

July 2024

Central-West Orana Renewable Energy Zone – First Nations Fund

Grant Guidelines

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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 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 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 (LALCs), 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, LALCs, 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 LALCs 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. 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
<ul style="list-style-type: none"> (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. 	<ul style="list-style-type: none"> (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 First Nations Fund

The NSW Government has committed \$10 million to the Central-West Orana REZ **First Nations Fund** (the FNF). The purpose of the FNF is to build capacity of Aboriginal organisations through the delivery of programs, services, infrastructure or future planning activities that are designed to reflect local needs and provide enduring benefit for local Aboriginal communities within the Central-West Orana REZ.

The opportunity is an open, non-competitive grant round, being delivered in two streams: Stream 1 is focused on LALC support and Stream 2 is focused on Aboriginal Outcomes. An open, non-competitive grant process is one where applications are assessed individually against the selection criteria, without reference to the comparative merits of other applications.

The FNF Objectives are to:

- Increase capacity of local Aboriginal organisations to support the delivery of community services, participate in opportunities in the Central-West Orana REZ and access future funding opportunities;
- Improve Aboriginal employment opportunities through access to education, skills, and training programs; and
- Improve outcomes for Aboriginal people by supporting better access to health services, housing and accommodation, and other cultural programs or services.

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, 14 July 2026 Applications may close sooner if funding committed exceeds 80% and / or applications under assessment reach the total funding available. Applicants will be notified should this occur. Applicants are encouraged to submit applications as early as possible as applications may close once available funding is committed.
Assessment process	The first part (Part A) of applications will be assessed on an ongoing basis. The second part (Part B) of applications will be assessed on a 6-week rolling cycle from receipt of first completed application.
Application outcome date	From October 2024. Successful Applicants will be notified on a rolling basis at the end of each 6-week rolling cycle.
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 \$10 million through the FNF to support eligible Aboriginal organisations to deliver initiatives that provide benefits to local Aboriginal communities in the Central-West Orana REZ.

The FNF will be administered through two funding streams, as per Table 2 below:

Table 2: FNF funding streams.

Stream One: LALC Support	Stream One aims to support LALCs to build capability and better protect and further the aspirations of their members and the broader Aboriginal community.	Up to \$4 million
Stream Two: Aboriginal Outcomes	Stream Two aims to support Aboriginal organisations to drive local initiatives through future planning, project and program delivery that results in economic, social or environmental outcomes for Aboriginal communities.	Up to \$6 million

The **Grant Assessment Panel** (the Panel) may consider redistribution of funding should the notional allocation be exhausted in either stream. Redistribution would consider need of the relevant community and overall Program objectives.

5.1 Grant Amounts

Funding applications must range from a minimum of **\$20,000** to a maximum amount of **\$1,000,000**.

5.2 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 FNF Application Form has been split into two parts. Part A of the application form will require Applicants to answer a series of questions in relation to eligibility.

Part B of the application form covers the more detailed aspects of the project. Local, independent grant writing assistance is available should Applicants require assistance to develop Part B.

Applicants can submit multiple applications but must submit only one project per application. Applications must be submitted using the FNF online portal available at <https://energyco.smartygrants.com.au/FNF-CWO>.

6.1 What needs to be included in Part A application?

Applicants will need to complete Part A of the Application Form relating to eligibility (further information is provided in Section 8).

6.2 What needs to be included in Part B application?

Applicants will be notified once eligibility is confirmed and offered local, independent grant writing assistance to develop Part B (the more detailed component of the Application Form). Applicants not requiring this assistance can complete Part B at their own discretion.

Applicants are encouraged to submit Part B as early as possible. Applications will be assessed on a 6-week rolling cycle with the Panel convened and recommendations made at the end of the 6-weeks.

Part B application must include:

- Part B 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

All Part A applications submitted under the FNF must meet the Program's Eligibility Criteria prior to being assessed against the Assessment Criteria.

Applicants can submit multiple applications but must submit only one project per application.

7.1 Eligible Applicants

Eligible Applicants for Stream One are limited to LALCs.

Eligible Applicants for Stream Two are limited to not-for-profit, 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).

All Eligible 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 or partner with an eligible organisation.
- have or be able and willing to purchase at least \$20 million public liability insurance.

Eligible Applicants are encouraged to identify potential partnerships, including partnerships across funding streams between LALCs and Aboriginal Community Organisations. In this instance, the identified lead Applicant would apply under the relevant stream.

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

Projects must deliver public benefit and outcomes that contribute to the FNF Objectives. In accordance with the EII Act, eligible projects must provide benefit to the relevant 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](#).

All projects must commence within 3 months of an executed Funding Agreement and must be completed by 31 December 2028. Commencement of a project refers to any project development activities (including planning works, Development Application preparation or submission, procurement planning or contractor engagement).

Eligible project types include:

- infrastructure,
- programs and services,
- employment & skills and future planning for Aboriginal people that meet the FNF Objectives (including future planning and capability activities), further detailed in **Table 3** below.

Table 3: Examples of eligible projects and activities

Stream One: LALC Support	Stream Two: Aboriginal Outcomes
Infrastructure	
<p>Construction of new or upgrades to existing infrastructure that supports the aspirations of the Aboriginal community; and/or</p> <p>Renewable energy infrastructure such as solar panels or battery storage.</p>	<p>Construction of new or upgrades to existing community/youth centres and halls, employment, and training facilities;</p> <p>Construction of new or upgrades to existing infrastructure that supports greater access to health services, housing, and accommodation;</p> <p>Indigenous tourism, art or cultural infrastructure projects; and/or</p> <p>Renewable energy infrastructure such as solar panels or battery storage.</p>
Programs and Services	
<p>Development of a program to engage youth in operation and service delivery of LALC services; and/or</p> <p>Development of a community owned enterprise which provides a service to community and creates funding source for the LALC.</p>	<p>Expand delivery of existing health services to improve access and health outcomes for Aboriginal people;</p> <p>Work to improve outreach programs that are culturally appropriate to support Aboriginal people;</p> <p>Cultural education services to support Aboriginal youth;</p> <p>Programs that expand education initiatives for Aboriginal people;</p> <p>Programs for Aboriginal youth, elderly, or people with disabilities; and/or</p> <p>Local services that are easily accessible and provide business support for Aboriginal organisations.</p>

Employment & Skills	
<p>Skills training related to business administration, project planning, financial reporting, project management and delivery;</p> <p>Youth training and/or employment program which assists with the management of traditional sites; and/or</p> <p>Staff to resource activities to deliver projects under their Community Land and Business Plan.</p>	<p>Skill development programs that target local skills shortages;</p> <p>Career coaching and guidance programs with a local focus;</p> <p>Literacy & numeracy programs, that may include individual learning programs;</p> <p>Community classes and workshops which address an identified community need, boost wellbeing, deliver positive social outcomes; and/or</p> <p>Services which improve transportation access for local workers.</p>
Future Planning	
<p>A feasibility study for economic activation of native title land holdings;</p> <p>A business case to identify priority projects that have potential to activate new or expanded industry investment and job creation;</p> <p>A feasibility study for the establishment of cultural infrastructure to service a region;</p> <p>Funding for technical studies, business cases or future planning activities that have potential to deliver economic and/or social benefits and sustainable jobs for Aboriginal people within the REZ; and/or</p> <p>Land use planning studies, technical studies, and master plans.</p>	<p>A strategy to develop the cultural tourism sector in a region; and/or</p> <p>Funding for studies, business cases or future planning activities that have potential to deliver economic and/or social benefits and sustainable jobs for Aboriginal people within the REZ.</p>

Projects must deliver public benefit and outcomes that contribute to the FNF Objectives.

Applicants must establish monitoring procedures to demonstrate the delivery of expected benefits. EnergyCo will work with Successful Applicants to support them in meeting these requirements (where required).

Eligible Applicants are encouraged to work with key local stakeholders including community or Aboriginal organisations, community leaders, local council, and local Members of Parliament, to ensure projects with high community support are submitted.

Projects can demonstrate public benefit by showing how the project will benefit the Aboriginal community within the Central-West Orana REZ geographic area, or a sufficient section of the Aboriginal community in the geographic area. Similarly, while projects can be located on private land they must not be solely for private benefit. The Applicant will need to show how projects located on private land will be open to community.

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 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;
- Are providing direct commercial and/or exclusive private benefit to an individual or business;
- Are exclusively for marketing, branding, advertising or product promotion including tourism marketing;
- Are not clearly providing benefits that will significantly contribute to the FNF Objectives or align with 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; and/or
- Are solely for the maintenance of any infrastructure without upgrading the functionality of the infrastructure.

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 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 Aboriginal community amenity or community service infrastructure;
- Delivery of community programs or services;
- Future planning, business cases and studies;
- Purchase of non-fixed equipment, supplies or vehicles where they are essential to deliver the broader project or program;
- Employment, skills and training programs and associated services and facilities; and/or
- Funding a position linked to delivery of projects under a LALC Community Land and Business Plan or other project, program or activity outlined in the application.

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;

- Purchase of land or buildings, unless considered essential to the overall project delivery;
- Financing, including debt financing or rental costs;
- Costs relating to depreciation of plant and equipment beyond the life of the project;
- 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;
- Project management or contingency costs that exceed the eligibility requirements; and/or
- Funding a position that is not linked to the project, program or activity outlined in the application.

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

8 Assessment

8.1 Eligibility Assessment

All applications will be assessed against the Eligibility Criteria identified in these Guidelines on an ongoing basis.

Once funding committed exceeds 80 per cent and/or applications under merit assessment reach the total funding available, the application portal will close until assessments are completed and remaining available funding is determined. Any Applicants with an open application will be notified should this occur.

Where there is uncertainty arising from the eligibility assessment, Applicants may be requested to provide additional information to assist in making a determination. Final eligibility determinations will be made at a level not to be below Program Manager.

Applicants may be asked to provide additional information to assist in making a determination. Additional advice may be sought from other NSW Government agencies or other sources to assist in the assessment of projects. Confidentiality and probity will be maintained throughout the process.

Once eligibility is confirmed, Applicants will be notified and offered support to develop Part B. Ineligible Applicants will be notified in writing and offered a feedback session in relation to their application.

8.2 Merit Assessment

The Assessment Team will be made up of representatives from EnergyCo, DPIRD and other NSW Government agencies. All Part B applications will be assessed against the Merit Assessment Criteria outlined in these Guidelines on an approximate 6-week rolling cycle until available funding is committed.

Applicants will be notified if additional information and supporting material is required and the timeframes in which it is required. Subject matter experts and/or technical advisors may be

consulted to assist in the assessment of projects. Confidentiality will be maintained throughout the process.

Initial applications will be assessed against the Merit Criteria, without reference to the comparative merits of other applications. Applications will be required to meet a minimum total score of 65 per cent to be recommended for funding.

When approximately 80 per cent of funding has been committed or the program closing date is approaching, all Applicants that have submitted Part A applications will be notified of a final assessment window to complete Part B of the application. A final Panel will be convened after that date where remaining funding will be allocated and applications will be reviewed comparatively.

8.3 Merit Assessment Criteria

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

- Local need;
- Alignment with FNF Objectives; and
- Deliverability and affordability.

Table 4: Merit Assessment Criteria

Criteria Categories	Evidence Requirements	Criteria Weighting
1. Local need	<p>The project or activity must be of local need and have demonstrated community support.</p> <p>Applicants must demonstrate how the project or activity will address a local need by providing:</p> <ul style="list-style-type: none"> • An analysis of what is currently being offered in the area and identification of a service gap; and • How the project will benefit the Aboriginal community, multiple users, organisations or businesses. <p>Applicants will be required to provide evidence of consultation and support for the projects they submit, such as:</p> <ul style="list-style-type: none"> • Community online surveys or polls, social media interactions; • Meeting minutes from either a board meeting or community consultation; • A need identified in an existing community or business plan, for example a CLBP (Community Land and Business Plan); and/or • Letters of support for the project from community or Aboriginal organisations, a community leader, council, or Members of Parliament. 	30%

2. Alignment with FNF Objectives	<p>The project must demonstrate how the anticipated community benefits will directly contribute to one or more of the FNF Objectives:</p> <ul style="list-style-type: none"> • To increase capacity of local Aboriginal organisations to support the delivery of community services, participate in opportunities in the Central-West Orana REZ and access future funding opportunities; • To improve Aboriginal employment opportunities through access to education, skills, and training programs; and/or • To improve outcomes for Aboriginal people by supporting better access to health services, housing and accommodation, and other cultural programs or services. <p>Applicants must also demonstrate:</p> <ul style="list-style-type: none"> • Likely delivery of Aboriginal local procurement, job creation and skills development; • How the project will deliver long-term benefits to the Aboriginal community; and • Consideration of accessibility and inclusion measures. 	35%
3. Deliverability and affordability	<p>The Applicant must provide a Project Management Plan that outlines project delivery within budget and timeframe requirements, with consideration of Development Approval (if required).</p> <p>The Applicant must demonstrate access to the necessary capability and experience required for successful project delivery.</p> <p>The Applicant must provide a detailed and realistic risk assessment.</p> <p>The Applicant must provide a budget based on quotes or detailed estimates that represent value for money, including:</p> <ul style="list-style-type: none"> • Detailed cost estimates for combined project management and administration that do not exceed 10% of the total project cost; • Estimated costs for contingency that do not exceed a maximum of 25% of the total project cost; and • Does not require ongoing funding from the NSW Government. <p>The Applicant must outline the ongoing operation and/or maintenance plan for when the project is completed (where applicable).</p>	35%

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 representatives from EnergyCo, DPIRD and other NSW Government agencies. The Panel will consider the relative merits of each application against:

- Outcomes of the Merit-based Assessment(s); and/or
- 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.

Applications must receive a minimum merit assessment score of 65 per cent to be considered for funding and will be reviewed by the Panel in order of receipt. 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/or
- Other factors that are deemed relevant and important in a local or 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 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 paid by them to third parties into their application. GST is not applied to grant payments to local 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 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 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 (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.

11.2 Complaints

Any concerns about the FNF 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 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.
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.
FNF Objectives	First Nations Fund objectives listed in section 2.
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	A project subject to an application for or funded by the First Nations Fund.
REZ	Renewable Energy Zone.
Successful Applicants	Grant applicants whose application has been granted funding.
The FNF	First Nations Fund.
The Guidelines	First Nations Fund guidelines for administering the grant program.
The Panel	Grant Assessment Panel.
The Program	Community and Employment Benefit Program.

© 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.