

Reserves Act Hearings Panel
Mount Cavendish Reserve - Proposed new lease to The
Christchurch Gondola Ltd

AGENDA

Notice of Meeting:

A Reserves Act Hearings Panel meeting will be held on:

Date: Friday 15 July 2022
Time: 9am
Venue: Committee Room 1, Level 2, Civic Offices,
53 Hereford Street, Christchurch

Panel

Members Councillor Sara Templeton
Councillor James Gough
Councillor Melanie Coker

27 June 2022

David Corlett
Committee and Hearings Advisor
941 5421
David.Corlett@ccc.govt.nz
www.ccc.govt.nz

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Developing Resilience in the 21st Century

Strategic Framework

Whiria ngā whenu o ngā papa,
honoa ki te maurua tāuiki

Bind together the strands of each mat and join
together with the seams of respect and reciprocity

Ōtautahi-Christchurch is a city of opportunity for all

Open to new ideas, new people and new ways of doing things – a city where anything is possible

Principles

Being open,
transparent and
democratically
accountable

Promoting
equity, valuing
diversity and
fostering inclusion

Taking an inter-generational approach
to sustainable development,
prioritising the social, economic
and cultural wellbeing of
people and communities
and the quality of the
environment, now
and into the
future

Building on the
relationship with
Te Rūnanga o Ngāi Tahu
and the Te Hononga-Council
Papatipu Rūnanga partnership,
reflecting mutual understanding
and respect

Ensuring
the diversity
and interests of
our communities
across the city and the
district are reflected in
decision-making

Actively collaborating and
co-operating with other
local, regional
and national
organisations

Community Outcomes

Resilient communities

Strong sense of community
Active participation in civic life
Safe and healthy communities
Celebration of our identity
through arts, culture, heritage,
sport and recreation
Valuing the voices of all cultures
and ages (including children)

Liveable city

Vibrant and thriving city centre
Sustainable suburban and
rural centres
A well connected and accessible
city promoting active and
public transport
Sufficient supply of, and
access to, a range of housing
21st century garden city
we are proud to live in

Healthy environment

Healthy water bodies
High quality drinking water
Unique landscapes and
indigenous biodiversity are
valued and stewardship
exercised
Sustainable use of resources
and minimising waste

Prosperous economy

Great place for people, business
and investment
An inclusive, equitable economy
with broad-based prosperity
for all
A productive, adaptive and
resilient economic base
Modern and robust city
infrastructure and community
facilities

Strategic Priorities

Enabling active
and connected
communities
to own their future

Meeting the challenge
of climate change
through every means
available

Ensuring a high quality
drinking water supply
that is safe and
sustainable

Accelerating the
momentum
the city needs

Ensuring rates are
affordable and
sustainable

Ensuring we get core business done while delivering on our Strategic Priorities and achieving our Community Outcomes

Engagement with
the community and
partners

Strategies, Plans and
Partnerships

Long Term Plan
and Annual Plan

Our service delivery
approach

Monitoring and
reporting on our
progress

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1. Apologies Ngā Whakapāha

At the close of the agenda no apologies had been received.

2. Election of a Chairperson Te Whakatū Poumua

At the start of the meeting a Chairperson will be elected.

3. Declarations of Interest Ngā Whakapuaki Aronga

Members are reminded of the need to be vigilant and to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

4. Mount Cavendish Reserve - proposed new lease to The Christchurch Gondola Ltd

Reference / Te Tohutoro: 22/636591

Report of / Te Pou Matua: Joanne Walton, Policy Advisor, joanne.walton@ccc.govt.nz

General Manager / Pouwhakarae: Mary Richardson, General Manager Citizens and Community

1. Purpose of the Report Te Pūtake Pūrongo

- 1.1 The purpose of this report is for the Hearing Panel to:
 - 1.1.1 Consider the submissions received through the public consultation process and all other relevant information presented for a new ground lease to The Christchurch Gondola Limited over part of Mount Cavendish Reserve.
 - 1.1.2 Deliberate and make a recommendation to the Council, as the decision-maker, to determine whether a new ground lease for the applicant's existing top terminal building should proceed or not.
- 1.2 This report has been written as a result of:
 - 1.2.1 An instruction from the Department of Conservation that, due to a legislative change that now precludes renewals of existing leases, a new ground lease is required for the building.
 - 1.2.2 A number of submitters on the proposed new lease indicating they wish to be heard by a Reserve Hearing Panel in support of their submission.
- 1.3 The decision in this report is of medium significance in relation to the Christchurch City Council's Significance and Engagement Policy. The level of significance was determined by the medium level of city-wide interest due to the prominent location of the gondola and the likely impact on those people affected with regard to a long term existing occupation.

2. Proposed Officer Recommendations Ngā Tūtohu

- 2.1 That the Reserve Hearing Panel recommends that the Council:
 - 2.1.1 Receive and consider the information in the report, the submissions, and all other relevant information received on the proposed new ground lease to The Christchurch Gondola Limited for their existing top terminal building.
 - 2.1.2 Approve the granting of a ground lease, subject to section 59A of the Reserves Act 1977, and Part 3B (sections 17R and 17SC) of the Conservation Act 1987, to The Christchurch Gondola Limited over approximately 1177 square metres of Lot 1 Deposited Plan 61966 (held in Certificate of Title 37C/1204), part of Mount Cavendish Scenic Reserve, (lease plan shown in **Attachment A**) for the purpose of an existing upper terminal building for an aerial gondola, for a period of 30 years (including all rights of renewal).
 - 2.1.3 Authorise the Manager Property Consultancy to conclude and administer the terms and conditions of the new lease.

3. Background Te Horopaki

- 3.1 Mount Cavendish Reserve is a reserve of 26.0064 hectares in size adjoining the Summit Road on the Port Hills. It is classified as Scenic Reserve under the Reserves Act 1977.
- 3.2 The Christchurch City Council administers Mount Cavendish Reserve by way of an appointment from the Department of Conservation to control and manage the reserve. The reserve is considered to be an asset of metropolitan significance.
- 3.3 The Christchurch Gondola Limited holds a lease with the Department of Conservation (DOC) authorising a top terminal building on Mount Cavendish Reserve for an aerial gondola operation. (Refer to **Figures 1 and 2** for a location map and photo of the building.)
- 3.4 The lease was granted in 1991 pursuant to the Reserves Act 1977 and is due to expire on 1 November 2023. The lease had a right of renewal for a further 30 years which the lessee had expected to be able to exercise.

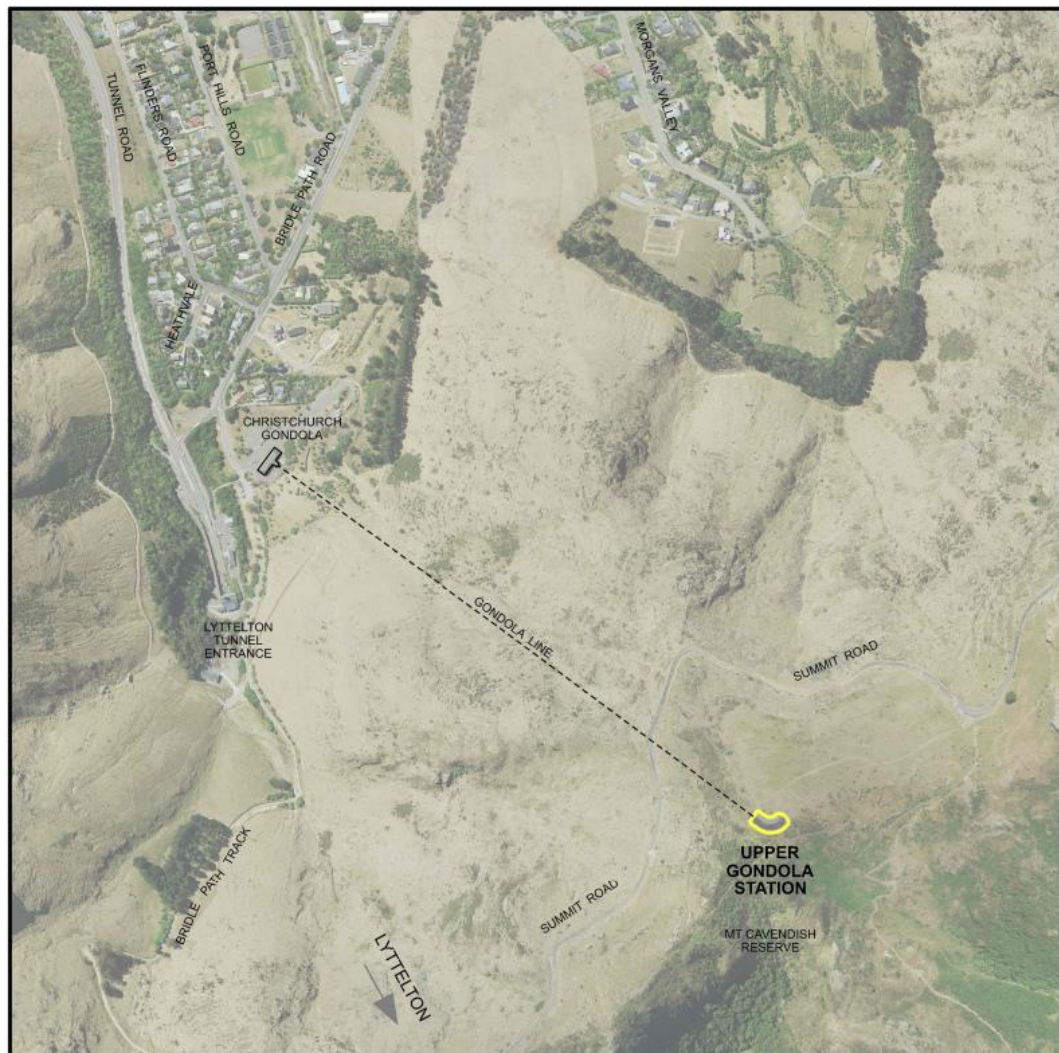


Figure 1: Aerial photo location map of Christchurch Gondola showing upper gondola station outlined in yellow



Figure 2: Photo of upper gondola station above Summit Road looking north-west

- 3.5 A High Court decision in 2011 relating to Fullers Bay means that holders of leases granted pre-1996 under the Reserves Act 1977 can no longer be renewed and must be granted a new lease under Part 3B of the Conservation Act 1987.
- 3.6 In 2013, Councils were notified by DOC of the extension of the Instrument of Delegation to allow for authorising bodies with appointments to control and manage reserves to grant concessions under Part 3B of the Conservation Act 1987.
- 3.7 DOC has therefore advised that based on the High Court ruling and the 2013 changes to delegations:
 - 3.7.1 The right of renewal in the current lease can no longer be exercised.
 - 3.7.2 It is now the responsibility of the Council to grant a new lease under Part 3B of the Conservation Act 1987 to authorise the continuation of the Christchurch Gondola Limited activity in Mont Cavendish Reserve.
- 3.8 The new lease will be on equivalent terms to the existing lease, updated to the Council's latest lease form to reflect changes in legislation since the original lease was executed, for example, the Health and Safety at Work Act (2015) and the Land Transfer Act (2017).
- 3.9 There will be no change in the new lease to the footprint of the building.
- 3.10 Owned by Christchurch Attractions and established in the 1990s, Christchurch Gondola is a key local and visitor attraction. The top terminal building includes a café for public use, function spaces for private events, and a museum experience. It also hosts radio and data gear for a range of national and local emergency, weather and electronic signalling suppliers and businesses.
- 3.11 The top terminal building is privately owned. It is situated above the Summit Road and does not have a vehicle access road (other than an unformed track for emergency type access) or car-parking. The only access to the building other than by the aerial gondola (which is also

owned by the lessee) is on foot or mountain bike over the adjoining reserves or the Summit Road.

- 3.12 The top terminal building is a long standing occupation with substantial expenditure outlaid for the facility and its associated infrastructure. Staff have identified only one issue with the operation, management or activities of the lessee which is the presence of additional aerials on the building. The current aerial arrangements will be put forward for approval to sub-lease if the proposed new lease is approved. There is no identified need for this area of reserve land to be used for any other purpose in the public interest.
- 3.13 The new lease does not affect the lower terminal building which is on private land at the end of Bridle Path Road and is owned by The Christchurch Gondola Limited.
- 3.14 The new lease does not affect the aerial gondola towers on Scotts Valley Reserve which will be confirmed under a separate lease agreement that does not require public consultation. The Christchurch Gondola Limited have carried out rockfall protection works on Scotts Valley Reserve for the safety of the gondola towers and this is protected by easements.

4. Impact on Mana Whenua Ngā Whai Take Mana Whenua

- 4.1 As the decision relates to an existing building occupation, it does not involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value. Therefore this decision is not considered to specifically impact on mana whenua, their culture and traditions.
- 4.2 Mahaanui Kurataiao Ltd were provided with information prior to the public consultation opening date, and sought confirmation that the lease renewal was with the Council with The Christchurch Gondola Limited being the lessee. They subsequently advised that no further consultation with mana whenua would be required at that time.
- 4.3 Te Hapū o Ngāti Wheke, as mana whenua, are currently collaborating with The Christchurch Gondola Ltd on the redevelopment of the museum experience within the top terminal building.

5. Community Views and Preferences Ngā mariu ā-Hāpori

Public Consultation Te Tukanga Kōrerorero

- 5.1 In accordance with section 49 of the Conservation Act 1987, the proposed new lease was advertised in the public notices of four regional newspapers (Christchurch Press, Auckland Herald, Wellington Dominion Post, and Otago Daily Times) on Saturday 19th February 2022. The period of time for the making of objections or submissions was the required 40 working days with a closing date of 27 April 2022.
- 5.2 Consultation was open on the Council Have Your Say website from 21 February 2022 to 27 April 2022. The information was sent to approximately 30 stakeholder groups and individuals and three adjacent property owners. Signage advertised the consultation at the start of the Bridle Path near the lower gondola terminal, and in three key locations including track access and the Summit Road at the top. Posters were put up inside both terminal buildings.
- 5.3 Of sixteen submissions received, eleven indicated support for the proposed new lease, while five do not support this. Fourteen provided additional comments in support of their submission. Four indicated they wish to speak to a Hearing Panel, two in support and two in opposition.

- 5.4 Two submitters gave Auckland addresses (one indicating they are a property owner), two didn't provide an address, and the rest are from the Christchurch area. The Port Hills Foundation Charitable Trust was the only submitter organisation.

Summary of Submissions Ngā Tāpaetanga

- 5.5 Several of those supporting the new lease highlighted the gondola's role as a key Christchurch attraction, and three others commented in appreciation of the annual passes and local value in exercise options from the top terminal down. Another requested associated mountain bike track development.
- 5.6 There were a number of comments about the use of the facility from submitters both in support and in opposition to the new lease, four highlighting its current under-use with suggestions for a range of additional activities to attract more custom and provide better value for money. Three suggested cheaper rates for locals.
- 5.7 Another two consider the terminal and surrounding area should be available for other community and educational activities, one also highlighting environmental outcomes and community partnership opportunities.
- 5.8 There were two opposing submitter requests for themselves or others to use the terminal facility and surrounding area for a range of community activities and wider use, including a request from the Port Hills Foundation Charitable Trust to occupy the site.
- 5.9 Two commented with strong concerns that the museum display is out of scope and inappropriate, believing that it is not inclusive and does not recognise tangata whenua.
- 5.10 Other comments and suggestions from those in opposition to the proposal include an assertion that a 30 year lease period is too long. Another provided conditional support while asking that no precedent should be set for further development on Crown Land.
- 5.11 Two others indicating opposition think dogs should be allowed on the gondola to use the tracks, while another two would like to see mountain bikes taken up as a condition of the lease.
- 5.12 Several submitters gave a range of suggestions for improvements to access and facilities such as the café and restaurant with a view, longer hours, children's and social activities. One submitter opposing the new lease identified the use of plastic cutlery as demonstrating no concern for reducing plastic waste in Christchurch.
- 5.13 The following key points were made by the five submitters in opposition to the proposed new ground lease:
- The new lease should be available to other community groups.
 - There should be an opportunity for new people to compete with the current operators.
 - The proposed 30 year lease term is too long.
 - Single use plastic cutlery not showing concern for reducing plastic waste.
 - The gondola and use of the top building has a lot of room for improvements – new operators with new ideas, lower prices, transporting dogs and bikes, additional facilities, services and hours.
 - The museum experience is Eurocentric.
 - No real changes to the experience, and the company should be encouraged to keep up with new knowledge and consult with local stakeholders on their proposals.
- 5.14 Many of the suggestions and concerns raised in the feedback were considered by staff to relate to the operation of the gondola experience, rather than directly to the proposed granting of a new ground lease for the gondola top terminal building. However, where

possible, staff have responded to comments, or sought further advice, as shown in the table under paragraph 4.18.

Staff responses to submission points raised

- 5.15 Staff have provided the following advice and comments in response to points raised in submissions on the proposed new ground lease. Where an issue was considered to relate to the operation of the gondola experience itself, a statement has been sought from The Christchurch Gondola Limited.

Issues raised/ No. of submitters in ()	Staff responses
Issues in relation to the proposed new ground lease	
New lease should be open to other community groups (1) or another operator (1)	<p>The proposed new lease is a ground lease for the occupation of the land by the top terminal building only.</p> <p>The building is in private ownership (constructed, maintained and operated), and is a private commercial business, therefore –</p> <ul style="list-style-type: none"> • The building is not subject to tender by Council for a new lease or operator. • There is no obligation for community use. <p>The reserve is classified as Scenic Reserve under the Reserves Act 1977 – a community organisation such as mentioned would not be consistent with the purpose of the reserve classification and therefore not a legitimate lessee.</p> <p>It should be noted that the building is situated above the Summit Road and is only accessible by aerial gondola from the base terminal building (both also owned by the current lessee), or by walking or biking. There is no public vehicle access or car-parking on site.</p>
Discount for locals in return for using ratepayers land (1)	<p>The land is not ratepayer/Council land – it is owned by the Crown, and only administered and managed by Council on behalf of the Department of Conservation.</p> <p>Ground rental is charged at full commercial rates.</p> <p>(For information on pricing and discounts refer further down the table in row 8.)</p>
Lease term of 30 years is too long (1)	<p>The right of renewal in the existing lease would have provided another 30 year length of tenure, as was expected by the lessee prior to the High Court decision and DOC directive.</p> <p>The Reserves Act 1977 would provide for a 33 year lease term, however Council has opted to offer the same 30 year period as the right of renewal would have provided.</p> <p>The 30 year period of the new lease recognises the substantial capital expenditure required in the construction of the facility.</p>
The new lease should have an enduring condition that any further encroachment onto the reserve be agreed and written into the lease conditions (1)	<p>This requirement is already in place as it is a standard condition in leases on Council owned or managed reserves that any new structures, alterations or improvements require Council approval. This is achieved through a formal report and resolution by elected members. Any extension to the lease area for new developments would similarly require a variation to the existing lease to be undertaken including a statutory public consultation and elected member approval process.</p>

Extension of the gondola cableway to Lyttleton (1)	This is outside the scope of the current ground lease, but will be forwarded to the applicant for their consideration. Note for information – land to the south side of Mt Cavendish Reserve and into Lyttleton is partly owned by DOC and partly in private ownership.
Issues identified with the operation of The Christchurch Gondola Ltd and the experience provided (considered by staff to be outside of the scope of the proposed new ground lease)	
Opportunities to enhance social/community and environmental outcomes; Promote sustainability and plastic waste minimisation	<p>Community partnerships may be encouraged but must be consistent with the requirements for a Scenic Reserve under the Reserves Act 1977 and the lease conditions.</p> <p>Current Council lease documents now contain clauses re waste minimisation and sustainability, as will the new lease if approved.</p> <p>The Christchurch Gondola Ltd have provided the following information on environmental sustainability initiatives:</p> <ul style="list-style-type: none"> • “We have recently worked with a range of groups including the Duke of Edinburgh’s Hillary Award, Te Tapuwae o Rakau Trust and Rāpaki iwi to collaboratively establish a memorial grove of 100 native trees on land at the Gondola’s base station. • An addition to this planting is planned for 2022 with a further 60 native trees to be added to this area. • We have also worked with the Tūi Corridor project with plans to plant provided native trees in 2022 to re-establish native tūi habitat and encourage these native birds to return to Christchurch city. <p>Public Transport:</p> <ul style="list-style-type: none"> • A bus stop is in place outside our Gondola base station allowing easy use of public transport for guests to visit our premises. • Initial discussions have been held with the Christchurch City Council in setting up a storage area near our entrance for bicycle commuters: as part of this, park rangers would look at locking the Gondola gates in the evening to allow buses to arrive outside of Gondola closing times. • An outdoor bike rack is currently provided for guests cycling to the Gondola.”
Bikes should be carried by the gondola/ the lease should be conditional on bikes being carried (2)	<p>The Christchurch Gondola Ltd has provided the following information: “We do not have external mounting options for bikes on the cabins, and we do not transport bikes inside the cabins due to the limited space.</p> <p>There is no maintained track from the Summit (Reserve Land) to the Summit Road.”</p>
Dogs should be allowed to travel on the gondola (2)	<p>The Christchurch Gondola Ltd has provided the following information: “The Christchurch Gondola is pleased to allow the following certified assistance dogs access to our attraction, with proof of current Identification certification from one of the following organisations:</p>

	<ul style="list-style-type: none"> • Assistance Dogs NZ • Guide Dogs NZ • Hearing Dogs NZ • Mobility Assistance Dogs Trust • NZ Epilepsy Assist Dogs • Perfect Partners Assistance Dogs <p><i>All assistance dogs must visit wearing harness or jacket with one of the above organisations logo's. No dogs will be permitted if they do not have the required evidence of certification from the above mentioned groups. We do not permit other dogs to the site for hygiene purposes in the complex, café and balcony."</i></p> <p>Staff note that the Council's Dog Control Policy specifies 'leashed' in Mount Cavendish and Scotts Valley Reserves.</p>
The pricing is too high and/or pricing should be reduced for locals and/or to encourage greater use	<p>The Christchurch Gondola Ltd have provided the following information re pricing:</p> <ul style="list-style-type: none"> • <i>"We engage with local schools including Heathcote, Heathcote Valley and Lyttelton to support them with vouchers and tickets for their fundraising purposes, with plans in place to approach other primary schools within the vicinity. Heathcote Valley School has also been offered our venue space free of charge for use on teacher-only days for activities offsite.</i> • <i>We also offer a reduced-rate Annual Pass allowing unlimited entry to the Gondola as well as the Christchurch Tram to make entry to these attractions more accessible for local members of our community. These passes are especially popular with families, and validity extensions have been provided after each lockdown to ensure that passholders are able to receive 12 months of uninterrupted access to these activities.</i> • <i>We provide tickets and discount vouchers to various charities, schools and community groups throughout the year to support their fundraising.</i> • <i>We offer discounts, in some cases up to 50%, for customers with disabilities and their carers to enter the Christchurch Gondola: these include discounted Annual Passes and associated carer passes."</i>
A café or restaurant is essential; More activities, events and longer hours	<p>There is a visitor licensed café – Red Rock Café – with current opening hours 10am -4pm 7 days per week.</p> <p>The company actively markets the venue's other restaurant and functions spaces for private business, conference and social events and promotions, including night-time use.</p> <p>It is the view of staff that current services and hours may be based on hospitality and tourism demand, and commercial viability, in the present Covid-19 pandemic, and that these may be expected to change over time as the situation evolves.</p>
The museum [Time Tunnel] experience presents a Eurocentric story;	<p>Statement from Christchurch Attractions CEO Sue Sullivan.</p> <p><i>"Christchurch Attractions and Te Hapū o Ngāti Wheke are working together on the refreshment of the Time Tunnel, which will be known as the Christchurch Discovery Ride once the upgrade opens later this year.</i></p>

<p>Lessee should be encouraged to keep up with new knowledge and consult with stakeholders (locals and iwi) on their proposals (2)</p>	<p><i>We acknowledge the current 17-year-old attraction needs to be updated. We believe the refreshed Christchurch Discovery Ride will be an enjoyable experience that celebrates Te Ao Māori and our multicultural city.</i></p> <p><i>The updated attraction will celebrate the history of Aotearoa, starting with the formation of Horomaka (Banks Peninsula) from volcanic activity. Our visitors will travel through native forests teeming with manu (birds), before witnessing the migration of Māori, and later the arrival of Europeans. Part of the ride includes sharing the kōrero (story) of Te Hapū o Ngāti Wheke as mana whenua. The interactive tour will also highlight the ongoing impacts the Christchurch Earthquakes have had on the city 12 years on.</i></p> <p><i>Work first started on the upgrade in early 2019, but the project was temporarily put on hold when COVID-19 disrupted the tourism industry. A new script has since been written and narration featuring Pākehā and Māori was recorded last year. New technology will modernise the carts and trigger narration as visitors explore the city during the ride. Due to supply challenges, some of this technology won't arrive and be installed until the second half of the year.</i></p> <p><i>This is the first of many collaborations between Christchurch Attractions and Te Hapū o Ngāti Wheke, as we work together to ensure visitors to the Christchurch Gondola and other activities gain a deeper understanding of Te Ao Māori and the history of our city. We're excited to share the refreshed attraction with visitors when it opens before Christmas."</i></p>
<p>Promoting additional facilities external to the terminal building and ground lease – mountain bike tracks, playground (1), barbeques (1)</p>	<p>The gondola terminal only has a lease for the footprint of the building on Mount Cavendish Reserve (and for the gondola towers on Scotts Valley Reserve) therefore development of further mountain bike tracks, or a playground, or barbeque facilities, on the reserve land is outside of their mandate at this time.</p> <p>There is a network of mountain bike tracks along the Summit Road and in some adjoining reserves. Requests for more mountain bike tracks on Council reserve will be forwarded to the Regional Parks Team for consideration. It should be noted that the large Scotts Valley Reserve below the Summit Road and the gondola cableway has never had any Council built or managed mountain bike tracks, and has rock-fall issues. Staff consider that Council is unlikely to fund a playground or barbeque facilities under its capital programme in the Long Term Plan (LTP) solely for the use of a commercial activity on site. It is the view of staff that these facilities would not otherwise be merited in this location.</p>

6. Details Te Whakamahuki

Decision Making Authority Te Mana Whakatau

6.1 The Delegations Register (21 December 2021) states the following powers:

Part D – Sub-Part 4 – Council Hearings Panels – s54, 56, 58A, 73, and 74 Reserves Act 1977 –
“To hear and determine submissions and objections, and to make recommendations in relation to the granting of leases or licences of reserves.”

6.1.1 Part D – Sub-Part 1 – Community Boards –

s56 – “To grant leases and licences of scenic reserves in accordance with this section.”

s59A – “To grant concessions in respect of any reserve vested in the Crown that is controlled or managed by the council.”

6.1.2 Part D – Sub-Part 1 –Community Boards – provides for the Council to make decisions if the issue has implications beyond the boundaries of a Community Board (i.e. metropolitan), or the nature of the activity is such that decision-making on a district wide basis will better promote the interests of all communities. Mount Cavendish Reserve is considered to be a metropolitan asset.

Legal Implications Ngā Hīraunga ā-Ture

- 6.2 Legal advice has been provided by the Council’s Legal and Democratic Services team in relation to the relationship between the Conservation Act 1987, the Reserves Act 1977, and the Register of Delegations, with regard to the correct process to be followed for the proposed new lease.
- 6.3 Legal advice has also confirmed that the reserve is considered to be a metropolitan asset.
- 6.4 As the ground lease is for an existing building occupation with no proposed changes, no other legal implications, including building or resource consent requirements, have been identified.


Risks Ngā Tūraru

- 6.5 There are minimal risks to the Council, if any, as the lessee is long established on this site.
- 6.6 The proposed lease is compliant with the Reserves Act 1977, and the consultation process has complied with the Reserves Act 1977, the Conservation Act 1987, and the Local Government Act 2002.
- 6.7 There is a very significant risk to The Christchurch Gondola Company Limited if the proposed new lease is declined, as under the terms of the current lease, the lessee would be required to vacate Mount Cavendish Reserve, and:
 - 6.7.1 The gondola experience would not be able to operate, and the aerial cableway and lower terminal building would be rendered inoperative.
 - 6.7.2 The Council may require the lessee to remove its improvements at their own cost and with no compensation payable.
 - 6.7.3 The lessee may otherwise have to forfeit its improvements to the Council with no compensation payable.

Next Steps Ngā Mahinga ā-muri

- 6.8 The Reserve Hearing Panel will present its recommendations to the Council as to whether or not the new lease should be approved.
- 6.9 If the Council approves the new lease, the Property Consultancy Manager will conclude the terms of lease with The Christchurch Gondola Limited.

Attachments Ngā Tāpirihanga

No.	Title	Page
A 	Attachment A - RPS4324-01- The Christchurch Gondola Limited - Lease Plan - Mount Cavendish Reserve	16

Confirmation of Statutory Compliance / Te Whakatūtutanga ā-Ture

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

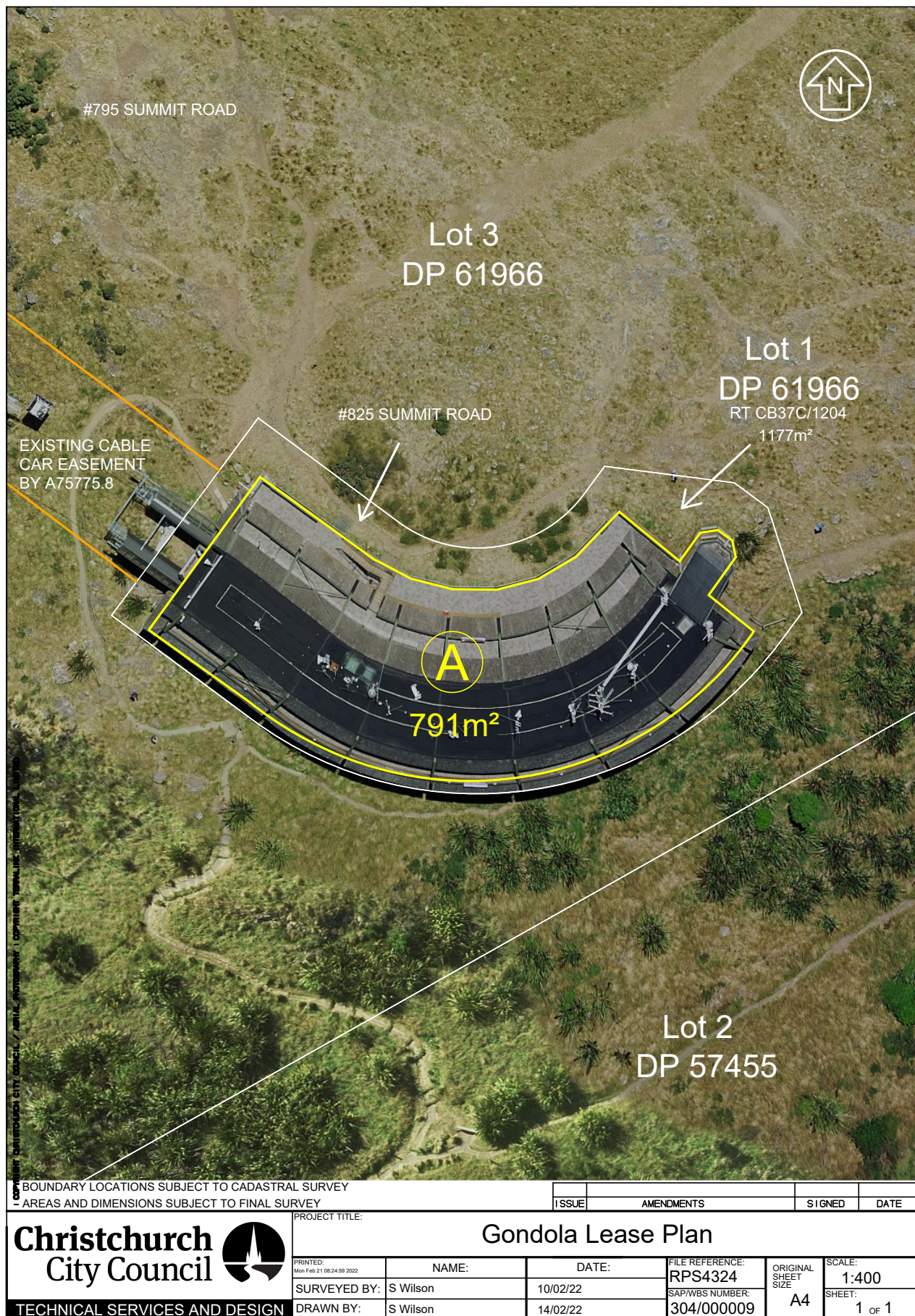
(a) This report contains:

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

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

Signatories / Ngā Kaiwaitohu

Author	Joanne Walton - Policy Advisor
Approved By	Kelly Hansen - Manager Parks Planning & Asset Management Kay Holder - Manager Regional Parks Andrew Rutledge - Head of Parks Mary Richardson - General Manager Citizens & Community



5. Volumes of Submissions

Reference / Te Tohutoro: 22/779970

Report of / Te Pou David Corlett, Hearings and Committee

Matua: Advisor,david.corlett@ccc.govt.nz

General Manager / Mary Richardson, General Manager Citizens and Community
Pouwhakarae:

1. Purpose Te Pūtake Pūrongo



- 1.1 The purpose of this report is to provide the Reserves Hearings Panel with:
 - 1.1.1 All submissions received on the Mount Cavendish Reserve – proposed new lease to The Christchurch Gondola Ltd ; and
 - 1.1.2 A schedule of submitters who wish to speak to their submission during the hearings.
- 1.2 **Attachment A** contains a schedule of submitters who will speak to their submission during the hearings and a copy of their submission.
- 1.3 **Attachment B** contains a table of submitters who do not wish to be heard (including those submitters who originally wished to be heard, but no longer wish to be heard). Also included (in corresponding order) is a table with their submissions.
- 1.4 Note, that the Local Government Act 2002 requires, as one of the principles of consultation, that “the views presented to the local authority should be received by the local authority with an open mind and should be given by the local authority, in making a decision, due consideration” (section 82(1)(e)).

2. Officer Recommendations Ngā Tūtohu

That the Reserves Act Hearings Panel:

1. Accepts the written submissions, including any late submissions, received on the Mount Cavendish Reserve – proposed new lease to The Christchurch Gondola Ltd

Attachments Ngā Tāpirihanga

No.	Title	Page
A 	Schedule of Submitters who wish to be heard and their submissions	18
B 	Submitters who do not wish to be heard or no longer wish to be heard	21

Submissions on the Christchurch Gondola Top Terminal Lease Renewal

Item 5

Attachment A

Heard Submissions 15 July 2022

CHRISTCHURCH CITY COUNCIL
Christchurch Gondola Top Terminal Lease Renewal

SUBMITTERS WHO WISH TO BE HEARD

15 July 2022

Time	Submission Number	Submitter	Page No
9.30am	44971	Andrew Massie	20
9.35am	44937	Leta Quartermain – Port Hills Foundation	20

Item 5

Attachment A

Submission ID	Comments - Please be as specific as possible to help us understand your views	Do you support the proposed new ground lease for the Christchurch Gondola top building?	Name	Name of organisation and role
44937	The new lease should be open or available to other community group like ours, The Port Hills Foundation to have the opportunity to occupy this site on the Port Hills as part of our Community Mission.	No	Leta Quartermain	THE PORT HILLS FOUNDATION CHARITABLE TRUST, President/CEO
44971	We NEED a restaurant in there. It's by far the best view in Christchurch, particularly at night. The way it is right now is a complete waste and \$3000 for event space without food is daylight robbery. It should be the jewel in the Christchurch crown and it's a brick instead of a diamond.	Yes	Andrew Massie	

**Submissions on the
Christchurch Gondola Top Terminal
Lease Renewal**

Item 5

Attachment B

**Not to Be Heard and No Longer Wish to
be Heard Submissions**

Christchurch
City Council 

CHRISTCHURCH CITY COUNCIL
Christchurch Gondola Top Terminal Lease Renewal

SUBMITTERS NOT TO BE HEARD AND WHO NO LONGER WISH TO BE HEARD

Submission Number	Submitter	Page No
44940	Marise Richards	23
44942	Luke Chandler	23
44963	Kelly Barber	23
44973	Sarah McGregor	24
44999	Caleb Ward	24
45029	Alison Ross	24
45038	Slmon Coe	25
45048	Glenn McKinlay	25
45049	Renee Gardiner	25
45053	Maureen Huston	26
45060	Luke Gardiner	26
45065	Bridget Scoular	27
45083	Julien Gutknecht	27
45198	Jill Borland	27

Submission ID	Comments - Please be as specific as possible to help us understand your views	Do you support the proposed new ground lease for the Christchurch Gondola top building ?	Name	Name of organisation and role
44940	<p>We live in Christchurch so don't usually get into these kinds of touristy activities...but our last experience left us adults feeling really embarrassed.</p> <p>I am Pakeha, so might (probably), have this wrong but it felt like the museum up the top was presenting a weird and very eurocentric story to the hundreds of visitors and locals that go through that attraction each day.</p> <p>It was also very sad to see tables full of single use plastic served up to people sitting eating in the cafe.</p> <p>I felt ashamed that we had presented our local stories in that way and that visitors must think we have zero concern for reducing plastic waste here in Christchurch.</p> <p>Christchurch and Canterbury Tourism present this activity as one of the 'things to do' when in Christchurch. I wondered if there could be some kind of bi-cultural and environmental standards applied to these businesses?</p> <p>It feels so hypocritical that we teach these important ideas to our kids then visits to these places prove the 'grown up' world shows little real regard for these ideas.</p>	No	Marise Richards	N/A
44942	I support this new lease. I however, would appreciate if in return for using rate payers land, they offer local residents a discount on the Gondola pricing.	Yes	Luke Chandler	N/A
44963	My wife and I walk up to the Gondola top building regularly for exercise and then take the Gondola down (we purchased annual passes!)	Yes	Kelly Barber	N/A

Submission ID	Comments - Please be as specific as possible to help us understand your views	Do you support the proposed new ground lease for the Christchurch Gondola top building ?	Name	Name of organisation and role
	It is a fantastic resource for the city and is run very very well. The staff are pleasant and we're always impressed with them.			
44973	From a young age, a trip up the gondola was never complete without a drink and snack. Even 20 years ago, a dinner out, watching the sunset was a treat. I'd like to see a Cafe, at least, still operating at the top.	Yes	Sarah McGregor	N/A
44999		Yes	Caleb Ward	N/A
45029	<p>Though now mostly retired from public life I have been a conservationist for many decades and was, until recently, the secretary of the Lyttelton Environment Group for over three decades. At the time of the original consent for the gondola we opposed the granting of a consent for the development, specifically on the principle relating the granting of consents on reserve land, in that case Mt. Cavendish Reserve.</p> <p>I still hold this view, that development on such reserve and crown land must be continue to be proscribed in principle. I support the granting of the new lease with an enduring condition that any further encroachment on the Mt.Cavendish Reserve by way of infrastructure extension by the/any future Company be agreed and written into the lease conditions. This condition ensures the lease does not and cannot be used as a precedent for other such applied-for encroachments in other similar developments wherever they are in New Zealand.</p> <p>Otherwise I support the granting of the new lease. The gondola has proved to be a successful development over many years after an admittedly shaky and inauspicious commencement of operations those many years ago. I</p>	Yes	Alison Ross	N/A

Submission ID	Comments - Please be as specific as possible to help us understand your views	Do you support the proposed new ground lease for the Christchurch Gondola top building ?	Name	Name of organisation and role
	<p>have taken friends and family on the gondola over a number of years and all have enjoyed the experience.</p> <p>I remember at the time that there was some discussion of extending the cableway to Lyttelton some time in the future. I would have opposed such a development at the time but I recognise that times and demographics have changed. Lyttelton is now a tourist destination and such developments enhance the new local and visitor demographic experience. The Mt. Vernon mountain bike cableway and trails confirm this. As an added benefit for local residents, the extension of the cableway to Lyttelton would solve the continuing problems associated with tunnel usage regulations for both e-bike and the normal pedal power. I believe such an extension would be well supported in today's demographics.</p>			
45038	Wish to give my support tp granting of lease to the Christchurch Gondola LTD	Yes	Simon Coe	N/A
45048		Yes	Glenn McKinlay	N/A
45049	<p>The way the gondola and use of the top Building has a lot of room for improvement. The potential is huge for such an amazing space. An opportunity for new people to compete with the current, with new ideas could be good. It costs a lot for locals to use and is empty a lot of the time. Why not charge a couple of dollars to get up and make the space a lot more appealing so that the usage and therefore profits go up. Free ccc bbqs? Playground? Dogs should be aloud on gondola for accessing tracks. My bike attachment points like Queenstown. Hours need to increase. Night time bar? Soooo many options!</p>	No	Renee Gardiner	N/A

Submission ID	Comments - Please be as specific as possible to help us understand your views	Do you support the proposed new ground lease for the Christchurch Gondola top building ?	Name	Name of organisation and role
45053	It is a Christchurch icon and a much loved tourist attraction. With the gift shop, cafe and restaurant and of course a terrific view of the port, it is a must for Christchurch. I live in the valley and love to watch it each day. Also it is a lift for the many hang gliders who go up to hang glide down again. The new ground lease definitely needs renewing in the opinion of me and my family.	Yes	Maureen Huston	N/A
45060	<p>Currently it's not a good time at all! The last 2 years have been really have because of covid, but before then the gondola felt like it was limping along! as a Heathcote resident and a buyer for the year pass for the family for many years in succession, its a real shame that it's is being used and managed so poorly! It's an amazing asset and it's currently embarrassing. I have been up there and a couple years ago have heard number of tourists while eating the café talking about how its really expensive for what you get and not really worth is.</p> <p>It would be great to see new dreams of someone to manage it! And give some creativity a go....</p> <p>Some of my thoughts are.</p> <ul style="list-style-type: none"> - Nighttime bar - Evening meal/ adventures - Bigger/longer hours so people can use it with kids after school - dogs allowed up to walk tracks with families - mtb access, racks like queens town, development of mtb tracks in area. - events using the hosting space again. - cheaper rates to encourage more use resident access. - school trip access, 	No	Luke Gardiner	N/A

Submission ID	Comments - Please be as specific as possible to help us understand your views	Do you support the proposed new ground lease for the Christchurch Gondola top building ?	Name	Name of organisation and role
	<p>- education modules developed</p> <p>- kahukura specific education, Te treaty o whaitangi, actual bank peninsular cultural history...</p> <p>These thoughts are just me Brainstorming, I'm sure some focus groups would bring far deeper and more insightful thinking. Helping Christchurch develop and grow as it hopes to instead of the tired gondola continuing to operate in the boring and uncreative way it does.</p> <p>I can speak to some of this of helpful!</p>			
45065	30 years is too long. There have been no real changes to the "attraction" for years and the company should be encouraged to keep up with new knowledge "eg the time tunnel needs a new view at history" and also need to consult the stakeholders (local dwellers as well as Māori) on their proposals - the power to tell one's own version of history is a bit scary.	No	Bridget Scoular	N/A
45083	Lease should be conditional on the gondola transporting bikes	Yes	Julien Gutknecht	N/A
45198	I support the new lease but would like to see encouragement to the current lessee to consider its social and environmental impact and how this could be enhanced. There is a much greater opportunity there, and in a high profile position, that could benefit Christchurch city far more, and support community and environmental outcomes. This includes consideration of plantings, spaces for interaction with nature, community partnerships to increase activation of the space etc.	Yes	Jill Borland	N/A

6. Hearing of Submissions Ngā Tāpaetanga

Submitters who indicated that they wished to be heard in person will present to the Hearings Panel. A schedule of presenters can be found at the beginning of the Volume of *“Heard Submissions”*.

7. Consideration and Deliberations Ngā Whaiwhakaaro me Ngā Taukume o Ngā Kōrero

At the conclusion of submitters being heard, the Hearings Panel will consider all submissions received on the proposal, and any additional information provided by submitters and Council Officers. The Hearings Panel will then deliberate on the proposal.

8. Hearings Panel Recommendations Ngā Tūtohu o Te Tira Tauaki

At the conclusion of deliberations the Hearings Panel will make a recommendation on the proposed new lease for the Gondola Terminal top building to the Council.