

**APPENDIX 1: TERMS OF REFERENCE
FOR THE INDEPENDENT
WORKING GROUP**

Released by the Minister supporting Greater Christchurch Regeneration

Terms of Reference for an Independent Working Group to investigate the Reinstatement of the ChristChurch Cathedral

Purpose

The purpose of the Independent Working Group is:

- To identify feasible, achievable and fully costed options to progress the reinstatement of the ChristChurch Cathedral; and
- To provide advice to the Minister supporting Greater Christchurch Regeneration (*the Minister*) and the Church Property Trustees (CPT) on the best structural, financial, and governance arrangements to achieve the successful delivery of any ChristChurch Cathedral reinstatement outcome; this is to include the use of an anticipated construction alliance (similar to the Stronger Christchurch Infrastructure Rebuild Team model) to provide methods, timelines and costs for a preferred option.

Background

- CPT is the owner of the land and buildings at 100 Cathedral Square which were formerly used by the Anglican Diocese of Christchurch as its Cathedral (*Cathedral Building*). The property is and will remain in the ownership of CPT.
- Acknowledging the significance of the building as both a landmark, and a building of significant heritage and architectural value - the Cathedral Building is registered as a category one site by the New Zealand Historic Places Trust.
- The Cathedral Building was damaged in the earthquake of 4 September, badly damaged in the earthquakes of 22 February 2011 and 13 June 2011 and then became further damaged in the earthquake of 23 December 2011.
- In October 2011 the Canterbury Earthquake Recovery Authority issued a notice under section 38 of the Canterbury Earthquake Recovery Act 2011 requiring the Cathedral Building to be deconstructed. As a result of this the tower of the Cathedral Building was immediately deconstructed.
- After obtaining advice in March 2012 CPT as owners sought to deconstruct the Cathedral Building in accordance with the section 38 notice.
- Since that decision, there has been protracted litigation between the two parties, CPT and the Greater Christchurch Buildings Trust, which has significantly delayed a decision on the future of the Cathedral Building.
- The Government and the wider community has been concerned that the lack of progress on the Cathedral Building is impairing the overall city rebuild and recovery.
- As a result, the Government, with the agreement of both parties, undertook a facilitated process to achieve as a first step consensus between parties on the status of the Cathedral Building.
- As a result of those discussions a report was produced by Miriam Dean QC¹ (Dean report) and publicly released on 23 December, 2015 in which the report identified that:
 - the Cathedral Building could be reinstated to 100% of the new building code;

¹ Report on Facilitated Discussions with Engineers For Church property Trustees and the Greater Christchurch Buildings Trust on Engineering Options For Repair, Restoration or Replacement of ChristChurch Cathedral, dated November 2015

- the 2015 projected cost of the project could be approximately \$105,000,000.00 plus GST if undertaken over a seven and a half year timeframe.
- At the time of that announcement, given the challenges associated with reinstatement of the Cathedral Building, it was also agreed that, a Working Group would be formed to investigate options to progress reinstatement and confirm an agreed way forward.
- CPT have confirmed their particular concerns about issues relating to safety, cost, functionality, whole of life cost and engineering – these will need to be addressed as a part of the Working Group process.
- Following further discussions with CPT, it has been agreed that a Working Group would be an independent body, with a Crown appointed secretariat reporting back to both Ministers and Church Property Trustees on a way forward by 28 November 2016.
- Acknowledging the complexity of this issue, the Working Group will be supported by the Crown through a secretariat hosted by the Department of the Prime Minister and Cabinet.

Scope of Work

- Report through the Chair of the Working Group to the Minister and CPT on the following:
 - Confirming recommended options to achieve reinstatement of the Cathedral Building;
 - Providing a recommended project approach and programme of work to support the options;
 - The preferred scope, structure, financial and governance arrangements, and exit strategy for any such preferred/recommended option including entity or entities [to successfully deliver of the potential programme of work defined by the Working Group];
 - Investigate the use of an anticipated construction alliance (similar to the Stronger Christchurch Infrastructure Rebuild Team model) to provide advice on methods, timelines and costs for any reinstatement option;
 - Identifying and confirming funding arrangements, underwriting and fund raising possibilities to support a way forward;
 - Seeking all reasonable further technical support, stakeholder advice and information as required to meet the Working Group purpose; and
 - Any other matters the Working Group deems necessary to identify a way forward with the reinstatement of the Cathedral Building.

Working Group Membership

The members of the Working Group will be appointed at the discretion of the Minister, with advice from the Chair of the CPT.

The Chair will be appointed by the Minister. Church Property Trustees may recommend up to two nominations for the Working Group.

The Working Group will collectively have the relevant leadership skills, knowledge and experience, including:

- Understanding of leading and directing a complex public facing construction project, including and development dynamics, supply chain constraints, and development feasibility.
- Demonstrated understanding of the interface between public sector (or civic) investment and social and community good / philanthropic investment and large heritage projects.
- Credibility with a variety of government, Church, community and private sector stakeholders. An understanding of the local post earthquake Christchurch recovery environment and or large philanthropic heritage projects.

Commencement and end date

The Working Group will operate for a period not to exceed seven months to complete its task. It will commence on 14 June 2016 and cease on 7 December 2016.

Meeting Frequency

The Working Group is to meet as required.

Deliverables

The Working Group will be reporting back to both Ministers and CPT on a way forward by 28 November 2016 and it will provide a final report to the Minister and CPT by 7 December 2016.

Procedures

The Working Group will have a dedicated secretariat. The secretariat will be managed by the Department of the Prime Minister and Cabinet.

Agendas will be developed by the secretariat in liaison with the Chair.

The Working Group will be chaired by the Chair. For circumstances where the Chair is not able to attend meetings, the Deputy Chair will normally act as Chair for that meeting; or any member of the Working Group by agreement with the Chair.

The Working Group will work towards providing collective advice, however consensus is not required. Divergent views will be noted.

Conflicts of interest will be declared prior to all meetings and managed accordingly.

The Working Group will hold in confidence, and treat as confidential, all information provided to it. This includes matters tabled or discussed at the Working Group meetings, as well as any additional issues that are raised outside meetings. Members must be clear about what matters are permitted to be discussed outside of the Working Group meetings.

Media statements/communications regarding matters relating to the Working Group are to be made through the Minister.

The Official Information Act 1982 will apply to the Working Group's Terms of Reference and to the reports, correspondence and other material it provides to the Department of the Prime Minister and Cabinet and the Minister.

Fees and allowances

The Working Group will be paid fees in accordance with the Cabinet Fees Framework.

The Crown will meet the costs of the Working Group, the secretariat and any technical advice needed.

Relationship with existing governance framework

There is an expectation that the Working Group will work with other interested entities – including recovery strategic partners, Regenerate Christchurch, and Greater Christchurch Building Trust.

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