

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI**

Decision No. [2026] NZEnvC 110

IN THE MATTER of the Resource Management Act 1991

AND an appeal under clause 14 of the First
Schedule of the Act

BETWEEN SKYLINE ENTERPRISES
LIMITED

(ENV-2019-CHC-43)

Appellant

AND QUEENSTOWN LAKES DISTRICT
COUNCIL

Respondent

Environment Judge J J M Hassan – sitting alone under s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 15 May 2026

CONSENT ORDER

A: Under s279(1)(b) of the RMA,¹ the Environment Court, by consent, orders
that:

- (1) the appeal is allowed to the extent that the Queenstown Lakes District
Council is directed to amend the provisions of Chapter 2 (Definitions)



¹ Resource Management Act 1991.

as set out in Appendix 1, attached to and forming part of this order;
and

(2) the appeal is otherwise dismissed.

B: Under s285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] This proceeding concerns an appeal filed by Skyline Enterprises Ltd (the appellant) against a decision made by the Queenstown Lakes District Council (QLDC) as part of Stage 2 of its Proposed District Plan (PDP) relating to the Ben Lomond Sub Zone (BLSZ) and rules relating to the Open Space and Recreation Zones (Ch 38).

[2] The appeal relates to relief seeking to expand the Bob's Peak Area of the BLSZ and allow for development of future buildings and commercial activities and provide for associated infrastructure while protecting, maintaining and enhancing landscape values, nature conservation values, ecosystem services and amenity. The appeal further sought amendments to Ch 38 to recognise and provide for future development of a Helipad Area.

[3] I have read and considered a joint memorandum dated 19 December 2025 that has been filed and which seeks a consent order to allow the appeal in part (consent memorandum). This is on the basis set out in Appendix 1. All s274 parties have either signed the consent memorandum or emailed their confirmation of support for the settlement reached. Those are Otago Regional Council, ZJV (NZ) Limited, Queenstown Commercial Parapenters Limited, Queenstown Park Limited and Remarkables Park Limited.

Agreement reached

[4] The essence of the parties' agreement is to resolve the appeal by amending the definition of 'Passenger Lift System' in PDP Ch 2. The amendment proposed is in Appendix 1, attached to and forming part of this order.

[5] The consent memorandum explains that:

- (a) rules within Ch 38 (specifically the Bob's Peak area and the Gondola Corridor area of the BLSZ) provide a specific consenting pathway for Passenger Lift Systems as a controlled activity.² There is a consenting pathway, and supporting objective, policy and purpose statement for Passenger Lift Systems within the BLSZ.³ Overall, the BLSZ recognises and provides for (as a controlled activity) gondola activities and further development opportunities; however
- (b) the PDP's definition of Passenger Lift System precludes a Passenger Lift System in the BLSZ.

[6] Therefore, the parties have agreed a slight adjustment is required to broaden the definition to include the anticipated outcomes from rule 38.11.2 by referencing the 'Bob's Peak' and Gondola Corridor areas of the BLSZ.

[7] The parties agree there is no intent to enable access from outside of these areas and within other zones, to connect to the Bob's Peak area and the Gondola Corridor area of the BLSZ. The revisions to the definition are intended to be of neutral effect only and create no additional or new development rights.

[8] While the appeal does not specifically reference the definition of Passenger Lift Systems and the operation of this definition within the BLSZ, the nature of the appellant's operations within the BLSZ are centred around the operation of a

² Rule 38.11.2.

³ Objective 38.4.2; Policies 38.4.2.1, 38.4.2.2, 38.4.2.3.

Passenger Lift System. The parties consider the appellant seeking expansion of the Bob's Peak area would lead to a reasonable appreciation of possible further expansion and development of the passenger lift system. The appeal also created scope for a wider possible change of landscape effects within, and outside of, the BLSZ.

[9] The agreed amendment is intended to give clarity that the definition of Passenger Lift Systems is not just relevant to Ski Area Subzones, but also relevant to specific parts of the BLSZ, as intended by controlled activity rule 3.11.2. The parties suggest the omission of the reference to these areas of the BLSZ appears to be an unintentional oversight, and in contradiction of the intent or rule 3.11.2 and associated objectives and policies of the BLSZ.

[10] The parties consider the agreement reached is minor, of neutral effect, consequential to the intent of the appeal relief, and it is reasonably anticipated that rule 3.11.2 would be able to operate in the way anticipated as a controlled activity.

Other relevant matters

[11] The parties advise that all matters proposed for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and objectives of the Act including, in particular, pt 2.

Outcome

[12] All parties to the proceeding have executed the memorandum requesting the orders. On the information provided to the court, I am satisfied that the orders will promote the purpose of the Act so I will make the orders sought.

[13] Finally, I acknowledge the delay in issuing this order, due to competing resource pressures, and record my regret for any inconvenience caused.



J J M Hassan
Environment Judge | Kaiwhakawā o te Kōti Taiao



Appendix 1

The following table records the agreed amendment (identified in red underline) to the definition of 'Passenger Lift Systems' contained in Chapter 2 of the PDP:

Passenger Lift Systems	Means any mechanical system used to convey or transport passengers and other goods within or to a Ski Area Sub-Zone <u>or within the 'Bob's Peak' area and the 'Gondola Corridor' area of the Ben Lomond Sub-Zone,</u> 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.
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