



13 March 2023

The General Manager
Byron Shire Council
PO Box 219
Mullumbimby NSW 2482

REF: 5.89
File No: NR.1012.BySC.Federal Dr

NSW DISASTER ASSISTANCE ARRANGEMENTS
BYRON SHIRE COUNCIL
ESSENTIAL PUBLIC ASSET RECONSTRUCTION WORKS
AGRN1012 - NSW SEVERE WEATHER AND FLOODING - 22 FEB 2022
FUNDING LETTER

Dear Sir/Madam,

I refer to the submission of Council's claim and supporting documentation for the subject event. Transport for NSW has reviewed the submission and documentation provided by Council and has found the following:

- Council has submitted adequate documentation and supporting evidence in compliance with the 'Australian Government Disaster Recovery Funding Arrangements 2018' and 'NSW Essential Public Asset Reconstruction Works Guidelines'. TfNSW can provide a copy of the approved Form 306 (or F306 extracted from Recover) upon request.
- Council's claim for AGRN1012 is for \$22,986,546.25 for Essential Public Asset Reconstruction Works
- Council has 'Opted-in' under the new co-funding arrangements. Please refer to the completed Form 306 for further details regarding your co-funding arrangements for this event.

Upon review, TfNSW is pleased to confirm that Council's submission meets guideline requirements, therefore formally provides approval for funding.

A total upper limit grant of \$22,986,546.25 is available to Council for Essential Public Asset Reconstruction Works. A summary is detailed in the table below:

Transport for NSW

Level 13, 231 Elizabeth Street, Sydney NSW, 2000
PO Box K659, Haymarket NSW 1240

T 02 8202 2200
W transport.nsw.gov.au | ABN 18 804 239 602

CLAIM NO/DESCRIPTION: FEDERAL DRIVE			
Type of Work	Road Type	Project No.	Total Upper Grant Limit
Essential Public Asset Reconstruction Works	Local	P.0081037.01.001.001.003	\$22,986,546.25
Total			\$22,986,546.25

Notes:

1. Natural disaster funding is in the form of an upper limit grant and only actual expenditure up to the approved amount may be claimed.

2. Councils' co-contribution is calculated in accordance with the requirements in the 'NSW Essential Public Asset Reconstruction Works Guidelines'.

Please complete, sign and return the Acceptance of Funding (Attachment C) and Simplified Project Plan (Attachment B) **within 2 weeks from the date of issue** advising of Council's acceptance of funding and associated conditions.

If you require any further information, please contact Liam Shields on 0428 179 577 or email NDNorth@transport.nsw.gov.au.

Yours faithfully,



Dan Champness
Director, Regional Community Partnering North

ATTACHMENTS

ATTACHMENT A – Conditions of Funding

ATTACHMENT B – Forecasts and milestones (Simplified Project Plan)

ATTACHMENT C – Acceptance of Funding

ATTACHMENT A – CONDITIONS OF FUNDING

- **COMPLIANCE TO POLICY** – Council agrees to comply with the ‘Australian Government Disaster Recovery Funding Arrangements 2018’, NSW Disaster Assistance Guidelines and ‘NSW Essential Public Asset Reconstruction Works Guidelines’.

- **FUNDS ADMINISTRATION** - Administration of the above funds is in accordance with TfNSW's Arrangements with Councils for Road Management. Council must complete the Project Status Report (PSR) submitted monthly to TfNSW to enable payment of the approved funding and provide confirmation of project completion. Natural Disaster Essential Public Asset Reconstruction (EPAR) Works require transaction listings to be submitted via email to support all monthly PSR claims. Council are required to provide transaction listings and associated evidence to TfNSW. These must be submitted in conjunction with the monthly PSR to enable sufficient time for assessment and approval. Failure to submit will result in non-payment within the month.

- **PROJECT FINALISATION** - Council is required to complete the work in accordance with ‘Australian Government Disaster Recovery Funding Arrangements 2018’, NSW Disaster Assistance Guidelines and ‘NSW Essential Public Asset Reconstruction Works Guidelines’ and submit a final certificate of expenditure within three months of completion of the restoration work.

Notes: For works completed in June and not claimed in June, Council is required to submit date of completion of work and evidence that expenditure and completion of works were carried out prior to the end of June. Where satisfactory evidence is not submitted, funding may not be provided.

- **REPORTING** - Council must provide detailed commentary and project delivery milestones through the monthly report. Council must complete the Monthly Report submitted to TfNSW Local Government to enable payment of the approved funding and provide confirmation of project completion.

- **AUDITING** – Audits in regards to council expenditure may be conducted by the Commonwealth, the Audit of NSW, State Agencies or their contractors either during or after finalisation of the project. Councils must retain all evidentiary documentation in the event of an audit and provide the requested documentation within three (3) weeks of the request. Councils is responsible for any costs associated with such activities.

- **MEDIA COMMUNICATIONS** – Council must advise TfNSW prior to making any public announcement regarding the above project(s).

ATTACHMENT A – CONDITIONS OF FUNDING (CONT)

● WORK HEALTH AND SAFETY – Council will comply with the Work Health and Safety Act 2011 and Work Health and Safety Regulation 2017. Council acknowledges that under the WHS Laws, it is a primary duty of care to ensure, as far as practicable:

- The health and safety of workers; and
- The health and safety of others in not put at risk as a result of the works.

Council acknowledges and agrees to consult, cooperate and coordinate with the relevant parties regarding matters relating to shares risks and the health, safety and welfare of workers.

● SCOPE CHANGES / VARIATIONS – Any change of scope including time or cost for projects, MUST be discussed as soon as possible with the TfNSW Manager Local Government. Council must formally request and provide details in writing of the proposed scope changes to the Manager Local Government. Note that scope changes may result in a revised funding allocation and/or additional assessment requirements. **Note: Requests for an extension of the Allowable Time Limit (ATL) must be submitted by 30 June and 31 December each year and before the end of the ATL via TfNSW.**

It is agreed that:

- Council will complete all necessary planning, design, road safety audit, public engagement, WHS considerations and environmental assessment for each project.
- Council will submit a monthly status report.
- All claim submissions for Resoration of Essential Public Assets funding must be certified by the council and include: Claim certification letter from the council, Form 306, general ledger and mandatory evidence documentation (pre-disaster condition, asset damage and completion of works)
- Upon request, the council must be able to provide auditable records, including breakdown of normal use of Day Labour (incl. internal plant and equipment) values (Section 4.7, 4.8, 4.9 & 5.2 NSW Natural Disaster Essential Public Asset Guidelines)
- Council will provide a completion report (including before and after site photos) to certify that the approved scope of work has been completed and the final costs incurred.



ATTACHMENT C - ACCEPTANCE OF FUNDING

BYRON SHIRE COUNCIL
ESSENTIAL PUBLIC ASSET RECONSTRUCTION WORKS
AGRN1012 - NSW SEVERE WEATHER AND FLOODING - 22 FEB 2022
FUNDING LETTER

Council hereby accepts the funding for the following projects for Essential Public Asset Reconstruction Works.

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Essential Public Asset Reconstruction Works	Local	P.0081037.01.001.001.003	\$22,986,546.25
Total			\$22,986,546.25

Notes:

1. Natural disaster funding is in the form of an upper limit grant and only actual expenditure up to the approved amount may be claimed. Council will be responsible for any project costs above the revised upper limit
2. Councils' co-contribution is calculated in accordance with the requirements in the 'NSW Essential Public Asset Reconstruction Works Guidelines'.

Council confirms acceptance of funding based on the terms and conditions of the Funding Letter including the Conditions of Funding.

General Manager / CEO Name:	
General Manager / CEO Signature:	
Date:	

PLEASE RETAIN A COPY OF THIS FUNDING ACCEPTANCE LETTER FOR COUNCIL RECORDS

Transport for NSW

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