



# **Explanation Document: Proposed Christ Church Cathedral (Resource Management Act – Reinstatement) Order 2020**

Hon Poto Williams, Associate Minister for Greater Christchurch Regeneration, makes this document available under section 10 of the Christ Church Cathedral Reinstatement Act as at 29 May 2020

This document was prepared by the Greater Christchurch Group at the Department of the Prime Minister and Cabinet

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# Explanation Document: Proposed Christ Church Cathedral (Resource Management Act – Reinstatement) Order 2020

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## What's this document for?

**An Order in Council has been proposed under the Christ Church Cathedral Reinstatement Act 2017. It would allow a modified process for managing resource consent applications for reinstatement work on the Christ Church Cathedral (the Cathedral).**

**This document is to assist you in understanding why an Order in Council has been proposed, and to invite you to make a written comment to have your say.**

**This document is being made available to the public pursuant to section 10 of the Christ Church Cathedral Reinstatement Act 2017 (the Reinstatement Act) to support the engagement process on the proposed Christ Church Cathedral (Resource Management Act – Reinstatement) Order 2020 (the proposed Order).**

This document:

- provides a short background on the agreement to reinstate the Cathedral;
- provides a brief description of the work required to reinstate the Cathedral;
- explains what the proposed Order is intended to achieve;
- describes the proposed effect of the proposed Order; and
- explains why the Associate Minister for Greater Christchurch Regeneration (the Minister) considers that the proposed Order is necessary and desirable for the purpose of the Reinstatement Act.

It also encloses Frequently Asked Questions and further information about the Citizens' War Memorial and protected London Plane Trees in Appendix 1.

Pursuant to section 10 of the Reinstatement Act, the public are invited to make written comments about the document. Written comments must be made by **5.00pm Monday 22 June 2020**.

Written comment can also be made online at: [www.dpmc.govt.nz/cathedraloic](http://www.dpmc.govt.nz/cathedraloic). Or you can download a form from the website and email it to: [info.gcg@dpmc.govt.nz](mailto:info.gcg@dpmc.govt.nz). Or you can print and post it to:

Christ Church Cathedral OIC Proposal  
Freepost GCG  
Greater Christchurch Group - Department of the Prime Minister and Cabinet  
Private Bag 4999  
Christchurch 8140

**Please note:** Public written comments, including names and contact details, may become public information. If you consider there are compelling reasons why your name and contact details and/or comments should be kept confidential, please outline this when making a written comment. Public written comments may be proactively released but if you have requested your name and contact details and/or comments be kept confidential, your reasons will be considered. However, if a request is made under the Official Information Act 1982, your information may be legally required to be released. You have the right to ask for a copy of any personal information held about you, and to ask for it to be corrected if you think it is wrong.

## **Background: The Cathedral is being reinstated, beginning now**

### **An agreement was reached to reinstate the Cathedral**

As many people know, the Cathedral was badly damaged during the February 2011 earthquake. After much litigation, public debate and negotiation, in 2017 an [agreement](#) was reached between the Cathedral's owner, the Church Property Trustees, and the Crown to reinstate the Cathedral.

Reinstatement is defined in section 5 of the Reinstatement Act and includes repair, restoration, deconstruction, construction and reconstruction and seismic strengthening<sup>1</sup>. For most people, the exterior of the Cathedral will look much the same as it did pre-earthquake – retaining many of its heritage features and, where practicable, original materials. It will also incorporate modern building technology, particularly to improve the seismic safety of the building and meet current building codes and standards. Reinstatement work will also include providing a flexible interior layout and improving functionality and comfort and enhancing visitor experiences and creating an engaging and welcoming interface with Cathedral Square.

The full Cathedral reinstatement project is expected to take 7 to 10 years to complete.

### **Work has recently begun on the Cathedral**

Christ Church Reinstatement Limited (CCRL) – the joint venture company responsible for delivering the reinstatement of the Cathedral – has been planning the reinstatement since 2018. In late May 2020 CCRL started work establishing the construction site and stabilising the Cathedral. CCRL has obtained resource consent for this work through the normal business as usual process.

The next phase of work – strengthening – is scheduled to begin in early 2021. Strengthening includes a new steel frame and base isolation to make the new Cathedral 100 per cent of the [New Building Standard](#).

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<sup>1</sup> Under section 5 of the Reinstatement Act, reinstatement includes 1 or more of the following:

- (a) any activity in relation to any part of the Cathedral that the CWG 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;
- (i) any activity that is ancillary to any activity described in paragraphs (b) to (h).

The actual reinstatement of the Cathedral will follow strengthening; this means putting the Cathedral together again<sup>2</sup>. New ancillary buildings and the tower will follow the rebuild of the main Cathedral, in that order.

The above work:

- **will** also require moving the Citizens' War Memorial (the Memorial) from the Cathedral site; and
- **may** require, **if necessary** for the Cathedral's reinstatement, removing up to three London Plane trees on site, which are protected by the Christchurch District Plan<sup>3</sup>.

For simplicity, in this document, "strengthening" and reinstatement" is simply referred to as "reinstatement". This is because strengthening is defined as reinstatement in the Reinstatement Act<sup>1</sup>. Further resource consent is required for this work.

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<sup>2</sup> You can find out more information about the reinstatement project at CCRL's website, <https://reinststate.org.nz/>.

<sup>3</sup> Frequently Asked Questions and further information about the Citizens' War Memorial and protected London Plane Trees is in Appendix 1.

## Resource consent is required for reinstatement work

A resource consent is formal approval for someone (in this case, CCRL), to carry out certain activities or work involving natural and physical resources that are not otherwise permitted as of right under the planning rules. Although there is an existing resource consent for site establishment and stabilisation of the Cathedral, further resource consent is required for the rest of the reinstatement work.

Resource Management Act 1991 (RMA) documents regulate some of the work (or “activities”) needed to reinstate the Cathedral<sup>4</sup>. These documents are:

- the Christchurch District Plan;
- the Canterbury Land and Water Regional Plan; and
- Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

The work needed for the Cathedral’s reinstatement is described as “permitted”, “controlled”, “restricted discretionary” or “discretionary” in the relevant RMA documents. The “permitted” activities will not need resource consent. However, the “controlled”, “restricted discretionary” or “discretionary” activities **will** need resource consent from either the Christchurch City Council or Environment Canterbury, who are the consent authorities.

Examples of reinstatement work that needs resource consent includes:

- the alteration, relocation and removal of heritage fabric, items, etc. so that the actual Cathedral building can be reinstated;
- activities related to the construction of new buildings (such as a more functional visitors’ centre) on the historic Cathedral site;
- activities related to the safe and careful removal of the Citizens’ War Memorial;
- activities related to the trimming, pruning and/or felling of the three protected London Plane Trees (if necessary for reinstatement);
- removing ground water from underneath the Cathedral site so that, for example, base isolation can be installed; and
- activities related to landscaping and earthworks so that the Cathedral site has a more welcoming and engaging interface with Cathedral Square.

CCRL’s intention is to seek resource consent for the rest of the reinstatement work at the same time. This will give the consent authorities a complete view of the rest of the project and enable a balanced assessment of the effects of the work.

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<sup>4</sup> Other work is controlled by other legislation and regulations, for example, the Building Act 2004 and the Building Code. That work is not the subject of this proposed Order.

## **Intended purpose: what the proposed Order is intended to achieve (section 10(2)(a) of the Reinstatement Act)**

The purpose of the proposed Order is to provide a modified resource consent process for the rest of the reinstatement work not already covered by the existing resource consent. The resource consent process would be streamlined to facilitate the timely, cost-effective and certain reinstatement work associated with the Cathedral, while still providing a transparent consent process.

The proposed Order is being drafted using the Reinstatement Act and its purpose<sup>5</sup> as a guide. In line with the purpose of the Reinstatement Act, the modified resource consent process is intended to, compared to using processes outside the Act:

- expedite reinstatement;
- provide a cost-effective process; and
- achieve earlier and greater certainty as to reinstatement.

The proposed Order would also ensure that consent authorities can manage the impacts of reinstatement in relation to certain matters.

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<sup>5</sup> Section 5 of the Reinstatement Act refers.

## **The proposed effect of the Order (section 10(2)(b) of the Reinstatement Act)**

The proposed Order would change how the RMA applies to reinstatement work on the Cathedral. It would set out an expedited process which requires resource consent applications for Cathedral reinstatement to be granted without notification. It would do this by:

- treating all restricted discretionary and discretionary activities relating to the reinstatement of the Cathedral as controlled activities;
- preventing the notification of resource consent applications relating to the rest of the reinstatement work on the Cathedral;
- providing an ability for consent authorities (the Christchurch City Council and Environment Canterbury) 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;
- requiring the processing of resource consent applications within 40 days;
- requiring consenting authorities to seek and consider written comment from specified parties within 10 days, during the 40 day processing time;
- preventing the appeal on a resource consent decision, except by the applicant (CCRL); and
- allow the consent authorities to enforce conditions, but remove the ability of the public to do so.

The proposed Order would also use the same definitions for "Cathedral", "Cathedral area" and "reinstatement" that are used in the Reinstatement Act.

More detail about how the application of the RMA would be affected by the proposed Order is below. Similar Orders include the [Canterbury Earthquake \(Resource Management Act—Burwood Resource Recovery Park\) Order 2011](#).

### **Section 87A of the RMA – modification of activity description**

The proposed Order would require resource consent applications for the rest of the reinstatement work on the Cathedral to be **approved**.

It would do this by:

- treating work for the Cathedral's reinstatement, which amounts to "restricted discretionary" or "discretionary" activities under sections 87A(3) and 87A(4) of the RMA, as "controlled" activities under section 87A(2) of the RMA.

As indicated [above](#), some of the work needed for the Cathedral's reinstatement is described as a "restricted discretionary" or "discretionary" activity in the relevant RMA documents. This work is needed to reinstate the Cathedral. However, because resource consent applications for "restricted discretionary" or "discretionary" activities can be declined by the consent authority, there is a risk that the entire resource consent application for the rest of the work on the Cathedral might be **declined**.



“Controlled” works or activities need resource consent, however, an application for resource consent for these activities **cannot** be declined.

The effect of the proposed Order is that it would treat “restricted discretionary” or “discretionary” work for the Cathedral’s reinstatement as “controlled” activities. This would also have the effect of making the removal of the Citizens’ War Memorial and the removal of the London Plane trees (if needed) a controlled activity.

As a consequence, all resource consent applications for the rest of the reinstatement work on the Cathedral would be **required** to be approved.

### **Sections 104(1)(b), 105, 107(2) and 108 of the RMA – conditions that can be placed on resource consents**

The proposed Order would state the matters that a consent authority can impose conditions on resource consent for the Cathedral’s reinstatement. To do this, the proposed Order would **prevent** the consent authorities from using:

- section 104(1)(b) of the RMA, which requires the consent authority to have regard to any relevant provision of the Christchurch District Plan, the Canterbury Land and Water Regional Plan and Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011;
- section 105 of the RMA, which relates to discharge permits;
- section 107(2) of the RMA, if the resource consent is a discharge permit; and
- section 108 of the RMA, which allows a consent authority to impose any condition that it considers appropriate on a resource consent.

The proposed Order would instead state the matters that a consent authority can impose conditions on in relation to the Cathedral’s reinstatement. This includes the removal of the Citizens’ War Memorial and the trimming, pruning and possible removal of one, two or three of the London Plane trees.

*The matters that a consent authority can impose conditions on in relation to the Cathedral’s reinstatement and the Citizens War Memorial are:*

- the oversight of a suitably qualified heritage professional and / or conservation architect and the application of heritage advice;
- the management of the effects from natural hazards including seismicity on the structural integrity of building work;
- the management of the effects of earthworks;
- the methods for managing earthworks that encounter contaminated land;
- the methodology to implement base isolation and management of the effects of dewatering;
- the management of the effects of construction work, stormwater, hazardous substances including biohazards, artificial lighting, dust, noise, and vibration;

- the form and provision of information and interpretation material identifying the history and significance of the Cathedral;
- documentation and recording for the dismantling and removal of the Citizens' War Memorial;
- the potential damage to the Citizens' War Memorial during relocation and whether repairs will be required, and what mitigation measures are proposed, including the use of temporary protection plan;
- storage location and form, including methods to protect the Citizens' War Memorial, and the maintenance work programme while in storage where relevant; and
- management and provision of public information in respect to Citizens' War Memorial.

*The matters that a consent authority can impose conditions on in relation to the trimming, pruning and possible removal of one, two or three of the London Plane trees are:*

- the management of the effects of the tree removals on:
  - heritage, botanical, environmental, amenity and cultural values;
  - landscape, and visual amenity;
  - surrounding properties and infrastructure; and
- the matters contained in a Tree Removal Management Plan; including
  - measures to prevent or reduce risk to people, buildings, property and infrastructure;
  - proposed mitigation for the loss of any significant tree including time frames for any replanting or site restoration/landscaping; and
  - adoption of internationally accepted arboricultural standards, practices and procedures for the tree removals;
- the management of the effects of the removal construction works, stormwater, hazardous substances including biohazards, lighting, dust, noise, and vibration;
- that a suitably qualified and experienced professional engineer to certify that the removal is necessary in order to achieve the proposed reinstatement of the Christ Church Cathedral; and
- monitoring of the effects during the tree removal works and after completion.

*Appendix 1 contains Frequently Asked Questions and further information in relation to the protecting the Cathedral's heritage, the removal of the Citizens' War Memorial and the possible removal of the significant London Plane trees.*

## **Section 115 of the RMA – processing time**

The effect of the proposed Order is that the time limit for a consent authority to approve an application would be longer than the normal 20 day processing time. All applications must be approved within **40** working days after the application is lodged. This would mean that:

- section 115 of the RMA does not apply to resource consent applications for reinstatement work on the Cathedral.

### **Sections 37, 37A, 37B, 88B, 88E of the RMA – extension of processing times**

The 40 working day time limit would be able to be **extended**, if both the consent authority and applicant (CCRL agree). This would mean that:

- sections 37, 37A, 37B, 88B, and 88E of the RMA do not apply to resource consent applications for reinstatement of the Cathedral; and
- section 88C, which concerns extensions of processing times to request further information **would still apply**.

### **Sections 95 to 99A and 100 to 103B of the RMA – removal of notification requirement**

The proposed Order would require resource consent applications to be processed on a **non-notified** basis. It would do this by:

- preventing sections 95 to 99A of the RMA from applying to resource consent applications for Cathedral reinstatement work. These sections relate to how public and limited notification, submissions and mediation for resource consent applications work. This also has the flow on effect of preventing sections 100 to 103B of the RMA, which relate to the operation of resource consent application hearings, from applying to resource consent applications for the rest of the Cathedral reinstatement work.

This would have the effect of **preventing** such applications from being publicly notified, which would have been very likely in this case, and **removing** the right of the general public to make submissions on the applications.

Instead, the consent authority would be required to invite specified parties to make written comments, within 10 working days, during the 40 working day processing time. For example, this could include:

- Te Rūnanga o Ngāi Tahu, or any relevant Papatipu Rūnanga identified by Te Rūnanga o Ngāi Tahu;
- Heritage New Zealand Pouhere Taonga;
- Linwood-Central-Heathcote Community Board;
- the Christchurch Civic Trust; and
- owners and occupiers of land adjacent to Cathedral Square.

These comments will help the consent authorities decide which conditions to impose on a resource consent. The proposed Order would also require a summary of these comments and the consent authority's response to the issues raised in the written comments to be made public when it notifies its decision.

### **Section 120 of the RMA – appeal rights**

Under the proposed Order, those persons who are invited to make comments would have **no** right of appeal on the resource consent conditions. This means that:

- section 120 of the RMA cannot be used by written commenters to appeal to the Environment Court. It would only be able to be used by the applicant, for example, to appeal conditions.

### **Section 316(1) of the RMA – who can undertake enforcement proceedings**

The effect of the proposed Order is that only the **consent authorities** will be able to undertake enforcement proceedings on activities undertaken under a resource consent granted in reliance on this Order. This means that:

- section 316 of the RMA, which states who can apply for an enforcement order, still applies but only to the consent authorities. This means that members of the public or other legal persons would be prevented from undertaking enforcement proceedings under section 316(1).

### **Duration of the Proposed Order**

The proposed Order would expire on the expiry of the Act in December 2032. Although only one resource consent application (to both the Christchurch City Council and Environment Canterbury) is currently expected, the proposed Order allows for further resource consent applications to be submitted if required. The long duration of the proposed Order also ensures the consent authorities can carry out their enforcement duties if required, noting that the project will take 7 to 10 years to complete.

## **Why the Minister considers the proposed Order is necessary or desirable for the purpose of the Reinstatement Act (section 10(2)(c) of the Reinstatement Act)**

The purpose of the Reinstatement Act is to **facilitate the Cathedral's reinstatement**, recognising the Cathedral's contribution to cultural, social, and economic wellbeing in Christchurch, its importance to Christchurch's regeneration, and its heritage value.

The Act achieves this purpose by enabling Orders which can grant exemptions from, modify or extend specified enactments, such as the RMA. This is to **enable expedited, cost-effective reinstatement processes, and to achieve earlier or greater certainty of reinstatement** for the Cathedral's owner and the Christchurch community generally.

### **Using normal processes for the required resource consent applications would cause delay, increased costs and uncertainty**

If the normal RMA process was used to consider resource consent applications for the rest of the reinstatement work on the Cathedral, it would likely to create delays and increase costs and uncertainty for the project. This is because under the RMA process, the resource consent applications for reinstatement would very likely need to be publicly notified. This is due to the special circumstances that surround the Cathedral: the public interest in the reinstatement of the Cathedral, a widely-recognised emblem of Christchurch. Public notification can also occur when effects are deemed to be more than minor, which is possible in this case.

As a consequence of the requirement to **publicly notify** this would:

- likely cause significant delays to the project of at least six months and up to two years, if there are appeals on decisions. Work on the project could potentially stop after the site is established and stabilised;
- likely cause an increase in costs at a rate of hundreds of thousands of dollars for every month of delay; and
- not have a certain outcome, as the consent authority can still decline the resource consent and parties can appeal the decision.

If the resource consent is **declined**, aspects of the Cathedral will have to be redesigned. This will cause significant costs for professional services from people such as architects and engineers, increase construction costs and create further delays. It will likely also have a detrimental impact on fundraising. It is likely that after a delay for public notification, appeals and redesign, costs would increase by multiple millions of dollars.

It is both **necessary and desirable** that the proposed Order avoids these significant cost increases and time delays to the reinstatement project. The proposed resource consent application pathway departs from the normal process in a way that serves the purposes of the Act. The process described [above](#) will ensure that the oldest parts of the Cathedral are strengthened as quickly as possible, reducing the likelihood to further deterioration, and will prevent further delays to the project, which is expected to take 7 to 10 years to complete.

Some protections, for example, relating to heritage, the Citizens' War Memorial and the London Plane trees will be removed by this Order. However, I consider that the Order places sufficient protections on these matters, for example:

- the oversight of a heritage professional over reinstatement; and
- the oversight of an engineer on the removal of the Citizens War Memorial and the London Plane trees (if the a tree or trees need to be removed for the purpose of the reinstating the Cathedral).

The removal of public participation and appeal rights which is significant, especially given public interest in Cathedral. However, it is necessary and desirable when balanced against need for expedited, cost-effective and earlier or more certain outcome for reinstatement of the Cathedral.

This Order will ensure that the Cathedral can be reinstated in a manner that is expedited, cost-effective and certain.

# **Appendix 1 – Frequently asked questions and further information**

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## **How will the proposed Order protect the heritage of the Cathedral and its site?**

### **The Cathedral's heritage fabric has been damaged but can be reinstated**

Unfortunately, loss some of the Cathedral's heritage fabric has already occurred as a result of being damaged in the 22 February 2011 earthquake and the subsequent time passed. A significant amount of engineering intervention is therefore required to the Cathedral's heritage fabric if it is to be reinstated and used again.

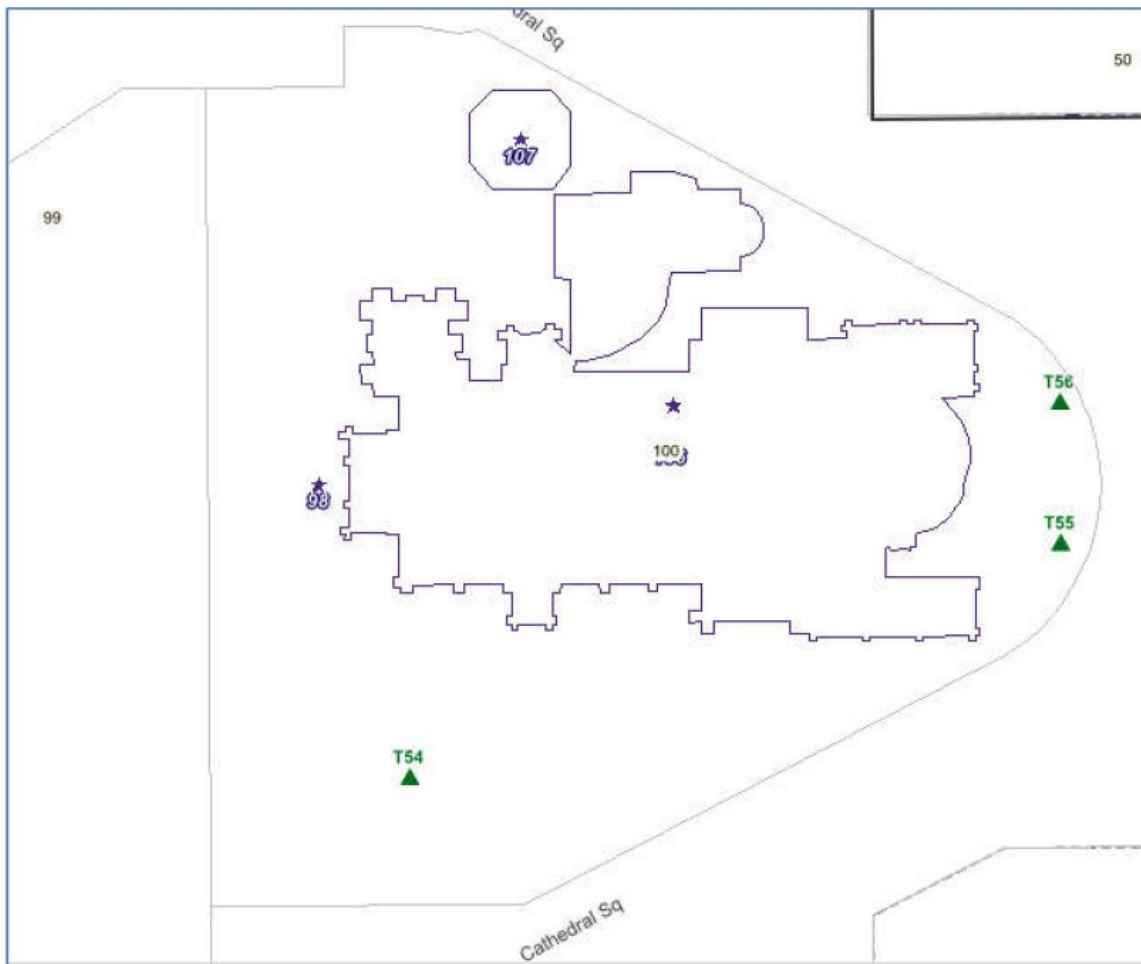
Reinstatement will retain as much as possible the heritage features and integrity of the original gothic revival architecture, while ensuring the Cathedral has resilience and utility for the future, including seismic strengthening, accessibility and interior functionality. Where there is an unavoidable loss of some heritage fabric, it will be balanced by the retention of most of the heritage fabric and the heritage significance of the building.

### **The proposed Order will ensure the heritage conservation principles are adopted and maintained**

The proposed Order will ensure that the alteration, relocation and removal of heritage fabric, items, etc. (so that the Cathedral building itself can be reinstated) is overseen by a suitably qualified heritage professional and / or conservation architect, using the application of heritage advice.

## Why does the reinstatement work affect the Citizens' War Memorial (Memorial) and the London Plane trees?

The Cathedral is bordered on three of its four sides by the Memorial and the trees. The map below shows their location. The Memorial is at 107, and the trees are located at T56, T55 and T54.



*The Memorial and the trees reduce the safe and efficient working space around the Cathedral. Working around these items may be possible, but it will be a dangerous and therefore a lengthy and expensive process. There is also the possibility, despite best efforts and due care, of damage to the Memorial or trees as a result of reinstatement work. More detailed information about all of this is on the next pages.*



## **Background on the Memorial**

In 1934 the Cathedral Chapter and Church Property Trustees agreed with the Christchurch War Memorial Association that a war memorial could be placed on the Cathedral site and it was placed there in 1937. However, that was on the condition that if at any time in the future the land be required for Cathedral purposes, the Memorial should be removed<sup>6</sup>. From 1989, Christchurch City Council has maintained the Memorial.

Since the earthquakes, the Christchurch RSA has been advocating for the relocation of the Citizens' War Memorial.

As it currently stands, the Memorial has some earthquake damage requiring repair, and is also in need of long term, intrusive maintenance, structural repairs and strengthening. Some careful dismantling is needed to be able to undertake this work. Damage is possible when dismantling it, however, the Order requires the oversight of a suitably qualified heritage professional and / or conservation architect to provide appropriate advice on this. The Order ensures the consent authority can place appropriate conditions regarding possible damage.

## **How does the Memorial impact the reinstatement of the Cathedral?**

The Memorial is located on the north side of the Cathedral, immediately adjacent to the existing visitors' centre, which is being demolished. There is an opportunity to redevelop this part of the site to create a more functional visitors' centre and open landscape that complements Cathedral Square.

Clearing the site, including removal of the Memorial, in preparation for construction works and the future redevelopment of the area is implicit in the scope of the reinstatement project.

While the Memorial structure can be protected during site establishment and stabilisation, this becomes harder during strengthening and reinstatement – risking further damage. This is because of the need to use a crane, at height on the north side of the Cathedral. Working around the Memorial would require considerable protective measures, including a cage. This will be a significant impediment to reinstatement and is likely to add additional costs and further delays.

*The removal of the Memorial from the Cathedral site will not only reduce the chances of further damage to it, but will also make the Cathedral restoration easier and safer by providing clear working space at the north-west corner of the Cathedral.*

## **To where would the Memorial be relocated?**

The Reinstatement Act cannot facilitate relocation the Citizens' War Memorial outside of Cathedral Square. A resource consent using normal processes would be needed for this matter.

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<sup>6</sup> Deed of Agreement, the Church Property Trustees, the Cathedral Chapter and the Christchurch War Memorial Association Inc., 14 March 1934, Christchurch Anglican Diocesan Archives.

A decision on when and where the Memorial will be relocated, whether that be temporarily or permanently, is yet to be decided and will be dealt with using processes outside the Reinstatement Act.

### **Background on the London Plane trees**

There are three protected London Plane trees on the Cathedral site. They are identified as T55, T56 and T54 (respectively) in the Christchurch District Plan, which considers them "significant". This means they are protected from being felled, unless there is resource consent to do so. Two are at the east end of the Cathedral, close to the semi-circular apse (which houses the altar inside the Cathedral) and the vestries, and close to Colombo Street and the tram track and overhead wires. They were planted between 1904 and the 1920s. A further tree is to the south west of the Cathedral. It was likely planted in 1884, when the ground was consecrated.

CCRL will only remove a tree or trees if it is necessary to reinstate the Cathedral. The proposed Order would require a suitably qualified and experienced professional engineer to certify that the removal is necessary in order to achieve the proposed reinstatement activity.

### **Best efforts are being made to protect and preserve the trees**

CCRL engaged a professional arborist when it got a resource consent to prune the trees in 2019. The arborist indicated that their Safe Useful Life Expectancy is between 15 – 40 years, from now, providing that site conditions do not alter. Safe Useful Life Expectancy is a management tool that provides an assessment of the likely timeframe of tree life, conditional upon current age, tree condition (health and structure) and an expectation of total lifespan for a particular type of tree. It is also conditional upon the site conditions remaining unchanged.

CCRL is receiving ongoing advice to help look after the trees' health. Other efforts to preserve the Cathedral trees include taking cuttings from each of the trees. This means that in a worst-case scenario, and a tree needs to be removed, progeny may be available for replanting on the Cathedral site, at a later date.

### **Can the trees be relocated?**

Relocating has not been proposed because any significant alteration of site conditions, predominantly the soil and root environment, are likely to shorten the life expectancy of the trees given their size and age.

### **How will the trees impact the reinstatement of the Cathedral?**

The trees have grown considerably over the last decade as it has not been safe to access and maintain them. Their large canopies have increasingly shaded parts of the Cathedral, encouraging moss growth that has degraded the stonework.

While CCRL is able to work around the trees safely and protect them during the stabilisation of the building, it will not know the extent of how the trees might impact reinstatement until its contractors have started their work. This is when they will be able to carry out safe and proper site investigation.



*This aerial photo of the Cathedral looks at the Cathedral from a north-west angle. The trees in question are labelled.*

The two trees at the east or back end of the Cathedral are expected to be of the most concern. The trees are 17m and 19m high and have 21m and 18m in canopy spread, respectively. Their canopies have grown together and are now touching the Cathedral. The canopies are also descending toward the overhead conductors for the tram line and at their closest points, both trunks are approximately 10m away from the wall of the Cathedral's apse. This indicates it is likely the roots encroach upon the foundations of the Cathedral, which must be excavated for base isolation, to make the building safe again.

The canopy of the tree to the South West of the Cathedral is close to touching the south side of the Cathedral. It is also close to the proposed southern ancillary building. It is 17 metres high and has a canopy spread of 25 metres.

Working between the trees and the building will be dangerous and therefore an expensive and lengthy process, and despite all best endeavours still may be impossible because of the location of the trees. The trees constrain the available working space next to the building and at heights and limit egress.

It is likely the pruning of some of the roots and canopy of the trees may cause unavoidable harm to them.

### **How would the proposed Order make sure the trees are only removed if necessary?**

CCRL will only remove the trees if there is no other way to reinstate the Cathedral without doing so. CCRL is very keen to keep the trees and will exhaust every avenue before removal becomes the only workable solution.

This proposed Order does not make a decision to remove the trees, instead it allows a streamlined pathway to do so only if necessary. That decision will be made on the basis of proper investigation and a full options analysis as part of the resource consent process.

The proposed Order would not provide a pathway for removal of the trees for the sake of convenience. Under the proposed Order, tree removal is a controlled activity and the removal of any of the trees will be subject to certain requirements as set out in a professional arborist's plan. The Order will also ensure a suitably qualified and experienced professional engineer to certify that the removal is necessary in order to achieve the proposed reinstatement activity.