

Tech Central Scaleup Accommodation Rebate Program Guidelines

Opening	09:00 AEST 21 January 2022
Closing date and time	17:00 AEST 16 June 2023
Enquiries	If you have any inquiries please contact us at investment.nsw.gov.au/contact-us or +61 2 4908 4800
Guideline release date	21 January 2022
Type of rebate opportunity	Demand driven



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Message from the CEO of Investment NSW



Home to thriving finance, technology, medical, and life sciences industries and strong tourism, education, and service sectors, Sydney is a key driver of our State's economic strength and future prosperity.

NSW is a place of great opportunity. We are an economic powerhouse - 2020 was the only year in recorded history when NSW did not record economic growth. No other jurisdiction in the world can say the same. We are connected - strategically located as the gateway to Australia and deeply interlinked with the Indo-Pacific.

We are highly educated, with Australia's largest and most educated workforce - half of whom are tertiary qualified - with 6 universities in the world top 250. We are multicultural, 30% of people living in NSW speak a second language and a total of 275 languages are spoken across the state. And we are entrepreneurial.

More than half of Australia's startups are conceived in NSW, and over 600 multinationals call NSW home.

To support existing technology businesses to grow and encourage interstate and international businesses to invest, the NSW Government is proud to launch the Scaleup Accommodation Rebate for Tech Central.

The Program will support existing technology businesses to grow and encourage investment from those further afield by providing a rebate of 40% on rental costs and 30% on fitout costs to accelerate investment in Tech Central.

The Program is just one of a suite of NSW Government initiatives and programs designed to foster growth in Tech Central, which is set to be Australia's largest future technology hub. These initiatives include:

- Tech Central Scaleup Hub
- Quantum Terminal.

Delivering on our vision for Tech Central will create a place where world-class universities, ambitious startups, high-tech giants, and the community collaborate to solve problems, socialise and spark ideas that change our world.

The Scaleup Accommodation Rebate will position Tech Central as not only Australia's, but the region's leading technology hub, building the foundations for future economic success.

Amy Brown

Chief Executive Officer
Investment NSW

1. About the Program

The Scaleup Accommodation Rebate Program (the Program) will help technology businesses in the scaleup phase of growth to establish in Tech Central by providing a 40% rebate on eligible rental costs and 30% rebate on eligible fitout costs.

You must read this document before applying for a rebate.

This document sets out:

- the purpose of the rebate opportunity
- the eligibility criteria
- how rebate applications are assessed
- how recipients will be monitored and evaluated
- responsibilities and expectations in relation to the Program.

1.1. Objective

The Program will support the NSW Government's vision for Tech Central to become a world class innovation and technology precinct by attracting technology scaleups into the area.

The objective of the Program is to activate 25,000 square meters of space in the Tech Central Precinct for technology scaleups.

1.2. Who is this for?

Technology businesses in the scaleup phase of their growth.

1.3. Program funding

Investment NSW will provide up to \$11 million for the Program to 16 June 2023.

The maximum rebate amount is \$1,940,000 per application.

The Program provides a 40% rebate on eligible rental expenses. The maximum rental rebate available is \$600,000 per annum for the first two years and up to \$300,000 in the third year.

The Program also provides a 30% rebate on eligible fit out expenses. The maximum fit out rebate available is \$440,000.



2. Eligibility criteria

We cannot consider your application if it does not satisfy all the eligibility criteria.

2.1. Who is eligible to apply for the rebate?

To be eligible, you must:

- have an Australian Business Number (ABN)
- be registered for GST
- have an account with an Australian financial institution
- be a company incorporated under the *Corporations Act 2001* (Cth) (including a company limited by guarantee)
- be a Scaleup Technology Business establishing in or expanding within the Target Area. This is defined as a business which:
 - › develops and commercialises new technology as part of their core service or product offering
 - › employs at least 10 full time equivalent roles, in NSW¹
 - › is generating revenue from core services or products and has achieved an average growth of 20% or more in either employment or revenue year on year, for at least 3 years immediately prior to the date of your complete application or at the calendar month end prior to the date of your complete application.
- for new leases, be ready to enter into an Eligible Lease, Sub-lease or Occupancy Agreement as defined in section 2.4.
- for existing leases at the same location, have an Eligible Lease, Sub-lease or Occupancy Agreement as defined in section 2.4.

If you are currently an entity located outside of Australia, and at the time of making your application you are not a company incorporated under the *Corporations Act 2001* (Cth) (including a company limited by guarantee) and/or you do not satisfy the GST, ABN or Australian bank account criteria, you may still submit an application, provided you meet the other criteria for the rebate.

However, for us to consider your application you must be able to demonstrate that you will be a company incorporated under the *Corporations Act 2001* (Cth) and satisfy the GST, ABN and Australian bank account criteria before entering into any funding agreement.

If your application is successful, any funding agreement entered into will also be dependent on you satisfying these criteria at the time of entering into such agreement.

2.2. Who is not eligible to apply for the rebate?

You are not eligible to apply if you are:

- insolvent
- an individual
- unincorporated association
- an entity with a retail shop lease as defined in the *Retail Leases Act 1994 No 46 NSW* or an entity that is conducting a business specified in Schedule 1 of the *Retail Leases Act 1994 No 46 NSW*
- receiving NSW Government assistance from another program for the same purpose
- a Commonwealth, state, territory or local government agency or body (including government business enterprises)
- any organisation not included in section 2.1.

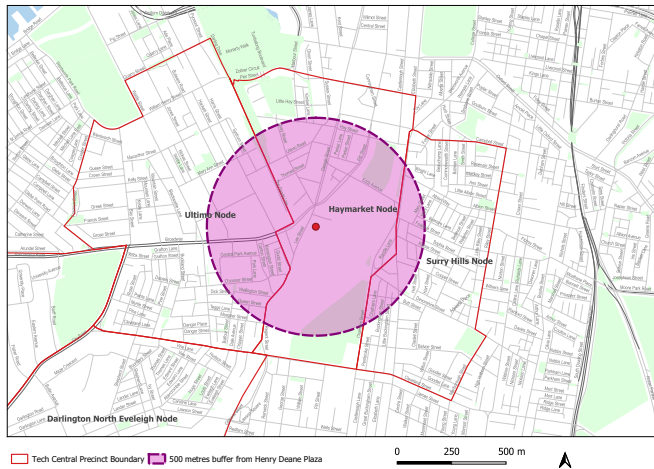


1. Equal to a standard working week of 35 hours for ongoing roles

2.3. Target area

The target area is the zone within 500 metres of 2 Lee Street, Haymarket (see Figure 1).

Figure 1. Tech Central target area



2.4. Eligible lease, sub-lease or occupancy agreement

To be eligible, your commercial lease, sub-lease or occupancy agreement must:

Applicants not currently located within the Target Area

- for new leases, that have yet to commence, occupy at least 300 square metres for a minimum of three years within the Target Area.

Applicants already located within the Target Area

- be able to demonstrate you are increasing the total commercial leased space by an additional 300 square metres or more for a minimum of three years within the Target Area.

Multiple agreements cannot be combined to achieve the 300 square metres threshold.

You must also primarily use the premises for research and development activities which include:

- development of new products, technologies and business models
- using or leveraging technology
- developing further intellectual property in NSW
- enabling and contributing to the growth of the innovation and technology ecosystem in the Target Area or in NSW
- partnering with research and knowledge institutions to achieve commercial outcomes
- activities which can be a catalyst for enabling supply chain development and growth.

To be eligible to claim the rental rebate, the rent payable under your commercial lease, sub-lease or occupancy agreement must be no more than the current market rent payable for comparable premises which are to be occupied for a substantially similar period.

To receive the rental rebate, successful applicants must execute an Eligible Lease Agreement no later than 90 days from the date the successful applicant is notified of the outcome (unless Investment NSW approves a longer period in writing).

2.5. Eligible fitout costs

You can only claim the fitout rebate on eligible expenditure you will incur on hard-fitout.

The total fitout rebate available to you is capped at \$220 per square metre up to 2000 square metres.

Eligible expenditure items include:

- plastering
- electrical infrastructure
- mechanical installations
- interior fixtures such as walls, flooring and lighting
- or as otherwise agreed in writing with Investment NSW.

You must incur the expenditure on your fitout after the start date and before the end date of your funding agreement for it to be eligible.

Ineligible expenditure items are:

- removable equipment such as furniture, printers, security cameras, telephones, computers, Wi-Fi, AV equipment, whitegoods and other kitchen appliances
- landscaping and plants
- company branding such as signage
- operational items such as stationery.

This is not an exhaustive list and other expenditure items may also be ineligible.

To be eligible to claim the fitout rebate:

- construction must be undertaken by a registered or licensed building service 'contractor' who is named as a builder on the building licence or permit. A copy of the builder's licence or registration will need to be provided as part of your supporting documentation for the Program
- your fitout costs and expenses must be no more than the then current market rates for fitout costs and expenses of that nature
- you must obtain (and provide to us) two separate quotes from reputable fitout businesses
- you must provide us with a copy of your proposed fitout works contract.

To receive the fitout rebate, successful applicants must execute a fitout works contract(s) no later than 180 days from the date the successful applicant is notified of the outcome (unless Investment NSW approves a longer period in writing).

3. How to apply

Before applying, you must read and understand these guidelines and the sample funding agreement.

These documents may be found at investment.nsw.gov.au/scaleuprebate

To apply you must:

- complete the online application form on treasury.nsw.smartygrants.com.au/scaleuprebate
- provide all the information requested
- meet all the eligible criteria
- include all necessary attachments
- submit your application by 17:00 AEST on 16 June 2023.

You are responsible for ensuring that your application is complete and accurate. Giving false or misleading information is a serious offence under the *Crimes Act 1900 No 40* (NSW) and we will investigate any false or misleading information and may exclude your application from further consideration.

If you find an error in your application after submitting it, you should contact us immediately at investment.nsw.gov.au/contact-us or by calling 02 4908 4800.

We do not have to accept any additional information, nor requests from you to correct your application after the closing time.

You cannot change your application after you have submitted your application.

If we find an error or information that is missing, we may ask for clarification or additional information from you that will not change the nature of your application.

You should keep a copy of your application and any supporting documents.

We will acknowledge that we have received your application after you submit through the online portal.

If you need further guidance around the application process or if you are unable to apply online, please contact us at investment.nsw.gov.au/contact-us or by calling 02 4908 4800.

3.1. Attachments to the application

We require the following documents with your application:

- financial statements including profit and loss statement for the last three years
- payroll records (e.g. payroll tax statement, employee records) for the last 3 years
- a pitch deck or information memorandum (maximum six A4 pages)
- a copy of your lease agreement
- two separate quotes from reputable fitout companies (if available)
- a copy of your fitout works contract (if available).

You must attach supporting documentation to the application form in line with the instructions provided within the form. You should only attach requested documents. We will not consider information in attachments that we do not request.



3.2. Joint (consortia) applications

We recognise that you may wish to submit a joint application with another applicant.

In these circumstances, you must appoint a 'lead organisation' for the commercial lease, sub-lease or occupancy agreement. Only the lead organisation can submit the application form and enter into a funding agreement with Investment NSW.

The application must identify all other members at the proposed location of the commercial lease, sub-lease or occupancy agreement.

You must have a formal arrangement with all parties prior to the execution of the funding agreement.

3.3. Key dates

You can apply at any time between the published opening and closing dates. We cannot accept late applications.

Applications open	09:00 AEST 21 January 2022
Applications close	17:00 AEST on Friday 16 June 2023 or when the Program funding has been fully exhausted, whichever occurs first

The application close date may be extended at the discretion of Investment NSW.

3.4. Questions during the application process

If you have any questions during the application period, please contact investment.nsw.gov.au/contact-us or by calling 02 4908 4800.

Investment NSW will endeavour to respond to emailed questions within 3 working days.

Frequently Asked Questions and other resources to assist with applications are available at investment.nsw.gov.au/scaleuprebate

You should seek advice from your legal, business and financial advisers to determine the suitability of the Program before applying.



4. Assessment process

The assessment of applications will be completed by Investment NSW. We consider eligible applications based on a demand driven process and they will be assessed in the order in which they are received.

4.1. Assessment of applications

Investment NSW will review your application (including attachments) against the eligibility criteria set out in section 2.

We will consider your application on its merits, based on:

- whether it meets the eligibility criteria
- whether you meet the definition of Scaleup Technology Business
- whether for new leases, be ready to enter into an Eligible Lease, Sub-lease or Occupancy Agreement as defined in section 2.4
- for existing leases at the same location, have an Eligible Lease, Sub-lease or Occupancy Agreement as defined in section 2.4.

Investment NSW reserves the right to request additional information about your application, including relating to the eligibility of your rent and fitout costs. If Investment NSW considers that your rent and/or fitout costs are above current market rates, Investment NSW reserves the right to reject your application.

Investment NSW may also consider other factors that may affect Investment NSW's decision to provide the rebate including whether there are any conflicts of interest, whether the applicant and any person associated with the applicant are fit and proper and whether there is any reputational risk associated with providing the rebate.

Your application is also dependent on sufficient Program funding being available.

4.2. Who will approve the rebate?

Investment NSW determines which rebates to approve taking into account the availability of rebates funds for the purposes of the rebate program.

Investment NSW's decision is final in all matters, including:

- the approval of the rebate
- the rebate amount to be awarded.

4.3. Notification of application outcomes

We will advise you of the outcome of your application in writing.

Unsuccessful applicants will be notified via email and/or letter of the outcome of their application and will be offered a feedback information session. If unsuccessful, you may resubmit your application if material changes have occurred and you believe you are eligible under the criteria.

4.4. Assessment target timelines

Assessment and approval

Twenty business days from submission of a preliminary application with all required information provided.



5. Successful applicants

5.1. Notification

Successful applicants will be notified via email and/or letter. If you are successful, we will advise you of any specific conditions attached to the rebate including a request to keep the rebate confidential for a period of time, if an announcement is likely to be made by the NSW Government.

5.2. Funding agreement

Successful applicants will be required to enter into a funding agreement with the NSW Government.

Investment NSW makes no binding funding commitment to the applicant unless and until both parties have signed the funding agreement. Each agreement has standard terms and conditions that cannot be changed.

The funding agreement will require the successful applicant to provide a copy of all relevant insurances and a copy of the signed and executed Eligible Lease Agreement and any other supporting documentation relevant to the rebate or as requested by Investment NSW.

The executed Eligible Lease Agreement must be provided to Investment NSW within ninety (90) days after the applicant's receipt of a formal letter from Investment NSW notifying the applicant of its successful application (unless Investment NSW approves a longer period in writing).

Rebates will be paid via milestone payments set out in the funding agreement. Timing and requirements will vary depending on the scope and timelines of your commercial lease.

You should not make financial commitments reliant on this Program until Investment NSW have formally advised that you are successful, and a funding agreement is signed and executed.

This sample funding agreement may be found at investment.nsw.gov.au/scaleuprebate

5.3. Specific legislation, policies and industry standards

You are required to be compliant with all relevant laws, regulations, policies and industry standards including:

- the New South Wales Industrial Relations Guidelines: Building and Construction Procurement (as amended or replaced from time to time)
- the NSW Government Supplier Code of Conduct (as amended or replaced from time to time)
- *Work Health and Safety Act 2011* (NSW) (including appointing a 'principal contractor' for any fitout works that are undertaken).



5.4. How we pay the rebate

The rebate will be payable:

Eligible rental rebate

Following each financial quarter end (i.e. March, June, September and December) for eligible rental costs on Investment NSW's receipt of payment receipts for these costs.

Eligible fitout rebate

For eligible fitout costs in two instalments:

- upon funding agreement signing, up to 50% on receipt of purchase orders or invoices in line with requirements for eligible fit out costs
- following a financial quarter end, remaining 50% on Investment NSW's receipt of payment receipts for all eligible fitout costs.

You may be required to repay if:

- you do not provide all the information requested by Investment NSW during an investigation
- you provide false or misleading information to Investment NSW.

Rebates are assessable income for taxation purposes, unless exempted by a taxation law. We recommend you seek independent professional advice on your taxation obligations. We do not provide advice on your particular taxation circumstances.

5.5. How we monitor your rebate activity

You must submit reports in line with the timeframes in the funding agreement. We will provide sample templates for these reports in the funding agreement.

Examples of measures that you will be expected to report include:

- number of full time equivalent employees hired
- financial reporting.

5.6. Evaluation

Investment NSW will evaluate the Program to measure how well the outcomes and objectives have been achieved. We may use information from your application and reports for this purpose. We may also interview you or ask you for more information to help us understand how the Program impacted you and to evaluate how effective the Program was in achieving its outcomes.

We may contact you up to 3 years after you receive your final rebate payment associated with the Program for more information to assist with this evaluation.

5.7. Acknowledgement

All recipients of NSW Government funding should acknowledge this financial support in accordance with the *Funding Acknowledgement Guidelines for Recipients of NSW Government Rebates* available at [nsw.gov.au/branding/ sponsorship-and-funding-acknowledgment-guidelines](https://nsw.gov.au/branding/sponsorship-and-funding-acknowledgment-guidelines)

You must seek our written consent prior to any significant public announcement, marketing, press announcements, or official launch in relation to the Program.



6. Probity

Investment NSW will make sure that the Program is fair according to the published guidelines and incorporates appropriate safeguards against fraud, unlawful activities, and other inappropriate conduct.

6.1. Conflicts of Interest

Any conflicts of interest could affect the performance of the Program. There may be a conflict of interest, or perceived conflict of interest, if Investment NSW staff, any member of a committee or advisor and/or you or any of your personnel:

- has a professional, commercial or personal relationship with a party who is able to influence the application selection process
- has a relationship with or interest in, an organisation, which is likely to interfere with or restrict the applicants from carrying out the proposed activities fairly and independently
- has a relationship with, or interest in, an organisation from which they will receive personal gain because the organisation received a rebate under the Program.

You will be asked to declare, as part of your application, any perceived or existing conflicts of interests or that, to the best of your knowledge, there is no conflict of interest.

If you later identify an actual, apparent, or perceived conflict of interest, you must inform Investment NSW immediately.

Conflicts of interest for Investment NSW will be handled as set out in the Investment NSW Code of Ethics and Conduct.

7. Enquiries and feedback

Any enquiry you have about the assessment process or the outcome of your application for this Program should be sent to investment.nsw.gov.au/contact-us or by calling 02 4908 4800.

If you do not agree with the way Investment NSW has handled your enquiry or complaint, you may wish to contact the NSW Ombudsman. The NSW Ombudsman will not usually look into a complaint unless the matter has been first raised directly with Investment NSW.

NSW Ombudsman
Level 24, 580 George Street, Sydney NSW 2000

8. Privacy

We treat your personal information according to the Investment NSW Privacy Management Plan available at investment.nsw.gov.au/privacy and the *Privacy and Personal Information Protection Act 1998* (NSW).

This includes letting you know:

- what personal information we collect
- why we collect your personal information
- who we give your personal information to.

Your personal information can only be disclosed to someone for the primary purpose for which it was collected unless an exemption applies.

Investment NSW may also use or disclose information about rebate applicants and rebate recipients under this rebate opportunity for reporting purposes.



9. Government Information (Public Access) Act 2009

You should be aware that information 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 types of information freely available
- encouraging government agencies to release as much 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.



10. Acknowledgement

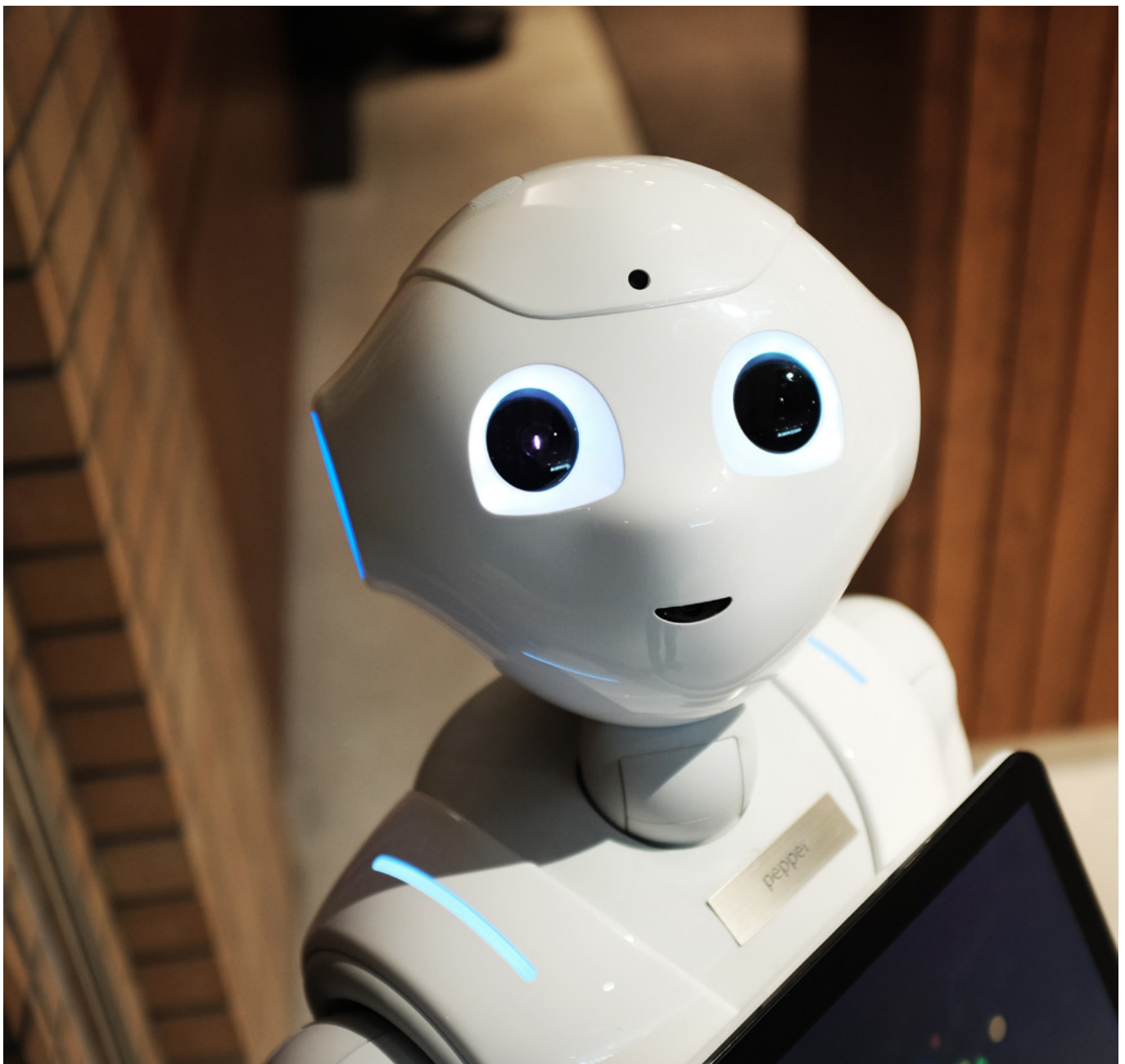
You acknowledge that neither the State, nor Investment NSW is a party to your commercial lease, sub-lease or occupancy agreement that you may enter into as part of the Program, and Investment NSW's provision of any funding as part of the Program should not be interpreted as a representation or advice as to the suitability of your commercial lease, sub-lease or occupancy agreement. Investment NSW recommends that applicants seek and rely upon their own investigations and advice from professional advisers.

11. Disclaimer

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The guidelines are subject to change at any time at the sole discretion of Investment NSW.



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More information

 investment.nsw.gov.au

Contact us

 investment.nsw.gov.au/contact-us

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