Lindfield Community Hub

Probity Plan & Protocol (Market Sounding)

FINAL August 2015
PROBITY PLAN.

STATEMENT OF BUSINESS ETHICS.

Ku-ring-gai Council is committed to conducting business in an open and ethical manner. Council conducts its business with integrity, honesty, transparency and fairness in all matters.

Council will ensure that all policies, procedures and practices relating to the Lindfield Community Hub Project are consistent with best practice and the highest standards of ethical conduct. All project related decisions will be fully and clearly documented to provide a clear audit trail and allow for effective probity and performance review. Councillors and members of staff will adhere to Council’s Code of Conduct.

The ICAC in its publication “Corruption Risks in the Development Approval Process” (September 2007) noted “that a consent authority has a conflict of roles between its different functions as a developer and land use regulator.” For this Project, Council is the developer and owner of the Administration Centre and hence a plan is required to ensure the appropriate separation of functions.

The conflict of roles will also arise during the construction phase when issue of the construction certificate will be fully and clearly documented to provide a clear audit trail and allow for effective probity and performance review. Councillors and members of staff will adhere to Council’s Code of Conduct.

In the conduct of the Lindfield Community Hub Project all Council officers and consultants will:

- Abide by all relevant and applicable laws and regulations with transparency and accountability.
- Respect and comply with Council’s policies and procedures.
- Deal fairly, honestly and ethically with all individuals and organisations.
- Assess all project related matters objectively and while considering all relevant and material factors;
- Avoid actual, potential or perceived conflicts of interest;
- Protect confidential information and maintain appropriate records;
- Never solicit or accept remuneration, gifts or other benefits from an applicant in the discharge of official duties; and
- Respond promptly to reasonable requests for advice and information.
- Carry out the market sounding in accordance with the ‘probity protocol’ stated in this plan.
PROBITY DECLARATION

All Council officers and Consultants associated with the project have voluntarily provided Council with a “Conflict of Interest” declaration form. These forms are recorded against the project record and are publicly available for scrutiny.

An example of the “Conflict of Interest” declaration is annexed to this Probity Plan.

1. PURPOSE

The purpose of this Probity Plan is to provide a framework that ensures the highest standards of Probity & Transparency are maintained throughout the Lindfield Community Hub Project (the project).

This Probity Plan provides guidance on the application of the Probity Principles (outlined in section 4 below) to the Project. The specific objectives of the Probity Plan are to:

- Fulfil the requirements of the DLG Capital Expenditure Guidelines (as applicable);
- Identify the probity risks that arise for the Project and record the mitigation actions required to address these risks;
- Document processes that will support the meeting of high standards of probity;
- Detail roles and responsibilities of persons involved in the Project as they relate to probity; and
- Describe the role of the Probity Adviser and encourage Council members and officers to discuss any probity related issues with the Probity Adviser.

2. PROJECT BACKGROUND

On 29 May 2012, the NSW Government’s Transport for NSW (TfNSW) announced it would build and fund a new commuter car park in Woodford Lane, Lindfield. The commuter car park plan provided an opportunity for Council to bring forward vital urban design and community facilities in the Lindfield local centre which might otherwise be delayed many years.

Council identified that there was potential for new retail, residential and community facilities to be located on the site, including but not necessarily limited to:

- Commercial/retail and residential uses with building heights ranging from three to seven storeys that may incorporate retail and public amenities on the ground level, and commercial/residential space on the upper levels. TO BE CONFIRMED ON SELECTION OF FINAL OPTION.
- A supermarket based retail shopping centre (with the supermarket below ground level).
- A Community Hub including but not necessarily limited to:
  - Creation of a new park on Bent Street.
  - Road improvements – including to Bent Street and the upgrade and widening of Woodford Lane.
  - New ‘kiss and ride’ zone and taxi ranks Woodford Lane.
  - Improved bicycle facilities.
  - The construction of new street between Beaconsfield Parade and Bent Street.
  - A new multi-purpose community building.
  - A new modern branch library for Lindfield.
  - A new town square.

- Up to 140 commuter parking spaces funded by Transport for NSW.

Consequently, Council resolved to reclassify the site from Community to Operational land. This process was completed in February 2014. Since that time the following core action have occurred:

- A master-plan project brief has been prepared and was issued to TfNSW in February 2013.

- Council commissioned Elton Consulting to undertake a community facilities study for Lindfield to determine a desired siting option for the new library and community centre as well requirements for the community facilities. This study was completed in December 2013.

- Council commissioned Jones Lang LaSalle to undertake a preliminary feasibility analysis of various land-use mix options to inform planning for the site. Stage 1 of this study was completed in August 2014.

- Council commissioned People trans consultants to prepare a micro-simulation traffic model and traffic management plan for Lindfield. This was completed in November 2014.

- Council appointed the firm of SJB Design to develop illustrative development options for the site. This work is ongoing.

- Council appointed the firm of Property Based Solutions to assist with development option assessment, financial modelling and a subsequent EOI process. This work is ongoing.

- Council has several community forums to provide information on the work undertaken to date
A Project Plan has been developed to govern the manner in which the project outcomes will be achieved. It should be read in conjunction with this Probity Plan.

3. **THE ROLE OF THE GENERAL MANAGER**

The General Manager, consistent with his overall management role under the *Local Government Act 1993*, will, in monitoring the activities of the PCG, be mindful of the considerations contained in this Probity Plan and make all reasonable endeavours to ensure that the community achieves the best commercial and planning outcomes. The General Manager must to the best of his ability ensure the role of the PCG is properly performed.

The General Manager can seek advice from relevant internal and external experts, as required.

4. **PROJECT DELIVERY & GOVERNANCE**

The hierarchy of decision making for the project places Councillors at the top as Project Owners, with the GMD (General Manager & Directors) Leadership Group as the principle Project Control Group.

The Director of Strategy & Environment is the Council officer directly responsible for the delivery of the project. In order to achieve that mission, the Director of Strategy & Environment has convened a “Project Delivery Working Party” comprised of Council Officers and external consultants. Members of the PDWP are detailed below.

The PDWP will take all prudent and necessary action to fulfil the Council resolutions regarding project and will regularly report on progress to GMD.

The General Manager will provide status updates to elected Council in a timely manner in the format he feels is appropriate.
5. PROJECT DELIVERY WORKING PARTY (PDWP)

A “Project Delivery Working Party” has been established by the Director of Strategy & Environment to ensure that the key project deliverables as detailed in the Council resolution are achieved.

The Project Delivery Working Party is comprised of the following:

- Director of Strategy & Environment
- Manager Urban & Heritage Planning
- Team Leader Urban Design
- Urban Design Projects Officer
- Senior Urban Designer
- Property Based Solutions.

As required:
- Jones Lang LaSalle
- SJB Design
- Other Consultants as required.

6. THE ROLE OF THE PDWP

The role of the PDWP is to:

- Ensure that the decisions of Council in relation to the Project are carried out.
- Ensure that project directives issued by the General Manager and the PCG are documented and enacted.
- Oversee the implementation of the Project Plan and report to the PCG on progress.
- Oversee the implementation of the Risk Management Plan and Probity Plan.
- Oversee the implementation of the Scope Management Plan and report to the PCG on any project risk that changes in project scope may generate.
- The PDWP and PCG will act in accordance with the Communication Strategy to ensure that all stakeholders are kept up to date in a timely manner of the project status.
7. PROJECT MANAGER

At a time recommended by the PDWP and approved by the PCG, a Project Manager will be appointed to manage the construction phase of the project in accordance with the Project Plan. Appointment of the Project Manager will be the subject of a separate procurement process.

8. PROBITY AND ETHICAL PRINCIPLES

**Council’s Code of Conduct.**

Council’s Code of Conduct (Code) is a formally adopted corporate policy applicable to the Mayor, Councilors, employees, contractors and volunteers working for and on behalf of Council. It provides for ethical governance and appropriate conduct in relation to all of Council’s activities.

All aspects of this matter are to be carried out in full compliance with Council’s Code of Conduct and all other corporate policies in addition to the principles espoused in this plan.

**Probity definition**

The Macquarie Dictionary definition of probity is “integrity, uprightness, honesty”. Within Local Government, the word “probity” is often used in a general sense to refer to “an appropriate process”. The ICAC has identified principles to enhance the probity of procurement, contracting and planning processes which are set out below. Local Councils seek to conduct their activities (including this Project) in accordance with these principles. Local Council members and officers (and their advisers) must be able to demonstrate high standards of probity while pursuing the Council’s objectives.

**Probity principles**

The Project must be conducted in a manner that satisfies the following probity principles:

**Obtaining value for money and Maintaining Impartiality**

This is the principal objective of all procurement activities required for the Project. Impartial, open and competitive processes are important in achieving value for money. An EOI or tender process should be used that aims to achieve best value for money, is consistent with ‘best practice’ according to current Government policy and allows capable organisations to submit competitive offers and be considered for the Project in an impartial manner.
Obtaining value for money is enhanced when there is open competition and the market is fully tested.

Managing conflicts of interest

Conflicts of interest arise when there is a conflict between a public official’s public duty and their private interests, where those private interests could improperly influence the performance of their official responsibilities. Council members, officers and advisers involved in the Project must comply with Local Government conflict of interest requirements. Conflicts of interest can be actual, perceived or potential. Failure to declare and/or effectively manage conflicts of interest can damage the integrity of the Project, therefore eroding public or market confidence.

Managing conflicts of roles for Councils as property owners

A further conflict can arise where Council owned property, as in this Project, is the subject of development. The ICAC in its publication “Corruption risks in the development approval process” (September 2007) noted that a consent authority has a conflict of roles between its different functions as a developer and land use regulator.

In this circumstance a Council is required to take steps to separate the property owner role from the decision-maker role as a regulator and approver of development applications and construction certification.

Maintaining accountability and transparency of the process

Public sector accountability requirements are intended to save money, resources and time in the long term and prevent corruption, maladministration and substantial waste of public resources. All Council members and officers should be accountable for their actions associated with the Project. All key activities and decision-making associated with the Project should be recorded.

Transparency helps ensure that the Project is conducted with integrity, thus enhancing competition and the delivery of value for money, as well as reducing opportunities for corruption, maladministration and substantial waste of public money.

Maintaining confidentiality and security

A significant quantity of confidential information will be generated during the course of the Project, particularly the procurement phase. Breaches of confidentiality requirements can compromise the integrity of the Project and lead to outcomes that do not represent best value for money. The processes adopted for receiving, managing and disseminating information are to ensure the security and confidentiality of intellectual property, proprietary information or otherwise sensitive information.
**Conduct guidelines**

Council members and officers have a responsibility to ensure that their personal behaviour does not adversely impact on the integrity of the Project and planning approval processes. They are responsible for:

- Acting in accordance with this Probity Plan, Evaluation Plans for procurements and other approved processes;
- Not making public comment about the Project without appropriate authorisation and in accordance with the Communications Strategy,
- Discussing probity risks identified or other probity concerns with the Director, Governance and/or the Probity Adviser with a view to maintaining the integrity of the Project; and
- Where relevant, reporting any suspected breaches of the Probity Plan to the Probity Adviser immediately.
9. KEY PROBITY RISKS

Conflict of roles in regard to this Project.

The ICAC in its publication *Corruption Risks in the Development Approval Process* (September 2007) noted that a consent authority has a conflict of roles between its different functions as a developer and land use regulator. For this Project, Council is the developer and owner of the planned facility and hence a Separation of Planning Powers Plan has been developed to ensure the appropriate separation of functions. The Separation of Planning Powers plan will be approved by the PCG and elected Council.

A copy of the Separation of Planning Powers policy is annexed to this Probity Plan.

The Project Control Group has recommended to elected Council that in accordance with the ‘Separation of Planning Powers’ policy adopted for the project, the Development Application for the Lindfield Community Hub Project will be assessed by an external planning consultant and will be determined by the Joint Regional Planning Panel (JRPP) or similar entity empowered to assess such applications at the time.

The conflict of roles will also arise during the construction phase when issue of a ‘construction certificate’ will be required, followed by the ‘occupation certificate’.

In order to deal with the conflict of roles, the regulation required during the construction phase will be undertaken as follows:

1. PCG to approve the conduct of a tender for the engagement of an independent private certifier to be the Principal Certifying Authority (PCA) for the construction phase of the Project.
2. The tender to be conducted by the Project Manager (yet to be appointed) in accordance with Council procurement policies.
3. The PCA to fulfil all steps required for issue of the Construction Certificate, undertake and document details of the inspections and professional certification required during the construction period and issue of the Occupation Certificate (interim and final as necessary).

Procurement

Procurement is identified by the ICAC as a high risk activity for all public sector agencies, including Local Government. Relevant issues are:

- The need to ensure that where an incumbent contractor is allowed to submit a bid that all proponents have access to the same level of information and steps are taken to ensure an impartial assessment. This must be anticipated and confirmed in advance.
- The need to provide adequate time and resources for the conduct of procurements particularly for the major design and construction phases.
These issues are included in the Probity Risks Table and will be monitored by the Probity Adviser during the procurement phase.

**Media**

The Project should not be discussed with the media except as required by the Communications Plan. Any media request should be directed to the Corporate Communications Manager who will determine the appropriate response in concert with the General Manager.

**Security, Record Keeping & Documents**

The PDWP must put in place procedures that specify the storing, handling, and filing of commercially sensitive information received in relation to the Project.

The PDWP will ensure that:

- all meetings are minuted, the discussion accurately recorded and circulated in a timely manner;
- documents which contain commercially sensitive information will be stored in secure conditions, with access only for authorised persons;
- limited numbers of copies of commercially sensitive documents are to be produced.

**Electronic Information**

Any e-mail messages of significance should be either registered into Council’s electronic document management system (confidential binder) or printed and kept on the relevant Project file.

**External Probity Auditor**

An external Probity Auditor will be appointed to provide advice on an “as needs" basis.

Specific advice provided by the Probity Adviser will include but is not necessarily limited to:

1. Probity advice for major procurement activities as agreed by the PCG.
2. Probity compliance reports at the conclusion of each procurement activity.
3. Six monthly reports on the actions taken to implement the risk mitigation actions identified in the Probity Risks Table
4. A final probity compliance report at a time determined by the PCG.
10. PROBITY RISK ASSESSMENT & MANAGEMENT

The Probity Risk table has been developed to identify specific probity risks, the mitigation actions required and to allocate responsibility for implementation of the mitigation actions. The Probity Risk Table complements the Risk Management Plan and Risk Register developed for the Project. The level of risk has been assessed utilising the risk management methodology outlined in the Risk Management Plan.

*The risk table has been populated with some generic items however Council should amend this table to include Probity risks unique to its project and operating environment. The responsible officer for each risk may also change in accordance with Council’s structure and lines of responsibility. However, all probity risks require allocation to an entity such as the PCG or PDWP and then to an individual ‘responsible officer’ within that group.
<table>
<thead>
<tr>
<th>Description of Risk</th>
<th>Impact</th>
<th>Likelihood</th>
<th>Consequence</th>
<th>Risk Level</th>
<th>Treatment/Mitigation Actions</th>
<th>Individual/Group Responsible for Mitigation Action</th>
<th>Action taken</th>
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<td><strong>Impartiality</strong></td>
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<td>Project outcome influenced by conflict of roles for Council as planning authority, landowner and developer</td>
<td>Diminished public trust in planning processes</td>
<td>Unlikely</td>
<td>Ext</td>
<td>2</td>
<td>DA to be assessed by independent consultant and approved by JRPP. Separation of Planning Powers Plan developed. All building and related certification to be undertaken by a private accredited Principal Certifying Authority; not by Council officers</td>
<td>PCG / PDWP</td>
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<td>Loss of confidence in Project</td>
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<td>Competitive procurement not achieved</td>
<td>Loss of confidence in Project</td>
<td>Unlikely</td>
<td>Ext</td>
<td>2</td>
<td>All procurements follow Council and DLG guidelines. Probity adviser oversees major procurements</td>
<td>PCG/PDWP</td>
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<td>Value for money less likely to be achieved</td>
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<td>Incumbent contractors have advantage in future procurements</td>
<td>Reduced competition leads to poor outcomes</td>
<td>Likely</td>
<td>Major</td>
<td>2</td>
<td>Procurement policy requires prior consideration of risk</td>
<td>PROJECT MANAGER/ PROBITY ADVISER</td>
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<td>Insufficient Council</td>
<td>Loss of</td>
<td>Unlikely</td>
<td>Major</td>
<td>3</td>
<td>PCG ensures adequate</td>
<td>Director</td>
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<td>resources limits ability to fully implement project</td>
<td>confidence in Project. Value for money less likely to be achieved</td>
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<td>resourcing of PDWP activities</td>
<td>Strategy &amp; Enviro</td>
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<td><strong>Conflicts of Interest</strong></td>
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<td>Contractor appointments affected by related interests</td>
<td>Inappropriate contractors appointed Conflict of process</td>
<td>Unlikely</td>
<td>Major</td>
<td>3</td>
<td>PCG oversees appointment process using Council procedures and vets conflict of interest issues</td>
<td>PDWP &amp; Probity Officer</td>
<td></td>
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<tr>
<td>Contractors have conflicts of interest due to prior engagement with Council</td>
<td>Loss of confidence in Project</td>
<td>Possible</td>
<td>Major</td>
<td>2</td>
<td>Contractors required to notify of all actual, potential and perceived conflicts of interest as part of procurement process Action to address identified conflict of interest discussed with Probity Adviser, implemented and monitored</td>
<td>PDWP &amp; Probity Officer</td>
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<td>Description of Risk</td>
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<td>Council/PCG/PDWP members have conflicts of interest</td>
<td>Loss of confidence in Project outcomes</td>
<td>Unlikely</td>
<td>Major</td>
<td>3</td>
<td>All actual, potential and perceived conflicts of interest declared</td>
<td>PCG</td>
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<td>Action to address identified conflict of interest discussed with Probity Adviser, implemented and monitored</td>
<td>PCG</td>
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<tr>
<td>Conflict of interest issues not reported</td>
<td>Loss of confidence in Project outcomes</td>
<td>Unlikely</td>
<td>Major</td>
<td>3</td>
<td>Regular reminders re requirement to declare at PCG and other meetings</td>
<td>Director Strategy &amp; Enviro</td>
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<td>Transparency and Accountability</td>
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<td>PCG adopts Probity Plan for the conduct of the Project</td>
<td>PCG</td>
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<tr>
<td>Policy and procedures with respect to project governance and probity not clear or satisfied</td>
<td>Poor and/or delayed decision-making. Loss of confidence in Project</td>
<td>Unlikely</td>
<td>Major</td>
<td>3</td>
<td>Probity risk undertaken by Probity Adviser and endorsed by PCG</td>
<td>PCG</td>
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<td>Probity adviser reviews compliance with Probity</td>
<td>PROBITY</td>
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<td>Description of Risk</td>
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<td>Management controls, level of authority, approval processes and responsibilities unclear.</td>
<td>Poor and/or delayed decision-making. Loss of confidence in Project</td>
<td>Unlikely</td>
<td>Major</td>
<td>3</td>
<td>Project Plan details governance arrangements, management controls, levels of authority, approval processes and responsibilities</td>
<td>PCG</td>
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<tr>
<td>Decision making by PCG and PDWP not formally documented and adequately recorded for audit purposes</td>
<td>Decisions made in ad hoc manner Transparency and accountability undermined</td>
<td>Unlikely</td>
<td>Moderate</td>
<td>4</td>
<td>Formal minutes of meetings prepared Agreed protocol for decisions between meetings. Scope management plan developed and adhered to.</td>
<td>PCG/PCDP</td>
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<tr>
<td>Community and stakeholder communication inadequate</td>
<td>Loss of confidence in Project.</td>
<td>Unlikely</td>
<td>Major</td>
<td>High</td>
<td>Communications Plan developed, adopted and implemented by PDWP</td>
<td>PCG/PCDP</td>
<td></td>
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<td></td>
<td>Community pressure on Councillors</td>
<td></td>
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<td>Implementation of Communication Plan monitored by PCG</td>
<td>PCG</td>
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<td>Decision making process not followed</td>
<td>Decisions made by inappropriate</td>
<td>Unlikely</td>
<td>Extreme</td>
<td>2</td>
<td>PCG oversees decision-making</td>
<td>PCG/PCDP</td>
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<td>Role of Council and PCG undermined</td>
<td>officers</td>
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<td>procedures Councillors receive regular briefings Final decisions taken by formal Council meeting</td>
<td>PCG/PDWP</td>
<td>PCG/PDWP</td>
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<td></td>
<td>Review bodies have no records to confirm the process Decisions cannot be justified</td>
<td>Unlikely</td>
<td>Major</td>
<td>3</td>
<td>Appropriate records to be created and maintained Probity review at conclusion of Project</td>
<td>PCG/PDWP</td>
<td>PROBITY ADVISER</td>
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<tr>
<td>Loss of confidence in approval processes Damage to Council reputation</td>
<td>Loss of confidence in Project</td>
<td>Unlikely</td>
<td>Extreme</td>
<td>2</td>
<td>Separation of Council Functions Plan prepared and endorsed by PCG Probity review at conclusion of Project</td>
<td>PCG</td>
<td>PROBITY ADVISER</td>
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<tr>
<td>Loss of confidence in Project</td>
<td>Unlikely</td>
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<td>Extreme</td>
<td>2</td>
<td>Council procurement policies and procedures implemented. Probity adviser</td>
<td>PROJECT MANAGER</td>
<td>PROBITY ADVISER</td>
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<td>Description of Risk</td>
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<tr>
<td>Project documents not secured in accordance with Council policies</td>
<td>Sensitive planning or procurement information becomes available to unauthorised parties</td>
<td>Unlikely</td>
<td>Major</td>
<td>3</td>
<td>Council procedures in place for secure storage of hard copies and material on computer network. All participants in procurement activities sign confidentiality deeds. Information security requirements documented in evaluation plans for procurements</td>
<td>Director Strategy &amp; Enviro</td>
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<td>Public comment made by unauthorised persons</td>
<td>Inappropriate, inconsistent or incorrect information provided to the public</td>
<td>Unlikely</td>
<td>Major</td>
<td>3</td>
<td>Responsibility for public comment documented in Communications Plan. Councillors advised of agreed protocol for public comment</td>
<td>PCG</td>
<td>GM</td>
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<tr>
<td>Description of Risk</td>
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<td><strong>Obtaining Value for Money</strong></td>
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<td>Extra costs expended due to poor performance of contractors and inadequate management by Council</td>
<td>Council embarrassment Delays to project Extra costs</td>
<td>Unlikely</td>
<td>Extreme</td>
<td>2</td>
<td>PCG ensures that Council allocates adequate resources to contract management.</td>
<td>PCG</td>
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<td>Project risks, including probity risks, not managed</td>
<td>Project outcomes compromised</td>
<td>Moderate</td>
<td>Major</td>
<td>High</td>
<td>Prepare PMP, Probity Plan and Risk Management Register</td>
<td>PDWP</td>
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MARKET SOUNDING – LINDFIELD COMMUNITY HUB
PROBITY PROTOCOL

BACKGROUND
Ku-ring-gai Council (Council) is currently considering a number of concept design options for the Project and these have been the subject of community consultation. Council is currently in the process of considering the community consultation and the four proposed Options. Concurrently, it is intended to undertake market sounding prior to an open procurement process for the selection of the developer.

PURPOSE OF THIS PROTOCOL
Key issues that present with market sounding processes include:
- The basis for parties being selected for inclusion in the market sounding exercise and the nature of the interaction e.g. part meeting, part survey/questionnaire
- The protocols on which the market sounding exercise will be conducted, including that participants understand and acknowledge the basis on which the process will be conducted
- The information to be shared as part of the market sounding process and how access to this information can be quickly facilitated for any party who does not participate in the market sounding process but which may have a genuine interest in the upcoming opportunity
- The outcome from the market sounding process and how this is reflected in the development of Council requirements and the call to the market.

Council has engaged Property Based Solutions (PBS) to undertake market sounding with selected developers for the Project. This will involve face to face meetings with developers to determine the level of interest in the Project and to identify any impediments to their potential participation prior to potentially seeking Expressions of Interest for the development of the site.

We understand from discussions with PBS that it will be seeking to undertake market sounding meetings with potential proponents that broadly sit within four categories: large size developers, foreign developers, local developers with demonstrated experience in the delivery of similar projects and supermarket operators (given the mandatory requirement for the project to include a full scale supermarket).

This document is for use by Council and PBS (the Project Team) and sets out the requirements to be followed to ensure that probity is maintained, that industry members are confident that they can participate fully in the knowledge that proprietary information will be protected and that commercially valuable information is kept confidential.

PROBITY PRINCIPLES

The probity principles applying here are Transparency and Confidentiality.

TRANSPARENCY

This industry consultation process is not part of any procurement process for the Lindfield Community Hub Project and all participants should be made aware of this intent. Participants in the market sounding process should be advised that any information provided will not be used in any future evaluation involving that participant. Participants should also be advised that:
• the Project Team’s current proposed scope, delivery strategy, timelines and other parameters for the Project are all subject to change (including as a result of this market sounding process)

• Any participation in this market sounding process or any reliance on any information released as part of the market sounding process by any person or any independent consultant or professional adviser retained by that person to review the same shall be entirely at that person’s own risk.

• Participation or otherwise will not provide the participant with any advantage or disadvantage in any future procurement processes for the Project.

CONFIDENTIALITY

One of the purposes of this market sounding process is to obtain information and feedback to be used by the Project Team in the further development of the Project. Accordingly, participants should be made aware that the provisions of the Government Information (Public Access) Act 2009 (NSW) may apply to any documents that they submit and information should be submitted on that basis.

Industry information used in the further development of the Project and specifically any procurement activities for the Project will be made anonymous and its use will be on a non-attributable basis.

MEETING PROTOCOLS

a. Meetings will be held on a one-to-one basis with market sounding participants

b. Meetings will be the same duration for all market sounding participants but limited to one hour

c. No formal minutes or recordings will be taken or made by Council or PBS to be distributed to participants in the market sounding process. However, the project team or participants may take notes of the meetings for their own use

d. Meetings will consist of:

   i. introductions

   ii. presentation by the project team to market sounding participants on the draft strategy (draft Market Sounding presentation to be prepared)

   iii. discussion and feedback around key aspects of the Lindfield Community Hub Project.

e. Participants will be discouraged from providing printed marketing and other promotional material throughout the process

f. Participants will be advised that any information provided (either verbal or written) will not be used in any future evaluation involving that participant.

PROBITY ADVISER’S PARTICIPATION

The Probity Adviser is to be notified of all market sounding meetings and will attend a selected number.
NO CONFLICT OF INTEREST DECLARATION (LINDFIELD COMMUNITY HUB)

This Declaration is made by:

........................................................................................................................................................................................................[Name of Declarant] (“Declarant”)

In relation to the Declarant’s involvement in the Ku-ring-gai Council Lindfield Community Hub Project.

The Declarant acknowledges that he/she has been supplied with a copy of the Ku-ring-gai Council Lindfield Community Hub Project Probity Plans and warrants to General Manager of Ku-ring-gai Council that, at the date of this Declaration, no circumstances exist that would give rise to a conflict of interest now or in the future in relation to the Declarant’s involvement and participation in the Project other than as detailed as follows:

........................................................................................................................................................................................................
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........................................................................................................................................................................................................

Insert details of any conflict of interest or potential conflict of interest above (if any).

The Declarant must:

(a) not enter into any arrangements, schemes or contracts (however described) which may cause a conflict of interest to arise in relation to the Declarant’s involvement and participation in the Project; and

(b) promptly notify Ku-ring-gai Council if the Declarant becomes aware of any circumstances that give rise to a conflict of interest or a potential conflict of interest and must provide sufficient details to accurately describe the nature of the conflict of interest or potential conflict of interest and submit to any action deemed necessary to manage such conflict of interest (actual or potential) to Ku-ring-gai Council’s satisfaction.

Signature of Declarant:........................................... Witness:...........................................

Date:..............................................