

IN THE MATTER of **THE RESOURCE MANAGEMENT ACT 1991**
AND **IN THE MATTER OF PROPOSED PLAN CHANGE 43: TAUPO**
INDUSTRIAL LAND

APPLICATION BY **TAUPO DISTRICT COUNCIL**

**SYNOPSIS OF LEGAL SUBMISSIONS ON BEHALF OF ADVANCE
PROPERTIES GROUP LIMITED AND WARREN LADBROOK**



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May it please the Commissioners

1. These submissions are made on behalf of Advance Properties Group Limited¹ and Warren Ladbrook². Both submitters oppose the rezoning of area 7 from its current rural zoning to an industrial zoning.
2. In addition to the evidence from Mr Ladbrook, expert evidence from Joanne Lewis has been filed in support of the submitters submissions.
3. These legal submissions rely upon and import the evidence of Ms Lewis and takes issue with the approach apparently endorsed by the reporting officer in his section 42A report.

The issues

4. The proposed plan change 43 would see land rezoned from a rural zoning to Taupo industrial zoning. While the plan change and the need for the plan change is premised upon a desire to make further provision of industrial land for industrial purposes³, that with respect, is not the case. The purpose of including area 7 in plan change 43 is to pave the way for, or streamline the processing of an application by a large format retail use, the application for which had been the subject of confidential meetings between the proposed applicant and Taupo District Council as early as 10 March 2021.⁴
5. Large format retail operations are commercial activities not industrial activities as defined in the operative Taupo District Plan.⁵ The stated purpose of providing a supply of industrial land is not achieved by plan change 43, at least in respect of area 7. The apparent desire to streamline the application by Taupo industrial Estate Limited for a large format retail activity is a misuse of the plan change process, does not achieve the purpose of the Resource Management Act, does not meet the

1 Original submission number OS67.1

2 further submitter FS 208.1

3 see evidence of Timothy James Heath at paragraph 3.3

4 See attached minutes of a meeting on 10 March 2021

5 see definitions of commercial activities and industrial activities at section 10 of the plan.

requirements of national policy statements such as the national policy statement for urban development. It results in incompatible zonings and land use activities being located in close proximity to each other.

6. It is this incompatibility between zonings that is highlighted in the APGL submission. That submission opposes the rezoning of the property from Rural Environment to Taupo Industrial Environment because:

- The property in area 7 that is proposed to be zoned for industrial purposes adjoins residentially zoned land. Residential and industrial land uses are considered to be inherently incompatible;
- The property is not available to meet the need for additional industrial land in Taupo, as use of the land is managed through a comprehensive East Urban Lands (EUL) Land Use Consent and associated masterplan, the outcomes of which are secured by a Consent Notice registered on the title of the affected properties (including the land proposed to be rezoned). The Consent Notice states:

“Direct Access onto Napier Road is not permitted.

Development including further subdivision, building and any change of use is required to demonstrate compliance with the approved East Urban Lands land use consent Masterplan reference 080142 granted on 9 June 2009 for the area described as “The Campus”

7. Development within the area covered by the East Urban lands land use consent has occurred in compliance with, and in reliance upon the masterplan comprised in that consent. If development that is proposed does not comply with that consent then the conditions of that consent, and the reliance of other parties on those conditions need to be considered by way of an application for change of consent conditions.

8. It is not the case that the consent conditions protected by the consent notice can or will live alongside the District Plan provisions proposed by

plan change 43. It is trite to remind the Commissioners that section 9 of the RMA only prohibits land-use in a manner that contravenes District Plan rules unless it is (inter alia) expressly allowed by resource consent.

9. The scenario created by this District Plan change creates an either or situation. If rules provide for industrial uses then section 9 allows such uses. Similarly, if proposed uses comply with the resource consent then section 9(3) similarly allows those activities notwithstanding the fact that they may not comply with the District Plan provisions. Such an approach does not achieve the purpose of sustainable management and does not achieve the functions of Council as a territorial authority under section 31 of the RMA or the purpose of District Plans provided by section 72 of the RMA.
10. As will be discussed, this anomalous situation gives rise to incompatibility between zone provisions. It is submitted that the section 42A report fails to properly consider that incompatibility.

The section 42A report.

11. At paragraph 21 of the section 42A report it is noted that plan change 43 does not amend the objectives and policies in the plan.⁶ While that may be correct, the officer's report proceeds to refer to the "*RMA statutory provisions requiring close attention*" namely:
 - (a) *A plan change:*
 - (i) *must give effect to any national policy statement and operative regional policy statement.*
 - (ii) *Shall have regard to any proposed regional policy statement, management plans and strategies prepared under other acts and consistency with plans or proposed plans of adjacent territorial authorities.*
 - (iii) *Must not be inconsistent with an operative regional plan for any matter specified in section 30(1)"*

⁶ at page 7 of the report

12. This purported paraphrasing of section 74 of the RMA omits matters that are mandatory considerations in the preparation and change of a District Plan. In particular, it omits reference to the obligation of Council to prepare and change its District Plan in accordance with its functions under section 31 of the RMA.
13. Section 31 makes it a key function of territorial authorities to establish, implement and review objectives, policies and methods to achieve integrated management of the effects of use, development or protection of land and associated natural and physical resources.⁷
14. It is a fundamental function of Council under section 31 and a mandatory consideration under section 74 that when considering a plan change, Council must consider how that plan change is integrated into the balance of its District Plan and how integrated management between zones with potentially incompatible land uses is managed. It is not simply enough to say, as the section 42A report does, that because PC 43 does not amend objectives and policies in the plan, there needs to be no regard to how the plan “fits together” and how integrated management is achieved.
15. The evidence of Ms Lewis⁸ highlights the incompatibility between the proposed industrial zone and adjacent residential zones in respect of maximum building height, site coverage building setback in the absence of landscaping along boundaries adjoining residential areas. I would add to that, the absence of artificial light limits in the industrial zone compared to the 8 lux limit in the residential environment provisions⁹ and the higher permissible noise limits in the industrial zone which provide for a differential of 5dBA L_{eq} above all of the residential noise limits.
16. What this means in practice is that a building 12 m high covering 75% of an industrial site, emitting unlimited amount of artificial light, and failing to meet the accepted noise levels provided for in residential environments in the District Plan, can be constructed on industrial land within 5 m of a residential boundary.

⁷ see section 31(1)(a).

⁸ at paragraphs 11 – 17

⁹ See 4a.1.17 of the operative Taupo District Plan

17. These incompatibilities between what would be adjacent zonings are not addressed in the section 42A report as the report fails to have regard to the mandatory considerations under section 74 and section 31 and in particular the obligation to achieve integrated management of resources which, it is submitted requires integration between adjacent zonings to achieve the sustainable management purpose of the RMA.
18. The failure to have proper regard to the objectives and policies in the District Plan, apparently on the basis that PC 43 does not propose any amendment to those objectives and policies is convenient but telling. As further detailed in the evidence of Ms Lewis,¹⁰ it is submitted that there is no way that the approach proposed by PC 43 meets the objectives within the residential environment of:
- OBJ 3a.2.1 The maintenance and enhancement of the character and amenity of the residential environment.
19. Or the related policies in the residential environment of:
- (i) maintain and enhance the character and amenity of the residential environment by controlling the bulk, location and nature of activities, to ensure activities are consistent with the residential scale of development, including an appropriate density and level of environmental effects.
- ...
- (vi) encourage a wide range of appropriate activities and development within the residential environment while ensuring any adverse effects are avoided, remedied or mitigated.
20. The land-use consent by which the East Urban lands were to be developed provided a comprehensive and integrated Resource Management approach. If that approach is to be changed then that needs to be the subject of an appropriate procedure to change that land-use

¹⁰ At paras 18-26i

consent and the conditions imposed and protected by way of consent notice.

21. The plan change proposed by PC 43 does not provide a comprehensive or integrated Resource Management approach. The analysis provided by the section 42A report is fatally flawed and does not properly apply the provisions of the RMA, does not have regard to mandatory considerations and fails to achieve the integrated management of natural and physical resources.
22. At paragraph 85 will be section 42A report the officer states:

Napier Road Area 7 is not identified in Section 3e.6 as an Urban Growth Area, and accordingly there is some tension with the framework, especially Policies 3e.2.1(ii), (iii) and (v) which seek to prevent urban development in the rural environment outside of identified Urban Growth Areas, and the cumulative effects of fragmented land ownership on providing for the supply of land for urban development. However, I consider that tension does not result in a conflict with the provisions as Napier Road – Area 7 represents a discrete extension to the Broadlands and Crown Road Industrial Areas, and is contained within urban boundary as represented by the East Taupō Arterial.

23. The area proposed by area 7 is not an identified Urban growth area and therefore the proposed plan change is directly contrary to policies 3e.2.1(ii),(iii) and (v) with the to prevent urban development in the rural environment outside of identified Urban growth areas. The use of the euphemism “some tension” entirely understates the degree of non-compliance with these policies. The identification of urban growth areas is part of a strategic and integrated approach to achieving integrated management of resources within Taupo District is required by section 31. To suggest that there is merely “some tension” when the proposed rezoning is completely contradictory to those policies contradicts the whole purpose of identification of urban growth areas and restricting further urban development to those areas.

The response to submissions

24. It is submitted that the section 42A report as a response to the submitters submissions and further submission is underwhelming.

25. Submission 19.1 and further submission 208.1 are recommended to be rejected, apparently for the reasons set out in section 4.8 of the section 42A report.¹¹
26. Section 4.8 of the report does not provide any reasoning. It simply recommends the acceptance of the submissions in support of the plan change and rejection of the submitters submissions. The matters raised in the submissions and in the evidence of Ms Lewis are not appropriately addressed.
27. The apparent rationale for this is that the APGL submitted appears to have been disregarded on the basis that the officer considers APGL to be a trade competitor¹² of the proposed Bunnings operation.
28. The discussion about this issue is prefaced by a discussion of the Bunnings application¹³ the rather unconvincing assertion that because the application by Bunnings was received after the notification of plan change 43 and/or because the application is still subject to a section 92 request, it “... *has no bearing on my recommendations regarding the rezoning or matters raised in submissions.* “
29. Respect, that contention is clearly unsustainable. Firstly, the Bunnings application had been the subject of detailed discussion with Council since 10 May 2021. It is simply not credible to suggest that the whole rationale for including area 7 in plan change 43 was not driven by the desire of Bunnings to develop on this site.
30. Secondly, APGL and Mr Ladbrook are not trade competitors of Bunnings or any other large format retailer. They are the owners of industrial land which is already substantially tenanted¹⁴. There is no competitive advantage that they could gain one way or another from opposing or supporting plan change 43.

Thirdly, even if Mr Ladbrook were in the large format retail business(which he is not) how could the submitters be in a trade competition situation with

¹¹ see page 72 of the section 42A report

¹² see paragraph 110 of the officer's s42A report

¹³ See paragraph 108 of the officer's s42A report

¹⁴ There is a small area that is currently the subject of advanced lease negotiations which will be concluded in the near future.

Bunnings when no regard is being had by the officer who the Bunnings application “...in making his recommendations regarding the rezoning or the matters raised in submissions”. If there is no Bunnings application being considered, there is no trade competition argument from any possible trade competitor.

31. It is submitted that it is all too convenient to reject the submitters points of submission on the alleged basis of trade competition, even though no such trade competition actually exists. The officer’s section 42A report fails to address the very valid points made by the submitters.

Conclusion

32. Area 7 in proposed plan change 43 is not identified as a future development area and the directives of policies 3e.2.1(ii),(iii) and (v) require the prevention of development in areas not identified as future development areas.
33. In an attempt to gloss over this fatal flaw, the section 42A report refers to there being “some tension” between the proposed plan change and these policies. The proposed plan change in relation to area 7 is completely contrary to these policies.
34. This shortcoming is compounded by the approach apparent from the section 42A report that it need not have regard to the obligations under section 74 to the functions of territorial authorities prescribed by section 31 and in particular the obligations of achieving integrated sustainable management of natural and physical resources.
35. The purported paraphrasing of section 74 of the RMA omits reference to the obligation of Council to prepare and change it’s District Plan in accordance with it’s functions under section 31 of the RMA.
36. One of the functions under section 31 is to ensure that integrated management of natural and physical resources within the district is achieved and this requires consideration of how any plan change will fit together with other plan provisions.

37. The proposed plan change rezoning area 7 results in an industrial activities in an industrial zone being immediately adjacent to residential activities with which they are not compatible.
38. This omission is compounded by the failure to have proper regard to the existing restrictions imposed via a consent notice arising from the East Urban Lands land use consent. It sets up an untenable situation whereby land uses will have an either or and mix-and-match option between the provisions of the District Plan and the existing provisions of the land use consent. Such an approach is not consistent with the purpose of achieving sustainable management of natural and physical resources required by the Act.
39. No reasoning for the rejection of the APGL or the Ladbrook submission has been provided and it appears that the section 42A report inappropriately dismisses those submissions on the basis of an alleged trade competition. Neither submitted is a trade competitor of the proposed Bunnings development.
40. The proposed rezoning of the area 7 does not achieve a greater supply of industrial land for Taupo but it appears to be an attempt to streamline a long discussed large format retail use of the land. The adjoining neighbours including the submitters have developed their lands in reliance upon the provisions of the East Urban lands land use consent. If the benefit of the ongoing provisions of the consents that have been protected by way of consent notice are to be abandoned then the appropriate process should be followed all.
41. Plan change 43, and insofar as it relates to area 7 is not the appropriate process. _

A handwritten signature in black ink, appearing to read 'M.B. Lawson', is written over a horizontal line. The signature is stylized and includes a large, sweeping flourish that extends to the right and then loops back down.

M B Lawson

Solicitor for the submitters

Meeting Notes (CONFIDENTIAL)

Subject: Bunnings Pre application meeting 189 Napier Road

Present:

Taupo District Council:		Applicant: Bunnings	
Heather Williams	Resource Consents Manager	Gareth Moran	Planner- Barker & Associates
Roger Stokes	Development Engineer	Marianne Mackintosh	Legal- Tompkins Wake
Bryson Huxley	Senior Transportation Officer	Mark Wright	Ryan's business partner
Louise Wood	Senior Resource Consents Planner	Ryan George	Waipa Civil
Karen Murray	Development Adviser	Jonny Schick	apologies

Date: 10 March 2021

Location: BNZ Business Centre, Taupo (1-2PM)

Agenda

1. Introduction to the project and the site
2. District Plan status
3. Status of the Master Plan and existing consent notice,
4. Key issues – traffic, amenity, servicing, geothermal
5. Iwi
6. Resource consent v plan change
7. General feedback from Council in terms of out of zone activities in Taupo. How have previous consents been dealt with.

Key Takeaways

- 1. Expectation of process is a Cancellation of the Consent Notice in relation to the activities needing to be in accordance with the Masterplan land use consent with a concurrent application for the land use activity (Trade supplier) under the Rural Environment zoning.**
- 2. Services will need to be extended for water and wastewater. Stormwater generally through soakholes on site.**
- 3. Major traffic generator so link into the roading network from a safety perspective. Providing options to link into future roading network that will link site through to Lake Terrace so customers from south don't need to always go onto Napier Road to enter site.**
- 4. Planning provisions of the Rural Environment are generally permissive for retail activity and no limitations on earthworks or vehicle movements but size and scale of building in relation to lot size is more restrictive than the Industrial Environment.**

Contacts:

- 1. Flash Sandham: Commercial Manager, Taupo District Council** : fsandham@taupo.govt.nz;
027 432 1077 (as adjoining land owner and holder of the masterplan consent)
- 2. Provide the contact details for iwi reps.**
 - a. Tuwharetoa Maori Trust Board: notifications@tuwharetoa.co.nz
 - b. Statutory Acknowledgments (Te Kotahitanga o Ngati Tuwharetoa): patai@tknt.maori.nz

1. PROPOSAL:

Introduction from Ryan.

Bunnings have closed a few sites but see an opportunity for growth in Taupo. Three potential sites of which one is Taupo. Like to go aggressively against Mitre 10 so colocation is a factor. Spent six months trying to get the property and have gone unconditional since Monday and getting a Heads of Agreement with Bunnings around lease etc shortly.

Just needing to keep it confidential given commercial competition.

Very general site plan:



2. Planning: EUL Consent and Consent Notice

Process?

1. Cancel consent notice with application for new consent at the same time
2. TDC did this for Hillary Outdoors consent- cancel consent notice and new consent (Kinloch)

The Consent Notice currently reads:

Consent Notice:

*The consent holder shall register a consent notice pursuant to Section 221 of the Resource Management Act 1991 on the title of **Lot 2** to read as follows: **Direct vehicle access onto Napier Road is not permitted.***

Development including further subdivision, building and any change of use is required to demonstrate compliance with the approved East Urban Lands landuse consent Masterplan reference 080142 granted on 9 June 2009 for the area described as "The Campus".

RESOURCE CONSENT V PLAN CHANGE

Louise explained the background of the Masterplan. Especially if it has been given effect to- TDC consider this to be the case and currently have approved consents for the area adjoining Lake Terrace for commercial (Penny Homes) and an application in progress from the Neil Group which have both applied for changes to the land use consent to update/ alter elements of the master plan for their respective precinct areas.

Masterplan was for Council land with the intention that Council would also be the land developer but Council has stepped away from that now and providing development blocks to the market to be developed in accordance with the Masterplan OR in agreement with the consent holder to undertake changes (via section 127 or 221(3) depending on timing of the superlot staged subdivision).

In terms of timing the Penny Homes application was a section 127 to the land use consent given the titles hadn't settled so it was a joint application with the consent holder (TDC).

Private Plan Change or RC? Still doesn't get rid of the Consent Notice. Plan Change not supported given Consent Notice and where the District Plan review is at.

Marianne considers the land use consent to have an expiry date. Regardless, the view is to run the Discretionary consent as a Rural activity and apply to remove the Consent Notice (i.e., cancellation), at the same time.

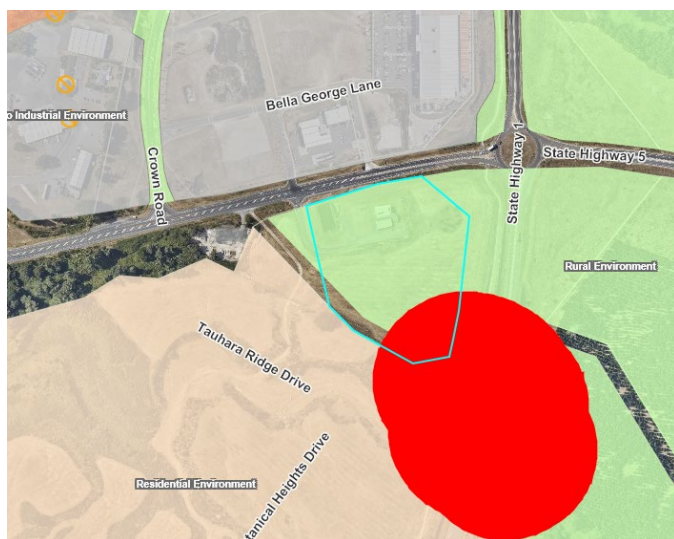
New land use consent that supersedes the existing land use for the area and takes it out of the Masterplan.

Note from TDC that the cancellation to the Consent Notice would have to be tied specifically to the proposed land use consent and not open to other activities such as a supermarket given the underlying Rural Environment is very permissive in terms of retail activities and non-restrictive to vehicle movements. Potentially a variation to the CN rather than a cancellation, could mean a new condition preventing any 'standard' retail activities from occurring on the site??

Zoning: Rural with Hot Ground

Lot 1 0.4676ha

District Plan Zoning: Green is Rural, Grey is Industrial (Taupo), Pink is Residential, Red is Hot Ground Hazard



Blue line is a segregation strip: Not a front boundary so can be treated as an “other” boundary



Rural Environment (4b)

Height	10m
Maximum Building Coverage	2.5% aggregate total building or 1000m ² whichever is more restrictive
Minimum Building Setback- Front	25m
Minimum Building Setback- All other	15m 25m from Residential Environment boundary
Signage	2m ² total face area in one sign per allotment

Hot Ground- depends on heat reading

4e.12.2

Any structure excluding network utility lines, cables, pipelines, (including support structures) and roads, located within the Hot Ground Hazard Area where the soil temperature* on the allotment, at a depth of 1m below the ground surface is between 10°C and 40°C above the Ambient Temperature.

- i. which complies with the Performance Standards of the Environment within which it is located;
- ii. which is not identified as a discretionary activity within another part of this Plan; and
- iii. which does not exceed 75% total coverage** of the allotment,

is a **controlled activity**.

District Plan Definitions:(Section 10)

Retail – means the use of land or buildings where goods and/or services are offered or displayed to the general public for sale, hire or use, but excludes offices. Retail includes, activities such as: food and beverage outlets, **trade suppliers**, yard based activities and service stations; and services such as: airline and entertainment booking services, customer banking and postal facilities, hairdressing and beauty services, art galleries and picture framing, printing services and real estate and travel agency services.

Trade Supplier – A Business engaged in sales to businesses, and may include sales to the general public, but wholly consists of sales in one or more of the following categories:

- Automotive and marine supplies;
- **Building supplies;**
- **Garden and landscaping supplies;**
- Farming and agricultural supplies;
- Hire services (excluding hire of books, DVD and video); and
- Office furniture, equipment and systems supplies.

General comments:

Out of Centre retailing of this nature not opposed in Planning Instruments- but the existing consent is for quite a different proposal. The Campus is Education, Business Park, Industry, Education and Research

- Access- Right of Way- no direct access from Lot 2
- Discretionary for signage, height, building setbacks

No new roads or subdivision

No controls on colour but Rural Environment is restrictive on signage (as opposed to Industrial which is quite permissive). Note NZTA have commented and restricted signage visible from ETA. Signage definition relates to visible from a public space so from any roads/ reserves.

Need to carefully consider the interface with the adjoining Residential Environment but also what is envisioned under the Masterplan for adjoining land and potential reserve sensitivity effects from lighting, traffic, hours of operation etc.

3. KEY ISSUES – traffic, servicing, geothermal, earthworks, development contributions

- **TRAFFIC (Bryson)**

Need to know the traffic movements intended for the site. No problems with the main ETA roundabout. Main concern for Bryson is the entry to the site and safety.

The key traffic input for the access through to the masterplan residential area.

A future connection onto the new traffic route so all traffic doesn't need to go onto Napier Road.

Any upgrades? Proposing a double lane at the moment into the site- don't want to see an offset to the Service Station so as proposed directly opposite is best.

Mainly a private vehicle generator. Once the land opens for residential it would likely need some consideration for cycling and walking and especially given there are some amenity activities such as cafes on the opposite side of Napier Road.

With NZTA the maintenance boundary ends just outside the island on Napier Road.

Roger- future intention of the Crown Road intersection to be a roundabout allowing access then all the way through to Lake Terrace in the future. Future proofing for an access- especially for trailers and other users in the future.

Is there a possibility to enlarge the current easement A to enable that option into the future roading. Needs to show that future roading is not precluded to the intended future roading shown in the EUL. Approach Council to get a right to get first right of refusal to be able to establish an access link.

Future options into the area directly from Lake Terrace will be right in front of the site.

Contact: Flash Sandham (TDC)

- **SERVICING (Roger Stokes)**

The site has no water or wastewater. Own firefighting currently with the water pond and was beginning to be developed as a showcase of alternative technology.

Sewer is down by the Crown Road intersection- Council would probably prefer a gravity main.

Water- Mitre 10 have a 300mm main pipe and long term plan has an easement for laying that up to a reservoir. Large in order to get a good fireflow for types of activities. FW5 type of firecell and needs unimpeded flow near a reservoir. For Mitre 10 where they are it is at their risk to have not met the required fireflow.

There is capacity to hook into water and sewer.

Once we get the new reservoir up SH5 it would create a new feed area and up the pressure.

Stormwater- disposed of on site for up to 100year for M10. In particular given the De Bretts system area down to the lake.

Big drilled soakholes and managing the soakage. This site does go in a slightly different direction and catchment but need to be aware of how it flows down the gully and across the roads further down.

Base on disposing on site.



Servicing: Green: Stormwater, Red- Wastewater, Blue- Water

- **EARTHWORKS**

About 3000m³ to develop. Be aware of dust and implications on the State Highway. Need to have water on the site before doing earthworks so that there is no problem with dust.

- **GEOHERMAL**

Need to check with Contact re the encumbrance.
Check the Tauhara Geothermal Consent.
Hot Ground Hazard rules.

- **DEVELOPMENT CONTRIBUTIONS**

This area isn't currently in the DC area so will need to pay to connect. DC Policy is about to go out for consultation but that wont change things for this site. From 1 July it looks like this area is planned to be included in the DC area as we have a capital works programme for the reservoir now to include this. Given M10 are close by we have some good data on the information for this. Would pay transportation, two waters.

4. IWI

Check the statutory acknowledgement- this is above ground so not likely to affect that.
Provide the contact details for iwi reps.

Parts of the Masterplan to consider:

5. Already provides for an area of Commercial/ Retail activity
6. Already has permission for very high buildings

5.9 The Campus

The Campus is a major mixed use educational and business park environment. It is the primary gateway to Taupo from the East Cape and the Bay of Plenty, and as such, highlights some of the industry and technology that lies behind the Taupo economy.

This is a Campus in the true sense of the word, providing a destination environment that to a degree is almost self-driven. It will be a destination not only for Taupo, but also for the wider Region, and has potential to generate international interest. The Campus will contain its own residential / visitor accommodation and limited retail functions although its primary focus remains industry, education and research.

The Falls Hotel and Conference development can almost be viewed as an existing component of this precinct. It also will develop and strengthen links with the Hospital for research and educational opportunities.

5.9.1 Core Components

- 1 Mixed Use Centre
- 2 Visitor Accommodation
- 3 Landscaped Car Parking
- 4 Gully Walkway and Cycleway Network
- 5 North-South ETA Walkway/cycleway
- 6 Landscape Gateway Feature, Industry and Research Centre
- 7 Polytechnic Institute / University/ Private Educational Facility
- 8 Inter-related Business Park, Sports Field, Gymnasium



Campus Commercial Area

The Campus is the major commercial area within the EUL and is viewed as district-level employment/education node featuring:

- Offices
- Education
- Recreation
- Industrial
- Research
- Visitor accommodation

This area may also include limited amounts of:

- Convenience retail
- Showrooms
- Delicatessens and specialist food outlets
- Specialist retail – optometrists, pharmacy etc.
- Café and restaurant
- Entertainment
- Banks

Because retail is considered a support function to this precinct it has a maximum cap of 2000m².

Commercial, Retail and Community Land Use Guidelines

All retail, commercial and community uses in EUL can only occur in the mixed-use area and/or adjacent to the arterial roads and collector roads.

Commercial

TDC District Plan describes Commercial Activities as:

“Commercial Activity/Event – (Surface of the Water) any activity, whether temporary or permanent, involving payment, exchange or other consideration involving 10 or more participants in any one seven day interval.”

In EUL, commercial means any non-retail use providing business services of any kind to the general public. The total commercial space including retail is capped at 18,510m² as illustrated within the masterplan.

Retail

TDC District Plan describes Retail Activities as:

“Retail – (parking requirement) the use of land, a building or parts of a building where goods are sold or displayed for sale, by retail, or are offered for hire.”

The EUL development supports this description. Retail uses are capped at 7000m² as per the economic advice on a sustainable level.

The EUL development also supports the more detailed breakdown of commercial and retail functions provided within the ANZSIC codes (Australia New Zealand Standard Industrial Classifications):

Retail – classification G

Commercial – classifications H-Q

