

I TE KŌTI TAIAO O AOTEAROA
ŌTAUTAHĪ ROHE

UNDER	the Resource Management Act 1991 (the RMA)
IN THE MATTER	of an appeal pursuant to Schedule 1, clause 14 of the Act
AND	
IN THE MATTER	of the Non-Freshwater Parts of the Proposed Otago Regional Policy Statement 2021
BETWEEN	OTAGO REGIONAL COUNCIL
	Respondent
AND	GLENPANEL LIMITED PARTNERSHIP
	Appellant

MEMORANDUM OF COUNSEL ON BEHALF OF GLENPANEL LIMITED PARTNERSHIP

DATED 28 JULY 2025

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MAY IT PLEASE THE COURT:

1. The Court directed Glenpanel “to comply with the direction issued by the court on 30 June 2025, by Friday 25 July 2025”.
2. The most relevant part of that 30 June 2025 direction was for “Glenpanel is to provide the ORC and interested parties with the specific relief it is seeking by 11 July 2025” (noting that a short extension was given to 14 July 2025).
3. Counsel apologies for the lateness of this response (by one working day). This is a consequence of the Glenpanel team’s involvement in multiple other matters (including a judicial review on one of the Fast-Track matters referred back for reconsideration), and Counsel needing to confirm instructions.
4. Glenpanel accepts that it has not to date set out precise relief relating to UDF provisions, in open correspondence, but says its concerns have been sufficiently conveyed to the parties, in particular through mediation. The latter point raises difficulties with explaining to the Court what details, rationale, and background were discussed at mediation, as that is a process confidential to the parties.
5. Glenpanel has now authorised disclosure of its fundamental concerns with the UDF – urban form and development chapter, and background and explanation, together with its specific relief sought under this further process.

Background

6. Counsel is instructed that Glenpanel has:
 - (a) An interest in a site in Queenstown, on what is known as the Ladies Mile.
 - (b) Have been seeking consents for the development of their site, on Ladies Mile in Queenstown, since at least 2017.
 - (c) This itself followed the notification of the QLDC “PDP” in 2015, although draft and/ or consultation documents occurred prior to that in 2013-2014.

- (d) At the time, the implications of being listed as an ONF (or ONL) were less clear than they are now, particularly since the *King Salmon* “avoid means to not allow” directive was not given until 2014.
 - (e) Accordingly, Glenpanel did not pursue appeals, at that point, as to the location of the ONF line in respect of its interests as vigorously as it now wishes it might have.
 - (f) Glenpanel’s efforts have included a Housing Accords and Special Housing Areas Act 2013 (**HASHAA**) process declined for political reasons in 2019, as well as two COVID-19 Recovery (Fast-Track Consenting) Act 2020 (**FTCA**) applications, both of which were declined (in part or whole) and have now through Court of Appeal and High Court determinations been referred back for reconsideration.
 - (g) These processes continue, together with council-level processes, that will all look through their respective decision-making framework to the higher-order policy guidance under the RPS.
7. All Glenpanel wants is, on its land, to develop almost entirely in accordance with the SPP Variation (which urbanised development on the Ladies Mile), which is now operative, with two exceptions:
- (a) A farmhouse on the mid-slopes of an ONF to replace the existing family home (the historic homestead), that will be developed with its surrounds for commercial medium density, commercial and mixed use activities.
 - (b) Some minor additional “urban” development on the toe of the mapped ONF slope, for limited medium density development.
8. The new farmhouse has now, through parallel planning processes (the QLDC Landscape Priority Area Variation Appeals), been resolved from a policy perspective through agreed wording to allow a consent pathway through that consent appeal mediation process.
9. The allowing of some additional “urban” development on the toe of the mapped ONF Slope is what maintains Glenpanel’s continued maintenance of its appeal to this Court.

10. Glenpanel was entirely hopeful of finding a way through mediation with the exploration of text through that process (and provided draft text), but it wished to have discussions with the parties before proposing anything final for consideration on appeal.
11. Below, specific relief sought is identified, and scope is also briefly addressed (but with rights to respond to any specific challenge as to scope reserved).

Relief sought

12. In light of all of the above, Glenpanel seeks the following particularised relief to resolve its appeal (but without surrendering or withdrawing or narrowing its appeal, for jurisdictional purposes to allow other alternatives to be explored):

UFD–O1 – Form and function of urban areas

The form and functioning of Otago’s urban areas:

(1) reflects the diverse and changing needs and preferences of Otago’s people and communities, now and in the future, (including expansion of urban areas); and

(2) subject to (1), maintains or enhances the significant values and features identified in this RPS, and the character and resources of each urban area.

Or an alternative to this being the addition of subclause (3):

(3) recognises that the need for urban expansion may prevail over the values of an ONL/F.

13. There is jurisdiction for these change as a consequential relief to the amendment sought to the definition of Urban Area, which was:

“that is, or intended to be, predominantly urban in character”.

14. While that change and others were made to the definition of urban area, they have not followed through to the Objectives themselves.
15. If the Court, including through any preliminary determination, confirms that the “intended to be” language as part of the definition is enough to keep a door or window open for an approval pathway, including for a private plan change or consent applications, then that is likely to resolve matters. No agreement has yet been reached on that.

16. Glenpanel also seeks relief to UFD-O3 as follows:

UFD-O3 – Strategic Planning:

Strategic planning is undertaken by the Council or an applicant, in advance of significant development, expansion or redevelopment of urban areas to ensure that ...

17. This is clearly within scope as the relief sought included reference to strategic planning being undertaken by the proponent of a plan change, or, as the applicant would say now, through a resource consent process.

18. Glenpanel also seeks relief to UFD-O4 as follows:

UFD-O4 – Development in Rural Areas

(3) only provides for urban expansion, rural lifestyle and rural residential development and the establishment of sensitive activities, in locations identified through strategic planning (including through private plan changes or consent applications) or zoned within district plans as suitable for such development; and

19. This is also within scope given the original submission sought relief to “Amend Clause (3) to remove reference to areas already zoned for urban expansion, rural lifestyle, and rural residential development, because under the definition of Urban Area they would not be captured by this objective which is titled ‘Development in Rural Areas’”.

20. An addition to UDF-M5 is also sought:

... identify and provide for locations that are suitable for urban expansion, if any, in accordance with UFD-P4, which may include some expansion into ONE/Ls”.

21. In terms of scope, this is a necessary and logical change as a consequence of the primary relief sought.

22. An addition to UDF-E1 is also sought:

This more detailed determination must, however, be informed by evidence and information collated through appropriately scaled strategic planning processes which will identify how purported constraints to urban development, such as hazards, landscapes, highly productive land, and limits are responded to (or overridden by the need for urban expansion) ...

23. Again, in terms of scope, this is a necessary and logical change as a consequence of the primary relief sought.

Forward progress

24. The appellant acknowledges the Court's reservations as to adjournment of its appeal pending other processes.
25. The appellant is willing to continue to advance its appeal in parallel to those other processes.
26. Counsel apologies for the late (one working day) filing of this memorandum.



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