



APPLICATION FOR FUNDING FOR A DREDGING SOLUTION: PORT OF GREYMOUTH

Application for Funding Projects

About this form

This form enables you to make an application for funding over \$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 application 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. If you are applying on behalf of a number of parties, you need their consent to submit this application. You can add other applicants during the application process. You will be the point of contact for this application, but you must give us all information about all applicants.

Submitting your application

All completed forms must be emailed to PGF@mbie.govt.nz 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: An affordable and efficient dredging option for Port of Greymouth.
2. Please provide a very brief description of the project/activity:
The Port lagoon is a safe haven for the fishing fleet and also houses the Westfleet Seafoods Ltd fish processing plant and the Talleys Group fish landing and transfer station. The lagoon needs regular maintenance dredging in order to maintain functional access for vessels. Commercial options for dredging are unaffordable.

Commercial Information

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

Legal Name: Grey District Council
Entity Type: Local Authority
Registered Offices / Place of Business: 105 Tainui Street, Greymouth
Identifying Number: N/A
Organisation's Website: www.greyc.govt.nz

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

Contact Name and Role: Paul Pretorius
Email Address: paulp@greyc.govt.nz
Telephone: Privacy of natural persons

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

Local Authority

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

7. What type of funding is this application for: Grant

[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: No:

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

Senior PGF staff. We were invited to submit a funding application.

10. Have you previously received Government funding for this Project? Yes: No:

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

11. Are you an overseas investor for the purposes of the Overseas Investment Act? Yes: No:

To find out if you are an overseas investor, and find support, please visit the Overseas Investment Office [website](#).

12. 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 funder is]
Provincial Growth Fund Funding (through this application)
Council
Total:

GST)

[i.e. received / confirmed / in principle]
In principle
Confirmed

Commercial Information

PROACTIVELY RELEASED

Part B: Project Description

13. This application is: "a stand-alone activity" or "in support of a wider project/programme"

14. Will additional funding be required in the future? Yes: No:

If Yes, please describe at a high level, what this may include, and when this is likely to be applied for.

*It forms part of the wider Port development application to the PGF which will likely cover **Commercial Information** and the **Commercial Information** in order to fulfil a truly regional function. This is to be determined as part of a wider study into a joint governance model for the West Coast Ports.*

15. Has a feasibility study, or equivalent, been conducted prior to this application? Yes: No:

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

The Joint Ports report has been commissioned by DWC with funding from PGF. The process of investigating the joint governance model as part of a wider S.17A (Local Government Act 2002) investigation is under way.

16. Please provide a detailed description of this project for which funding is being applied, including the benefits arising from the project:

The Port Lagoon is a safe haven to 27 fishing vessels (up to 70 in Hoki/Tuna seasons) and also houses a major fish processing facility (Westfleet Seafoods Ltd) and Talleys Group which has a significant cool storage and transfer facility. The Lagoon is subject to accretion at a rate of 12,000 -15,000 m³ and silts up over a period of 5 years to the extent that any vessel movement outside of full high tide is compromised. Commercial dredging comes to an annualised cost of close to \$200,000 p.a. which is unaffordable given that it represents the total annual port income from fishing in a year.

The accretion is of a very dense nature and manifests as a thick, gluey substance that develops a hard surface. This poses a challenge to the dredging methodology, with cutter suction dredges finding it challenging. Council's own cutter suction dredge has proven totally ineffective.

The dredging solution which is the subject of this application is a long reach digger on a pontoon and a separate self-propelled bottom-dumper barge. In order to remain within the training requirements set by Maritime New Zealand both have to be under 15 m in length. It is basic in its application, cheap to operate and certain to be able to shift the material involved. It provides for two motors as a safety measure. The bottom dumper will dispose of material dredged in the river, which runs at 3 knots and provides no security that an anchor will hold in the rocky/gravelly river bed.

This is the most practical, effective and enduring solution. We estimate that it will require 90-100 days of dredging p.a. to remove annual accretion.

Specific deliverables:

- *Allows us to with circa 100 days of dredging maintain the lagoon at a depth of 4 m.*
- *Allows dredging of the areas that were not dredged by the Kawatiri (too big)*
- *Allows the dredging solution to be used for other maintenance chores, i.e. fendering and pile driving.*
- *Allows the dredging option to be deployed to the other West Coast ports if required.*
- *It provides for a simple, efficient and basic solution.*

17. How does this project demonstrate additionality within the region?

-Why the project is not already underway.

Project is under way but the dredge used is proving ineffective.

-How the project provides a new asset and is not seeking maintenance funding.

The cost is for a new asset. Annual operations cost including maintenance forms part of the Port budget.

-The benefit of Central Government funding (i.e. over alternative sources).

Commercial Information

-Why this project will unlock the potential within the region.

The Port is already a very important regional asset. Apart from the reasonably large fishing fleet, the two Fish processors represent a meaningful contribution to the GDP. This is to increase further, with Westfleet Seafoods intending to increase local processing by ^{Commercial} and Talleys having expansion plans. The close proximity to the lucrative Hokitika Trench makes the location of the port most convenient

-Why this project will unlock the potential within the region.]

As stated, the Port is already an important contributor to the Region's economy. The dredging option will be able to be deployed in other West Coast Ports and, importantly will be able to undertake general maintenance i.e. fendering and pile driving.

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

The Port is widely recognised as important regional asset. It is being developed as the regional fishing port with Westport Port being seen as the regional cargo port.

As stated the dredging option can be deployed at other West Coast ports.

19. 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:

PGF Outcome	✓	How will the project positively or negatively impact this outcome in the region(s) identified?
1. Increase economic output	✓	<i>In order for the Port to continue its contribution to the Regional economy, the lagoon has to be dredged. However, with plans to land up to ^{Commercial} more fish in Greymouth for local processing (Westfleet) there is little doubt that the dredging solution will facilitate this.</i>
2. Enhance utilisation of and/or returns for Māori assets	✓	Commercial Information
3. Increase productivity and growth	✓	<i>As stated, without dredging, the Port can neither maintain current, nor accommodate future development opportunities.</i>
4. Increase local employment and wages (in general and for Māori)	✓	<i>Directly, it will secure one job, but its importance is in facilitating new jobs in fishing and fish processing into the future.</i>
5. Increase local employment, education and/or training opportunities for youth (in general and for Māori)	✓	<i>The fish processing industry provides stable if not exciting job opportunities. This project makes this possible.</i>
6. Improve digital communications, within and/or between regions	<input type="checkbox"/>	N/A
7. Improve resilience and sustainability of transport infrastructure, within and/or between regions	✓	<i>The Lifelines function of the Port and the lagoon as safe haven, should not be underestimated. In the event of a major earthquake, the Port will present the only secure form of transport to the Region apart from possibly helicopters.</i>
8. Contribute to mitigating or adapting to climate change	<input type="checkbox"/>	<i>Only indirectly</i>
9. Increase the sustainable use of and benefit from natural assets	✓	<i>The dredging solution will ensure a safely navigatable port for vessels of up to 4 m in draft.</i>
10. Enhance wellbeing, within and/or between regions	✓	<i>Apart from ensuring the Lifelines function, it facilitates ongoing and greater economic performance.</i>
Total number of outcomes project contributes to	8/10	

20. Has public consultation been conducted?

Yes:

No:

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

No public consultation conducted given that:

- *This subject is specialised and purely operational in nature*
- *The solution proposed is basic and considered the most fail-proof.*
- *Council did consult with local engineering firms and people in the dredging industry on the appropriate solution.*

21. Please provide your customer demand / market analysis for this project, covering the following where possible:

- What is the current market for this project's outcome, and what is your current involvement in the market?
- What opportunities are there to *expand* market activity (i.e. what is the customer demand)?
- What customer market relationships do you have to leverage success of the outcomes of this project?
- Is the project primarily aimed at enhancing the share of a single market? If so, please detail the proposed markets with this intention.

Council, in order to manage an operational port have navigation safety responsibilities towards users of which safe access and movement is one. Accretion demands dredging to be undertaken with the situation at the end of 5 years being critical. Dredging is unavoidable.

Commercial dredging has been undertaken and comes at an annualised cost of ^{Commercial Information} p.a. Own dredging solutions have failed because the characteristics of the material to be dredged.

This forms the background for a solution that is basic and fail-proof. The solution identified is a digger on a pontoon and a separate self-propelled bottom-dumper barge both no longer than 15 m in length and the barge per the design that earlier operated in the port for many years until dredging stopped.

The choice of a digger on a pontoon also facilitates other port maintenance like fendering and piling.

22. 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

23. 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

24. Does the land have appropriate Resource Management Act consents?

Yes:

No:

- If no, how and when will this be addressed?

N/A. Council holds a current dredging Resource Consent

Part C: Project Delivery

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

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

- *How the activity will be managed from your organisation?*
The Chief Executive takes charge of the Port function. The dredging function will stand under management of the Port Team Leader who will develop the annual maintenance dredging programme and see that it is undertaken. The actual manning of the dredging solution will be by an appropriately trained Operator/Skipper.

- *What involvement is required by the Provincial Development Unit?*
Funding assistance

- *What other partners are required for successful delivery?*
Apart from the normal operations of the digger and barge, it will only be the supporting equipment maintenance services. Maritime New Zealand will have to approve the design.

- *What project management practices will be in place?*
The MOSS system dictates a variety of safety and maintenance regimes. Apart from this, the annual dredging programme outputs will be closely monitored.
Maritime New Zealand will also approve training and competency measures.

- *Who are the key personnel within the organisation relating to this project?*
The Port function falls directly under the Chief Executive. The Port Team Leader is responsible for the day to day management of the Port whilst both staff members will be trained to take charge of the dredging solution.

- *Please include bio's and provide an organisational/project structure where possible.*
 Privacy of natural persons : Port Team Leader. Privacy of natural persons
 Privacy of natural persons
 Privacy of natural persons : Operator. Privacy of natural persons
 Privacy of natural person:
 Privacy of natural persons : Operator. Privacy of natural persons
 Privacy of natural persons

- *Please attach a copy of your health and safety policy that will apply for this project.*
 Commercial Information Health and safety forms part of this.

-

26. Have you have independent verification of the project approach / plan? Yes: No:

If yes, who verified the project and when?

The solution was chosen in consultation with local practitioners and mining and engineering expertise. Historical dredging methodologies served as a strong base.

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

[Please use the following table to describe the milestones of the project, if preferred, a schedule can be provided]

#	Project Activity	Responsible:	Date / Period:
1	Tenders/quotations award	Paul Pretorius/Council	Commercial Information
2	MNZ approval	Tenderer	
3	Construction/Delivery	Tenderer	
4	Delivery of final report to the Ministry]	Paul Pretorius	
5	Other		

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

[Note that figures in this table must align with other figures provided in Q11. Please use as many lines as it takes to provide us with the appropriate detail. If more suitable, please attach a budget spreadsheet to this application]

Cost Description:	\$ (excluding GST)
Construction, approval, delivery	Commercial Information
Depth sounder	
Total	

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

[Please use the following table, consider what deliverables there will be, when, and whether there are any payments associated with them and against what criteria payment should be made. If it is a single deliverable with single payment, please just use one line]

#	Description	Payment criteria:	Invoice Value \$ (Exc. GST)	%	Invoice Date:
1	Initiation payment	On signature of the funding agreement and the delivery of start-up report	Commercial Information		
2	Delivery of dredging option				
3	Retention payment.				

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

With Council making a significant contribution to the Port as a means of keeping it open, it simply does not have the ability to fund this. The commercial dredging option is Commercial Information

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

The Port had, for many years been dredged on a regular basis. This terminated when it could no longer be afforded. The dredging option implemented by Council had a proven record in the dredging of sandy material. Unfortunately, it proved ineffective for the sticky, gluey material in the lagoon. The dredging solution chosen as the subject of this application represents a basic, fail-proof solution.

With appropriate training it will be made to work well.

32. Please outline the project team and explain the Governance arrangements for this project

It is an operational function falling under the CEO. However, the Council and Port users will demand strict outputs. Council, CEO, Port Team Leader

33. What procurement process has been undertaken (i.e. selection of a provider), or will be undertaken, and how will that be managed? In addition, please provide a description of how greater public value will be achieved through the procurement process, for example by considering one or more of the following:

- How regional businesses (inc. Māori / Pacifica enterprises) will be provided with opportunities
- How skills will be developed in the market (i.e. via construction apprenticeships)
- How worker conditions in the supply chain will be improved / managed
- How waste / emissions are being reduced in this procurement.

For more information, please visit: <https://www.procurement.govt.nz/broader-outcomes/>

The key component of the dredging solution is the bottom-dumper barge. Because there are no designs for a max. 15 m vessel and such vessels cannot be readily acquired on the open market, the owner of the design for the barge that used to very successfully operate in the port was asked to put an offer forward. Council also approached a large New Zealand boat builder to do a design but the cost and an enduring user licence arrangement put pay to that option.

*We asked the local Engineering firms (4 large firms) to provide an indicative costing for such a solution and the estimates came to ^{Commercial Info}. The attached proposal came from the owner of the historic barge design and came at a surprisingly "affordable" cost. The other Engineering firms have since confirmed in writing that they cannot compete at that cost. Their proposal is **attached**. It is important to note that this is a design-and-build style contract and that the design, construction and even our staff training is included in the contract price.*

*The proposal lacks a depth sounder and the **attached** quote provides for that.*

*A separate proposal for the supply of a cutter-suction dredge was also submitted by ^{Commercial Information}. At ^{Commercial Info} and no guarantee that it will be able to pump the lagoon accretion, it has been eliminated as an option. It is also **attached** for information.*

The digger-on-a-pontoon and self-propelled bottom-dumper barge proposal is from a local Engineering firm that is highly regarded and has a proud record on national and international product development.

No Maori interests are involved.

The Council will train its staff further per MNZ requirements.

The preferred Contractor is highly regarded as a training facility for new entrants.

The solution will only have indirect waste/emission reduction benefits.

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

#	Risk	Mitigation approach	Rating
1	A Maritime Architect will be involved in the detailed design of the pontoon and barge. This may take longer than expected.	We have been proactive in involving him from the outset.	Low/Medium
2	Maritime New Zealand must approve the final design and inspect the final product.	We have involved them from the outset.	Low/Medium
3	If the above occurs, the <small>Commercial Information</small> delivery may not be achieved.		

35. Will the applicant own the asset on delivery? Yes: No:

- If no, please describe who will own the asset.

N/A

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

A full maintenance plan will be put in place and it will be a performance output of the Port Team Leader to keep to it. This is, in any event a requirement for Survey

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

*It will show as an asset.
It will also include an annual budget of Commercial Information which includes depreciation on the asset.
Council's Annual Reports are publicly available on the website. Hard copies can be provided if required. Financial statements for the Port as individual cost center can be made available.*

Part D: Declarations

38. 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 Yes: No:
39. Has this activity ever been declined Crown Funding in the past? Yes: No:
40. Has the applicant or the contracting entity ever been insolvent or subject to an insolvency action, administration or other legal proceedings? Yes: No:
41. Has any individual in the Project Team (including the Applicant's Leadership Team, directors, partners, or trustees, or any key members of the project) ever been insolvent or subject to an insolvency action, administration or other legal proceedings, or actively involved in any organisation which has? Yes: No:
42. Has any individual in the Project Team (including the Applicant's Leadership Team, directors, partners, or trustees, or any key members of the project) ever been adjudged bankrupt or is an undischarged bankrupt? Yes: No:
43. Has any individual in the Project Team (including the Applicant's Leadership Team, directors, partners, or trustees, or any key members of the project) ever been under investigation for, or been convicted of, any criminal offence? Yes: No:
44. 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. Yes: No:

"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 question from 39 to 44, please provide a description below:

By completing the details below, the applicant makes the following declarations 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;

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

I have obtained the permission of each member of the Project Team to provide the information contained in this application and those individuals are aware of, and agree to, the Terms and Conditions of applying for Provincial Growth Fund funding which are attached as Appendix 1;

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

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 PGF@mbie.govt.nz; and

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.

The applicant consents to the Provincial Growth Fund undertaking due diligence including any third party checks as may be required to fully assess the application.

Paul Pretorius

Full name:

Chief Executive Officer

Title / position:

Signature / eSignature:

Privacy of natural persons

Date:

23 July 2019

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 (or e-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.

Use and disclosure of information

The Provincial Development Unit will require you to provide certain information, including personal information, on application forms if you wish to apply for funding. If you do not provide all of the information that is required on an application form, the Provincial Development Unit may be unable to process or otherwise progress your application.

MBIE will generally only use personal information provided in the application process for the purpose of administering the PGF which includes assessing an application you have submitted, contracting, monitoring compliance and reporting.

We may use personal information provided to us through the application for other reasons permitted under the Privacy Act (e.g. with your consent, for a directly related purpose, or where the law permits or requires it).

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, including assessment and ongoing monitoring, which will include carrying out due diligence. Due diligence may involve MBIE disclosing information to another MBIE business unit or relevant agency in order to assess the application and verify the information contained in the application and accompanying documents.

MBIE will generally not otherwise disclose personal information provided or collected through this application unless required or otherwise permitted by law. For example, we may seek your consent to undertake additional due diligence checks and request information from other relevant third parties. 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.

Electronic signature

You can only file documents and information with us using an electronic signature if you're the signatory, or have authority to act on behalf of the signatory, and are using software that complies with our standards, in particular keeping records of transactions where an electronic signature has been used. Once a document with your electronic signature has been filed with us, we consider the information:

- has been provided with your full knowledge and agreement
- is authentic and accurate
- wasn't amended after your electronic signature was added to the document, unless a change has been clearly marked on the document.

You're responsible for:

- safeguarding how and when your electronic signature and credentials are used on documents and information
- managing who has authority to use your electronic signature on your behalf, for example, a chartered accountant.

If your electronic signature on a document or information is filed with us, you won't be able to dispute having signed and approved the document or information. If we question the authenticity of an electronic signature or online transaction, you must be able to demonstrate on request the validity of the software used to apply your electronic signature to the document.

You must use electronic signature software that captures authentication, time and source details for any online transaction where a document with your electronic signature has been filed. These details must be held within the software itself, in the form of a file that:

- is maintained in its original form with no amendments, and
- can be provided to us, if requested, within a specified time.

The file must be treated as a record, as defined by the Companies Act 1993, and a business record as defined by the Evidence Act 2006.

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)