

# Construction and major projects

Detailed expertise and experience

# Our expertise

## Procurement strategy and contracts

We have experts who can help across the full spectrum of 'front-end' construction work. This includes structuring a project, determining the best type of contract, conditions of tenders, forms of contract including templates, and amendments/variations.



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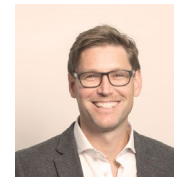
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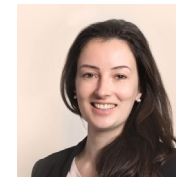
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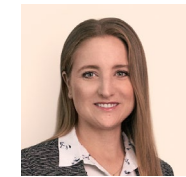
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## Dispute resolution

Our dispute resolution specialists have expertise bringing and defending Variation, extension of time, disruption, and non-contractual claims, in adjudication, mediation, arbitration and court proceedings. We help our clients manage conflicts, mitigate damage and find solutions to some of New Zealand's most significant construction and major project disputes.



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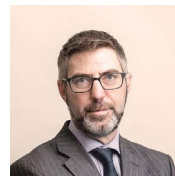
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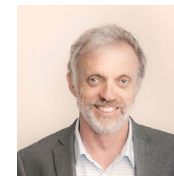
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# How we have helped our clients



Airports  
and ports



Corrections



Education



Health



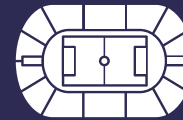
Mining



Public procurement  
and probity



Social housing



Stadia



Transportation



Water



International



Oil and gas



Hotels



Manufacturing and  
industrial plants



Office and apartment  
buildings/towers



Renewables



Residential  
developments



Retail  
developments



Special projects



Telecommunications

Infrastructure

Energy

Other major projects



## Infrastructure

We have advised on the following:



### Airports and ports

- Auckland Airport on its capital expansion projects.
- Eastland Port, Lyttelton Port and Napier Port on their respective wharf extensions, dredging projects and various commercial contracts.
- Airways Corporation in respect of its design, build and leasing arrangements for its head office in Auckland, constructed by Auckland International Airport and the front end construction arrangements for its multi-million dollar Wellington control 'leaning' tower.
- America's Cup 36 on its port infrastructure alliance.



### Corrections

- Department of Corrections in relation to the refurbishment of its head office (Mayfair House) in Wellington as part of the Government's \$500m WAP2 office accommodation project, one of the largest leasing projects in New Zealand history.
- DTZ Group on its facilities and maintenance contracts for the Auckland East Prison PPP.



### Education

- The Ministry of Education on its schools construction programme, run by its Education Infrastructure Service and National Transportables Programme, for the procurement of transportable modular classrooms. We also provided additional advice on various construction, leasing and property matters throughout New Zealand for a school capital works construction programme of over \$1b during 2016-19.
- New Zealand Council for Educational Research on its main premises and storage construction.
- Lincoln University on its 'Science North' Project – a new science facility replacing existing earthquake-damaged buildings.
- Southbase Construction on contracts relating to its school construction programme.



### Health

- The Ministry of Health on New Zealand's largest ever health facility construction programme worth approximately \$3b. This includes Burwood Hospital and Christchurch Hospital's acute services and outpatients buildings, Greymouth hospital and the new Dunedin hospital. We acted as the Ministry's legal provider on all aspects of procurement as well as successfully resolving a large number of Variation and extension of time claims, through bespoke ADR processes and adjudication.
- Bone Marrow Cancer Trust on the construction contract for a medi-hotel in Christchurch under the Government's shovel ready project regime.
- Counties Manukau District Health Board (DHB) on various construction contracts relating to Middlemore Hospital including the Scott Building reclad project, New Zealand's largest acute mental health facility and the new Manukau Health Park development.
- Health Infrastructure Unit and Hutt Valley DHB on the development of a new acute mental health facility.
- Canterbury DHB on its procurement and construction contracts, including its specialist mental health facility at Hillmorton Hospital Campus.
- Ryman Healthcare on its suite of construction contracts and procurement documents for the construction, maintenance and refurbishment of its aged care facilities.
- Lakes DHB on the design and construction of its multi-million dollar Rotorua children's health hub facility.
- The Youth Hub Trust Te Hurihanga ō Rangatahi on stage one of its youth mental health facility (including supported housing and wrap-around services).



## Mining

- A number of overseas projects including a \$6b phosphate mine and fertiliser complex, on a coal to methanol production facility and on a \$4.5b steel production facility.
- Wairoa District Council subsidiary QRS with disputes related to its Tangihanga Quarry.



## Public procurement and probity

- Nearly all Government agencies in respect of good public procurement including implementation of the Government Rules of Sourcing and applications for opt-out and exceptions.



## Social housing

- Auckland City Mission on all aspects of its HomeGround project.
- Lenders to a bidder on the Tauranga Social Housing Project.
- Hobsonville Development Limited Partnership (a joint venture between Ngāi Tahu and NZ Super Fund) in relation to a large residential development at Hobsonville Point, Auckland.
- University of Canterbury on a student accommodation project.
- Wellington City Council on its social housing projects.
- The Wellington Company on its Kiwibuild projects.



## Stadia

- BESIX Watpac on its contractual arrangement for the Canterbury Multi-Use Arena project.
- NZTE on New Zealand's Pavilion for the Dubai 2020 World Expo.



## Transportation

- Waka Kotahi NZ Transport Agency on numerous large roading alliance projects including the Waterview Tunnel and Connection project, Auckland Northern Corridor Improvement project, Christchurch Northern Corridor project and North Canterbury Transport Infrastructure Recovery project to rebuild critical road and rail infrastructure following the Kaikoura earthquake.
- Waka Kotahi NZ Transport Agency on the Pūhoi to Warkworth Motorway PPP, one of the Government's Roads of National Significance, including procurement of design, build, finance, operation and maintenance and acted as a key member of the Pūhoi to Warkworth Road PPP Procurement Alliance (True North).
- Waka Kotahi NZ Transport Agency on the Southern Corridor Improvements project, including resolving significant construction contract disputes and claims by nearby homeowners.
- City Rail Link (CRL) on various aspects of the CRL alliance documentation including final insurance placement and expected variation of the alliance agreement to incorporate the C5/C7 work packages.
- Wellington City Council on its roading maintenance and capital work contract.
- Ashburton, Timaru, Waimate and MacKenzie District Councils on their collaborative roading upgrade contract.
- Queenstown Lakes District Council on various infrastructure projects including construction of Eastern Access Route linking SH6 at Frankton with the Frankton industrial area, on a fixed term contract for the operation, maintenance and management of its roading assets.



## Water

- Trility Pty Ltd as contractor in its ongoing negotiations with Rotorua District Council to undertake the operation and maintenance of the Rotorua and Rotoiti/Rotoma Wastewater Treatment Plants and their associated reticulated networks for up to 35 years.
- Crown Irrigation on all of its investments into irrigation schedules across New Zealand including Central Plains, Waimea Dam and Kurow-Duntroon.
- Queenstown Lakes District Council on a fixed term contract for the operation, maintenance and management of its three waters, and on a design, build and operate contract for its upgrade of the Shotover wastewater treatment plant.
- Todd Energy in a complex construction dispute related to the rehabilitation of a portion of its stormwater network.
- Department of Corrections on its three waters remedial works.

# Energy

We have advised on the following:



## International: Pacific Islands

- Solomon Islands Electricity Authority (SIEA), in conjunction with International Finance Corporation as transaction advisor, on a new hydroelectric power plant project ('Tina River') – Solomon Islands' first IPP and SIEA's first independent power producer project involving construction and ongoing operation of the 15MW hydroelectric power plant.
- Tonga Power on its solar energy programme, including drafting and negotiating power purchase agreements with IPPs.
- The Electric Power Corporation of Samoa on the development of a 1.5MW solar PV plant and associated battery storage system.
- ANZ on its solar project in Samoa.



## Oil and gas: up, mid and downstream

- Eastland Generation on various drilling and associated services agreements.
- Lenders on Todd's McKee and Junction Road peaker projects.
- Te Ahi O Maui Limited Partnership on the development of a 25MW geothermal power plant. We advised on construction matters throughout the project and also assisted with the management of disputes arising in the course of development.
- Ballance on its (then) proposed ~\$1.2b ammonia and urea production plant at Kapuni.
- Methanex on the debottlenecking and upgrade of a methanol plant in New Zealand.
- Shell New Zealand on infrastructure transfer elements of its \$335m sale of the Maui Pipeline to First Gas including novel arrangements for the joint use of gas transmission infrastructure.



## Renewables: solar, wind, and hydro

- Mercury on its 222MW Turitea Wind Farm Project near Palmerston North. This included providing help on the construction and long-term maintenance agreements for 60 wind turbines that will generate 222MW of renewable energy – New Zealand's largest renewable project. We also assisted Mercury to respond to significant Variation and extension of time claims.
- Meridian Energy in the procurement work for its Mill Creek, West Wind and Te Uku wind farms and the refurbishment of its hydro stations, including preparing and advising on works contracts, professional service contracts, supply contracts and service and maintenance contracts.
- Meridian Energy Australia on the construction and procurement contracts for the Mt Mercer wind farm in Australia and Ross Island Wind Farm in Antarctica.
- Mercury in relation to the redevelopment of the Rotokawa \$430m geothermal power generation station. The upgrade will boost output through optimising the geothermal mix, expected to deliver a 4–5MW uplift in generation capacity. We have since assisted Mercury to resolve disputes regarding the rectification of defects in the works.
- Ballance Agri-Nutrients as project sponsor on the Kapuni Hydrogen and Windfarm Project – including the development of a 16MW Wind Farm at Kapuni.
- Transpower with a defect rectification dispute over its Otahuhu substation.
- New Zealand Antarctic Institute on its wind farm in Antarctica (to be used by New Zealand's Scott Base and U.S.A's McMurdo Station).
- Christchurch International Airport on its proposed 150 MW solar farm development at Kōwhai Park (its new renewable energy hub).

## Other major projects

We have advised on the following:



### Hotels

- Fu Wah on the development of the Park Hyatt international standard 5-star hotel on the Auckland waterfront including on several large disputes related to this project.
- Centuria on the development of its 5-star hotel in Queenstown.
- A new Scenic Circle Hotel in Niue on its construction contracts.



### Office and apartment buildings/towers

- Shundi Customs Limited on the development of a 52-storey residential tower on Customs Street East, Auckland.
- Newcrest on the new BNZ building in Wellington.
- Centuria on its various developments including the Munroe Lane Project in Albany.
- Kiwibank on its 20 Customhouse Quay and Fanshawe Street head offices.
- Spark on the construction and leasing of its head offices in Auckland, Wellington and Christchurch. This included Willis Street, Wellington and Victoria Square, Auckland – together the largest single tenant design build and commercial leasing transactions in New Zealand history.
- Multiple earthquake strengthening projects in Wellington, include the Wellington City Council unreinforced masonry project.
- KNCC Limited on the construction of a six-storey mixed use apartment building with a build value of \$30m.
- Southbase on the Crossings contracts.
- HamiltonJet on its new factory and office facility.



### Manufacturing and industrial plants

- Fonterra on its various processing plants.
- Winstone Wallboards on the development of a new GIB production facility in Tauriko.
- Beca in a dispute regarding the design of the Victorian Desalination Plant.
- Ravensdown on its capital works projects.
- BPO Limited in a dispute regarding the design and construction of a wastewater treatment plant in Waharoa.



### Residential developments

- Todd on various large-scale housing developments including Ormiston, Stonefields and Long Bay.
- Hobsonville Development Limited Partnership (a joint venture between Ngāi Tahu and NZ Super Fund) in relation to a large residential development at Hobsonville Point, Auckland.
- The Wellington Company on large housing developments in the Wellington region.
- Fletcher Living on its Three Kings Development.
- Treasure Plus Limited in a complex termination dispute with its former contractor in relation to residential developments in Te Atatu and Orewa.
- MR Civil Limited in successful adjudication proceedings related to the wrongful termination of a civil works contract.
- Various other medium to large-scale housing developments across New Zealand.



**Retail developments**

- Tauranga Crossing Limited on all stages of its large-scale retail development In Tauriko, Tauranga.
- Todd on its Ormiston Town Centre development.

**Special projects**

- Development Christchurch Limited (the sponsors/developers) on the Christchurch Adventure Park project.
- Select Contracts on the Porirua Adventure Park project.
- New Zealand Antarctic Institute on its Scott Base redevelopment. This base is used to carry out world-class scientific research in a number of important areas (such as climate change), as well as ensuring New Zealand retains its rights under the Antarctic Treaty System.
- Southbase Construction on its contract with the Christchurch City Council for the Christchurch Central Library.
- Hadlee & Brunton Limited on various large scale horizontal direct drilling projects.

**Telecommunications**

- Canberra Data Centres on its data centre projects.
- Chorus and Spark in relation to the roll out of telecommunications across New Zealand, including mobile cell site installation for CDMA, 3G and 4G networks and Chorus' multibillion dollar ultrafast fibre network.



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## CHRISTCHURCH

Chapman Tripp is a dynamic and innovative commercial law firm at the leading edge of legal practice. With offices in Auckland, Wellington and Christchurch, the firm supports clients to succeed across industry, commerce and government. Chapman Tripp is known as the 'go to' for complex, business-critical strategic mandates across the full spectrum of corporate and commercial law. Chapman Tripp's expertise covers mergers and acquisitions, capital markets, banking and finance, restructuring and insolvency, Māori business, litigation and dispute resolution, employment, health and safety, government and public law, privacy and data protection, intellectual property, media and telecommunications, real estate and construction, energy, environmental and natural resources, and tax.



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