

October 2023

South East Queensland (SEQ) Liveability Fund Applicant Guidelines

The Department of State Development, Infrastructure, Local Government and Planning connects industries, businesses, communities and government (at all levels) to leverage regions' strengths to generate sustainable and enduring economic growth that supports well-planned, inclusive and resilient communities.

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Copies of this publication are available on our website at www.statedevelopment.qld.gov.au and further copies are available upon request.

Acknowledgement of Country

The department acknowledges the First Nations peoples in Queensland: Aboriginal and Torres Strait Islander peoples and their connections to the lands, winds and waters we now all share. We pay our respect to Elders, past, present and emerging. We also acknowledge the continuous living culture of First Nations Queenslanders – their diverse languages, customs and traditions, knowledges and systems. We acknowledge the deep relationship, connection and responsibility to land, sea, sky and Country as an integral element of First Nations identity and culture.

The Country is sacred. Everything on the land has meaning and all people are one with it. We acknowledge First Nations peoples' sacred connection as central to culture and being. We acknowledge the stories, traditions and living cultures of First Nations peoples and commit to shaping our state's future together. The department recognises the contribution of First Nations peoples and communities to the State of Queensland and how this continues to enrich our society more broadly.

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Glossary

Term	Definition
Applicant	An applicant for funding under the South East Queensland (SEQ) Liveability Fund.
Application	An application (or relevant part of an application) for funding under the Fund, and includes the EOI, the Detailed Application and any other supporting or additional information in whatever form provided by the Applicant in connection with its application.
Applicant Guidelines	These South East Queensland (SEQ) Liveability Fund Applicant Guidelines, as updated from time to time.
Approved Project	The Project scope of works approved for funding and as defined in a Project Funding Schedule.
Assessment Criteria	The criteria set out in section 4.1 of these Applicant Guidelines.
Benefits	The measurable improvement resulting from the delivery of the Approved Project
Community Infrastructure	Capital works that deliver direct benefits to a community, such as health, childcare, arts and culture, community engagement, and sports and recreation.
Detailed Application	A detailed application (or relevant part of a detailed application) made for funding from the Fund and includes a detailed application form and any other supporting or additional information in whatever form provided by the Applicant in connection with its detailed application to the Fund (including but not limited to its detailed project plan).
DSDILGP / the Department	The Queensland Department of State Development, Infrastructure, Local Government and Planning.
Eligible Local Governments	Local Governments that meet the requirements set out in section 2.1.1 of these Applicant Guidelines.
Eligible Project Costs	Those set out in section 2.3 of these Applicant Guidelines.
Eligible Projects	Those set out in section 2.2.1 of these Applicant Guidelines.
Estimated Total Project Cost	The estimated total Project expenditure (including both Eligible Project Costs and Ineligible Project Costs) plus a contingency allowance. A contingency of up to 25% of total Project expenditure may be included in the Estimated Total Project Cost.
Expression of Interest / EOI	An expression of interest (EOI) (or relevant part of an EOI) made for funding from the Fund and includes an EOI form and any other supporting or additional information in whatever form provided by the Applicant in connection with its enquiry or EOI to the Fund.
Head Funding Agreement	The existing agreement between the State and the Applicant that sets out the terms and conditions under which the State will enter into project specific arrangements to provide funding to the Applicant for specific projects.
Ineligible Project Costs	Those set out in section 2.3.1 of these Applicant Guidelines.
Ineligible Projects	Those set out in section 2.2.2 of these Applicant Guidelines.
Liveability	Factors that encourage people to live somewhere including health and wellbeing, amenity, inclusiveness and access to Community Infrastructure and open public space or the natural environment.
Local Government	A Local Government body constituted under the <i>Local Government Act 2009</i> or the <i>City of Brisbane Act 2010</i> .
The Fund	South East Queensland (SEQ) Liveability Fund
Project Partner	Applicant's Project Partner/s required to deliver the Project and its outcomes.

Term	Definition
Project	The project for which funding is sought and includes the entire scope of works identified in an Application commencing from the Project Start Date through to the Project Completion Date.
Project Completion Date	The date by which all works associated with a Project will be completed and the Project can be acquitted.
Project Funding Agreement	An agreement between the State and a successful Applicant comprising an executed Project Funding Schedule, specified parts of the Head Funding Agreement and any other documents required by the State.
Project Funding Schedule	means the schedule prepared by the State and executed by the parties in accordance with the Head Funding Agreement, for the provision of Project Funding.
Project Plan	The Project Plan available on the Department's website where comprehensive information about the project is to be collated, or that can be used as a guide to inform applicant's own project plans.
Project Start Date	The date works forming part of the Project commence.
SEQ	South-East Queensland including the Local Government Areas of Brisbane, Ipswich, Lockyer Valley, Logan, Moreton Bay, Noosa, Redland, Scenic Rim, Somerset, Sunshine Coast, and Toowoomba.
State	The State of Queensland

1. Introduction

1.1. Overview

The South East Queensland (SEQ) Liveability Fund supports local governments in SEQ to enhance the Liveability of their communities through the delivery of great places and spaces. It is a commitment under the \$1.8 billion SEQ City Deal between the Australian Government, Queensland Government, and the Council of Mayors (SEQ).

The Australian Government and Queensland Government have each contributed \$100 million to the Fund, which will be allocated to eligible Local Government members of the Council of Mayors (SEQ) through a non-competitive two-stage application and assessment process.

The two-stage application and assessment process consists of:

- An Expression of Interest (EOI) stage
- A Detailed Application stage for shortlisted projects.

Eligible Local Government members of the Council of Mayors (SEQ) may be required to supplement their allocated funding through mandatory financial co-contributions. In total, eligible Local Governments are expected to co-contribute at least \$85.8 million to the Fund.

It is expected that projects identified at the EOI stage as suitable to progress to the Detailed Application stage will be notified by the end of 2023.

Projects are expected to be completed 30 June by 2027, with the specific completion date subject to the terms agreed between parties in the Funding Agreement.

The Fund is administered by the Department of State Development, Infrastructure, Local Government and Planning (the Department) on behalf of all SEQ City Deal partners.

These Applicant Guidelines relate only to the South East Queensland (SEQ) Liveability Fund.

1.2. Objectives

The Fund's objectives are to:

1. Improve access to quality public open spaces and the natural environment.
2. Improve access to Community Infrastructure that promotes health and wellbeing, belonging or cultural diversity.
3. Deliver Community Infrastructure that complements new housing supply or urban renewal.
4. Meet the wider SEQ City Deal vision and outcomes including to support local businesses and job creation and maximising opportunities for First Nations people.

1.2.1. Outcomes

Approved Projects will be required to realise at least one of the following outcomes:

1. Provide long term improvements in the social, environmental and/or economic viability and sustainability of local communities in SEQ.
2. Create connected and inclusive communities.
3. Improve social amenity, health and wellbeing, and social cohesion through the use of Community Infrastructure and increased access to quality public open space.
4. Ability to support new housing supply and/or urban renewal outcomes in SEQ.

1.3. Funding allocation

Eligible Local Governments have been allocated to one of three funding streams that determine:

- the ratio of funding available from the Australian and Queensland Governments (in total and per Project),
- the ratio of the Applicant's required financial co-contribution
- the minimum Estimated Total Project Cost per Application.¹

This allocation is based on population data from 2020.

An Applicant's financial Co-Contribution to a Project should be at least equal to the minimum Co-Contribution identified in these Applicant Guidelines (see sections 1.3.1 to 1.3.3).

If the Applicant's Co-Contribution is less than the identified minimum Co-Contribution, the Australian and Queensland Government Co-Contributions will be in proportion to the Applicant's Co-Contribution.

Applicants may increase the value of their Co-Contributions to a Project, however, the total financial Co-Contributions from the Australian and Queensland Governments available for that Applicant under the Fund for Eligible Project Costs (regardless of the number of successful Projects) is capped at the relevant amounts set out in the tables in sections 1.3.1 to 1.3.3.

While Applications may include third-party funding (including additional funding from other Australian and Queensland Government sources), this additional funding cannot be used to replace the Applicant's financial Co-Contribution.

1.3.1. Stream 1 funding allocation and requirements

Local Government areas with a population greater than 250,000 people.

Applicant	Funding Ratio (Total and Per Project)	Minimum Estimated Total Project Cost (ex GST)	Total Financial Contributions			
			Australian Government (ex GST)	Queensland Government (ex GST)	Minimum Applicant (ex GST)	Total (ex GST)
Brisbane City Council	1:1:1	\$5M	\$40.28MM	\$40.28M	\$40.28M	\$120.84M
Moreton Bay Regional Council	1:1:1	\$5M	\$15.18M	\$15.18M	\$15.18M	\$45.54M
Logan City Council	1:1:1	\$5M	\$10.82M	\$10.82M	\$10.82M	\$32.46M
Sunshine Coast Council	1:1:1	\$5M	\$10.65M	\$10.65M	\$10.65M	\$31.95M

¹ A 10 percent reduction of the Estimated Total Project Cost may be considered at the Department's discretion. Affected potential Applicants must seek the Department's written approval for a lesser Estimated Total Project Cost before submitting an Application.

1.3.2. Stream 2 funding allocation and requirements

Local Government areas with a population greater than 100,000 people but less than 250,000 people.

Applicant	Funding Ratio (Total and Per Project)	Minimum Estimated Total Project Cost (ex GST)	Total Financial Contributions			
			Australian Government (ex GST)	Queensland Government (ex GST)	Total Applicant (ex GST)	Total (ex GST)
Ipswich City Council	2:2:1	\$2.5M	\$7.27M	\$7.27M	\$3.64M	\$18.18M
Toowoomba Regional Council	2:2:1	\$2.5M	\$5.39M	\$5.39M	\$2.70M	\$13.48M
Redland City Council	2:2:1	\$2.5M	\$5.07M	\$5.07M	\$2.54M	\$12.68M

1.3.3. Stream 3 funding allocation and requirements

Local Government areas with a population less than 100,000 people.

Applicants are not required to make a financial Co-Contribution but may choose to do so.

Applicant	Funding Ratio (Total and Per Project)	Minimum Estimated Total Project Cost (ex GST)	Financial Contributions			
			Total Australian Government (ex GST)	Total Queensland Government (ex GST)	Minimum Total Applicant (ex GST)	Total (ex GST)
Noosa Shire Council	1:1:0	\$300,000	\$1.79M	\$1.79M	Nil	\$3.58M
Scenic Rim Regional Council	1:1:0	\$300,000	\$1.38M	\$1.38M	Nil	\$2.76M
Lockyer Valley Regional Council	1:1:0	\$300,000	\$1.34M	\$1.34M	Nil	\$2.68M
Somerset Regional Council	1:1:0	\$300,000	\$0.83M	\$0.83M	Nil	\$1.66M

2. Application requirements

2.1. Who can apply?

2.1.1. Eligible Local Governments

To be eligible for Project Funding under the Fund, an applicant must:

- (a) be a Local Government body constituted under the Local Government Act 2009 or the City of Brisbane Act 2010
- (b) be a member of the Council of Mayors (SEQ) as at 21 March 2022 and contributing investment to the suite of region-wide reform initiatives contained in SEQ City Deal.

Note: Funding for the SEQ Liveability Fund is provided through the SEQ City Deal. The list of eligible applicants is limited to Council of Mayors (SEQ) member councils as Local Government partners under the SEQ City Deal.

2.1.2. Partnering arrangements

Eligible Local Governments may collaborate with other entities (whether eligible or ineligible entities) to deliver an eligible Projects. In such circumstances, one Eligible Local Government must submit the Application and will be the Project lead. If the Project is approved for funding, the Eligible Local Government Applicant will be responsible for entering into a Project Funding Agreement with the State and managing delivery of the Project.

If multiple Eligible Local Governments are involved in a single Application, the financial Co-Contributions of Eligible Local Governments other than the Applicant will not be regarded as contributing to the minimum financial Co-Contribution the Applicant is required to make towards the Project.

If an Eligible Local Government has Project Partners for a Project, a formal written arrangement must be in place between all parties before an EOI is submitted and details of the partnering arrangements provided as part of the Application.

2.2. What will be funded?

Projects must be to construct Community Infrastructure that will improve the Liveability of SEQ communities.

Projects that support SEQ communities to maximise positive economic, community, environmental and tourism benefits, including those associated with the Brisbane 2032 Olympic and Paralympic Games, are encouraged.

Applicants whose Projects are successful should also, where possible, use recycled materials in the construction of their Approved Projects.

Applicants may seek funding for more than one Project. Each Project requires submission of a separate Application.

If submitting more than one Application, Applicants should consider their capability to deliver multiple Projects at the same time.

It is expected that Approved Projects should be able to commence within six months of a Project Funding Schedule being executed.

2.2.1. Eligible Projects

Eligible Projects must:

- be consistent with the Fund's objectives
- be designed to achieve at least one of the Fund's outcomes
- be able to be completed by the Fund program end date of 30 June 2027 with the specific completion date subject to the terms agreed between parties in the respective Funding Agreement.
- have an Estimated Total Project Cost of at least the relevant value identified in sections 1.3.1 to 1.3.3 of these Applicant Guidelines

- have secured sufficient funding from other sources to cover the Estimated Total Project Cost if it exceeds the funding available as set out in section 1.3.1 to 1.3.3 of these Applicant Guidelines
- be a new infrastructure project, or a new stage or independent component of an existing infrastructure project
- be undertaken in an SEQ City Deal Eligible Local Government area
- be located on land which is or will be owned or substantially controlled by the Applicant
- have either obtained all of the necessary approvals and permissions, e.g. development approvals, Native Title, landowner permission, needed to proceed or demonstrate that the necessary approvals and permissions will be obtained in a timely manner
- if the project will provide significant private benefits, demonstrate that the Project will receive proportionate financial or in-kind co-contributions from the private beneficiaries
- support local employment opportunities, including where appropriate for First Nations people and procurement through Indigenous-owned businesses
- not be an ineligible Project.

2.2.2. Ineligible Projects

Projects that are not eligible for funding under the Fund include Projects:

- that have already commenced construction or been completed at the time the Application is submitted
- where the funding ratios do not comply with those set out for each Applicant in section 1.3.1 to 1.3.3 of these Applicant Guidelines, unless otherwise stated.
- where the funding sought exceeds the total Australian and Queensland Government funding allocation for the Applicant as stated in section 1.3.1 to 1.3.3 of these Applicant Guidelines unless agreed between deal partners.
- that have not secured sufficient funding from sources other than the Fund to cover the Estimated Total Project Costs in excess of funding available under the Fund
- that involve the development of private or commercial “for-profit” ventures except where any expected private benefit comprises a minor component of the Project and the expected public benefit is proportionate to the funding sought
- that will only involve the repair, or routine or ongoing maintenance of existing infrastructure
- that have a majority of Project funding approved through another funding program in Queensland, or by the Australian Government
- that would require ongoing funding from the Australian or Queensland Governments
- that involve water, wastewater and stormwater infrastructure Projects, except to the extent required to deliver a proposed Liveability Project.
- that deliver outcomes predominately for the provision of major transport infrastructure that are inconsistent with the objectives of the Fund.

The above list is not a definitive list of Ineligible Projects and consideration against the Program’s objectives should be made in the first instance. If there is any doubt about Projects that may be considered ineligible, please contact the Department.

2.3. Eligible Project Costs

Approved funding may only be applied towards Eligible Project Costs.

Applicants whose Applications are approved for funding will be responsible for all Ineligible Project Costs and any Eligible Project Costs over and above the approved funding amount. They will also be responsible for meeting any Project cost increases that occur over the course of delivering an Approved Project.

Eligible Project Costs are costs that relate to an Approved Project for:

- construction costs including:
 - all site works required as part of the construction
 - the costs of construction-related labour, materials, equipment hire

- detailed design, i.e. production of final 'For Construction' designs or equivalent, noting funding from the Australian Government cannot be used for this purpose
- costs of conducting a tender for the approved works, noting funding from the Australian Government cannot be used for this purpose
- purchase and installation of fixed plant and equipment required to fully commission the Project infrastructure.
- Co-Contribution toward the purchase of the Project Site, noting this cannot represent more than 50% of the Queensland Government's funding contribution, and the funding contribution from the Australian Government cannot be used for this purpose.
- for Stream 3 Applications - project management costs including remuneration of the Eligible Local Government's technical, professional and/or administrative staff for time directly related to managing the construction of approved works (for example the salary of a project manager for the Approved Project) but excluding executive duties and overhead charges.

Eligible Project Costs exclude Ineligible Project Costs.

Note: It is expected costs directly associated with the Project's actual construction will represent the majority of the Estimated Total Project Cost.

2.3.1. Ineligible Project Costs

Ineligible Project Costs are costs not included in 2.3:

The below list identifies common examples of ineligible costs and is not intended to be exhaustive. If there is any doubt about Ineligible Projects Costs, please contact the Department

- costs incurred prior to the date of release of these Guidelines, including any otherwise Eligible Project Costs
- Provision of grant funding to local governments is not considered a taxable supply and so Goods and Services Tax (GST) is not applicable. All costs associated with the project must be excluding GST
- purchase of land if using Australian Government funding
- costs not associated with capital works if using Australian Government funding
- statutory fees and charges and any costs associated with obtaining regulatory and/or development approvals
- legal expenses
- core business costs (business as usual), including:
 - core business for a Local Government, including ongoing costs for administration, operation, maintenance and engineering
 - corporate overheads and on-costs
 - remuneration costs of employees [(except to the extent stated for Stream 3)]
- purchase, lease or hire of capital equipment relating to the Applicant's core business
- movable / portable furnishings, supplies and related items
- raising of buildings and relocation costs
- costs associated with preparing the Application
- official opening expenses
- maintenance or operational costs associated with the Project
- costs primarily related to marketing, advertising or promotion
- Project activities that have received funding through other SEQ City Deal commitments, unless otherwise approved or agreed between deal partners
- any other costs determined by the State to be Ineligible Project Costs.

3. How to apply

3.1. Key dates

Key dates will be published on the Fund's website [A more liveable SEQ | State Development, Infrastructure, Local Government and Planning](#).

All dates are indicative and any changes to dates will be noted on the Fund website and communicated to eligible local governments. Eligible Local Governments should check the Fund website for updates.

3.2. EOI process

Applicants submitting an EOI will be required to complete an EOI Form and submit it to the Department using the online grants system, SmartyGrants found at [SmartyGrants - SEQ Liveability Fund](#), before the identified closing date.

Before submitting an EOI Form, Applicants must ensure they have read and accept these Applicant Guidelines, including the terms and conditions.

Applicants will be notified in writing of the outcome of the assessment of their EOI, with the Applicants for shortlisted Projects invited to submit Detailed Applications.

The Department is under no obligation to allow an Applicant to change its EOI or provide any additional information. However, if an Applicant discovers an error after submitting its EOI please contact the Department immediately. See section 8 of these Applicant Guidelines for contact information.

The Applicant's Chief Executive is responsible for ensuring that the EOI is complete and accurate.

Where there are multiple, discrete projects that are not interdependent and could reasonably be delivered separately, a separate EOI should be lodged in respect of each Project.

Where a project is not successful through the EOI process, the Council will be provided opportunity to resubmit alternative proposals.

3.3. Detailed Application process

Applicants invited to submit a Detailed Application will be required to complete a Detailed Application Form and submit it to the Department using the online grants system, SmartyGrants, before the identified closing date.

Applicants must ensure they have:

- included any identified supporting documentation (evidence) that supports statements made in the Detailed Application (unless web addresses are provided in responses);
- included all required documentation as identified in section 3.3.1 of these Applicant Guidelines, noting the project plan and cashflow forecast must use the Department's templates (or similar format) provided with the application form; and
- read and accept these Applicant Guidelines, including the terms and conditions, prior to submitting the Application.

Applicants will be notified in writing of the outcome of the assessment of their Detailed Application.

Where a project is not successful through the Detailed Application process, the Council will be provided opportunity to resubmit revised or alternative proposals.

Detailed Applications and all required supporting documentation must be received by the identified closing date.

The Department is under no obligation to allow an Applicant to change its Detailed Application or provide any additional information. However, if an Applicant discovers an error after submitting its Detailed Application, please contact the Department immediately. See section 8 of these Applicant Guidelines for contact information.

The Applicant's Chief Executive is responsible for ensuring that the Detailed Application is complete and accurate.

3.3.1. Required documentation

At the Detailed Application stage, Eligible Projects must be supported by the following documentation:

South East Queensland (SEQ) Liveability Fund

- Concept design reflective of current project stage or detailed design
- Project Plan using the template provided on the Fund’s website or similar format
- Cashflow forecast using the template provided on the Fund’s website or similar format
- Evidence of community consultation/engagement, including demonstration that due consideration has been given to community stakeholder feedback
- Project Partnership agreements, if applicable
- The Applicant’s Asset Management Plan.
- Other documentation and information which may be reasonably required at the Detailed Application stage.

3.3.2. Questions

A list of Frequently Asked Questions (FAQ) will be available once the round opens to assist with preparation of Applications.

Questions and responses to questions asked after the fund opens will be added to the FAQ. The State may in its discretion determine not to publish questions and responses where they are Application specific or do not have general relevance. Applicants should check the FAQ for updates prior to submitting their Application.

The Australian and Queensland Governments are not able to directly assist in the preparation of Applications.

4. How will Applications be assessed?

4.1. Assessment Criteria

4.1.1. EOI

The EOI stage will identify projects suitable to progress to the Detailed Application stage.

The focus of assessment at the EOI stage is to confirm:

- the eligibility of both the Applicant and the Project
- the alignment of the Project against the Fund’s objectives. Projects must align to at least one of the first three objectives in section 1.2.

4.1.2. Detailed Application

Detailed Applications from Eligible Local Governments for Eligible Projects will be assessed against the following criteria to determine the relative merit of each Project.

Assessment Criteria
<p>1. Project alignment with the Fund’s objectives and key underpinning priorities, initiatives, and strategies</p> <p>The Application demonstrates how the Project will:</p> <ul style="list-style-type: none">• Improve access to quality public open spaces and the natural environment; or• Improve access to Community Infrastructure that promotes health and wellbeing, belonging or cultural diversity; or• Deliver Community Infrastructure that complements new housing supply or urban renewal, <p>and</p> <ul style="list-style-type: none">• Meet the wider SEQ City Deal vision and outcomes including to support local businesses and job creation and maximising opportunities for First Nations people; and

Assessment Criteria
<ul style="list-style-type: none">Align with the key Australian Government, Queensland Government and Local Government priorities, initiatives, and strategies that underpin the objectives of the Fund (including considering opportunities to support economic outcomes for First Nations people).
2. Project delivery The Application demonstrates: <ul style="list-style-type: none">The Project's ability to be delivered within the identified budget and timeframes.The extent to which the Project has stakeholder and community support.The consideration and, where possible, incorporation of any recycled materials in the Project's delivery.The consideration of disaster mitigation and resilience measures in the Project's design and construction.The Applicant, its Project Partners (if relevant), and preferred contractors/consultants, have the capacity, capability and track record to deliver the Project within the identified budget and timeframes.There are adequate financing arrangements in place to complete and deliver the Project.
3. Project Benefits and value for money The Application demonstrates the Project will: <ul style="list-style-type: none">Provide direct and indirect Benefits for the Local Government Area.Support local business and create employment and economic development opportunities, including for First Nations peoples.Provide value for money including the efficient use of resources.

4.2. Assessment and approval process

4.2.1. EOI

The assessment of EOIs will be undertaken as follows:

- Confirmation of eligibility and alignment with the Fund's objectives – once EOIs have been received, they will be assessed for eligibility and alignment with the Fund's objectives.
The State may contact Applicants to clarify information provided in the EOI.
- Recommendations of projects – recommendations of projects suitable to progress to the Detailed Application stage will be considered by the SEQ City Deal Coordination and Implementation Committee and the SEQ City Deal Executive Board and approved by the SEQ City Deal Leadership Group.

4.2.2. Detailed Application

Detailed Applications will be assessed against the Assessment Criteria as set out in these Applicant Guidelines.

The process will be undertaken as follows:

- Eligibility check – once Detailed Applications have been received, they will be checked to ensure the Project continues to be eligible.
- Detailed Application – assessment of the Detailed Application against the Assessment Criteria and moderation of Detailed Applications will be coordinated by the Department. The assessment process may include consultation with other relevant Australian and Queensland Government agencies.

In conjunction with Detailed Applications being assessed against the Assessment Criteria, due diligence and probity checks may also be undertaken by the Department. Assessment and the level of due diligence undertaken will be commensurate with the quantum of assistance sought, the assessed risk of the Project,

the level to which the Project fulfills the Fund's objectives, and the potential Benefits of the proposed Project.

The State may contact Applicants during the assessment process to clarify information provided in the Detailed Application and/or request further information to enable an appropriate level of due diligence and probity assessment to be undertaken.

- (c) Selection and recommendation –Detailed Applications recommended for funding will be considered by the SEQ City Deal Coordination and Implementation Committee and approved by the SEQ City Deal Executive Board.

5. Conditions of funding

5.1. Funding arrangements

Successful Applicants will be required to execute a Project Funding Schedule under the Applicant's Head Funding Agreement with the State.

The Australian and Queensland Governments have no obligation to provide Project funding to an Applicant until a Project Funding Schedule has been properly executed by the Applicant and the State and the relevant conditions including any associated with the Federation Funding Agreement – Infrastructure Schedule (SEQ City Deal) have been satisfied.

An Applicant undertakes a Project(s) at its own risk. Any financial or other commitments in relation to a Project made by an Applicant (or Project Partner) prior to a Project Funding Agreement being properly entered into by the parties is at the sole risk of the Applicant (or Project Partner, as relevant).

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

Successful Applicants will also be required to:

- effect and maintain public liability, professional indemnity and other relevant insurances as required by the State. Such insurances must be affected with a reputable insurer that is authorised to operate in Australia and is acceptable to the State.
- meet qualifications, accreditation, registration or checks relevant to the Approved Project, e.g., a Working with Children check or Working with Vulnerable People registration. These requirements will be identified in the Project Funding Agreement.
- Satisfy any other conditions which may be required by the State.

5.1.1. Payment of funding

Subject to the terms of the Project Funding Agreement, funding will be paid directly to the successful Applicant in arrears on satisfaction of milestone requirements and provision of:

- a valid tax invoice from the successful Applicant to the State for payment of the relevant milestone amount
- a Payment Claim and any relevant documentation that may be requested as evidence of expenditure on Eligible Project Costs.
- any documentation required to satisfy milestone requirements in the Project Funding Agreement.

Where there is a justifiable Project need, consideration may be given to paying an advance payment subject to the terms of the approved funding agreement.

5.2. Project savings

Funding will be provided to reimburse the successful Applicants for actual Eligible Project Costs of the Approved Project that have been incurred. If actual total Project costs at Project completion are less than the Estimated Total Project Cost (as identified in the Project Funding Agreement), the difference between these two amounts will be considered Project savings.

If an Approved Project has Co-Contributions from the Applicant or a third party, Project savings will be apportioned between the contributors and the Australian and Queensland Governments as per the ratio of the approved funds to the Estimated Total Project Cost. Approved funding for the Approved Project may therefore be reduced by the Australian and Queensland Governments by the amount of Project savings apportioned to the Fund. Should the Applicant have received milestone payments that exceed the relevant share of total Project costs after savings are apportioned, the Applicant will be required to refund the relevant amount to the Department.

In the instance of savings from an Approved Project these will be returned to the Fund and may be reallocated to other eligible projects.

5.3. Project evaluation

All Approved Projects will be monitored and evaluated by the Department to ensure the Fund is achieving its objectives.

Successful Applicants must comply with the reporting and audit obligations outlined in these Applicant Guidelines and the Project Funding Agreement.

5.3.1. Progress and completion reporting

The Project Funding Agreement will specify requirements for the submission of progress reports and a Project completion report. Templates for these reports will be provided by the Department. Project reporting will be required on a quarterly basis.

5.3.2. Project Benefits reporting

To fully capture how the Fund is enhancing Liveability, successful Applicants will be required to report on Project Benefits which may include economic and employment, social and environmental Benefits. Ongoing Benefits monitoring requirements following Project completion may also be required.

5.4. Funding acknowledgement

Applicants that are successful through the Fund will be required to appropriately acknowledge the State and Australian Government contributions to an Approved Project in the manner and form required by the State, including on signs, through the use of coats of arms and Queensland Government and Australian Government branding and logos, and on plaques affixed to hoarding and on new and refurbished buildings.

This includes acknowledgement of funding in all publicly made statements, website, other appropriate promotional materials and documentation.

Prior agreement must be reached with the State and the Australian Government about the nature and content of any events, announcements, promotional material or publicity and appropriate Australian Government and Queensland Government representatives will be invited to participate in opening ceremonies or similar events.

The relevant requirements will be set out in the SEQ City Deal Communications Protocol.

6. Communications

6.1. Communication with the media

All media enquiries or public announcements relating to the Fund will be coordinated and managed between deal partners and governed by the SEQ City Deal Communication Protocol. All media and communications about projects adhere to the SEQ City Deals Protocol.

6.2. Confidentiality

The Department will maintain controls in relation to the management of confidential information provided by Applicants and all internal documentation produced in relation to the administration of the Fund.

Applicants must keep confidential any dealings with the State about their Application, including any funding offered, but may make disclosures to advisors who are under an obligation of confidentiality or if required by law.

The State may disclose information, including confidential information, to the Australian Government in connection with the administration of the Fund or the assessment of Applications.

Each of the Australian Government and the State reserve the right to publicly disclose the names of Applicants, general information about projects and the funding provided and details about the anticipated economic outcomes and Benefits of the Project.

Each of the Australian Government and the State may also disclose any confidential information of, or provided by, the Applicant:

- if required to be disclosed by law;
- to its advisors, consultants and contractors;
- to any government agency.

6.3. Feedback

If an Applicant has any concerns about the outcome of their Application, they are invited to provide their feedback in writing by contacting the Department as follows:

Phone, online or in person through the [Queensland Government portal](#)

Email: complaints@dSDLGP.qld.gov.au

Correspondence:

Director, Ethics

Department of State Development, Infrastructure, Local Government and Planning

PO Box 15009, City East Qld 4002

An overview of the Department's compliments and complaints process is available: [Compliments and complaints](#)

7. Terms and conditions

7.1. Reservation of rights

The State reserves the right to administer the Fund and conduct the process for the assessment and approval of Applications in connection with the Fund in such manner as it thinks fit and to:

- (a) change the structure, procedures, nature, scope or timing of, or alter the terms of participation in, the process or overall Fund (including timeframes and submission and compliance of Applications);
- (b) consider or accept or refuse to consider or accept any Application which:
 - i. is lodged other than in accordance with these Applicant Guidelines;
 - ii. is lodged after the relevant closing date for lodgement;
 - iii. does not contain the information required by these Applicant Guidelines; or
 - iv. is otherwise non-conforming in any respect;
- (c) vary or amend the eligibility criteria or Assessment Criteria set out in these Applicant Guidelines;
- (d) take into account any information from its own and other sources (including other government agencies or advisors);

- (e) accept or reject any Application, having regard to these Applicant Guidelines, the eligibility criteria and the Assessment Criteria or any other item, matter or thing which the State considers relevant, including the limitations on the funds available for the Fund;
- (f) give preference by allocating weighting to any one or more eligibility criteria or Assessment Criteria over the other;
- (g) seek clarifications or additional information from, or provide clarifications or additional information to, negotiate or deal with, or seek presentations or interviews from, any Applicant without doing or requiring the same from all or any of the other Applicants;
- (h) conduct due diligence investigations in respect of any Applicant and subject Applications to due diligence, technical, financial and economic appraisals;
- (i) require an Applicant to clarify or substantiate any claims, assumptions or commitment contained in an Application or provide any additional information;
- (j) terminate further participation of any Applicant in the Application process for the Fund for any reason;
- (k) terminate, suspend or reinstate the Fund or any process in the Fund;
- (l) not proceed with the Fund in the manner outlined in these Applicant Guidelines, or at all;
- (m) allow the withdrawal or addition of any applicant after the closing date; and
- (n) conduct negotiations with any one or more Applicants after Applications have been lodged.

Where, under these Applicant Guidelines, it is stated that the State may exercise a right or discretion or perform any act or omit to perform any act, then unless stated otherwise the State may do so at its sole and absolute discretion and will not be required to act, or be restrained from acting, in any way or for any reason nor to take into account the interests of any third party (including the Applicants).

If the State does exercise any of its rights under these Applicant Guidelines the State may inform any or all Applicants. The State will not, however, be under any obligation to do so.

7.2. Relationship

The State's obligations regarding the Application process are limited to those expressly stated in these Applicant Guidelines.

Subject to section 7.7 below, no contractual or legal relationship exists between the State and an Applicant in connection with the Fund, these Applicant Guidelines or the Application process or any stage of the Fund.

An Applicant, or its representatives:

- has no authority or power, and must not purport to have the authority or power to bind the State, or make representations on behalf of the State;
- must not hold itself out or engage in any conduct or make any representation which may suggest to any person that the Applicant is for any purpose an employee, agent, partner or joint venturer with the State; and
- must not represent to any person that the State or Australian Government has a role in relation to the Project other than as a potential funder, subject to the Application process and confidentiality obligations detailed in these Applicant Guidelines.

7.3. Participation at Applicant's cost

Each Applicant participates in the Fund at its own cost and risk.

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

- (a) any costs, expenses, losses or liabilities suffered or incurred by the Applicant in preparing and submitting its Application (including any amendments, requests for further information by the State, attendance at meetings or involvement in discussions) or otherwise in connection with the Fund;

- (b) the State at any time exercising or failing to exercise, in its absolute discretion, any rights it has under or in connection with the Fund; or
- (c) any of the matters or things relevant to its Application or the Fund in respect of which the Applicant must satisfy itself under these Applicant Guidelines.

Without limiting the foregoing, if the State cancels or varies the Fund at any time or does not select any Applicant following its assessment of the Applications, or does (or fails to do) any other thing referred to under clause 7.1 of these Applicant Guidelines, no Applicant will have any claim against the State arising from or in connection with any costs, expenses, losses or liabilities incurred by the Applicant in preparing and submitting its Application or otherwise in connection with or in relation to (whether directly or indirectly) the Fund.

7.4. Applicant to make own enquiries

These Applicant Guidelines have been prepared to give potential Applicants background information in relation to the Fund. These Applicant Guidelines do not, and do not purport to, contain all of the information that Applicants may require in reaching decisions in relation to whether or not to submit an Application. Applicants must form their own views as to what information is relevant to such decisions and obtain their own independent legal, financial, tax and other advice in relation to information in these Applicant Guidelines or otherwise made available to them during the Application process.

The State accepts no responsibility whether arising from negligence or otherwise (except a liability that cannot lawfully be excluded) for any reliance placed upon the information supplied by it in connection with the Fund or interpretations placed on the information by Applicants.

7.5. Intellectual property

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

The Applicant grants to the State (and will ensure that relevant third parties grant) a non-exclusive, irrevocable, royalty free, perpetual, sub-licensable licence to exercise the intellectual property rights in the Application for the purpose of assessing and making decisions about the Application and in administering the Fund.

7.6. Privacy

In this section, **Personal Information** has the meaning given to that term in the *Information Privacy Act 2009* (Qld).

Personal Information provided by Applicants may, in the course of and for the purposes of assessment of the Application, be disclosed to the State's associates (including other government agencies), advisors, consultants and contractors and project stakeholders. Personal Information may also be disclosed where required for purposes associated with undertaking assessment of the Application, including due diligence enquiries.

If any Applicant collects or has access to any Personal Information in connection with its Application or the Fund, the Applicant must comply, in relation to that Personal Information:

- (a) (as if it were the State) with Chapter 2 of the *Information Privacy Act 2009* (Qld), including the Privacy Principles;
- (b) with all applicable laws applying to the Applicant; and
- (c) with all reasonable directions of the State.

7.7. Acceptance

By submitting an Application, each Applicant:

- (a) warrants to the State that the information supplied in the Application, including its attachments and any information provided in connection with the Application, is true, complete, and accurate as at the date on

which it is submitted and is not by omission misleading and may be relied on by the State in determining whether or not to provide funding to the Applicant under the Fund;

- (b) undertakes to promptly notify the State if it becomes aware of any change in circumstances which causes the information contained in its Application to become inaccurate or incomplete in a material respect;
- (c) acknowledges that the State will rely on the above warranty and undertaking when evaluating the Application;
- (d) acknowledges that the State may elect to remove an Applicant or elect not to further consider an Application at any stage as a result of a material change to the information presented in an Application;
- (e) acknowledges that the State may suffer loss or damage if the Applicant breaches the above warranty and undertaking;
- (f) acknowledges that the Applicant has not received any guarantees or assurances that its Application will be approved by the State or that the State will provide any funding to it; and
- (g) acknowledges the terms and conditions on which any funding will be provided to a successful Applicant (subject to any substitute or additional terms and conditions required by the State, in its absolute discretion); and
- (h) is taken to have accepted these Applicant Guidelines, including these terms and conditions, and warrants that it will not breach these Applicant Guidelines or seek to bring any claim, of any kind whatsoever, against the State which is precluded by these Applicant Guidelines.

8. Contact details

For enquiries or assistance please contact the Department of State Development, Infrastructure, Local Government and Planning:

- Email: SEQLiveabilityFund@dasilgp.qld.gov.au

Or visit the website:

[A more liveable SEQ | State Development, Infrastructure, Local Government and Planning](#)

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