

**SUMMARY OF LEGAL SUBMISSIONSON BEHALF OF
MARK AND MELISSA PROSSER**

1. In my submission the Officer Report has made evaluation of LLRZ rezone requests more complicated than necessary.
2. This is primarily due to the approach that the Officer Report takes to evaluation of the evidence and statutory documents. Seemingly at every turn, the Officer Report favours evidence that reduces LLRZ development capacity and opposes or ignores evidence that supports LLRZ development capacity. Similarly, at every turn, the Officer report favours an interpretation of statutory documents that reduces LLRZ development capacity and opposes or ignores alternative interpretations that supports LLRZ development capacity.
3. The inevitable outcome of this reductionist approach is that the WRRDS is given the elevated status of a statutory document that predetermines the outcome of LLRZ rezone submissions. This will result in a substantial under-supply of LLRZ land within the district. It is also akin to the "Soviet model" of town planning that is heavily criticised by Judge Jackson in the *Bunnings* decision referred to in my legal submissions.
4. In my submission the correct approach is to evaluating LLRZ rezone requests is ask three simple questions:
 - (a) Does the NPS-UD apply to LLRZ rezone requests?
 - (b) How much additional LLRZ development capacity is required?
 - (c) Where should additional LLRZ be located?

Does the NPS-UD apply to LLRZ rezone requests?

5. The answer to this question turns the meaning of the "urban environment" within the purpose and context of the NPS-UD. This matter is addressed in my legal submissions.
6. It is also addressed in legal advice to Council Officers dated 9 May 2024. Many of the views expressed in that advice are consistent with my legal submissions.

How much additional LLRZ development capacity is required?

7. There is common ground between the economic experts that more LLRZ land is required to provide at least sufficient development capacity in the short, medium and long term. That evidence is supported by the evidence of local land agent, Mark Pringle, with respect to local demand for LLRZ at Mandeville.

Where should additional LLRZ development capacity be located?

8. The evidence shows that the Prosser site at Mandeville is an excellent location for additional LLRZ development capacity because the rezone proposal satisfies the various criteria in the statutory documents (e.g. Policy 1 NPS-UD, policy 6.3.9 CRPS and PWDP UFD-P3).

Chris Fowler
22 July 2024