



Proactive Release

The following Cabinet material has been proactively released by the Department of the Prime Minister and Cabinet, on behalf of Hon Poto Williams, Associate Minister of Greater Christchurch Regeneration:

Christ Church Cathedral Reinstatement Order 2020

The following documents have been included in this release:

Title of Paper: Christ Church Cathedral Reinstatement Order 2020 (CAB-20-SUB-0409 refers)

Title of Minute: Christ Church Cathedral Reinstatement Order 2020 (CAB-20-MIN-0409 refers)

Title of Paper: Facilitation of Christ Church Cathedral's Reinstatement (DEV-20-SUB-0058 refers)

Title of Minute: Facilitation of Christ Church Cathedral's Reinstatement (DEV-20-MIN-0058 refers)

Report on Decisions Made in Approving the Draft Christ Church Cathedral Reinstatement Order 2020

Including the following submissions documents:

Summary of Written Comments

Christ Church Cathedral Reinstatement Order 2020 – Written Comments

Christ Church Cathedral Reinstatement Review Panel's Recommendations on the draft Order

Some parts of this information release would not be appropriate to release and, if requested, would be withheld under the Official Information Act 1982 (the Act). Where this is the case, the relevant section of the Act that would apply has been identified. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Key to redaction code:

- 9(2)(a), to protect the privacy of natural persons.
- 9(2)(g)(i), to maintain the effective conduct of public affairs through the free and frank expression of opinion.
- 9(2)(i), to enable commercial activities to be carried out by Ministers or the Crown, without prejudice or disadvantage.

REPORT ON DECISIONS MADE IN APPROVING THE DRAFT CHRIST CHURCH CATHEDRAL REINSTATEMENT ORDER 2020

1. INTRODUCTION

The Christ Church Cathedral (Cathedral) suffered significant damage in the earthquake on 22 February 2011. After six years of litigation deadlock and extensive negotiations, the Crown brokered an agreement with the Cathedral's owner, the Church Property Trustees, to reinstate it. One of the commitments the Crown agreed to was passing the Christ Church Cathedral Reinstatement Act 2017 (the Act), reinforcing the Government's intention to prioritise the reinstatement of the Cathedral.

The Act's express purpose is to facilitate the reinstatement of the Cathedral, recognising its contribution to cultural, social, and economic wellbeing in Christchurch, its importance to Christchurch's regeneration, and its heritage value. This includes facilitating the Cathedral's reinstatement in a manner that is faster, and/or more cost-effective and/or certain, than using processes outside the Act (section 4 refers).

Christ Church Cathedral Reinstatement Limited (CCRL), the joint venture company managing the reinstatement of the Cathedral, has developed a concept design for reinstatement. This relied upon the agreement reached with the Crown and the definition of "reinstatement" in the Act. CCRL's shareholders, the Church Property Trustees and the Christ Church Cathedral Reinstatement Trust (the fundraiser for the project) have agreed to the concept design.

In terms of moving forward with the concept design, CCRL has identified that intervention to provide greater certainty of outcome would support project timeliness and cost-effectiveness. CCRL has therefore proposed an Order to me, as the Minister responsible for the Act, under section 9(4).

I understand the importance of the reinstatement project to Christchurch. I also understand the significance of the requested exercise of power and the need to consider this thoughtfully and appropriately. I have had regard to the issues and concerns that have been raised through the statutory process for developing the proposed Order.

I would like to acknowledge:

- Christ Church Cathedral Reinstatement Limited for its proposal and the supporting information it has provided;
- the public, Christchurch City Council and the other local organisations, that made written comment on the Explanation Document;
- the Christ Church Cathedral Reinstatement Review Panel (the Panel) for its detailed consideration of the draft Order;
- the Regulations Review Committee for its consideration of the draft Order; and
- the Minister for the Environment for his feedback on the draft Order.

I have undertaken the process set out by the Act and I have decided to recommend the Christ Church Cathedral Reinstatement Order 2020 (the draft Order) to the Governor-General.

This report should also be read in conjunction with my Statement of Reasons, which accompanies the draft Order.

2. PRE-LEGISLATION PROCESS AND LEGAL REQUIREMENTS

On 5 December 2019 CCRL proposed an Order in Council to me which suggested:

- changing the activity status of the resource consents required under the Resource Management Act 1991 (RMA) for the reinstatement work to a “controlled” activity with a non-notification clause; and
- providing a consent free mechanism for the removal of the three significant London Plane trees currently listed in the Christchurch District Plan (that is, making their removal a “permitted” activity).

On 2 March 2020 the proposal was updated to include the Citizens’ War Memorial, after discussions to remove it using processes outside the Act halted.

On 29 April 2020, I took a paper to the Cabinet Economic Development Committee to draft an Order that would treat all reinstatement activities, including the removal of the London Plane trees and the Citizens’ War Memorial, if necessary for reinstatement, as controlled activities with a non-notification clause. This was approved by Cabinet on 4 May 2020. Cabinet gave me authority to approve the final details and any other technical changes to give effect to the policy, with any changes to be reported to the Regulations Review Committee.

Following this I proceeded with the processes and tests in the Act (outlined below and considered in the next section).

Under the Act, I must not recommend the making of an Order to the Governor-General for the purpose of the Act unless:

- the following processes have been carried out:
 - the engagement process under section 10 of the Act has been complied with (section 9(f));
 - the draft Order, accompanied by the draft statement of reasons, has been reviewed by the Panel (section 9(1)(b) and (2));
 - the draft Order, accompanied by the draft statement of reasons, has been provided to the Regulations Review Committee (section 9(1)(c), (d) and (2)); and
 - I have consulted with the Minister of the Crown who is responsible for the administration of any Act that is subject to the draft Order (section 9(1)(e)) (in this case, the Minister for the Environment).
- I have had regard to:
 - the written comments from the public engagement process (section 10(d) of the Act);
 - the Panel’s recommendations on the draft Order (section 9(1)(d)(i) of the Act); and
 - the Regulations Review Committee’s comments on the draft Order (section 9(1)(d)(ii) of the Act).
- I am satisfied that:
 - the Order is necessary or desirable for the purpose of the Act (section 9(1)(a)(i) of the Act); and
 - the Order does not breach section 12 of the Act (section 9(1)(a)(ii) of the Act), which restricts Orders from granting exemptions from or modifying certain requirements in other legislation.

3. SECTION 9 AND 10 CONSIDERATIONS

In making my decision, I have carried out and/or considered all the matters specified above. This paper outlines those considerations.

Section 9 and 10 processes were carried out

I confirm that the following processes were carried out:

- the engagement process under section 10 of the Act has been complied with (section 9(f));
 - an engagement document was made available to the relevant local authorities (Christchurch City Council, Environment Canterbury, Waimakariri District Council and Selwyn District Council) and Te Rūnanga o Ngāi Tahu and the public for written comment between 29 May and 22 June 2020. An invitation was issued to all the above parties to make written comments about the Engagement Document (section 10(1)(b)) and those persons had 15 working days from the making of the invitation within which to make their comments (section 10(1)(c)). The Engagement Document included an explanation of what the proposal is intended to achieve, a description of the proposed effect of the Order and an explanation of why I considered it necessary or desirable for the purpose of the Act (section 10(1)(a) and (2) refer).
- between 3 and 24 July the draft Order, accompanied by the draft statement of reasons was:
 - reviewed by the Panel (section 9(1)(b) and (2));
 - provided to the Regulations Review Committee (section 9(1)(c), (d) and (2)); and
 - consulted on with the Minister for the Environment, as the Minister responsible for the RMA, the enactment which is the subject of the draft Order (section 9(1)(e)).

I have had regard to feedback

The following section provides an overview of my consideration of the feedback received through the process set out in the Act, confirming that I have had regard to the feedback where required by the Act, and setting out what changes have been made in response to feedback. In the following order, this section responds to:

- The written comments received during the engagement process with the relevant local authorities, Te Rūnanga o Ngāi Tahu, and the public generally;
- The recommendations of the Panel;
- The comments of the Regulations Review Committee; and
- The feedback from the Minister for the Environment

Written Comments received during the public engagement process

I confirm that, as part of the section 9 and 10 considerations, I have had regard to the written comments received during the public engagement process (section 10(d) of the Act).

I note that a total of 68 written comments were received. I have read each of the individual written comments as well as the summary of comments prepared by officials in the Department of the Prime Minister and Cabinet. I have had regard to these comments in coming to my decision.

43 were online through SurveyMonkey, 22 by email, 3 were by hard copy of the written comment form. 36 (or 53%) supported the Order, 29 (or 43%) opposed the Order, and 3 (or 5%) partially supported the Order.

Most of the written comments focused on substantive policy matters. People and organisations were either urging for work to begin on the Cathedral as soon as possible (31 written comments or 46%) or advocating to protect the London Plane trees (21 written comments or 32%). 12 (or 18%) individuals or organisations expressed that the Citizens' War Memorial should be removed from the proposed Order. Three of the comments suggested substantial technical changes to the proposed Order, for example, by suggesting matters of control or changing the way the proposed Order would work.

Comments in support

Individuals and organisations who supported the proposed Order did so because they want to see progress on the Cathedral. This was a common thread throughout the comments (even in some of the comments that did not support the Order because of its inclusion of the Citizens' War Memorial or London Plane trees). There were some individuals who previously had not wanted the Cathedral to be reinstated – for example, instead wanted a new, modern building – who now simply want any progress.

The majority of the written comments were received from Cantabrians. It is clear that there is a readiness for the Cathedral to be reinstated as this will recognise the Cathedral's heritage, spiritual, cultural and social contribution to Christchurch city.

Comments opposed or partially opposed

Those who did not support the draft Order or supported it partially were concerned about the inclusion of the Citizens' War Memorial and/or the London Plane trees within the scope of the draft Order. There was a strong desire to see the Citizens' War Memorial remain in place, particularly from the Christchurch Civic Trust and other organisations who signed a joint letter of support. The heritage value of the Citizens' War Memorial, particularly given its design, for its particular location in Cathedral Square was strongly emphasised.

There was also a strong desire to protect both the Cathedral and the trees, and for serious consideration to be given to working around the London Plane trees. The environmental, heritage and aesthetic aspects of the three trees were strongly emphasised.

Comments which suggested technical changes

Few of the written comments suggested technical changes to the proposed Order. I note that the Christchurch City Council (the Council) was the only local authority to make a written comment and I appreciated the effort that was made on it. It both supported the proposed Order (in terms of its facilitation of reinstatement) and had concerns about the proposal. The Council therefore made suggestions for improving the functioning of the Order, particularly around the safeguarding of heritage.

Changes made as a result of the written comments

As a result of the written comment period, I made changes to the proposed Order.

I increased the matters in respect of which control can be imposed, which are largely taken from the Council's written comment and reflect the passion of many people for the Citizens' War Memorial and the London Plane trees. These changes reflected the importance of the protection of the heritage of the Cathedral, and the importance of Citizens' War Memorial and the London Plane trees.

I also included matters around urban design, to ensure the reinstated Cathedral has regard to the urban form, cultural elements and the heritage setting of the city centre. I have not included matters which limit the Cathedral's reinstatement to within its original footprint. This is because the Act's scope is not limited in this way and CCRL have relied on this in developing its agreed concept design, for example.

I have also made changes to the list of specified parties who can comment on the resource consent application, particularly by adding in the clause "any other person the consent authority considers appropriate". This is because the draft Order limits public notification and appeal rights.

I did not remove the Citizens' War Memorial and the London Plane trees from the draft Order. I recognise the concerns of some about the loss of heritage associated with the project, particularly the removal of the Citizens' War Memorial and possible removal of the London Plane trees. However, I consider that there is a need to balance these matters with the benefits of the reinstated Cathedral's contribution to cultural, social, and economic wellbeing in Christchurch, its importance to Christchurch's regeneration, and its heritage value to the community. I note that, however, this feedback also informed my further consideration of recommendations made by the Panel in relation to these matters. It has been influential in identifying the appropriate level of controls to be put in place— see below.

I want to thank everyone who commented for taking the time to send in comments. The unique heritage aspects of the Cathedral, the Citizens' War Memorial, London Plane trees and Cathedral Square are important and I realise that some individuals and groups will not agree with the decision I came to. However, I consider that without the proposed Order, the Cathedral would not be reinstated in a manner that expedited, cost effective or certain. I consider that without the Order, the cultural, social and economic wellbeing of Christchurch, and the city's regeneration, would suffer.

After making these changes to the draft Order I moved to the next set of processes required by the Act. The views of the parties below were based on the revised draft Order.

The recommendations of the Panel

I confirm that, as part of the section 9 and 10 considerations, I have had regard to the Panel's recommendations on the draft Order (section 9(1)(d)(i) of the Act).

The Panel discharged its duty to review the draft Order and the statement of reasons with diligence and it produced an extensive and thoughtful report. It accepted "that the concept of the draft Order is necessary or desirable, and meets the purpose of the Act" and that without the draft Order the reinstatement project would "likely falter".

I have accepted most of the Panel's feedback and it has been incorporated. These changes were to:

- take a more conservative approach to the scope of reinstatement activity and the removal of the Citizens' War Memorial and London Plane trees
- several additional matters of control on heritage-related matters; the relationship between alterations or new buildings and significant trees; and traffic;

- a slightly longer timeframe for written comments for specified parties; and
- provide greater clarity and consistency, through minor drafting changes.

Having had regard to the Panel's feedback as well as other feedback provided through the public engagement process, I accepted these changes to help give the public, interested organisations and local authorities the assurance that:

- the Cathedral could not just be entirely demolished and replaced by a new building. I am confident that this is not the intent of CCRL, however, I wish to provide reassurance that there is a commitment to reinstating the Cathedral; and
- there are robust checks and balances on the removal of Citizens' War Memorial and the London Plane trees, while still providing an achievable pathway for CCRL to remove them if this is indeed necessary.

Additionally, I consider that the changes would provide:

- the consent authority with slightly more control over some matters, for example, heritage and traffic management;
- specified parties who make written comment on resource consent application with a slightly longer time to engage professionals; and
- greater clarity and consistency within the Order.

However, I did not accept the Panel's feedback in one regard: the inclusion of the reinstatement liaison group. I set out my rationale for not doing so below.

I have carefully read the Panel's rationale for allowing for the creation of a liaison group in paragraphs 132-134 of its report. I have considered the suggested wording that it added to the draft Order (suggested new clause 14).

The Panel recommended that a liaison group be established to facilitate input from and communication with appropriate parties e.g. local and central government, manawhenua, community adjacent owners. Specifically, it recommended that that the matters of control for reinstatement activities set out in the Order enable consent conditions which could require, as appropriate, the establishment of such a group to help inform the management and communication of reinstatement activities. The Panel considered that it would desirable and better achieve the purpose of the Act to enable the establishment of such a group.

A similar liaison group was formed to provide representative consultation as part of the consent process on the Kaikōura Coastal route. The Panel said the liaison group in that case was important for communications and transparency regarding the complex matters associated with that infrastructure reinstatement, and provided valuable input to the ongoing construction phases.

I understand the Panel's perspective here. However, I did not accept the Panel's advice to allow for the creation of a reinstatement liaison group. This is because:

- I do not think that there is a gap in the process to fill. CCRL already engage (on a regular, but informal basis) with Te Rūnanga o Ngāi Tahu, local and central government, Heritage New Zealand Pouhere Taonga and other interested groups. CCRL also produce regular public updates on its work which they put on its website and send to interested parties. I am also confident that those who may have an issue with the project have good pathways to contact CCRL to discuss their issues. I do not

consider there are deficiencies in the way CCRL conducts itself and consider its work would be duplicated by the formation of a liaison group.

- This situation is quite different from the Kaikōura Coastal route at the time that the equivalent Order in Council was passed. In that case the group was set up at the start of the project, before funding was agreed and the project was designed. That group had a significant input into the design of the project. The role of the group was also clearly defined. In contrast, with the Cathedral reinstatement, the concept design is already complete. The main opportunity for feedback into reinstatement activities would be via the matters of control, which the draft Order already provides for in the clause about notifying specified parties and inviting comments.
- As currently worded the Review Panel's approach is quite broad and much of the detail would need to be developed by the consent authority as part of the consent conditions. For example, consent conditions would need to clarify what information would have to be provided to the liaison group and what CCRL would have to do in response to any input received. Clarity would need to be given as to how the group would input into the management of the reinstatement. There is a risk that that the consent authority could include controls to create the liaison group that are potentially onerous or impracticable.
- It is uncertain if this group would be paid for their work and how it would be supported administratively.

I therefore chose not to accept the Panel's recommendation for a liaison group.

The comments of the Regulations Review Committee and the Minister for the Environment

I confirm that, as part of the section 9 and 10 considerations, I have also had regard to the Regulations Review Committee's comments on the draft Order (section 9(1)(d)(ii) of the Act). The Regulations Review Committee commented that it had considered whether the draft Order is in accordance with the grounds in Standing Order 319(2), rather than considering the policy underpinning it.

The Regulations Review Committee had no concerns with the draft Order and therefore no changes to the draft Order need to be made on the basis of its comments.

In respect to the consultation undertaken with the Minister for the Environment, I note that:

- The Minister for the Environment (the Minister) supported the draft Order and agreed that the departures from the Resource Management Act 1991 and relevant council plans set out in the draft Order are necessary.
- The Minister considered that the draft Order enables the benefits of reinstatement while providing appropriate protection for the Citizens' War Memorial and London Plane trees. He considered the matters of control sufficiently broad to manage a range of effects and notes the effect of disallowing notification provisions. The Minister also noted the need to address the challenges within the existing resource management system.
- The Minister did not raise any issues with the draft Order. Therefore, no consideration of changes to the Order as a result of his feedback has been required.

I wish to thank the Panel, Regulations Review Committee and Minister for the Environment for carrying out their respective roles under the Act.

I have considered whether the Order is necessary or desirable for the purpose of the Act

I confirm that, as part of the section 9 consideration, I am satisfied that the Order is both necessary and desirable for the purpose of the Act. This section should be read in conjunction with the Statement of Reasons in the final Order, which discuss why the clauses in the draft Order are necessary and desirable.

The final Order will provide a modified process for future resource consent applications on the Cathedral. I consider that this is necessary and desirable for the purpose of the Act because it will be faster, cost less and be more certain than using processes outside of the Act. The remainder of this section discusses this in more detail.

The purpose of the Act

The purpose of the Act (section 4 refers) is to facilitate the reinstatement¹ of the Cathedral, recognising its contribution to cultural, social, and economic wellbeing in Christchurch, its importance to Christchurch's regeneration, and its heritage value. The purpose of the Act includes, in particular, any 1 or more of the following:

- to facilitate reinstatement in an expedited manner compared with processes and requirements outside the Act;
- to provide a cost-effective process for reinstatement compared with processes outside the Act; and / or
- to achieve earlier or greater certainty for the owner of the Cathedral and the Christchurch community generally as to the reinstatement of the Cathedral than would be likely under processes and requirements outside the Act.

The process under the final Order

The Order facilitates the reinstatement of the Cathedral by modifying the normal process for resource consent applications under the Resource Management Act 1991. In summary, the Order:

- treats all restricted discretionary and discretionary activities relating to the reinstatement of the Cathedral as controlled activities, except for demolition without restoration or reconstruction;
- prevents the notification of future resource consent applications relating to reinstatement work on the Cathedral;

¹Under the Act "reinstatement" means:

- a) any activity in relation to any part of the Cathedral that the Cathedral Working Group Report contemplates as being a reinstatement activity;
- b) seismic strengthening of any part of the Cathedral;
- c) demolition or deconstruction of any part of the Cathedral;
- d) construction, reconstruction, or restoration of any part of the Cathedral;
- e) improvement or enhancement of any part of the Cathedral or the design of any part of the Cathedral;
- f) repair of any part or materials of the Cathedral;
- g) reuse of any materials of the Cathedral;
- h) use of any new materials; and/or
- i) any activity that is ancillary to any activity described in paragraphs (b) to (h).

- provides an ability for relevant consent authority to impose conditions on the resource consents in relation to certain matters, including appropriate conditions for the removal of the Citizens' War Memorial and the London Plane trees (if necessary for reinstatement);
- requires the processing of resource consent applications within 40 working days;
- requires consenting authorities to seek written comment from specified parties for at least 15 working days, during the 40 working day processing time;
- prevents the appeal on a consent authority's decision, except by the applicant; and
- allows the consent authorities to enforce conditions, but removes the ability of the public to do so.

The changes I have made to the Order, having had regard to public feedback and the recommendations of the Panel, to impose more robust conditions on the reinstatement project than were originally proposed. For example, they require CCRL to ensure the independence of the certifying professionals and require the joint certification by an engineer and a technician arborist in the case of removal of a London Plane tree.

This will have the effect of making it harder for CCRL to obtain resource consent for certain activities e.g. bringing down the trees if there is not a clear necessity for them. However, this does not remove the pathway for CCRL to obtain this consent if it meets the conditions, and it therefore continues to provide some certainty for the project. I consider that the appropriate balance has been reached between enabling the reinstatement and protecting the Citizens' War memorial and the London Plane Trees.

Alternative processes would add time, cost and uncertainty to the project

The Christchurch District Plan (District Plan) does not support and enable reinstatement to the same extent as the Order. There are unintended and unavoidable risks using the District Plan process due to the wide scope of activities and associated works that need to occur for reinstatement. For example, the removal of the Citizens' War Memorial and the felling of the protected London Plane trees on site, if necessary, would normally be treated as discretionary or restricted discretionary activities.

Alternative processes will take longer

Using normal District Plan / RMA processes there is also a risk of resource consents being appealed, or of resource consents being declined. This is because under the RMA process, the resource consent applications for reinstatement would very likely need to be publicly notified due to:

- the special circumstances that surround the Cathedral and the public interest in its reinstatement; and
- effects being deemed to be more than minor.

As a consequence of the requirement to publicly notify, the consideration of the resource consent application through normal RMA process will likely cause significant delays to the project of between six months and two years. The longer timeframes include the possible appeal of decisions, which I consider possible, given the previous litigation on this project and that there continue to be aspects of the reinstatement which are controversial.

Alternative processes are more costly

It is likely that these delays would add further costs to the project. CCRL has forecast that each month of delay will cost approximately \$300,000, based on current market predictions. There are likely to be further costs that are harder to estimate, for example for legal costs associated with a hearing or appeals, change management and a loss of efficiency.

If these processes lead to changes in the design of the reinstatement project, further time and cost would be added to the project. If parts of the reinstated Cathedral need to be redesigned, for example, to allow the Citizens' War Memorial to stay in place, or to work around the London Plane trees, CCRL estimates that it would take six months, and cost almost \$1.9 million in professional services.

There would also likely be an impact on fundraising if the full site-wide concept design cannot be made public at the earliest opportunity. There is a funding shortfall for the project and I understand that the large donors, who are considering committing their funds to the project, are unlikely to do so without an understanding of the full concept design.

Alternative processes are uncertain

Using processes outside of the Act will not have a certain outcome. A consent authority may decline a resource consent. Conditions may be imposed that make it difficult for reinstatement (the scope of which was agreed between the Crown and the Cathedral's owners) to occur or require significant redesign as discussed above. Even if a resource consent is approved, it can be appealed to the Environment Court and there is no guarantee that the Court's decision would facilitate reinstatement. This would reduce the certainty of reinstatement for the Cathedral's owner and the Christchurch community generally.

The use of alternative processes are likely to result in either a slow, complex and contentious reinstatement process or another indefinite stalemate. Alternative processes are unlikely to reinstate the Cathedral to its iconic status. This would reduce public confidence in recovery, negatively affect the ongoing regeneration of Cathedral Square and its surrounding area, and undermine the Crown's investment in the central city.

I am satisfied that the draft Order is both necessary and desirable for the purpose of the Act

As demonstrated above, the draft Order is objectively more timely than processes or requirements outside the Act, and facilitates significantly greater certainty and cost-effectiveness of outcome. This is therefore necessary to deliver the purpose of the Act, as there is no alternative process available which would provide more expedited, cost-effective or certain outcomes for reinstatement.

Since May 2020 the Cathedral site has become a hive of activity as stabilisation of the building has begun. However, without the Order the reinstatement of the Cathedral will likely stall after stabilisation. It is necessary and desirable that this momentum does not cease. The draft Order will help realise the Cathedral's contribution to cultural, social and economic wellbeing in Christchurch, its importance to Christchurch and its heritage value. I do not consider that reinstatement (as envisaged by the Act which captures the result of years of litigation and negotiation) could be achieved in another way.

The power to recommend the draft Order to the Governor-General is significant, and I do not exercise it lightly. The Order is a legislative tool to modify normal RMA processes, which have the authority of primary legislation. There is no right of appeal of my decision, and judicial review rights are constrained. However, I note that it was the clear intent of Parliament that

consequences of this kind could occur if necessary or desirable to deliver on the purpose of the Act, which was enacted to facilitate a decision of this very nature. There are challenges with the existing resource management system as it applies to this project that have contributed to the development of this Order.

Additionally, the specific changes under the draft Order carry consequences including:

- limiting public notification to a list of specified people, and not allowing a hearing;
- removing potential public appeal rights on the consenting decision;
- enabling the removal of the Citizens' War Memorial, provided certain conditions are met; and
- enabling the removal of one or more of the London Plane trees, provided certain conditions are met.

However, I consider that the Order builds in enough protections (for example, matters in respect of which control can be imposed) to ensure that the Order does not go too far and that the relevant consent authorities have oversight of reinstatement. For example, the Order does not "permit" any activity (i.e. require no resource consent).

Additionally, an important consequence of enabling this power is that it will facilitate the reinstatement of the Cathedral, which is hugely important to the Christchurch community. The Cathedral remains severely damaged today. As a result, the Cathedral has been represented widely as a symbol of the devastation suffered by the wider city. Around Cathedral Square, sites remain unbuilt upon and buildings are derelict. The Cathedral's reinstatement will be the last significant regeneration project that is completed in Christchurch, and enabling it to occur, through this draft Order, is critical to deliver on the purpose of the Act.

Taking into account the overall consequences of Order, I consider the extent and scope of the Order is an appropriate and proportionate response.

Section 12 considerations

While the draft Order does restrict public participation rights and right of appeal under the RMA (as enabled by the Act), there is nothing in the Order that relates to the limitations set out in section 12 and as such it does not breach section 12 of the Act.

4. DECISION

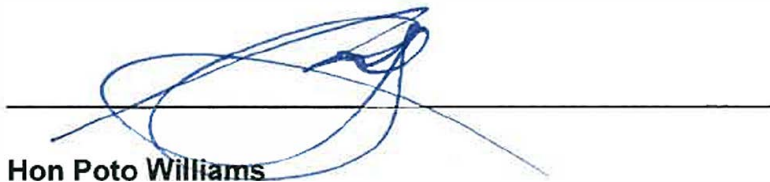
In coming to my decision, I have:

- had regard to the feedback from the written comments, the Panel and the Regulations Review Committee. I consider that the draft Order strikes a balance between providing an efficient and certain pathway to reinstate the Cathedral while providing the public with the reassurance that there will be robust checks and balances on the potential removal of Citizens' War Memorial and the London Plane trees; and
- considered the significance of the decision, its consequences, and alternatives to approving the draft Order. I acknowledge the significance of recommending the making of the draft Order. While the draft Order does restrict public participation rights and right of appeal under the RMA, I consider that it is necessary and desirable as it will

see the Cathedral reinstated. I consider the draft Order will facilitate the reinstatement of the Cathedral in a manner that is not achievable via the standard RMA processes, and which is consistent with the purpose of the Act.

I consider that this Order will enable an efficient and timely reinstatement of the Christ Church Cathedral and contribute significantly to the regeneration of Christchurch. I consider that this Order is consistent with the intent of Parliament when this Act was passed.

I am very pleased to be able to recommend the Order to the Governor-General.



Hon Poto Williams

Associate Minister for Greater Christchurch Regeneration

Date: 6 August 2020

Released by the Associate Minister for Greater Christchurch Regeneration