

July 2023

Fence Rebuilding Program (Not-for-Profits) - Extension Round 2

Program Guidelines

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Background

The record-breaking storms and flooding that occurred in parts of NSW from February 2022 has had a significant impact on communities. Local Government Areas (LGAs) in NSW have been declared a natural disaster zone under the Australian Government Reference Number ([AGRN 1012](#)), including areas in the NSW Mid and North Coast that have been significantly affected.

The \$13 million Early Needs Recovery Program is part of the \$150 million Primary Industry Support package which is co-funded by the Australian and NSW governments. The program aims to support primary producers in the most flood-impacted regions and industries of NSW to regain productivity.

Extension Round 2 of the Fence Re-building Program offers up to \$370,000 per applicant. This program will provide funding to assist them pay for food, accommodation, fencing materials, tools, equipment, transport costs, and wages required to re-establish primary producers' fences.

The program is offering a targeted, competitive grant opportunity to grantees who were awarded funding in Round 1 and the previous Extension Round. Applicants are encouraged to read the guidelines prior to applying. All projects are required to be completed by 24 April 2024.

Local Land Services (LLS) is delivering the ENRP in collaboration with the Department of Regional NSW and the NSW Department of Primary Industries.

Program Purpose and Objectives

The Department of Regional NSW (the Department) has conducted extensive analysis to better understand and document the direct damage experienced from the NSW Severe Weather and Flooding from 22 February 2022 onwards. This has been supported by direct engagement through state and regional recovery subcommittees, industry working groups and direct consultation with industry representative organisations.

Many primary producers within defined disaster areas have experienced direct damage to both boundary and internal fences.

Short-term, the program is supporting primary producers to recover from the impacts of flooding. Long-term, the program seeks to support producers by instilling confidence to continue in the agriculture sector and to return to pre-disaster productivity levels.

Key Dates

Applications open	31 July 2023
Applications close	12pm AEST 16 August 2023
Assessment process	17-24 August
Application outcome date	25 August 2023
Funding Deeds executed with Successful Applicants:	1 September 2023

On ground works completed:	28 February 2024
Project completion:	5pm 24 April 2024 in accordance with the applicant's Funding Deed and up to the maximum amount they have been approved to claim.

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

Program Funding

The total grant funding available under Extension Round 2 of the Fence Re-building Program is up to \$370,000 GST exclusive.

Eligible organisations can apply for funding up to \$370,000.

LLS, at its own discretion, may negotiate proposed scope, costs and total project value with eligible applicants.

In the case where the total grant funding available is not fully allocated LLS, at its own discretion, may increase the amount allocated to an eligible organisation.

Unspent Funds

If the situation arises where a grant recipient's project is completed and there are unspent funds remaining from the grant allocation, the Department of Regional NSW may require the grant recipient to return the unspent funds. If the grant recipient 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 grant recipient to provide supporting information such as revised economic or social impact data.

Eligibility Criteria

Eligible Applicants

To be eligible for grant funding, an applicant must meet each of the following criteria:

- Have received an invite from LLS to apply for the grant
- Be a successful grantee of the Fence Rebuilding Program (not-for-profit) grant program delivered in 2022.
- Be able to commence within 3 months of the commencement of the Funding Deed; have completed on-ground works by 28 February 2024, and all claim submissions completed by 24 April 2024 as outlined in the project deed.

Eligible Projects

To be eligible for grant funding, an applicant must meet one or more of the following requirements:

- Removing fencelines, including debris, that are unable to be repaired and need to be replaced
- Rebuilding and repairing fences that received direct damage, including the removal of debris

- Removal of debris does not include removal of any material from the primary producer’s property. The ultimate disposal of flotsam and disused fencing material is the responsibility of the primary producer
- Consideration must be given to location of fencing to minimise destruction/damage in future flooding events
- Fencing must be rebuilt or repaired to be stock proof.
- Fences being repaired and constructed must have been directly damaged by severe weather and floods that occurred from 22 February 2022 onwards (AGRN 1012)
- Volunteer labour must be used to carry out the fence repair and rebuilding services with supervision from experienced personnel

Ineligible Projects

Any activity that does not meet the project activities eligibility requirements.

Project Locations

See Appendix A for eligible project locations.

Eligible Project Costs

Applicants may claim:

- Cost per metre of fenceline removed, debris cleared, and fences rebuilt, from the 22nd of February 2022 onwards
- The approved rate per metre specified in successful applicant’s Funding Deed is the eligible cost
- Administration of grant including monitoring and reporting up to a maximum of 10% of the total project value.

The per metre cost can include costs related to food, accommodation, fencing materials, tools, equipment, transport costs, and wages required to re-establish primary producers’ fences.

Ineligible Project Costs

Ineligible costs include:

- Any costs for activities not directly related to the rebuilding of the fences of primary producers that received direct damage from the severe weather and floods that occurred in February and March 2022 ([AGRN 1012](#))
- Any costs incurred prior to 22 February 2022
- GST – the project cost is to exclude GST
- Costs that have been incurred and paid for through another grants program
- Costs related to the removal of any material from the primary producers property
- Costs that have been incurred to build fencing where a claim for insurance has been made

Assessment Criteria

You must address all assessment criteria in your application. We will assess your application based on the weighting given to each criterion.

The application form and Fencing Re-building Program - Project detail and cost sheet (Excel) asks questions that relate to the assessment criteria below. The amount of detail and supporting

evidence you provide in your application should be relative to the project size, complexity and grant amount requested. You should provide evidence to support your answers. The application form displays size limits for answers.

Important: The application must meet the applicant eligibility criteria outlined within these grant guidelines to progress to the merit-based assessment.

Merit Assessment Criteria

Criteria Categories	Evidence Requirements	Criteria Weighting
<p>Value for money</p> <p>Provides sufficient evidence that the outcomes of the proposed project activities can be delivered at a cost that is comparable or better than prevailing market rates.</p>	<p>You should demonstrate this by addressing the following:</p> <ul style="list-style-type: none"> • providing the per metre cost for each of the following: <ol style="list-style-type: none"> a. cost per metre for damaged fence removal b. cost per metre for debris removal c. cost per metre for fence reconstruction d. cost per metre for fence repair. • showing the administration costs of the project • demonstrating the number of primary producers that will be supported by the proposed activities. 	40%
<p>Viability</p> <p>Provides sufficient evidence that the project is realistic and is likely to be delivered within budget and on time.</p>	<p>You should demonstrate this by addressing the following:</p> <ul style="list-style-type: none"> • providing a detailed plan including planned activities, milestones, budget, and deliverables • ensuring that timelines and budgets are realistic given all relevant circumstances (including terrain, availability of staffing, equipment, and material costs etc.) • identifying any project risks and propose ways to mitigate those risks <p>An excel template is provided to assist with this criterion.</p>	30%
<p>Project readiness</p> <p>Provide evidence that your project is ready to go.</p>	<p>You should demonstrate this by addressing the following:</p> <ul style="list-style-type: none"> • for completed activities, providing evidence of landholder consent • for planned activities, providing confirmation that landholder consent has been provided 	15%

Criteria Categories	Evidence Requirements	Criteria Weighting
	<ul style="list-style-type: none"> your project dates show that you are ready to commence work within 3 months of signing of the Funding Deed. 	
Project quality Provide evidence that the work will be stock proof and consideration has been given to the impacts of future floods on your proposed work.	You should demonstrate this by addressing the following: <ul style="list-style-type: none"> confirming that fencing has been repaired and/or rebuilt to be stock proof confirming that consideration will be given to the impact of future flooding on your proposed work. 	15%

Application Process

Stage One: How to Apply

To receive an application form and supporting documentation, contact the Early Needs Recovery Program team: recovery@lls.nsw.gov.au. On receipt of the application, confirmation will be emailed to applicants.

The Fence Re-building Program will be a single stage application process and applicants can only submit one application. Applications cannot be submitted after the closing time/date.

Applicants may be contacted by email or phone if further clarification of information is needed regarding the application.

Stage Two: Assessment Process

Subject to required information being supplied, applications will be assessed against the Merit Assessment criteria.

Assessment Panel

Applications will be moderated and reviewed by an assessment panel convened by the Department (Assessment Panel) to ensure consistency in assessment. Each application will be assessed on its merit and compared to other eligible applications before a recommendation is made in writing to the decision maker.

Applicants may be contacted during this step to clarify information provided in their application. The Department will notify applicants if additional information and supporting material is required and the timeframes in which it is required.

The assessment panel will consist of senior representatives from the Department.

The assessment panel may recommend a lesser amount of funding for an application or defer a recommendation pending further information.

The assessment panel may take other factors into consideration when recommending an application for funding including but not limited to the total amount of funding available, geographical distribution of projects across regional NSW, suitability of a project for other government funding

opportunities and alignment with existing NSW Government policies and strategies.

Advice may also be sought from other NSW Government agencies or other sources (such as probity advisors).

Decision making

The decision maker for the Grant is Executive Director, Regional Delivery (LLS), Department of Regional NSW.

The decision maker will review the availability of grant funds and the Assessment Panel's recommendation before deciding which grant applications to approve. The decision maker may take other factors into account that may make an application ineligible 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.

There is no appeal mechanism for decisions to approve or not approve a grant.

Probity advice

Independent probity advisors will provide guidance to the Department 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.

Can Ineligible Projects be referred to a more appropriate funding program?

Yes. Projects that are more suitable for other NSW Government programs may be referred to those programs. Applications that are referred will be subject to the full Assessment Criteria of the other NSW Government program to which they are referred. Applicants may need to update their application to meet the criteria of the referred program.

Successful Applications

Successful applicants will be required to vary their Funding Deed from Round 1 with LLS and submit claims for eligible costs as per the conditions outlined in the Funding Deed.

Claims for eligible costs must be submitted by emailing recovery@lls.nsw.gov.au.

The claim submission period for eligible costs (expended after 22nd February 2022) commences from when the applicant has returned their signed agreement and concludes at 5pm on 24th April 2024.

No claims for costs incurred prior to 22 February 2022 can be submitted.

The claim submission for an Eligible Cost must include:

- an invoice
- written confirmation and approval from Primary Producers of fencing activity including holding reference number
- a report (a template will be provided) describing delivered activities including:
 - LGA's where activities were implemented

- Number of Primary Producers supported
- Number of volunteers engaged
- Metres of fencing repaired
- Metres of fencing rebuilt
- Metres damaged fencing removed
- Metres of debris cleared.

The claim submission must only include Eligible Costs as outlined in the Funding Deed.

Successful applicants may submit multiple claims for eligible costs up until the claim submission period closes and up to the maximum amount that the applicant has been approved to claim. A payment schedule will be negotiated with the applicant and outlined in the Funding Deed.

Claim submissions will be assessed by LLS and approved based on the conditions outlined within the Funding Deed. The approved subsidy amount will be paid to successful applicants in arrears as set out in the Funding Deed.

Applicants must acknowledge the grant in any communications with the following: *“This project is supported by the Fence Re-building Program as part of the Early Needs Recovery Program (ENRP) under the Primary Industry Support Package (PISP) and is co-funded by the Australian and NSW governments under the Disaster Recovery Funding Arrangements (DRFA)”*.

Notification

Successful Applicants will be notified in writing by letter and/or email.

Funding Deed

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

Successful Applicants will be required to provide all supporting documentation and approvals before the Department of Regional NSW can enter into a funding deed. This includes \$20 million Public Liability Insurance and Development Approval (if applicable).

The NSW Government makes no binding funding commitment to an Applicant unless and until both parties sign a funding deed.

Successful Applicants must not make financial commitments for funded activities until funding deeds have been executed by both parties.

Grants will be paid via milestone payments set out in the funding deed. Timing and requirements will vary at NSW Government’s discretion.

Successful Applicants may be required to submit progress reports to the NSW Government as outlined in the funding deed.

Important Terms and Conditions

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.

All projects must demonstrate they can commence within 3 months of the commencement of the funding deed, have completed on ground works by 28 February 2024 and be completed by 24 April 2024 as outlined in the project deed.

Applicants must hold all relevant insurances, including a minimum \$20 million Public Liability Insurance.

Requests for variations or changes to the project will only be considered in limited circumstances.

All awarded grants will be GST exclusive. If the Applicant is registered for GST, this 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.

Successful Applicants will be required to pay back unspent funds or those funds which have not been spent in accordance with the funding deed.

Successful Applicants will be required to participate in a program evaluation to determine the extent to which their projects have contributed to the objective of the Fund. The evaluation will require Applicants to provide evidence of how projects have resulted in a measurable change to the lives of local residents that is consistent with the objective of the Fund.

Any information submitted by an Applicant may be used for promotional material prepared by the NSW Government.

The NSW Government may choose to publicly announce funding for individual applications. It may also use information provided in the grant to develop case studies.

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

The Department reserves the right to undertake an audit of grant funding within a period 7 years from the signing of the funding deed.

Applicants must advise the Department of any changes to their legal status or of changes or delays to their project.

Unsuccessful Applications

Unsuccessful applicants will be notified of the outcome and provided an opportunity for feedback by LLS.

Additional Information

Getting Support

More information about this program, including frequently asked questions are available at:

[Early Needs Recovery Program FAQs | NSW Government](#)

[The journey to recovery - Website - Local Land Services \(nsw.gov.au\)](#)

If you require assistance or advice with your application, please contact Lana Andrews, Project Coordinator 0417 328 615 or Peta Holcombe 0456 760 556 from the Early Needs Recovery Program team or email recovery@lls.nsw.gov.au

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

Complaints

Any concerns about the Fund or individual applications should be submitted in writing to recovery@lls.nsw.gov.au. If you do not agree with the way the Department of Regional NSW handled the issue, you may wish to contact the NSW Ombudsman via ombo.nsw.gov.au.

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.

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 NSW Government. 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 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 applicant agrees not to disclose any confidential information pertaining to the grant program application or funding deed without prior written consent of the Department.

Department rights

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

- 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 department reasonably considers an application to contain any false or misleading claims or statements)
- not proceed with any funding deed, or
- proceed with a funding deed in ways not contemplated in these Guidelines.

Intellectual property

All intellectual property rights in these Guidelines remain the property of the Department. Applicants are permitted to use these Guidelines for the purpose of preparing an application only. Applicants must not use these Guidelines, or any information contained in these Guidelines for any other purpose.

Applications submitted in response to these Guidelines remain the property of the applicant, unless otherwise agreed between the applicant and the department. The applicant agrees that the department may make copies and reproduce applications for any purpose related to the grant opportunity. In addition, the department will retain (electronic and hard) copies of all applications.

No offer

These Guidelines are not an offer, recommendation or invitation by the Department in respect of any contract or commitment and, subject to a funding deed being fully executed by the parties to it, nothing in these Guidelines will form the basis of any contract or commitment.

Addenda

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

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.

© State of New South Wales through Regional NSW 2023. The information contained in this publication is based on knowledge and understanding at the time of writing July, 2023. 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 Regional NSW or the user's independent adviser.

Definitions

AGRN 1012 is the NSW Severe weather and flood event that occurred in February and March 2022 and is listed on the NSW Government disaster declarations website <https://www.nsw.gov.au/disaster-recovery/natural-disaster-declarations>

Direct damage means a direct and material impact of floods, or flood mitigation activities on Primary Producer fence lines.

Defined disaster area for an eligible disaster means the area that the appropriate Minister has defined for the purpose of activating the Disaster Recovery Funding Arrangements. These are shown on disasterassist.gov.au and in the table below.

Farm enterprise is an activity listed in Division A of the Australian New Zealand Standard Industrial Classification 2006 (ANZSIC) 1292.0 (Revision 2.0) published by the Australian Bureau of Statistics.

Primary Producer is an individual, partnership, trust or company which has a right or interest in a farm enterprise, and contributes a part of his, her or its labour and capital to the enterprise, and derives at least 50 per cent of his, her or its income from the enterprise. Primary producers are defined as those that are listed under the Australian New Zealand Standard Industrial Classification 2006 (ANZSIC) 1292.0 (Revision 2.0) Codes 01 (Agriculture), 02 (Aquaculture), 03 (Forestry and Logging), 04 (Fishing, Hunting and Trapping) and 05 (Agriculture, Forestry and Fishing Support Services).

Appendix A

Eligible LGAs

Armidale

Ballina

Bayside

Bega

Bellingen

Blacktown

Blue Mountains

Byron

Camden

Campbelltown

Canterbury

Bankstown

Central Coast Cessnock

Clarence Valley

Coffs Harbour

Cumberland

Dungog

Eurobodalla

Fairfield

Georges River

Glen Innes Severn

Goulburn Mulwaree

Hawkesbury
Hornsby
Inner West
Kempsey
Kiama
Ku-Ring-Gai
Kyogle
Lake Macquarie
Lismore
Lithgow
Liverpool
Maitland
MidCoast
Mid-Western
Muswellbrook
Nambucca
Newcastle
Northern Beaches
Parramatta
Penrith
Port Macquarie/Hastings
Port Stephens
Queanbeyan Palerang
Richmond Valley
Ryde
Shellharbour
Shoalhaven
Singleton
Snowy Monaro
Strathfield
Sutherland
Tenterfield
The Hills
Tweed

Upper Hunter

Waverley

Wingecarribee

Willoughby

Wollondilly

Wollongong