

Residential Activation Fund

Program Guidelines, Round 1

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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.

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Source number D25/3395

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1. Introduction

The Residential Activation Fund (Fund) is a pivotal component of the Securing Our Housing Foundations Plan and will provide funding for the critical infrastructure needed to kickstart housing developments across Queensland.

The Fund is dedicated to accelerating the delivery of critical trunk and essential infrastructure, such as water supply, sewerage, stormwater, power, telecommunications and transport which is fundamental to activating infill and greenfield housing projects, including new residential lots, new detached and attached homes. By addressing these infrastructure needs, the Fund ensures housing developments can proceed without delay, supporting the delivery of new homes for Queensland's growing population.

The Queensland Government will offer \$2 billion through the Fund with at least 50% of monies invested in outside of South East Queensland, across both regional, rural and remote Council areas.

Round 1 is focusing on projects that are ready to proceed now, and applications will be sought through two pathways:

- **Pathway 1 for Local Governments** is seeking:
 - detailed, costed submissions for trunk and essential infrastructure projects to facilitate residential housing development. The trunk and essential infrastructure project must commence construction within 12 months of a fully executed funding agreement and be completed within 3 years of a fully executed funding agreement.
 - detailed costed submissions for Specific Infrastructure Planning Projects from Local Governments outside SEQ that facilitate residential housing developments, with associated Trunk and Essential Infrastructure, that can commence within 3 months of a fully executed funding agreement.
- **Pathway 2 for Developers** is seeking:
 - detailed, costed submissions for trunk and essential infrastructure projects to facilitate residential housing development. The trunk and essential infrastructure project must commence construction within 12 months of a fully executed funding agreement and be completed within 3 years of a fully executed funding agreement.

Round 1 has funding available up to \$500 million.

Funding will be distributed through a competitive application and assessment process.

These Program Guidelines relate to Round 1 only. The Program Guidelines may be reviewed prior to future rounds. The Fund is administered by the Department of State Development, Infrastructure and Planning (the Department).

2. Objectives

The objectives of the Fund are to:

- a) Prioritise and invest in trunk and essential infrastructure to fast-track new homes to market
- b) Fund the expedited delivery of enabling infrastructure projects for developments that will accelerate housing supply
- c) Support local governments and developers in bringing forward planned and approved housing projects where access to funding for planned infrastructure is delaying delivery of new homes in both SEQ and regional, rural and remote Queensland.

The department reserves the right to alter the fund guidelines for future rounds based on feedback from earlier rounds.

3. Application requirements

3.1. Eligible and ineligible applicants

The mandatory eligibility requirements for applicants and projects are detailed in the sections below. Please refer to the Glossary at the end of these Program Guidelines for defined terms.

Please note that it is expected that where the provision of trunk infrastructure (as defined under the *Planning Act 2016*) is funded, neither the local government nor the developer will seek an infrastructure charge payment or refund that would otherwise be payable.

Table 1 Eligible Applicants and Ineligible Applicants

Eligible Applicants	Ineligible Applicants
<p>Pathway 1</p> <ul style="list-style-type: none"> » Be a Local Government constituted under the Local Government Act 2009 or the City of Brisbane Act 2010 	<p>Pathway 1 & 2</p> <ul style="list-style-type: none"> » Individuals, sole traders, unincorporated entities » Entities that are insolvent or under external administration, or whose directors seek to use the safe harbour against insolvent trading under the <i>Corporations Act 2001</i>. » Chambers of commerce, regional economic development organisations, remote area boards » Queensland or Federal Government agencies or entities » Economic Development Queensland » For Pathway 1, a Developer. » Utility providers, unless in support of a local government or developer or landowner in a consortium arrangement.
<p>Pathway 2</p> <ul style="list-style-type: none"> » Be a developer or landowner with a company registered in Australia with: <ul style="list-style-type: none"> ○ Development approval for a residential development in Queensland necessitating trunk and essential infrastructure. 	

3.2. Eligible projects and ineligible projects

Table 2 Eligible Projects and Ineligible Projects

Eligible Projects	Ineligible Projects ¹
<p>Pathway 1 & 2</p> <ul style="list-style-type: none"> » Construction of trunk and essential Infrastructure required for a Residential Housing Development(s) (including residential lots, houses, units, build-to-rent, retirement living, land lease) OR as specified under Pathway 1 below. » Must align with the program objectives » Be seeking funding to cover Eligible Project Costs. » Be for infill and/or greenfield developments » Have secured sufficient funding to fund all project costs over and above the funding sought through this grant program » Must have detailed designs, recent costings and evidence to demonstrate the infrastructure is necessary but underfunded or that there is unreasonable delay in which the cost of the infrastructure can be funded. » Must commence construction within 12 months of a Project Funding Agreement being executed with the State. » The Applicant, Local Government or Consortium member (refer Section 3.3 below) must own the project site and have no outstanding land tenure issues (including native title) to resolve at the time of application. » Not be an ineligible project » Projects that have not commenced that are seeking co-contributions 	<p>Pathway 1 & 2</p> <ul style="list-style-type: none"> » Projects that have already commenced or been completed at the time of submission of the Application » Projects that are planned to commence prior to a Project Funding Agreement being executed with the State » Projects that only involve the repair, or routine or ongoing maintenance of existing infrastructure, that does not unlock additional housing supply » Projects without trunk or essential infrastructure » Projects for community facilities or parks (libraries, galleries, swimming pools, sports fields) » Projects that support non-residential development only » Projects for temporary infrastructure » Projects where infrastructure is fully funded by another local government, State government or federal program » Planning scheme strategy, a housing action plan or amendment to the planning scheme.
<p>Pathway 1 - Where a non-SEQ Local Government is an Applicant the Project:</p> <ul style="list-style-type: none"> » Be a Specific Infrastructure Planning Project to facilitate residential housing development(s), and includes: <ul style="list-style-type: none"> ○ Detailed design (including associated supporting documentation) for trunk and essential infrastructure for a residential housing development or part thereof » Must be located in the relevant Local Government area 	

Eligible Projects

- » Must be identified and documented within the Local Government Infrastructure Plan (if available), or capital works program or Council budget documents (or similar), or other documentation demonstrating it is a priority for council.

Ineligible Projects¹

Pathway 2 – where a Developer or landowner is an applicant, the project:

- » Must be located in Queensland
- » Must have Development Approval (excluding preliminary approval) together with sufficient evidence to demonstrate it meets all criteria required in **Section 5.2 Assessment Criteria**
- » Infrastructure must be identified and documented within the Local Government Infrastructure Plan, or capital works program or Council budget documents (or similar), Development Charges and Offset Plan or Water NetServ Plan
- » Must have evidence of the conditioned infrastructure for the Development Approval or a letter of support provided by the relevant Local Government or Economic Development Queensland as planning authority and be to the satisfaction of the Department.
- » Concepts, feasibility and pre-feasibility studies and business cases

¹ The above list is not a definitive list of Ineligible Projects and consideration against the grant program objectives should be made in the first instance. If there is any doubt about Projects which may be considered Ineligible, please contact DSDIP.

Applications for Eligible Projects

- Eligible Applicants may seek funding for more than one project.
 - Each project requires a separate Application.
 - Where an applicant has multiple projects that are not interdependent and could reasonably be delivered separately, a separate application should be submitted for each project.
- Each Application must detail all items of Trunk and Essential Infrastructure conditioned or expected to be conditioned or needed as part of carrying out the approval.
- It is acknowledged that a project may seek funding for several items of conditioned or identified trunk infrastructure. Funding may be granted for all items or some items.
- If submitting more than one Application, Applicants must rank the preference of their applications, and they should consider their capability and capacity to lead and deliver multiple Projects at the same time.
- Infrastructure items should be costed, with evidence of costings obtained in the last 2 years for local governments and 12 months for all other eligible applicants and supported by design details.
- Applications must clearly detail any confirmed or proposed contributions to the project from the applicant or other contributors e.g. Commonwealth Government. Co-Contributions may be sought after projects are approved.

3.3. Consortium arrangements

- Eligible Applicants may collaborate with other parties as a Consortium to deliver eligible projects in Queensland.
- The Eligible Applicant must be the Project lead for Consortium members whose participation is required to deliver the Project.
- The Eligible Applicant must be able to demonstrate that the relevant Consortium members own or have sufficient rights to exercise the intellectual property rights necessary to undertake the Project.
- A satisfactory Consortium agreement or memorandum of understanding will be required, at the time of application, including arrangements for managing risks such as price inflation when dealing with consortium members.
- If the applicant is successful with a consortium arrangement in place the Eligible Applicant will enter into a Project Funding Agreement with the State and be responsible for managing the Project's delivery and the performance of consortium members.

3.4. Eligible project costs and ineligible project costs

Table 3 below outlines the expenditures the State considers as Eligible Project Costs and Ineligible Project Costs. These lists are not exhaustive, and other project costs will be assessed by the State on a case-by-case basis.

Table 3 Project Costs

Eligible Project Costs	Ineligible Projects Costs ¹
<p>Eligible Project Costs means:</p> <ul style="list-style-type: none"> » Project management costs, including remuneration of the Eligible Applicant’s technical, professional, and administrative staff for time directly related to managing the approved project works (excluding executive duties and overhead charges) » Purchase and installation of fixed plant and equipment required to fully commission the approved project » Reasonable construction costs integral to the Approved Project, including: <ul style="list-style-type: none"> » all site works required as part of construction ○ construction-related labour costs ○ construction materials and equipment hire. <p>For Specific Infrastructure Planning Projects only:</p> <ul style="list-style-type: none"> » professional third-party service provider fees for a planning project (excluding the service provider’s administrative or overhead costs) for delivery of the funded activity. 	<p>Ineligible Project Costs include:</p> <ul style="list-style-type: none"> » Costs incurred prior to the project start date identified in the signed Project Funding Agreement, including any otherwise eligible project costs » Detailed design, such as the production of final designs or equivalent for the approved project, unless produced as part of a Regional Queensland Local Government Planning project » Costs associated with the construction of residential dwellings » Costs for Trunk and Essential Infrastructure associated with the non-residential components of mixed use developments » Costs of conducting a tender for the approved works » Financing and legal expenses » Land purchase » Temporary works, other than those required to enable completion of the approved project » Official opening expenses » Ongoing costs for administration, operation, maintenance, engineering, leasing » Remuneration of employees for work not directly related to the approved project » Overhead charges for internal costs of the Eligible Applicant, such as stores, plant, and equipment » Vehicle purchasing » Vehicle leasing, unless directly required for construction (and only to that extent) » Repayment of existing debts and/or budget deficits » Any other costs determined by the State to be Ineligible Project Costs.

¹ The above list identifies the most common examples of Ineligible Project Costs and is not intended to be exhaustive. Other expenses not included in the above list will be considered by the State on a case-by-case basis.

3.5. Project funding

- The State will provide grant funding to successful applicants up to the approved amount for the approved Project.
- Approved funding may only be applied towards Eligible Project Costs for the Approved Project.
- Eligible Applicants are responsible for funding:
 - All Ineligible Project Costs
 - All project costs exceeding the State's contribution, notwithstanding funding pledged by Consortium members or by third-party contributors to the approved Project
 - All cost increases during the delivery of an approved Project
- A contingency of 30% of total project expenditure should be included in the estimated total project cost for all construction projects.
- The Project cost estimate should be current and not be more than 2 years old for local governments and not more than 12 months old for all other Eligible Applicants
- The Applicant may obtain funding from other cash reserves, equity, debt, or third-party contributors.
- In-kind expenditure is not considered part of the total project funding.
- It is acknowledged that an Application may seek funding for multiple items of conditioned or identified Trunk and Essential Infrastructure. If an Application is approved, funding may be granted for all items or some items.
- Evidence must be provided in the application that the Applicant has sufficient funding or has secured funding to deliver the estimated total project cost and associated housing.
- Conditions of funding will be commensurate with the size and risk of the project and:
 - A bank guarantee or other security may be required for the grant to ensure the housing/unit development is completed within 3-5 years of the completion of the Project (trunk infrastructure).

4. How to apply

4.1. Key dates

- Key dates will be published on the Residential Activation Fund website.
- All dates are indicative and any changes to dates will be noted on the Fund website.
- Applicants should check the Fund website for updates.

4.2. Completing the application

- Applicants must ensure they:
 - complete an Application Form and submit it to the department using the online grants system, SmartyGrants, using both the SmartyFile and Multifactor Authentication functions for accessibility and/or data security purposes
 - include any identified supporting documentation (evidence) that supports statements made in the Application (unless web addresses are provided in responses). Refer to section 4.3 for more information.
 - for developer applicants, provide a copy of the infrastructure charges notice applicable to the housing Development Approval
 - provide a letter of support from key parties, such as, all utility and communication providers for development (where applicable)
 - provide a copy of a Consortium agreement or memorandum of understanding, jointly signed by the Consortium members (where applicable)
 - include detailed Project delivery information and cashflow forecast, suitable to the department
 - provide the scope of the required works which includes the following:
 - the standard to which the required works are to be provided
 - the location of the required works
 - the quantity of the required works
 - the local government's design and construction requirements for the required works
 - provide the market cost of the required works, where a recalculated value of the works has been determined
 - provide the timing of any refund ordinarily payable by the local government, where a recalculated value of the works has been determined. If funding is approved, the refund will no longer be payable by the local government
 - provide a copy of any infrastructure agreement, whether in place or under negotiation, in relation to the delivery of the infrastructure items or the project site
 - provide the preferred rank of all applications, if submitting more than one Application. Please note that the department reserves the right to assign a different level of priority to each Application at its absolute discretion. Eligible Applicants must consider their capability and capacity to lead and deliver multiple Projects at the same time.
- The Applicant's Chief Executive or equivalent is responsible for ensuring that the Application is complete and accurate, and must read and accept these Program 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 Application.

4.3. Evidence and supporting information

- Eligible Applicants will be expected to provide substantive documentary evidence to support statements made in their Applications and may be asked to provide additional information to clarify or substantiate any claims made including information about or from Consortium members. Evidence should be directly relevant to the Project.
- For supporting evidence to be considered:
 - it should be properly referenced in responses provided with the Application
 - references to evidence should include the document name or attachment number, and the section or page numbers.
- Failure to properly reference supporting evidence may result in supporting evidence not being considered during assessment.
- For more information on using evidence to support an Application, please refer to the relevant guidance material provided by DSDIP.
- A *Guide to using evidence to support applications* is provided with the Application form – refer Section 4.4.

4.4. Questions

- Once the Fund opens for Applications, the following resources will be available on the Fund website <https://www.statedevelopment.qld.gov.au/residential-activation-fund>:
 - A list of Frequently Asked Questions (FAQ)
 - Application form - including an eligibility self-assessment and guidance notes
 - Guide to using evidence to support applications.
- If you have any questions after reading these resources, email RAFund@dsdip.qld.gov.au or telephone 07 3452 6882.

5. How will applications be assessed?

5.1. Assessment and approval process

Updates regarding timeframes will be provided on The Fund website.

- **Assessment Process** – this entails:
 - Eligibility confirmation – Applications will only proceed to assessment if both the Applicant and Project are assessed as eligible by the department
 - Assessment – the department will:
 - seek any additional information or clarifications on the application material
 - assess the Application against the Assessment Criteria to determine the relative merit of each Project
 - undertake due diligence and probity checks
 - consult with local government and/or utility providers in the case that the applicant is a developer or landowner, as required
 - consult with other relevant Queensland Government agencies or external specialists, as required.
- **Selection and recommendation** - for eligible applications the Committee will:
 - consider whether the Applications meet the Fund objectives and the outcome of assessment against the Assessment Criteria, and due diligence and probity checks
 - consider the level of Project risk in the context of broader considerations and
 - make the final recommendation to the Director-General (the delegated authority).
- **Approval** - on receipt of the recommendations, the delegated authority will consider and approve the Projects to receive allocations from the Fund.
- **Notification** - Successful Applicants will be advised by email and a letter of offer will be provided, along with detailed instructions on signing a Funding Agreement.

5.2. Assessment criteria

Once Eligibility is confirmed, Applications will be assessed against the Assessment Criteria set out in these Program Guidelines. Please note that confirmation of Eligibility does not guarantee an Application will be funded.

Applications from Eligible Applicants for Eligible Projects will be assessed against the following Assessment Criteria to determine the relative merit of each Project.

Guidance will be available throughout the application process, in the application form, the website and other supporting materials.

Assessment Criteria

1. Project delivery

For all non-planning projects, the Application demonstrates:

- » the development is construction ready – where detailed design and planning, building and operational works approvals are more advanced or completed, projects will be scored more favourably.

For all projects, the Application demonstrates:

- » project alignment with council plans (e.g. the Local Government Infrastructure Plan (where there is one) or the capital works program or Council budget (or similar))
- » alignment with the definition of trunk and essential infrastructure in this guideline
- » capacity, capability and track record to deliver the Project within the identified budget and timeframe
- » outline availability of resources and materials for the approved trunk infrastructure and housing development to meet the identified budget and timeframe
- » sufficiency, rationale and history of managing contingencies for similar projects
- » adequate financing arrangements to complete and deliver the housing Project.
- » The extent to which the Project has stakeholder and community support.

2. Addressing demand

For all projects, how well the Application demonstrates:

- » Clearly describes the extent of the housing shortage in the Local Government Area (LGA).
- » expressions of interest lists for purchasing land/housing at Project location
- » information on increased demand due to new industries being established in near Project location, etc.
- » the lack of the Trunk and Essential Infrastructure is a major impediment to activating residential housing development(s) and thereby contributing to the identified housing shortage
- » the Project is consistent with and supports objective and outcomes of local government housing strategies and plans (including Local Government Infrastructure Plan where applicable)
- » the Project will deliver 'construction ready' land and fast-track the construction of new homes.

3. Scale of benefit and value for money

The Application demonstrates:

- » how the Project directly or indirectly benefits the relevant or adjacent Local Government Area, including:
 - scale of benefit to fast-tracked housing supply within the local community

Assessment Criteria

- the impact of funding support – how funding will accelerate housing development, comparing scenarios with and without funding
 - how the costs associated with planning and the supply of the infrastructure present a barrier to the delivery of houses for Queenslanders.
 - » Financial co-contributions towards the project have been considered and where possible confirmed. Projects with confirmed financial co-contributions will be assessed more favourably.
 - » The number of residential dwellings that will be facilitated, and the accelerated timeframe for their construction, through delivery of the Project.
-

6. Conditions of funding

6.1. Funding arrangements

- Successful Applicants are required to execute a Project Funding Agreement with the State to access Project funding within three months of the funding approval.
- The State has no obligation to provide Project funding to an Applicant until a Project Funding Agreement has been properly executed by the Applicant and the State and the relevant conditions 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 Consortium member prior to a Project Funding Agreement being properly entered into by the parties, is at the sole risk of the Applicant.
- The Project Funding Agreement sets out the arrangements for payment of funding to a successful Applicant in accordance with a Milestone Schedule.
- Successful Applicants are required to effect and maintain public liability, professional indemnity and other relevant insurances with a reputable insurer, that is authorised to operate in Australia and is acceptable to the State.

6.2. Payment of funding

- Subject to the terms of the Project Funding Agreement, funding will be paid directly to the successful Applicant as outlined below:
 - 5% of the approved funding for the Approved Project will be paid upfront, upon successful execution of a Project Funding Agreement
 - 80% of the approved funding for the Approved Project, will be paid in arrears upon satisfaction of relevant conditions, including any milestones, and provision of:
 - a valid invoice from the successful Applicant to the State for payment of the relevant milestone amount
 - a Payment Claim Form 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.
 - 15% of the approved funding for the Approved Project, will be paid at Project Completion.

6.3. Project savings

- Funding will be provided to reimburse a successful Applicant for the 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 contributions from the Applicant or a third party, Project savings will be apportioned between the contributors and the State as per the ratio of the approved funds to the Estimated Total Project Cost.
- Should there be Project savings at the completion of the Project, the Recipient can claim an additional payment matching the calculated Project savings, contingent upon homes being constructed with certificate of occupancy, using the new trunk infrastructure, within 18 months of the final project completion payment.

6.4. Insurance

- Successful Applicants will be required, where relevant, to ensure the entity owning the Project Site and Project Infrastructure obtains and maintains the following insurances:
 - Public liability insurance for the amount of \$20,000,000 in respect of any individual claim
 - Workers' compensation insurance for the Recipient's employees in accordance with the Worker's Compensation and Rehabilitation Act 2003 (Qld)
 - General insurance in respect of all property (in which the successful Applicant has an insurable interest) for the full reinstatement value, that is used in connection with the Project, including all buildings, fixtures and fittings and contents, against all loss and damage caused by or resulting from accident, fire, theft, malicious damage or storms and any other insurable risk which property of a similar nature is commonly insured against
 - Professional indemnity insurance for the amount of \$10,000,000 covering the successful Applicant and its employees in respect of any individual claim if the successful Applicant is required to provide professional advice and services during the course, or as part, of the Project
 - If the successful Applicant engages any third party to provide professional services for the Project, that third party supplier must have appropriate professional indemnity insurance cover of a minimum of \$10,000,000 in respect of any one claim
 - Comprehensive contract works insurance that covers all development and construction works in connection with the Project for their full replacement and reinstatement value
 - Transit insurance for any plant and equipment purchased using the Project Funding for its full replacement value.
- In certain circumstances, the Department may, at its absolute discretion, agree to make minor amendments to the above insurance requirements.

6.5. Project evaluation

- The department will monitor and evaluate all Approved Projects to ensure the Fund meets its objectives.
- Successful Applicants must comply with reporting and audit requirements as outlined in these Program Guidelines and the Project Funding Agreement.

6.5.1. Progress and completion reporting

- The Project Funding Agreement will detail the requirements for:
 - Progress reports
 - A project completion report
 - A post-completion monitoring report, due six months after the Project is completed.
- Templates for these reports will be provided by the department.

6.5.2. Project benefits reporting

- To fully capture how the Fund is contributing to the delivery of critical infrastructure (water supply, stormwater, sewerage, power and transport) for new housing developments, successful Applicants will be required to report on Project Benefits which may include economic, social and environmental benefits.
- Ongoing Benefits monitoring requirements following Project completion may also be required.

6.6. Funding acknowledgement

- Applicants that are successful through the Fund will be required to appropriately acknowledge the contribution as advised by the department.
- This includes acknowledgement of funding in all publicly made statements, websites, other appropriate promotional materials and documentation.

6.7. Monitoring and evaluation

- The Fund will be continuously monitored and reviewed to ensure that the program effectively achieves its objectives.
- These Program Guidelines only apply to the current iteration of the Fund and may be updated, from time to time, to reflect future changes to the program.

7. Communications

7.1. Communication with the media

- All media enquiries or public announcements relating to the Fund will be coordinated and managed by the department's media team. Where possible, all media and communications about Approved Projects will be undertaken jointly with successful Applicants.
- Applicants are required to:
 - seek and obtain the department's approval before making public statements, or contacting or responding to the media, regarding successful or unsuccessful Applications through the Fund
 - provide the department with at least 28 business days prior to the proposed media event and
 - provide any proposed media or public statement to the department for approval at least ten business days prior to its release as well as making any changes or amendments to the form, content or manner reasonably requested by the department.

7.2. Confidentiality

- The department will maintain controls in relation to the management of confidential information provided by or on behalf of Applicants and all internal documentation produced in relation to the administration of the program.
- 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 reserves the right to publicly disclose the names of Applicants, general information about Projects, and the funding provided and details about the anticipated economic and other Benefits of the Approved Project to the State.
- The State may also disclose information, including confidential information of, or provided by, the Applicant:
 - to the extent required to undertake assessment and consideration of Applications in accordance with these Program Guidelines
 - if required to be disclosed by law
 - to its advisors, consultants and contractors
 - to any government agency.

8. Terms and conditions

8.1. Reservation of rights

The State reserves the right to administer the Residential Activation Fund and conduct the process for the assessment and approval of Applications in connection with the Fund in such manner as it thinks fit, including 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 Program Guidelines;
 - ii. is lodged after the relevant closing date for lodgement;
 - iii. does not contain the information required by these Program Guidelines; or
 - iv. is otherwise non-conforming in any respect;
- (c) vary or amend the eligibility criteria or Assessment Criteria set out in these Program 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 Program 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 Program 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 Program 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 Program Guidelines the State may inform any or all Applicants. The State will not, however, be under any obligation to do so.

8.2. Relationship

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

Subject to section 8.7 below, no contractual or legal relationship exists between the State and an Applicant in connection with the Fund these Program Guidelines or the Application.

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, 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 is a party to the proposed Project other than as a potential funder, subject to the Application process and confidentiality obligations detailed in these Program Guidelines.

8.3. 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 Program Guidelines.

Without limiting the foregoing, if the State cancels or varies the Fund at any time or does not approve any Application following its assessment of the Applications, or does (or fails to do) any other thing referred to under clause 8.1 of these Program 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.

8.4. Applicant to make own enquiries

These Program Guidelines have been prepared to give potential Applicants background information in relation to the Fund. These Program 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 Program 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.

8.5. 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.

8.6. 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 during the 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 Information Privacy Principles;
- (b) with all applicable laws applying to the Applicant; and
- (c) with all reasonable directions of the State.

8.7. 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) is taken to have accepted these Program Guidelines, including these terms and conditions, and warrants that it will not breach these Program Guidelines or seek to bring any claim, of any kind whatsoever, against the State which is precluded by these Program Guidelines.

9. Enquiries

Enquiries about the Fund can be directed to the department by telephone on 07 3452 6882 or email at RAFund@dsdip.qld.gov.au.

General information on the Fund is available at <https://www.statedevelopment.qld.gov.au/residential-activation-fund>.

Except as expressly permitted in these Program Guidelines, Applicants must not contact the State, its associates, any Queensland Government agency or any of the State's advisers with a view to providing or obtaining information in respect of any part of the assessment process, or their Application for their proposed Project or attempting to support or enhance their prospect of their Application being successful.

10. Feedback

Applicants are encouraged to provide feedback on the Fund or seek feedback on the outcome of their Application by contacting the department by email at RAFund@dsdip.qld.gov.au.

If an Applicant has any concerns about the department's handling of their Application, they are invited to raise their concerns by contacting the department as follows:

- Phone, online or in person through the [Queensland Government portal](#)
- Email: complaints@dsdilgp.qld.gov.au
- Correspondence:
Director, Ethics
Department of State Development, Infrastructure and Planning
PO Box 15009, City East Qld 4002

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

Glossary

Term	Definition
Applicant	An applicant for funding under the Residential Activation Fund.
Application	A submission to the State for funding from the Fund, including the application form and any supporting or additional information provided by the Applicant.
Approved Project	<p>The Project scope of works approved for funding and as defined in a Project Funding Agreement.</p> <p>The Approved Project may include trunk and essential infrastructure for specific stages of a development and should clearly stipulate this detail in the Application.</p> <p>For example: An application may be for Stage 2 and 3 of a 10-stage development.</p>
Assessment Criteria	The specific standards and requirements set out in these Program Guidelines, used to evaluate and score applications for funding.
Benefits	The measurable improvement resulting from the delivery of the Approved Project.
Consortium	A group of entities that agree to collaborate and deliver a Project. One member of the Consortium will lead the Project and will submit an Application, enter into the Contract and be responsible for managing all participant contributions (financial and otherwise) and the Project's delivery.
Construction Commencement	The beginning of physical construction activities on-site, and typically starts after all necessary approvals, permits, and pre-construction activities are completed.
Development Approval	<p>Includes a reconfiguration of a lot or development permit for material change of use, building work and/or operational works that has not lapsed or will not lapse in the next six months.</p> <p>Development Approval does not include preliminary approval where there is no development permit issued.</p>
DSDIP/the Department	The Queensland Department of State Development, Infrastructure and Planning
Eligible Applicant	An entity that meets the specified criteria for applying for funding under the program. Specific eligibility criteria are detailed in the relevant section of the Program Guidelines.
Eligible Project Costs	Expenses directly related to the successful completion of the Approved Project and may be reimbursed with approved grant program funds. Refer to the relevant section of the Program Guidelines, note this is not a comprehensive list.

Term	Definition
Fund/RAF	Residential Activation Fund
Estimated Total Project Cost	The complete projected expenditure required for the project's completion, including all eligible costs and a recommended contingency allowance. This total encompasses every financial aspect from the Project Start Date to final delivery, ensuring that the project can be completed within the allocated budget. The specific amount should be outlined in the application and approved by the department.
Ineligible Applicant	An entity that does not meet the requirements outlined in the section (Eligible and Ineligible Applicants) of these Program Guidelines.
Ineligible Project Costs	Expenses that are not eligible for funding under the grant program and will not be reimbursed with approved grant program funds. Refer to the relevant section of the Program Guidelines for examples.
LGA	Local Government Area
Program Guidelines	These Fund Program Guidelines, as updated periodically.
Project	The full scope of works identified in the application, starting from the Project Start Date to completion. This includes all relevant activities such as tendering, materials procurement, construction, and commissioning.
Project Funding Agreement	The formal agreement between a successful Applicant and the State, outlining the terms and conditions for the payment of grant funding.
Project Start Date	The anticipated date when project works are expected to commence, from which Eligible Project Costs may be reimbursed and includes pre-construction activities. Project works should not start before successful execution of a funding agreement.
Regional, rural and remote Queensland	Local Government Areas outside the South East Queensland Regional Plan.
SEQ	Boundary of the South East Queensland Regional Plan.
Specific Infrastructure Planning Project	<p>A Project being delivered by a non-SEQ local government to undertake infrastructure planning activities to facilitate activation of residential housing development and includes:</p> <ul style="list-style-type: none"> • detailed design of trunk and essential infrastructure for a residential housing development or part thereof. <p>Such projects do not include a planning scheme strategy, a housing action plan or amendment to the planning scheme.</p>

Term	Definition
State	The State of Queensland
Trunk and essential infrastructure	Infrastructure necessary to support multiple housing developments and may include infrastructure identified in a Local Government Infrastructure Plan, in a Council capital works program, NetServ or utilities plan, Development Charges and Offset Plan, Council budget document or similar. The infrastructure types may include power supply and connections, water supply, sewerage, stormwater or transport infrastructure necessary to support activation of new residential housing development. Proposals for park or land for community facilities will not be funded under Round 1.

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