

## **Christchurch City Council**

### **SUPPLEMENTARY AGENDA**

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#### **Notice of Meeting:**

An ordinary meeting of the Christchurch City Council will be held on:

**Date:** Thursday 27 January 2022  
**Time:** 9.30am  
**Venue:** Council Chambers, Civic Offices,  
53 Hereford Street, Christchurch

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#### **Membership**

Chairperson	Mayor Lianne Dalziel
Deputy Chairperson	Deputy Mayor Andrew Turner
Members	Councillor Jimmy Chen
	Councillor Catherine Chu
	Councillor Melanie Coker
	Councillor Pauline Cotter
	Councillor Mike Davidson
	Councillor Celeste Donovan
	Councillor Anne Galloway
	Councillor James Gough
	Councillor Yani Johanson
	Councillor Aaron Keown
	Councillor Sam MacDonald
	Councillor Phil Mauger
	Councillor Jake McLellan
	Councillor Tim Scandrett
	Councillor Sara Templeton

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**27 January 2022**

#### **Principal Advisor**

Dawn Baxendale  
Chief Executive  
Tel: 941 6996

Jo Daly  
Council Secretary  
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[www.ccc.govt.nz](http://www.ccc.govt.nz)

Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. If you require further information relating to any reports, please contact the person named on the report.

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<http://councillive.ccc.govt.nz/live-stream>



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## 19. Resolution to Include Supplementary Reports

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### 1. Background

- 1.1 Approval is sought to submit the following reports to the Council meeting on 27 January 2022:
  20. NEMA Regulatory Framework Review (“Trifecta”) Programme
- 1.2 The reason, in terms of section 46A(7) of the Local Government Official Information and Meetings Act 1987, why the reports were not included on the main agenda is that they were not available at the time the agenda was prepared.
- 1.3 It is appropriate that the Council receive the reports at the current meeting.

### 2. Recommendation

- 2.1 That the reports be received and considered at the Council meeting on 27 January 2022.
  20. NEMA Regulatory Framework Review (“Trifecta”) Programme

## 17. CMUA Project Delivery Ltd - Preliminary Design - Open

Reference Te Tohutoro: 22/101870

Report of Te Pou Matua: Alistair Pearson, Head of Vertical Capital Delivery  
Alistair.pearson@ccc.govt.nz

General Manager  
Pouwhakarae: Barry Bragg, Chair CMUA Project Delivery Ltd

### 1. Purpose of the Report Te Pūtake Pūrongo

- 1.1 The purpose of this report is to update the Elected Members on the outcome of the Preliminary Design Phase and recommend the adoption of the gifted name of Te Kaha for the Canterbury Multi-Use Arena (CMUA).

### 2. Officer Recommendations Ngā Tūtohu

That the Council:

1. Receive the information and accept the recommendation from CMUA Project Delivery Ltd Board that the Preliminary Design be accepted and allow Kōtui to continue on the Developed Design Phase of the project.
2. Accept the name Te Kaha that has been gifted by Ngāi Tūāhuriri to the Christchurch City Council for the Canterbury Multi-Use Arena, to be located on Te Kaharoa (the whenua (land) surrounding).
3. Note that the commercially sensitive information regarding design and budget contained within the Public Excluded part of this report can be released on the acceptance of the Design and Construct Contract with BESIX Watpac, or when the Council Chief Executive and the Chair of CMUA Project Delivery Ltd determine there are no longer grounds for withholding any or all of the information.

### 3. Reason for Report Recommendations Ngā Take mō te Whakatau

- 3.1 Project updates at the completion of the Preliminary Design Phase including design work carried out by the Kōtui team, Project Cost / Quantitative Risk Assessment (QRA), Risk Register, Preliminary Design reconciled to project specification, customer experience, building resilience and sustainability expectations and programme.
- 3.2 BESIX Watpac NZ (CMUA) Limited (Kōtui), the Contractor, are engaged under a Pre Contract Services Agreement (PCSA). It is critical that they are given design direction and instruction to continue to Developed Design.
- 3.3 Preliminary Design has given further clarity on costs and programme. An instruction to continue to Developed Design is not committing the Council to a Design & Construct (D&C) contract. On conclusion of the PCSA phase, BESIX Watpac NZ (CMUA) Limited will submit a Final Bid for a fixed price lump sum D&C phase. Under the PCSA, there is the option to not accept BESIX Watpac NZ (CMUA) Limited's final D&C bid, in which case we can go to market for a D&C contractor using the design documentation prepared during the PCSA phase.
- 3.4 The report recommends the adoption of the gifted name of Te Kaha for the Canterbury Multi-Use Arena (CMUA).

#### 4. Alternative Options Considered Ētahi atu Kōwhiringa

- 4.1 Should Council not proceed with the Developed Design, Council would have to consider the following:
- Further risk of unknown cost escalations;
  - Programme impact with delivery; and
  - Not meeting public expectations.

#### 5. Detail Te Whakamahuki

##### Background

- 5.1 Following the Canterbury Earthquake Sequence in 2011-2012, the Christchurch Central Recovery Plan (CCRP) in 2012 identified the development of a multi-purpose sports and entertainment venue/stadium as a replacement for the earthquake damaged AMI Stadium at Lancaster Park.
- 5.2 The CCRP identified a six-hectare site as the location for the new permanent facility within the vision for a new city CBD. This site comprises most of the three city blocks bounded by Hereford, Barbadoes, Tuam and Madras Streets. The site was designated, and the Crown, through LINZ, acquired property within the Designation.
- 5.3 Funding of the Project is confirmed within Council's 2015-2025; 2018-2028 and 2022-2032 Long Term Plans. An agreement between Council and the Crown has been finalised that confirms the Crown's funding commitment to the Project.

##### Investment Case

- 5.4 The Investment Case identified that to be competitive and attract international and national content a multi-use arena in Christchurch would ideally include the following fundamental design elements:
- 5.4.1 Covered arena - that allows for year-round events;
- 5.4.2 Minimum 25,000 person capacity - to attract national and international content; and
- 5.4.3 Acoustic quality - a key to providing a viable facility. It must host premium events on a regular basis and must be designed to manage the acoustic quality.
- 5.5 The initial options assessment prepared for the draft Investment Case identified a preferred option of a covered arena with an ETFE roof, permanent in-situ natural turf and a capacity of 25,000 permanent seats plus a terrace for 500 safe standing.
- 5.6 The final recommended option was a Covered arena with an ETFE roof in-situ natural turf and 25,000 capacity.
- 5.7 This option had the highest net benefit. This option fell within the affordability threshold using a P85 quantitative risk analysis threshold.

##### Funding Agreement

- 5.8 The Funding Agreement with the Crown identified the key deliverables as "a roof that covers the entire arena, a minimum of 22,500 permanent seating capacity, and multi-use with the predominant "mode" is an indoor arena."
- 5.9 If the design is consistent with this it is not a Crown approval matter under the Funding Agreement. However, officers have advised Crown officials of the current situation and will continue to keep them informed.

### PCSA Contract

- 5.10 Following a robust procurement process, a preferred contracting partner, BESIX Watpac NZ (CMUA) Limited (Kōtui), was identified for the design and build of the CMUA.
- 5.11 The Pre Contract Services Agreement (PCSA) contract has an estimated timeframe of around 15 months. On conclusion of the PCSA phase, BESIX Watpac NZ (CMUA) Limited (Kōtui) will submit a Final Bid for a fixed price lump sum Design and Construct (D&C) phase. Under the PCSA, there is the option to not accept BESIX Watpac NZ (CMUA) Limited's final D&C bid, in which case the Council can go to market for a D&C contractor using the design documentation prepared during the PCSA phase.

### RT1-30K Resolution

- 5.12 At the 12 August 2021 meeting the Council approved BESIX Watpac NZ (CMUA) Limited (Kōtui) be instructed to develop a Preliminary Design:
- Within the agreed Maximum Design & Construct (D&C) Contract Price;
  - With design fundamentals, including an ethylene tetra fluoro ethylene (ETFE) roof, permanent in-situ natural turf, quality acoustics, level 1 concourse, and multipurpose functionality; and
  - With minimum seating capacity of 30,000 (including a minimum of 25,000 permanent seats).
- 5.13 The Council also noted that further design phases will give further clarity and certainty of costs and risk contingency.

### Naming of Venue

- 5.14 At the 09 December 2021 meeting the Council accepted the name Te Kaharoa that has been gifted by Ngāi Tūāhuriri to the Christchurch City Council for the whenua (land) surrounding and within the Canterbury Multi-Use Arena.
- 5.15 Further discussions have been held with Ngāi Tūāhuriri and the name Te Kaha has been gifted to the Christchurch City Council for the Canterbury Multi-Use Arena.

## 6. Policy Framework Implications Ngā Hiraunga ā- Kaupapa here

### Strategic Alignment Te Rautaki Tīaroaro

- 6.1 This report supports the [Council's Long Term Plan \(2021 - 2031\)](#):
- 6.1.1 Activity:
- Level of Service:
- 6.2 From the Council's Strategic Framework and the Local Government (Community Wellbeing) Amendment Bill 2019, the Strategic Priorities most relevant to the proposed Arena are:
- Enabling active citizenship and connected communities.
  - Maximising opportunities to develop a vibrant, prosperous and sustainable 21<sup>st</sup> century city.

### Policy Consistency Te Whai Kaupapa here

- 6.3 The decision is consistent with Council's Plans and Policies. In particular:
- 6.3.1 Council's Procurement Policy and Framework.
- 6.3.2 Council's 30 year Infrastructure Strategy 2016 – The CMUA will improve the provision of civic facilities within the city.

- 6.3.3 Christchurch Economic Development Strategy 2017 – The CMUA will enhance city amenities, attracting people, business, investment and visitors to the city and accelerating the regeneration of the CBD.
- 6.3.4 Christchurch Major Events Strategy 2018 – The CMUA will attract high-quality events that are recognised worldwide and make a positive contribution to the communities' perception of their quality of life (civic pride).
- 6.4 The city's Major Events Strategy notes major events deliver the following benefits:
  - 6.4.1 Generate significant immediate and long-term economic, social and/or cultural benefit to Christchurch; and/or,
  - 6.4.2 Attract significant numbers of international, as well as national, participants and spectators; and/or,
  - 6.4.3 Are pivotal in building the Christchurch brand because it has a national profile outside of the Canterbury region and generates media coverage in markets of interest for tourism and business opportunities.
- 6.5 Christchurch's Major Events Strategy is designed to address Christchurch's structural disadvantage in relation to the national events landscape which occurred as a consequence of the disruption of the 2010 and 2011 earthquakes. A return of major events to Christchurch to stimulate further economic activity is an important factor in the city's ongoing regeneration.

#### **Impact on Mana Whenua Ngā Whai Take Mana Whenua**

- 6.6 The decision does not involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does not specifically impact Mana Whenua, their culture and traditions.
- 6.7 The CCRP identified the six-hectare site as the location for the new permanent CMUA facility. This site comprises most of the three city blocks bounded by Hereford, Barbadoes, Tuam and Madras Streets. Any impact on Mana Whenua would have been addressed and resolved when the site was designated.
- 6.8 Council staff have consulted Matapopore about the Investment Case and work will continue through the design process to involve Mana Whenua. A Cultural Design Framework has been prepared by Matapopore to help inform the design principles for the arena.
- 6.9 Mana Whenua have been involved in the project and there is a Mana Whenua appointment to the Board.

#### **Climate Change Impact Considerations Ngā Whai Whakaaro mā te Āhuarangi**

- 6.10 The construction and operation of any large building, such as the arena, will have an impact on global energy use and energy-related carbon dioxide emissions.
- 6.11 The design stage of the project will provide opportunities to further investigate and demonstrate climate change leadership and resilience.
- 6.12 Environmental and Sustainability outcomes formed part of BESIX Watpac NZ (CMUA) Limited's proposal and they included a Sustainability/Environment Manager under their Key Personnel for the PCSA phase. They also have an international ESD consultant Mott MacDonald and have carried a Sustainability Strategy report.
- 6.13 Environmentally Sustainable Design (ESD) and social responsibility is a Functional & Design Requirement under the CMUA Project Brief and will be taken into account throughout the design stages, including the goal to reduce embodied carbon.



- 6.14 The project will report back to the Council on options to assess the embodied carbon of the proposed CMUA (including construction, physical structure and operational energy use) and actively lower it during the design and build phases.

#### **Accessibility Considerations Ngā Whai Whakaaro mā te Hunga Hauā**

- 6.15 The design stage of the project will provide opportunities to further investigate and demonstrate accessibility considerations.
- 6.16 Strawbridge Accessibility forms part of BESIX Watpac NZ (CMUA) Limited's team to ensure accessibility is properly assessed and addressed during the PCSA phase.
- 6.17 Design standards & guidelines, including accessibility is a Functional & Design Requirement under the CMUA Project Brief and will be taken into account throughout the design stages.

### **7. Resource Implications Ngā Hīraunga Rauemi**

#### **Capex/Opex Ngā Utu Whakahaere**

- 7.1 The recommendation to approve the Preliminary Design is funded within the existing CMUA Capex budget.
- 7.2 This report does not involve any maintenance/ongoing costs.

### **8. Legal Implications Ngā Hīraunga ā-Ture**

#### **Statutory power to undertake proposals in the report Te Manatū Whakahaere Kaupapa**

- 8.1 Project management activity as set out in the PCSA is comprehensive and clear. During the tender period, BESIX Watpac NZ (CMUA) Limited (Kōtui) benchmarked against other stadia projects, they carried out affordability estimates and reviewed the current design information. They were clear that the Maximum D&C Contract Price was achievable but to achieve the budget they stated that there needs to be stringent cost control throughout the Stage 2 PCSA contract. Any scope creep approved and requested by the Council would have to be offset against savings generated from value management workshops. This Contractor's 10 step estimating methodology and the PCSA contract agreement has been designed to manage this process. The PCSA is a valid tool to help achieve this, however collaborative and effective Project Management through each stage of the design is critical for a positive outcome.

#### **Other Legal Implications Ētahi atu Hīraunga-ā-Ture**

- 8.2 The Council has the legal ability to enter into contracts for the procurement of services, however to do so it needs to act in accordance with Section 14 of the Local Government Act 2002 (LGA) 2002. The LGA 2002 (Section 14) details the principles relating to local authorities. The principles most relevant to the Council's procurement activity are:
- conduct its business in an open, transparent, and democratically accountable manner; and
  - give effect to its identified priorities and desired outcomes in an efficient and effective manner.
  - a local authority should undertake any commercial transactions in accordance with sound business practices and;
  - a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region, including by planning effectively for the future management of its assets; and
  - in taking a sustainable development approach, a local authority should take into account
    - the social, economic, and cultural interests of people and communities;

- the need to maintain and enhance the quality of the environment; and
- the reasonably foreseeable needs of future development.

## 9. Risk Management Implications Ngā Hiraunga Tūraru

9.1 As noted in clause 4.1 above, should Council not proceed with the Developed Design, Council would have to consider the following:

- Further risk of unknown cost escalations;
- Programme impact with delivery; and
- Not meeting public expectations.

## Confirmation of Statutory Compliance / Te Whakatūturutanga ā-Ture

Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).

(a) This report contains:


- (i) sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages; and
- (ii) adequate consideration of the views and preferences of affected and interested persons bearing in mind any proposed or previous community engagement.

(b) The information reflects the level of significance of the matters covered by the report, as determined in accordance with the Council's significance and engagement policy.

## Signatories Ngā Kaiwaitohu

<b>Author</b>	Hannah Gillespie - Project Coordinator Mark Noonan - Project Director
<b>Approved By</b>	Barry Bragg - Chair CMUA Project Delivery Limited Alistair Pearson - Head of Vertical Capital Delivery

## Attachments Ngā Tāpirihanga

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A 	CMUA Project Delivery Limited Preliminary Design	11



# CMUA Project Delivery Limited Preliminary Design

**Audience: Mayor and Councillors**

**Date: 27 January 2022**





























































































































## 20. NEMA Regulatory Framework Review (“Trifecta”) Programme

Reference Te Tohutoro: 22/103835

Report of Te Pou Matua: Mayor Lianne Dalziel, mayor@ccc.govt.nz

General Manager

Dawn Baxendale, Chief Executive, dawn.baxendale@ccc.govt.nz

Pouwhakarae:

### 1. Purpose of Report Te Pūtake Pūrongo

- 1.1 The purpose of this report is for the Mayor to provide information to the Council on the National Emergency Management Agency (NEMA) Regulatory Framework Review Programme. (The “Trifecta” Programme).
- 1.2 The Council is asked to endorse a call on Government to fully engage with the local government sector over the proposed changes to the Civil Defence Emergency Management Act 2002 (the Act), as part of the Trifecta Programme.

### 2. Chairperson’s Recommendations

That the Council:

1. Notes the rushed timetable proposed for feedback on the Modernising the Emergency Management Framework engagement material.
2. Notes that Councils, along with our communities, are the heart of civil defence and therefore need to be fully engaged in change proposals before they are introduced into Parliament.
3. Agrees that there are changes that need to be made to our civil defence and emergency framework, including the need to recognise mana whenua in the legislative framework.
4. Requests in the strongest terms that the pre-legislative engagement be extended so as to allow meaningful opportunities for the Council to influence the shaping of the civil defence and emergency management framework.
5. Notes that Local Government New Zealand/Te Kahui Kaunihera o Aotearoa has been asked to support this call.
6. Notes that a briefing on the Trifecta Programme will be arranged as soon as practicable.

### 3. Detail Te Whakamahuki

#### Background

- 3.1 Prior to Christmas the Minister for Emergency Management announced that a new Emergency Management Act would be introduced this year to replace the existing Act, as part of the National Emergency Management Agency (NEMA) “Trifecta” Programme.
- 3.2 The three elements of the Trifecta Programme are:
  - 3.2.1 developing a new Emergency Management Act (the Act);
  - 3.2.2 review of the National Civil Defence Emergency Management Plan Order (the Plan Order) 2015 and the accompanying Guide to the National CDEM Plan (the Guide) 2015;
  - 3.2.3 development of the National Disaster Resilience Strategy (NDRS) Roadmap.

- 3.3 They are intended to improve the emergency management system by:
- 3.3.1 Improving the clarity of roles and responsibilities across the emergency management system
  - 3.3.2 Maximising the opportunity of legislative and regulatory change to update and improve the CDEM Act and National CDEM Plan Order, so they are fit for purpose
  - 3.3.3 Providing advice on regulatory, legislative and policy solutions to ensure that the emergency management system is responsive, inclusive and effective and recognises the role of Māori as Treaty partners
  - 3.3.4 Improving locally led emergency management, including by continuing to implement the Government's response to the Technical Advisory Group.
- 3.4 On the week commencing 17 January 2022, NEMA held a series of online workshops with the local government sector and regional CDEM Groups to discuss a targeted engagement process with the emergency management sector to inform the final stages of the proposed Emergency Management Bill 2002. We have been invited to provide feedback by Friday 11 February.
- 3.5 Although the Minister has stated that the Bill will not be a fundamental transformation of the emergency management system but will instead address a number of identified shortcomings to ensure the system can meet current and future needs, this is insufficient time for the kind of input the sector should be expected to provide for any reform of the legislative framework.

#### **Joint Committee Canterbury CDEM Group**



- 3.6 As Chair of the Joint Committee of the Canterbury CDEM Group, I have written to the Minister expressing concern about the approach.
- 3.7 We said that Councils and communities were at the heart of the civil defence system and needed to be engaged before legislative changes were introduced into Parliament.
- 3.8 We acknowledged that reform was needed, for example the inclusion of iwi/ Māori within the legislative framework. However, there were other elements that require serious discussion and debate.
- 3.9 We advised that there was deep concern across our region that the timetable was seriously flawed, and that there was insufficient information (including an indication of the pros and cons of each option) for a considered response. We said that it could not be a tickbox exercise if it was to be meaningful.
- 3.10 We also noted that the proposed Emergency Management Bill was intended to be going through Select Committee in the second half of the year. We highlighted the clash with the Local Body elections, once again providing minimal opportunity for good local government engagement on the review.
- 3.11 There has been no time to brief Council on the Trifecta Programme, as the Joint Committee did not receive its first briefing on the subject until November last year, and it wasn't clear what the timetable would be. The Joint Committee has its first scheduled meeting on 17 February after the feedback period has closed.

#### **Meaningful engagement with sector**

- 3.12 I now seek support from the Council to also add its weight to the call for time to allow genuine engagement with the local government sector in the spirit of partnership agreed to between the Government and Local Government New Zealand last year.

- 3.13 I recommend that we request in the strongest terms that the pre-legislative engagement be extended so as to allow meaningful opportunities for the Council to influence the shaping of the civil defence and emergency management framework.
- 3.14 I contacted the Chief Executive of Local Government New Zealand/Te Kahui Kaunihera o Aotearoa who has advised that they are following up on this as well.
- 3.15 The outline of the process for the Trifecta Programme is attached as Attachment A, and a full briefing will be arranged as soon as practicable.

### Attachments Ngā Tāpirihanga

No.	Title	Page
A  	Outline of process for Trifecta Programme	70

