

Critical Minerals and High-Tech Metals Activation Fund

Round One: Stream 2- Enabling Project Infrastructure

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Message from the Deputy Premier

Regional NSW has rich and diverse deposits of critical minerals and high-tech metals, which are essential to many growth sectors, such as advanced manufacturing, technology-enabled primary industries, solar panels, as well as a range of defence applications. Global demand for critical minerals is rapidly increasing, creating an exciting opportunity for regional NSW to lead the way and position itself as a major global supplier.

The NSW Government is unlocking this potential through the \$130 million Critical Minerals and High-Tech Metals Activation Fund. The fund supports investment across the entire value chain, from exploration and processing to activating new supply chains and commercialising new technologies and applications.

Stream 2 of the fund invests in critical infrastructure that is needed to unblock and accelerate the sector in NSW and attract additional downstream investment. Grants are available between \$2 million and \$10 million to support industry to deliver the infrastructure needed to create a thriving critical minerals sector in NSW.

I encourage all potential applicants to check the eligibility requirements. Our vision is for NSW to be the preferred destination for mining and exploration and this is one of many initiatives to drive investment in our state.



The Hon. Paul Toole MP

Deputy Premier

Minister for Regional New South Wales

Minister for Police

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1. Overview of the Critical Minerals and High-Tech Metals Activation Fund

The [NSW Critical Minerals and High-Tech Metals Strategy](#) outlines the NSW Government's commitment to drive investment into the critical minerals and high-tech metals sector across the entire supply chain in NSW. The strategy outlines the market opportunities for critical minerals and high-tech metals in NSW, including the specific investment, job-creating opportunities and competitive advantages for NSW to establish a viable, valuable and sustainable sector.

To realise the strategy, the NSW Government has established the \$130 million Critical Minerals and High-Tech Metals Activation Fund to drive investment and support the development of the sector in NSW. The fund aims to position regional NSW as a major global supplier and processor of critical minerals and high-tech metals.

The fund aligns to the NSW Government's [20-Year Economic Vision for Regional NSW](#) and the [2021 NSW Trade Statement](#).

The fund is being delivered by the Department of Regional NSW.

2. Objectives of the fund

The fund aims to drive investment and activation of critical minerals and high-tech metals projects across the supply chain in NSW through:

- unlocking project blockages to expedite project delivery through strategic infrastructure investment
 - accelerating the development of projects as an enabler for future investment
 - supporting new capacity in critical minerals processing
 - supporting scale-up and commercialisation of research and development, including emerging technologies and markets, and supporting new industry applications
 - enabling growth in the sector, securing a local supply of valuable critical minerals and high-tech metals for future use including the transition to a clean economy
 - positioning regional NSW as the leading jurisdiction in the critical minerals and high-tech metals sector, attracting investment to the entire critical minerals supply chain
 - promoting exploration and discoveries, creating an ongoing pipeline of critical minerals and high-tech metal resources in regional NSW
 - developing local skills and addressing skills gaps to support diversification within the mining sector.
-

3. Funding streams

The fund will be delivered across multiple rounds. Round One has been designed to accelerate the activation of critical minerals and high-tech metals projects through two targeted funding streams:

- **Stream 1 – Project activation studies**

Funding for studies that are necessary to activate or scale-up projects in the critical minerals and high-tech metals sector.

This stream aims to deliver the following:

- complete key studies that are needed to progress the feasibility of projects
 - commercialise new critical minerals and high-tech metals technologies
 - reduce project risk for private investment into the sector.
-

Applications for Stream 1 opened on 6 September 2022 and close on 4 October 2022.

- **Stream 2 – Enabling project infrastructure**

Funding for key infrastructure needed to develop investment-ready projects nearing construction and operation and to support downstream mineral processing.

This stream aims to deliver the following:

- accelerate the development of advanced critical minerals infrastructure projects
- deliver project infrastructure required for operations
- reduce project risk for private investment into the sector.

The streams will be delivered independently of each other. Applicants to Stream 2 are not required to have submitted an application for Stream 1.

These guidelines only relate to Round One: Stream 2 – Enabling project infrastructure.

4. Overview of Stream 2 – Enabling Project Infrastructure

Stream 2 – Enabling Project Infrastructure is a competitive process which aims to co-fund strategic infrastructure in the critical minerals and high-tech metals sector that is needed to:

- expedite the development of investment-ready projects nearing construction and operation
- address infrastructure blockages with potential multi-user benefits
- support the delivery of key infrastructure needed to accelerate the industry in regional NSW

The Department will provide funding of between \$2 million and \$10 million (excluding GST) for eligible activities.

Applicants should read this document carefully to understand all eligibility and application requirements before completing an application.

5. Applicant Readiness Check

Applicants are strongly encouraged to undertake a Readiness Check with a Department representative prior to finalising the application. This involves a virtual meeting or phone call to discuss the proposed application clarify eligibility requirements of the fund, and discuss the supporting information needed to lodge an application.

Readiness checks should be completed early in the application process and must be completed by 13 October 2022 and can be arranged by emailing: industry.engagement@regional.nsw.gov.au.

6. Key Dates

Round One: Stream 2 - Enabling Project Infrastructure	
Activity	Timeframe
Applications open	26 September 2022
Readiness check completed (if requested)	13 October 2022
Applications close	31 October 2022, 5pm

Applicants notified of the outcome	12 December 2022, or as soon as possible after a decision has been made at the NSW Government’s discretion.
Public announcement	Public announcement by the NSW Government may occur at any time after an applicant has been notified of a successful outcome.
Activities commenced	The activities can commence once both parties have signed the funding deed.
Completion of activities	31 December 2026

7. Eligibility

Each applicant is permitted to submit **one** application to be considered for funding.

An application may request funding for multiple infrastructure components which collectively support the project being developed. Each component must satisfy the eligibility criteria. If funding for multiple infrastructure components is proposed, all aspects of the components must be described within one application.

7.1. Eligible Applicants

To be eligible to receive funding, applicants must:

- have an Australian Business Number (ABN)
- be one of the following:
 - a company incorporated in Australia
 - a company limited by a guarantee
 - an incorporated trustee on behalf of a corporate trust
 - an incorporated association or co-operative
 - a publicly funded research organisation (being a Table A provider or Table B provider under the *Higher Education Support Act 2003 (Cth)*)
 - a corporate Commonwealth entity, or State and Territory business enterprise which undertake publicly funded research
 - an Aboriginal and/or Torres Strait Islander Corporation registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.
- be registered for GST
- operate, or be developing a mineral project within the critical minerals and high-tech metals industry, or as part of the critical minerals/high-tech metals supply chain, as described in Attachment A
- demonstrate financial and technical capacity to deliver the proposed infrastructure project
- provide evidence of \$20 million public liability insurance or confirmation that a public liability insurance policy of at least \$20 million will be taken out before the execution of the funding deed.

Applications from consortiums are encouraged. An organisation must be appointed as the lead applicant and satisfy the eligibility criteria. The lead applicant is authorised to act on behalf of and bind each member of the consortium and, if the application is successful, enter into the funding deed and be ultimately responsible for delivering the project. The application must include a letter of support from each organisation involved in the application.

Ineligible entities (except for insolvent companies) can form part of a consortium but are not able to be the lead applicant.

Applicants can be based internationally, interstate or in either metropolitan or regional NSW provided they satisfy the eligibility criteria.

Organisations that applied for funding under Stream 1 – Project Activation Studies are eligible to apply for funding under Stream 2 – Enabling Project Infrastructure.

7.2. Ineligible Applicants

Ineligible applicants include:

- local councils or their Section 355 committees
- joint Organisations of Councils
- Australian or NSW Government departments
- sole traders or individuals
- unincorporated associations
- businesses that are insolvent.

The Department, at its sole discretion, may take other factors into account to determine that an applicant is ineligible for funding, for example:

- poor past performance of the applicant or key project personnel
 - the applicant or their business activity could cause reputational or other risk to the NSW Government.
-

7.3. Project period

All projects must commence construction within 18 months of executing the funding deed.

All activities must be completed by 31 December 2026, with the final invoice to be lodged for payment by March 2027.

7.4. Eligible infrastructure projects

To be eligible for funding, the proposed project must:

- support or be infrastructure needed to enable critical minerals or high-tech metals mining, processing or production in NSW
 - relate to at least one of the identified critical minerals and high-tech metals specified in Attachment A
 - commence construction within 18 months from execution of the funding deed
 - already have, or be able to secure all necessary planning approvals and licences required for the proposed infrastructure project to achieve the delivery timeframe
 - align with the objective of the fund and the stream objectives
-

- deliver significant benefits to the critical minerals and high-tech metals extraction and/or downstream processing in regional NSW
 - use technologies that have been successfully demonstrated, and accepted by research and industry
 - the related mineral project must be significantly advanced and demonstrated to be economically feasible
 - create additional ongoing jobs in regional NSW that are sustainable and able to continue following government investment (including jobs created as part of the related mineral project).
-

7.5. Ineligible projects

The following are not considered eligible for funding:

- feasibility studies or strategy development
 - infrastructure that is not directly related to mining, processing or production of the identified critical mineral or high-tech metal
 - projects that have already commenced, or have secured all required financial support to commence construction within the next 6 months
 - projects funding the day-to-day operations of an organisation or marketing and promotion activities
 - projects that require ongoing funding from the NSW Government
 - projects that have already received NSW Government or other funding for the same outputs and outcomes. **Note:** a project is eligible, if it requires funding from multiple sources to enable the project to proceed. The project will be ineligible if the project will deliver the desired outcome entirely with the previously secured funding.
 - projects that have already commenced construction for the scope requested in the application
 - projects not aligned with the objectives of the fund.
-

7.6. Example projects

Examples of eligible projects include:

- transport infrastructure including:
 - off-site and on-site road and rail upgrades and modifications
 - heavy-haulage route upgrades
 - road widening
 - pavement strengthening.
 - power infrastructure, including:
 - conversion to renewable energy sources
 - substation installation
 - extension or new powerlines
 - installation of a solar farm
 - installation of large-scale power storage facilities.
 - water infrastructure, including:
-

- water treatment plants
- water supply pipelines.
- processing infrastructure including trial processing plants
- mine waste processing plant facilities
- establishing or expanding a processing, pilot, or demonstration plant
- environmental protection infrastructure including fencing, but excluding rehabilitation costs.
- Modifications/additional circuits to processing facilities.

Examples of ineligible infrastructure include:

- site offices
- housing or worker accommodation camps
- tailings dams or tailings storage
- mine development.

7.7. Eligible Grant Amounts

The minimum grant amount to be funded from the Department is \$2 million. The maximum Department grant amount is \$10 million.

All grants are GST exclusive. GST will be applied on top of the agreed grant value when payment is made.

Payment of grant amounts will be made in across a maximum of six instalments. Instalments and required evidence of expenditure will be agreed prior to executing the funding deed.

Co-contributions

All applicants must provide a co-contribution. Co-contributions must be cash and at least 50% of the total project cost (unless otherwise approved by the Department in writing).

The co-contribution may be obtained from internal funds or third parties.

Applicants will be required to provide evidence that the co-contribution is secured and confirmed, noting that applicants are required to have access to their nominated co-contribution available through the delivery of the project.

7.8. Eligible Costs

Eligible costs may only be incurred after both parties have executed the funding deed and before the completion date, such as:

- infrastructure capital costs and civil costs
- development, upgrade, or expansion of enabling project infrastructure, and associated utilities or civil works
- purchase and installation of fixed plant required to commission infrastructure (new or upgraded)
- costs for technical, project management and direct labour costs of employees who are directly engaged on the project, to a maximum of 20% of the total project cost
- contractor costs to deliver enabling infrastructure by a third party outside of the applicant's organisation, excluding individuals who are recognised as an employee
- contingency, to a maximum of 25% of the total project cost

- reasonable travel expenses incurred to deliver the project.
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7.9. Ineligible Costs

The following ineligible costs should be excluded from the project costing:

- any expenditure incurred before the commencement of the funding deed
 - repayment of existing debts and/or budget deficits
 - statutory fees and charges, including overhead charges such as insurance and leases
 - ongoing costs for business administration, operation or maintenance, including purchasing of assets such as furniture, motor vehicles, consumables, equipment, printers, software or ICT licences
 - project feasibility development costs, such as options analysis, feasibility studies or business case development
 - site acquisition costs, such as land purchase or lease costs, and any site rehabilitation costs
 - costs solely for the maintenance of infrastructure i.e., repairs without upgrading the functionality of the infrastructure
 - cost estimation services
 - costs within a community or town that do not directly contribute to the mining project, including the development, construction or upgrade of accommodation or residential areas
 - any costs incurred for planning or regulatory approval during the project period
 - the delivery of essential or core government services that should be funded from another source such as local government, the NSW Government or the Commonwealth Government
 - costs relating solely to marketing, advertising or product promotion, including education and information campaigns
 - costs associated with grant applications, monitoring and administration costs, including any funding provided to professional services to support application submission
 - costs which require ongoing funding from the NSW Government, beyond the delivery timeframe for the fund
 - legal costs.
-

8. Application

8.1. Application Requirements

All information provided in the application must be in writing and in English.

Currency values must be in Australian dollars and exclusive of GST.

Applicants are to complete all details requested in the application form and must not amend any of the questions provided.

All applications must be completed online using the [Smarty Grants portal](#).

8.2. Application Process

Applicants will be required to supply the following information as part of the application:

- organisation details including ABN
-

- an explanation of the applicant's primary activities
- demonstration of the experience and capability of the organisation to deliver the proposed infrastructure project, such as previous experience in delivering similar works
- evidence of the organisation's financial viability, including trading, profit and loss statements and balance sheets for two continuous years starting from the latest available year
- description of the proposed infrastructure project scope and proposed use of the grant
- project background, including the need the project infrastructure will address
- asset management/whole of life planning details for the project
- evidence of readiness of the project, including status of planning or regulatory approvals required to deliver the project, and if approvals have not been awarded, estimated timeframe for approval
- key benefits, expected outcomes and measure of success
- project plan, including identifying the scope, project timeline, key milestones, implementation methodology, risks and consequences with mitigation measures.
- a detailed budget outlining the estimate of the total infrastructure project cost and the grant amount requested (maximum of 50 per cent of the total project cost). Costings to be at a +/- 20% level of accuracy
- confirmation of the co-contribution to the project, including from the applicant and other sources
- quotes (dated within six months of submission) and technical documents
- a completed datasheet. The datasheet will be used to undertake a cost-benefit analysis which will be coordinated by the Department of Regional NSW using the information provided.
- Details of the applicants \$20 million public liability insurance policy or confirmation that a policy will be purchased prior to entering into the funding deed.

9. Assessment

9.1. Assessment Process

If an application is missing information or is incomplete the Department may, in its sole discretion, work with applicants to clarify any missing or incomplete information. However, the Department will not start assessing the application until, in the Department's sole opinion, the application is complete.

All applications will be scored in a competitive, merit-based process against the eligibility and assessment criteria. The Department may engage consultants or specialist advisors to assist with the assessment of proposals against the eligibility and assessment criteria including probity checks and technical assessments.

Assessment will be completed in three steps:

1. **Eligibility assessment:** The Department will assess compliance of the applicants against the eligibility criteria set out in these guidelines. Where there is uncertainty or unintended outcomes arising from the eligibility requirements, the Department will take the approach, that, in its opinion, best achieves the objectives of the fund. Final eligibility determinations will be made at the discretion of the assessment panel. Ineligible applications will not be considered for further assessment.

2. **Criteria assessment:** The Department will assess all applications deemed eligible against the assessment criteria outlined below, and provide recommendations to the assessment panel.

During the assessment, the Department may ask applicants to provide additional information to assist the assessment process. Advice may be sought from other government agencies or subject matter experts to assist in the assessment of applications. Confidentiality will be maintained throughout the process.

Criteria	Description	Weight
Economic impact	<p>The value of the contribution of the project to the NSW economy as determined through a cost-benefit analysis producing a benefit-to-cost ratio (BCR) calculation. Applicants are required to submit a datasheet to assess the BCR for the project.</p> <p>The BCR calculation will be coordinated by the Department based on the information provided by the applicant in the datasheet.</p> <p>Projects must achieve a BCR greater than 1.0 to be considered for funding.</p> <p>Projects with a BCR less than 1.0 will only be considered for funding by exception and will be required to meet one of the following criteria:</p> <ul style="list-style-type: none"> • the proposed project demonstrates significant public benefit • the project delivers significant outcomes for young people, Aboriginal and/or Torres Strait Islander individuals or people with disability • the proposed infrastructure provides multi-user benefits including for other industries or community • importance of the infrastructure project to be funded as an enabler to the development and operations of the mineral project. 	30%
Deliverability	<p>Applicants need to demonstrate that the project is deliverable by providing:</p> <ul style="list-style-type: none"> • a project plan, including the scope, project timeline, key milestones, implementation methodology, asset management, access agreements, risks and consequences with mitigation measures • key benefits, expected outcomes and measure of success of the project <p>Applicants need to demonstrate they have the capability and capacity to deliver the project by providing:</p> <ul style="list-style-type: none"> • supporting information about past performance in delivering similar projects (for example, detailing managerial capability to carry out the project) 	30%

	<ul style="list-style-type: none"> readiness to commence the project, including confirmation of all required regulatory and/or approvals have been finalised 	
Affordability	<p>Applicants need to demonstrate that the project is affordable and demonstrates value by providing:</p> <ul style="list-style-type: none"> a detailed budget and cost estimates supported by quotes, including overheads, project management costs and contingency for the project, which represents value for money the value of co-contribution relative to the activities total cost clear identification of the activities which will be funded from the Department and the relative co-contribution evidence of financial support from consortium partners (if necessary) 	20%
Strategic alignment	<ul style="list-style-type: none"> Applicants need to demonstrate how the proposed infrastructure project meets the objectives of the Fund including: alignment of the proposed project with key policies and strategies including the objectives of the Critical Minerals and High-Tech Metals Activation Fund, alignment with NSW Government priorities including the NSW Government Critical Minerals and High-Tech Metal Strategy how the infrastructure will address a current need for the development of the critical minerals and high-tech metals sector in Regional NSW 	20%

3. Assessment panel review and recommendation: An assessment panel will review the outcomes of the criteria assessment and consider the merits of each application to determine if the proposed project should be recommended for funding. This assessment will include consideration of:

- outcomes of the criteria assessment, including advice and recommendation from the Department
- financial strength and viability of the applicant
- any personal, business and/or probity risks that could cause reputational or other risk to the NSW Government.

The assessment panel may also consider the following factors when assessing the suitability of an application for funding:

- geographical and industry spread of projects across regional NSW
- diversity of funded activities and commodities
- for multi-commodity programs, the quantity of critical minerals or high-tech metal commodities to be produced
- the amount of funding available

- suitability of applications for other government funding opportunities
- applications that have requested consideration for extenuating circumstances (e.g. less than the minimum required co-contribution, late submissions, etc) and have provided supporting evidence for being unable to meet a threshold requirement.

The assessment panel will include representation from the Department of Regional NSW (including the Mining Exploration and Geoscience division, and Regional Development and Programs Group) and an independent member from another organisation. An independent probity advisor will be present during assessment panel meetings.

The assessment panel may request advice from industry experts, either internal or external to the NSW Government, to aid assessment.

The assessment panel may recommend part-funding of an application if there is insufficient funding available for the whole scope proposed or where only a component of the application is considered suitable or eligible. The assessment panel may recommend an application as suitable and recommended subject to specific conditions being met.

4. Decision making

The assessment panel will provide recommendations and advice to the Secretary, Department of Regional NSW, on the suitability of each application for funding.

The Secretary, Department of Regional NSW will approve the projects, funding amounts and any terms and conditions of the grant, which will be communicated to the successful applicants in the letter of offer. The decision of the Secretary will be final and not be subject to a review or appeals process.

All applications may be referred to other NSW or Commonwealth funding programs for consideration as relevant.

10. Notification of outcome

Applicants will be notified of the outcome of their application via an email if unsuccessful or a letter of offer and confidentiality document if successful.

Successful applicants will be requested to keep the outcome confidential for a period if an announcement is likely to be made by the NSW Government.

Unsuccessful applicants will be offered a feedback information session.

10.1. Funding Deed

Successful applicants will be required to enter into a funding deed with the NSW Government.

The NSW Government makes no binding funding commitment to an applicant unless and until both parties have signed the funding deed.

The funding deed will require the successful applicant to provide a copy of all relevant insurances, approval and other supporting documentation as requested by the Department.

The grant will be paid as set out in the funding deed. A maximum of five payment instalments will be paid by the Department. The instalments and reporting requirements will be agreed upon before executing the funding deed.

The claim submission period for eligible costs commences from when both parties have signed the funding deed. Claim submissions will be assessed by the Department and approved based on the conditions outlined within the funding deed.

Parties must be registered for GST and where GST is payable, successful applicants will be paid the approved grant amount plus 10% by the Department.

11. Terms and conditions

Applicants should note:

- the NSW Government may choose to publicly announce funding for individual applications, including the amount of funding. It may also use information provided in your application to develop case studies
- requests for variations or changes to the project will only be considered in limited circumstances
- successful applicants will be required to pay back unspent funds, or any funds not spent in accordance with the funding deed
- successful applicants will be required to participate in a program evaluation after the project has concluded. The evaluation will require applicants to provide evidence of how the funded projects have resulted in measurable benefits consistent with the fund's objectives.
- all recipients of NSW Government funding should acknowledge this financial support as per the [sponsorship and funding acknowledgement site](#)
- all awarded grants will be GST exclusive. GST will be applied on top of the agreed grant value when payment is made. 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
- applicants must not commence any activities before the funding deed is signed by both parties. The NSW Government is under no obligation to pay any funding unless, and until, the application is successful and both parties execute an agreed funding deed
- the Department of Regional NSW reserves the right to undertake an audit of grant funding within 7 years.

11.1. Probity

The NSW Government is committed to ensuring that the process for providing funding under the program is transparent and in accordance with published guidelines.

Independent probity advisers will guide the Department of Regional NSW 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.

11.2. Government Information (Public Access) Act

Applicants should be aware 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

- restricting access to information only when there is an overriding public interest against disclosure.
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11.3. Complaints

Any concerns about the NSW Critical Minerals and High-Tech Metals Activation Fund should be submitted in writing to industry.engagement@regional.nsw.gov.au.

If you do not agree with the way the Department has handled the issue, you may wish to contact the NSW Ombudsman via www.ombo.nsw.gov.au

11.4. Contact information

Frequently asked questions and other resources to assist with applications may be updated regularly on the [NSW Government Grant and Funding Finder](#). The Grants and Funding Finder website should be considered the authoritative source of all grant information.

Department staff are available to assist with any question during the application process. Please note, the Department is not able to assist project teams with the preparation of their application. The Department's relevant project team can be contacted by:

Email: industry.engagement@regional.nsw.gov.au

The Department will use its best endeavours to respond to all emailed questions within three business days.

11.5. Disclaimer

The Department does not guarantee or warrant and accepts no legal liability whatsoever arising from or connected to, the accuracy, reliability, currency or completeness of any material contained in this publication. Information in this publication is provided as general information only and is not intended as a substitute for advice from a qualified professional.

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

These guidelines are subject to change at any time at the sole discretion of the Department.

Attachment A – Eligible Critical Minerals and High-Tech Metals

- alumina (high purity)
- antimony
- beryllium
- bismuth
- chromium
- cobalt
- copper
- gallium
- germanium
- graphite
- hafnium
- helium
- indium
- lithium
- magnesium
- manganese
- nickel
- niobium
- platinum-group elements
- rare-earth elements
- rhenium
- scandium
- silicon
- silver
- tantalum
- tin
- titanium
- tungsten
- vanadium
- zinc
- zirconium