

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	<b>OTAGO REGIONAL COUNCIL</b>
	Respondent
AND	<b>GLENPANEL LIMITED PARTNERSHIP</b>
	Appellant

MEMORANDUM OF COUNSEL ON BEHALF OF GLENPANEL LIMITED PARTNERSHIP

DATED 14 JULY 2025

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**MAY IT PLEASE THE COURT:**

1. This memorandum is filed in response to the Otago Regional Council's (**ORC**) report to the Court on 27 June 2025.
2. In that report (filed without consultation with the appellant), counsel for ORC stated:

12. The only appeal that remains unresolved is the Glenpanel Limited Partnership's appeal on the UFD – Urban form and development chapter ("the Glenpanel appeal")

13. The following parties are interested in the Glenpanel appeal:

13.1 Waterfall Park Developments Limited.

13.2 Dunedin City Council.

13.3 Queenstown Lakes District Council; and

13.4 Royal Forest and Bird Protection Society of New Zealand Incorporated.

14. In July and August 2024, both the Queenstown Lakes District Council and the ORC wrote to Glenpanel raising issues as to scope.

15. The Glenpanel appeal seeks unspecified relief. ORC does not know what relief Glenpanel is seeking in respect of the UFD – Urban form and development chapter.

16. As no relief is specified, ORC cannot assess whether the Glenpanel appeal should be set down for hearing, or whether there should be a preliminary hearing on the issue of scope.

3. In response Glenpanel states:
  - (a) Without breaking the sanctity of mediation, it is public knowledge that Glenpanel is advancing proposals (including through two fast track processes, whereby Glenpanel has succeeded on appeal) that seek some urban development on the toe of the ONF slope and a dwelling on the mid-slope of Slope Hill.
  - (b) This is now in the context where the zoning has changed and the "foreground" to the development is now anticipated to be urban, including 17 m to the east of the site and 13 m to the west of the site.

- (c) It will be no surprise that if Glenpanel achieves what it seeks through the current fast track or other processes, then it will not need to pursue its appeal.
- (d) Issues as to scope were raised predominantly as to the ONF matters, not the UFD matters.
- (e) Queenstown Lakes District Council has agreed that Glenpanel's appeal on the landscape priority areas be adjourned to await the outcome of (one of) its fast track reconsideration process (following the direction of the Court of Appeal).
- (f) Regrettably, the Environmental Protection Authority (**EPA**) has halted progress on that particular fast track reconsideration process, due to a dispute about certain costs, which now lies with the Environment Court. The Panel Chair has also resigned, abdicating his duties. One aspect awaits a decision on leave by the Supreme Court. And the suspension by the EPA is to be considered by the High Court on 20 August 2025.
- (g) A second application for consent to the EPA also lies in wait, having been returned to that Panel by the High Court because of a mistake that that Panel made.
- (h) In short, Glenpanel does not consider it appropriate to relinquish its relief in light of the current processes that would – if ultimately accepted by the (relevant) Court – provide appropriate latitude for consideration of its current proposal.
- (i) Equally, if its (other) appeals are unsuccessful, then there will be utility in continuing with Glenpanel's current appeal before this Court. All Glenpanel seeks is leeway for some limited (urban) development on the toe of an ONF, that is now immediately behind an urban zone, and to allow a farmhouse on its balance lot.

4. Accordingly, and with respect, Glenpanel seeks orders from this Court that its appeal be put on hold, with a reporting date of 3 weeks following the Supreme Court's decision (if leave is granted), or, alternatively, any fast track application being granted (or declined).



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**Lara Burkhardt**  
Counsel for the Appellant