewers of the same product and between reviewers of different products.

A: Assessors prepare a joint report to ensure consistency and agreement between reviewers, as you will note from the completed application on the Stormwater Australia website. It is intended to hold a training session with the IEP members and the evaluators of recent applications to ensure consistency across applications.

- h) Confirmation about how SNat plans on managing the issue with SQIDEP being used in development approvals. An industry practice note is recommended to be released.

A: This is a positive and intended use of SQIDEP and is not seen as an issue. Management of development approvals is the prerogative of local governments and other assessing agencies. We have helped initiate a meeting of SEQ Local Governments to allow them to confer on this matter. SQIDEP was created in response to requests from Local Government & State Authorities to streamline the assessment and implementation of stormwater treatment devices in the development approval process. How, and in fact if, Councils choose to apply SQIDEP is entirely up to each Authority.

3. Consultation Process

Meetings and discussions with local governments have been held over an extended period.

Consultation was explicitly addressed by Stormwater Australia Directors Alan Hoban and Darren Drapper as part of the SQIDEP seminar hosted by Stormwater Queensland and detailed on the SWA Webinar hosted on the SWA website (<https://www.stormwater.asn.au/publications/webinars>). We have repeatedly requested a copy of the recording of the SQ event, and would still appreciate it if that was provided so that there is a clear record of these matters being addressed.

Further, a closed-door consultation session with local governments was hosted by Stormwater Queensland at the Greek Club circa 2015. This session was held in-camera because local governments wanted an opportunity to discuss SQIDEP without being subject to industry lobbying.

The clearest evidence of support for SQIDEP is in the formal adoption of SQIDEP in a growing list of local government planning schemes, policies, and DA conditions (for example, but not limited to, Brisbane City Council, Gold Coast Council, Sunshine Coast Council, Moreton Bay Regional Council, Noosa Council, Mackay Regional Council). We have only encountered support and encouragement and have not encountered any opposition or resistance to SQIDEP from a single local government authority in Queensland. We do, however, note significant concerns raised by local governments about the conflict of interest held by Stormwater Queensland Committee members and the perception that the Committee is not speaking on behalf of all of its members, as detailed in the Rules of Association.

Note we are also waiting on copies of the survey data from the member SQIDEP survey conducted by Stormwater Queensland. Further, we understand the survey data has not been made available to the Stormwater Queensland Committee. We believe sharing that data in a transparent manner will assist all parties better understand our member views with regard to SQIDEP.

SQIDEP Scientific/Technical Matters

The Governance Panel has considered the letter received from Stormwater Queensland dated 12 March 2020 and recognises that under the Governance Panel's Charter the Governance Panel does not carry out any technical functions and is therefore not able to reply to any of the technical questions contained in that document, which form the entirety of section two of the document. The Governance Panel therefore

recommends to the Board that all of those issues be referred to the Technical Review Panel for their response. The Governance Panel submits that the Board is the best entity to determine the best way to respond to Stormwater Queensland's submission once the Board has considered any response from the Technical Review Panel. The Governance Panel also recommends to the Board that consideration be given to measure that will increase communication with various stakeholders.

Technical matters have been referred to the Technical Reference Panel.

If you have any comments or questions, please contact nationaladmin@stormwater.asn.au

Sincerely



Alan Hoban
National President
Stormwater Australia
0400 742 836
nationalpresident@stormwater.asn.au

attachment: SQIDEP Evaluators Selection Procedure.pdf

AMENDED RESOLUTION OF GOVERNANCE PANEL MEETING 21 APRIL 2020

Resolution

The GP resolves that where an Evaluation Application is received by Stormwater Australia two Evaluators will be appointed to each Application using the following selection procedure:

Selection Procedure

Please Note - When selecting two Evaluators any two evaluators who are selected to evaluate an Application cannot be from the same company regardless of whether they are next in line to be selected in the table headed RECORD OF SELECTIONS MADE FOR EACH ROUND.

Instructions and Explanation

The Governance Panel will nominate a person to be responsible on an ongoing basis for selecting Evaluators using this selection procedure (the selector). Each Evaluator has been assigned a personal alphabetic identifier to provide an order in which they are to be selected and to enable the selector to keep a record of the selections made in the table headed **RECORD OF SELECTIONS MADE FOR EACH ROUND**. The selector must keep a record in that table of which Evaluators have undertaken Evaluations and which Evaluators have been ineligible in each selection round. This will ensure that all Evaluators, as far as possible, undertake an Evaluation in each selection round.

Upon the selector receiving an Application for Evaluation the selector will identify the next two Evaluators in line to be selected according to the table headed **RECORD OF SELECTIONS MADE FOR EACH ROUND**. The selector will then use the table headed **LIST OF APPROVED EVALUATORS** to check the eligibility of both of the selected Evaluators based on whether those Evaluators are from the same company and whether they have a conflict of interest.

The aim of this system is to distribute Evaluation Applications evenly and fairly between Approved Evaluators subject only to conflicts of interest and ensuring that any two evaluators that are selected to conduct a particular evaluation are from different companies.

The selector will work their way down the table headed **RECORD OF SELECTIONS MADE FOR EACH ROUND** in the manner specified in this selection procedure until all Evaluators, as far as possible, have undertaken an evaluation. These are called selection rounds.

Where not all Evaluators have been selected in the current selection round, due to their ineligibility to evaluate some Applications, a new selection round can still be commenced starting from the top of the table headed **RECORD OF SELECTIONS MADE FOR EACH ROUND**. In those circumstances, where possible, any Evaluators not selected in the previous rounds should be selected first, if eligible, in the next selection round.

Selection Procedure Steps

Step One

The selector chooses the first two Evaluators from the **RECORD OF SELECTIONS MADE FOR EACH ROUND** ensuring they are each from a different company based on the company they nominated as listed in column 2 of the Approved Evaluators List and that they are not conflicted in relation to the current application based on the declared conflicts of interest listed in column four of the Approved Evaluators List.

Step Two

The selector sends a summary of the current application to each of the selected Evaluators for the purpose of obtaining a signed declaration from each of the selected Evaluators that they do not have

a conflict of interest in relation to the current Application for Evaluation. Once the selector receives that Declaration the Evaluators can then be formally retained to evaluate the Application.

Step Three

Subject to the next paragraph for each subsequent Evaluation Application received the selector chooses the next two eligible Evaluators listed in the table headed **RECORD OF SELECTIONS MADE FOR EACH ROUND**.

Any Evaluator who has been ineligible to evaluate any previous application during that round, when it was their turn to be selected, must be selected first for the next Evaluation Application provided they are eligible for selection in relation to that application.

Step Four

Once the next two eligible Evaluators are selected repeat Step Two.

End of Procedure.