

**BEFORE THE QUEENSTOWN LAKES
DISTRICT COUNCIL**

IN THE MATTER of the Resource Management Act 1991 (the "Act")

AND

IN THE MATTER of the Queenstown Lakes District Proposed District Plan
Hearing Stream 10

AND

IN THE MATTER of Chapter 2 - Definitions

**Legal Submissions on behalf of Mt Cardrona Station Limited - 407
10 March 2017**

**ANDERSON LLOYD
LAWYERS
QUEENSTOWN**

Counsel acting: W P Goldsmith
(warwick.goldsmith@al.nz)

Level 2,
13 Camp Street,
PO Box 201,
QUEENSTOWN 9348
DX ZP95010
Tel 03 450 0700
Fax 03 450 0799

MAY IT PLEASE THE PANEL:

- 1 These Submissions address the definition of "*Passenger Lift Systems*".
- 2 Counsel previously expressed concerns to the Panel about the hearing process involving differently constituted Hearing Panels in relation to issues covered by more than one Hearing Stream, of which the Submission lodged by Mt Cardrona Station Limited is a good example.¹
- 3 The use of Passenger Lift Systems was relevant to and addressed in Hearing Stream 2 – Rural, is relevant to and being addressed in this Hearing Stream 10 – Definitions, and will be relevant to and addressed in the Hearing Stream for rezonings outside the Wakatipu Basin. Counsel is unclear which Hearing Panel will make the final decision in relation to this definition given that the definition is relevant to three Hearing Streams.
- 4 In any event, given the importance of definitions being carefully and correctly worded, Counsel submits that this Hearing Stream should take the opportunity of reviewing any definition if concerns are expressed in relation to the wording of that definition.
- 5 The definition of *Passenger Lift Systems*, as currently recommended by the Council in the s42A Report for this hearing, reads:

"Passenger Lift Systems *Means any mechanical system used to convey or transport passengers within or to a Ski Area Sub-Zone, including chairlifts, gondolas, T-bars and rope tows, and including all moving, fixed and ancillary components of such systems such as towers, pylons, cross arms, pulleys, cables, chairs, cabins, and structures to enable the embarking and disembarking of passengers. Excludes base and terminal buildings."*

¹ Refer Presentation Summary of Legal Submissions on behalf of Ayrburn Farm Estate Limited – 430 and Mt Cardrona Station Limited – 407 dated 27 May 2016

- 6 The concern addressed in these Submissions relates to the last sentence which reads "*Excludes base and terminal buildings*".
- 7 The primary fact relevant to these Submissions is that a Passenger Lift System as defined above (excluding the final sentence) must, of necessity, include the base building and any terminal buildings. Simply put, the lower and upper termini of any such Passenger Lift System intended to convey people to and from a Ski Area Sub-Zone are invariably enclosed within buildings if they are what is normally referred to as a "*gondola*". Every gondola system on any ski field anywhere in the world has building structures encasing (and protecting from the elements) the departure and arrival points.
- 8 The whole point of having rules related to Passenger Lift Systems (as presented in Hearing Stream 2) was to ensure that a particular consent status (whatever that consent status is) should apply to the entire Passenger Lift System. It would be a nonsense if that part of the Passenger Lift System which physically conveys the passengers has one consent status while the embarkation and disembarkation buildings at the termini have a different consent status. That would defeat the entire point of having the definition.
- 9 It is difficult to envisage any practical or evidential rationale for the distinction. The structure (excluding the encasing buildings) will have the effect that it will have, including the effects caused by people using the structure. It is difficult to see how putting a building around the structure at any terminus will change the extent of those effects to any significant degree.
- 10 Accordingly it is submitted that the definition quoted above should be amended as follows (or any alternative wording to similar effect):

"... *Passengers*. ~~*Excludes*~~, *including* base and terminal buildings *for or ancillary to those functions and activities*."



W P Goldsmith
Counsel for Mt Cardrona Station Limited