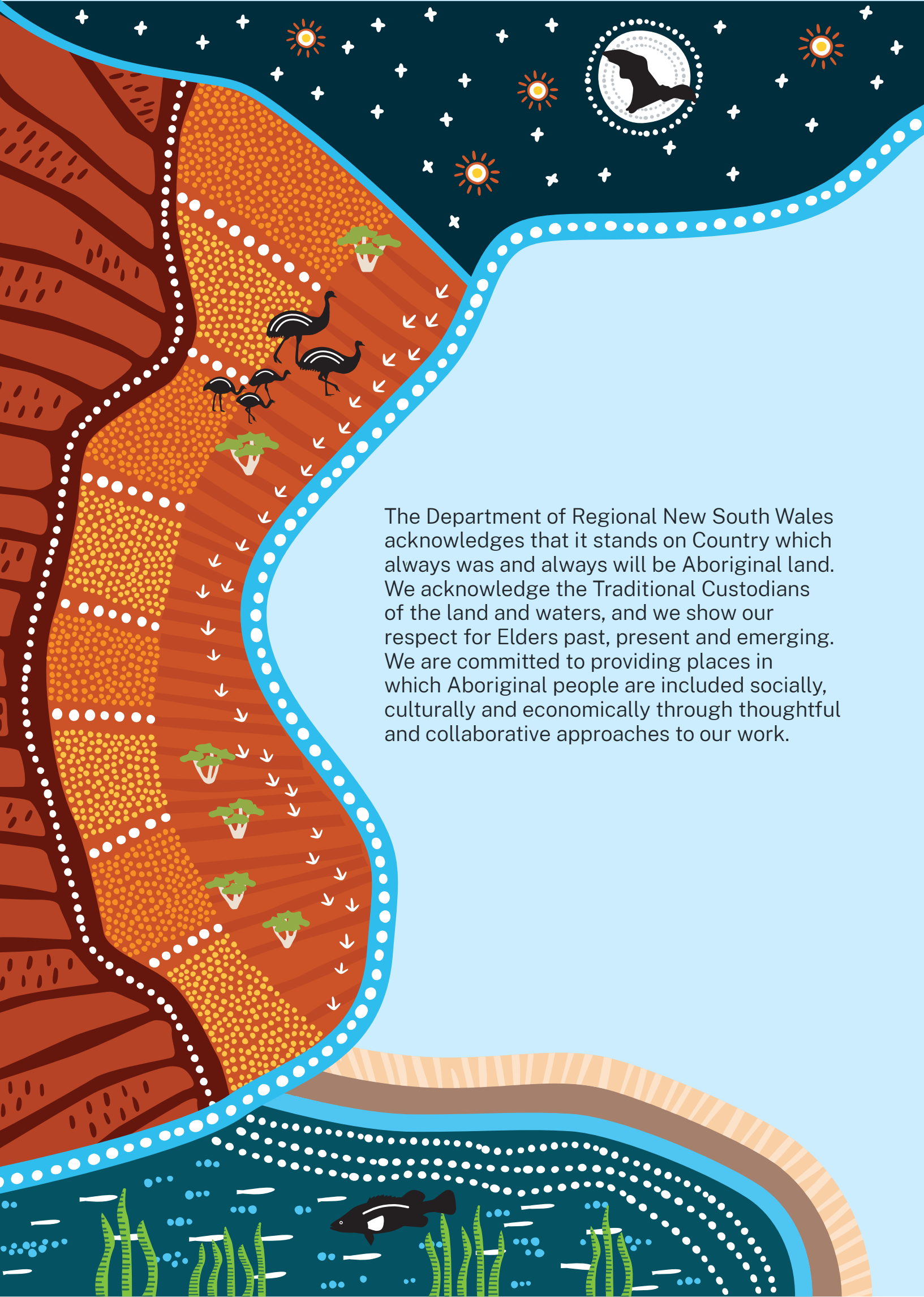




nsw.gov.au/2022CLIRP

2022 Community Local Infrastructure Recovery Package - Community Asset Program

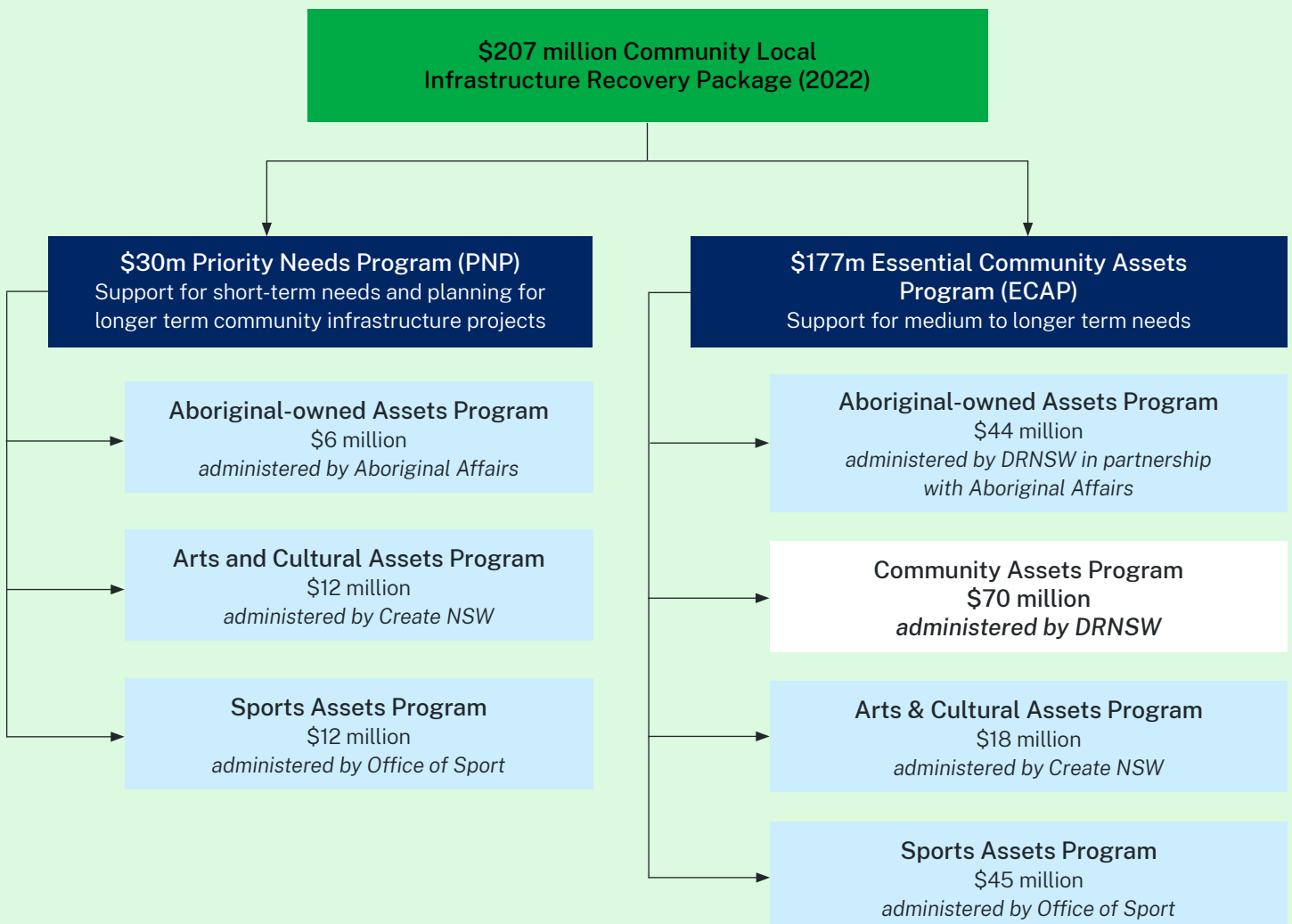


The Department of Regional New South Wales acknowledges that it stands on Country which always was and always will be Aboriginal land. We acknowledge the Traditional Custodians of the land and waters, and we show our respect for Elders past, present and emerging. We are committed to providing places in which Aboriginal people are included socially, culturally and economically through thoughtful and collaborative approaches to our work.

Overview

The Australian and NSW governments are committed to providing ongoing support for communities impacted by the 2022 severe weather and flood events.

The \$70 million Community Assets Program (CAP) (the Program) is one program under the \$207 million Community Local Infrastructure Recovery Package (CLIRP 2022). The CAP will provide funding to support social recovery for eligible severe weather and flood affected Local Government Areas (LGAs) in the medium-long term by providing funding for repairs, restoration and betterment of directly damaged local community infrastructure.





All projects supported under the CAP will be jointly funded by the Australian and NSW Governments

The severe weather and flood events in February and June 2022 caused significant damage to local community infrastructure. These assets play an important role in providing basic social and recreational amenity to local residents and visitors, ensure community cohesion and help communities to recover and develop bonds that strengthen resilience for the future. All these attributes are essential elements in the creation and maintenance of strong communities.

Regional communities have existing support to repair public assets under the NSW Disaster Recovery Funding Arrangements (DRFA) however these measures do not necessarily cover repairing damaged local community infrastructure.

Although some assets may be insured, it is often the case that community infrastructure assets are uninsured or partially insured. Due to the compounding stressors and extent of damage from the severe weather and floods, community asset owners have faced difficulties in absorbing the cost of community infrastructure repair following natural disasters.

The CAP has been specifically designed to support the repair, restoration and betterment of directly damaged community infrastructure assets.

Following the impacts of severe weather and floods, bushfires and the isolation that the COVID-19 pandemic caused, local community infrastructure is needed more than ever to bring people together, provide support and help create a sense of belonging, identity and community.



Program Purpose and Objectives

The purpose of these Program Guidelines is to outline the objectives, eligibility criteria, assessment process and timeframes for the \$70 million CAP.

The CAP will support the social recovery of eligible 2022 severe weather and flood affected LGAs in the medium-long term by providing funding for repairs, restoration and betterment of directly damaged local community infrastructure.

The CAP will be administered by the Department of Regional NSW (the Department) and will commit funding to targeted LGAs considered most impacted for community infrastructure by the severe weather and floods in February and June 2022 (as declared in AGRN 1012 and/or AGRN 1025). These LGAs are listed at Appendix A.





Consultation and Impact Assessment

The Department has conducted analysis to better understand and document the direct damage to community infrastructure from the severe weather and floods in February and June 2022. This documentation has been supported by direct engagement through state and regional recovery subcommittees and various NSW Government agencies.

The Department has classified LGAs to be targeted for 2022 CAP funding on the basis of a multi-faceted impact analysis which included consideration of the level of damage to residential and commercial buildings, occurrences of severe weather and flood events, environmental damage, economic support needed following the severe weather and flood events and the classification of LGA type -rural, regional and metropolitan. This analysis and evidence base has informed program design principles and ensures that the recovery funding is prioritised to the LGAs that need it most, as well as ensuring that the unique recovery needs of communities is met.

The funding provided under CAP has been designed to complement existing support measures for public assets in-place under the broader flood recovery packages.



Probity and Governance

An independent probity advisor will provide guidance on issues concerning integrity, fairness and accountability that may arise throughout the submission, assessment and decision processes. This will help ensure decisions are made with integrity, fairness and accountability, while delivering value for money for NSW.

All decisions made under this program will be made in accordance with the Program Guidelines and the associated Assessment Criteria.

A Probity Report will be published by the Department at the completion of the Program.



Eligibility at a Glance

- Funding is available for eligible, directly damaged community infrastructure in all disaster declared LGAs under AGRN 1012 and/or AGRN 1025
- Councils that own and/or manage community infrastructure are eligible to apply
- Funding notional allocations are proposed per LGA based on the assessed impact to community infrastructure in that LGA
- Funding will be targeted to the 19 most impacted LGAs
- Only assets in February and June 2022 that have been directly damaged from severe weather and flood events (AGRN 1012 and/or AGRN 1025) are eligible
- Project scope can include repair, restoration, or betterment activities
- If the value of the notional allocation per funding band or LGA is exceeded, or not met, then the funding may be redistributed to other disaster declared LGAs where there is demonstrated need. This will be determined by the Assessment Panel and as per Assessment Criteria



Eligibility Criteria



Eligible Applicants

Local councils that own and/or manage critical, local community infrastructure within an Eligible LGA, and

- Are legal entities, and
- Have or be willing to purchase at least \$20 million in public liability insurance

Section 355 committees of council are eligible to apply for funding, but the council will be required to execute the Funding Deed should the project be successful.

Councils may partner with government agencies and non-government community social infrastructure asset owners that have directly damaged assets and play a key role in social cohesion to deliver a CAP project.

If successful, Eligible Applicants will be solely responsible for the project's delivery and reporting through a Funding Deed with the Department.

Ineligible Applicants

Ineligible applicants include:

- Australian or NSW government agencies
- State Owned Corporations
- Volunteer organisations
- Joint organisations of councils
- Private, for-profit businesses.

Eligible LGAs

The program is targeted at the 19 most impacted disaster declared LGAs in NSW (Pool A, Pool B and Pool C) that experienced significant damage to local community infrastructure due to the severe weather and flood events in February and June 2022 declared under Australian Government Reference Number AGRN 1012 and/or AGRN 1025 (Appendix A).

LGAs not identified as targeted for the purpose of this program, but which have been disaster declared under AGRN 1012 and/or AGRN 1025 are eligible to apply for Pool D funding but must be able to substantiate the impact of the disaster on the community asset and demonstrate strong community need and alignment to program objectives.

Eligible Grant Amounts

Up to \$70 million will be available for funding under the CAP. Projects must seek a minimum of \$100,000 with a maximum available grant of \$7.5 million.

Funding is targeted towards LGAs which have been recognised as the most impacted disaster declared LGAs in NSW that experienced significant damage to local community infrastructure due to severe weather and flood events in 2022 (Appendix A).

An impact assessment has been used to determine the level of impact per LGA which corresponds to the eligible funding band and notional allocation for each LGA. The estimated funding band has been provided in pools to ensure regional connectivity is considered in project development.

Applicants may choose to apply for grants exceeding their allocation.

Funding decisions made for each LGA within each pool of funding will be determined by the Assessment Panel based on the Program Assessment Criteria and on the level of impact experienced from the severe weather and flood events in 2022.

The Funding Band and Allocation table below shows the eligible funding band groupings for the most impacted disaster declared LGAs in NSW.

Notional funding bands support councils to prioritise and scope potential projects within available funding limits.

Funding Bands and Allocation

Funding Band				
Targeted Impact Allocation	Pool A \$40 million notional allocation	Pool B \$15 million notional allocation	Pool C \$10 million notional allocation	Pool D \$5 million notional allocation
	Targeted LGAs	Targeted LGAs	Targeted LGAs	Other
		Ballina - \$2M Byron - \$2M Clarence Valley - \$2M Kyogle - \$2M Lismore - \$12M Richmond Valley - \$10M Tweed - \$10M	Central Coast - \$7.5M Hawkesbury - \$7.5M	Bellingen - \$1M Camden - \$1M Cessnock - \$1M Glen Innes Severn - \$1M Kempsey - \$1M Muswellbrook - \$1M Nambucca - \$1M Narromine - \$1M Singleton - \$1M Tenterfield - \$1M

If the repair, restoration and betterment of directly impacted community infrastructure per eligible Funding Pool does not fulfil the notional allocation, the Assessment Panel may consider redistributing funding to one or more of the other eligible LGAs.

The Assessment Panel may determine that a project in an eligible LGA demonstrates the need for additional funding above what has been notionally allocated. This redistribution is undertaken at the discretion and recommendation by the Assessment Panel. Redistribution ensures that the LGAs unique recovery needs are met whilst ensuring that eligible projects that meet the objective of the Program can be delivered within the CAP budget.

Projects from applicants in non-targeted LGAs but in an LGA that was disaster declared under AGRN 1012 and/ or AGRN 1025 in 2022 (PoolD) may be considered for funding if they can demonstrate need and support for a project in their community with robust alignment to the CAP criteria.

It is recommended that councils in non-targeted LGAs (Pool D) contact the Department at floods.recovery@regional.nsw.gov.au to discuss their project prior to applying for funding.

Eligible Projects

Projects must:

- be for the repair, restoration or betterment of community infrastructure that was directly impacted by the severe weather and flood events in February and June 2022 (declared as AGRN 1012 and/or AGRN 1025)
- play a demonstrated role in providing one or more of the following:
 - basic social and recreational amenity to local residents and visitors
 - help support or safeguard community cohesion
 - support the delivery of social support networks
 - support local businesses through procurement
- **not** meet the definition of an essential public asset in the Disaster Recovery Funding Arrangements (DRFA)
- improve the community infrastructure's resilience to future disasters as applicable through the incorporation of betterment principles
- demonstrate broad community usage and support through community and stakeholder engagement
- support or upgrade of accessibility and inclusion/ universal design standards to promote broad access and inclusion for people with disability/the ageing to the community infrastructure
- align with relevant NSW Government and regional policies and community strategic plans
- be able to commence construction within 12 months from funding approval
- community infrastructure managed by council on Crown Lands are eligible projects.

Examples of eligible activities:

The repair, restoration or betterment of directly impacted local community infrastructure that does not provide a function to an essential public asset including:

- recreational and services buildings including libraries, youth and senior citizen facilities and tourism
- parks and playgrounds including equipment, furniture, fencing, shades, facilities and amenities
- community based pre-schools and early childcare services
- holiday and caravan park facilities, boardwalks, footpaths, walking trails, community club structures including surf lifesaving
- amenities and community/service buildings that complement and support multiple social and recreation facilities
- cultural heritage and identity of place assets
- wharves, jetties and boat ramps
- pedestrian bridges, car parks, electric vehicle charging stations, retaining walls, landscaping, river/creek banks and signage in public spaces.

Betterment

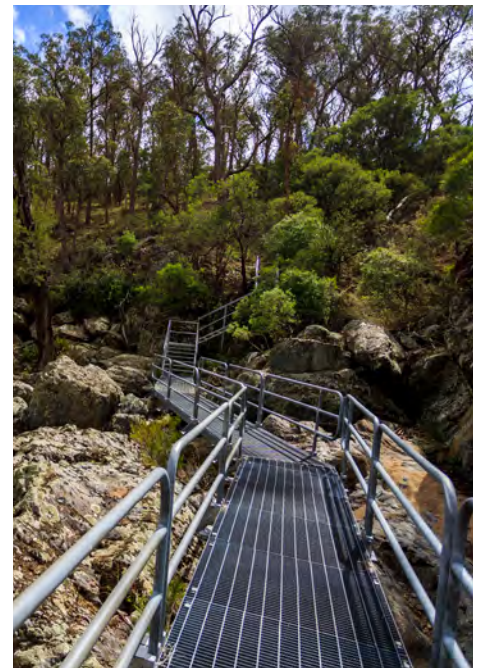
A key component of the CAP Guidelines and intent of the funding is to ensure that any projects funded contain a component of works that support disaster resilience and enhancement.

Incorporating works that support disaster resilience and enhancement are built on the principles of Betterment. This includes repairing or building-back an asset that can better withstand future natural disasters while delivering benefits associated with improved resilience and generating productivity, economic and social outcomes. This is made up of the following core values:

1. Resilience – Reduce the risk of impact to an asset over its lifecycle to better withstand natural disasters, and improve the ability to respond, recover and adapt after asset disruption.
2. Productivity – Maintain or improve the level of service and sustainable function that an asset provides.
3. Economic – Achieve net benefits across the asset lifecycle based on the enhanced value proposition and provide a return on investment.
4. Social – Maintain or improve a community's ability to function during and after a disruption to an asset.

Applicants must demonstrate consideration of betterment principles in their application.

For more information and how this could relate to your project, please visit nsw.gov.au/betterment



Accessibility and Inclusion

People with disability, the aged and those less mobile often experience compounded issues during and after a natural disaster. This includes access to appropriate services, communications and infrastructure. Building back damaged infrastructure provides a unique opportunity to improve accessibility to community assets and infrastructure.

Applicants must demonstrate consideration of accessibility and inclusion measures in their application.

Applicants will be asked to identify how projects achieve the objectives and actions outlined in council Disability Inclusion Action Plans. This includes outlining how projects go above and beyond the base line compliance standards and support people with disability, the aged and those less mobile to participate independently with equity and dignity.

Applications are encouraged to utilise universal design principles within their project design and to demonstrate their commitment to accessibility and inclusion as a key part of their application.



Examples of ineligible projects:

Ineligible projects under CAP include:

- assets that meet the definition of an essential public asset under the DRFA 2018 including roads, tunnels and utility bridges
- assets that are associated with the function of an essential public asset under the DRFA 2018 including road furniture and retaining walls
- projects that have been funded through other government grant(s)
- repair projects or elements of repair projects where applicant has claimed and received insurance*
- assets that were not directly damaged as a result of the 2022 severe weather and flood
- projects in LGAs not declared in AGRN 1012 and/or AGRN 1025
- projects that do not relate to the repair, restoration or betterment of community infrastructure
- local council asset projects for the primary purpose of waste clean-up and/or make-safe works
- projects that would be more appropriate under other government funding
- projects that would fund the day-to-day operations and/ or business as usual activities of the organisation
- projects that require ongoing funding from the NSW Government
- erosion and sedimentation management projects including coastal and riverbank areas**
- projects that are not aligned to the objective of the CAP
- projects whose activities are explicitly of a commercial nature.

* Applicants must seek to claim insurance on asset repairs where relevant prior to seeking Government funding. If an asset owner has not made an insurance claim, the applicant must justify why not. If an asset received part insurance payout, the unclaimed/uncovered/ uninsured component only will be considered under the CAP program.

** except where the erosion and sedimentation management project relate directly to the repair, restoration and/or betterment of an eligible community asset.

Complementary Programs

The CLIRP includes complementary programs to the CAP. Specific funding has been allocated for the repair, restoration and betterment of arts and culture, aboriginal and sports infrastructure assets that will be delivered by Create NSW, Aboriginal Affairs and Office of Sport respectively. DRNSW would encourage council to consider carefully which program your project best fits.

Refer to the NSW Grants and Funding Portal for other recovery funding programs.

Eligible Costs

Eligible grant costs include:

- works directly related to damage from severe weather and flood events in February and June 2022 (AGRN 1012 and/or AGRN 1025) that have not been covered through other government funding and/or insurance claims
- the delivery of eligible projects, including project management costs up to 10% and contingency and cost escalation costs up to 20% of the requested funding and that are not considered business as usual
- repair and restoration works directly related to severe weather and flood damage that has not yet commenced
- betterment works on directly damaged community infrastructure not yet commenced to support disaster resilience
- costs associated with planning approvals or other legislative requirements such as heritage requirements
- salary/wages and entitlements for employees specifically engaged for the project(s)
- retrospective costs may be eligible in exceptional circumstances on the basis that the works were required to be undertaken in order to ensure safety and/or accessibility to the public or property. This will be determined at the discretion of the Assessment Panel. It is recommended that councils applying for retrospective costs contact the Department at floods.recovery@regional.nsw.gov.au to discuss their project prior to applying for funding.

Contingency and Project management costs:

The Department recognises that the compounding issues of multiple disaster events has resulted in escalating delivery and material costs for infrastructure projects. Applicants are encouraged to include both contingency and cost escalation costs up to 20% and project management costs of up to 10% of the total project budget. This will support the viability of projects submitted. Applicants are required to qualify these costs within the application.

Ineligible Costs

Ineligible grant costs include:

- total and/or partial project costs already covered by insurance and/or funded through other NSW or Australian Government programs
- local council costs for the primary purpose of waste clean-up and/or make-safe works for directly damaged community infrastructure
- repayment of existing debts or budget deficits
- financing of budget deficits or insurance
- administrative, overhead, operational and/or maintenance costs not related to the project
- improvements or repairs to residences
- business as usual and/or explicitly commercial activities
- salary/wages and on-costs for existing, budgeted employees – unless the work is project specific and above and beyond their business-as-usual remit
- costs related to buying or upgrading non-fixed equipment or supplies unless it is a small component (less than 5%) of a larger fixed project
- costs spent for assets not located in disaster-declared LGAs
- costs that require recurrent or ongoing funding from the NSW Government.



Applicant Engagement Process



The NSW Government will work with eligible councils, where possible, to support project identification and provide application support and technical guidance. This assistance will ensure robust project scopes, costs and project management and implementation plans are developed for projects.

Furthermore, the state and local support partnership will continue during project delivery, which will include the Department and specialist technical staff assisting councils to manage project design, delivery, and assurance where recommended by the Assessment Panel.

Application Process

Once an application has been prepared, council will submit the application form via SmartyGrants.

Councils should submit an individual application for each project they wish to apply for.

Councils will receive a confirmation email once their application has been submitted.

What needs to be included in an application

All applications need to include:

- a clear project scope
- evidence of direct damage
- a project plan
- a project budget based on quotes or detailed estimates, reasonable assumptions or previous experience with similar projects
- landowner consent
- evidence of current \$20 million Public Liability Insurance in the name of the Applicant
- evidence of strong community support for the project.

Assessment process



Assessment

All applications will be assessed by the Department’s Regional Recovery Programs team to confirm eligibility. Subject matter experts will assess community need, resilience and viability for alignment with the Assessment Criteria. Applicants may be requested to clarify or provide additional information to assist in the assessment process. Once assessed, projects will be provided to an Assessment Panel for consideration.

Senior representatives from the Department (Chair), NSW Reconstruction Authority and an Independent Member will be selected to sit on the Assessment Panel. The National Emergency Management Authority (NEMA) will participate as an Observer.

The Assessment Panel will assess each CAP application on its alignment with the Assessment Criteria. The Assessment Panel may obtain further subject matter expert advice on the alignment of each application with the Assessment Criteria.

Funding decisions made for each LGA within each pool of funding will be determined by the Assessment Panel based on the Assessment Criteria and on the level of impact experienced from the severe weather and flood events in 2022.

This assessment process is shown in the flowchart below.

Assessment Process Flowchart



Development

The Department will support eligible applicants where required to identify potential projects.

Submission

Applications must be submitted online through SmartyGrants.

Each application must be for an individual project.

Assessment

Applications will be reviewed against Assessment Criteria outlined in the Program Guidelines.

An Assessment Panel, including independent members and with advice from subject matter experts, will assess each application.

Approval

Successful and unsuccessful projects recommended by the Assessment Panel will be submitted to the Responsible Minister for consideration and approval.

Projects will be managed through a Funding Deed which will include requirements for successful applicants to participate in regular reporting and program evaluation.

Notification

Successful projects will be announced by the Australian and NSW Governments.

Unsuccessful applicants will be notified and offered the option for feedback.

Key details on successful projects will be listed on the Department website.

In the event that a Funding Pool does not have sufficient suitable projects to claim the full notional allocation, the Assessment Panel at its discretion, after consideration of all LGA applications, may seek to redistribute the notional allocation per eligible LGA.

The Assessment Panel may redistribute funding to:

- one or more of the other eligible targeted LGAs that have a demonstrated, direct need for funding additional to what has been notionally allocated; or
- to a non-targeted LGA that was disaster declared in AGRN 1012 and/or AGRN 1025 and is able to strongly demonstrate need and support for a project in their community with strong alignment to the CAP.

The Assessment Panel may at its discretion recommend:

- a project as only partially eligible and only provided with part-funding
- additional unallocated funding to a project to bolster asset betterment or deliver better outcomes for the community within the CAP criteria
- a project conditionally on the basis that an external, professional project management service be engaged for the project to ensure appropriate affordability and deliverability of recommended projects
- projects be referred to other funding programs in the NSW or Australian Government for consideration.

Approval and Notification

The Responsible Minister will be the final approver of both successful and unsuccessful applications recommended by the Assessment Panel.

Once approved, successful and unsuccessful applicants will be notified of the outcome of their application by the Department in writing by letter and/or email.

Key details of successful projects will be listed on the Department website. The Department will provide feedback sessions for unsuccessful applicants.

Assessment Criteria



Category	Detail
Community Need (33%)	<ul style="list-style-type: none"> • The ability of the community asset(s) to contribute to community wellbeing and prosperity based on measurable metrics such as varied asset users, vulnerable groups and available alternative facilities and services. • Support from other asset owner/managing organisations within the LGA. This can include a written letter of support from the relevant owner/managing organisation or identification of community need within a relevant community plan. • Community asset reflects community engagement outcomes and asset management plans in line with council's Integrated Planning and Reporting requirements. • The ability of the project to contribute to social recovery and current recovery activities whilst avoiding duplication with other recovery initiatives already funded or underway.
Resilience (33%)	<ul style="list-style-type: none"> • Supporting measurable outcomes that show how the project supports the design, productivity, accessibility, sustainability, preparedness and disaster resilience of the impacted community asset(s). • Repairing or restoring the directly damaged asset in a manner that will provide asset betterment and resilience to future disasters. • Robust design, inclusivity and material considerations are factored into program design and scope.
Viability (33%)	<ul style="list-style-type: none"> • The ability of the project to be delivered within the project funding allocated including appropriate project management, contingency and cost escalation factored into budgets. • The ability of the project to commence delivery within 12 months of funding approval by an appropriate delivery organisation, including any subcontractors with relevant experience and demonstrated commercial management and deadline completion. • The inclusion of local and social procurement approaches. • The inclusion of local sourcing and extent of work health and safety considerations.

Broader factors that may be considered when assessing a suite of projects within an LGA suitable for funding.

The Assessment Panel may consider broader factors to support the overall recovery package in making any funding recommendations:

- priority of a project(s) to the broader community and level of support for the project(s) beyond the applicant organisation
- variety of project size, scale, type and focus
- quantum of funding available
- suitability of projects for other government funding opportunities
- alignment with existing Australian and NSW Government policies and strategies.



Successful Applicants



Both successful and unsuccessful applicants will be notified in writing of the outcome of their application. Successful applicants will be required to enter into a Funding Deed with the NSW Government prior to receiving funds. Unsuccessful applicants will be offered an opportunity to be provided with feedback on their application.

Successful applicants should note:

- the NSW Government makes no binding funding commitment to council unless and until both parties sign a Funding Deed
- council will be required to participate in regular reporting during the delivery and at the completion of the project(s)
- council will be required to participate in a program evaluation after the project has commenced to determine the extent to which their projects have contributed to the objectives of the CAP
- council will be required to provide evidence of how projects resulted in measurable benefits consistent with the objectives of the CAP
- the Australian and NSW Governments may choose to publicly announce grant funding of projects. Councils may be requested to keep the grant confidential for a period of time if an announcement is to be made by the Australian and NSW Governments
- if successful, the Australian and NSW Governments reserve the right to use council and project information in media regarding the CAP. Information may be used in the form of press releases, case studies, promotional material and in response to media enquires relevant to the CAP
- under the Funding Deed entered into with the NSW Government, council will be responsible for ensuring the CAP projects are delivered, appropriate management of the funding monies, and reporting requirements
- under the Funding Deed, council will be required to provide additional documentation on claims including a copy of all relevant insurances and project approvals
- if the situation arises where a grant project is completed and there are unspent funds remaining from the grant allocation, the Department of Regional NSW may require the council to return the unspent funds. If the council requests to use the funds to extend the scope of the project, the Department may assess that request if it aligns to the objectives of the grant program. The Department may require the council to provide supporting information such as revised economic or social impact data.
- grants will be paid via milestone payments set out in the Funding Deed and timing and requirements will vary depending on the scope and timelines of the project
- requests for variations or changes to the project will be considered in limited circumstances and may require re-assessment
- council will be required to pay back unspent funds or those funds which have not been spent and/or cannot be evidenced as spent in accordance with the Funding Deed
- the Department reserves the right to undertake an audit of grant funding within seven years. Council is required to keep an appropriate paper trail for audit and assurance purposes.
- all awarded grants will be GST exclusive.

Key dates

Applications open:

20 January 2023

Applications close:

27 March 2023 (2pm AEST)

Assessment process:

April - May 2023

Assessment outcome date:

30 June 2023

Funding Deeds executed with Successful Applications:

Contracting processes will commence once an Applicant has signed and returned their letter of offer and confidentiality agreement.

Project completion:

By 30 May 2025

In extenuating circumstances, late applications may be accepted at the sole discretion of the Department.



Monitoring and Evaluation

Evaluating government programs enables the success of programs to be robustly assessed, provides confidence in program integrity and informs improvements for future programs.

Funding recipients may be required to partake in the evaluation of CAP. Monitoring and evaluation of the CAP will be undertaken in-line with best practice to determine the effectiveness of CAP including the NSW Government Program Evaluation Guidelines (2016) and the requirements set out in the NSW Treasury TC18-03 Program Evaluation. Evaluation elements will be embedded into CAP to ensure the ability to assess effectiveness.

The evaluation will assess:

- the effectiveness of program design, implementation and delivery of CAP objective(s)
- the progress towards achieving program outcomes
- the alignment of delivered program outcomes to CAP objective(s).

The CAP evaluation will be one component of the overall NSW 2022 CLIRP evaluation.



Terms and Conditions

Public Acknowledgement

Under the Disaster Recovery Funding Arrangements (DRFA), all projects under the CAP must appropriately acknowledge and recognise that it is jointly funded by the Australian Government and the NSW Government under the Disaster Recovery Funding Arrangements. The announcement of assistance must be done jointly by the Australian and NSW Governments, unless otherwise agreed.

Prior agreement must be reached with the Australian Government on the nature and content of any subsequent events, announcements, promotional material or publicity relating to DRFA assistance measures. This includes but is not limited to media releases, events, social media, signage and advertising.

To obtain the required agreement, CAP grant recipients must contact the Department at floods.recovery@regional.nsw.gov.au, and the Department will in turn liaise with NSW Reconstruction Authority and Australian Government representatives regarding the events, announcements, promotional material or publicity.

Publications must include both the Australian and NSW Governments' logos and the following disclaimer: 'Although funding for this product has been provided by both the Australian and NSW Governments, the material contained herein does not necessarily represent the views of either governments'.

Government Information (Public Access) Act

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

Ethical Conduct

Applicants must not participate in any anti-competitive conduct.

It is a condition of the grant program 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.

Complaints

Any concerns about CAP or individual project submissions please write to floods.recovery@regional.nsw.gov.au. If you do not agree with the way the Department handled the issue, you may wish to contact the NSW Ombudsman via www.ombo.nsw.gov.au

Conflicts of Interest

There may be a requirement for a conflict-of-interest declaration to be submitted with all proposals or in the application form.

Where a conflict-of-interest detrimental to the assessment process is identified, mitigation measures must be put in place, or an individual may be asked not to participate in the application, assessment or delivery stage of the process.

Confidentiality

Funding decisions and assessment outcomes must be kept confidential until announced by the Australian and NSW Government. Councils will be required to provide a confidentiality undertaking. This means they must keep the outcome of the application process confidential until the Australian and NSW Governments make a public announcement.

Upon entering into a Funding Deed, details about the funding deed may be made publicly available (subject to information which the Department/ Agency deems to be commercial in confidence).

The council agrees not to disclose any confidential information pertaining to the grant program application or Funding Deed without prior written consent of the Department.

Getting Support

Frequently asked questions and other resources to assist with applications are available at nsw.gov.au/2022CLIRP

If you require assistance or advice with your application, please contact floods.recovery@regional.nsw.gov.au or 1300 679 673 for a referral to the appropriate team.

Disclaimer

Before applying for funding under this program or making any decision, recipients should seek advice from their legal, business and financial advisers to determine their eligibility for, and the terms of the funding.

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.

The program documents are subject to change at any time at the discretion of the Department, in consultation with NSW Reconstruction Authority and the National Emergency Management Authority.

© State of New South Wales through Regional NSW (2022). The information contained in this publication is based on knowledge and understanding at the time of writing (November, 2022). 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 the Department of Regional NSW or the user's independent adviser.

Appendix A – Eligible LGAs

The NSW Government through NSW Reconstruction Authority and in partnership with the Australian Government has declared 75 NSW LGAs as impacted by a natural disaster following the 2022 severe weather and flooding events of February and June 2022. The declaration and list of disaster declared LGAs is outlined within the Australian Government Reference Number (AGRN) 1012 and 1025 at the Natural Disaster Declaration website.

The following 19 LGAs are targeted for the Program as disaster declared and assessed as highly impacted as Pool A, Pool B and Pool C:

- Ballina
- Bellingen
- Byron
- Camden
- Central Coast
- Cessnock
- Clarence Valley
- Glen Innes Severn
- Hawkesbury
- Kempsey
- Kyogle
- Lismore
- Muswellbrook
- Nambucca
- Narromine
- Richmond Valley
- Singleton
- Tenterfield
- Tweed

The following LGAs are eligible to apply for Pool D funding but must be able to substantiate the impact of the disaster on the community asset and demonstrate strong community need and program alignment.

- Armidale
- Bayside
- Bega
- Blacktown
- Blue Mountains
- Bogan
- Bourke
- Brewarrina
- Cabonne
- Campbelltown
- Canterbury Bankstown
- Coffs Harbour
- Cowra
- Cumberland
- Dubbo
- Dungog
- Eurobodalla
- Fairfield
- Georges River
- Goulburn Mulwaree
- Hornsby
- Inner West
- Kiama
- Ku-ring-gai
- Lake Macquarie
- Lithgow
- Liverpool
- Maitland
- Mid Coast
- Mid-Western
- Newcastle
- Northern Beaches
- Oberon
- Parkes
- Parramatta
- Penrith
- Port Macquarie Hastings
- Port Stephens
- Queanbeyan Palerang
- Randwick
- Ryde
- Shellharbour
- Shoalhaven
- Snowy Monaro
- Strathfield
- Sutherland
- The Hills
- Upper Hunter
- Upper Lachlan
- Walgett
- Warren
- Waverley
- Willoughby
- Wingecarribee
- Wollondilly
- Wollongong

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