

Innovation and Improvement Fund

Guidelines – Round 2

May 2018

The Department of State Development, Manufacturing, Infrastructure and Planning is responsible for driving the economic development program for Queensland by creating a diverse and thriving economy, and generating new jobs.

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Source number D17/200358

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1.0 Innovation and Improvement Fund

1.1 Overview

On 3 July 2017, the Planning Act 2016 replaced the Sustainable Planning Act 2009, as part of the Queensland Government's commitment to delivering planning reform across Queensland.

The State government is committed to supporting councils as they realise the benefits of the new planning system, and provide opportunities that will improve the overall performance of the planning system into the future.

The Innovation and Improvement Fund (**Fund**) has been established by the State government acting through the Department of State Development, Manufacturing, Infrastructure and Planning (department), to promote planning improvement and innovation across Queensland. It provides local governments with opportunities to explore and deliver planning innovation and improvement projects that will contribute to creating a better planning system for all Queenslanders.

The Guidelines apply to Round 2 only.

1.2 Fund Objectives

The Fund Objectives are to:

- ensure opportunities to improve the performance of the state's land use planning system are identified and maximised;
- support and enable councils to realise the benefits of the new planning system for their communities;
- enable councils to identify issues with their planning schemes and development assessment frameworks, and to develop and implement appropriate planning; policy or business process innovations and improvements that are fit for purpose; and
- assist councils to fulfil their planning obligations to their local communities in the most efficient, cost-effective and appropriate manner.

Improvements to the planning policy or function of a planning scheme through an innovative policy, practice, enhancement, or drafting method will be considered as a priority.

1.3 Who can apply for funding?

The Fund is only available to local government bodies constituted under the *Local*

Government Act 2009 and the *City of Brisbane Act 2010* (**Eligible local government body**). Eligible local government bodies can apply for funding individually, or in partnership with the following:

- other local government bodies
- regional organisations of councils.

When identifying an opportunity to innovate and improve, councils are highly encouraged to collaborate and partner with other councils, or procure the services of private sector practitioners and consultants. When funding is sought via a partnership with other councils, a lead council must be nominated to progress the application.

The lead council will be responsible for project delivery and acquittal of funds. Any partner councils and organisations associated with a project will need to be identified in the application. Local governments, as the applicants and recipients of funding, will be the primary beneficiaries of the project.

1.4 How will the funding be made available?

The Fund is being distributed in a series of offer rounds. Round 1 was open from March to May 2017, and received substantial interest from councils. Funding was approved for 33 projects in round 1, benefiting 40 councils, and comprising \$2.55 million in funding.

Round 2 of the fund will commence with a pre-application period which will be open from 8 May 2018. During this period, applicants are encouraged to submit ideas and project concepts to the department for consideration and feedback. Although not mandatory, the pre-application process will provide potential applicants the opportunity to identify potential projects and share ideas that may have broader application or require further development, particularly through partnerships and collaborations with other councils.

Participation in the pre-application period must not be taken as an indication that an application will be approved. Each application (whether the applicant has participated in the pre-application period or not) must satisfy the Eligibility Criteria and will be assessed against the same Assessment Criteria as all other applications.

Following the pre-application stage, Round 2 will be open for applications for eight weeks, commencing on 4 June 2018 and closing 5:00pm AEST, 27 July 2018 (the **Offer Round Period**).

Any funding not allocated under a round may be deferred to future rounds. Funding available in each round is to remain flexible and will be reviewed at each offer round, to allow for changing state and local government priorities.

Projects submitted for funding under Round 2 must be ready to commence within three months from the date of execution of a funding agreement. Funding may be withdrawn from projects that have not commenced by that time.

Successful applicants will have up to 12 months from the date of execution of a funding agreement to complete the approved project. Additional delivery time may be considered and approved in exceptional circumstances. Applications for projects not capable of being commenced and delivered within this timeframe are encouraged to be submitted in subsequent offer rounds.

During and following the offer round, the department intends to work with councils to maximise the innovations and improvements to be realised from their projects. Where a local government has delivered and completed an exemplar project in accordance with the relevant funding agreement, the department may choose to work with the relevant local council to expand the project outside of the parameters of the Fund and these Guidelines in order to benefit other local councils in Queensland and the overall planning system. The department may choose to do this in its absolute discretion.

2.0 Applications and Assessment

2.1 How will applications be assessed and approved?

Eligible local government bodies, collaborating local governments and regional organisations of local governments are invited to submit an application for project funding during the Offer Round Period.

Application assessments will be conducted in accordance with these guidelines. Applications meeting eligibility criteria may be asked to provide additional information as part of the assessment of applications.

A fund reference group, comprising representatives of the Local Government Association of Queensland, Planning Institute of Australia, and the Council of Mayors South East Queensland (**Fund Reference Group**) will review applications and provide advice to the Minister for State Development, Manufacturing, Infrastructure and Planning.

The Fund Reference Group will:

- assess applications in accordance with the Assessment Criteria;
- make recommendations to the Minister regarding the eligibility and merits of the application against the assessment criteria.

The Minister will:

- consider the recommendations, and other factors that are relevant (if any) in making a decision regarding the application;
- approve successful applications for funding based on the recommendations of the assessors from their independent assessment and taking into account the funding available and department objectives;
- notify applicants, in writing, of the outcome of their application within 28 days of the finalisation of the assessment.

The Minister has no obligation to consider applications made after a funding round has closed.

All applicants will be advised of the outcomes.

The Minister's decision in relation to the allocation of funding is final. If, however, an applicant believes the assessment process outlined in these guidelines has not been adhered to, a formal complaint may be submitted to the department via the

department's website: <https://www.statedevelopment.qld.gov.au/contact-us/feedback-compliments-and-complaints.html>

2.1 Eligibility Criteria

To be eligible for funding:

- an applicant must be an Eligible local government body;
- the project must be consistent with the Fund Objectives;
- the project must be able to be completed within 12 months from the funding agreement being executed;
- the request for funding must not seek funding for Ineligible Projects and Costs;
- the project must not have commenced prior to the execution of the funding agreement.

2.2 Assessment Criteria

If an application meets the Eligibility Criteria and contains all information (including supporting information) identified in these Guidelines and the application form, the application will be assessed against the following:

Criteria theme	Description
Improvements to the planning policy or function of a planning scheme through an innovative policy, practice, enhancement, or drafting method.	<ul style="list-style-type: none">• The extent to which the council's proposal will deliver planning scheme innovations and improvements, demonstrating how the project:<ul style="list-style-type: none">– improves the interactivity, accessibility, engagement and understanding of the planning system and the council's planning scheme for the community and its customers– improves clarity of the scheme and its operation to ensure that the scheme provides a consistent and coherent framework from the strategic outcomes through to specific development assessment requirements– modifies a planning scheme to ensure development is not subject to unnecessary and complicated development assessment processes.
Increased technological and planning innovation in councils planning system and related business practices.	<ul style="list-style-type: none">• The extent to which the proposal will:<ul style="list-style-type: none">– result in the implementation of an innovative business practice which effectively resolves an identified issue or problem in a council planning system or practices and– introduce new or enhance existing council information technology systems (such as public access to documents, information and services; or better explanation of the planning system), such that it improves the community's understanding of the

Criteria theme	Description
	operation and application of the planning system and the council's planning scheme.
Innovations and improvements to development assessment systems, business practices and processes.	<ul style="list-style-type: none"> The extent to which development assessment processes will be refined and streamlined so that a council can achieve development outcomes more efficiently, transparently and effectively.
Information and spatial system innovations and improvements	<ul style="list-style-type: none"> The extent to which a significant contribution would be made to ensure accurate, reliable, and up-to-date spatial data is available for the local government area.
Innovativeness	<ul style="list-style-type: none"> Demonstrate how the project proposal will deliver a different way of addressing the current situation. Demonstrate how the application of new knowledge, technologies or processes can deliver improved efficiencies, effectiveness or quality of outcomes for the local government, community and industry.
Project benefits – local government	<ul style="list-style-type: none"> Demonstrate how the project directly benefits the local government, preferably in qualitative and quantitative terms.
Project benefits – industry and community	<ul style="list-style-type: none"> Identify, in quantitative and qualitative terms, how the project will benefit the community and regional economy in relation to: <ul style="list-style-type: none"> the number of jobs supported broader economic development improved community planning outcomes.
Value for money	<ul style="list-style-type: none"> Demonstrate value for money in terms of costs versus benefits. Demonstrate that delivery of the project is feasible. If relevant, demonstrate the sustainability of the project in terms of the council's commitment and ability to fund the ongoing operation and maintenance of the project, including any co-contribution proposals.
Benefit transference – can it be scaled or replicated?	<ul style="list-style-type: none"> Demonstrate an ability to be used as a model for other councils to learn from, adopt or adapt. May be focussed on a single local government area but potential benefits to other local government areas should be identified and described.
State, regional and local	<ul style="list-style-type: none"> Describe the extent to which a project will achieve positive

Criteria theme	Description
development benefits from the implementation of a planning innovation and improvement.	state, regional and local level development and economic, environment and social outcomes.
Project demand and proposed solution	<ul style="list-style-type: none"> • Demonstrate the need or opportunity the project will address; and the effect the project will have, on the community. • Demonstrate how the project will address the need or opportunity, and how and why the project was selected as the most appropriate response to the need or opportunity.
Project ownership	<ul style="list-style-type: none"> • Demonstrate how ownership of the project that is the subject of the funding will be held by and remain with the lead council and/or partner councils (including its deliverables, outputs and any related intellectual property).
General	<ul style="list-style-type: none"> • Other general matters that will be considered when assessing applications including: <ul style="list-style-type: none"> – risk management – financial soundness – the project's eligibility and strategic merit – project readiness – the local government's experience in delivering similar projects and current position to do so.

2.3 Ineligible projects and costs

Funding cannot be sought under the fund for ineligible projects. The following list is not intended to be exhaustive. Applicants are encouraged to contact the department to discuss project eligibility.

Ineligible projects, costs and applications include:

- projects already funded under other state or federal grants programs
- projects that are not related to the planning framework, such as:
 - local government internal administrative processes
 - procedures or matters pertaining to other functions of local government such as rating or land management
- applications that seek funding for work already undertaken or underway prior to executing a funding agreement
- capital works, land acquisition and associated costs, vehicle purchasing or leasing, furnishings, supplies and core business capital equipment
- staffing and project costs (including remuneration of executive officers) of a

recurrent or ongoing nature that cannot be accounted for against the proposed project, or which occurred prior to the relevant fund offer round

- projects proposed by non-eligible applicants
- projects that are delivered by a third-party consultant for a lead council, where the ownership of any deliverable (including intellectual property of any aspect of the project) is not retained by the lead council
- projects that are intended to enable the applicant (including the lead council or members of any consortium) to operate a business in competition with the private sector
- projects that will primarily benefit or remain in the ownership of a commercial entity, including members of any applicant consortium.

3.0 Funding of projects

Successful applicants and the delivery of their approved projects will be subject to a funding agreement with the department. In the event that a group of local governments or a regional organisation of local governments is the applicant, the lead council will be required to execute the deed.

The deed covers matters such as project timeline and deliverables, probity, reporting, acquittal, benefit certification, acknowledgement of funding, intellectual property right and confidentiality requirements. This deed will be established with successful applicants following approval of the application.

Successful applicants must provide monthly project updates to the department, and on completion, prepare and submit a final project report certifying project benefits achieved, including identifying and quantifying project benefits and successes. This reporting assists the department to monitor projects as they progress, provide timely guidance as issues arise, and compile and measure the performance of each project and the overall funding round.

In no event will the final terms and conditions of the funding agreement be deemed to have been agreed between the parties, or will the State be obliged to provide funding to an applicant, until such time as the funding agreement has been executed by all relevant parties.

3.1 Funding agreements

Successful applicants will be required to enter into a funding agreement with the department within three months of notification of funding approval. The agreement will contain clauses including the following:

- confirmation of approved funding and details of any co-contribution proposed by the applicant (if relevant);
- timeframes for the delivery of projects and conditions related to a payment schedule of approved funding;
- establishment of project performance and reporting requirements related to project activities and deliverables, to be provided to the department within one month of the

execution of funding agreement, in an initial project management plan (PMP) for approval by the department;

- establishment of project monitoring requirements, including monthly reporting to the department, final project completion reporting and project benefits reporting requirements;
- requirements in relation to the department's and applicant's use, replication, and transferability of relevant aspects of the project to assist other councils;
- the necessity to acknowledge funding from the department, in accordance with the department's funding acknowledgement guide;
- other obligations and responsibilities of the applicant.

4.0 How do eligible applicants apply?

The Round 2 pre-application period will be open from 8 May 2018. During this period, applicants are encouraged to submit ideas and project concepts to the department for consideration and feedback.

Round 2 applications will open for 8 weeks, commencing on 4 June 2018 and closing 5:00pm AEST 27 July 2018 (the Offer Round Period). The department website where applications can be made is set out below.

An applicant should:

- use the pre-application period to contact the department and submit ideas and project concepts, in preparation for the commencement of the round 2 Offer Round Period;
- ensure their application provides responses to all fields in the funding application lodgement template;
- lodge their application and supporting material using the Fund lodgement portal, available from the Fund website;
- submit their application during the Offer Round Period.

For more information on the Fund or to make an application, visit

<https://planning.dsdmip.qld.gov.au/planning/our-planning-system/supporting-innovation-and-improvement> where you will find:

- the Guidelines (current and previous rounds);
- the Fund application lodgement template form;
- a link to the Fund application lodgement portal;
- project reporting documentation templates for approved projects.

5.0 General

5.1 Reservation of Rights

Notwithstanding any provision of these Guidelines to the contrary, the department reserves the right to administer the Fund and conduct the process for the assessment and selection of applicants in connection with the Fund in such manner as it thinks fit, in its absolute discretion.

Without limiting the foregoing, the department reserves the right, in its absolute discretion and at any time (including after the closing date), to:

- change the structure, procedures, nature, scope or timing of, or alter the terms of participation in the process or overall Fund (including timeframes and compliance of applications)
- vary or amend the Eligibility Criteria or Assessment Criteria set out in these Guidelines
- take into account any information from its own and other sources (including other government agencies or other advisors)
- accept or reject any application, having regard to these Guidelines, the Eligibility Criteria and/or Assessment Criteria or any other item, matter or thing which the department considers relevant, including the limitations on the funds available for the Fund
- give preference to any one or more of the Eligibility Criteria or Assessment Criteria over other criteria
- seek clarifications or request additional information from any applicant at any stage
- conduct due diligence investigations in respect of any applicant and subject applications to due diligence, technical, financial and economic appraisals
- require an applicant to clarify or substantiate any claims, assumptions or commitment contained in an application or provide any additional information
- terminate further participation in the application process by any applicant
- terminate or reinstate the Fund or any process in the Fund
- not proceed with the Fund in the manner outlined in these Guidelines, or at all
- allow the withdrawal or addition of any applicant
- conduct negotiations with any one or more applicants after the applications have been lodged
- agree to terms for the delivery of the Fund that are different from those contained in these Guidelines
- publish the names of applicants and shortlisted applicants
- take such other action as it considers in its absolute discretion appropriate in relation to the Fund process.

Where, under these Guidelines, it is stated that the department may exercise a right or discretion or perform any act or omit to perform any act, then unless stated otherwise the department 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 department does exercise any of its rights under this clause (or elsewhere under these guidelines) the department may inform any or all applicants. The department will not, however, be under any obligation to do so.

5.2 Communication with media

All communications between the department and applicants, including funding agreements, are commercial-in confidence. All media enquiries or public announcements relating to the Fund will be coordinated and handled by the department's media team. Where possible, all media and communications will be undertaken jointly with successful applicants.

Applicants must not make any public statements in relation to this process, the Fund, or any other matter referred to in these Guidelines without the prior written consent of the department.

5.3 Confidentiality

The Queensland Government collects and collates information from the application form and supporting documentation to evaluate applications to the Fund. Only authorised State officers and approved assessors have access to this information.

The Queensland Government will maintain strict controls in relation to the management of commercial information provided by applicants and all internal documentation produced in relation to the administration of the Fund.

An applicant's personal financial and other information will not be disclosed to any other third party without consent, unless required by law or for the purposes of the *Information Privacy Act 2009*.

The overall quantum and timing of funding provided under the Fund, as well as the successful applicant's name and a brief description of the services provided, will be made public.

Non-public details of the funding support will be treated as confidential and commercial-in-confidence and are not to be released to third parties by successful applicants or the department as a condition of any offer made under the Fund.

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

The provisions of the *Right to Information Act 2009* apply to documents in the possession of the Queensland Government.

5.4 Regulatory requirements

Payments under the Fund are conditional on the funding recipient observing all relevant laws and Queensland and Australian Government policies. The Fund provides funding assistance only and does not relieve a funding recipient from:

- a) performing or observing all conditions and duties that may apply to the works under any act, law or regulation
- b) having due regard to any relevant Queensland and Australian Government policies.

5.5 Disclaimer

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

There may also be other information or documents in the knowledge or possession of the department which are relevant to the Fund but are not disclosed by the department. The department accepts no responsibility or liability whether arising from negligence or otherwise (except a liability that cannot lawfully be excluded) for any failure to provide the information or documents nor does the department have any obligation to notify an applicant (or provide further information to an applicant) if it becomes aware of any inaccuracy, incompleteness or change which may affect the Information.

To the extent the department is not the author or source of any document provided to an applicant, they merely pass that document on to the applicant and do not adopt the content of it.

The intentions set out in the Information may change at any time without notice. The risk, responsibility and liability connected with an application is solely that of each applicant.

5.6 GST

Grant amounts awarded to successful applicants are expressed to be exclusive of GST. The department does not provide advice on tax and recommends applicants seek independent professional advice on their tax obligations.

5.7 No Relationship

The department's obligations regarding the application process are limited to those expressly stated in these Guidelines.

In submitting its application, the applicant acknowledges and agrees that it is bound by these Guidelines, including the terms and conditions, and warrants for the benefit of the department it will not breach these Guidelines or seek to bring any claim, of any kind whatsoever, against the department which is precluded by these Guidelines.

Subject to this section, no contractual or legal relationship otherwise exists between the department and an applicant in connection with these Guidelines, application process, the Fund or any further stages of the overall process.

An applicant, or its representatives:

- a) has no authority or power, and must not purport to have the authority or power to bind the department, or make representations on behalf of the department
- b) 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 department
- c) must not represent to any person that the department supports any infrastructure project or projects to which the activity relates.

5.8 No Action

To the extent permitted by law, no applicant will have any claim of any kind whatsoever against the department (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 department, attendance at meetings or involvement in discussions) or otherwise in connection with the Fund
- b) the department 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 Guidelines.

Without limiting the foregoing, if the department cancels or varies the Fund at any time or does not select or shortlist any applicant following its assessment of the applications, or does (or fails to do) any other thing referred to in these Guidelines, no applicant will have any claim against the department 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.

5.9 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 element of an application considered to contain any intellectual property rights should be clearly identified by the applicant.

The applicant grants to the department (and will ensure that relevant third parties grant) a non-exclusive, irrevocable licence to use and reproduce the intellectual property for the purpose of administering the Fund.

5.10 Non-exhaustive

These Guidelines have been prepared to give potential applicants background information in relation to the Fund. These Guidelines do not, and do not purport to, comprehensively describe the scope of the Fund or 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.

Applicants must make their own independent investigations of the information contained or referred to in these guidelines and their own appraisal of the opportunity to participate in the Fund. Applicants must obtain their own independent legal, financial, tax and other advice in relation to information in these Guidelines or otherwise made available to them during the application process.

5.11 Acceptance

By submitting an application, each applicant:

- a) warrants to the department that the information contained in its application is accurate and complete as at the date on which it is submitted and not by omission misleading, and may be relied on by the department in determining whether or not to select the applicant for the Fund
- b) undertakes to promptly advise the department 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 department will rely on the above warranty and undertaking when evaluating the application
- d) acknowledges that the department may elect to remove an applicant at any stage as a result of material changes to the information presented in its application
- e) acknowledges that the department may suffer loss or damage if the applicant breaches the above warranty and undertaking
- f) is taken to have accepted these Guidelines.

5.12 More information

For more information about the Fund:

- call the Fund management team on 07 3452 7192 or 13 QGOV (13 74 68)
- email any questions or enquiries to: innovationfund@dsdmip.qld.gov.au
- contact your local regional office. Visit our website for details.

6.0 Glossary of terms

Fund Objectives are the objectives set out in section 1.2 of these Guidelines.

Offer Round Period means the time period set out in section 1.4 of these Guidelines.

Eligibility Criteria means the criteria set out in section 2.1 of these Guidelines.

Assessment Criteria means the criteria set out in section 2.2 of these Guidelines.

Guidelines means these Innovation and Improvement Fund Guidelines – Round 2.

Ineligible Projects and Costs means those listed in section 2.3 of these Guidelines.

