

2022 Community Local Infrastructure Recovery Package

Arts & Culture Priority Needs Program

Guidelines

Background

The record-breaking flooding that occurred in parts of NSW in February-March 2022 has had a significant impact on communities.

Funding of \$150 million was approved for a Community Local Infrastructure Recovery Package (CLIRP) (the Package) jointly funded by the Commonwealth and NSW under the Disaster Recovery Funding Arrangements (DRFA).

The CLIRP will be delivered in two stages: The Priority Needs Program (PNP) and the Essential Community Assets Program (ECAP).

The PNP will provide funding to assist with the repair, reconstruction and minor resilience building measures for arts and culture community infrastructure. In addition, applicants may apply for funds to undertake damage assessments and planning and design work that may be necessary to participate in the second stage of the CLIRP ECAP.

The \$30 million Priority Needs Program will be delivered in community-specific streams as follows:

- \$6 million Aboriginal-owned Assets Priority Needs Program
- \$12 million Arts and Culture Priority Needs Program
- \$12 million Sports Priority Needs Program

This guideline details the eligibility and process to access grant funding for the Arts and Culture Priority Needs Program.

Impact on the Arts and Culture Community

The Department of Enterprise, Investment and Trade – Create NSW and Regional NSW (DRNSW) have assessed 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, sector working groups, peak service organisations and direct consultation with community and representative organisations.

One of the most impacted sectors from the flooding in February-March 2022 has been the arts and culture sector. The NSW Government is committed to supporting the arts and cultural sector as it recognises the importance of art and culture to our economy and wellbeing.

The damaged community infrastructure will likely take many months and years to repair and rebuild resulting in communities being unable to access key facilities and services. Damaged community infrastructure has an impact on individuals, groups and independent organisations that rely on arts and cultural infrastructure to conduct their businesses, as well as on the community that access and participate in the arts.

The funding provided under this Priority Needs Program (the Program) has been designed to complement existing support measures in place and longer-term community infrastructure recovery programs. The funding is designed to help the arts and cultural sector rebuild and recover and while at the same time provide arts and cultural experiences that are so important to community wellbeing.

2022 Community Local Infrastructure Recovery Package

Arts & Culture Priority Needs Program

Guidelines

Objectives

Priority Needs Package objectives:

- be informed and co-designed with and by communities to reflect the needs of impacted communities and to reduce the burden on applicants
- incorporate a range of support measures to allow flexibility for applicants and that reflects community-specific capability and capacity
- be based on evidence of impact to essential community assets to provide targeted support
- be designed and delivered with a focus on supporting asset repair, rebuild and/or projects that include a focus on supporting future resilience

The aim of the Program is to prioritise funding to support assessment and planning and urgent small-scale repair and replacements for arts and cultural infrastructure assets most affected by the February - March 2022 floods.

Funding is available for:

- damage and risk assessments, feasibility studies, planning, design and options for repair, rebuild, replacement of arts and cultural infrastructure assets that consider flood mitigation strategies and supporting potential future resilience,
- protection and make safe works to ensure arts and cultural infrastructure assets are not further damaged; and
- urgent small capital works on arts and cultural infrastructure assets to enable creative activity to continue.

Key Dates

Applications open/Support available	Wednesday 24 August 2022
Applications close	2pm on Wednesday, 30 November 2022, unless allocated funds are exhausted prior.
Assessment process	Applications will be assessed by Create NSW on an ongoing basis throughout the application period, or until all allocated funds are exhausted. Therefore, the assessment of the funding allocation will be done on a first received, first assessed basis.
Outcomes	All applicants will be notified of the outcome of their applications 3-4 weeks after they submit their application.

Projects must commence within 6 months of executing the funding agreement. Exceptions to this timing will be considered on a case by case basis, at Create's absolute discretion.

Successful applicants will be expected to have their projects completed by December 2024

Create NSW reserves the right to amend any of these dates during the Fund, at its absolute discretion.

2022 Community Local Infrastructure Recovery Package

Arts & Culture Priority Needs Program

Guidelines

Eligibility

Eligibility requirements

- Applicant organisation is an eligible applicant
- The proposed project is in an eligible LGA listed at **Appendix A**
- Grant request is a minimum of \$5,000 and does not exceed \$500,000.

Eligible Applicants

Applicants must be an incorporated entity or trust (including a trust with a corporate or individual trustee) and hold an Australian Business Number (ABN), Australian Company Number (ACN), or be registered with NSW Fair Trading under the Associations Incorporation Act 2009 or another Act.

An applicant must be one of the following entities:

- existing funded Create NSW organisation clients
- arts and cultural organisations (including service organisations)
- local councils, including entities owned or controlled by local councils
- Regional Arts Development Organisations (RADOs) – RADOs may apply as a Funds Administrator for multiple projects in their region.

For-profit organisations may be considered eligible applicants only where projects will deliver a demonstrated community benefit.

A fund administrator may apply on behalf of an unincorporated organisation, sole trader, individual, or group.

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

Ineligible Applicants

Ineligible Applicants include:

- Any business or organisation that does not satisfy eligibility requirements.
- Unincorporated organisations (unless the application is by a fund administrator on their behalf)
- Individuals or sole traders - (unless the application is by a fund administrator on their behalf)
- Pre-school, primary and secondary schools
- Australian or NSW Government agencies, state-owned corporations, or statutory authorities

Eligible Projects

To be eligible, projects must meet the following conditions:

- Activities must be directly related to directly damaged arts and community infrastructure in the targeted 8 LGAs listed at **Appendix A**.
- The community infrastructure must have arts and culture as a core activity and must have been directly impacted by the floods.
- The Project must deliver at least one of the following:

2022 Community Local Infrastructure Recovery Package

Arts & Culture Priority Needs Program

Guidelines

- flood damage, risk assessments, feasibility studies, planning, designs and options for repair and replacement of arts and cultural infrastructure assets that consider flood mitigation strategies,
 - protection and make safe works to ensure arts and cultural infrastructure assets are not further damaged; and
 - urgent small capital works to repair arts and cultural infrastructure assets (including fixed equipment. Eligible assets are considered essential to meeting the organisations operational needs.
- Projects that can realise benefits efficiently and effectively in the near term and demonstrate value for money
 - The Project must be able to commence within 6 months of receiving confirmation of the funding
 - The Project must not have already taken place or be due for completion before the funding period starts.

Applicants may submit more than one application if these are for separate projects. There is no limit to the number of applications you can submit.

Eligible Costs

Applicants may apply for funding between \$5,000 to \$500,000 for each project.

Project costs must be in connection with the delivery of eligible projects as noted above.

Eligible grant costs include:

- capital works directly related to flood damage that have not been covered through other government funding and/or insurance claims
- the delivery of eligible projects, including administration costs and project management costs not exceeding 20 per cent of the requested funding
- repair and/or replacement (rebuild) works directly related to flood damage, including works to make the damaged infrastructure more resilient to future disasters without changing the asset functionality
- planning and design works for eligible projects as above
- salary/wages and entitlements for employees specifically engaged for the project(s).
- equipment replacement and fit out items, such as shelving, if part of larger project that is otherwise eligible

Ineligible Costs

Ineligible costs include:

- costs that have already been covered or claimed under insurance or from other Australian or NSW government programs
- local council costs for the primary purpose of waste clean-up
- 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 and/or infrastructure not directly affected by flooding residences

2022 Community Local Infrastructure Recovery Package

Arts & Culture Priority Needs Program

Guidelines

- business as usual and/or commercial activities
- salary/wages and on-costs for existing, budgeted employees
- costs related to buying or upgrading non-fixed equipment or supplies unless it is a small component of a larger fixed project.
- costs that require recurrent or ongoing funding from the Federal or State Government

Application and Assessment Process

Submission

Applicants should submit applications through <https://artsnsw.smartygrants.com.au/> within the dates published in these guidelines. Once you submit your application you will not be able to reopen or resubmit your application.

Confirmation

Once you have submitted your application, you will receive a confirmation email via Smarty Grants.

Eligibility Check

Applications will be checked for eligibility against the eligibility criteria outlined above by Create NSW. If eligible, the application will proceed to competitive assessment. Create NSW reserves the right to seek clarification or additional information from any applicant in relation to the eligibility assessment, at its absolute discretion.

If ineligible, the applicant will be advised in writing within 14 days of submission date that the application will not proceed to assessment and feedback will be provided.

Assessment Criteria

Eligible applications will be assessed against the following assessment criteria as applications are received. Only applications that are assessed as sufficiently meeting all assessment criteria may be recommended for funding.

	Criteria	Evidence to be provided
1.	Applicant core activity and location	Relevant information regarding applicant, arts and cultural activity or services as part of their core activity, business, or business units in eligible LGAs. The disaster declared LGA eligible for support under this Program, as per the Australian Government Reference Number (AGRN) 1012, are at Appendix A. Include a description of the organisation activities, and what activities take place in the damaged property.
2.	Project detail	Evidence of how the flood events have damaged arts and cultural assets and an overview of how the funding will address this impact. Evidence that cultural protocols and sensitivities

2022 Community Local Infrastructure Recovery Package

Arts & Culture Priority Needs Program

Guidelines

		<p>(including Aboriginal Arts & Cultural protocols in the case of First Nations people and other groups) have been considered.</p> <p>Project demonstrates community benefit based on measurable metrics such as facility use, project beneficiaries and available alternative facilities and/or services.</p> <p>Supporting documentation may include:</p> <ul style="list-style-type: none"> • copy of lease / deed of ownership • verified photos and or videos – including notes explaining the location and damage shown in the photos, and positions of where the photos are taken noted on a plan • survey/engineering/technical condition reports • letters of support
3.	<p>Verification that funds requested aligns with these Guidelines and demonstrate value for money in the use of public funds.</p>	<p>The proposal addresses the types of works that are identified in these Guidelines.</p> <p>The project demonstrates value for money in meeting the recovery need.</p> <p>Demonstrated ongoing viability of the project once completed.</p> <p>The proposed project schedule and milestones are achievable and reserve allowances are appropriate and justifiable.</p> <p>Major risks have been identified and assessed, and actions to avoid or mitigate risks have been documented.</p> <p>Requested funding is for eligible costs and eligible assets.</p> <p>Evidence should include:</p> <ul style="list-style-type: none"> • project milestones, project plan and scope of works i.e., description of each stage of the works and proposed budget • quotes, cost estimates, or other documentation on which project costs are based • information on urgency of need for the works to be done • risk assessment matrix

Competitive applications will demonstrate competency across all three of the criteria.

2022 Community Local Infrastructure Recovery Package

Arts & Culture Priority Needs Program

Guidelines

Assessment

Applications will be assessed by a skilled team within Create NSW in batches on an ongoing basis throughout the application period against the published assessment criteria.

Throughout the assessment process Create NSW may request additional information from applicants or from any other source. Create NSW may also seek advice from Cultural Infrastructure Advisory Board, other NSW Government agencies or other third parties (such as external probity advisors) to assist with the assessment of applications and ensure appropriate oversight and assurance of the entire grants process. All parties involved in the assessment process will effectively manage any real or perceived conflicts of interest through the appropriate probity processes.

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

Applications will be assessed by an internal Create NSW grant assessment panel which will make recommendations for funding based on the published criteria for this Program. Recommendations will then be reviewed by one or more independent members of the Cultural Infrastructure Advisory Board before being submitted for approval.

Applications recommended for funding will be considered and approved by the NSW Minister for Aboriginal Affairs, the Arts, Regional Youth and Tourism.

Outcomes

Applicants will be notified of the outcome of their applications under embargo within 3-4 weeks after they submit their application.

Under embargo means that applicants are notified but they cannot publicise the outcome until the official announcement has been made by the Minister for the Arts, the Local Member or Create NSW. Please note the embargo period is taken seriously and failure to comply may impact your current or future funding eligibility.

Unsuccessful Applicants will be notified of the outcome and provided an opportunity for feedback by Create NSW.

Successful Applicants

Successful Applicants will be required to enter into a legally binding Funding Agreement with the Department of Enterprise, Investment and Trade prior to receiving funds. Funding Agreement - Terms and Conditions.

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

The Funding Agreement will include project scope of works and project conditions and sets out payments against completed project milestones and is a legal document which sets out the arrangements under which the grant is provided, received, managed, and acquitted.

Payment claims for completing each milestone should be submitted to Create NSW together with required documentation as set out in the Funding Agreement.

Successful Applicants should note the following conditions:

2022 Community Local Infrastructure Recovery Package

Arts & Culture Priority Needs Program

Guidelines

- Applicants may be required to participate in an evaluation after the activity has commenced to determine the extent to which the activity has contributed to the objectives of the Program. This may include an option to have an independent Quantity Surveyor to be engaged to visit sites.
- If successful, the Australian and NSW governments reserve the right to use the Applicant's information in media regarding the Program. Information may be used in the form of press releases, case studies, promotional material and in response to media enquires relevant to the Program.
- Successful Applicants may be required to submit progress reports to the Australian and NSW governments and auditing documentation as outlined in the Funding Agreement including an end of project acquittal proportionate to the value and risk of the grant that evidences how funds have been spent.
- Requests for variations or changes to the Funding Agreement will only be considered in limited circumstances.
- The Department reserves the right to undertake an audit of any funding provided within seven years. Applicants are required to keep appropriate records for audit and assurance purposes.
- For Applicants registered for GST and where it is payable, successful Applicants will be paid the approved grant amount plus 10 per cent by the Department. Where an Applicant is not registered for GST, it is not payable on grant amounts. Applicants not registered for GST must incorporate any GST paid by them to third parties into their claim submission.

Public Acknowledgement

Under the DRFA, all projects under the CLIRP Arts and Culture Priority Needs Program must appropriately acknowledge and recognise that it is jointly funded by the Australian and NSW governments under the DRFA. The announcement of assistance must be done jointly by the Australian and NSW governments, unless otherwise agreed.

Prior agreement must be reached with the NSW and Australian Governments 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, grant recipients must contact floods.recovery@regional.nsw.gov.au, and the Department will in turn liaise with Resilience NSW 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. The Department will identify and inform Resilience NSW and the Australian Government of media opportunities.'

Government Information (Public Access) Act

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

2022 Community Local Infrastructure Recovery Package

Arts & Culture Priority Needs Program

Guidelines

- 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 Program should be submitted in writing to disaster.support@create.nsw.gov.au.

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

Getting Support

More information about this Program, including frequently asked questions are available at <https://www.create.nsw.gov.au/funding-and-support/arts-and-culture-priority-needs-program/>.

If you require assistance or advice with your application, please contact Create NSW via email on disaster.support@create.nsw.gov.au or call (02) 8229 2999.

Disclaimer

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Funding assistance provided through the Program is subject to funds being available. The Department of Enterprise, Investment and Trade reserves the right to make changes to the Program to ensure it meets the objectives outlined in these guidelines and provides equitable funding support to applicants.

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

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

2022 Community Local Infrastructure Recovery Package

Arts & Culture Priority Needs Program

Guidelines

Appendix A

Eligible LGAs

The NSW Government through Resilience NSW and in partnership with the Australian Government has declared 62 NSW LGAs as impacted by a natural disaster following severe weather and floods from 22 February 2022 onwards.

The declaration and list of disaster declared LGAs is outlined within the Australian Government Reference Number (AGRN) 1012 at <https://www.nsw.gov.au/disaster-recovery/natural-disaster-declarations>.

The following LGAs are eligible for the Program as they are declared disaster areas as per AGRN 1012 and have been assessed as highly impacted:

- Ballina
- Byron
- Clarence Valley
- Hawkesbury
- Kyogle
- Lismore
- Richmond Valley
- Tweed