

July 2024

Central-West Orana Renewable Energy Zone – Legacy Infrastructure Fund Grant Guidelines

Table of Contents

1. Background	4
1.1 Community and Employment Benefit Program	4
1.2 Who is responsible for administering the Program?	4
1.3 Program funding	5
1.4 Program funding streams	5
1.5 Community or employment benefits	5
1.6 Community consultation	6
2. The Legacy Infrastructure Fund	7
3. Contact Details	7
4. Key Dates	7
5. Funding Information	8
5.1 Grant Amounts	8
5.2 Co-Contributions	8
5.3 Unspent Funds	8
6. How to Apply	9
7. Eligibility	9
7.1 Eligible Applicants	9
7.2 Eligible Projects	10
7.3 Ineligible Projects	11
7.4 Eligible Project Locations	11
7.5 Eligible Project Costs	11
7.6 Ineligible Project Costs	12
7.7 Inclusion and Accessibility	12
8. Assessment	12
8.1 Eligibility Assessment	13
8.2 Merit Assessment	13
8.3 Merit Assessment Criteria	13
8.4 Grant Assessment Panel and Recommendation	15
8.5 Decision Making	16
8.6 Probity Advice	16
9. Successful Applications	16
9.1 Notification and Announcement	16

9.2	Funding Agreement.....	16
9.3	Confidentiality	17
9.4	Variations	17
9.5	Taxation.....	17
9.6	Evaluation and audit.....	17
10.	Unsuccessful Applications	17
11.	Additional Information.....	18
11.1	Getting Support.....	18
11.2	Complaints.....	18
11.3	Government Information (Public Access) Act 2009	18
11.4	Ethical Conduct	18
11.5	NSW Government Rights	19
11.6	Intellectual Property.....	19
11.7	Publicity and announcements.....	19
11.8	No Offer.....	20
11.9	Addenda	20
11.10	Disclaimer	20
12.	Glossary	21

1. Background

The Central-West Orana Renewable Energy Zone (REZ) **Community and Employment Benefit Program** (the Program) will invest millions of dollars into regional communities that host the required infrastructure to enable the renewable energy transition. It is about making a serious contribution to the prosperity of regional communities over time.

The NSW Electricity Infrastructure Roadmap (the Roadmap) is the NSW Government's plan to transition the NSW electricity system into one that is cheap, clean and reliable. The Roadmap aims to achieve 12 gigawatts (GW) of renewable energy generation and 2 GW of storage by 2030, as well as net zero emissions by 2050. The Roadmap is enabled by the *Electricity Infrastructure Investment Act 2020* (EII Act) and the *Electricity Infrastructure Investment Regulation 2021* (EII Regulation).

The Roadmap and the EII Act identify the role of regional communities in the NSW energy transition, including hosting the new transmission lines, wind, solar, storage and related infrastructure. The EII Act and EII Regulation promote community and employment benefits alongside energy and infrastructure development in REZs in NSW.

1.1 Community and Employment Benefit Program

The Program has been established to share the benefits of the renewable energy transition with the local communities that will host the infrastructure and generation projects.

The Program will set out how the Energy Corporation of New South Wales (EnergyCo) will administer funding for community and employment purposes in accordance with the EII Act and EII Regulation and other statutory obligations, such as the *NSW Grants Administration Guide 2024*.

The objectives of the Program are to:

1. **Improve liveability** in regional communities by supporting better access to health services, housing and accommodation, telecommunication connectivity and other public services and infrastructure;
2. **Support regional economic development** through tourism programs and infrastructure and legacy projects that provide enduring benefits for host communities;
3. **Improve outcomes for First Nations people** by increasing capacity of First Nations organisations and providing additional services and infrastructure to support First Nations people;
4. **Improve community connection** by making it easier for people to access quality sport, recreation and other community facilities, as well as arts and cultural programs that bring people together;
5. **Improve and create local employment opportunities** through training and skills programs or infrastructure that increases the capacity of the local community to benefit from local employment opportunities; and
6. **Boost resilience and innovation** through community energy programs and environmental improvement programs.

1.2 Who is responsible for administering the Program?

EnergyCo is a statutory body constituted under the *Energy and Utilities Administration Act 1987*.

EnergyCo is responsible for coordinating the delivery of REZs in NSW and, in accordance with the

EI Act, EnergyCo has been appointed as the Infrastructure Planner for each of the five REZs that have been declared.

As the Infrastructure Planner, EnergyCo has a statutory function to administer, manage and make payments for community and employment benefits and to publish guidelines in relation to this function. The Program is a key part of EnergyCo's statutory function to foster community support for new energy infrastructure, invest in community projects, programs and services and to support skills, training and employment opportunities in accordance with the objects of the EI Act.

The Department of Primary Industries and Regional Development (DPIRD) will support EnergyCo in the administration, management, and payment of funds for community and employment benefits, particularly in the design of the program, provision of support to local communities to apply for funds and to manage those funds over time.

1.3 Program funding

In the Central-West Orana REZ, the Program is being forward funded by the NSW Government with a total of \$128 million allocated for community and employment benefits to 2028.

1.4 Program funding streams

There are four grant funding streams available under the Program to enable eligible activities that deliver community and employment purposes:

- **Local Community Fund:** open to not-for-profit community organisations, Local Aboriginal Land Councils, Aboriginal community organisations and local councils (where they are in partnership with or in support of a community project). It will fund projects that improve community amenity, increase community connection and boost resilience and innovation;
- **Local Community Small Grants:** open to not-for-profit community organisations, Local Aboriginal Land Councils, Aboriginal community organisations and local councils (where they are in partnership with or in support of a community project). It will fund small-scale activities, events, initiatives or projects that deliver benefits to the local community in the geographic area that forms the Central-West Orana REZ;
- **First Nations Fund:** open to Local Aboriginal Land Councils and not-for-profit incorporated Aboriginal community organisations. It will fund projects that increase capacity of local Aboriginal organisations, improve Aboriginal employment opportunities and improve outcomes for Aboriginal people by supporting better access to health services, housing and accommodation and other cultural programs or services; and
- **Legacy Infrastructure Fund:** open to Dubbo Regional Council, Mid-Western Regional Council, Upper Hunter Shire Council and Warrumbungle Shire Council. It will fund infrastructure projects that support regional economic development, improve liveability and community amenity.

If unsure, applicants are encouraged to seek advice as to the most suitable fund for their project (refer to Section 3).

1.5 Community or employment benefits

Program funding may be used for a community or employment purpose. As per the EI Act:

- **Community purpose** means a purpose that benefits the local community in the geographic area that forms the REZ to which the access scheme applies; and

- **Employment purpose** means a purpose that promotes employment, skills and training for employees in the geographic area that forms the REZ to which the access scheme applies who are affected by changes in electricity generation in the State.

The EII Regulation defines the types of community or employment benefits that can be funded through the Program, presented in **Table 1** below:

Table 1: List of community purposes and employment purposes as defined by the EII Regulation.

Community purposes	Employment purpose
(a) public or community services or infrastructure, (b) health services or infrastructure, (c) accommodation or housing, (d) local or regional energy programs or infrastructure, (e) environmental programs or infrastructure, (f) parks and recreation infrastructure, (g) education programs or research, (h) arts or cultural programs, (i) tourism programs or infrastructure, (j) services, programs or infrastructure for First Nations people, (k) other services, programs or infrastructure that benefit the relevant local community.	(a) employment programs and associated services and facilities, (b) skills and training programs and associated services and facilities, (c) a program, service or facility that supports the relevant employees to gain employment skills or experience relevant to employment.

1.6 Community consultation

In early 2022, EnergyCo commenced community consultation to identify key community benefit initiatives to be delivered through the Program. Consultation was conducted through Community Reference Group and First Nations Working Group meetings, intergovernmental and council steering committees, a community survey (over 290 responses) and several community information sessions, with full findings available in the [Community Feedback Report](#).

EnergyCo has also carried out studies to investigate key priorities identified by local communities, First Nations stakeholders and councils, with the findings available [here](#).

EnergyCo conducted further community consultation through the Central-West Orana REZ in early 2024, with the results available in the [Community and Employment Benefit Program Consultation Feedback Report](#). These findings have informed these Guidelines.

2. The Legacy Infrastructure Fund

The NSW Government has committed \$45 million for the Central-West Orana REZ **Legacy Infrastructure Fund** (the LIF). The purpose of the LIF is to provide funding for infrastructure projects that will deliver long-term and legacy benefits for local communities within the Central-West Orana REZ.

This opportunity is a closed, non-competitive grant round. Eligible Applicants are invited to submit applications that are assessed individually, without reference to the comparative merits of other applications. This approach has been taken to ensure this fund is available to deliver legacy infrastructure for those communities located in local government areas (LGAs) that will host the REZ network infrastructure.

The LIF Objectives are to:

- Improve liveability through greater access to health services, housing and accommodation, telecommunication connectivity and other public services and infrastructure;
- Increase community connection through improved access to quality sport, recreation, and other community infrastructure; and
- Support regional economic development and diversification through enabling infrastructure projects.

3. Contact Details

Please contact energyco@regional.nsw.gov.au or call 1300 679 673.

4. Key Dates

Applications open	15 July 2024
Applications close	4:00pm, 9 September 2024
Application outcome date	From 22 November 2024
Funding Agreements executed with Successful Applicants:	Funding Agreement negotiations will commence once an applicant has signed and returned their Letter of Conditional Offer and Confidentiality.
Project completion:	Projects must commence within 3 months of an executed Funding Agreement and must be completed by December 2028.

In extenuating circumstances, applications submitted after the deadline may be accepted at the sole discretion of the NSW Government.

5. Funding Information

The NSW Government will provide \$45 million through the LIF to the following four eligible councils (Eligible Applicants):

- Dubbo Regional Council;
- Mid-Western Regional Council;
- Upper Hunter Shire Council; and
- Warrumbungle Shire Council.

A maximum of \$11.25 million will be available to each of the four Eligible Applicants to ensure equal funding is available for communities affected by the Central-West Orana REZ, subject to the submission of meritorious applications.

Four councils were selected as each will host portions of the proposed REZ network infrastructure, including the transmission line, energy hubs, generation projects and related infrastructure connecting to the REZ network infrastructure. This is an initial investment in legacy projects in each of the four LGAs and in the geographic area that forms the REZ to which the access scheme applies. Where funding is not fully allocated, EnergyCo may make the remaining funding available through future LIF funding rounds or other allocation under the Program.

Each Eligible Applicant will be informed in writing of the funding allocation available for their LGA.

If an Eligible Applicant submits multiple applications, the applicant will be asked to rank projects in order of local priority. If the total funding sought across multiple applications exceeds the prescribed funding allocation, then the Grant Assessment Panel (the Panel) will recommend a package of projects within the prescribed allocation which represents best value for money to the community as assessed against these Guidelines.

5.1 Grant Amounts

Eligible Applications must seek funding for an amount between a minimum of **\$500,000** to a maximum of **\$11.25 million** (GST-exclusive).

5.2 Co-Contributions

Financial co-contributions are not mandatory for a project to be eligible for funding, but may help support the financial viability of a project. Financial co-contributions could include funds provided by Eligible Applicants, as well as funding from other sources including other NSW or Commonwealth Government funding programs.

Financial co-contributions within an application will not be considered relevant if they have not yet been secured.

5.3 Unspent Funds

All funding will be provided according to the terms of an executed Funding Agreement. Successful Applicants will be required to pay back unspent funds or those funds which have not been spent in accordance with the Funding Agreement.

6. How to Apply

The LIF will have a single-stage application process, with an applicant to submit a separate application for each project. Information required is available in **Table 2**, with applications to be submitted using the LIF's online portal, available at <https://energyco.smartygrants.com.au/LIF-CWO>.

Table 2: Information required from applicants.

Project category	Applications must include
Category 1 Applications up to \$5 million funding	<ul style="list-style-type: none">• Completed Application Form;• Completed <u>Project Management Plan</u>;• Completed Budget (with evidence of estimated costs);• <u>Landowner's Consent</u> (if applicable, template provided); and• Evidence of \$20 million Public Liability Insurance.
Category 2 Applications over \$5 million funding	<ul style="list-style-type: none">• Completed Application Form;• Completed <u>Project Management Plan</u>;• Completed <u>Business Case</u> (template provided);• <u>Landowner's consent</u> (if applicable, template provided); and• Evidence of \$20 million Public Liability Insurance.

Support is available to Eligible Applicants to assist with the development of applications. Applicants should contact cwo@energyco.nsw.gov.au if support is required.

Applications cannot be reopened or amended by the Applicant once the closing date has passed. Consideration or acceptance of late submissions will be at the sole discretion of the NSW Government.

7. Eligibility

7.1 Eligible Applicants

The following councils within the Central-West Orana REZ are Eligible Applicants and can apply for Program funding:

- Dubbo Regional Council;
- Mid-Western Regional Council;
- Upper Hunter Shire Council; and
- Warrumbungle Shire Council.

Eligible Applicants may also apply in partnership with incorporated not-for-profit community organisations (such as if a community organisation has an infrastructure project with an estimated value exceeding funding available in the Local Community Fund).

Eligible Applicants are encouraged to work with community organisations and with private businesses to identify potential partnerships that will ensure projects deliver community-focused benefits.

Partnerships are eligible where the lead applicant is an Eligible Applicant and where clear public benefit can be demonstrated. If successful, the Eligible Applicant will be solely responsible for the delivery of the project and must adhere to the terms and conditions outlined in the Funding Agreement.

7.2 Eligible Projects

Eligible Applicants must identify infrastructure projects that will benefit communities within the Central-West Orana REZ geographic area and meet the LIF Objectives. Applicants must demonstrate that they have engaged and consulted with the community to identify priority community projects.

Projects must be for infrastructure that supports the ongoing prosperity of communities within the Central-West Orana REZ by providing economic opportunities, improved amenity and positive social outcomes. The specific scope of works and key milestones of a project must be defined in a submitted application.

Projects and applicants that are ineligible for the LIF, but that align with community purposes as defined by the EII Regulation may also be considered through the Local Community Fund.

All projects must commence within 3 months of execution of the Funding Agreement and must be completed by 31 December 2028. Commencement of a project may include any project development activities (including planning works, DA preparation or submission, procurement planning or contractor engagement).

All applications must clearly articulate how a project will benefit the identified local community and meet at least one LIF objective. Examples of eligible projects and the corresponding LIF objective are available in **Table 3** below.

Table 3: The LIF Objectives and examples of eligible infrastructure projects.

LIF Objective	Example Infrastructure Projects
Improved liveability	<ul style="list-style-type: none"> Infrastructure which promotes greater access to health services, housing, accommodation, telecommunication connectivity or other public services; and/or Public asset infrastructure including roads, bridges and services to develop investment precincts and housing that can be linked to economic growth and employment.
Regional economic development	<ul style="list-style-type: none"> Enabling infrastructure that will support increased investment, land activation and employment opportunities; New or upgraded tourism infrastructure projects that align with the region’s Destination Management Plan; and/or

	<ul style="list-style-type: none"> Infrastructure projects aligned to the LGA’s Community Strategic Plan or a relevant NSW Government strategy (e.g. State Infrastructure Strategy 2018-2038, Future Transport 2056, Regional Growth Plans) or other local community strategic or action plan or document.
Greater community connection	<ul style="list-style-type: none"> New or enhanced public spaces, sport precincts, recreational infrastructure, community centres and halls; Publicly owned health and fitness infrastructure; Main street or town centre beautification / renewal projects; Civic centres, art galleries, libraries, community and cultural spaces; and/or Environmental improvement projects.

7.3 Ineligible Projects

Ineligible projects include those that:

- Are not an infrastructure project;
- Are not located within the Central-West Orana REZ specified geographic area;
- Are for the day-to-day delivery of essential or core council services;
- Are for a privately-owned asset or are on private land unless there is a clear public benefit, and the landowner has provided documented consent;
- Have exclusive private benefits or provide direct commercial and/or exclusive private benefit to an individual or business;
- Are for marketing, advertising or product promotion;
- Are the recipient of duplicate grant funding from another NSW or Commonwealth Government grant program for the same project (excluding financial co-contribution arrangements); and/or
- Do not demonstrate alignment to the LIF Objectives, the EII Act or the EII Regulation (where a project does not align with LIF Objectives but otherwise aligns with community and employment purposes as defined by the EII Regulation, it may be considered through the **Local Community Fund**).

7.4 Eligible Project Locations

Projects must be located within the Central-West Orana REZ geographic area (as defined [here](#)) and deliver their primary benefits to communities affected by the Central-West Orana REZ. Applicants are *strongly encouraged* to submit applications that deliver projects and activities into villages and smaller communities most affected by REZ network and related infrastructure and generation projects.

7.5 Eligible Project Costs

Eligible project costs include those associated with the delivery of eligible infrastructure projects. This includes project management and administration costs up to 10 per cent and cost escalation and contingency costs up to 25 per cent of the requested funding.

7.6 Ineligible Project Costs

Ineligible costs include:

- Costs related to buying or upgrading non-fixed equipment, supplies or vehicles such as cars, trucks and vans, unless considered essential to the overall project delivery and are incidental costs to the project budget;
- Financing, including debt financing, insurance or rental costs;
- Purchase of land or buildings, unless considered essential to the overall project delivery;
- Costs associated with the Biodiversity Offset Scheme under the Biodiversity Conservation Act 2016;
- Costs relating to depreciation of plant and equipment beyond the life of the project;
- Funding for any ongoing staff or operational costs;
- Costs associated with recruiting employees, staff development and training;
- Operational expenditure, including but not limited to regular repairs and maintenance;
- Ongoing or recurrent funding that is required beyond the stated timeframe of the project;
- Retrospective funding to cover any project component that is already complete before funding is announced;
- Project management and administration costs that exceed 10 per cent of the total project cost; and/or
- Project contingency and cost escalation costs that exceed 25 per cent of the total project cost.

7.7 Inclusion and Accessibility

Applicants must demonstrate consideration of accessibility and inclusion measures in their application. Projects should demonstrate the provision of fit-for-purpose, accessible and safe facilities, or increased participation opportunities by increasing accessibility and inclusion/universal design. This applies to infrastructure projects aiming to improve existing accessibility and inclusion to encourage greater participation.

8. Assessment

The LIF assessment process includes eligibility and merit assessment, panel recommendations, approval by the decision maker and a funding offer, displayed in **Figure 1** below:



Figure 1: Assessment Process for the LIF.

8.1 Eligibility Assessment

All submitted applications will be assessed against the Eligibility Criteria identified in these Guidelines. Where there is uncertainty or unintended outcomes arising from the eligibility requirements, the Panel will take a discretionary approach that, in its opinion, best aligns with the community and employment purposes as defined in the EII Regulation.

Final eligibility determinations will be made at the discretion of the Panel, based on advice and recommendations from the Program Assessment Team. Any applications assessed as ineligible will not be considered for further assessment.

8.2 Merit Assessment

The Assessment Team including EnergyCo, DPIRD and other NSW Government agencies, will assess eligible applications against the Assessment Criteria outlined in these Guidelines. Applicants may be asked to provide additional information to assist in the assessment process.

Subject matter experts and/or technical advisors may be consulted to assist in the assessment of projects. Confidentiality and probity will be maintained throughout the process.

8.3 Merit Assessment Criteria

Eligible applications will be assessed against the following criteria, further expanded in **Table 4** below:

- Delivery of outcomes aligned with the LIF Objectives;
- Local community and strategic alignment;
- Deliverability; and
- Affordability.

Projects will be assessed as a 'Yes/No' against the assessment criteria and will not be competitively assessed against applications submitted by other Eligible Applicants. If the total funding sought across multiple applications exceeds the prescribed funding allocation within an eligible LGA, the Panel will recommend a package of projects within the prescribed allocation which represents best value for money.

Table 4: Merit Assessment Criteria

Criteria Categories	Evidence Requirements
1. Delivery of outcomes aligned with the LIF Objectives	<p>Each project must show capacity to deliver on one or more of the LIF Objectives:</p> <ul style="list-style-type: none">• Improved liveability through greater access to health services, housing and accommodation, telecommunication connectivity and other public services and infrastructure;• Greater community connection through improved access to quality sport, recreation, and other community infrastructure; and/or• Support for regional economic development and diversification through enabling infrastructure projects.

	<p>Applications must also demonstrate:</p> <ul style="list-style-type: none"> • The project will deliver both short-term and long-term benefits; • The measurable outcomes delivered by the project and how the applicant will monitor these outcomes (projects that are not able to articulate clear outcomes and monitoring and reporting processes will not be approved for funding); • Project outcomes are proportionate to the funding requested; and • Consideration of accessibility and inclusion measures.
<p>2. Local community and strategic alignment</p>	<p>Community alignment: applications must have demonstrated community support and consultation. Evidence can be provided through the provision of stakeholder letters of support, online surveys and documented meeting minutes from community consultative forums.</p> <p>Strategic alignment: the project must also demonstrate alignment with one or more outcomes in one of the following plans:</p> <ul style="list-style-type: none"> • Council’s Community Strategic Plan or Delivery Program; • The relevant regional plan; • A relevant NSW Government Strategy (e.g. State Infrastructure Strategy 2018-2038, Future Transport 2056, Regional Growth Plans); and/or • The Community and Employment Benefit Program Engagement Feedback Report.
<p>3. Deliverability</p>	<p>An applicant must have the capacity, capability and resources to carry out the project. Applicants must demonstrate the project is investment ready by providing:</p> <ul style="list-style-type: none"> • A detailed and realistic Project Management Plan; • Evidence that the project can commence development activities within 3 months of an executed Funding Agreement and can be delivered by 31 December 2028 as outlined in the project plan or business case; • Confirmation there is no major planning, construction, zoning, environmental and/or Native Title impediments to delivering the project; and • Evidence the Applicant has the required capability and experience to deliver the project and/or can access experienced and qualified personnel to support the delivery of the project.
<p>4. Affordability</p>	<p>Applicants must demonstrate the project can be delivered within the identified budget. Quotes or detailed cost estimates must be provided.</p>

Projects should support local employment outcomes, including Aboriginal employment, suppliers or skills development within the Central-West Orana REZ, where possible, and articulate how local employment outcomes can be delivered.

Project value for money will be assessed by determining that the outcomes to be delivered by a project are proportionate to the amount of funding requested by that project. For projects over \$5 million, a business case is required and will also be used to assess value for money.

Applicants must also address how operational, maintenance and ongoing service provision costs will be funded over time, including beyond the period of grant funding provided under the LIF.

8.4 Grant Assessment Panel and Recommendation

Applications will be moderated and reviewed by the Panel to ensure consistency in assessment. The Panel will consist of senior representatives from EnergyCo, DPIRD and other NSW Government agencies.

The Panel will review project eligibility and assessment outcomes and form a list of projects that are deemed suitable/not suitable for funding consideration. Applicants may be contacted to clarify information provided in their application and will be notified if additional information and supporting material is required (as well as the associated timeframes).

The Panel may recommend partial funding for projects where there is insufficient funding available for the whole project or where only a component of the project is considered suitable for funding. Partial funding will only be granted if the project can be completed within the identified funding amount or where the project can be staged.

Eligible Applicants may be requested to submit alternative projects if the projects they submit are deemed unsuitable or ineligible. The Panel may also recommend specific funding condition(s), where appropriate (such as engaging a third-party to manage the project delivery).

The Panel may defer a recommendation pending further information or may take other factors into consideration when recommending an application for funding, including but not limited to:

- The total amount of funding available;
- The level of impact of the REZ projects on the relevant local community;
- The importance of the project to the local economy or local community;
- The geographical distribution of projects across the Central-West Orana REZ;
- The suitability of a project for other government funding opportunities;
- Whether the project has received or expects to receive other NSW Government funding; and/or
- Other factors that are deemed relevant and important in a whole of NSW context, such as alignment with existing NSW Government policies and strategies.

Advice may also be sought from other NSW Government agencies or other sources.

8.5 Decision Making

The Panel's advice and recommendations will be provided to the EnergyCo Chief Executive (Decision Maker) for consideration and final approval. The Decision Maker will review the Panel's recommendation before deciding which grant applications to approve.

The Decision Maker may take other factors into account that may result in an application being considered unsuitable for funding, including issues that could cause reputational or other risks to the NSW Government.

The Decision Maker's decision is final in all matters, including:

- The approval of the grant;
- The grant funding amount to be awarded; and
- The terms and conditions of the grant.

8.6 Probity Advice

Independent probity advisors will provide guidance on any issues concerning integrity, fairness and accountability that may arise throughout the application, assessment and decision-making process. This will ensure decisions are made with integrity, fairness and accountability, while delivering value for money for NSW.

9. Successful Applications

9.1 Notification and Announcement

Successful Applicants will be notified in writing via a Letter of Conditional Offer with Confidentiality. The contracting process will commence after the signed Letter of Conditional Offer with Confidentiality is returned.

Information about grants awarded will be published on the NSW Government Grants and Funding Finder website, available at nsw.gov.au/grants-and-funding.

9.2 Funding Agreement

Successful Applicants will be required to enter into a Funding Agreement to govern the terms and conditions of receiving funding. Grant payments will be made in accordance with the Funding Agreement.

To enter a Funding Agreement, Successful Applicants will be required to confirm project information and provide a copy of all relevant and applicable insurances, project approvals (e.g. development approvals, landowner's consent) and/or other supporting documentation relevant to the project or as requested as part of the contracting process.

Grant payments will be made in accordance with the Funding Agreement.

The NSW Government makes no binding funding commitment to an applicant unless and until a Funding Agreement is fully executed. Successful Applicants must not make financial commitments for funded activities until Funding Agreements have been executed by both parties. Grants will be paid via milestone payments set out in the Funding Agreement. Evidence of expenditure will be required to claim instalments and acquit eligible costs.

Successful Applicants may be required to submit progress reports to the NSW Government, as outlined in the Funding Agreement.

9.3 Confidentiality

Applicants must keep funding decisions and assessment outcomes confidential until announced by the NSW Government or the applicant is advised that announcement can proceed. Successful Applicants will be required to provide a confidentiality undertaking. This means they must keep the outcome of the application process confidential until the NSW Government makes a public announcement.

Upon entering into a Funding Agreement, details about the Funding Agreement may be made publicly available (subject to information which the NSW Government deems to be commercial in confidence). The Applicant agrees not to disclose any confidential information pertaining to the grant program application or Funding Agreement without prior written consent of the NSW Government in accordance with the confidentiality undertaking and the Funding Agreement.

9.4 Variations

Requests for variations or changes to the project will only be considered in limited circumstances and in accordance with the Funding Agreement.

Applicants must advise the NSW Government of any changes to their legal status or of changes or delays to their project in accordance with the Funding Agreement.

9.5 Taxation

For applicants registered for GST and where it is payable, successful applicants will be paid the approved grant amount plus 10 per cent. Where an applicant is not registered for GST, it is not payable on grant amounts. Applicants not registered for GST must incorporate any GST to be paid by them to third parties into their application. GST is not applied to grant payments to councils or other government agencies. Grants are assessable income for taxation purposes, unless exempted by taxation law. It is recommended Applicants seek independent professional advice about taxation obligations or seek assistance from the Australian Taxation Office. The NSW Government does not provide advice on individual taxation circumstances.

9.6 Evaluation and audit

Successful Applicants will be required to participate in a program evaluation to determine the extent to which their projects have contributed to the objectives of the Community and Employment Benefit Program. The evaluation will require Applicants to provide evidence of how projects have resulted in a measurable outcomes and benefits that are consistent with the objectives of the program.

The NSW Government reserves the right to undertake an audit of grant funding within a period of 7 years from the signing of the Funding Agreement.

10. Unsuccessful Applications

Unsuccessful Applicants will be notified in writing of the outcome of the application and will be offered feedback.

11. Additional Information

11.1 Getting Support

Frequently Asked Questions and other resources to assist with applications will be available at nsw.gov.au/grants-and-funding. The Grants and Funding Finder should be considered the authoritative source of all grant information.

Applicants will be invited to an information session which will be held during the application open period.

Please check prior to submitting if you are unclear about any part of the application (refer to section 3 for contact details). Applicants should seek advice from their legal, business and financial advisers to determine the suitability of the funding before applying.

Project assurance support is available for applicants during the open for application period. Applicants wishing to access this support should contact energyco@regional.nsw.gov.au or call 1300 679 673.

11.2 Complaints

Any concerns about the LIF or individual applications should be submitted in writing to energyco@regional.nsw.gov.au. If you do not agree with the handling of an issue, you may wish to contact the NSW Ombudsman via ombo.nsw.gov.au.

11.3 Government Information (Public Access) Act 2009

Applicants should be aware that information submitted in applications and all related correspondence, attachments and other documents may be made publicly available under the *Government Information (Public Access) Act 2009* (NSW). Information that is deemed to be commercially sensitive will be withheld.

The *Government Information (Public Access) Act 2009* (NSW) makes government information accessible to the public by:

- Requiring government agencies to make certain sorts of information freely available;
- Encouraging government agencies to release as much other information as possible;
- Giving the public an enforceable right to make access applications for government information; and
- Restricting access to information only when there is an overriding public interest against disclosure.

11.4 Ethical Conduct

Applicants must not participate in any anti-competitive conduct.

It is a condition of the application process that no gifts, benefits or hospitality are to be made to any department/agency employee at any time. Any inducement in contravention of this condition may result in an applicant's proposal not being considered.

11.5 NSW Government Rights

The NSW Government may, in its absolute discretion, and without limiting any other right which the NSW Government may have, do all or any of the following at any time:

- Require additional information from an applicant;
- Change any of the requirements of these Guidelines;
- Alter or vary any process, procedure or timing related to the grant opportunity, including any process, Procedure or timing regarding the consideration or the evaluation of any proposal or all applications;
- Suspend or terminate the grant opportunity;
- Negotiate with one or more preferred Applicants without prior notice to any other Applicant;
- Terminate any negotiations being conducted with any applicant;
- Readvertise for new Applicants;
- Consider any non-conforming application;
- Terminate further participation in the grant opportunity by any applicant for any reason (including if the NSW Government reasonably considers an application to contain any false or misleading claims or statements);
- Not proceed with any Funding Agreement; or
- Proceed with a Funding Agreement in ways not contemplated in these Guidelines.

11.6 Intellectual Property

All intellectual property rights in these Guidelines remain the property of the NSW Government. Applicants are permitted to use these Guidelines for the purpose of preparing an application only, and if successful, managing grant expenditure in accordance with these Guidelines. Applicants must not use these Guidelines, or any information contained in these Guidelines, for any other purpose.

Applications and information submitted in response to these Guidelines may be used by the NSW Government for promotional material if successful in accordance with the Funding Agreement, unless otherwise agreed between the applicant and the NSW Government. The applicant agrees that the NSW Government may make copies and reproduce applications for any purpose related to the grant opportunity. In addition, the NSW Government will retain (electronic and hard) copies of all applications.

11.7 Publicity and announcements

The NSW Government may choose to publicly announce funding for individual applications. It may also use non-identifying information provided in the Funding Agreement to develop case studies.

All recipients of NSW Government funding must acknowledge this financial support as per the Funding Acknowledgement Guidelines for Recipients of NSW Government Grants, available at nsw.gov.au/branding/sponsorship-and-funding-acknowledgment-guidelines.

Following entry into the Funding Agreement, publicity and announcements are to be made in accordance with the Funding Agreement.

11.8 No Offer

These Guidelines are not an offer, recommendation or invitation by the NSW Government in respect of any contract or commitment and are subject to a Funding Agreement being fully executed by the parties involved.

11.9 Addenda

The NSW Government may, in its absolute discretion, issue an addendum to these Guidelines. In each case, an addendum becomes part of these Guidelines.

11.10 Disclaimer

Information in these Guidelines is provided as general information only and is not intended as a substitute for advice from a qualified professional.

The NSW Government recommends that users exercise care and use their own skill and judgment when using information from these Guidelines and that users carefully evaluate the accuracy, currency, completeness, and relevance of such information. Users should take steps to independently verify the information in these Guidelines and, where appropriate, seek professional advice.

These Guidelines are subject to change at any time at the sole discretion of the NSW Government.

12. Glossary

Term	Definition
Access Scheme	An access scheme declared by the Minister that authorises or prohibits access to, and use of, specified network infrastructure in a Renewable Energy Zone by network operators and operators of generation and storage infrastructure.
Commencement	The commencement of project works to get it underway following execution of a Funding Agreement.
Decision Maker	EnergyCo Chief Executive with responsibility for deciding whether to approve or decline a grant.
DPIRD	Department of Primary Industries and Regional Development.
Eligible Applicants	Dubbo Regional Council, Mid-Western Regional Council, Upper Hunter Shire Council and Warrumbungle Shire Council.
EII Act	Electricity Infrastructure Investment Act 2020.
EII Regulation	Electricity Infrastructure Investment Regulation 2021.
EnergyCo	Energy Corporation of NSW.
Funding Agreement	The legally binding contract which sets out the arrangements under which a grant is provided, received, managed and acquitted.
Grant	The provision of financial assistance from the NSW Government.
Project	Infrastructure project subject to an application for or funded by the Legacy Infrastructure Fund.
REZ	Renewable Energy Zone.
LIF Objectives	Legacy Infrastructure Fund objectives listed in section 2.
Successful Applicants	Grant applicants whose applications have been granted funding.
The Guidelines	Legacy Infrastructure Fund guidelines for administering the grant program.

Term	Definition
The Panel	Grant Assessment Panel.
The Program	Community and Employment Benefit Program.
The LIF	Legacy Infrastructure Fund.

© State of New South Wales through EnergyCo 2024. The information contained in this publication is based on knowledge and understanding at the time of writing March 2024. However, because of advances in knowledge, users are reminded of the need to ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate officer of EnergyCo or the user's independent adviser.