

rules industrial zone

INr rules

INr.1 Rule table - rules

This section and the Rule Tables that follow contain rules applicable in this Zone.

Note that there may be relevant District-wide rules that appear in the Appendices. These rules will be linked to the Zone rules either by direct reference from within the Zone rules, through definitions, or through overlays or other notations on the maps. These rules must also be complied with.

Note also that the Industrial Zone extends over part of the Coastal Marine Area to include wharves, berthage areas, and areas for the manoeuvring of vessels within the Port Operational Area. Within this area the provisions of both Chapter 10 (Industrial Zone) and Chapter 13 (Coastal Marine Area) apply. Where there is any conflict, the Coastal Marine Area provisions shall take precedence.

INr.2 Prohibited activities

The following activities are prohibited activities for which no resource consent shall be granted:

- a) Use, storage, or disposal of radioactive material with an activity exceeding 1000 terabecquerels.

INr.3 Permitted activities

A permitted activity is one that is allowed without a resource consent if it complies with the conditions specified in the “permitted” column of the Rule Table. In this Zone, permitted activities also include all land uses that are not specifically mentioned in the rules.

Certain permitted activities are subject to a condition for the payment of Financial Contributions of the amounts, and for the purposes, set out in Chapter 6. This condition is additional to any conditions mentioned in the rules, and may be the only condition in the case of activities not otherwise mentioned in the rules. The permitted activities subject to a condition for financial contributions are:

- a) Building work
- b) Connection to the Council’s water supply system
- c) Connection to the Council’s sewerage system for the purpose of disposing of trade waste
- d) As provided in rules

INr.4 Controlled activities

A resource consent is required for a controlled activity. (See Chapter 3 for a fuller description of controlled activities.) Controlled activities must comply with the standards and terms set out in the “controlled” column of the Rule Table. Consent will usually be granted for a controlled activity. Conditions may be imposed on the matters stated in the column as matters that control is reserved over. These matters are also relevant to the assessment of effects to be supplied by the applicant for a resource consent. (See rule INr.8 below regarding further matters of control.)

INr.5 Discretionary activities/restricted discretionary activities

A resource consent is required for a discretionary activity. (See Chapter 3 for a fuller description of discretionary activities.) Discretionary activities must comply with the standards and terms set out in the “discretionary” column of the Rule Table. The Council has discretion to grant or refuse consent. The matters stated in the “assessment criteria” column of the Rule Table will guide assessment of effects and conditions, but do not restrict the Council’s discretion. Conditions of any type authorised by the Act (including financial contributions under Chapter 6) may be imposed on discretionary activities.

Some discretionary activity rules state that discretion is restricted. In these cases, the Council may refuse consent, or impose conditions only in respect of the matters stated in the discretionary column as matters that discretion control is restricted to. These matters are also relevant to the assessment of effects to be supplied by the applicant for a resource consent. (See rule INr.8 below regarding further matters of restricted discretion.)

Note that some non-complying activities may also be listed within the “Discretionary” column. Where this occurs the column has been headed “Discretionary/Non-complying”.

INr.6 Non-complying activities

A resource consent is required for a non-complying activity. (See Chapter 3 for a fuller description of non-complying activities.) Non-complying activities mostly arise where activities do not comply with the standards and terms set out in the “discretionary” column of the Rule Table. A direct statement of non-complying activities may also appear in the rules. The Council has discretion to grant or refuse consent and is required to refuse in certain circumstances (see Chapter 3). Conditions of any type authorised by the Act (including financial contributions under Chapter 6) may be imposed on non-complying activities.

INr.7 Scheduled sites

Any activity listed in a Schedule following the Rule Table shall comply with the rules set out in that Schedule.

INr.8 Controlled activities and restricted discretionary activities

In the Rule Tables every controlled activity, and every discretionary activity where discretion is restricted, contains a list of matters over which control is reserved, or discretion is restricted. The matters listed below are additional matters applicable to every controlled activity and restricted discretionary activity. They are stated here, rather than repeated in Rule Tables, in order to save space.

Matters over which control is reserved or discretion restricted:

- INr.8.a** Financial contributions in the form of money, land, works or services, or a combination of these. (See Chapter 6), and
- INr.8.b** Bonds or covenants or both, to ensure performance or compliance with any conditions imposed, and
- INr.8.c** Administrative charges to be paid to the Council in respect of processing applications, administration, monitoring and supervision of resource consents, and for the carrying out of the Council’s functions under section 35 of the Act, and
- INr.8.d** The duration of a resource consent, under section 123 of the Act, and
- INr.8.e** Lapsing of a resource consent, under section 125 of the Act, and
- INr.8.f** Change and cancellation of a consent, under sections 126 and 127 of the Act, and
- INr.8.g** Notice that some or all conditions may be reviewed at some time in the future, under section 128 of the Act, and
- INr.8.h** Whether any land use or subdivision consent should attach to the land to which it relates, and be enjoyed by the owners and occupiers for the time being, under section 134 of the Act.

INr.9 Regional rules, and regional and district rules

In the Rule Tables, a number of rules are indicated as being Regional rules, or Regional and District Rules. These are rules that derive in total or in part from the regional functions of the Council. Regional rules have a different impact on matters such as designations (which must comply with regional rules) and existing use rights, which are much more limited in respect of regional matters. See sections 176 (Effect of a designation), 10 (Certain existing uses in relation to land protected), 10A, 10B, and 20 (Certain existing lawful activities allowed) of the Resource Management Act 1991.

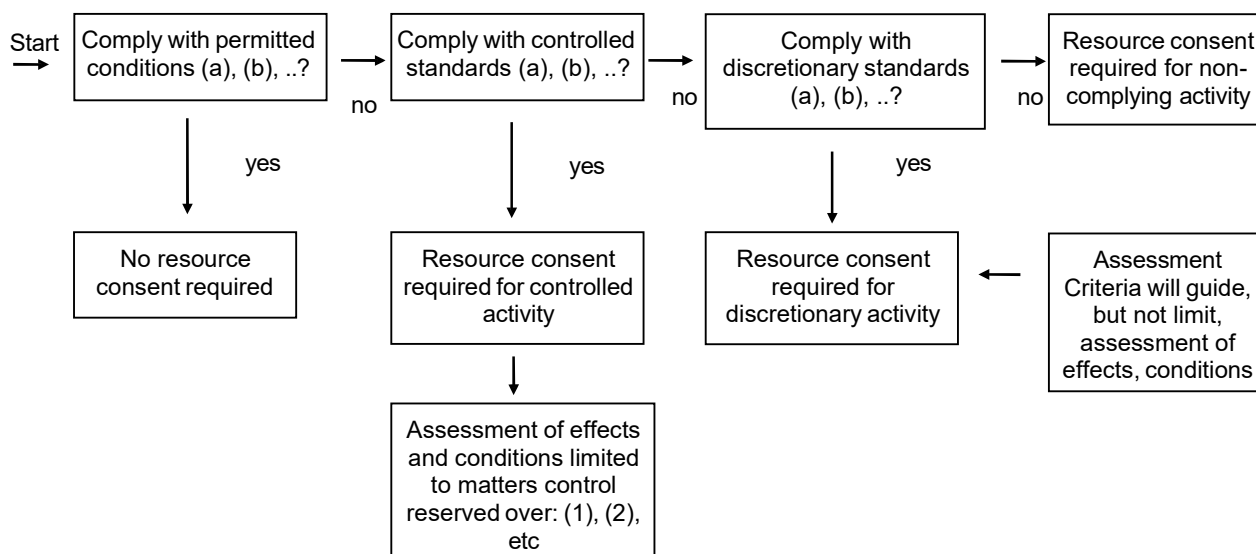
INr.10 Reading the rule table

Each row of the Rule Table presents rules that regulate or allow one activity, or type of activity, or effect. Read along the row from left to right to determine whether a proposed activity is permitted, controlled, discretionary or non-complying. This progression across the Rule Table is called a “cascade.” (See flow chart below.)

If an activity satisfies the conditions stated in the permitted activity column, then it is permitted. If not, look to the next column (controlled). If it satisfies the standards and terms in the controlled column, it is a controlled activity. If not, then look at the next column (discretionary) to see if it fits the standards and terms stated there. If the activity satisfies the standards and terms in the discretionary column it is discretionary. Otherwise it is a non-complying activity.

Further explanation of the Rule Table and cascade is contained in Chapter 3.

The following flow chart illustrates the cascade across the Rule Table.



INr.10.1 Note that there are some rules, generally relating to post-development conditions, which do not trigger the activity into requiring a resource consent. Where relevant, this is indicated in the explanation to those rules.

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	(Refer Appendix AP28.9 for freshwater rules)

rule table

Item	Permitted	Controlled	Discretionary/Non-complying
INr.20 Residential units	INr.20.1 Construction of a new residential unit is permitted if: a) it is ancillary to a permitted industrial activity on the site, and b) where it is within the Airport or Port Effects Control Overlay, the building complies with the relevant rule INr.71 (Airport Effects Control Overlay – acoustic insulation of buildings) or INr.71A (Port Effects Control Overlay – acoustic insulation of buildings), and c) the residential unit is provided with an outdoor living court: i) minimum area: 1 bedroom 25m ² , or 2 or more bedrooms 40m ² , and ii) minimum dimension 4m, and iii) units without a room on the ground floor may instead provide a balcony (minimum area of 12m ² , minimum dimension of 2.4m), and iv) the outdoor living court is readily accessible from a living area of the unit.	INr.20.2 not applicable	INr.20.3 Activities which contravene a permitted condition are discretionary, except where condition INr.20.1b is contravened, where the activity is non-complying. <u>Construction of a new Residential unit within the Airport Effects Control Overlay is non-complying.</u> <u>Construction of a new Residential unit within the Airnoise Boundary is prohibited.</u>
INr.21 Retail activities ...			
INr.24 Airport area exceptions	INr.24.1 Commercial or recreational facilities within the Airport industrial area are permitted if: such activities relate directly to or serve airport activities.	INr.24.2 not applicable	INr.24.3 Activities which contravene a permitted condition are discretionary.

<p>Inr.25 Airport Aircraft engine testing</p>	<p>Inr.25.1 a) no person shall start or run an aircraft propulsion engine for the purposes of aircraft engine testing unless carried out in compliance with the following maximum noise levels at or within the boundary of any residentially-zoned site: Monday to Sunday 6am to 10pm: 55 dBA Leq (8 hours) All other times: 45 dBA Leq (8 hours) All days 10pm to 6am: 75 dBA Lmax, and b) between 6am and 10pm aircraft engine testing shall as far as practical be carried out within an effective noise enclosure. From 10pm to 6am aircraft engine testing shall be carried out within an effective noise enclosure, and c) in some emergency situations it may be necessary to conduct essential unscheduled maintenance and engine testing that cannot comply with the above noise limits. No more than 12 of these tests can be conducted in any calendar year. The time, duration, and other essential details shall be recorded and reported as soon as practical to the Nelson Airport Noise Environment Advisory Committee.</p>	<p>Inr.25.2 not applicable</p>	<p>Inr.25.3 Activities that contravene a permitted condition are non-complying.</p>
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Assessment Criteria	Explanation
<p data-bbox="172 138 252 161">INr.23.4</p> <ul style="list-style-type: none"> <li data-bbox="172 170 823 215">a) any actual or potential cumulative effects of allowing such activities to locate in the Port Industrial Area and such effects on other zones. <li data-bbox="172 219 759 241">b) the scale of the activity in relation to the industrial area it will serve. <li data-bbox="172 246 823 291">c) the relationship of the proposed activity to the coastal marine area and to activities in the coastal marine area. <li data-bbox="172 295 743 340">d) the efficiency and sustainability of use of Port infrastructure and resources. 	<p data-bbox="858 138 938 161">INr.23.5</p> <p data-bbox="858 170 1439 313">Rule provides exception for activities which rely on the special characteristics of the Port Industrial Area which may not otherwise be permitted in the area, but which relate directly to or serve activities in the port area and coastal marine area. For the avoidance of doubt, activities that are permitted by other rules in this table eg. network utilities, are not constrained by rule INr.23.1.</p> <p data-bbox="858 318 1445 488">The intention of the rule is to ensure that any office, recreational and other facilities within the area relate directly to or serve activities in the port area and coastal marine area. This ensures that there is limited scope for the intrusion of non-port related activities into the Port Industrial Area without the need for resource consent, protects scarce industrial and reclaimed land, minimises the need to reclaim more, and maximises the use of land for port related activities.</p>
<p data-bbox="172 528 252 551">INr.24.4</p> <ul style="list-style-type: none"> <li data-bbox="172 560 545 582">a) the effects on the Coastal Marine Area. <li data-bbox="172 586 577 609">b) the relationship of the activity to the airport. <li data-bbox="172 613 769 658">c) the efficiency and sustainability of use of airport infrastructure and resources. <li data-bbox="172 663 807 707">d) any actual or potential cumulative effects of allowing such activities to locate in the Zone. 	<p data-bbox="858 528 938 551">INr.24.5</p> <p data-bbox="858 560 1433 676">Rule provides exception for activities which rely on the special characteristics of the area and Zone which may not otherwise be permitted in the area. For the avoidance of doubt, activities that are permitted by other rules in this table e.g. network utilities, are not constrained by rule INr.24.1.</p>
<p data-bbox="172 730 252 752">INr.25.4</p> <ul style="list-style-type: none"> <li data-bbox="172 761 801 806">a) the length of time, and the level by which, the noise standards will be exceeded, and the likely disturbance that may cause. <li data-bbox="172 810 791 855">b) the nature and location of nearby activities and the effects they may experience. <li data-bbox="172 860 759 904">c) the topography of the site, and the neighbouring areas, and any influence this might have on noise transmission. <li data-bbox="172 909 545 931">d) any opportunities to mitigate the noise. <li data-bbox="172 936 785 981">e) the effectiveness of, and in particular the certainty provided by, any conditions or controls that might be imposed on the activity. 	<p data-bbox="858 730 938 752">INr.25.5</p> <p data-bbox="858 761 1433 801">Engine run ups or testing can give rise to noise levels in the order of 80-95dBA which can create sleep disturbance.</p>

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Item	Permitted	Controlled	Discretionary/Non-complying
<p>INr.28 Set back a) from State Highway, arterial, principal or collector roads b) Trent Drive (access to airport terminal)</p>	<p>INr.28.1 On the road frontage with the State Highway, or with any arterial, principal or collector road, or with Trent Drive (access to the airport terminal): a) buildings must be set back a minimum of 2m from the road frontage, and b) a landscape strip of an average depth of not less than 1.5m must be established and maintained across the front of the site, and c) in the case of Trent Drive, the front of the site is considered to be the road frontage in front of a building (excluding the terminal), including any leased area surrounding the building. Conditions a, and b and c shall not apply to network utility facilities that are no more than 15m² in area and no more than 3.5m in height.</p>	<p>INr.28.2 Buildings which contravene a condition for permitted activities are controlled, if: a) not more than 25% of the area within 2m of the road frontage is occupied by buildings. Control reserved over: i) open space, design, appearance and landscaping. Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.</p>	<p>INr.28.3 Activities which contravene a controlled standard are discretionary.</p>

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Item	Permitted	Controlled	Discretionary/Non-complying
<p>INr.39 Airport noise Aircraft noise management</p>	<p>INr.39.1</p> <p>a) Noise from aircraft at Nelson Airport must be managed so that the rolling three month average 24 hour night-weighted sound exposure does not exceed Ldn 65 dBA (100 Pasques) at or beyond the Airnoise Boundary as shown on the Planning Maps, and</p> <p>b) The daily Ldn must be measured in accordance with NZS 6805:1992 Airport Noise and Land Use Planning, and</p> <p>c) Between the hours of 12 midnight and 6am a single event noise limit (SEL) from aircraft of SEL 95 dBA must not be exceeded beyond the Airnoise Boundary in any residential zone except that a maximum of 24 movements (12 landings and 12 takeoffs) in any 12 month period are permitted if they have the written approval of the Nelson Airport Noise Environment Advisory Committee, and</p> <p>d) Noise from all aircraft in c) including any exemptions from the SEL limit, must be measured in accordance with a) and b) and the night weighting shall apply.</p> <p>e) This rule does not apply to:</p> <p>i) emergency landings or flights required to rescue persons from life-threatening situations or to transport patients, human organs or medical personnel in medical emergency, or</p> <p>ii) aircraft using the airport due to unforeseen circumstances as an essential alternative to landing at a scheduled airport, or</p> <p>iii) flights required to meet the needs of a national or civil defence emergency declared under the Civil Defence Act 1983, or</p> <p>iv) flights certified by the Minister of Defence as necessary for reasons of national security, in accordance with section 4 of the Act.</p>	<p>INr.39.2 not applicable</p>	<p>INr.39.3 Activities that contravene a permitted condition are non-complying.</p>

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Assessment Criteria	Explanation
<p data-bbox="172 138 252 161">INr.39.4</p> <ul style="list-style-type: none"> <li data-bbox="172 170 823 215">a) the nature of the flights likely to generate the excess noise eg. occasional noisy flights, or more frequent but quieter flights. <li data-bbox="172 221 469 244">b) the time of the proposed flights. <li data-bbox="172 250 612 273">c) whether the proposed exceedance is short term. <li data-bbox="172 280 756 324">d) whether the proposed exceedance would comply if the Ldn were averaged over a longer term (eg. 12 months). <li data-bbox="172 331 833 376">e) the areas affected by the additional noise, and the sensitivity to noise of the activities in these areas. 	<p data-bbox="865 138 944 161">INr.39.5</p> <p data-bbox="865 170 1445 309">The Airport Effects Overlays approximate likely noise levels based on the Airport Authority's growth projections to the year 2020. On one hand they indicate where growth in airport noise will occur and to what levels. On the other hand, through this rule, they regulate the maximum noise levels that aircraft operations at Nelson Airport can generate.</p>

Rules relating to Overlays on Planning Maps

<p>INr.55 Service Overlay Building</p>	<p>....</p>		
<p>INr.67.4 Airport Effects Control Overlay Acoustic insulation of buildings</p> <p><u>Activities Sensitive to Airport Noise</u></p>	<p>INr.71.1 Within the Airport Effects Control Overlay construction, <u>only Replacement</u>, or substantial alteration of an <u>existing Building containing an Activity Sensitive to Airport Noise as lawfully established as of [date Plan Change is confirmed]</u> is permitted if:</p> <p>a) either, the bedrooms and living areas where they <u>any Habitable space which is</u> are new or substantially altered, incorporate acoustic insulation in accordance with Appendix 19.1 (acoustic insulation requirements), or</p> <p>b) the building consent application is accompanied by an <u>Acoustic Certificate</u> from a suitably qualified and experienced acoustic engineer to demonstrate that the <u>Building design</u> will reduce noise levels to at least <u>45dB L_{dn}</u> inside the new or altered bedrooms and living areas (with the windows and doors shut) <u>Habitable spaces based on the Future Aircraft Noise Contours in Appendix 19.1 and incorporates the ventilation measures in Appendix 19.1.</u></p>	<p>INr.71.2 not applicable</p>	<p>INr.71.3 Activities that contravene a permitted condition are non-complying.</p> <p><u>New Activities Sensitive to Airport Noise or the construction of any new Building to accommodate an Activity Sensitive to Airport Noise are non-complying.</u></p>
<p><u>INr.67A</u></p> <p><u>Airnoise Boundary</u></p> <p><u>Activities Sensitive to Airport Noise</u></p>	<p><u>INr.67A.1</u> <u>Within the Airnoise Boundary, only:</u></p> <p>a) <u>Replacement of an existing Building containing an Activity Sensitive to Airport Noise lawfully established as of [date Plan Change is confirmed]; or</u></p> <p>b) <u>substantial alteration of an existing Building containing an Activity Sensitive to Airport Noise lawfully established as of [date Plan Change is confirmed];</u> <u>is permitted where the building consent application is accompanied by an Acoustic Certificate from a suitably qualified and experienced acoustic engineer to demonstrate that the Building design will reduce noise levels to at least 40dB L_{dn} inside the new habitable spaces based on the Future Aircraft Noise Contours in Appendix 19.1 and incorporates the ventilation measures in Appendix 19.1.</u></p>	<p><u>INr.67A.2</u> <u>not applicable</u></p>	<p><u>INr.67A.3</u></p> <p><u>Activities that contravene a permitted condition are prohibited.</u></p> <p><u>New Activities Sensitive to Airport Noise or the construction of any new Building to accommodate an Activity Sensitive to Airport Noise are prohibited.</u></p>

<p>INr.71A Port Effects Control Overlay Acoustic insulation of buildings</p>	<p>INr.71A.1 Within the Port Effects Control Overlay, construction, or alteration of a building is permitted if:</p> <ul style="list-style-type: none"> a) the building is acoustically insulated to reduce noise levels to no greater than 45 dBA L_{dn} inside any new or altered habitable space and has either ventilating windows open or minimum ventilation requirements as set down in Appendix 19 (acoustic insulation requirements), and b) prior to the commencement of any construction or site works a certificate is obtained from a suitably qualified and experienced acoustic engineer to demonstrate that the building design complies with paragraph a) above, and c) the acoustic engineer provides certification that the finished construction/alteration complies with paragraph a) above. 	<p>INr.71A.2 not applicable</p>	<p>INr.71A.3 Activities that contravene a permitted condition are non-complying.</p>
<p>INr.72 Airport Effects-Advisory Overlay</p>	<p>INr.72.1 Note: no special rules apply to this overlay which defines the area between the Ldn 55 and 60 noise contours. The overlay is to advise that the area will be subject to the effects of airport noise.</p>	<p>INr.72.2 not applicable</p>	<p>INr.72.3 not applicable</p>

Assessment Criteria	Explanation
<p>INr.72.4 In the case of discretionary applications, consideration will be given to the nature of the activity and its likely sensitivity to the effects of airport noise.</p>	<p>INr.72.5 The land between the Ldn 55-60 dBA (10.9 to 34.6 Pasques) noise contours is unlikely to be exposed to airport noise to a great degree. However, it is likely to be subject to some noise nuisance and some recreational activities may be affected. This may help people decide the type of activities they establish in the area, or whether they choose to incorporate acoustic insulation when they are building.</p>