

## NSW Cattle Underpass Scheme Round 2.2 - Guidelines

**NB: These guidelines have been updated to include a closing date for applications of 8 September 2023, and a requirement that works be completed by 30 June 2024.**

### Scheme Overview

Round 2 of the NSW Cattle Underpass Scheme (CUPS) supports NSW dairy farmers to construct underpasses, or cattle crossing warning flashing lights and signs, to reduce the risk to motorists, livestock and producers from regular livestock movements across public roads to facilities such as dairies.

The CUPS aims to achieve the following outcomes:

- Reduced risk of fatalities and injuries due to vehicles colliding with farmers, farm employees and cattle at crossing sites.
- Reduced risk of near misses where vehicles swerve or brake to avoid colliding with farmers, farm employees and cattle at crossing sites.
- Reduced traffic delays for commuters, freight vehicles and tourists at cattle crossing sites.
- Improved productivity, profitability, health and welfare for farmers, their employees and their cattle.

Round 2 of the NSW Cattle Underpass Scheme (CUPS) provides grants to dairy farm businesses for half (50 percent) of the cost of an underpass, up to a maximum of \$100,000 plus GST or for half (50 percent) of the cost of the purchase and installation of cattle crossing warning flashing lights and signs, up to a maximum of \$20,000 plus GST. The farmer is responsible for the remaining cost. The total amount available for CUPS Round 2 is \$2 million and grants will be awarded on a first come - first served basis.

For dairy producers located in any local government area in NSW that had access to Commonwealth-State Disaster Recovery Funding Arrangements (DRFA) since January 2019, up to 70 percent of the cost of underpass or cattle crossing warning flashing lights and signs will be provided to successful submissions, up to the same maximum amounts respectively. The farmer will be responsible for the remaining cost.

For both underpasses and warning flashing lights and signs, the design, planning approvals and certification, construction and traffic management during construction, will be the responsibility of the applicant (i.e. the farmer), their contractor and the relevant road manager\*.

The application period for NSW CUPS Round 2 opened in January 2023 and **closes 8 September 2023**. Applications were initially assessed in February 2023, April 2023 and every two weeks thereafter. Eligible applications are assessed in the order in which they are received.

NSW CUPS is a joint initiative of NSW Department of Primary Industries (NSW DPI) and Transport for NSW (TfNSW).

An Assessment Panel with representatives from NSW DPI and TfNSW review applications to determine eligibility.

The grant for a successful application will be paid to the contractor after the underpass has been constructed and certified, or after the warning flashing lights and signs have been installed and certified.

**Note:** for the purpose of the CUPS, a 'farm' refers to the property that will be connected by the proposed underpass. If the underpass connects two different properties, the applicant should ensure that the eligibility criteria are met for both properties. For example, if the properties on either side of the road are owned by different people, the application should show that the owners of both properties have given permission for an underpass to be built.

## Eligibility Criteria for Underpass or Warning Flashing Lights and Signs

The Assessment Panel is responsible for assessing each application against the eligibility criteria and has full discretion to determine whether an application meets the criteria.

Applicants will be notified if their application is ineligible. Applicants may amend unsuccessful applications and re-submit for assessment. For example, an application for an underpass that was ineligible could be amended and re-submitted for warning flashing lights and signs.

To be eligible for a grant for an underpass, or warning flashing lights and signs, the applicant must meet the following eligibility criteria:

Criteria	Evidence required
Both the farm and the site where the works are proposed to be built are located entirely within NSW.	Address of the farm and GPS coordinates of the proposed site.
The main purpose of the works will be to allow the movement of dairy livestock.	Applicant details the current operation of their farm and the intended use of the underpass or warning flashing lights and signs.
The applicant is the owner of the property or has permission from the property owner to build the underpass or warning flashing lights and signs.	Proof of land ownership such as rates notice. If the applicant is not the farm owner, written permission from the farm owner.
The applicant holds an Australian Business Number (ABN) for the dairy operation and is registered for GST.	ABN provided.
Secure necessary approvals and permits needed to undertake the activity.	At a minimum provide a copy of related correspondence with local council or Transport for NSW to show the process has commenced. The applicant may be issued with a provisional approval in the case that they meet all the criteria except not having full approval from the road manager and corresponding issuing of permits.

Criteria	Evidence required
	Once those approval and permits are received, they would be issued a full approval.
Before You Dig has been contacted to clarify if any infrastructure will be affected.	Signed statement on the application form.
The applicant must commit to complete the works before 30 June 2024.	Signed statement on the application form.
The applicant must commit to maintaining the underpass or warning flashing lights and signs on completion of the construction as required by the road manager OR provide written confirmation that the relevant road manager agrees to assume ownership of the asset and responsibility for its maintenance.  <i>Note:</i> The road manager may require the applicant to pay the cost of maintenance undertaken by the road manager and/or the cost of safety inspections.	Confirmation in writing from the relevant road manager as to who will assume ownership of the asset and be responsible for ongoing maintenance.
The applicant must demonstrate capacity to fund the balance of costs associated with the works.	Signed statement on the application form.
<b>For construction of a cattle underpass:</b> The applicant has received at least two quotes for the underpass from different contractors (or one quote from their local council).	Copy of quote(s) attached to the application with a breakdown of costs The road manager will indicate if only pre-qualified contractors can be used to undertake the works.
<b>For installation of warning flashing lights and signs:</b> The applicant has received at least one quote for the supply & installation (the quote for installation can be from your local council).	<i>Note:</i> A list of manufacturers with capability to produce signs to the standards required can be obtained from the CUPS Program Coordinator.

## Application Process

Step	Instructions
1. Submit preliminary application (Part A of application form). <i>Note:</i> Part B of the form can be submitted at this point if nearing completion	Submit Part A of the application form to the CUPS Program Coordinator, including information about the crossing site, the proposed infrastructure and the need for an underpass or warning flashing lights and signs. The CUPS Program Coordinator will be available to guide the applicant through the application process. This will include identifying and contacting the relevant road manager and identifying specific requirements for approval and release of permits. This information will be provided to the applicant. Provisional approval may be provided based on the preliminary application and applicants must submit a full application as soon as possible to ensure the approved works can be completed by 30 June 2024.
2. Contact the road manager	Once the applicant has been given the contact details of the relevant road manager as well as all specific requirements for approval and permits, prospective applicants are to contact the road manager. The applicant will then need to work through the process of planning and obtaining appropriate approvals and permits for proposed construction of the underpass, or installation of warning flashing lights and signs.

Step	Instructions
	<p>The applicant will be required to submit design drawings to show the structure meets required standards. The design will be the basis for contractor quotes (Step 4). Standard drawings for typical sections through livestock underpasses are available from the DPI and Transport for NSW websites.</p> <p><i>Note:</i> The applicant must commit to maintaining the underpass or warning flashing lights and signs on completion of the construction as required by the road manager OR provide written confirmation that the relevant road manager agrees to assume ownership of the asset and responsibility for its maintenance. The applicant should seek clarification when initial contact is made with the road manager, who may require the applicant to pay the cost of maintenance undertaken by the road manager and/or the cost of safety inspections.</p>
3. Contact Before You Dig	<p>Either the applicant or contractor must contact Before You Dig (<a href="https://www.byda.com.au/">https://www.byda.com.au/</a>) to determine if there is any infrastructure such as Telstra cables in the area of construction. Before You Dig is a FREE national referral service designed to assist in preventing damage and disruption to Australia's infrastructure networks.</p>
4. Obtain quotes	<p>For an underpass, the applicant should request quotes for construction of an underpass from at least two qualified contractors <u>OR</u> one quote from the local council if it agrees to undertake the work.</p> <p>For warning flashing lights and signs, the applicant should request at least one quote from a qualified contractor or local council if it agrees to undertake the work.</p>
5. Contractors provide itemised quotes	<p>The contractor(s) will issue quotes to the applicant showing total construction costs and an itemised breakdown of materials and labour costs for the underpass, or purchase and installation costs of warning flashing lights and signs. The quote for the sign supply &amp; the installation can be from the one company or from separate entities.</p>
6. Farmer submits Part B of the application form	<p>The applicant will submit Part B of the application form, the quote(s) &amp; other required documents to the CUPS Program Coordinator who will be available to assist the applicant through the application process.</p> <p><i>Note:</i> Part B of the application may be submitted without the final approval and permits of the road manager to undertake the work</p> <p>The grant will generally be based on the lower of the two quotes.</p>
7. Letter of offer issued	<p>Once the application is complete, assessed and approved, a letter of offer and funding agreement will be issued to successful applicants by Transport for NSW.</p> <p>Upon return by the applicant of a signed funding agreement, the CUPS Program Coordinator will issue a letter to the chosen contractor setting out the amount of the grant and what is required of the contractor to receive the grant payment. The grant payment will be paid directly to the contractor upon proof that the project was completed to the required standard.</p>
8. Contractor to initiate work	<p>Construction work cannot commence until the applicant receives a letter of offer and funding agreement from Transport for NSW, the applicant returns a signed funding agreement to the CUPS Program Coordinator and the CUPS Program Coordinator issues a full approval letter to the contractor.</p>
9. Six monthly reporting of activity	<p>The farmer or contractor must provide to the CUPS Program Coordinator six monthly Activity Reports on the status of the project consisting of a description of progress of the works including an explanation of the cause of any delay in commencing or progressing the works, likely completion date and photos.</p>
10. Completion of works	<p>The applicant has until 30 June 2024 to complete the construction of the underpass or installation of warning flashing lights and signs; or to provide evidence that the works have commenced and are nearing completion. If this has not been met, the grant may be cancelled.</p>
11. Final inspection	<p>When construction or installation has been completed, a representative from Transport for NSW (if the works are on a state-controlled road) or the local council (if on a local road) will undertake a final inspection to verify that all conditions have been met.</p>

Step	Instructions
12. Contractor forwards tax invoice to Transport for NSW to verify total cost.	<p>The contractor will submit a tax invoice to Transport for NSW for the total agreed amount of the grant and the GST payable outlined in the full approval letter received from the CUPS Program Coordinator, with the following paperwork attached:</p> <ul style="list-style-type: none"> <li>• A copy of the inspection certificate/document from Transport for NSW or the local council to verify completion of contracted works.</li> <li>• Copy of the tax invoice issued to farmer showing balance of project costs.</li> <li>• A signed statement of claim by the contractor in the form of a letter verifying total cost.</li> </ul> <p>These documents can either be posted or emailed to Transport for NSW.</p>
13. Maintenance	<p>The applicant must commit to maintaining the underpass or warning flashing lights and signs on completion of the construction as required by the road manager unless they have written confirmation that the relevant road manager agreed to assume ownership of the asset and responsibility for its maintenance (as per Step 2).</p> <p>The applicant should retain the original copies of any inspection certificates from Transport for NSW or the Council.</p> <p><i>Note:</i> The road manager may require the applicant to pay the cost of maintenance undertaken by the road manager and/or the cost of safety inspections.</p>

## Appeals

The applicant may appeal the decision of the assessment panel by contacting the CUPS Coordinator, who will arrange an independent review of the application and respond within ten business days.

## Frequently asked questions

### What are the opening and closing dates?

Applications opened in January 2023 and will close 8 September 2023. Preliminary applications and full applications will be assessed at fortnightly Assessment Panel meetings.

### Why does the Application Form have a Part A & Part B and can I put both in at once?

Part A allows applicants to indicate an interest in applying for a grant with some preliminary details to assist the Program Coordinator to identify the road manager. The applicant needs to negotiate the details of the underpass or flashing lights and signs with the road manager. Some applicants may already be in discussions with the road manager and be further along in the process, so these applicants can submit a complete or partially completed application in the first instance.

### How will decisions about funding be made?

Every application received will be assessed by the Assessment Panel with membership from TfNSW & NSW DPI based on the eligibility criteria. Such an assessment will also consider the benefits of an underpass, based on frequency of crossing, estimated traffic volumes and the time taken for livestock to cross at the identified site. The Assessment Panel may decline applications in situations of infrequent crossing and/or low traffic volumes. Funding will be awarded to eligible applicants in the order in which the applications are received. Eligible applications cannot be guaranteed funding if the program is over-subscribed during the application period.

### Do I need to have permission from the road manager to be eligible for a grant?

Yes. As the underpass will be built underneath a public local or state-controlled road, or the installation of warning flashing lights and signs will occur within the public road reserve, you need to ensure the relevant road manager has provided written evidence of its permission.

While the underpass is likely to be constructed by a contractor, you will be responsible for ensuring that the underpass complies with the terms and standards required by the road manager. If you are uncertain of any of the requirements advised by the road manager, you should discuss these issues with the road manager and

your contractor before commencing construction of the underpass. The CUPS Program Coordinator will also be available to guide the applicant through the application process.

The applicant must commit to maintaining the underpass or warning flashing lights and signs on completion of the construction as required by the road manager OR provide written confirmation that the relevant road manager agrees to assume ownership of the asset and responsibility for its maintenance. The applicant should seek clarification when initial contact is made with the road manager.

### **If my application is successful, when will I receive my grant?**

Grants will be paid to the contractor after the underpass has been built and certified, or after the warning flashing lights and signs have been installed and certified. The grant will be paid directly to the contractor following receipt of a tax invoice and signed statement/letter of claim verifying total cost.

### **Why has the time to complete the works changed to the 30 June 2024 from within 12 months of approval of the grant?**

NSW Government financial management protocols will not allow the budget allocated to CUPS to be carried forward to the financial year 2024/2025. In exceptional circumstances and on a case by case basis, it **MAY** be possible for individual grants to be paid early in the 2024/2025 financial year **IF** the applicant can provide evidence that construction has commenced and is nearing completion in June 2024. If this is not the case, the grant may be cancelled.

### **What costs will be included in determining the size of a grant?**

For underpasses, grants for half (50 percent) of the cost of an underpass, up to a maximum of \$100,000 plus GST for the costs associated with the services for construction of the underpass including excavation and relocation of utilities, purchase of materials and installation of the underpass structure will be covered. This can include earthworks, culverts, disconnection and reconnection of services, crash barriers, drainage, tracks and reasonable fencing, costs of special design drawings where standard ones do not apply, traffic management and any other works deemed necessary by the relevant authority, including costs associated with obtaining permits. Standard drawings of a typical section through livestock underpasses are available from either the DPI website, your local council or Transport for NSW.

For cattle crossing warning flashing lights and signs, grants for half (50 percent) of the cost up to a maximum of \$20,000 plus GST for the cost of the purchase of materials and services associated with the installation will be covered.

Dairy producers located in any local government area in NSW that had access to Commonwealth-State Disaster Recovery Funding Arrangements (DRFA) since January 2019 are eligible for up to 70 percent of the cost of underpass or cattle crossing warning flashing lights and signs, up to the same maximum amounts respectively. The farmer would be responsible for the remaining cost.

### **Will I need to go through a Development Application process?**

It is more likely a Section 138 Application for works and structures in/on a road reserve will be required but contact the relevant road manager to clarify all the specific requirements for the process of planning and obtaining appropriate approvals and permits for proposed construction of the underpass, or installation of warning flashing lights and signs.

As part of this process the applicant will be required to submit design drawings to show the structure meets required standards. The NSW DPI CUPS web page includes a link to standard drawings of a typical section through a livestock underpass, on the Transport for NSW website.

The Recommended Signage Layout for Permanent Stock Crossing and the diagrams for the two sign designs to be used for Flashing Lights and Signs are also available from this link.

The CUPS Program Coordinator will be available to guide the applicant through the application process.

**Are underpasses and Warning Flashing Lights and Signs only available for dairy farmers?**

Yes, given the frequent and regular nature of dairy cattle movements and hence higher risk to vehicles, livestock and people, Round 2 is only available for dairy farmers in NSW.

**Can the underpass also be used for moving vehicles or other purposes?**

Yes. However, the underpass must be predominantly for the movement of livestock.

**Can the underpass be under a railway or other types of thoroughfares?**

Applications for works to facilitate cattle passing under a railway will only be considered where the proposed works eliminate an existing need for dairy cattle to cross a public road.

**What happens if several applications for warning flashing lights and signs are received along the same road resulting in a cluster?**

If on a state road, Transport for NSW may undertake a route assessment to determine the impact on traffic and safety of a cluster of warning flashing lights and signs in proximity.

Applications for warning flashing lights and signs on local and regional roads may need to be assessed by the Local Traffic Committee as part of the council approval process.

**Who is responsible for the maintenance of the structures?**

The applicant must commit to maintaining the underpass or warning flashing lights and signs on completion of the construction as required by the road manager OR provide written confirmation that the relevant road manager agrees to assume ownership of the asset and responsibility for its maintenance.

For underpasses, the road manager might stipulate that maintenance and routine inspections be undertaken by the road manager at the applicant's expense. For warning flashing lights and signs, an approved contractor may be required to ensure lights function correctly. Annual inspection and call out fees are likely to apply and must be met by the applicant.

Please discuss this with the road manager during the application process. The CUPS Program Coordinator will also be available to support the applicant through the application process.

**Will the eligible applicant/farmer have to sign a funding agreement related to the grant with Transport for NSW before they commence works?**

Yes. A letter of offer and funding agreement outlining roles and responsibilities of both parties will be issued to successful applicants by NSW DPI. The applicant will have to return the signed funding agreement to the CUPS Program Coordinator.

**Why do I need to contact 'Before You Dig'?**

Experience from other states indicates some works have impacted the Telstra network. By contacting Before You Dig the location of all infrastructure such as phone, internet, gas, water and electricity cables will be determined, and the cost of relocation included in the contractors' quotes.

**Who should contact 'Before You Dig'?**

Either the applicant or contractor on: <https://www.byda.com.au/>

**What should the contractor's quote contain?**

All costs for materials and services including sub-contracted works such as relocation of Telstra cables etc. Copies of any sub-contractor quotes need to be provided.

**How will the Australian Tax Office treat the grant and the expenditure?**

Please discuss this with your accountant to clarify.

**Enquiries and contact details**

Any enquiries about the CUPS should be directed to:

The CUPS Program Coordinator

Transport for NSW

E: [CUPScheme@transport.nsw.gov.au](mailto:CUPScheme@transport.nsw.gov.au)

M: 0436 400 945