# Application for Funding Projects



# About this form

This form enables you to make an application for funding <u>over</u> \$100,000 from the Provincial Growth Fund for applications relating to the delivery of projects.

You will need to use the Express Form if your applications is for an activity under \$100,000 or the Development Phase Form if your application is within the Development phase of a Project (i.e. feasibility / business case).

These forms are available on the Provincial Growth Fund website

# **Purpose of the Provincial Growth Fund**

The Provincial Growth Fund aims to lift productivity potential in the provinces. Its priorities are to enhance economic development opportunities, create sustainable jobs, enable Māori to reach their full potential, boost social inclusion and participation, build resilient communities, and help meet New Zealand's climate change targets.

# **Completing this form**

Please complete all sections fully and accurately. Square brackets and italics indicate guides. Please see the PGF website, or contact your regional relationship manager, for further support.

# Submitting your application

All completed forms must be emailed to <u>PGF@mbie.govt.nz</u> with a clear subject included. If you are a Trust (or applying on behalf of a Trust), then you must provide a copy of your Trust Deed.

# Next Steps

Applications will be assessed for eligibility, as well as how well they will deliver on the aims of the Provincial Growth Fund. One of our team will be in contact regarding your application.

# **Funding Agreement**

The template funding agreements can be found on the Provincial Growth Fund website

# **Public disclosure**

The Provincial Development Unit is responsible for leading the Provincial Growth Fund's design, administration and monitoring its operation in consultation with other government agencies. In the interests of public transparency, successful applications may be published by the Provincial Development Unit. Commercially sensitive and personal information will be redacted by reference to the provisions of the Official Information Act 1982. Please identify by highlighting any information in your application that you regard as commercially sensitive or as personal information for the purposes of the Privacy Act 1993.

# Part A: Key Details

Please note that if the funding agreement will not be held with the applicant (i.e. applying on behalf of another organisation), then we require the details of that organisation.

- 1. Proposal Title:
- Cambridge Synthetic Track for Thoroughbred Horses

# 2. Please provide a <u>very</u> brief description of the project/activity:

The construction of a synthetic racing and trialling track for thoroughbred horses at the Cambridge Jockey Club's property in Cambridge.

3. Please provide the details of the applicant organisation/entity for which funding is being requested:

Legal Name:	Cambridge Jockey Club Incorporated
Entity Type:	Incorporated Society
Registered Offices / Place of Business:	40 Racecourse Road Cambridge
Identifying Number:	213744
Organisation's Website:	http://www.cambridgejockeyclub.co.nz/

# 4. Please provide the contact details for a person as a key point of contact):

Contact Name and Role:	Mark Freeman, Chair, Project	t Control Group	
Email Address:	Privacy of natural persons	Telephone:	

5. Please describe the principal role or activity of the applicant organisation.

The CJC exists to promote thoroughbred horse racing and breeding.

6. This project will be based in the region of:

Waikato

Grant

7. What type of funding is this application for:

[Note: the most appropriate funding type will be determined by the PDU in consultation with the applicant]

8. What is the activity / funding start and end date?

Start Date:	Commercial Information	Completion Date:	Commercial Information

9. Has this project / activity been previously discussed with any part of Government? Yes: oxtimes No:  $\Box$ 

If Yes, please describe which part of government, and what the outcome of the discussions were.

The project has been discussed with the Minister for Racing's office and the Department of Internal Affairs. The discussions related to the process for submitting the application. In addition, the construction of synthetic race tracks has been announced as part of Government policy. Also relevant is the recently released Waikato Regional Economic Development Agency's Economic Development Programme for the next 4 years which expressly refers to the development of all-weather high-performance racetracks for the thoroughbred industry in the Waikato.

10. Have you previously received Government funding for this Project?

No: 🛛

Yes: 🗌

If Yes, please list which part of the Government, when the funding was received, and how much under Q11.

11. Please set out the proposed sources of funding for the Project:

Source of Funding:	\$ (excluding	Status / Commentary
[please indicate where all other funding is sourced from, noting who the	GST)	[i.e. received /

funder is]		confirmed / in principle]
Provincial Growth Fund Funding (through this application)	Up to	Applied for
	\$Commercial Information	
Commercial Information	Up to	Approved in principle
	\$Commercial Information	
Cambridge Jockey Club	Up to	Approved in principle
	\$Commercial Information	

# **Part B: Project Description**

12. This application is:	"a stand-alone activity" 🛛	<u>or</u>	"in support of a wider project/	orogramme" 🗆
13. Will additional fundin	g be required in the future?		Yes: 🗆	No: 🛛
If <u>Yes</u> , please descri	be at a high level, what this may i	nclude, and	when this is likely to be applied	or.
N/A				

14. Has a feasibility study, or equivalent, been conducted prior to this application? Yes:  $\Box$  No:  $\boxtimes$ 

- If <u>Yes</u>; please provide a copy, including an overview of the feasibility study and any outcomes.
- If <u>No</u>, please explain why not; and how feasibility/viability of the project has been assured.

The Messara Report (commissioned by the Minister for Racing) specifically recommended three synthetic race tracks for racing and training be built, starting with Cambridge in 2018/19 and then Awapuni in 2019/20 and Riccarton Park in 2020/21 and notes "given a track construction and commissioning period of no more than 9 months, racing on the synthetic tracks should start at Cambridge in 2019/20, at Awapuni 2020/21 and at Riccarton Park in 2021/22". The project for which this grant is being sought is the construction of the first of those three synthetic race tracks at Cambridge. Once the track has been constructed, it will be self-funding through funding made available to the Cambridge Jockey Club (the **Club**) by NZ Thoroughbred Racing (**NZTR**) under its club funding policy for the race meetings the Club holds and from funds the Club earns from holding trial meetings and from its monthly training track fee charges. The project is the subject of two reviews requested by the Ministerial Advisory Committee (**MAC**) as part of its processes: a peer review of the project plan by **Commercial Information** and a financial review of the Club by the Club's accountants. The scope of these reviews was set by the MAC.

15. Please provide a detailed description of this project for which funding is being applied:

A full description of the project (ie the construction by the Club of synthetic racing, trialling and training track at Cambridge) is set out in the attached update of the grant application lodged by NZTR and the Club with the Minister of Racing's Chief of Staff and the PGF (through Mr Nick Hough) on 29 November 2018 (the **Updated Application**).

Due to the delays experienced with the consideration of our funding application, we intend commencing construction of the track in Commercial Information with completion expected to occur in <sup>Commercial Information</sup>. To meet the revised timetable for the project, it is essential that funding from the PGF is confirmed as soon as is possible.

# 16. How does this project demonstrate additionality within the region?

This information is set out principally on pages 12 to 17 (inclusive) of the Update Application. The design work for the project has been completed and tender packages for the necessary civil and synthetic works have been issued and tenders evaluated. The contract for the necessary civil works has been issued on a conditional basis. The contract for construction of the synthetic track will not, however, be issued and work on the project will not commence unless the grant being sought from the PGF is approved in full. The PGF grant will enable to project to proceed as other funding sources are not available on terms that will enable the project to be completed **Commence**.

17. How is the project connected to regional (and sector) stakeholders and frameworks?

NZTR and the Club understand that the project has the support of the local district and regional councils given the importance of the thoroughbred industry to the local economy and Cambridge's importance as a racing and thoroughbred centre. In this regard, the recently released Waikato Regional Economic Development Agency's Economic Development Programme for the next 4 years expressly refers to the development of all-weather high-performance racetracks for the thoroughbred industry in the Waikato. The project has the support of the local racing community and key industry groups. In addition, the Auckland Racing Club has indicated its strong support, in writing, for the project given the importance of a strong Cambridge racing and training centre for racing at Ellerslie and for the industry as a whole.

#### 18. How will your project lift productivity potential in the regions?

[We want to understand how your project will meet the primary objective of the fund: "to lift productivity potential in the regions". Please provide a description of this and where relevant, please cover how your project contributes to the following outcomes:

Р	GF Outcome	~	How will the project positively or negatively impact this outcome in the region(s) identified?
1.	Increase economic output	~	See the Updated Application
2.	Enhance utilisation of and/or returns for Māori assets		[Insert your relevant commentary here]
3.	Increase productivity and growth	~	See the Updated Application
4.	Increase local employment and wages (in general and for Maori)	~	See the Updated Application
5.	Increase local employment, education and/or training opportunities for youth (in general and for Māori)	~	See the Updated Application
6.	Improve digital communications, within and/or between regions		[Insert your relevant commentary here]
7.	Improve resilience and sustainability of transport infrastructure, within and/or between regions		[Insert your relevant commentary here]
8.	Contribute to mitigating or adapting to climate change	~	Construction will reduce transportation of horses from Cambridge to other racing and trialling venues, and therefore result in a reduction of carbon emissions
9.	Increase the sustainable use of and benefit from natural assets		[Insert your relevant commentary here]
10.	Enhance wellbeing, within and/or between regions	~	See the Updated Application
	al number of outcomes project tributes to	6/10	

Information on the economic benefits of the project for Cambridge and the wider Waikato region is set out on pages 13 to 17 (inclusive) of the Updated Application

Yes: 🗆

No: 🖂

No: 🖂

# 19. Has public consultation been conducted? If yes, , what were the results?

If yes, , what were the results?	
If no, , is there a plan to do so?	

o, , is there a plan to do so?
Public consultation has not been conducted and there is no plan to conduct public consultation on the project
because, in simple terms, it involves the construction of a synthetic race track on top of an existing grass training
track at the Club's property. There is no substantive change in the use of the relevant land under the project other
than that race meetings will be held on the track in addition to the trial meetings the Club currently holds. On that
basis, it is considered that public consultation is not required. A new resource consent will be required to permit
the Club to hold racing on the track once it is constructed. A public notification process may be required by the
relevant council as part of that consenting process.

20. Has any customer demand analysis been undertaken? Yes: 🗆

If yes, please provide a description of the analysis and its outcomes:

- If no, please describe why, and how you are sure of the need for the asset:

A specific and formal customer demand analysis has not been undertaken. The rationale, and a discussion of industry need, for the project are set out on pages 2 to 6 (inclusive) of the Updated Application. In addition, several business cases for the introduction of synthetic tracks and synthetic have been commissioned and developed in previous years. As indicated in the Updated Application, the Club's training centre is capacity-constrained at present and is unable to grow and develop. The construction of the synthetic track will enable the Club to grow and invest in its other facilities for the benefit of track users and the industry as a whole. Track users support the project.

21. Where the project utilises land, does the land have any other interests associated with it? (i.e. Treaty claims, or iwi/hapū ownership) Yes: □ No: ⊠

N/A

22. Is the land is owned by others, i.e. not solely by the applicant?

If yes, then please describe the other interests and how will this be managed?

N/A

# 23. Does the land have appropriate Resource Management Act consents? I If no, how and when will this be addressed?

Resource consents for the earthworks required to complete construction of the synthetic track have been obtained on acceptable conditions. The resource consents required to enable racing to commence on the track will be sought as soon as possible once funding has been confirmed. Expert advice is that no difficulties or issues are expected with obtaining the required consents to permit racing on the synthetic track.

# Part C: Project Delivery

# [Please note – this section refers to the actual activity associated with this application.]

24. Please provide an overview of the project management approach / plan for this activity.

The Project is being governed by a Project Control Group (**PCG**), which is the key decision-making forum for the project. It is responsible for making all key decisions on the design, development and construction of the synthetic track, and for the overall oversight, management and implementation of the Project. No involvement is required from the Provincial Development Unit.

Privacy of natural persons

Decisions of the PCG are required to be by unanimous vote.

Mark Freeman (Solicitor) has been acting as Project co-ordinator, and as the Chair of and secretary to the PCG, in the pre-construction phase. Privacy of natural persons, an engineer, will assume the role of Project Manager for the construction phase.

In addition to the PCG, a project team comprising representatives of the Club, NZRB, NZTR and key contractors and consultants will be established once the civil works and synthetic works contracts for the Project have been awarded by the PCG. The project team will be responsible for day-today oversight and delivery of the completed project. The project team would be chaired by Privacy of natural persons and would likely initially comprise Privacy of natural persons.

, representatives of the contractors appointed to complete construction of the track and an independent QA. The identity of the members of this team have not yet been finalised or agreed.

Several specialists are assisting the Club and NZTR with the implementation of the project. See the response in 30 below.

25. Have you had independent verification of the project approach / plan? Yes: □ No: ⊠ If yes, who verified the project and when?

There has not been formal independent verification of the project. Various experts (including engineers and surveyors) have, however, assisted with the development and finalisation of the design and plan for implementation of the project. Further information about the role of these experts is set out below at 30. In addition, the MAC has requested two reviews of the project as part of its processes: a peer review of the project plan by Commercial Information and a financial review of the Club by the Club's accountants.

26. Please provide us with a project plan, where possible please attach a schedule (i.e. Gantt chart):

#	Project Activity	Responsible:	Date / Period:
1	Project Plan and Governance	Project Manager	Complete
2	Contracts Awarded (formally)	PCG	Commercial Information
3	Construction commences	Engineers/Contractors	Commercial Information
4	Construction completed	Engineers/Contractors	Commercial Information
5	Track available for use (building to full operation	Project Manager/Club	Commercial Information
	over a two to three-week period)		

# 27. Please provide a complete breakdown of the costs of the project to assist us in understanding where the funds will be utilised:

Budgeted costs for the	
project are as follows.	
Final costs will depend	Commercial Inform

on final agreed price for	
each contract under the	
current tender	
processes:	
Project Manager	
Engineer/Surveyors/Planners	Commercial Inform
	Communication (
Legal	Commercial Info
Civil - Construction	Commercial Information
Synthetic - Laying	Commercial Information
Ancillary	Commercial Information
	Commercial Information

28. What are the proposed deliverables if funding is approved?

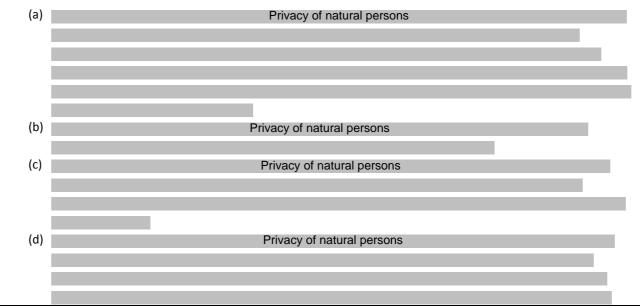
The timing of funding from the PGF if the application for a grant is approved, and the applicable deliverables for each tranche of PGF funding, will need to be finalised once the Club is able to award final contracts under the tenders and the civil works and synthetic works contractors' respective payment requirements are known and have been agreed.

29. Please provide a description of why Government funding is required to deliver this project.

The project cannot be completed v	without the grant being sought from the PGF.	Commercial Information		
	The Club is not able to borrow the amount be	ing sought from the PGF, Commercial Information		
		(ie approx.		
$s^{\text{Commercial Information}}$ The Commercial Information does not have any funding available above the amount it is able to provide by				
way of grant (ie up to $\$^{\mbox{\scriptsize Commercial Information}}$	and Commercial Informat	ion		

30. Please provide an overview of the applicant's relevant skills and experience for delivering a project of this nature:

The Club does not have the necessary expertise itself to deliver the project. Accordingly, it is being assisted by a range of experts and other consultants including:



	Privacy of natural persons
(e)	Privacy of natural persons
(f)	Privacy of natural persons
(g)	Privacy of natural persons
(h)	Privacy of natural persons
	vely, these experts and consultants have been engaged to ensure that the design, development and
	ction of the track is completed efficiently in accordance with the agreed budget and timetable, and to best
practice	industry standards.
1	

# 31. Please explain the Governance arrangements for this project

As indicated above, the Project is being governed by a Project Control Group (**PCG**), which is the key decisionmaking forum for the project. It is responsible for making all key decisions on the design, development and construction of the synthetic track, and for the overall oversight, management and implementation of the Project. No involvement is required from the Provincial Development Unit.

The PCG has six members being

Privacy of natural persons

Decisions of the PCG are required to be by unanimous vote.

Mark Freeman (Solicitor) has been acting as Project co-ordinator, and as the Chair of and secretary to the PCG during the pre-construction phase. Privacy of natural persons has been engaged as Project Manager for the construction phase of the project.

In addition to the PCG, a project team comprising representatives of the Club, NZRB, NZTR and key contractors and consultants will be established once the civil works and synthetic works contracts for the Project have been awarded by the PCG. The project team will be responsible for day-today oversight and delivery of the completed project. The project team will be chaired by Commercial Information

The identity of the members of this team have not yet been

finalised or agreed.

The project team would meet on either a weekly or fortnightly basis to review progress to date and discuss upcoming work streams/milestones and any issues that have arisen. The project manager would report back to the PCG as required on matters discussed or arising at project team meetings.

32. What procurement process has been undertaken (i.e. selection of a provider), or will be undertaken, and how will that be managed?

commercial contractors were asked to submit tenders for the completion of the necessary civil works for the project. Those tenderers were selected by <u>Commercial Information</u> based on their knowledge of the work required and the expertise of civil contractors in the Waikato region. Tenders were received from all four contractors and have been evaluated. <u>Commercial Information</u>, a local Cambridge contractor, has been appointed (conditionally) as the civil works contractor.

Several known synthetic track suppliers were contacted in <u>Commercial Information</u> about the project and were subsequently asked to provide information to <u>Commercial Information</u> regarding their capability to complete the project together with information regarding their product specifications and construction methodology among other things.

The information provided by each potential suppler was analysed in detail and where appropriate Commercial Information engaged with potential suppliers to get a better understanding of their product and methodologies. A decision was made, based on the information provided by each of the potential suppliers, to short-list commercial suppliers who were then asked to submit tenders for the synthetic works required for the project. Commercial contractors submitted tenders which have been evaluated and a preferred supplier has been identified. Formal negations with the preferred supplier have not commerced pending confirmation of funding.

# 33. What risks are associated with the delivery of this activity?

Risk	Mitigation approach	Rating
1 Availability of funding: not obtaining confirmation of the availability of funds from the PGF and bank (for Club) or the confirmed level of level of funding available from the <sup>Commercal</sup> being insufficient	PGF application for a grant has been lodged and is being actively pursued Club has engaged with its bank and is not expecting any issues. <sup>commercal</sup> has confirmed the availability of its funding	Low to medium
2 Timeliness of funding	See above	Low to medium
3 <b>Resource consents:</b> Not obtaining the racing consent on acceptable terms and conditions, or a condition on the racing consent adding significantly to the cost of the project	Local expertise has provided high confidence in racing resource consents being granted. In addition, there has been good communication with councils in advance of application being lodged	Low
4 <b>Availability of raw materials</b> : the synthetic suppliers being unable to secure supply of raw materials in the quantities necessary for manufacturing the synthetic track	Synthetic providers provided with \$ <sup>commercal</sup> to complete due diligence on sourcing and both confirmed the availability of materials of the required quality	Low
5 Cost overruns or failure to complete on time: a contractor (civil or	Expert support	Low

synthetic) completing late or over budget	Project management of contract delivery process Contractors will be required to bear this risk under contracts	
6 <b>HSE or Animal welfare issue</b> : a horse or rider being injured during the construction period due to machinery use or storage issue or a failure to leave site safe	Equine Management plan has been prepared based on NSW plans for similar projects Project manager and contracts delivery manager onsite during construction Communications plan in place with key stakeholders. Education session has been held with trainers, jockeys and other groups. Club inspection of track each evening	Low
7 <b>Breach of resource consents</b> : a failure to comply with the terms and conditions of a resource consent giving rise to a "stop work" order	Project governance and delivery structure agreed Onsite project manager and contracts delivery manager to help ensure compliance	Low
8 <b>Track "failure":</b> the synthetic track failing once constructed e.g. by providing an unsafe or inconsistent surface	Design expertise engaged from Vic and NSW. Site visits have been completed in Australia to gain learnings	Low

# 34. Will the applicant own the asset on delivery?

Yes: ⊠ No: □

If no, please describe who will own the asset.

The Club will own the synthetic track once constructed.

35. When the project is delivered, what is the plan to operationalise the asset (if an asset), and maintain it through life?

This information is set out on page 17 of the Updated Application.

# 36. What will the impact be on the applicant's financial accounts?

We confirm that the Club is solvent	Commercial Information		
Commercial I	nformation		
The Club is projected to be able to meet the borrowing costs it will be incurring in connection with its contribution			
to the cost of the project from:			
(a) payments received from NZTR un	der its club funding policy in respect of each race meeting the club will		
hold on the synthetic track;	the club fullaling policy in respect of cuch fuce meeting the club win		
fibid off the synthetic track,			
<ul><li>(b) profits from additional trial meet</li></ul>	ngs that the Club will be able to hold on the synthetic track; and		
(c) Proposed increases in monthly transformed and the synthetic track is operational synth	ack fees to reflect the improved facilities track users will be able to enjoy onal.		

# Part D: Declarations

- 37. Has this activity ever been declined Crown Funding in the past?
- 38. Is the applicant or the contracting entity insolvent or subject to any insolvency action, administration or other legal proceedings?
- 39. The contracting entity is compliant and will continue to comply with all applicable laws, regulations, rules and professional codes of conduct or practice including but not limited to health and safety and employment practices
- 40. Is any individual involved in the application, the proposed contracting entity or the project, an undischarged bankrupt?
- 41. Is any individual under investigation for, or has any individual been convicted of, any offence that has a bearing on the operation of the project?
- 42. Are there any actual, potential or perceived conflicts of interest that the applicant or any of the key personnel have in relation to this project. "In a small country like ours, conflicts of interest in our working lives are natural and unavoidable. The existence of a conflict of interest does not necessarily mean that someone has done something wrong, and it need not cause problems. It just needs to be identified and managed carefully..." https://www.oag.govt.nz/2007/conflicts-public-entities

If you answered "Yes" to any of the above, please provide a description below:

The Club and NZTR are complaint with their respective legal obligations.

By completing the details below, the applicant makes the following declaration about its application for Provincial Growth Fund funding for the project ("application"):

⊠ I have read, understand and agree to the Terms and Conditions of applying for Provincial Growth Fund funding which are attached as Appendix 1;

The statements in the application are true and the information provided is complete and correct, and there have been no misleading statements or omissions of any relevant facts nor any misrepresentations made;

 $\boxtimes$  I have secured all appropriate authorisations to submit the application, to make the statements and to provide the information in the application;

 $\boxtimes$  I consent to this application being publically released if funding is approved. I have identified the commercially sensitive and personal information.

 $\boxtimes$  The applicant warrants that it has no actual, potential or perceived conflict of interest (except any already declared in the application) in submitting the application or entering into a contract to carry out the project. Where a conflict of interest arises during the application or assessment process, the applicant will report it immediately to the Provincial Development Unit by emailing <u>PGF@mbie.govt.nz</u>; and

 $\boxtimes$  I understand that the falsification of information, supplying misleading information, or the suppression of material information in this application, may result in the application being eliminated from the assessment process and may be grounds for termination of any contract awarded as a result of this application process.

Full name: Privacy of natural persons

Bernard Saundry

Title / position: Club President

Chief Executive, NZTR

Signature:

Date:

#### Appendix 1 – Terms and Conditions of this Application

#### General

The terms and conditions are non-negotiable and do not require a response. Each applicant that submits a request for Provincial Growth Fund ("PGF") funding (each an "application") has confirmed by their signature on the application that these terms and conditions are accepted without reservation or variation.

The Provincial Growth Fund is a government initiative which is administered by the Provincial Development Unit, a unit within the Ministry of Business, Innovation and Employment. Any reference to the Provincial Development Unit in these terms and conditions, is a reference to MBIE on behalf of the Crown.

#### **Reliance by Provincial Development Unit**

The Provincial Development Unit may rely upon all statements made by any applicant in an application and in correspondence or negotiations with the Provincial Development Unit or its representatives. If an application is approved for funding, any such statements may be included in the contract.

Each applicant must ensure all information provided to the Provincial Development Unit is complete and accurate. The Provincial Development Unit is under no obligation to check any application for errors, omissions, or inaccuracies. Each applicant will notify the Provincial Development Unit promptly upon becoming aware of any errors, omissions, or inaccuracies in its application or in any additional information provided by the applicant.

#### **Ownership and intellectual property**

Ownership of the intellectual property rights in an application does not pass to the Provincial Development Unit. However, in submitting an application, each applicant grants the Provincial Development Unit a non-exclusive, transferable, perpetual licence to use and disclose its application for the purpose of assessing and decision making related to the PGF application process. Any hard copy application or documentation supplied by you to the Provincial Development Unit may not be returned to you.

By submitting an application, each applicant warrants that the provision of that information to the Provincial Development Unit, and the use of it by the Provincial Development Unit for the evaluation of the application and for any resulting negotiation, will not breach any third-party intellectual property rights.

#### Confidentiality

The Provincial Development Unit is bound by the Official Information Act 1982 ("OIA"), the Privacy Act 1993, parliamentary and constitutional convention and any other obligations imposed by law. While the Provincial Development Unit intends to treat information in applications as confidential to ensure fairness for applicants during the assessment and decision-making process, the information can be requested by third parties and the Provincial Development Unit must provide that information if required by law. If the Provincial Development Unit receives an OIA request that relates to information in this application, where possible, the Provincial Development Unit will consult with you and may ask you to confirm whether the information is considered by you to be confidential or still commercially sensitive, and if so, to explain why.

The Provincial Development Unit may disclose any application and any related documents or information provided by the applicant, to any person who is directly involved in the PGF application and assessment process on its behalf including the Independent Advisory Panel ("IAP"), officers, employees, consultants, contractors and professional advisors of the Provincial Development Unit or of any government agency. The disclosed information will only be used for the purpose of participating in the PGF application and assessment process, which will include carrying out due diligence. If an application is approved for funding, information provided in the application and any related documents may be used for the purpose of contracting.

In the interests of public transparency, if an application is approved for funding, the application (and any related documents) may be published by the Provincial Development Unit. Commercially sensitive and personal information will be redacted by reference to the provisions of the Official Information Act 1982.

#### **Limitation of Advice**

Any advice given by the Provincial Development Unit, any other government agency, their officers, employees, advisers, other representatives, or the IAP about the content of your application does not commit the decision maker (it may be Senior Regional Officials, Ministers or Cabinet depending on the level of funding requested and the nature of the project) to make a decision about your application.

This limitation includes individual members of the IAP. The IAP's recommendations and advice are made by the IAP in its formal sessions and any views expressed by individual members of the IAP outside of these do not commit the IAP to make any recommendation.

#### No contractual obligations created

No contract or other legal obligations arise between the Provincial Development Unit and any applicant out of, or in relation to, the application and assessment process, until a formal written contract (if any) is signed by both the Provincial Development Unit and a successful applicant.

#### No process contract

The PGF application and assessment process does not legally oblige or otherwise commit the Provincial Development Unit to proceed with that process or to assess any particular applicant's application or enter into any negotiations or contractual arrangements with any applicant. For the avoidance of doubt, this application and assessment process does not give rise to a process contract.

#### **Costs and expenses**

The Provincial Development Unit is not responsible for any costs or expenses incurred by you in the preparation of an application.

#### **Exclusion of liability**

Neither the Provincial Development Unit or any other government agency, nor their officers, employees, advisers or other representatives, nor the IAP or its members will be liable (in contract or tort, including negligence, or otherwise) for any direct or indirect damage, expense, loss or cost (including legal costs) incurred or suffered by any applicant, its affiliates or other person in connection with this application and assessment process, including without limitation:

- a) the assessment process
- b) the preparation of any application
- c) any investigations of or by any applicant
- d) concluding any contract
- e) the acceptance or rejection of any application, or
- f) any information given or not given to any applicant(s).

By participating in this application and assessment process, each applicant waives any rights that it may have to make any claim against the Provincial Development Unit. To the extent that legal relations between the Provincial Development Unit and any applicant cannot be excluded as a matter of law, the liability of the Provincial Development Unit is limited to \$1. Nothing contained or implied in or arising out of the PGF documentation or any other communications to any applicant shall be construed as legal, financial, or other advice of any kind.

#### Inducements

You must not directly or indirectly provide any form of inducement or reward to any IAP member, officer, employee, advisor, or other representative of the Provincial Development Unit or any other government agency in connection with this application and assessment process.

#### Governing law and jurisdiction

The PGF application and assessment process will be construed according to, and governed by, New Zealand law and you agree to submit to the exclusive jurisdiction of New Zealand courts in any dispute concerning your application.

#### **Public statements**

The Provincial Development Unit and any other government agency, or any relevant Minister, may make public in whole or in part this application form including the following information:

- the name of the applicant(s)
- the application title
- a high-level description of the proposed project/activity
- the total amount of funding and the period of time for which funding has been approved
- the region and/or sector to which the project relates

The Provincial Development Unit asks applicants not to release any media statement or other information relating to the submission or approval of any application to any public medium without prior agreement of the Provincial Development Unit.

# Appendix 2 - Operational criteria for all tiers of the Fund

#### Link to Fund and government outcomes

- Demonstrate the ways in which the project will contribute to lifting the productivity potential of the region
- Demonstrate how the project contributes to the Fund's objectives of:
  - more permanent jobs
  - benefits to the community and different groups in the community
  - increased utilisation and returns for Māori from their asset base (where applicable)
  - sustainability of natural assets (e.g. water, soil integrity, the health and ecological functioning of natural habitats)
  - mitigating or adapting to climate change effects, including transitioning to a low emissions economy
  - Clear evidence of public benefits (i.e. benefits other than increased profitability for the applicant)
- Are in a Government priority region or sector

#### Additionality

- Project is not already underway, does not involve maintenance of core infrastructure or assets (except for rail and transport resilience initiatives), and does not cover activities the applicant is already funded for (funding could be considered to increase the scale of existing projects or re-start stalled projects)
- Demonstrated benefit of central Government investment or support
- Detail of any supporting third party funding (and any funding sought unsuccessfully)
- Acts as a catalyst to unlock a region's productivity potential
- Demonstrated links to other tiers of the Fund and related projects, to maximise value of Government investment

#### Connected to regional stakeholders and frameworks

- Evidence of relevant regional and local support, either through existing regional development mechanisms, or through another relevant body such as a council, iwi or other representative group (or reasons for any lack of local support)
- Has been raised and discussed with the region's economic development governance group
- Alignment with, or support for the outcomes of, any relevant regional development plan, Māori development strategy or similar document (whether regional or national)
- Demonstrated improvement in regional connectedness (within and between regions)
- Leverage credible local and community input, funding, commercial and non-commercial partners
- Utilise existing local, regional or iwi/Māori governance mechanisms

#### Governance, risk management and project execution

- Evidence of robust project governance, risk identification/management and decision-making systems and an implementation plan appropriate to the size, scale and nature of the project
- Future ownership options for capital projects, including responsibility for maintenance, further development, and other relevant matters
- Benefits and risks clearly identified and quantified, depending on the scale of the initiative
- Evidence of potential exit gates and stop/go points, and a clear exit strategy
- Clearly identifies whole of life costs (capital and operating)
- Dependencies with other related projects are identified
- Evidence of sustainability after conclusion of PGF funding
- Adequacy of asset management capability (for capital projects)
- Compliance with international obligations (where relevant)