



July 2024

Central-West Orana Renewable Energy Zone – Local Community 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 Local Community Fund	6
3	Contact Details	7
4	Key Dates	7
5	Funding Information	7
5.1	Grant Amounts	7
5.2	Co-Contributions	7
5.3	Unspent Funds	7
6	How to Apply	8
6.1	What needs to be included in an application?	8
7	Eligibility	8
7.1	Eligible Applicants	8
7.2	Eligible Projects	9
7.3	Ineligible Projects	10
7.4	Eligible Project Locations	10
7.5	Eligible Project Costs	10
7.6	Ineligible Project Costs	11
7.7	Inclusion and Accessibility	11
8	Assessment	11
8.1	Eligibility Assessment	11
8.2	Merit Assessment	12
8.3	Merit Assessment Criteria	12
8.4	Grant Assessment Panel and Recommendation	13
8.5	Decision making	14
8.6	Probity advice	14
9	Successful Applications	15
9.1	Notification and Announcement	15
9.2	Funding Agreement	15
9.3	Confidentiality	15

9.4	<i>Variations</i>	15
9.5	<i>Taxation</i>	16
9.6	<i>Evaluation and audit</i>	16
10	<i>Unsuccessful Applications</i>	16
11	<i>Additional Information</i>	16
11.1	<i>Getting Support</i>	16
11.2	<i>Complaints</i>	16
11.3	<i>Government Information (Public Access) Act 2009</i>	16
11.4	<i>Ethical Conduct</i>	17
11.5	<i>NSW Government Rights</i>	17
11.6	<i>Intellectual Property</i>	17
11.7	<i>Publicity and announcements</i>	18
11.8	<i>No Offer</i>	18
11.9	<i>Addenda</i>	18
11.10	<i>Disclaimer</i>	18
12	<i>Glossary</i>	19

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 EII 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 EII Act.

The Department of Primary Industries and Regional Development (DPIRD) will support EnergyCo in the administration, management, and distribution of funds to be used for community and employment benefits.

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 EII 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 Local Community Fund

The NSW Government has committed \$15 million to the **Local Community Fund** (the LCF), to support community organisations to provide programs, services or infrastructure that are designed to reflect local needs and deliver enduring benefits for local communities within the Central-West Orana REZ.

This opportunity is an open, competitive grant round, meaning applications must be submitted by a specified date and eligible applications will then be assessed on their comparative merits against nominated criteria.

The LCF objectives are to:

- Improve community amenity to meet identified social, cultural, environmental or recreational needs of the community;

- Increase community connection through improved access to programs or services including health, sport and recreation, art and cultural or tourism; and
- To boost resilience and innovation through community renewable energy and environmental improvement programs.

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, 23 September 2024
Application outcome date	From 6 December 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 the commencement date of a Funding Agreement and 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 \$15 million through the LCF to eligible local community organisations to deliver initiatives that provide benefits to local communities in the Central-West Orana REZ.

5.1 Grant Amounts

Funding applications must range from a minimum of **\$50,000** to a maximum amount of **\$1,000,000**.

5.2 Co-Contributions

Financial co-contributions are not mandatory for a project to be eligible for funding, but may help support a project's financial viability. 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 LCF will have a single stage application process, with an Applicant required to submit a separate application form for each project. Support is available to Applicants to assist with the development of applications. Applicants should contact energyco@regional.nsw.gov.au if support is required.

An information webinar and grant writing workshops will be held during the application open period to support applicants. Please refer to the [Program website](#) for relevant dates.

Applications must be submitted using the LCF online portal, available at <https://energyco.smartygrants.com.au/LCF-CWO>. 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.

6.1 What needs to be included in an application?

All applications must include a completed:

- Application Form;
- [Project Management Plan](#) (template provided)*;
- Budget (with evidence of estimated costs)*;
- [Landowner's Consent](#) (if applicable, template provided);
- Evidence of \$20 million Public Liability Insurance (or willingness to secure); and
- Evidence of consultation and support for the project/s*.

*The level of detail provided must be proportionate to the total grant value.

7 Eligibility

7.1 Eligible Applicants

Eligible Applicants include:

- Incorporated not-for-profit community organisations;
- Local Aboriginal Land Councils;
- Incorporated Aboriginal community organisations (i.e. initiated by, controlled and operated by Aboriginal people and/or governed by a board or committee of Aboriginal people);
- Local councils (*if they are in partnership with or in support of a community project*); and
- Committees under section 355 of the *Local Government Act 1993* (NSW) must apply via the relevant council.

Applicants must provide evidence that they are an incorporated entity by providing either an Australian Business Number (ABN) or an Australian Company Number (ACN). Eligible organisations that are unincorporated must provide evidence that they are registered with NSW Fair Trading under the *Associations Incorporation Act 2009* (NSW) or another Act.

Eligible Applicants must have or be able and willing to purchase at least \$20 million public liability insurance.

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

Partnerships are eligible (with the exception of private companies or business), 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

In accordance with the EII Act, eligible projects must deliver community benefits to the local community in the geographic area that forms the REZ to which the access scheme applies. A map of the geographic area is available [here](#).

Eligible projects must be aligned with the objectives of the LCF, which have been designed to deliver the community purposes as defined by the EII Regulation (see [Table 1](#)).

Projects that are outside of the LCF eligibility criteria but still align with the community and employment purposes as defined by the EII Regulation may be considered through the **Legacy Infrastructure Fund**. Community organisations are encouraged to speak to their local council about opportunities to partner on large scale infrastructure projects.

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 refers to any project development activities (including planning works, DA preparation or submission, procurement planning or contractor engagement). Examples of projects and activities that may be eligible for funding under the LCF are provided in [Table 2](#) below.

Table 2: Examples of projects and activities that may be eligible for funding under the LCF.

Eligible Project Type	LCF Objectives	Examples
Infrastructure	Improved community amenity that is designed to meet identified social, cultural, environmental or recreational needs of the community.	<ul style="list-style-type: none"> • Construction of new, or upgrades to existing, local sporting or recreational infrastructure (e.g. club structures, walking trails, playgrounds, playing fields, courts); • Construction of new or upgrades to community amenity infrastructure (e.g. parks, furniture, fencing, shades, landscaping); • Construction of new or upgrades to tourism, arts or cultural facilities (e.g. cultural heritage, identity of place assets); • Upgrades to community assets to improve disaster preparedness; • Upgrades to improve social housing infrastructure; • Infrastructure to assist the delivery of general community programs or social services (e.g. youth and senior citizen facilities); and/or • Community renewable energy or environmental infrastructure (e.g. electric vehicle charging stations, solar panel installation, climate change mitigation or adaptation works).

Programs or Services	<p>Greater community connection through improved access programs or services including health, sport and recreation, art and cultural; OR</p> <p>Boost resilience and innovation through community renewable energy and environmental improvement programs.</p>	<ul style="list-style-type: none"> • Improved access to health services through the provision of additional physicians or service locations; • Social programs, community classes and workshops which address an identified community need, boost wellbeing, deliver positive social outcomes; • Community sporting or recreational programs or services; • Innovative community renewable energy or environmental programs or services; and/or • Programs or services to enable young people to lead and participate in community development and/or activities.
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7.3 Ineligible Projects

Ineligible projects include those that:

- Are not submitted by an eligible entity;
- Are not being delivered within an eligible location;
- Are exclusively for planning activities (e.g. master planning or heritage studies);
- Are for the maintenance or construction of local roads or other ongoing core service infrastructure works that are the ordinary responsibility of council or other levels of government;
- Are seeking retrospective funding to cover any project component that is already complete before Applicants are informed of the funding decision outcome or funding is announced;
- Are for a general works package without specific scope, costs and location (e.g. ‘upgrading lighting at sports ovals’ without identifying the work required, number of sites or the locations);
- Are exclusively for marketing, branding, advertising or product promotion including tourism marketing;
- Are providing direct commercial and/or exclusive private benefit to an individual or business;
- Are not clearly providing benefits that will significantly contribute to the objectives of the LCF and/or the community purposes as set out in the EII Act or EII Regulation;
- Are the recipient of duplicate grant funding from another NSW or Commonwealth Government grant program for the same project (excluding co-contribution arrangements); and/or
- Are solely for the maintenance of any infrastructure i.e. painting or beautification repairs without upgrading the functionality of the infrastructure.

7.4 Eligible Project Locations

Projects must be delivered within the Central-West Orana REZ geographic area (as defined [here](#)) and provide primary benefit to local communities impacted by the Central-West Orana REZ. Applicants are *strongly encouraged* to submit applications that deliver projects and activities into villages and smaller communities most impacted by REZ activities.

7.5 Eligible Project Costs

Eligible project costs may include those associated with:

- Constructing new or upgrading existing local community amenity or community services infrastructure; and/or
- Delivery of community programs or services.

Applicants may include up to 25 per cent of the total project cost for contingency and up to 10 per cent of the total project cost for project management and administration. Design, including regulatory applications and approvals costs, must be listed as administration costs.

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 or rental costs;
- Purchase of land or buildings, unless considered essential to the overall project delivery;
- Costs relating to depreciation of plant and equipment beyond the life of the project;
- Operational expenditure, including but not limited to regular repairs and maintenance;
- Non-project related staff training and development costs;
- Ongoing/recurrent funding that is required beyond the stated timeframe of the project;
- Ongoing staff or operational costs beyond 3 years from project announcement for program or services, or any ongoing staff or operational costs for infrastructure projects;
- Costs relating to subsidising memberships for existing services; and/or
- Project management or contingency costs that exceed the eligibility requirements.

7.7 Inclusion and Accessibility

Applicants should 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 both infrastructure projects and community or social programs aiming to improve existing accessibility and inclusion to encourage greater participation.

8 Assessment

The LCF 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 LCF.

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 **Grant Assessment Panel** (the Panel) will take a discretionary approach that, in its opinion 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.

EnergyCo will consult with a group of community representatives on the community support criteria. Community representatives with a conflict of interest (such as due to their involvement with any organisation applying for the fund) will be excluded from the 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 3** below:

- Community support;
- Alignment with LCF Objectives; and
- Deliverability and affordability.

Table 3: Merit Assessment Criteria.

Criteria Categories	Evidence Requirements	Criteria Weighting
1. Community Support	<p>The project must have demonstrated community support. Applicants will be required to provide evidence of consultation and support for the project, such as:</p> <p>Community Need: The project must be identified as a community need, evidenced through a community consultation process, council strategic plans, community precinct master plan or identified lack of similar services.</p> <p>Community Support: The project must have demonstrated community support, evidenced by letters of support, online surveys or other documented community engagement processes.</p>	40%
2. Alignment with LCF Objectives	<p>The project must demonstrate how the anticipated community benefits will directly contribute to one or more of the LCF Objectives:</p> <ul style="list-style-type: none"> • Improved community amenity to meet identified social, cultural, environmental or recreational needs of the community; 	30%

- Greater community connection through improved access to programs or services including health, sport and recreation, art and cultural or tourism; and/or
- Boost resilience and innovation through community renewable energy and environmental improvement programs.

The project must demonstrate how it will make a positive contribution to community wellbeing and prosperity, evidenced by measurable metrics (i.e. number of user groups) and available alternative facilities and services.

The project must demonstrate how it will deliver long-term benefits to the community.

The project must demonstrate consideration of accessibility and inclusion measures through the design and/or delivery.

3. Deliverability and Affordability

The Applicant must provide a Project Management Plan that outlines project delivery within budget and timeframe requirements, with consideration of Development Approval (if required). 30%

The Applicant must demonstrate access to the necessary capability and experience required for successful project delivery.

The Applicant must provide a detailed and realistic risk assessment.

The Applicant must provide a budget based on quotes or detailed estimates that represent value for money, including:

- Detailed estimates for combined project management and administration costs that do not exceed 10% of the total project cost; and
- Estimated costs for contingency that does not exceed a maximum of 25% of the total project cost.

The Applicant must outline the ongoing operation and/or maintenance plan for when the project is completed (where applicable).

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.

Each application will be assessed on its merit and compared to other eligible applications before a recommendation is made in writing to the decision maker. The Panel will consider the relative merits of each application against:

- Outcomes of the Eligibility Assessment;
- Outcomes of the Merit-based Assessment(s); and

- Any personal, business and/or probity issues and risks that could cause reputational or other risk to the NSW Government.

Applicants will be notified if additional information and supporting material is required and the timeframes in which it is required.

The Panel may recommend a lesser amount of funding for an application or defer a recommendation pending further information. The Panel may also recommend specific funding condition(s), where appropriate. Funding conditions may include, but are not limited to, engaging a third-party to manage the project delivery.

The Panel may take other factors into consideration when recommending an application for funding including but not limited to:

- Total amount of funding available;
- Level of impact of the REZ projects on the relevant local community;
- Importance of the project to the local economy or local community;
- Geographical distribution of projects across the Central-West Orana REZ;
- Suitability of a project for other government funding opportunities;
- Whether the project has received or expects to receive other NSW Government funding; and
- 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 (the Decision Maker) for consideration and final approval. The Decision Maker will review the availability of grant funds and the Panel's recommendation before deciding which grant applications to approve.

The NSW Government typically receives far more applications than it can support. Applicants are not guaranteed funding even if the application is of high merit. Further, even if an application is successful, it may not be funded to the full amount requested.

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.

The NSW Government makes no binding funding commitment to an Applicant until a Funding Agreement is fully executed. Successful Applicants should not make financial commitments for funded activities until a Funding Agreement has 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 Program. The evaluation will require Applicants to provide evidence of how projects have resulted in measurable outcomes and benefits that are consistent with the objective 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 their 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.

An information webinar and grant writing workshops will be held during the application open period. Please refer to the [Program website](#) for relevant dates.

Please check prior to submitting if you are unclear about any part of the application (see 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.

11.2 Complaints

Any concerns about the LCF 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

Terms	Definition
Access Scheme	An access scheme declared by the Minister under s 24 of the EII Act that authorises or prohibits access to, and use of, specified network infrastructure in a 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.
EII Act	Electricity Infrastructure Investment Act 2020.
EII Regulation	Electricity Infrastructure Investment Regulation 2021.
Eligible Applicants	Grant program applicants who meet specified eligibility criteria.
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.
LCF Objectives	Local Community Fund objectives listed in section 2.
Project	A project subject to an application for or funded by the Local Community Fund.
REZ	Renewable Energy Zone.
Successful Applicants	Grant applicants whose applications have been granted funding.
The Guidelines	Local Community Fund guidelines for administering the grant program.
The LCF	Local Community Fund.
The Panel	Grant Assessment Panel.
The Program	Community and Employment Benefit Program.

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