

**HEARINGS REPORT UNDER SECTION 42A OF THE RESOURCE MANAGEMENT  
ACT 1991 FOR LAND USE CONSENT APPLICATION LUC24/48583**

<b>Applicant:</b>	New Plymouth Pistol Club Inc.
<b>Site Address:</b>	228 De Havilland Drive/1206 Devon Road (State Highway 3)
<b>Legal Description:</b>	Lot 1 DP 19854
<b>Site Area:</b>	110.337ha
<b>Part Operative District Plan Zoning:</b>	General Industrial Zone
<b>District Plan Overlays</b>	<ul style="list-style-type: none"><li>▪ Devon Road is a State Highway</li><li>▪ Archaeological Site/ Site of Significance to Māori (ID 566)</li><li>▪ New Plymouth Entrance Corridor</li><li>▪ Noise Control Boundary</li><li>▪ Waterbody (unnamed tributary of the Mangaoraka Stream)</li><li>▪ Indicative Road Network</li><li>▪ Gas Transmission Pipeline</li><li>▪ Gas Transmission Corridor</li><li>▪ Designations (FG-1, NZTA-1)</li></ul>
<b>Proposal</b>	The operation of New Plymouth Pistol Club being a sport and recreational activity within the General Industrial Zone under the Part Operative District Plan 2025 including construction of new facilities being a 2-storied shooting range and multiple acoustic barriers with all associated site mitigation works and earthworks and remediation of known soil contaminants.
<b>Status:</b>	<ul style="list-style-type: none"><li>▪ Non-Complying Activity under the Part Operative District Plan 2025</li><li>▪ Discretionary Activity under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS).</li></ul>
<b>Application received:</b>	2 <sup>nd</sup> August 2024
<b>Further Information requested:</b>	12 <sup>th</sup> September and 2 <sup>nd</sup> December 2024 (addendum)
<b>Further information received:</b>	6 <sup>th</sup> and 17 <sup>th</sup> of December 2024, 17 <sup>th</sup> February 2025
<b>Public Notification:</b>	24 <sup>th</sup> May 2025
<b>Submissions Closed:</b>	24 <sup>th</sup> June 2026

## **SCOPE/PURPOSE OF THIS REPORT**

1. The Council is obligated to hold a hearing under s100 of the Act. In such circumstances, the local authority may require preparation of a report in accordance with s42A of the Resource Management Act (RMA). The aim of the report is to assist the commissioners in deciding on the land use consent and other permissions required to operate a gun club at 1206 Devon Road/228 De Havilland Drive New Plymouth.
2. The report provides an opportunity for the submitters to see how their submission has been evaluated, and the recommendations being made by the planning officer.

## **STATEMENT OF QUALIFICATIONS AND EXPERIENCE**

### **Experience**

3. My full name is Campbell Stewart Robinson, Director of Future Proof Planning Limited. I hold the qualification of Bachelor of Resource and Environmental Planning from Massey University, Palmerston North and have approximately 20+ years' experience in planning and resource management profession.
4. I am employed as a Senior Planner (Consultant) by the resource consent team at New Plymouth District Council. I have undertaken a range of roles for New Plymouth District Council on a consulting basis over the last eight years including providing advice on a range of consenting matters and being a co-author on several chapters of the New Plymouth District Plan Review. I also acted as the Councils Consenting Lead for approximately 6 months.
5. Prior to establishing my own consultancy business, I held the role of Best Practice and Heritage Manager at Wellington City Council, providing practice oversight of the Councils consenting functions and managing a team which provided advice on Wellington's heritage buildings.
6. Prior to this I was employed by the Ministry for the Environment providing advice to the Minister for the Environment on the 2013 and 2017 resource management reforms.
7. I have extensive experience in the fields of resource consenting, District Plan reviews, private plan changes, policy reform and interpretation.

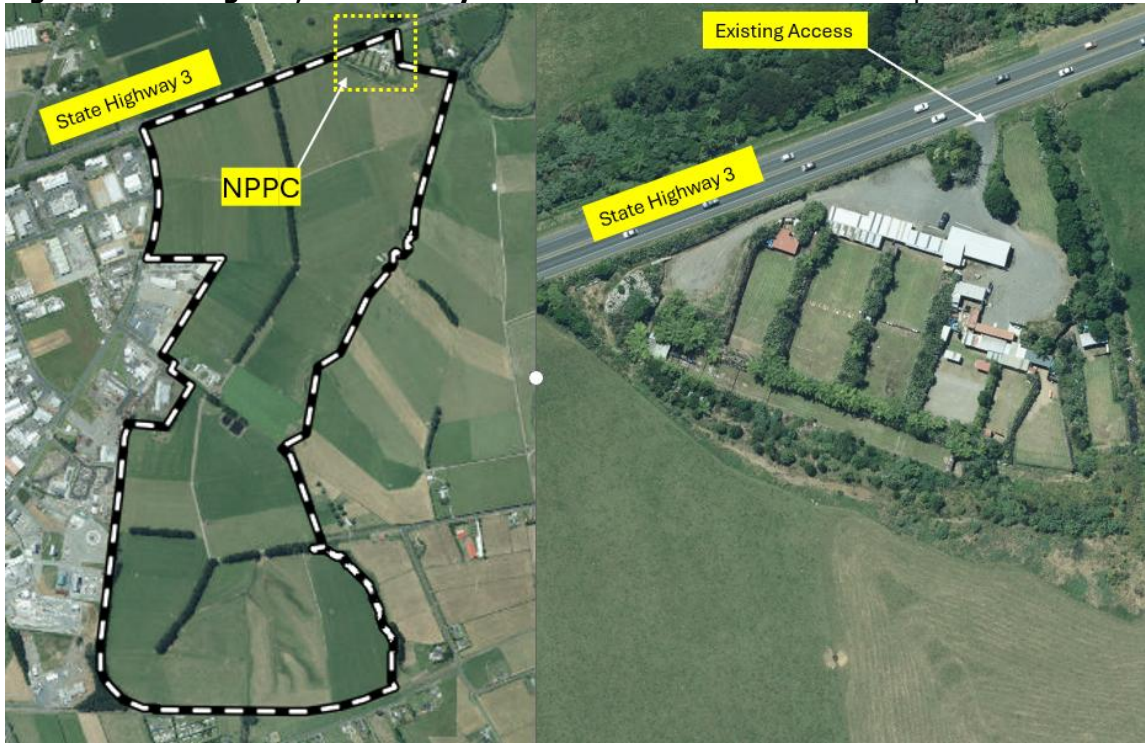
### **Code of Conduct**

8. In preparing this report I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023.

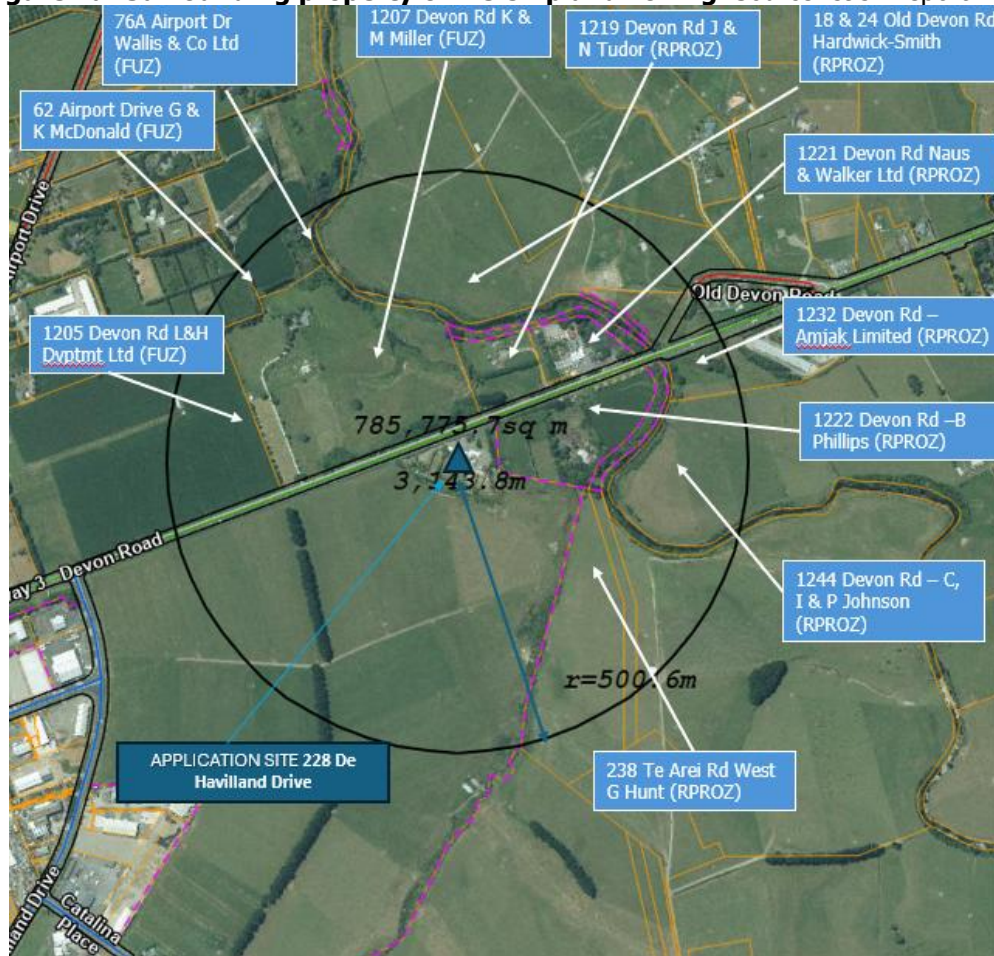
## **SITE DESCRIPTION AND SURROUNDING ENVIRONMENT**

9. The application site lies to the south of State Highway 3 and measures over 110ha in area. The site is predominantly used in association with rural production activities and includes an existing dwelling and dairy milking shed near the western boundary accessed from Catalina Place.
10. The existing New Plymouth Pistol Club (the club) occupies approximately 1.7ha of land in the north-east corner of the site (refer Figures 1, 1a and 7). The club leases the property from the current landowner being Te Atiawa Holdings Limited Partnership.

**Figure 1: Existing site, the New Plymouth Pistol Club. Source: s95A report.**



**Figure 1a: Surrounding property ownership and zoning. Source: s95A report.**



\*FUZ – Future Urban Zone  
\*\*RPROZ – Rural Production Zone

11. At the time of writing this report the hours of operation of the Club were as follows:

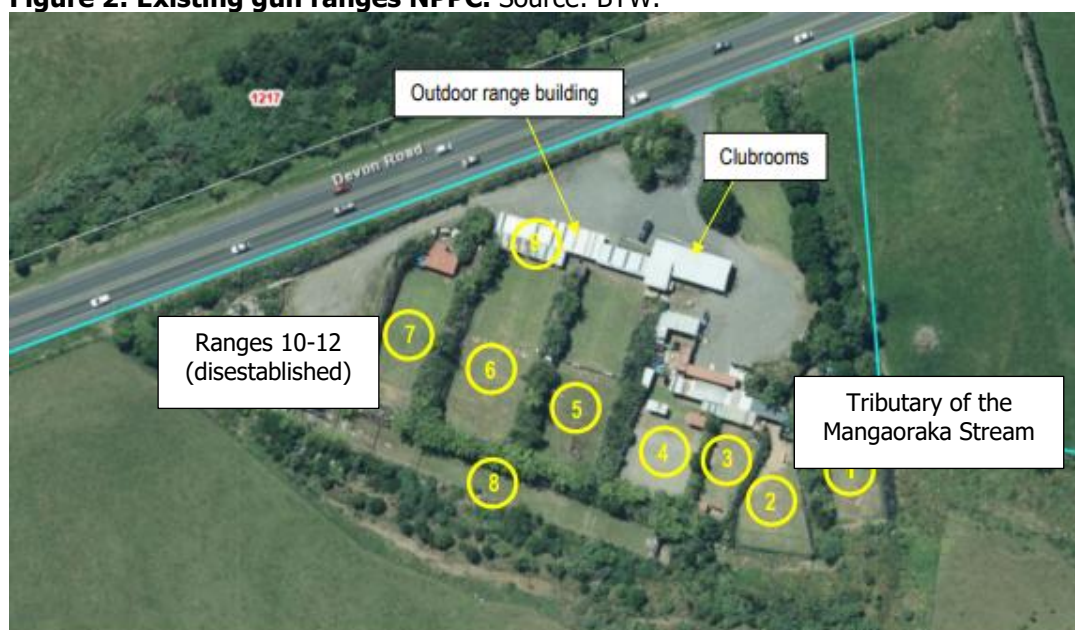
- Wednesday 9:00am – 4:00pm
- Thursday 5:00pm – 8:00pm
- Friday 9:00am – 4:00pm
- Saturday 9:00am – 5:00pm
- Sunday 9:00am – 4:00pm<sup>1</sup>

12. The club is intermittently used by the New Zealand Police for training purposes including training by the regional Armed Offenders Squad (AOS). The site has historically hosted regional and national competitions from time to time. The application outlines that the club has approximately 150 members.

13. The existing site includes a single-storey building consisting of a clubrooms established in 2005 and outdoor range extension established in 1984<sup>2</sup>. The entire building measures 425m<sup>2</sup> in floor area and is 56m in length. The building is setback by a minimum of 10m from Devon Road/State Highway 3 boundary at the northwest corner of the building and 33m from the boundary with 1222 Devon Road (immediate neighbour to the east).

14. The site features eight active outdoor shooting ranges (numbered 1-8) and one indoor range (range 9). The ranges include a flat shooting area enclosed between earth bunds supported comprising earth, tyres and binding vegetation e.g. agapanthus. The site historically had a further three ranges to the west of range 7 (known as ranges 10-12). These ranges are not currently in use.

**Figure 2: Existing gun ranges NPPC.** Source: BTW.

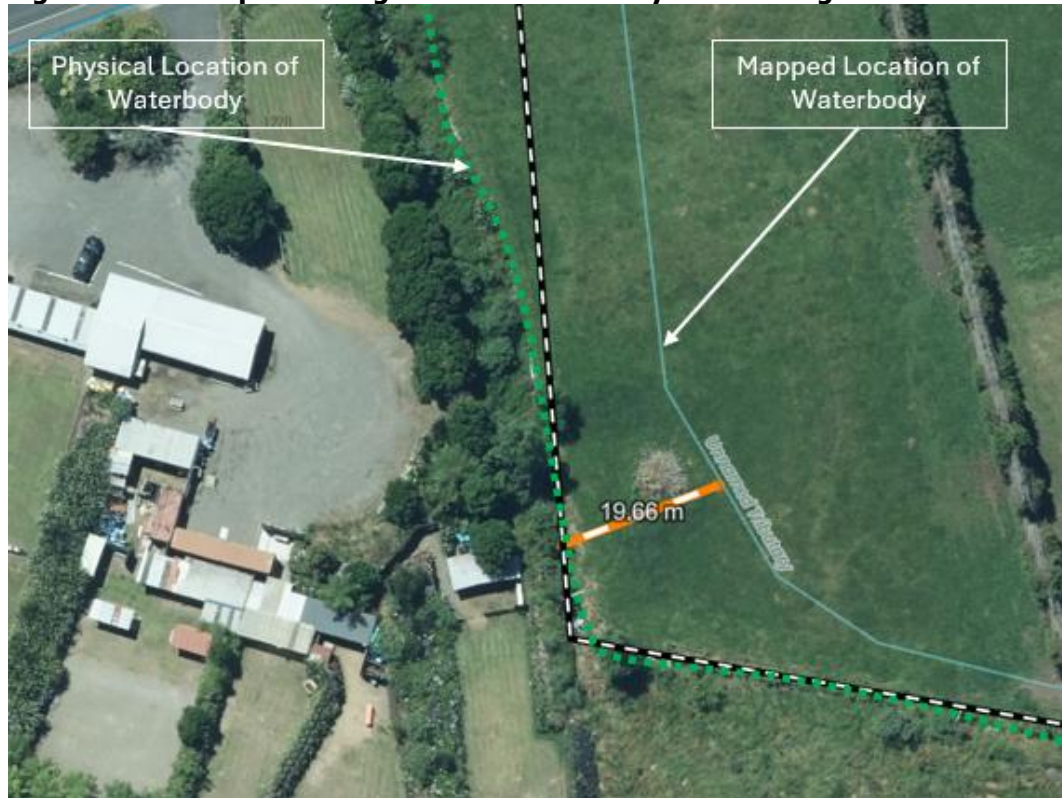


15. An unnamed tributary of the Mangaoraka Stream is partially located on the site and on adjoining 1222 Devon Road to the west of the site. The Part Operative District Plan (PODP) maps show the waterbody being located 20m from the western boundary and entirely within adjoining 1222 Devon Street however the application plans and site visit of the property confirms that tributary lies immediately west of the boundary and partially within application site (Refer Figure 3).

<sup>1</sup> Refer agreement dated 20<sup>th</sup> November 2025

<sup>2</sup> Refer Appendix F of the application for relevant Building Consent documents.

**Figure 3: PDP Maps showing location of tributary of the Mangaoraka Stream.**



16. The site is bordered to the west by an existing rural lifestyle property which is zoned for rural production purposes (1222 Devon Road). Properties zoned for rural production purposes are also located to the north of the site on the opposite side of State Highway 3. This includes 1221 Devon Road which contains the "Big Jims" garden centre and cafe. Lands zoned for Future Urban Zone (FUZ) lie on the opposite side of State Highway 3 to the north and northwest of the site. The closest FUZ properties are 1219 Devon Road and Lot 101 DP 539349 (accessed from Airport Drive).
17. Access to the site is via an existing formed vehicle crossing from State Highway 3. The access was approved by the Ministry of Works and Development in February 1983<sup>3</sup> (refer Appendix H of the application).
18. State Highway 3 is classified as a limited-access State Highway<sup>4</sup> catering for an average 15,749 vehicles (5% of which are heavy vehicles). The Highway is single lane either way, is marked with double yellow lines (no passing) and has an 80km/hr speed limit and roadway. A right turn bay is marked in the west bound lane which provides access to the Big Jims Garden Centre and café.
19. Parking on the site is provided by an unsealed areas to the north and east of the main club room building. Vehicles can also park within a grassed area near the eastern boundary with 1222 Devon Road (refer Figure 4).

<sup>3</sup> Refer Appendix H of the application.

<sup>4</sup> [Limited-access roads and accessways onto the state highway | NZ Transport Agency Waka Kotahi](#)

**Figure 4: Existing Parking at NPPC.**



20. The site features a main entrance sign with the wording "New Plymouth Pistol Club" as well as series of smaller health and safety signs which are attached to the existing roadside chain link fence.
21. The roadside boundary features a range of existing vegetation including flax and native trees (refer Figures 2.12-2.15 of the application for images).
22. The Assessment of Environmental Effects (AEE) by BTW Company provides a comprehensive description of the existing site and should be read in conjunction with this report.

#### **RECORD OF TITLE**

23. Section 1.8 of the AEE outlines the various interests and easements on the record of title including the gas transmission pipeline easement.

#### **ADEQUACY OF INFORMATION**

24. The applicant has provided the following information to complement the application:
  - AEE by BTW Company.
  - Noise Assessment by Acoustic Engineering Services (AES); and
  - Record of consultation with New Plymouth District Council.
25. Overall, an acceptable level of detail was provided to meet the purposes of s 88 of the RMA.

## REQUEST FOR FURTHER INFORMATION

26. Requests for further information (RFI) were sent to the applicant in September and December 2024 (addendum) outlining a total of 22 separate matters to be addressed. Further information was provided by the applicant in December 2024 and February 2025.
27. At the time of writing, a full response to item 1 of the RFI had not been provided<sup>5</sup>. I acknowledge that the applicant has made genuine attempts to resolve this matter noting that it involves consultation with a third party.
28. Despite item 1 of the RFI being unresolved and being conscious of the requirements of s21 of the Act, a robust assessment of the effects of the development has been possible.

## BACKGROUND

### Existing Use Certificate

29. On June 22nd, 2023, New Plymouth District Council declined an application by the New Plymouth Pistol Club for an Existing Use Certificate under s139A of the Resource Management Act. I was also the processing officer for this application.
30. The officers report concluded that *"the NPPC facility was lawfully established in or around 1983 and that the scope of the activity involved up to 3 ranges. I understand that the NPPC, which was based in Fitzroy at the time catered for approximately 30 members<sup>6</sup>."*
31. The application was refused for the following reasons:
  - the applicant did not demonstrate under s 10(1)(a)(i) of the Act that the use was lawfully established before relevant rules became operative or the PDP was notified; and
  - the applicant did not demonstrate that the effects of the use are the same or similar in character, intensity, and scale to those which existed before the rule became operative or the proposed plan was notified.
32. Following this decision the applicant entered into pre-application discussions with the Council which culminated in an application for land use consent being applied for in 2025.

### Suspension in Processing

33. On the 1<sup>st</sup> of July 2025, the applicant requested that the processing of the consent be suspended pursuant to s91A(3). This section of the Act allows for applications which have been publicly notified to be suspended at the applicants request for a period not exceeding 6 months (130 working days).
34. The Council issued correspondence on the same day the request was received to confirm the request for a suspension had been granted. The application was formally restarted on the 20<sup>th</sup> of January 2026 being the maximum length of time that could be provide for under s91A(3).

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<sup>5</sup> Item 1 requested information on the outcomes of consultation with the iwi and or hapu.

<sup>6</sup> Refer paragraph 4.6 of the officer's report.

## PROPOSAL

35. The applicant seeks resource consent to operate the existing club involving a total of 9 ranges with associated facilities within the General Industrial Zone. The application includes all associated earthworks and building works to provide for new facilities and physical mitigation measures. The proposed site plan is shown in Figure 8.

### Opening Hours:

36. The club seeks the right to undertake shooting activities between the hours of 9:00am to 9:00pm seven days a week including public holidays. The club would be open to members, non-member competition competitors and the New Zealand Police including training by the local Armed Offenders Squad (AOS).

### Events:

37. The application as lodged sought to permission to hold up to 8 local or national competitions catering for up to a maximum of 160 attendees. Competitions would last for *"an average of three days"* and run between 9:00am and 5:00pm with *"some repairs and testing"* and before 8:00am and after 5:00pm.
38. Later the Noise Management Plan requested that for two times per year the Club be permitted to hold a three-day event where the CNR noise criteria restriction would not apply. There is to be no shooting at the Club for three days before such an event.

### Membership:

39. The application outlines that the current membership is approximately 150 and that this number fluctuates over time. No limit to the membership numbers is proposed or considered necessary by the applicant as part of this resource consent application.

### Police Use:

40. The applicant seeks the ability for the New Zealand Police including the AOS to undertake training at the site. The applicant outlines that the general police use would be three days per month with the AOS using the facility approximately 5 times per year.

### Types of Shooting Proposed:

41. Section 3.2.3 of the AEE outlines the shooting disciplines which are proposed including<sup>8</sup>:
- Multi Gun
  - Action Shooting
  - Cowboy Action Shooting
  - International Practical Shooting Confederation (IPSC)
  - Service Pistol
  - Speed
  - Muzzle Loading
  - International Sport Shooting Federation (ISSF)
  - Handgun Metallic Silhouette

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<sup>7</sup> No maximum event duration was provided.

<sup>8</sup> [Types of Pistol Shooting - New Plymouth Pistol Club](#)

42. The application outlines that "*Shooting disciplines may vary over time. Variations to the way in which shooting disciplines are undertaken on site and/or new shooting disciplines will be managed to comply with noise limits as set out in the Noise Report (by AES)*". (reference needed)

**Ranges and Range Use:**

43. The club seeks to retain the ability to use existing ranges 1-8 which are outdoor. A replacement for existing gun range 9 would be provided within the new two storied extension to the club rooms. Gun ranges 10-12 located to the west of existing range 7 are no longer in use and will not be used for shooting purposes as part of proposed NPPC activities. Table 1 below provides a description for the shooting which is to occur at each range<sup>9</sup>.

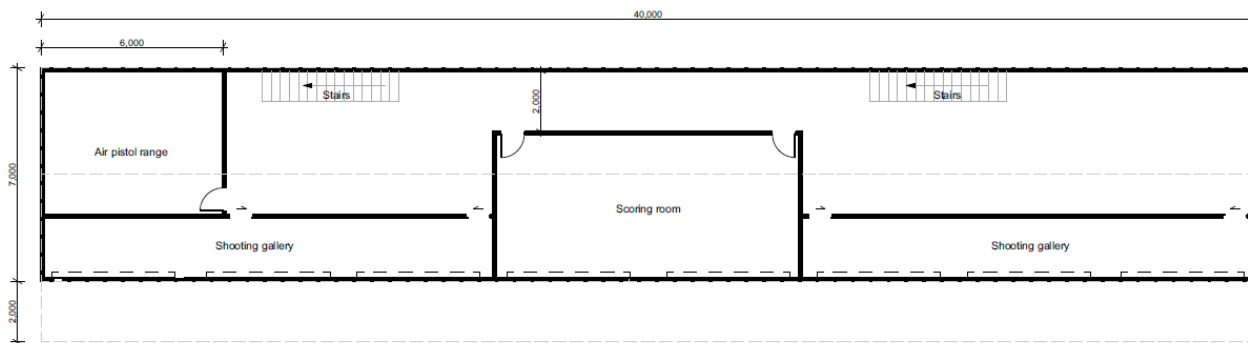
**Table 1: Shooting disciplines by range.**

Range	Shooting Discipline
1	Speed, IPSC
2	Speed
3	Cowboy Action Shooting, Speed
4	Cowboy Action Shooting, Speed, IPSC
5	Speed, Muzzle Loading, ISSF
6	Action Shooting, Service Pistol, Speed
7	Action Shooting, IPSC, Speed, Multi Gun
8	Speed, sighting in rifles

**New Building:**

44. The proposal includes a new two-storied building immediately to the north of gun ranges 5 and 6. This building would replace the existing changing facilities on the eastern elevation of the club house which would be demolished.
45. The building would be lightweight, shed-style construction with corrugated iron walls and roofs and be connected to the western elevation of the existing club rooms. The structure would have a total floor area of approximately 560m<sup>2</sup> and would measure 40m in length and 7m in width. The building features shooting bays, scoring room and indoor air pistol range on the ground floor (known as range 9) and a viewing space on the first floor (refer Figures 5 and 10).

**Figure 5: Ground Floor Plan of Proposed New Building.** Source: Shed Ex.



<sup>9</sup> No description was offered for internal range 9.

## Access and Parking:

46. The application seeks permission to use the existing formed crossing from adjoining State Highway 3. Vehicles would continue to park using hard standing areas to the north and east of the main club rooms building.

## Earthworks:

47. The application outlines that earthworks would be required for the following works:
- Building foundations for the proposed two storied building.
  - Removal of existing buildings
  - Formation of new bunds/removal of existing bunds on ranges 1, 2, 4, 5 and 6;
  - Demolition of the existing building, sheds, fences and other structures that are within the stream riparian area
  - The construction of new acoustic walls and fencing across the site
  - Placement of new 20ft and 40ft shipping containers
  - Remedial works to provide for planting and a more natural edge with the adjoining waterbody on the eastern boundary of the site
  - A cut and fill range between 1-4 m in depth
  - A maximum fill depth of 4 m and
  - a maximum cut depth of 3.3 m.
48. The location and depth of cuts and fills is shown in Figure 9 and range by range provided in Table 2.

**Table 2: Proposed Earthworks NPPC.** Source: BTW<sup>10</sup>.

	Cut (m <sup>3</sup> )	Fill (m <sup>3</sup> )	Area (m <sup>2</sup> )
Bund 1	190	0	170
Bund 2	260	0	200
Bund 3	500	0	300
Bund 4	80	0	70
Foundation	60	60	370
Bund 5 - Fill	0	1100	270
Totals	1100	1160	

## Disturbance of Contaminated Soils.

49. The application outlines that *"up to 1,425 m<sup>3</sup> of cut activity is to be undertaken associated with bund removal and the new building foundations. Soil separated from tyres is to be placed in the identified fill area."*
50. The application commits to managing the effects of earthworks on contaminated land by providing a contaminated site management plan (CSMP) and ongoing site management plan (OSMP).

<sup>10</sup> Refer Draft Erosion and Sediment Control Plan dated 20th October 2025.

## Signage:

51. The application outlines that existing entrance sign and health and safety signs ("Warning! Live Firing") would be retained. No other new signage is proposed.

## Mitigation:

52. AES have recommended several physical measures to mitigate the effects of firearm noise. A detailed description is provided below and shown in Figure 8<sup>11</sup>:
- *A series of 20-foot containers stacked two containers high with a roof structure reaching at least 7.8 metres high to be placed to the east of Range 1. The sloped side of the roof is to face away from Range 1. Gaps between container stacks are to be welded closed.*
  - *A 7-metre-high acoustic fence between Ranges 1 and 2, extending to the back of Range 1.*
  - *An additional 40-foot container stacked on top of the existing container behind Range 4, and two other stacks of 40-foot containers to the east and west of the existing container. A roof structure reaching at least 7.8 metres high is to be built on top of the container stacks. The sloped side of the roof is to face away from the ranges. An acoustic wall is to be installed above a gate between two of the stacks to ensure continuity of the barrier.*
  - *Construct a 1.5-metre-high acoustic fence above the existing bund between Ranges 3 and 4.*
  - *A new two storey club building behind Ranges 5 and 6, which blocks the line of sight to 1222 Devon Road dwellings from all shooting positions. On Range 5 shooting bays will have a solid partition on each side of the bay and roof above, all lined with minimum NRC 0.6 noise absorbing material (for example Woodtex or mineral wool). The partitions will extend 1.5 m in front of the shooting position, and the distance between partitions should be no greater than 2 metres.*
  - *A series of containers (a combination of 20 foot and 40 foot) including a roof structure extending to at least 7.8 metres high along the eastern side of Range 5. Where there is a gap between the new club building and containers, a 7-metre-high acoustic fence will be established between the row of containers and the club building. Gaps between container stacks are to be welded closed.*
  - *Two 40-foot containers stacked halfway down Range 6 on the eastern side. The containers are to have a roof structure reaching at least 7.8 metres high, with the sloped side facing towards Range 5 and the vertical side facing towards Range 6.*
  - *Any gaps in the 3-metre-high fence behind Range 7 filled and upgrades made as necessary to achieve acoustic specifications.*

## Changes – Post Submissions and Pausing of the Application:

53. The applicant provided a range of further information and updates in January 2026 including:
- A draft Noise Management Plan (NMP)
  - Draft erosion and sediment control plan
  - Draft planting plan
  - Amendments to the site plans allowing for the option of either container barriers **OR** sheet piled walls on range 1
  - Further soil sample results
  - Ecological receptor impact assessment

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<sup>11</sup> Updated AES report dated 6<sup>th</sup> December 2024.

- Offered conditions of consent
- Summaries of consultation undertaken with:
  - Bryan Phillips (1222 Devon Road)
  - Puketapu Hapu

54. I consider that all the proposed changes are within scope of the lodged application.

## STATUTORY REASONS FOR THE APPLICATION & ACTIVITY STATUS

### National Environmental Standards

*National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011*

55. Regulation 5(5) of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS) describes and development as an activity to which the NES applies where an activity that can be found on the Ministry for the Environment Hazardous Activities and Industries List (HAIL) has occurred.

56. A preliminary site investigation (PSI) was provided by BTW on 17th December 2024. The covering note for the document summarised the status of the application under the NES as follows:

*"The PSI confirms the site investigation area (being the Club lease area) as a 'Piece of Land' under the NESCS. Soil disturbance will exceed permitted activity standards (see below) and no Detailed Site Investigation (DSI) exists. Resource consent is required as a discretionary activity in accordance with Regulation 11 in the NESCS.*

*With the earthworks plan having now been prepared, BTW confirms earthwork volumes will exceed the permitted activity standard for soil disturbance of up to 25m<sup>3</sup> per 500 m<sup>2</sup> under Regulation 8(3)(c) in the NESCS. As above, the PSI identifies the entire Club lease area (16,288m<sup>2</sup>) as a 'Piece of Land'. Up to 814.4 m<sup>3</sup> of soil could be disturbed as a permitted activity."*

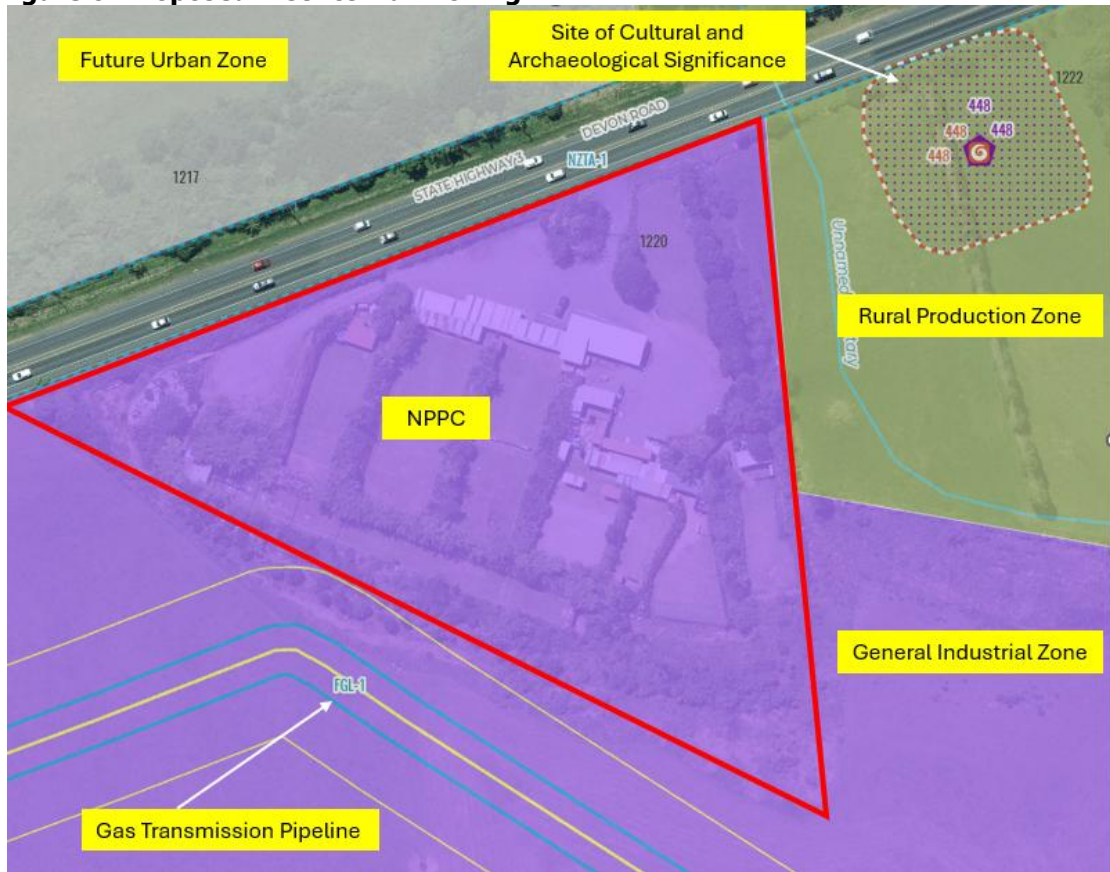
57. I agree that the proposal would be a Discretionary Activity under Regulation 11 of the NESCS.

58. No other National Environmental Standards apply to this proposal.

### Proposed District Plan 2023.

59. The application was lodged and a notification was made under the Proposed District Plan 2023 (PDP). This decision confirmed that the application site was in the General Industrial Zone under the PDP (refer Figure 6) and is the subject of several overlays including sites of cultural and archaeological significance and a gas transmission pipeline and corridor. The decision confirmed that the application was a non-complying activity consistent with the assessment under Tables 3 and 4.

**Figure 6: Proposed District Plan Zoning.**



60. The relevant Rules and Effects Standards of the PDP 2023 are shown in Tables 3 and 4 below. Overall, the proposal was a **Non-Complying Activity** under Rule GIZ-R15 of the PDP at the time of notification.

**Table 3: Applicable Proposed District Plan Rules.**

Rule #	Rule Name	Status	Comment
<b>General Industrial Zone</b>			
GIZ-R15	Sport and recreation activities	<b>Non-Complying</b>	The proposed pistol club facility meets the definition of "sport and recreation activities" under the PDP <sup>12</sup> . Such activities are non-complying activities within the General Industrial Zone.
GIZ-R17	Building activities (including relocation of a building)	<b>Restricted Discretionary</b>	The development fails to meet Rule GIZ-R17 (1) as the proposed use is not a permitted activity. The development meets (2) as all of the Effects Standards of the underlying zone are met.

<sup>12</sup> "means the use of land and buildings for organised sport, recreation activities, tournaments and sports education, e.g. parks, playgrounds, sportsgrounds, swimming pools, stadia and multi-sports facilities. It includes ancillary activities to sport and recreation activities."

Waterbodies			
WB-R4	Earthworks on a site containing or adjoining a natural waterbody	<b>Restricted Discretionary</b>	Earthworks will be undertaken within 10m of the bank of the unnamed tributary associated with the removal of the existing earth bund adjacent to gun range 1. The minimum setback from the tributary would be 0m.
Earthworks			
EW-R3	Earthworks for sport and recreation activities	<b>Restricted Discretionary</b>	The development cannot meet Rule EW-R3 (1) which requires complies with Effects Standards EW-S1 to EW-S5. Specifically, the development cannot meet Effects Standard EW-S2.
EW-R10	Earthworks for building activities	<b>Restricted Discretionary</b>	The development cannot meet Rule EW-R10 (4) which requires compliance with Effects Standards EW-S1 to EW-S5. Specifically, the development cannot meet EW-S2. The development can achieve compliance with EW-R10(1)-(3).
Transport			
TRAN-R1	Roads and vehicle access points	<b>Restricted Discretionary</b>	The applicant can comply with TRAN-R1(1) a. and b. but fails to meet TRAN-R1(2) as it cannot comply with several Effects Standards.
TRAN-R9	High trip generator activities	<b>Permitted</b>	The application confirms that there would be less than 200 people on site at any one time therefore meeting the requirements of this Rule.
TRAN-R10	Vehicle access points onto a state highway	<b>Discretionary</b>	The proposal results in an increase in the use of the existing access point onto State Highway 3 compared to the existing situation (TRAN-R10(1)). Traffic generation may exceed 60 vehicle movements per day (TRAN-R10(2)). The proposal also fails to meet the Transport Chapter Effects Standards (TRAN-R10(3)).
Entrance Corridor			
ECOR-R6	Building activities on sites adjoining an entrance corridor	<b>Restricted Discretionary</b>	The development is unable to comply with ECOR-R6(1) which requires compliance with Effects Standards ECOR-S1 to ECOR-S3.
ECOR-R7	Outdoor storage on sites adjoining an entrance corridor	<b>Restricted Discretionary</b>	The facility involves outdoor storage within the Entrance Corridor.
Noise			
NOISE-R1	Emission of noise	<b>Restricted Discretionary</b>	Subject to the implementation of proposed mitigations measures, the applicant's acoustic expert (AES) has

			outlined that the Effects Standards of the Noise Chapter can be met allowing compliance with Rule NOISE-R1 to be achieved. Marshall Day Acoustics (MDA), on behalf of the Council, have outlined that insufficient information has been provided to determine whether compliance is achieved <sup>13</sup> . Taking a precautionary approach, the Rule is considered to apply noting that the PDP acknowledges that consideration of noise from gunfire is outside its scope and requires an alternative assessment method. This is discussed in detail later in this report.
NOISE-R2	Emission of noise from construction, maintenance and demolition activities	<b>Permitted</b>	The applicant confirms that the construction noise will be managed to comply with the Rule.

**Table 4: Applicable PDP Effects Standards.**

Effects Standard	Effects Standard Name	Complies?	Comment
<b>Noise</b>			
NOISE-S1	Maximum noise levels - zone specific	<b>No</b>	<p><u>For the General Industrial Zone:</u></p> <p>Noise generated by any activity shall not exceed the following noise limits at any point within any other site in the General Industry Zone:  All times - 70 dB LAeq(15 min).  All times - 80 dB LAm<sub>ax</sub>.</p> <p>Noise generated by any activity shall not exceed the following noise limits at any point within the notional boundary of any noise sensitivity activity on any site in the Rural Production Zone, Rural Lifestyle Zone, Future Urban Zone and Māori Purpose Zone at any point within the boundary of any site in a Residential Zone:  7am to 7pm – 55 dB LAeq(15 min).  7pm to 10pm – 50 dB LAeq (15 min).  10pm to 7am – 45 dB LAeq (15 min).  10pm to 7am – 75 dB LAm<sub>ax</sub>.</p> <p>As explained under Rule Noise-R1 in Table 3, compliance with the Effects Standard is disputed.</p>
NOISE-S2	Maximum noise levels - activity specific - Construction	<b>Yes</b>	The proposal would be able to meet the requirements of this Effects Standard.

<sup>13</sup> Refer Marshall Day Acoustics memo dated 30<sup>th</sup> January 2025.

Earthworks			
EW-S2	Maximum cut depth or fill height	<b>No</b>	<p>Whilst the standard limits the maximum height of cut/fill outside the minimum building setback for the underlying zone to 1.5m, the applicant proposes a maximum of 3.2m.</p> <p>Whilst the standard limits the maximum height of cut/fill inside the minimum building setback for the underlying zone to 0.5m, the applicant proposes a maximum of 3.8m.</p>
Transport			
TRAN-S5	Maximum width of vehicle access points	<b>No</b>	The existing access point is approximately 10.8m in width whereas the Effects Standard provides for maximum of 9m.
TRAN-S7	Minimum number of on-site vehicle parking spaces for people with disabilities	<b>No</b>	No dedicated disability parking is proposed
TRANS-S8	Minimum number of on-site bicycle parking spaces	<b>No</b>	No dedicated bike parking is proposed.
TRAN-S12	Requirements for on-site vehicle parking spaces - construction and formation	<b>No</b>	<p>Given the site has four or more on-site vehicle parking spaces, and is not adjacent to a residential zone the development must provide:</p> <ol style="list-style-type: none"> <li>the area must be formed, to an all-weather standard (<b>does not comply</b>)</li> <li>the gradient of the parking area must be a maximum of 1:20 (<b>complies</b>); and</li> <li>the area over which vehicles obtain access to the parking area must be sealed from the vehicle access point for 5m into the site (<b>complies</b>).</li> </ol>
TRAN-S15	Minimum number of on-site loading and standing spaces	<b>No</b>	The Effects Standard requires at least 1 on-site loading and standing space.
TRAN-S17	Requirements for on-site loading and standing spaces - construction and formation	<b>No</b>	<p>Given the site has four or more on-site vehicle parking spaces, and is not adjacent to a residential zone the development must provide:</p> <ol style="list-style-type: none"> <li>the area must be formed, to an all-weather standard (<b>does not comply</b>)</li> </ol>

			<p>b. the gradient of the parking area must be a maximum of 1:20 <b>(complies)</b>; and</p> <p>c. the area over which vehicles obtain access to the parking area must be sealed from the vehicle access point for 5m into the site <b>(complies)</b>.</p>
TRAN-S19	Requirements for driveways - construction and formation	<b>No</b>	<p>All driveways must comply with the following standards:</p> <ol style="list-style-type: none"> <li>1. Minimum width of the driveway: 3.5m; and</li> <li>2. Maximum gradient of the driveway: 1:5; and</li> <li>3. A passing bay(s) must be provided in compliance with Council's Land Development and Subdivision Infrastructure Standard Local Amendments where the driveway length is 50m or longer and is spaced at no more than 50m intervals; and</li> <li>4. A turning area(s) must be provided in compliance with TRAN-S22 where the driveway length is 50m or longer.</li> </ol>
<b>Entrance Corridor</b>			
ECOR-S1	Minimum setback from the road boundary for structures on sites adjoining an entrance corridor	<b>No</b>	Part of the proposed two-storied building will be located within 8.5m of the road boundary whereas the Effects Standard requires a setback of at least 20m be achieved. Similarly, the existing site fence located within the 20m setback would be increased to 3m in height and fails to meet the Effects Standard.
ECOR-S2	Minimum landscaped setback area on sites adjoining an entrance corridor	<b>No</b>	The Effects Standard requires that at least 60% of the 20m setback from the road boundary would be planted in trees and shrubs.

## Operative District Plan 2005.

61. Given an appeal was received on earthworks Effects Standard EW-S2, the relevant rules of the Operative District Plan (ODP) remained relevant at the time of notification. The notification decision confirmed that the consent was required under the ODP. Table 5 outlines the applicable rules at the time.

**Table 5: Applicable ODP Rules.**

Industrial C Environment Area			
Rule #	Rule Name	Status	Comment
Ind49	All other EXCAVATION and FILLING on a slope	Restricted Discretionary	The proposal involves earthworks on existing earth bund on range 1 which has a slope of over 22 degrees. The works involved a cut of greater than 3m in height.

62. Overall, the proposal at the time of notification was a **Restricted Discretionary Activity** under Rule Ind49 of the ODP.

### Effect of the Part Operative District Plan.

63. The Proposed District Plan became the Part Operative District Plan on 29 August 2025. This means that almost all provisions including zoning, objectives, policies and rules are beyond challenge and considered operative. Only a small number of appeals affecting a small number of properties are left to resolve.
64. The appeal on Effects Standard EW-S2 was resolved as part of this decision meaning that no resource consents are now required under the Operative District Plan.
65. There have been no other changes to the PDP which affects the matters relevant to the application and the underlying zoning and relevant overlays are unchanged. Overall, all the matters outlined under Tables 3 and 4 remain relevant. The non-complying activity status under the PDP still applies under the Part Operative District Plan (PODP).
66. Overall, the proposal is a **Non-Complying Activity** under Rule GIZ-R15 of the PODP.

### Requirement for Other Consents.

67. It has been determined that no further resource consents under the RMA are necessary for the proposal including any consents from Taranaki Regional Council.

## **PUBLIC NOTIFICATION AND SUBMISSIONS**

68. The application for land use consent was subject to limited notification under s95A of the Act<sup>14</sup>. Whilst the application was publicly notified the following properties were considered directly affected and subsequently served notice of the application:
- 238 Te Arei Rd West, G Hunt
  - 62 Airport Drive, G & K McDonald
  - 76A Airport Drive, Wallis & Co Ltd
  - 1205 Devon Rd, L & H Development Ltd
  - 1207 Devon Rd, K & M Miller
  - 1219 Devon Rd, J & N Tudor
  - 1221 Devon Rd, Naus & Walker Ltd
  - 1222 Devon Rd, B Phillips
  - 1232 Devon Rd, Amjak Limited
  - 1244 Devon Rd, C, I & P Johnson
  - 18 & 24 Old Devon Rd, Hardwick-Smith Partners
69. Other than the above, the following parties are also to be served notice.
- The New Zealand Police (s10(2)(b))
  - Te Kotahitanga o Te Atiawa Iwi – landowner owner (s10(2)(b)) and statutory acknowledgement holder (s10(2)(d))
  - Taranaki Regional Council (s10(2)(c))
  - Puketapu Hapū – mana whenua and statutory acknowledgement holder (s10(2)(d))
70. Overall, there is a total of 17 submissions received, 1 in opposition and 16 in either full support or partial support. A full list of the submissions received is shown in Table 6. All submissions were received before the closing date for serving of the submission.

## **SITE VISITS**

71. I conducted a site visit of the application site and surrounding area on 12<sup>TH</sup> December 2023 along with other council officials. During my first site visit I was able to enter the grounds of the application site and view all the operational and disestablished ranges as well as the club rooms, car parking storage areas.
72. I was able to walk along the common boundary between and observe the relationship between the application site and the properties surrounding the site to better understand the likely effects of the proposal noting that firing was not occurring at the time.
73. I conducted a site visit of Mr Phillips' property, on 12<sup>TH</sup> March 2026. I was able to walk along the common boundary between the properties. Firing at the club occurred throughout the site visit of which provided useful insight and context to judge effects and concerns raised by the submitter.
74. I was able to take noise measurements of shooting activity that was occurring using equipment provided by Mr Ellerton.

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<sup>14</sup> Refer s95A notification report dated 19<sup>th</sup> May 2025.

Figure 7: Existing Site Plan. Source: BTW.

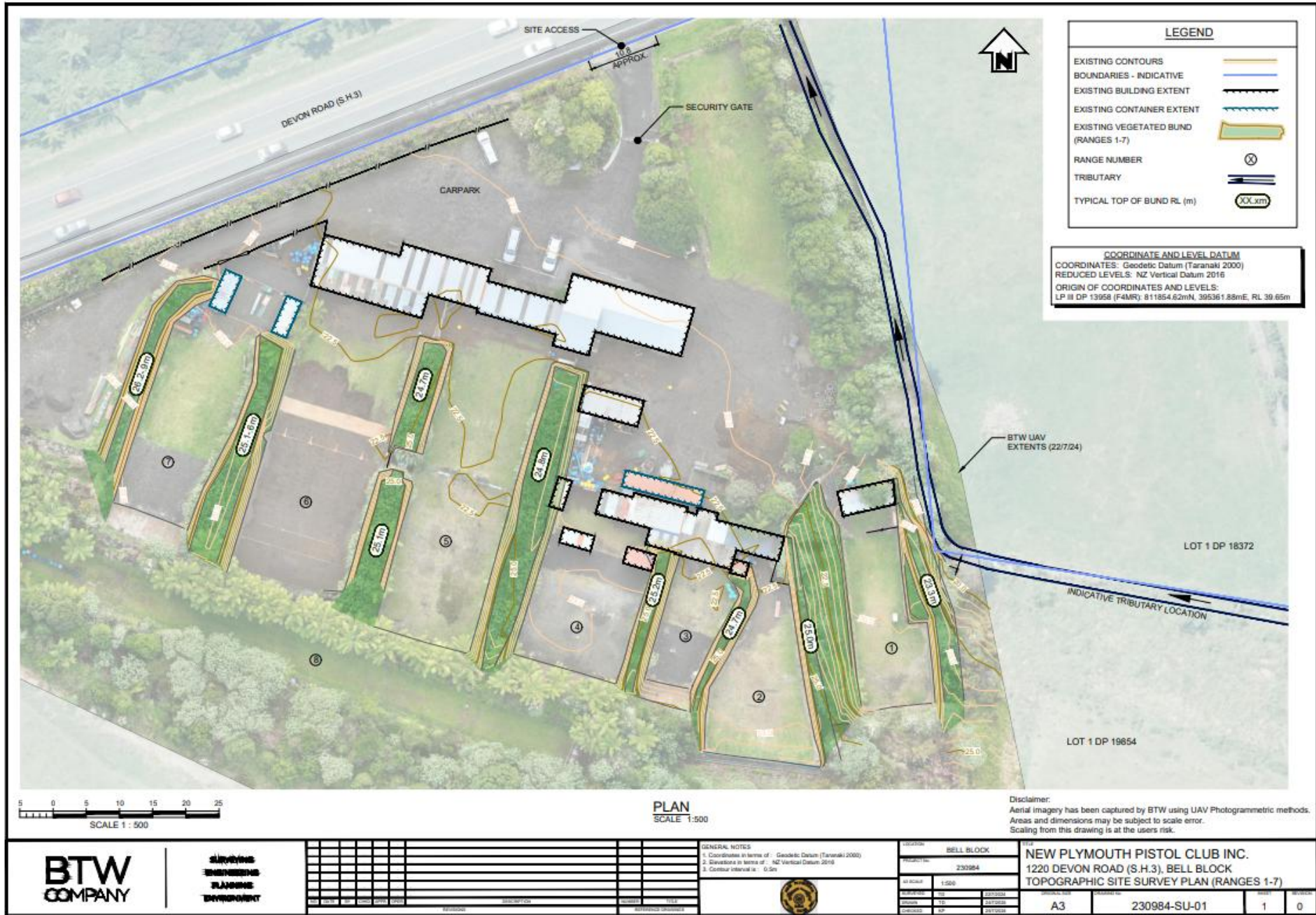
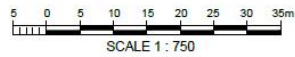
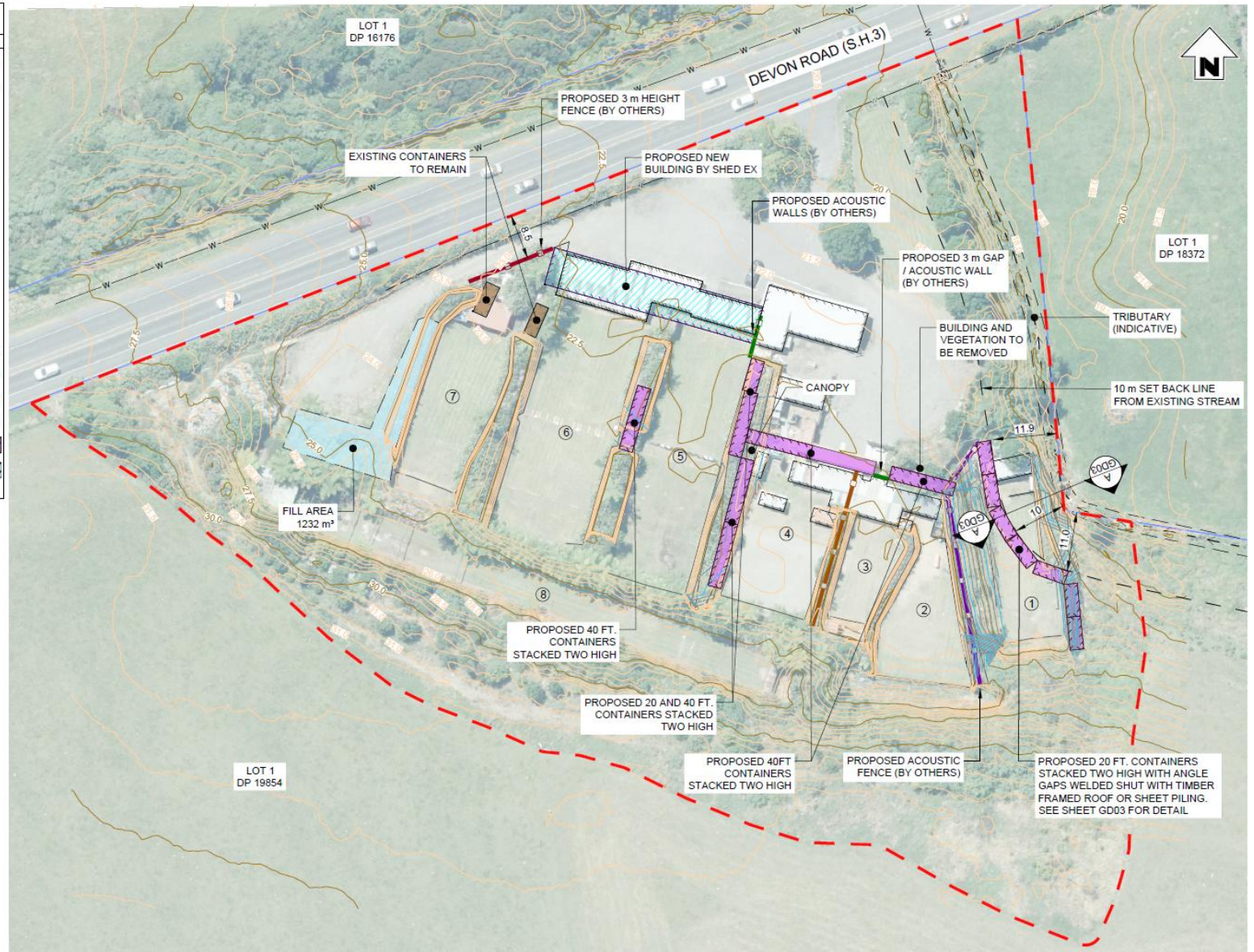


Figure 8: Proposed Site Plan. Source: BTW.

LEGEND		
EXISTING	PROPOSED	
MAJOR CONTOURS		
MINOR CONTOURS		
BOUNDARIES		
FENCE		
TRIBUTARY		
WATER		
WATER METER		
VALVE		
RANGE NUMBER		
10 m SETBACK LINE FROM STREAM		
ACTIVITY AREA		
VEGETATED BUND		
1.5 m HEIGHT BUND		
3 m HEIGHT ACOUSTIC FENCE		
7 m HEIGHT ACOUSTIC FENCE		
ACOUSTIC WALL FENCE		
CONTAINER		
BUILDING		



Disclaimer:  
Aerial imagery has been captured by BTW using UAV Photogrammetric methods.  
Areas and dimensions may be subject to scale error.  
Scaling from this drawing is at the users risk.

PLAN  
SCALE 1:750

ISSUED FOR APPROVAL

**BTW**  
COMPANY

SURVEYING  
ENGINEERING  
PLANNING  
ENVIRONMENT

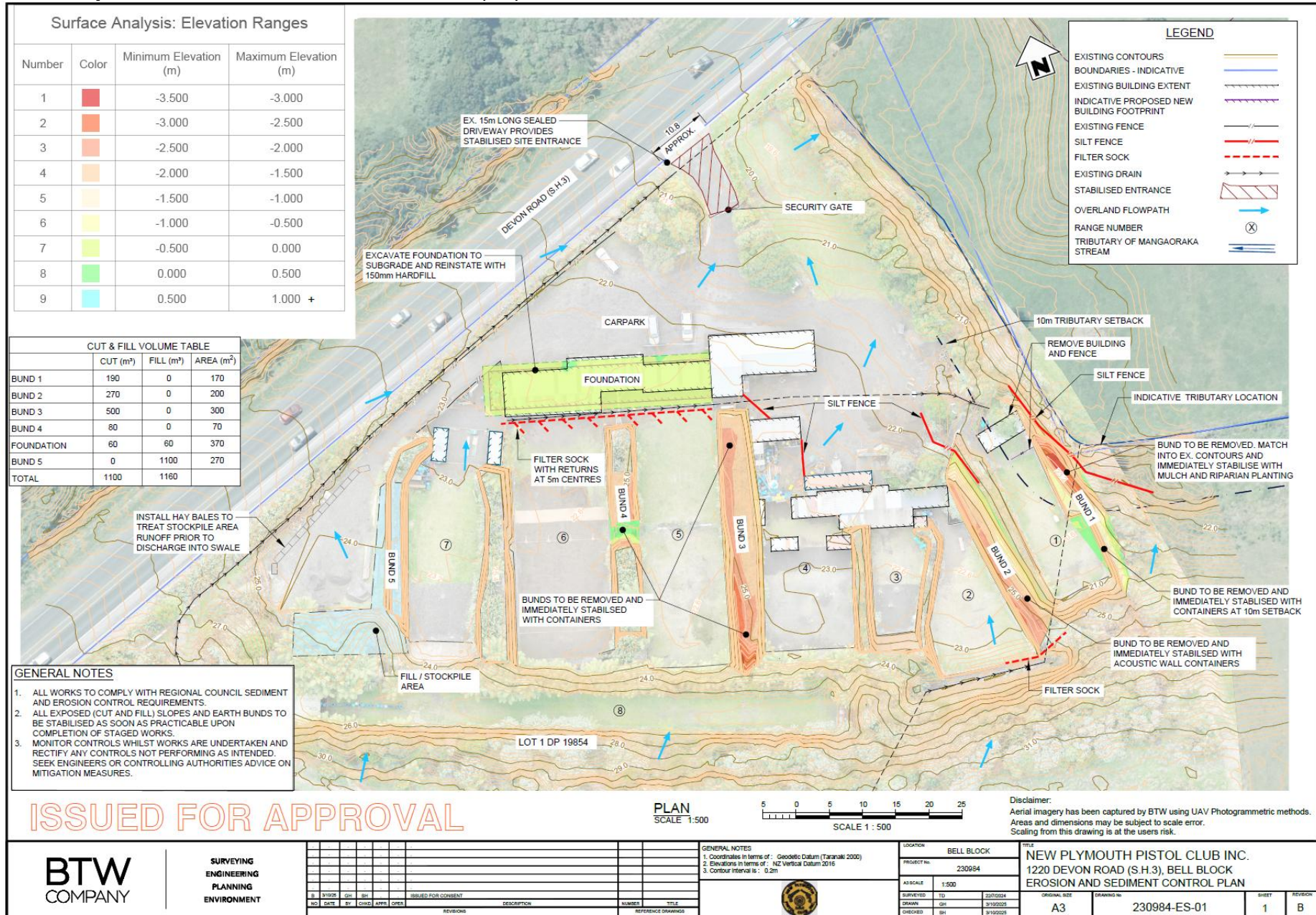
NO	DATE	BY	CHKD	APPR	OPEN	DESCRIPTION	NUMBER	TITLE
B1	27/02/24	K.A.	S.H.			ISSUED FOR CONSENT		
B	31/03/24	GH	SH			ISSUED FOR CONSENT		

GENERAL NOTES  
1. Coordinates in terms of : Geodetic Datum (Tasmanian 2000)  
2. Elevations in terms of : NZ Vertical Datum 2016  
3. Contour Interval is : 0.2m

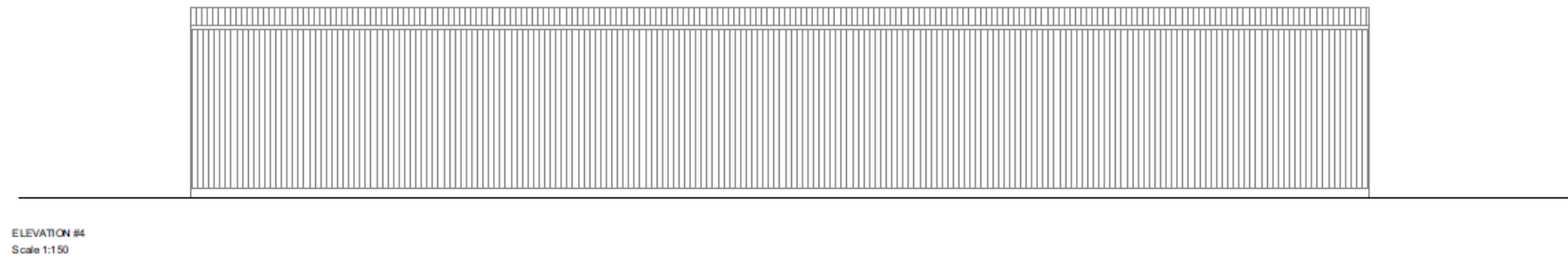
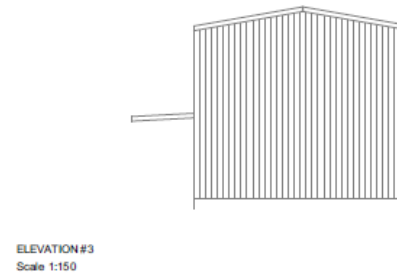
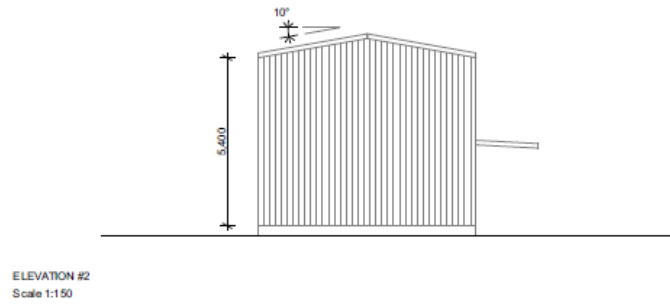
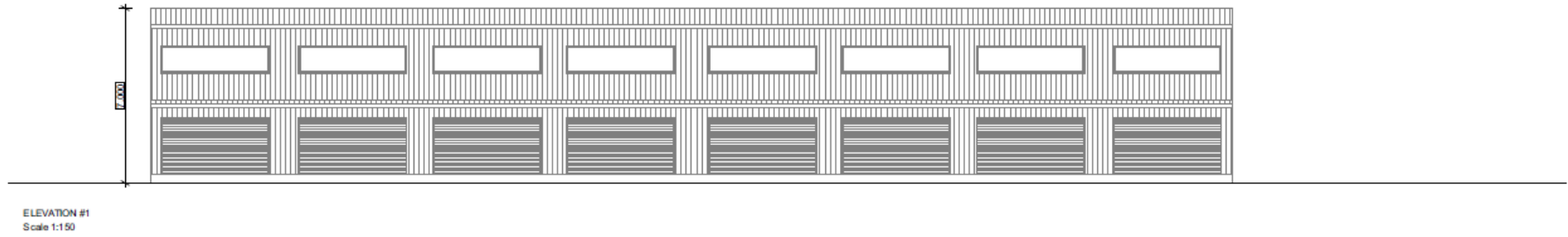


LOCATION	BELL BLOCK	TITLE	NEW PLYMOUTH PISTOL CLUB INC. 1220 DEVON ROAD (S.H.3), BELL BLOCK CONCEPT RANGE
PROJECT NO.	230984	ORIGINAL SIZE	A3
AS SCALE	1:500	DRAWING NO.	230984.00-02
SURVEYED	TD	22/7/2024	SHEET
DRAWN	GH	31/03/2025	GD02
CHECKED	GH	14/04/2024	REVISION
			B1

**Figure 9: Proposed Earthworks Plan.** Source: BTW Company.



**Figure 10: Elevations of Proposed New Building for Gun Ranges 5 and 6.** Source: Shed Ex.



NEW BUILDING DEVELOPMENT - New Plymouth Pistol Club

DATE: 17/07/24  
JOB No. 2407 REVISION. A  
DRAWING No. **SCH3**

**Figure 11: Proposed planting plan.** Source: BTW.



**ISSUED FOR APPROVAL**



**SURVEYING  
ENGINEERING  
PLANNING  
ENVIRONMENT**

NO.	DATE	BY	CHKD	APPR	OPNS	ISSUED FOR COMMENT	DESCRIPTION	NUMBER	TITLE

GENERAL NOTES	
1.	Coordinates in terms of: Geodetic Datum (Taranaki 2000)
2.	Elevations in terms of: NZ Vertical Datum 2016
3.	Contour Interval is: 0.2m

LOCATION:	BELL BLOCK
PROJECT No:	230984
A3 SCALE:	1:500
SURVEYED:	TD 22/05/04
DRAWN:	GH 3/10/02S
CHECKED:	SH 3/10/02S

TITLE		NEW PLYMOUTH PISTOL CLUB INC. 1220 DEVON ROAD (S.H.3), BELL BLOCK PLANTING PLAN	
ORIGINAL SIZE	DRAWING No	SHEET	REVIS
A3	230984.00-02	GD06	B1

**Table 6: Submissions Received.**

Submitter ID	First Name	Last Name	Address	Support/ Oppose/ Neutral	Grant/Decline/Grant with amendments	Wish to be heard at hearing	Present joint case at hearing
1	Alexander Stuart	McKenzie	201 Spey Street, Invercargill 9810	Support	Grant	No	Yes
2	Colleen Joanne	Tett	15 Brooks Terrace Waitara 4320	Support	Grant	Yes	Yes
3	Gary James	Solly	38 Blackett Road, whatawhata RD8 Hamilton	Support	Grant	No	no
4	Martin	Wallis	109 Stoneridge Terrace, Whitford Auckland 2576	Support	Grant	No	Yes
5	Wayne Alister	Chapman	4 Riverlea Way, Totara Park , Upper Hutt	Support	Grant	No	No
6	Rex	Grant	152 Geraldine Arundel Road RD22	Support	Grant	No	No
7	BJ	Garvey	462A Stanley Road, RD2, Opotiki, 3198	Support	Grant	Yes	Yes
8	Christopher John	Williams	25 Chedworth Avenue, Chedworth, Hamilton	Support	<b>Not stated</b>	No	No
9	Rachel Mary	Solly	38 Blackett Road, whatawhata RD8 Hamilton	Support	Grant	No	No
10	Ivan	Wells	125 Macleansroad, Bucklands Beach, Auckland	Support	Grant	No	No
11	Helen	Parr	38 Ainslee Street, Highlands Park, New Plymouth	Support	Grant	Yes	<b>Not stated</b>
12	Alan William	Gordon	32 Aubery Crescent, Rainbow Point, Taupo 3330	Support	Grant	No	No
13	Maree	Rush	1882 Mangorei Road RD1, New Plymouth 4371	Support	Grant	No	No
14	Michael John	Dowling	PO Box 10-337, Wellington 6140, New Zealand	Support	Grant	No	No
15	David	Gaffin	954 Kahikatea Flat Road, Waitoki, Auckland 0871	Support	Grant	No	No
16	Bryan	Phillips	1226 Devon Road, Bell Block, RD3, New Plymouth 4373	Oppose	Decline	Yes	No
17	Raukura	Salisbury	<b>Not stated</b>	Support	Grant with Amendments	Yes	<b>Not stated</b>

**Effects Disregarded.**

Permitted Baseline.

75. Section 104(2) of the Act provide that when determining the extent of the adverse effects of an activity or the effects on a person respectively, a Council 'may disregard an adverse effect if a rule or national environmental standard permits an activity with that effect'. This is known as the permitted activity baseline test.
76. The permitted activity baseline applies to consideration of both who is affected and whether effects are or are likely to be more than minor under both the public and limited notification assessments. If a Council applies the permitted activity baseline, it is only the adverse effects over and above those forming a part of the baseline that are relevant when considering those two issues.
77. The permitted baseline has not been applied to this proposal given;
- The establishment of a gun club is considered to be a "sport and recreation activity". Under the PODP, sport and recreation activities in the General Industrial Zone are a non-complying activities in all cases; and
  - There is no credible or useful comparison between the effects of the proposal and the effects of a sport and recreational activity which could plausibly be established as a permitted activity and the effects of the proposal.

Written Approvals

78. Under s014(3)(ii), a consent authority must no when considering an application, have regard to any effect on a person who has given written approval to the application. The written approval of the following party was provided with the application:
- Waka Kotahi/NZ Transport Agency – administrator of the adjoining State Highway 3<sup>15</sup>.

Trade Competition

79. I am not aware of any trade competition effects relating to this application and no written approvals have been provided with the application.

**Submissions.**

80. I have read and considered all submissions received. For the sake of brevity and given some of the submissions number hundreds of pages in length I have provided concise summary below.

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<sup>15</sup> Refer letter by NZTA dated 17<sup>th</sup> February 2025.

## Submissions in Support

- The NPPC should be allowed to return to its previous hours of operation
- The facility provides a facility for people to train and safely use firearms
- The club provides a dedicated facility for people passionate about their chosen sport to safely learn multiple disciplines and to compete in various competitions
- It would be a terrible loss to the community if the facility was denied the right to continue their current activities
- Pistol shooting is a legitimate sport and needs an environment to safely learn
- It is Councils responsibility to support licensed and legal activities for people to enjoy and practice said activity
- Acknowledgement that shooting can be noisy, but the club is ideally situated beside a noisy road.
- I have attended organized shoots at these premises and found them to be run safely and well managed.
- Any person purchasing property in the area knows that the club is in operation, so they purchase with knowledge
- The club has been in operating for many years including prior to the resource management act and should be allowed to continue with no restrictions.

## Submission in Opposition

- The noise has been "extreme" and has on multiple occasions led to the submitter abandoning his home
- The noise from the Club activities has caused persistent stress for Mr Phillips' and family
- Cause livestock on the property to panic and resulted in damaged fences
- The level of noise is beyond nuisance
- Concerns regarding the applicant's approach to transparency, community engagement and accountability
- Strongly opposes the proposed 7 day per week, 9am-9pm operating hours which includes weekends and evenings which are reserved for rest, recreation and family time
- The proposed hours and intensity would be incompatible with the rural-residential environment
- Procedural issues with the way complaints have been investigated by NPDC and how the Club has been allowed to continue to operate
- Concerned with the scale and intensity of effects of the use when police are using the site which appears to increase
- A facility which has not displayed consistent compliance or transparency should not be granted even broader privileges
- Concerns that the site is contaminated and that discharged water draining onto his property maybe contaminated
- The club has been able to operate for 40-50 years without effective environmental oversight and proper risk assessment
- Unacceptable risks to public health, water quality and the environment
- Concerns regarding possible ricochets from gun activity affecting human and livestock safety
- Concerned by the unique characteristics of ricochet noise, which is sharp, high-pitched and whistling
- The perceived risk of ricochets creates hesitancy to enter parts of his property
- Impacts on property values because of club activities
- Concerns that the Police use of the site is not easily controlled because of Policy being unwilling to share the information and the club not being at liberty to pass on information that it does receive

## Assessment of Effects.

81. I have considered the following effects:

- Positive effects
- Noise effects including private receptors and the ability to development Future Urban Zone (Area R)
- Cultural effects including effects on waterbodies
- Contamination/effects on human health
- Access and traffic
- Landscape and visual effects on the New Plymouth "Entrance Corridor".
- Archaeology

82. Given the application is for a Non-Complying Activity, the assessment of effects is not restricted.

### Positive Effects

83. Section 4.2 of the application addresses positive effects which I accept. I also acknowledge and accept the positive effects outlined in the submissions including that the club provides a dedicated space where people can safely pursue their sport of their choice and the social benefits provided from a club facility catering for like-minded people. Such facilities provide a basis for social cohesion.

84. Whilst the New Zealand Police have not made a formal submission on the application, it is acknowledged that the proposal provides the opportunity for regular firearms training for the New Zealand Police including the Armed Offenders Squad. Such positive effects could also be realised through use of an alternative facility which met all legislative requirements.

### Lawfully Established Environment

85. Whilst the club includes 9 active indoor and outdoor ranges catering for a membership of 150, I consider that the lawfully established environment is limited to a total of 3 ranges and 30 members. This is consistent with my officer's report for the Certificate of Existing Use dated 22<sup>nd</sup> June 2023. This is critical baseline determination on which I have considered the effects of the proposal.

### Noise

86. Noise from the use of firearms is an inherent and obvious effect created by the club's operation. The PODP noise chapter overview statement provides some useful context for why noise effects are controlled the plan. The plan both acknowledges that noise is an essential part of many activities allow for the use of land across the district but also that noise effects have varying characteristics which can cause annoying and impact on human health. The plan states:

*"The generation of noise is often an intrinsic part of the operation and function of the diverse range of activities and industries that operate in the district.*

*However, noise has the potential to cause annoyance and affect health, e.g. as a result of sleep disturbance. Noise is often identified as a nuisance and is a frequent cause of complaints. The nature and level of annoyance depends on its appropriateness, character, and duration, and the distance and other noise reducing measures between the noise source and receiver. The sensitivities of an individual and their expectations are other factors that determine the level of annoyance. The background sound level in different environments (rural, residential, business,*

*and industrial areas) influences the level of acceptability or annoyance to noise and these vary throughout the district."*

87. Central to the assessment of noise effects is the comparison of expert reports undertaken by AES on behalf of the applicant and Mr Ellerton on behalf of the Council. The first-hand accounts of effects on Mr Phillips' property is also relevant.
88. The two experts have worked together throughout the pre-application and resource consent process sharing a range of information. The aim of this collaboration was to provide an opportunity for consensus to be reached on technical matters such as methodology, noise criteria, noise effects and the effectiveness of mitigations. As will be explained in this report, the experts agree on some matters and clearly disagree on others. The areas of disagreement have, in turn, informed my final conclusions on noise effects and whether effects can be avoided, remedied or mitigated. The reports of both AES and Mr Ellerton should be read in conjunction with this report. Mr Ellerton's assessment includes memos 1-8 as well as his evidence in chief.
89. Below, I have stepped through the key aspects of the noise assessment including:
- How noise from firearms is considered under the Part Operative District Plan
  - Noise assessment methodology
  - The existing ambient noise environment
  - Acceptability of proposed noise limits
  - Effectiveness of mitigations including noise management plan

*How noise from firearms is considered under the Part Operative District Plan:*

90. The Noise Chapter of the PODP sets out rules and noise limits for each zone and limits for specific activities. The PDOP requires that noise be measured in accordance with NZS 6801:2008 Acoustics Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics Environmental Noise, unless otherwise specified elsewhere in the Plan.
91. The noise chapter also outlines that noise from "*impulsive sounds (such as blasting and bangs) and dog barking noise*" is exempted from the rules. This is not to say that impulse banging noise such as that from firearms is not controlled. The chapter makes clear that noise from such activities shall be assessed by other methods. It states: "*Some activities are exempt from the noise rules set out in this section as they are either not controlled by the Act, e.g. aircraft in flight, or are controlled separately by sections 16 and 17 of the Act and by the application of relevant New Zealand Noise Standards.*"
92. Mr Ellerton addresses how the PODP deals noise from gunfire in his memo dated 30<sup>th</sup> January 2025. He states:
- "In our opinion, the noise limits per se are not appropriate for determining the acceptability of noise from firearms. AES correctly identify that NZS6802:2008 specifically notes noise from gunfire is outside the scope of the standard."<sup>16</sup>* Further to the statement of MDA, the consideration of gunfire noise is within the discretion of council given the proposal is a non-complying activity.
93. Overall, the experts agree that a bespoke approach to the consideration of noise effects is required.

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<sup>16</sup> Refer Ellerton memo dated 30<sup>th</sup> January 2025.

*Noise assessment methodology:*

94. The noise experts have discussed the merits and limitations of two options, being  $L_{AFmax}$  or CNR noting that it is for the applicant to choose and apply a consistent methodology across the effects assessment. This is crucial to having confidence that the effects are well understood and compliance is transparent.
95. The initial position of AES was to use the  $L_{AFmax}$  noise criteria to determine the most appropriate noise limit. Mr Ellerton has provided some detailed commentary on this method noting in paragraph 33 that the *"approach is more simplistic and represents a singular threshold which cannot be exceeded – a hard limit"*.
96. Later AES promoted the use of CNR which provides a method of assessing the level of noise received at a position (using  $L_{peak}$  acoustic parameter), the number of rounds discharged and the sensitivity of the receiver and the number of days per year it occurs. The CNR approach is akin to a "noise dose". This relates to a daily dose that may or may not apply every day of the week.
97. The noise dose received may be achieved in several ways. For instance, it may be achieved in short space of time (if particularly noisy firearms are discharged and high number of rounds) or maybe over an extended period (noise firearm but total number of rounds discharged over a longer duration).
98. The CNR system allows for prediction of future noise and by back calculation the number of rounds for each firearm type. Furthermore, the combination of different firearm discharges can be used to predict the CNR at the receiver(s).
99. Mr Ellerton provides further description of CNR in paragraph 30 of his evidence and states:

*"While the CNR requires some calculation it does provide a potential tool for predetermining how compliance can be achieved with a potential mix of firearms being used. This was demonstrated in MDA Mm003 dated 7 June 2022<sup>17</sup>."*

*The CNR criteria does attempt to quantify not only the level of noise experienced but the number of times this occurs and over what sort of duration to provide a single answer. As noted above, it does also mean a "pick'n'mix" approach to users of the club could be applied to future planning. "*

*The existing ambient noise environment:*

100. In paragraph 39 of his evidence, Mr Ellerton acknowledges that relevance of higher background noise levels where he states:

*"The presence of an elevated ambient noise environment may allow for a noise limit that exceeds the District Plan limit to be acceptable. For instance, a new business close to a residential boundary may create noise which technically exceeds the permitted activity standards but may be judged as acceptable because the existing ambient noise environment already exceeds the District Plan noise limits i.e. both sites are subject to noise from motorway/road traffic."*

101. Whilst the noise experts agree that the existing ambient noise environment, including noise from State Highway 3, is relevant to the assessment of noise effects, they disagree as to the

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<sup>17</sup> Refer Ellerton memo o3 dated 7 June 2022

level of mitigation this provides to the future effects of firearm noise particularly in relation to the effects on Mr Phillips' property.

102. Section 8 of the AES report<sup>18</sup> considered the existing noise levels in relation to 1222 Devon Road and Future Urban Zone (directly opposite the site). AES believe that the noise from State Highway 3 would be effective in mitigating the firearm noise coming from the club. They state:

*"Given the existing ambient environment in this location as described above, these predicted levels are not expected to be of concern, potentially with the exception of Range 6 (74 dB LAFmax associated with the use of central and southern shooting positions) and Range 7 (77 dB LAFmax)."*

103. Mr Ellerton addresses this point in paragraphs 40 and 41 of his evidence and disagrees with this position. He states:

*"In this case, AES have stated<sup>19</sup> the presence of firearm noise at 65dB LAFmax is acceptable in the context of road traffic noise at 55-60dB LAeq because the cumulative or additive effect is small. This statement is made in specific reference to Mr Philips property. I disagree with this conclusion because the nature of the two sounds is completely different in both character and receiver response. Figure 1 illustrates this."*

*From Figure 1 it can be seen the ambient noise in the absence of firearms is approx. 50-55dB LAeq.(blue line). The LAFmax (red line) is approx. 70dB. The change in noise level during use of firearms can be clearly seen and is clearly audible when experienced during visit to Mr Phillips' houses at 1222 Devon Rd.*

104. As part of my own site visit of the submitter's property, I took care to observe and compare the noise emanating from firearms at the Club with noise being generated by vehicle's using the State Highway. I was able to take general comparisons of the noise at three locations shown in Figure 12 below.
105. In relation to location 1, being immediately adjacent to the State Highway 3, the noise being generated by the passing vehicles was much higher and it was more difficult to distinguish gun firing occurring at the club.
106. In respect of locations 2 and 3, observed that the gun shot noise was noticeably different in terms of its characteristics when compared to vehicle noise from the State Highway. The noise was clearly audible over and above the vehicle noise and it was not at all difficult to distinguish between the origin of the two noise sources.
107. Overall, there is disagreement as to the whether the existing noise environment would mitigate the predicted noise levels of club's operation. Based on my own observations, I have no reason to doubt the position reached by Mr Ellerton on this matter that the existing background noise is not effective in masking firearm noise relative to the notional boundaries of Mr Phillips' main and secondary dwellings.

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<sup>18</sup> Refer AES report dated 1<sup>st</sup> August 2024 submitted with the application.

<sup>19</sup> AC23328 – 01 – R5: New Plymouth Pistol Club – Assessment of Environmental Noise Effects, page 6 penultimate paragraph.

**Figure 12: Site visit locations comparing road and firearm noise.**



*Acceptability and ability to meet requested noise limits*

108. Following installation of physical mitigation measures, AES outlines they will achieve a self-imposed noise level of:

- 65 dB *LAFmax* for 1222 Devon Road and other private boundaries; and
- 70dB *LAFmax* for the FUZ properties on the opposite site of State Highway 3

109. In his summary at paragraph 60, Mr Ellerton provides a concluding comment on the acceptability of these requested limits and states:

*"I disagree that the AEE noise criterion of 65dB LAFmax at 1222 Devon Rd houses is appropriate, and likewise I do not agree the proposed 70dB LAFmax at houses in Future Urban Zone is appropriate."*

110. In paragraph 60(ii), Mr Ellerton provides further commentary regarding the context for the requested noise limit and his own judgment of effects on Mr Phillips' property.

*"There are examples in New Zealand of consents granted for firearm use that use LAFmax in the range of 50-55dB. On the limited occasions I have experienced firearm noise at Mr Phillips property, even at 65dB LAFmax, combined with the number of rounds fired, I consider it to be too high."*

111. It is also important to note that despite stating that the requested noise limits would be met, AES predicts that even with mitigations in place the noise from range 1 at 1222 Devon Rd houses at up to 67dB LAFmax, which is more than their own criteria of 65dB LAFmax<sup>20</sup>.
112. Turning to the noise effects in the FUZ lands. The application relies on undefined future mitigations achieving a further 5dB reductions to meet the 70dB L<sub>AFmax</sub> limit. I make two points here being:
- The applicant has not provided any details of what the further mitigations would be and if they would be within scope of the application; and
  - Based on the information shown in Table 8.1 of the report, even with proposed and future mitigations in place, the noise from range 7 would be 72dB<sup>21</sup> which is above the own criteria of 70dB LAFmax.

*Draft Noise Management Plan:*

113. A draft NMP by AES dated 5<sup>TH</sup> December 2025 was provided to the Council on 20th January 2026.
114. As noted by Mr Ellerton in paragraph 63 of his evidence, the plan is *"relied upon as a critical document to demonstrate how any activity will be conducted to ensure noise will be controlled to the requested noise limit of 65dB LAFmax."* (the limit requested for Mr Phillips' and other properties except FUZ properties).
115. The draft plan sets out a mixture of hard and flexible limits to guide firearm use should consent be granted. The use of such adaptive management conditions is commonplace in resource management where there is confidence that effects are well understood and generally acceptable and where the substance of the condition and management plan is clear and enforceable. Adaptive management plans should not be relied upon to address fundamental uncertainties around and scale and significance of effects or where compliance is ambiguous.
116. Below I have set out a discussion on the key mitigations including key aspects of the NMP:
- Periods of low or low noise
  - Physical mitigations
  - Credibility of self-management tools including Hello Club system and swipe cards.
  - Fragmentation of roles and responsibilities
  - Noise criteria inconsistencies and general concerns

Periods of Low or no Noise:

117. Section 2.3 of the NMP outlines the hours and intensity of the use as well as the designated periods of "low or no noise" which defined as seven contiguous 4-hour periods each week to be displayed on the club's website at least 1 week in advance. If successfully implemented the low or no noise periods would provide relief for surrounding properties from the adverse effects of noise. The plan provides details as to how the periods would work in practice and states:

*"A period of 'low or no noise' is defined as a period where any outdoor shooting is restricted to range/firearm combinations which produce a noise level of 55 dB LAFmax or less at the notional boundary of the 1222 Devon Road secondary dwelling. Firearm types that are permitted to be used, and ranges on which they can be used within these times are restricted to the following:*

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<sup>20</sup> Refer Table 3.1 of the AES report dated 6<sup>th</sup> December 2024.

<sup>21</sup> Refer AES report dated 1<sup>st</sup> August 2024 submitted with the application.

- 22 Rifles on Ranges 2 – 8
- 223 Suppressed Rifles on Ranges 1 – 8
- Supressed Centrefire Rifles Range 8

*Other firearm types may also be assessed and added to the above list if it can be demonstrated that they will produce a noise level of 55 dB LAFmax or less at the relevant noise receiving location by an acoustic engineer. Relevant information will need to be submitted by the Club to the acoustic engineer to allow an appropriate assessment, otherwise the noise levels will need to be verified by noise monitoring during a time outside of the quiet hours, and this NMP updated with any outcomes.*<sup>22</sup>

118. Mr Ellerton provides commentary on the effectiveness of this mitigation in paragraph 66 of his evidence and states:

*"The NMP section 2.3 references "seven continuous 4-hour periods of low to no noise per week" and provides example of firearm that can achieve this. The timing of when these low noise periods are to occur would be advised one week in advance, with the information disseminated via the club's website and notice board. The mechanism for achieving compliance under this scenario, with the permitted standard, relies heavily on the club members knowing the firearm being used is or is not on the list. Furthermore, if this is ignored by the club member then noncompliance may occur and result in a complaint from neighbour(s) that requires investigation by Club and Council."*

119. Further to the commentary of Mr Ellerton, I would also observe that, even if the no or low periods are successful applied, the timing of the periods would be irregular and at the discretion of the club. This would in my view undermine the effectiveness of the mitigation as the periods may change from week to week.

#### Doubts Over Physical Mitigations:

120. The current wording of the NMP creates doubt as to the commitment to fully implement the physical noise mitigation measures shown on the proposed site plans and section 2.1 of the NMP. The NMP states (my emphasis underlined):

*"This physical mitigation work is to be completed progressively following the grant of Consent, as Club time and resources allow. Shooting may commence on any Range, in accordance with the granted Consent and this Noise Management Plan, when all relevant mitigation has been completed for that Range. Confirmation should be sought from an Acoustic Engineer that the works relevant to any particular Range are sufficiently completed, so that use of that Range can commence and/or how the facility must be operated generally when mitigation is particularly complete, to ensure compliance with the CNR 90 requirement outlined below.*<sup>23</sup>

121. The assumption which appears to be made is that the mitigations can be undertaken on a range-by-range basis creating doubt whether the noise overall noise reductions sought would be achieved. Given the application has not applied for the ability to operate outside of the requested noise limits, the applicant should clarify their position on this matter.

#### Use of Self-Management Tools Including Hello Club System and Swipe Cards.

<sup>22</sup> Section 2.3 of the NMP.

<sup>23</sup> Page 4, paragraph 2 of the draft NMP.

122. The NMP outlines that club members to proactively log the number of shots and ammunition type over a three-week period using the "Hello Club"
123. My understanding is that "Hello Club" is a mobile an app-based system which provides a range of user experience tools to improve day to day management including bookings, payments, communication, membership and bookings<sup>24</sup>.

124. The NMP outlines that club members to proactively log the number of shots and ammunition type over a three-week period. Mr Ellerton raises concerns with the effectiveness of this system to ensure compliance is proactively achieved in paragraphs 68 and 71 of his report. He states:

*This system requires a member to log how many shots are fired and type of ammunition over a 3-week period, and a system which alerts Club is the number of shots is greater than 2500. It is not clear what relevance the 2500 shots per day have in terms of controlling the noise effect.*

*The control of noise must proactively occur in my opinion so that certainty of outcome occurs and compliance is achieved at all times. The proposed retrospective calculation of whether compliance was achieved does not provide confidence that noise from the activity can and will be controlled to an appropriate level.*

125. Mr Ellerton then goes on to discuss the self-management approach promoted by Hello Club in relation to the Police/AOS training raising concerns whether the platform can be extended to cover the police activities. In paragraph 74 of his evidence, Mr Ellerton also makes a comment about the need for the NMP to directly address effects from Police use. He states:

*"Furthermore, given the activities of Police and AOS, particularly the use of 9mm Glock were demonstrably a significant source of firearm noise, I would have expected a fit for purpose section within the NMP, including for example that: "all Bushmaster rifles [and perhaps other models] shall be fired with a suppressor attached". This comment is based on the knowledge that this form of mitigation did in fact reduce Bushmaster rifle noise emission."*

126. Overall, the Hello Club system requires a high degree of user uptake by members and consistent and accurate recording of data for compliance to be achieved. In my view the system provides a low level of confidence that compliance with the noise limits would be achieved.
127. The NMP proposes that the Hello Club system be used in combination with a swipe card access system. This aspect of the plan also raises practical implementation concerns as it is my understanding that the ranges are open-aired range environment where access to each range isn't to physically restricted. Similar to the use of the Hello Club system, the use of swipe cards appears to heavily rely on consistent member behaviour.

#### Fragmentation of Roles and Responsibilities:

128. Whilst Section 5 of the document promotes the "Noise Management Officer" as the primary implementation lead for the NMP it also mentions range of other roles which have responsibilities including:
- Maintenance officer (pages 4 and 9)
  - Club committee (page 4)
  - Club president (page 4)
  - Club secretary (page 5)

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<sup>24</sup> [Club Management Software | Hello Club](#)

- Noise liaison officer (pages 8 and 9)

129. Overall, despite the assurances in Section 5, the governance of the plan is fragmented across several roles. The lack of single point of accountability increases the risk of inconsistent implementation and undermines the effectiveness of the NMP to adaptively manage effects.

Noise Criteria Inconsistencies and General Concerns:

130. Paragraph 58 of Mr Ellerton's evidence discusses possible inconsistencies between the use of noise criteria. Mr Ellerton states:

*"the proposed conditions of consent offered (should consent be granted), use the CNR criteria as a noise limit and no reference to the LAFmax which has the knock-on effect of uncertainty with respect to AES analysis and the noise management plan to control firearm discharge to an appropriate level."*

131. The doubt as to what the preferred method of noise criteria is unhelpful and makes both the general effects assessment and evaluation of the draft NMP more difficult.

132. I am also concerned about the length of the document and the impact this would have on its implementation noting that that the document contains approximately 3600 words and is 13 pages in length. The length and technical nature of the document may act to undermine the ability of all users to understand how they can operate firearms in a way that ensures compliance.

Noise Management Plan Summary:

133. Overall, whilst the scope, purpose and stated intent of the NMP is laudable, in my view there is a disconnect between the intent and the methods of the plan.

134. Whilst I can appreciate the applicant wishes to retain the maximum amount of flexibility to operate in a responsible and neighbourly manner, the NMP does not provide sufficient certainty that noise effects will be effectively managed or that the requested compliance can be consistently and transparently achieved.

135. Whilst I support the use of adaptive management plans to manage environmental effects where appropriate, I do not consider that the proposed approach in this instance would be effectively in managing noise effects on the environment.

136. Whilst I support the use of adaptive management plans in consent the plan before is not fit for purpose and I cannot endorse it.

*Ability to develop Area R.*

137. The application site adjoins an area of FUZ land located on the north side of State Highway 3. The area measures approximately 50ha in size and is bound to the south by State Highway 3/Devon Road to the east and north by the Mangaoraka Stream and lands which are zoned for rural production purposes (1219 Devon Road & 118 Airport Drive). The area is bound to west by Airport Drive. The area was previously zoned Future Urban Development Zone under the ODP 2005 and is known as Area R<sup>25</sup>. Once developed, Area R would create the eastern most urban boundary of New Plymouth/Bell Block.

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<sup>25</sup> Area R was created under Plan Change 20 of the Operative District Plan 2005 PLC09/00020. This Plan Change rezoned the area identified as Area Q from Rural Environment Area to Residential A Environment Area and

138. Under the existing RMA legislation rezoning of the land can be achieved either through a public or privately initiated plan change process under Schedule 1 of the Act. The complexity of these processes creates some uncertainty as to when the area might be developed and what its end use may be e.g. employment use v residential.

139. In my notification assessment I provided a more specific update via the Council's Growth & Services Supervisor, Jacob Stenner who indicated there was an expectation that Area R would be rezoned in the short term and that the likely end use would be residential. Given that almost a year has passed since the application was notified, I have sought a further update from Mr Stenner. His statement below outlines that the Area R is most likely to be developed for residential purposes:

*"Area R represents an important component of future growth in New Plymouth. While no detailed planning of the area has been completed (including the most appropriate land uses), NPDC have initiated early planning for the area, with a potential plan change anticipated in advance of 2030.*

*This timeline reflects councils view that it would be an efficient use of existing and planned infrastructure investment to align any rezoning of Area R with the completion of infrastructure delivery for Puketapu Structure Plan Stage 3 (on the opposite side of Airport Drive). The development of Area R is contingent on the completion of this lead infrastructure. NPDC is making significant investment in infrastructure to support growth in the wider area, with approximately \$82 million of capital investment planned over the next 10 years.*

*While previously, strategic planning documents have indicated land use within Area R may be commercial, given the district's adequate supply of commercial land and a need for additional residential capacity, officers are of the view that it is highly likely Area R will be required for residential purposes. New Plymouth's 2024 Housing and Business Capacity Assessment indicates capacity of 322 dwellings in the area.*

*It is considered that land use activities within and in proximity to the area, should not undermine councils' ability to comprehensively develop the future urban zone.*

*The Government's "going for housing growth" policy, reinforces the need to have this land available for residential development. While details of this policy are not yet known, indications are that Councils will be required to enable 30 years of "live zoned" residential capacity, using high growth projections. Given this, NDPC consider that it is essential we do not undermine the future planning of these areas."*

140. Turning to effects of the development on Area R, the AEE from BTW states:

*"... it is considered the proposal will not unduly compromise future residential activity if and when rezoning occurs. The AENE (Assessment of Environmental Noise Effects) notes SH3 traffic results in a high existing ambient environment which affects noise levels experienced on the property at 1217 Devon Road<sup>26</sup>.*

141. The application also promotes the mitigation offered by the Noise Control Boundary overlay of the PODP where it states:

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applied the Future Urban Development Overlay to Area R, on the eastern side of Airport Drive. This Plan Change included a structure plan and new objective, policies and rules.

<sup>26</sup> Page 27, AEE as lodged.

*It is noted that the State Highway Noise Control Boundary extends approximately 70 m into the site at 1217 Devon Road. Future dwellings with this overlay would be subject to noise insulation standards under NOISE-R5 and NOISE-R6 (setting a permitted activity internal noise level of 40 dB LAeq (24 hour) inside all noise sensitive rooms).*

*Whilst noise insulation forms as a factor when considering the permitted baseline of effects for future development, the purpose of the rule is to avoid reverse sensitivity effects in relation to the state highway network.*

*Applying the permitted baseline to disregard effects associated with gunshot noise from the NPPC activity is not considered to be appropriate and may in fact be ultra vires.*

142. I agree with aspects of these statements. the noise control boundary impacts the southern portion of Area R, and the purpose of the overlay is to avoid reverse sensitivity noise effects from State Highway 3. Should Area R be zoned for residential purposes, then any subsequent new dwelling would need to comply with the relevant permitted activity noise insulation standards.
143. Given Mr Ellerton considers that the predicted noise from the club noise is different from road traffic noise, I am not satisfied that the higher acoustic treatments required by the noise control boundary overlay would avoid reverse sensitivity noise effects from other activities such as gun noise from the NPPC.
144. Overall, based on the conclusions of Mr Ellerton that the requested noise limit of 70dB LAFmax is inappropriate and wider doubts about the ability to meet this limit, I consider that the southern portions of Area R would be adversely affected to an unacceptable level by firearm noise. This includes properties at 1219 Devon Road (Lot 1 DP 331854) and Lot 101 DP 539349 accessed from Airport Drive.

#### *Overall Conclusion on Noise Effects*

145. In summary, there are clear differences in opinions between the two noise experts on a range of fundamental matters including:
  - The extent to which the existing ambient noise level from State Highway traffic masks and mitigates gunshot noise.
  - The appropriateness of the requested 65dB limits in relation to Mr Phillips' property.
  - The appropriateness of the requested 70dB limit for the properties on the opposite side of SH 3 which are zoned FUZ.
  - The effectiveness and enforceability of the draft NMP.
146. In relation to Mr Phillips' property, Mr Ellerton considers that the predicted noise at the notional boundary of both his main and secondary dwellings is inappropriate and too high. This conclusion aligns with the magnitude of the first-hand accounts of effects outlined in Mr Phillips' submission which I take at face value and have no reason to doubt.
147. Whilst I do not doubt the sincerity and authenticity of Mr Phillips' accounts, his submission is not supported by expert evidence, and I therefore place more weighing on the conclusions of Mr Ellerton given his extensive experience as an expert witness.
148. Likewise, the noise effects on properties with FUZ zoning on the opposite side of SH 3 are unacceptable and would not be mitigated.

149. I also have a low degree of confidence that the requested noise limits would be achieved with the applicants own predictions suggesting that even if all mitigations were completed the requested noise limits would not be met. Furthermore, mitigations measures relied on upon for reductions in noise are undefined and may require further consent s. Mr Ellerton also notes that there is inconsistency in the chosen noise criteria.
150. I acknowledge that the applicant has made genuine attempts to mitigate effects but ultimately, I consider these measures including those contained in the draft NMP will be insufficient. The lack of reasonable noise limits and credible mitigations creates a scenario where the noise effects on the environment will be unacceptable
151. Mr Ellerton has made several suggestions in his evidence how the scale and intensity of the proposal could be reduced and the mitigations improved. The applicant may wish to address these at the Hearing. However, my consideration of the proposal is that the noise effects will be more than minor, inappropriate and they cannot be appropriately managed through conditions.

#### Landscape and Visual Effects (Entrance Corridor)

152. Section 4.5 of the AEE discusses possible landscape and visual effects including effects on the New Plymouth Entrance Corridor. Matters considered include those effects created by the proposed 2 storied shooting range and acoustic fence to the rear of range 7. Both elements fail to meet the relevant Effects Standards under the Entrance Corridor Chapter of the PODP meaning effects must be carefully considered.
153. I generally concur with the analysis and conclusions offered by Mr Edwards and agree that existing vegetation at the road boundary and within the site plays a prominent role in effectively screening and softening the appearance of the new 2-storied building and new acoustic fencing (Figures 2.12 – 2.15 of the application). The recessive green colour palate of the new building also helps to make the structures within the entrance corridor less obvious. The
154. Whilst there would be some storage of material within the entrance corridor, any materials are also likely to be screened from public and private view. This screening is made more certain over the long term through the commitment by the applicant to protect and maintain the existing planting along the road boundary and undertake new planting on the eastern boundary showing in Figure 11.
155. Should the application be granted, I recommend condition that the existing vegetation which provides visual mitigation is maintained and protected. Subject to this condition, landscape and visual effects on the New Plymouth Entrance Corridor would be acceptable.

#### Transport Safety and Efficiency

156. Section 4.6 of the AEE addresses transport safety and efficiency effects. I have also considered possible parking and traffic-related effects internally within the site, noting that there are three existing areas to the south of the existing and proposed buildings which can adequately cater for vehicles.
158. The proposal has been considered by the Council's development engineer, Mr. James Carley, who raises no specific concerns regarding the internal parking and manoeuvring layout.
159. All access and safety related effects on Waka Kotahi/New Zealand Transport Agency have been discounted under S104(3)(ii) as written approval was provided.

160. Overall, I conclude that the transport safety and efficiency effects of the proposal are acceptable. No conditions of consent are deemed necessary.

#### Contamination/Effects on Human Health

161. The submitted PSI by BTW Company was reviewed by the Councils consultant contamination specialist, BECA<sup>27</sup>.

162. The review by BECA recommends that the application be considered as a discretionary activity in accordance with Regulation 11 of the NESCS and, if the application is granted, conditions of consent will be required to manage the disturbance of soil with known contaminants. The conditions include the requirement for the applicant to submit a contaminated site management plan and ongoing site management plan.

163. Overall, the applicant has followed best practice in understanding the possible contamination risks of the site and there is general agreement between the two experts that contamination risks can be managed via conditions.

164. In summary, the potential contamination risks are well understood, and the experts agree that the proposal would not give rise to any material risks to human health. I therefore consider that the effects in this regard will be acceptable.

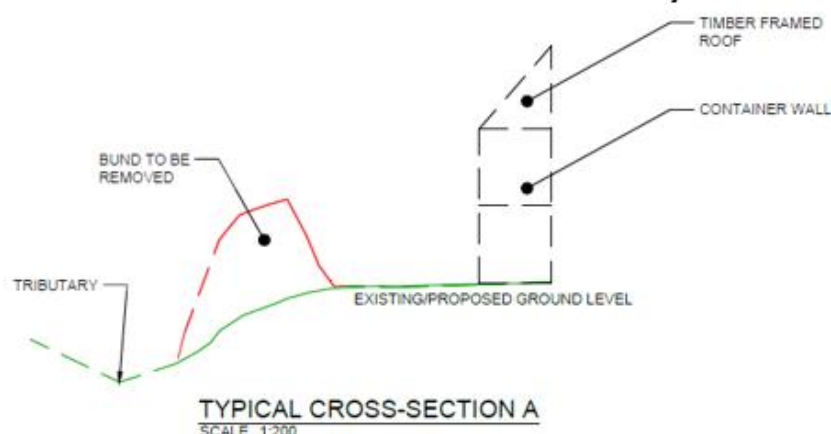
#### Cultural Effects including culturally important waterbodies

165. An unnamed tributary of the Mangaoraka Stream runs parallel to the eastern boundary and appears to be partially located on the application site itself. The tributary is subject to statutory acknowledgement under the Te Atiawa Claims Settlement Act 2016.

166. Section 4.9 of the AEE considers the possible effects on waterbodies. Initially, the application sought to undertake earthworks directly adjacent to stream to increase the existing bund height. The aim of these works was primarily based around the mitigation of noise effects. Later, as a result of feedback from Puketapu hapū, the applicant amended the scheme.

167. Instead of increasing the height of the existing earth bund, it is now proposed that the existing bund would be lowered to the existing ground level (refer Figure 13).

**Figure 13: Cross Section of works in relation to unnamed waterbody<sup>28</sup>**



<sup>27</sup> Refer memo 23 April 2026

<sup>28</sup> Refer BTW drawing No 230984-SU-01, Sheet 3, Revision B dated 6/12/24.

168. Whilst cutting earthworks to remove the existing bund would occur immediately adjacent to the stream, the intention is to provide for stream margin that is contoured to be consistent with its pre-development state. Replacement physical mitigation measures such as containers would be setback at least 10m from the waterbody.
169. The application acknowledges that earthworks in proximity to waterbodies have the potential to adversely affect waterbody health and function and associated values. To address the effects of construction, the application has committed to managing all earthworks in accordance with an erosion and sediment control plan. The applicant also proposes planting on both sides of the unnamed stream within the application site providing a higher amenity stream corridor.
170. The application was served on Puketapu hapū who supports the proposal but seeks that I consent conditions of consent be included to address their feedback.
171. The submission raises concerns relating to the siting of proposed structures, particularly in proximity to the unnamed stream, and the potential adverse effects of earthworks, soil disturbance, and remediation of known contaminated land would have on the awa.
172. The submission emphasises the role of Puketapu as kaitiaki for the awa and seeks assurances that appropriate avoidance, mitigation, and remediation measures are implemented to protect identified cultural values. Overall, the submission seeks refinement to the proposal and robust conditions to ensure effects are appropriately managed rather than declining the consent.
173. Whilst I understand that the applicant teams and Puketapu have made constructive progress towards addressing the state concerns, at the time of writing I have no concluding comments to hand. Consistent with my comments regarding waterbodies, it would be inappropriate to reach a conclusion on cultural effects without a more fulsome response from mana whenua.
174. At this point I am unable to make conclusion on the actual and potential cultural effects of the application.

### Archaeology

175. Section 4.10 of the AEE addresses possible archaeological effects including effects on the closest archaeological site located at 1222 Devon Road to the east of the site<sup>29</sup>.
176. As all earthworks and building works would be located more than 50m away from the mapped extent of the recorded site, the risk of a sensitive discovery being made appears to be low. Given the risk of sensitive discovery cannot be entirely discounted, I endorse the offer by the applicant to adhere to an accidental discovery protocol condition to manage any effects in the event of a discovery being made. I also endorse the offer the applicant to allow members of Puketapu hapu to undertake cultural monitoring during earthworks at their discretion.
177. Subject to these conditions, I consider that archaeological effects are concluded to be acceptable. I reserve the right to update this position following any further statements from Puketapu.

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<sup>29</sup> Site ID 448 (Pa).

**Part Operative Proposed District Plan 2025.**

178. I have undertaken an assessment of all the relevant Objectives and Policies below.

<b>Noise</b>	
<b>Objectives</b>	
NOISE-O1	Activities generate noise effects that are compatible with the role, function, and predominant or planned character of each zone.
<p>179. Objective NOISE-O1 applies to noise generated in all zones and noise effects between zoning boundaries.</p> <p>180. The term “planned character” is used throughout the PODP including throughout the Objectives, Policies and Rules of the General Industrial Zone which relates to the application site, Rural Production Zone (RPROZ) which relates to Mr Phillips’ property.</p> <p>181. The term itself is not formally defined with its zone-specific interpretation being influenced by relevant Strategic Objectives, the chapter overview statement, Objectives Policies, Rules and Effects Standards. The term implies different outcomes for different zones.</p> <p>182. The RPROZ chapter overview statement provides context for the anticipated character of the zone, including the types of activities and effects that are expected. While the overview recognises that the zone accommodates a range of activities that may generate noise beyond property boundaries (such as noise from farm animals and farm machinery), it does not suggest that properties should reasonably anticipate high-intensity, consistently repetitive, or impulsive noise, such as gunfire, that is unrelated to rural production activities. In my view, such effects are not consistent with the role, function, or predominant character of the zone.</p> <p>183. Based on the proposed hours of operation, the noise could occur for up to a 12-hour period, seven days per week, amounting to approximately 50% of total weekly hours. As concluded by Mr Ellerton, the resulting noise effects would be unacceptable and too high. The scale and intensity of these effects would not be adequately internalised within the site nor effectively mitigated.</p> <p>184. Overall, I consider that the proposal is inconsistent with Objective NOISE-O1.</p>	
NOISE-O2	Activities do not generate noise effects which adversely affect amenity values, the health and wellbeing of people and communities or noise sensitive activities.
<p>185. Relevant to the assessment under this objective is my assessment under S104 (1)(a) which found that:</p> <ul style="list-style-type: none"> <li>▪ Based on the expert statements of Mr Ellerton, the adverse noise effects are unacceptable on the noise sensitive dwellings on Mr Phillips’ property. The effects are likely to adversely affect the health and wellbeing of people and Mr Phillips’ amenity values. Future residential dwellings built within the southern portion of Area R are also likely to experience unacceptable noise.</li> <li>▪ The mitigation measures offered by the applicant in relation to Mr Phillips’ property are uncertain and unenforceable, and</li> <li>▪ the effects cannot be appropriately avoided, remedied or mitigated.</li> </ul>	

186. Accordingly, I consider that the proposal is inconsistent with Objective NOISE-02.	
NOISE-03	New activities or additions to existing activities that are sensitive to noise are designed and located to minimise conflict with noise-generating activities and to avoid or mitigate reverse sensitivity effects.
187. NOISE-03 is not relevant to this decision as the proposal does not involve a new activity or additions to existing activities that are sensitive to noise.	
<b>Policies</b>	
NOISE-P1	Maintain the predominant or planned character and amenity of each zone by controlling the types of activities and level of noise that is permitted in each zone.
188. Overall, the operation of a pistol club which allows for unacceptable firearm noise between the hours of 9am-9pm, seven days per week and on weekends would not maintain the predominant or planned character of Mr Phillips' property. The scale and intensity of the noise effects would be generated by the club, would, based on the conclusions of Mr Ellerton be too high and not maintain the predominant or planned character and amenity of each zone.	
NOISE-P2	Require new noise sensitive activities locating along the edge of state highways to provide sound attenuation measures to protect indoor and outdoor amenity, where appropriate.
189. Policy NOISE-P2 is not relevant to this proposal as no new noise sensitive activities would be established.	
NOISE-P3	<p>Ensure any noise effects generated by an activity are of a type, scale and level that are appropriate for the activity's location having regard to:</p> <ol style="list-style-type: none"> <li>1. the frequency, intensity, duration and offensiveness of the noise being generated;</li> <li>2. whether the level of effects are compatible with the character and amenity of the location and adjacent activities;</li> <li>3. internalisation of effects to the extent practicable and minimisation of conflict at site boundaries;</li> <li>4. any impact on the health and well-being of the surrounding community, including sleep disturbance;</li> <li>5. the adoption/implementation of best practicable options to minimise the adverse effects;</li> <li>6. any positive effects associated with the activity; and</li> <li>7. the ability to avoid conflict with existing sensitive activities.</li> </ol>
190. The conclusions under S104(1)a) demonstrates that the firearm noise would be frequent, impulsive, and of high intensity, up to 12 hours per day, 7-days per week and including evenings and weekends. The total opening hours represents 50% of total weekly hours and does not provide for any regular and dependable relief for the noise sensitive activities on Mr Phillips during day-time periods (NOISE-P3(1)).	
191. As outlined under Objective NOISE-01, the noise effects are incompatible with the character and amenity of the adjoining Rural Production Zone and Future Urban Zone. The scale and	

intensity of effects cannot easily compare to the lawfully established environment (NOISE-P3(2)).

192. Whilst the applicant has committed to a range of mitigations, effects would not be satisfactorily avoided, internalised and compliance with requested noise limits remains uncertain. The conclusions of Mr Ellerton help to verify the first-hand accounts of Mr Phillips that the proposal would adversely impact the main and secondary dwelling at 1222 Devon Road (NOISE-P3(3), (5) and (7)).
193. Based on the firsthand accounts of Mr Phillips the predicted noise limits would adversely affect his health and wellbeing. Whilst Mr Ellerton does not make a judgement around health effects, in his opinion, the noise is inappropriate and too high (NOISE-P3(4)).
194. Section 104(1)(a) acknowledges that the proposal would create positive effects, including:
- provision of a facility for a legitimate sport.
  - social and community benefits for members; and
  - use by Police for firearms training.
195. In my view the potential positive effects do not clearly outweigh or neutralise the scale and significance of the adverse noise effects.
196. In summary, when considering the conclusions under matters (1)-(7), the proposal is inconsistent with Policy NOISE-P3. While positive effects would be created, they do not remedy inconsistency with other matters under Policy NOISE-P3.

NOISE-P4

Ensure noise sensitive activities establishing:

1. within the Commercial, City Centre, Town Centre, Local Centre, Mixed Use and General Industrial zones; or
2. in close proximity to the Major Facility Zone, Airport Zone and Port Zone;

are located, designed, constructed and operated in a way that will ensure adverse noise and health and safety effects are avoided or mitigated, having regard to:

1. the primary purpose and the anticipated frequency of use of the noise sensitive activity;
2. the location of noise sensitive activities in relation to a major facility, airport, port or industrial activity and the level of noise that will be received within any noise sensitive building;
3. the ability to design and construct buildings accommodating noise sensitive activities with sound insulation or other mitigation measures to ensure the level of noise received within the building is minimised, particularly at night to minimise sleep disturbance; and
4. the likelihood of unreasonable and objectionable noise being heard in any areas of private outdoor living space and the ability to mitigate this effect with screening, separation or topography.

197. Policy NOISE-P4 is not relevant to this proposal as no new noise sensitive activities are proposed to be established.

<b>Rural Production Zone</b>	
<b>Objectives</b>	
RPROZ-O1	Productive land and resources support a range of production oriented and resource dependent activities.
RPROZ-O2	The Rural Production Zone is predominantly used for primary production.
RPROZ-O3	The role, function and predominant character of the Rural Production Zone is not compromised by incompatible activities.
RPROZ-O4	<p>Maintain the predominant character and amenity of the Rural Production Zone, which includes:</p> <ol style="list-style-type: none"> <li>1. extensive areas of vegetation of varying types (for example, pasture for grazing, crops, forestry and indigenous vegetation and habitat) and the presence of natural features, historic heritage, Māori purpose activities, and large numbers of farmed animals;</li> <li>2. low density built form with open space between buildings that are predominantly used for agricultural, pastoral and horticultural activities (for example, barns and sheds), low density rural living (for example, farm houses and worker's cottages) and community activities (for example, rural halls, domains and schools);</li> <li>3. a range of noises, smells, light overspill and traffic, often on a cyclic and seasonable basis, generated from the production, manufacture, processing and transportation of raw materials derived from primary production;</li> <li>4. interspersed existing energy activities and rural industry facilities associated with the use of the land for intensive indoor primary production, quarrying, and cleanfills; and</li> <li>5. the presence of rural infrastructure, including rural roads, and the on-site disposal of waste, and a general lack of urban infrastructure, including street lighting, solid fences and footpaths.</li> </ol>
<p>198. Objective RPROZ-O3 and RPROZ-O4(3) is considered relevant to this proposal as effects being generated by a sport and recreational activity on the application site would be experienced by land with a rural production zoning.</p> <p>199. Consistent with my conclusions under Objective NOISE-O1, it is not anticipated that high-intensity, repetitive, or impulsive noises such as gunfire unrelated to rural production activities are consistent with the planned character of the RPROZ.</p> <p>200. The proposal is therefore considered to be inconsistent with RPROZ-O3 and RPROZ-O4(3). The remaining aspects of RPROZ-O4 are not considered to be relevant.</p>	
RPROZ-O5	<p>The Rural Production Zone is a functional, production and extraction orientated working environment where primary production and rural industry activities are able to operate effectively and efficiently, while ensuring that:</p> <ol style="list-style-type: none"> <li>1. the adverse effects generated by primary production and rural industry activities are appropriately managed; and</li> </ol>

	<p>2. primary production and rural industry activities are not limited, restricted or compromised by incompatible activities or reverse sensitivity effects.</p>
RPROZ-O6	<p>Natural features, highly productive land, tangata whenua values, rural character and amenity are not compromised by adverse changes to landform, intensification of land use activities (excluding agricultural, pastoral and horticultural activities) and/or built form, or urbanisation.</p>
RPROZ-O7	<p>Sensitive activities are designed and located to avoid conflict with primary production and avoid, or mitigate adverse reverse sensitivity effects.</p>
<p>201. Policies RPROZ-O5, RPROZ-O6 and RPROZ-P7 are not considered to be relevant to this proposal as the development takes place on land which is zoned General Industrial Zone and no new sensitive activities are being established.</p>	
<p><b>Policies</b></p>	
RPROZ-P1	<p>Allow activities that are compatible with the role, function and predominant character of the Rural Production Zone, while ensuring their design, scale and intensity is appropriate, including:</p> <ol style="list-style-type: none"> <li>1. agricultural, pastoral and horticultural activities;</li> <li>2. residential activities;</li> <li>3. residential visitor accommodation;</li> <li>4. Māori purpose activities; and</li> <li>5. rural produce retail.</li> </ol>
<p>202. RPROZ-P1 is not considered to be relevant to the application as the application site is zoned GIZ.</p>	
RPROZ-P2	<p>Manage activities that are potentially compatible with the role, function and predominant character of the Rural Production Zone and ensure it is appropriate for such activities to establish in the Rural Production Zone, having regard to whether:</p> <ol style="list-style-type: none"> <li>1. the activity is compatible with the character and the amenity of the rural area;</li> <li>2. the activity will limit or constrain the establishment and operation of agricultural, pastoral and horticultural activities;</li> <li>3. the activity will reduce the potential for versatile land to be used for productive purposes and in a sustainable manner;</li> <li>4. adequate on-site infrastructure and services are available or can be provided to service the activity's needs;</li> <li>5. adverse effects can be internalised within the activity's site; and</li> <li>6. the activity will not result in conflict at zone interfaces.</li> </ol> <p>Potentially compatible activities include:</p> <ol style="list-style-type: none"> <li>1. community facilities;</li> <li>2. camping grounds;</li> <li>3. sport and recreation activities;</li> <li>4. rural industry;</li> <li>5. aquaculture;</li> </ol>

	<ol style="list-style-type: none"> <li>6. mining;</li> <li>7. intensive indoor primary production;</li> <li>8. rural transport activities;</li> <li>9. quarries;</li> <li>10. retail activities (except supermarkets, large format retail activities and integrated retail activities);</li> <li>11. business service activities;</li> <li>12. commercial service activities;</li> <li>13. industrial activities;</li> <li>14. emergency service facilities;</li> <li>15. educational facilities (except Māori purpose activities);</li> <li>16. residential activities associated with Green School at Koru Road; and</li> <li>17. community corrections activities.</li> </ol>
<p>203. Whilst Policy RPROZ-P2 lists sport and recreational activities as a potentially compatible activities to be managed, I consider the scale of the effects which would result from the proposal means the proposal is more appropriately considered under Policy RPROZ-P3.</p>	
RPROZ-P3	<p>Avoid activities that are incompatible with role, function and predominant character of the Rural Production Zone and activities that will result in:</p> <ol style="list-style-type: none"> <li>1. reverse sensitivity effects or conflict with permitted activities in the zone; or</li> <li>2. adverse effects, which cannot be avoided, or appropriately remedied or mitigated, on: <ol style="list-style-type: none"> <li>a. rural character and amenity values;</li> <li>b. the productive potential of highly productive soils and versatile rural land.</li> </ol> </li> </ol> <p>Incompatible activities include:</p> <ol style="list-style-type: none"> <li>1. residential activities (except papakāinga) and rural lifestyle living that are not ancillary to rural activities;</li> <li>2. retirement villages;</li> <li>3. visitor accommodation (excluding residential visitor accommodation);</li> <li>4. supermarkets;</li> <li>5. integrated retail activities; and</li> <li>6. large format retail activities.</li> </ol>
<p>204. Whilst sport and recreational activities are not included in the list of "incompatible activities" under RPROZ-P3, the policy broadly seeks to avoid activities which create adverse effects on rural character and amenity values which cannot be avoided.</p> <p>205. Based on earlier conclusions, I consider that the proposal would result in noise effects which are inappropriate on Mr Phillips property and the effects would not be internalised or mitigated with confidence. The proposal is therefore inconsistent with Policy RPROZ-P3.</p>	
RPROZ-P4	<p>Maintain the role, function and predominant character of the Rural Production Zone by controlling the effects of:</p> <ol style="list-style-type: none"> <li>1. building height, bulk and location;</li> <li>2. setback from boundaries and boundary treatments; and</li> </ol>

	3. earthworks and subdivision.
	<p>206. The proposal involves the erection of new buildings and structures to future proof the Club operation and mitigate the effects of noise. Whilst some of these and additions cannot meet the setbacks in relation to the roadside boundary; all buildings and structures can meet the permitted activity requirements related to height and setback relative to private boundaries including the property of Mr Phillips.</p> <p>207. The effects of earthworks are well understood and can be controlled and mitigated through the adherence to consent conditions including an erosion and sediment control plan. Consistency with RPROZ-P4 (3) can therefore be achieved.</p>
RPROZ-P5	<p>Require the effects generated by activities to be of a type, scale and level that is appropriate in the Rural Production Zone and that will maintain rural character and amenity, including by:</p> <ol style="list-style-type: none"> <li>1. managing noise and light emissions to an acceptable level, particularly around sensitive activities; and</li> <li>2. managing high traffic generation activities that compromise the safe and efficient use of the transport network.</li> </ol>
	<p>208. Policy RPROZ-P5 is considered relevant as it deals with activities generally and is not zone specific.</p> <p>209. Consistent with earlier comments, I consider that the development is inconsistent with Policy RPR OZ-P5(1) as noise effects are inappropriately high in relation to existing noise sensitive activities. The effects are unique in terms of type, scale and level when compared to the ambient noise environment and not consistent would negatively impact on rural character and amenity of Mr Phillips' property.</p> <p>210. I consider that the proposal would be consistent with RPROZ-P5(2) given my earlier conclusion that effects on the adjacent State Highway would be acceptable and given the application complies with Rule TRAN-R9 which controls "high trip generator activities".</p> <p>211. Overall, on balance, the development is inconsistent with this policy.</p>
RPROZ-P6	<p>Ensure large-scale primary production and rural industry are designed and located appropriately, having regard to:</p> <ol style="list-style-type: none"> <li>1. the duration or permanency of the activity;</li> <li>2. whether the primary access is located on an arterial or collector road or a road designed to provide for anticipated traffic generation;</li> <li>3. sufficient separation from sensitive activities by distance or topography to avoid risk to people, property and the environment;</li> <li>4. whether the activity may compromise any cultural, spiritual or historic values of importance to tangata whenua, and if so, the outcomes of any consultation with tangata whenua, including any expert cultural advice provided with respect to mitigation options;</li> <li>5. the extent of rehabilitation proposed and whether it will result in a net environmental benefit for the immediate area or community or establish land use appropriate to the area;</li> <li>6. methods for avoiding adverse effects on scheduled features; and</li> </ol>

	7. minimisation of adverse visual effects through screen planting, building design, siting, and the retention of existing vegetation.
212. Policy RPROZ-P6 is not considered to be relevant as this policy concerns the establishment large-scale primary production and rural industry.	
RPROZ-P7	<p>Require sensitive activities to be appropriately located and designed to avoid or mitigate reverse sensitivity effects, risks to people, property and the environment, and conflict with activities permitted in the Rural Production Zone, including by:</p> <ol style="list-style-type: none"> <li>1. ensuring sufficient separation by distance or topography between sensitive activities and zone boundaries, transport networks, primary production, significant hazardous facilities and rural industry;</li> <li>2. adopting appropriate design measures to minimise the impact of off-site effects of rural industry that cannot be internalised within the rural industry activity's site; and</li> <li>3. utilising landscaping, screen planting or existing topography to minimise the visual impact of rural industry.</li> </ol>
213. Policy RPROZ-P7 is not considered to be relevant as this policy caters for situations where new sensitive activities are being established within the Rural Production Zone.	
RPROZ-P8	<p>Require that buildings and structures associated with large scale activities maintain rural character and visual amenity by:</p> <ol style="list-style-type: none"> <li>1. locating buildings away from prominent ridgelines and providing separation between buildings;</li> <li>2. requiring buildings to be designed to a form and scale that is in keeping with the rural landscape of the area;</li> <li>3. softening with vegetation related to the area and using appropriate boundary treatments; and</li> <li>4. minimising adverse visual effects through use of appropriate materials and recessive colours.</li> </ol>
214. I am satisfied that the proposal is consistent with Policy RPROZ-P8(1)-(4) as all proposed structures and buildings comply with all bulk and location permitted activity standards relative to the boundaries with the Rural Production Zone. This compliance demonstrates that the low density and vegetated rural character of the area would be maintained. The commitment to provide new planting on the eastern boundary of the site adjacent to Mr Phillips' property at 1222 Devon Road provides further mitigation and screening.	

## Future Urban Zone

### Objectives

FUZ-O1	The Future Urban Zone is the identified location for urban growth and is managed to ensure the Districts long term urban development needs are provided for.
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215. FUZ areas are critical planning for growth in the New Plymouth District. Subject to due process, Area R is likely to be urbanised for residential purposes in the short term. Objective

<p>FUZ-01 seeks manage these areas to ensure that the district’s long term urban development needs are provided for.</p> <p>216. Based on the conclusions under s104(1)(a), the inappropriate and unmitigated noise generated by the proposed pistol club risks undermining the ability of the southern portion of Area R to be developed for a range of uses including residential which is currently favoured.</p> <p>217. Overall, the effects from the proposed activity represent a risk to the zoning integrity of the PODP, in particular the planned growth of the district. The proposal is therefore inconsistent with Objective FUZ-01.</p>	
FUZ-02	<p>Until the land is zoned for urban growth purposes and a Structure Plan Development Area is incorporated into the District Plan by a plan change:</p> <ol style="list-style-type: none"> <li>1. urban growth is avoided within the Future Urban Zone areas (except in the Airport Drive Specific Control Area where service stations, drive-through restaurants and takeaway food outlets are provided for); and</li> <li>2. the Future Urban Zone is predominantly used for agricultural, pastoral and horticultural activities and low density rural living activities.</li> </ol>
<p>218. FUZ-02 is not relevant to this proposal as all of the physical works take place entirely on land which is part of the General Industrial Zone.</p>	
FUZ-03	<p>The predominant rural character of the Future Urban Zone is retained, which includes:</p> <ol style="list-style-type: none"> <li>1. low density built form with open space between buildings;</li> <li>2. a diversity of topography and land quality, including land without significant rural production values and/or versatility;</li> <li>3. a general absence of urban infrastructure;</li> <li>4. rural roads with low traffic volumes; and</li> <li>5. areas of vegetation, natural features and open space.</li> </ol>
<p>219. Objectives FUZ-02 and O3 are not relevant to this proposal as no development. t</p>	
FUZ-04	<p>Activities within and adjacent to the identified Future Urban Zones do not compromise the ability to develop the area for urban growth purposes.</p>
<p>220. Objective FUZ-04 provides clear direction that activities on adjacent lands do not compromise the opportunity to develop the FUZ area for development. The assessment under S104(1)(a) has found that that:</p> <ul style="list-style-type: none"> <li>▪ firearm noise generated by the proposed pistol club operation would adversely affect land within the Future Urban Zone (Area R), particularly the southern portion located to the north of State Highway 3. This includes 1209 Devon Road and Lot 101 DP 539349.</li> <li>▪ The expert evidence from Mr Ellerton considers the level of noise would be inappropriate.</li> <li>▪ The mitigation measures offered by the applicant are uncertain and unenforceable and relying on further undefined measures.</li> <li>▪ The analysis shows that even if successfully implemented, the noise from range 7 would still be above the requested noise limit of 70dB.</li> </ul>	

221. Accordingly, I consider that the proposal is inconsistent with Objective FUZ-04.

## Policies

FUZ-P1

Allow activities that are compatible with the role, function and character of the Future Urban Zone (excluding the Airport Drive Specific Control Area) while ensuring they will not compromise the ability to comprehensively develop and use the Future Urban Zone for urban growth purposes, including:

1. agricultural, pastoral and horticultural activities;
2. residential unit;
3. minor residential units;
4. residential activities;
5. rural produce retail;
6. leisure activities;
7. residential visitor accommodation;
8. Māori purpose activities;
9. relocation of a building; and
10. home business.

In the Airport Drive Specific Control Area, compatible activities include:

1. agricultural, pastoral and horticultural activities;
2. service stations;
3. drive-through restaurants; and
4. takeaway food outlets.

222. Policy -P1 is not relevant to this proposal as sport and recreational activities are not listed as a compatible activity with the

FUZ-P2

Manage activities that may be potentially incompatible with the ability to comprehensively develop and use the Future Urban Zone for urban growth purposes and ensure it is appropriate for such activities to establish in the Future Urban Zone, having regard to whether:

1. the activity will limit, restrict or constrain permitted or existing lawfully established activities or the ability to develop and use the Future Urban Zone for urban growth purposes;
2. the purpose of the activity is compatible with or will support the needs of existing activities and future urban activities in the area the activity is located within;
3. any potential conflict between activities can be appropriately managed as the area transitions to an urban area in the future;
4. the activity will compromise the provision of connected transport networks that allow ease of movement within, to and from the Future Urban Zone;
5. the activity will affect the ability to provide adequate, coordinated and integrated infrastructure to meet the immediate and future needs of the Future Urban Zone area that the activity is located within.

Potentially incompatible activities include:

1. large lot rural subdivision;
2. community facilities;

	<ol style="list-style-type: none"> <li>3. camping grounds;</li> <li>4. educational facilities (except Kōhanga reo, cultural education and research facilities);</li> <li>5. sport and recreation activities; and</li> <li>6. community corrections activities.</li> </ol>
229.	Policy FUZ-P2 lists sport and recreational activities as being potentially incompatible with the ability to comprehensively develop FUZ areas such as Area R.
230.	Based on conclusions of the effects assessment, the proposal would, because of inappropriate noise effects, act as a reverse sensitivity constraint to the comprehensive development of the southern portion of Area R (FUZ-P2(1)).
231.	Whilst it provides social connection and cohesion for its members it is not obvious that the facility would support the needs of existing activities and future urban activities within Area R. The proposal can therefore not be justified under FUZ-P2(2).
232.	Based on the analysis under s104(1)(a) including the statements of Mr Ellerton, I am not confident that the any noise conflict between the pistol club and residential activities within Area R can be an be appropriately noting that the requested noise limit to these properties is firstly considered to be inappropriate and that mitigations are undefined and would not meet the predicted noise limits of 70dBLA <sub>Fmax</sub> . The proposal is therefore inconsistent with FUZ-P2(3).
233.	The proposed pistol club would not obviously constrain the ability the activity will compromise the provision of connected transport network to and from Area R or the ability to provide adequate, coordinated and integrated infrastructure to service Area R.
234.	Overall, whilst the proposed pistol club would be established within an alternative zoning, the effects of the club cannot be adequately managed and for that reason the activity is incompatible with the intent to develop Area R.
FUZ-P3	<p>Avoid activities that are incompatible with the role, function and predominant character of the Future Urban Zone and activities that will:</p> <ol style="list-style-type: none"> <li>1. constrain, limit or compromise the ability to comprehensively develop and use the Future Urban Zone for urban growth purposes;</li> <li>2. result in conflict with permitted activities or reverse sensitivity effects: <ol style="list-style-type: none"> <li>a. when urban development occurs; or</li> <li>b. in relation to existing infrastructure;</li> </ol> </li> <li>3. result in adverse effects on the character and amenity of the surrounding area which cannot be avoided, or appropriately remedied or mitigated;</li> <li>4. inhibit the efficient provision of infrastructure to service future urban growth needs; or</li> <li>5. result in the establishment of retail activities, business service activities and commercial service activities (excluding service stations, drive-through restaurants and takeaway food outlets in the Airport Drive Specific Control Area) if it is more appropriate that they be located in the city centre, a town centre or a local centre to achieve the District Plan's objectives.</li> </ol> <p>Incompatible activities include:</p>

	<ol style="list-style-type: none"> <li>1. small lot rural/rural lifestyle/general residential subdivision;</li> <li>2. multi-unit development;</li> <li>3. retirement village;</li> <li>4. visitor accommodation (excluding residential visitor accommodation);</li> <li>5. primary production (except agricultural, pastoral and horticultural activities);</li> <li>6. rural industry activities;</li> <li>7. supermarkets;</li> <li>8. integrated retail activities;</li> <li>9. large format retail activities;</li> <li>10. industrial activities;</li> <li>11. business service activities;</li> <li>12. commercial service activities (excluding service stations, drive-through restaurants and takeaway food outlets in the Airport Drive Specific Control Area);</li> <li>13. petroleum exploration activities;</li> <li>14. petroleum production activities;</li> <li>15. rural transport activities; and</li> <li>16. large scale renewable electricity generation activities, including maintenance and repairs and upgrading.</li> </ol>
FUZ-P4	<p>Maintain the role, function and predominant character of the Future Urban Zone by controlling the effects of:</p> <ol style="list-style-type: none"> <li>1. the maximum number of residential units per site;</li> <li>2. building height, bulk and location;</li> <li>3. setback from boundaries;</li> <li>4. height in relation to boundaries; and</li> <li>5. shelter belt heights.</li> </ol> <p>In the Airport Drive Specific Control Area, also control the effects of:</p> <ol style="list-style-type: none"> <li>1. noise and light;</li> <li>2. traffic and parking;</li> <li>3. signage;</li> <li>4. hard surfacing;</li> <li>5. outdoor storage; and</li> <li>6. boundary treatments at the interface with surrounding land.</li> </ol>
235. Policy FUZ-P4 is not considered relevant to this proposal.	
FUZ-P5	<p>Ensure activities are located appropriately within the zone, having regard to the effects of the activity and:</p> <ol style="list-style-type: none"> <li>1. the purpose of the activity and whether the activity will provide for or support the needs of existing lawfully established activities, permitted activities or the future urban growth planned for the area;</li> <li>2. the impact on existing and future activities and the ability to manage any conflict as the area transitions to an urban area in the future;</li> <li>3. the potential impact of development on any cultural, spiritual or historic values of importance to tangata whenua, and the outcomes of any</li> </ol>

	<p>consultation with tangata whenua, including any expert cultural advice provided by tangata whenua with respect to:</p> <ol style="list-style-type: none"> <li>a. opportunities to incorporate mātauranga Māori into the design and development of the activities;</li> <li>b. opportunities for tangata whenua's relationship with ancestral lands, water, sites, wāhi tapu and other taonga to be maintained or strengthened; and</li> <li>c. options to avoid, remedy or mitigate adverse effects;</li> </ol> <ol style="list-style-type: none"> <li>4. the extent to which the activity may adversely affect a scheduled feature and whether any adverse effects will be appropriately avoided, remedied or mitigated; and</li> <li>5. the extent to which any adverse visual effects will be appropriately minimised through screen planting, building design, siting, and the retention of existing vegetation.</li> </ol>
FUZ-P6	Require sensitive activities to be located and designed appropriately to minimise any reverse sensitivity effects, risk to people, property and the environment or conflict with existing primary production, rural industry, network utilities and industrial activities.
236. Policy FUZ-P6 is not considered to be relevant as no new sensitive activities would be established.	

<b>General Industrial Zone</b>	
<b>Objectives</b>	
GIZ-O1	Industrial activities contribute to the economic and social well-being and prosperity of the district and are enabled and able to operate effectively in the General Industrial Zone.
GIZ-O2	The role and function of the General Industrial Zone is not compromised by non-industrial or incompatible activities or built form.
GIZ-O3	The number of business and retail activities are limited in the General Industrial Zone to ensure the viability and vibrancy of the Commercial and Mixed Use Zones is not compromised.
GIZ-O4	The General Industrial Zone provides a safe and functional working environment with a reasonable level of amenity.
GIZ-O5	The adverse environmental effects generated by industrial activities are managed, in particular effects on waterbodies, historic heritage, scheduled features, indigenous biodiversity and effects at zone boundaries.
237. Policy GIZ-O5 is not considered to be relevant to this proposal as it concerns sport and recreational activities and not industrial activity	
<b>Policies</b>	
GIZ-P1	<p>Allow activities that are compatible with the role, function and planned character of the General Industrial Zone, while ensuring their design and scale is appropriate, including:</p> <ol style="list-style-type: none"> <li>1. industrial activities</li> <li>2. food and beverage retail stores;</li> <li>3. trade and industry training facilities; and</li> </ol>

	4. community corrections activities.
238. Policy GIZ-P1 is not considered to be relevant to this proposal given the proposal involves a sport and recreational activity.	
GIZ-P2	<p>Manage activities that are potentially compatible with the role, function and planned character of the General Industrial Zone, and ensure it is appropriate to establish such activities in the General Industrial Zone having regard to whether:</p> <ol style="list-style-type: none"> <li>1. the purpose of the activity supports or provides services to industrial activities and results in the efficient use of industrial land;</li> <li>2. the activity has a functional need or operational need to establish in the zone;</li> <li>3. the activity will limit or constrain the establishment of activities that are permitted in the zone;</li> <li>4. the activity will result in any conflict or potential reverse sensitivity effects with existing industrial activities; and</li> <li>5. the activity has the potential to undermine the viability of the City Centre or a town or local centre.</li> </ol> <p>Potentially compatible activities include:</p> <ol style="list-style-type: none"> <li>1. commercial service activities;</li> <li>2. agricultural, pastoral and horticultural activities;</li> <li>3. rural industry activities; and</li> <li>4. emergency service facilities.</li> </ol>
GIZ-P3	<p>Avoid activities that are incompatible with the role, function and planned character of the General Industrial Zone and activities that will result in:</p> <ol style="list-style-type: none"> <li>1. the establishment of retail activities or business service activities in the General Industrial Zone that are more appropriately located in the Commercial and Mixed Use Zones;</li> <li>2. adverse effects on industrial activities that cannot be avoided or appropriately remedied or mitigated, including reverse sensitivity effects or conflict with industrial activities; or</li> <li>3. result in one or more incompatible activities clustering or locating near to each other or conflict between incompatible activities.</li> </ol> <p>Incompatible activities include:</p> <ol style="list-style-type: none"> <li>1. retail activities (except food and beverage retail stores);</li> <li>2. business service activities;</li> <li>3. sensitive activities;</li> <li>4. educational facilities (except trade and industry training facilities);</li> <li>5. entertainment and hospitality activities;</li> <li>6. medical and health services;</li> <li>7. sport and recreation activities; and</li> <li>8. subdivision that creates small allotments.</li> </ol>
239. The proposal is inconsistent with GIZ-P3 as it seeks to avoid sport and recreational which are incompatible with the underlying zone.	

	<p>240. Whilst the development does not seek to establish retail or commercial activities (GIZ-P1(1) or create adverse effects on industrial activities (GIZ-P3(2)), the proposal results in a high intensity effects generating sports and recreational activity being established in proximity and creating a conflict between lands with FUZ and RPROZ zoning</p>
<p>GIZ-P4</p>	<p>Enable the role, function and level of amenity appropriate to the General Industrial Zone by controlling the effects of:</p> <ol style="list-style-type: none"> <li>1. bulk, scale and location of structures;</li> <li>2. outdoor storage;</li> <li>3. proximity to waterbodies;</li> <li>4. traffic and parking;</li> <li>5. infrastructure and stormwater; and</li> <li>6. noise and light.</li> </ol>
	<p>241. Based on mitigations officers and acceptable effects, the proposed would be consistent with Policy GIZ-P4 (1)-(5) but more fundamentally inconsistent with GIZ-P4 (6) on the basis that noise generated from the clubs activities would be unacceptable on adjoining 122 Devon Road and FUZ lands on the opposite side of State Highway y 3.</p>
<p>GIZ-P5</p>	<p>Require any effects generated by activities to be of a type, scale and level that is appropriate for the General Industrial Zone, including by:</p> <ol style="list-style-type: none"> <li>1. ensuring built form is of a scale that is compatible with the role and function of the zone;</li> <li>2. managing noise and light emissions to an acceptable level; and</li> <li>3. controlling the size, location, design and type of signage.</li> </ol>
	<p>242. Whilst the noise generating activities are expected within the GIZ, the characteristics of firearm noise are unique and have been assessed using a bespoke method.</p> <p>243. Whilst I have no reason to be concerned about possible light emissions (the applicant has not applied for any departures from the lighting Chapter) the proposed noise effects would be inappropriate in relation to Mr Phillips' property and the southern properties contained in the FUZ lands located on the opposite side of State Highway 3. The noise effects are of a high magnitude and would not be managed to an acceptable level.</p> <p>244. I consider that the proposed built form and scale of buildings and structures to be broadly compatible with the role and function of the zone and that signage proposed is minimal, unobtrusive and appropriate for the intended use of the site.</p> <p>245. Overall, the proposal is consistent GRZ-P5(1) and (3) but inconsistent with GRZ-P5(2).</p>
<p>GIZ-P6</p>	<p>Require that activities maintain on-site and streetscape amenity by:</p> <ol style="list-style-type: none"> <li>1. retaining, where practicable, existing trees, vegetation and established landscaping;</li> <li>2. providing landscaping along road and site boundaries;</li> <li>3. screening any outdoor storage;</li> <li>4. providing riparian planting along waterbodies; and</li> </ol>

	5. minimising hard standing areas where appropriate.
GIZ-P7	Ensure adequate permeable surfaces within sites to avoid or mitigate any potential adverse effects on water quality, stormwater quantity and amenity values.
<p>246. The applicant intends to retain existing planting along the State Highway 3 boundary and provide new planting along the eastern boundary of the site adjoining 1222 Devon Road. The applicant has, through the course of the application, sought to improve the interface of the site with the tributary of the Mangaoraka Stream to provide for a more naturized and vegetative edge. Given both outdoor storage and hard standing is minimised the proposal can be broadly consistent with GIZ-P6 (1)-(5) and GIZ-P7.</p>	
GIZ-P8	<p>Require industrial activities located on sites adjoining Commercial and Mixed Use Zones, Residential Zones, Open Space and Recreation Zones, Rural Zones, Hospital Zone and the Māori Purpose Zone to minimise adverse effects on sites within those zones, including by:</p> <ol style="list-style-type: none"> <li>1. requiring structures to be of a bulk, height and form that does not detract from the amenity of adjoining zones;</li> <li>2. achieving adequate separation or setbacks to: <ol style="list-style-type: none"> <li>a. limit noise and light overspill; and</li> <li>b. ensure adverse daylighting and shading effects are minimised;</li> </ol> </li> <li>3. providing screening and landscaping to minimise adverse visual effects; and</li> <li>4. internalising adverse effects and adequately mitigating conflict with existing activities.</li> </ol>
<p>247. Consistent with earlier statements, I consider that the adverse effects of the new structures and buildings would not detract from the amenity of adjoining zones (GIZ-P8(1)).</p> <p>248. The proposed structures comply with relevant set back, height, and daylighting requirements of the General Industrial Zone demonstrating consistency with GIZ-P8(2)(b).</p> <p>249. The application proposes that mature vegetation on the roadside boundary would be maintained and protected and new planting established on the eastern boundary adjoining the existing waterbody. In combination, these commitments avoid adverse visual effects in accordance with GIZ-P8(3) and may provide a net benefit in terms of biodiversity improvements.</p> <p>250. As discussed earlier, due to the scale and intensity of the proposed pistol club operation and the proximity of the site to Mr Phillips' property and the FUZ lands, adverse effects would not be appropriately internalised. Given I have also outlined that the proposed mitigation measures including NMP would not be effective I am not confident that conflicts with the existing adjoining activities would be mitigated. The development is therefore considered to be inconsistent with GIZ-P8 (4).</p> <p>251. Overall, the proposal is consistent with GIZ-P8 (1), (2)(b) and (3) but inconsistent with GIZ-P8 (2)(a) and (4).</p>	

<b>Waterbodies</b>	
<b>Objectives</b>	
WB-O1	Waterbodies with natural character and ecology, recreation, cultural, spiritual and heritage values, and their margins are protected from inappropriate activities.
WB-O2	Public access to and along rivers and lakes with conservation, recreational, scenic or amenity values is maintained and enhanced.
WB-O3	The adverse effects of activities on the values of waterbodies are avoided, remedied or mitigated.
WB-O4	The relationship of tangata whenua and their culture and traditions associated with waterbodies are recognised and provided for.
<b>Policies</b>	
WB-P2	<p>Protect the natural character, ecological, recreational, cultural, spiritual, heritage or amenity values of waterbodies by:</p> <ol style="list-style-type: none"> <li>1. managing the potential adverse effects of subdivision on the values of waterbodies;</li> <li>2. requiring buildings and earthworks to be set back from natural waterbodies to avoid, remedy or mitigate potential adverse effects on their values; and</li> <li>3. maintaining and enhancing public access to rivers and lakes with recreation, scenic, cultural or amenity values through the creation of esplanade reserves or esplanade strips at the time of subdivision.</li> </ol>
WB-P3	<p>Require that activities proposing to locate on sites adjoining a natural waterbody, demonstrate that the activity is located appropriately having regard to:</p> <ol style="list-style-type: none"> <li>1. the particular natural character, ecological, recreational, cultural, spiritual, heritage or amenity values of the natural waterbody and the extent to which the values of the natural waterbody may be adversely affected by the activity;</li> <li>2. the purpose of the activity and whether it has a functional need and operational need to be located adjoining a natural waterbody;</li> <li>3. the ability to effectively restore and rehabilitate the natural waterbody or off-set adverse effects;</li> <li>4. for natural waterbodies which have cultural, spiritual or historic values of importance to tangata whenua, the outcomes of any consultation with tangata whenua, including any expert cultural advice provided with respect to mitigation measures; and</li> <li>5. whether the activity would create new or exacerbate existing natural hazards, including flooding or stream bank erosion.</li> </ol>
WB-P5	Require any subdivision of land creating allotments containing or adjoining a river or lake which is required to provide an esplanade reserve or an esplanade strip, but which proposes to waive the provision of, or reduce the

	<p>width of the esplanade strip or esplanade reserve, to demonstrate that the waiver or reduction is appropriate having regard to:</p> <ol style="list-style-type: none"> <li>1. the purposes of esplanade reserves and esplanade strips in accordance with section 229 of the Act, and whether the waiver or reduction will limit the ability to achieve those purposes;</li> <li>2. whether the waiver or reduction will limit or reduce opportunities for public recreational use of the river or lake;</li> <li>3. whether the waiver or reduction will limit or reduce opportunities to link land-locked or isolated esplanade strips or esplanade reserves, or access strips;</li> <li>4. whether any alternative public access to the river or lake is available;</li> <li>5. the site's physical characteristics and constraints and any practical implications of providing access;</li> <li>6. effects of natural hazards, including protection of the integrity of the river, and erosion and flood control works;</li> <li>7. whether the waiver or reduction of an esplanade reserve or esplanade strip would compromise or assist the ability to protect, maintain or enhance natural character, ecological, landscape, historic heritage or cultural values of the river or lake or the ability to protect sites and areas of significance to tangata whenua; and</li> <li>8. the benefits and costs of the provision and maintenance of an esplanade reserve or an esplanade strips of a reduced width.</li> </ol>
WB-P6	<p>Require an esplanade reserve rather than an esplanade strip unless any of the following apply:</p> <ol style="list-style-type: none"> <li>1. the purposes for esplanade reserves and esplanade strips in section 229 of the Act can be adequately achieved by an esplanade strip;</li> <li>2. the river or lake is not in Schedule 9 or is within a rural area, and public access and recreational opportunities can be provided for by an esplanade strip; and</li> <li>3. where the natural character, ecological, landscape, historic heritage or cultural values of the river or lake, or the protection of sites and areas of significance to tangata whenua can be achieved by an esplanade strip; or</li> <li>4. the benefits and costs of the provision and maintenance of an esplanade reserve or an esplanade strip favour an esplanade strip.</li> </ol>
WB-P7	<p>Consider the incorporation of mātauranga Māori into the design, development and operation of activities on sites adjoining waterbodies which have cultural, spiritual or historic values of importance to tangata whenua and provide opportunities for tangata whenua to exercise their customary responsibilities in respect of waterbodies.</p>
WB-P8	<p>Promote community awareness of:</p> <ol style="list-style-type: none"> <li>1. the importance of the values of waterbodies and the threats to them;</li> <li>2. opportunities for waterbodies to provide a network of indigenous biodiversity; and</li> <li>3. the benefits of the protection and enhancement of waterbodies and their values.</li> </ol>

WB-P9	Support the provision of information, technical and cultural advice to the community relating to the protection and enhancement of the values of waterbodies, including riparian planting and management, in conjunction with relevant agencies and tangata whenua.
252.	I consider that the development is broadly consistent with the Objectives and Policies of the Waterbodies chapter.
253.	Public access to and along tributary of the Mangaoraka stream is not considered practical (WB-O2).
254.	The way in which the development incorporates and integrates with the existing stream has been informed by direct feedback and consultation with Puketapu hapu. The proposal would remediate the stream edge through removal of the existing manmade earth bund and the provision of a vegetated riparian margin (WB-O4, WB-P1(4), WB-P3(4), WB-P5(7), WB-P7, WB-P9.)
255.	By minimising the level of earthworks close to the waterbody and by employing an erosion and sediment control plan, the development would be able to avoid, remedy or mitigate adverse effects (WB-O3). In the long term the proposed works would enhance the values and setting of the stream and provide opportunities for localised biodiversity improvements.

<b>Entrance Corridor</b>	
<b>Objective</b>	
ECOR-O1	The main roads leading to and from the urban areas of New Plymouth, Waitara and Inglewood, and to and from the New Plymouth Airport are visually attractive, and provide a welcoming, pleasant arrival experience.
<b>Policies</b>	
ECOR-P2	Allow activities to locate within an entrance corridor and on sites adjoining an entrance corridor which maintain and enhance the visual amenity, attractiveness and quality of the arrival experience along entrance corridors including: <ol style="list-style-type: none"> <li>1. the erection or use of public art;</li> <li>2. the erection or use of structures, including pou, that specifically recognise and provide for the tangata whenua relationship with their culture and traditions, their ancestral lands, water, sites, wāhi tapu, and other taonga, and their association with the area; and</li> <li>3. planting and landscaping.</li> </ol>
256.	Whilst the proposal does not propose any new public art or structure/pou promoted by ECOR-P2(1) and (2), the development is consistent with ECOR-P2(3) by protecting and establishing new vegetation. Given the site for private use by members and has not wider civic use, not providing public art, structures or pou is considered acceptable.
ECOR-P3	Manage activities on sites adjoining the New Plymouth Entrance Corridor - Airport Drive which may potentially impact on the visual amenity, attractiveness and quality of the arrival experience along Airport Drive, including: <ol style="list-style-type: none"> <li>1. new vehicle access points; and</li> </ol>

	2. commercial and industrial activities.
257. ECOR-P3 is not relevant to this proposal as no new access points are required from the State Highway and proposal does not seek to establish commercial or industrial activities.	
ECOR-P4	<p>Maintain and enhance the visual amenity, attractiveness and the quality of the arrival experience of entrance corridors by controlling:</p> <ol style="list-style-type: none"> <li>1. the location of structures;</li> <li>2. network utilities;</li> <li>3. outdoor storage;</li> <li>4. signage; and</li> <li>5. planting and screening.</li> </ol>
258. The proposal would maintain the existing visual amenity by screening new structures and buildings from view by protecting existing vegetation and new planting. No new signage is proposed, and outdoor storage is minimised. Overall, consistency with Policy ECOR-P4 is achieved.	
ECOR-P5	<p>Ensure activities within or on sites adjoining entrance corridors maintain the visual amenity, attractiveness and the quality of the arrival experience of entrance corridors having regard to:</p> <ol style="list-style-type: none"> <li>1. the location, form, bulk, scale and orientation of structures on the site, including whether structures are sufficiently set back from boundaries;</li> <li>2. whether structures complement and integrate with the surrounding topography and landscape;</li> <li>3. the type, scale, location, design and direction of signage and its visibility within the entrance corridor;</li> <li>4. the maintenance or enhancement of views of notable/landmark built features and natural features, including Taranaki Maunga;</li> <li>5. the cultural (including tangata whenua) values of the entrance corridor, where relevant and whether these will be compromised;</li> <li>6. the functional needs and operational needs of network utilities;</li> <li>7. whether visually prominent trees, planting or landscaping that contribute to the amenity of the area will be retained; and</li> <li>8. the extent to which planting and landscaping mitigates adverse effects on visual amenity and the quality of the arrival experience along the entrance corridor.</li> </ol>
ECOR-P6	<p>Encourage landowners of sites adjoining entrance corridors to carry out planting and ongoing maintenance of planting to ensure a cohesive planted edge in accordance with:</p> <ol style="list-style-type: none"> <li>1. the Council's District Tree Policy, using tree species that will not impact on safety or damage state highway infrastructure;</li> <li>2. any relevant Council guidelines and technical advice for planting; maintenance and care of the land; or</li> <li>3. covenants/agreements that retain and safeguard mature trees or planting.</li> </ol>

259. The applicant has volunteered conditions of consent which both protect and maintain existing vegetation on State Highway 3 and establish new planting on the eastern boundary along margins of the unnamed tributary. Overall, the proposed is consistent with ECOR-P5 and P6.

## Earthworks

### Objectives

EW-O1	Earthworks and associated retaining structures necessary for the construction, maintenance or operation of activities are enabled, provided that adverse environmental effects are avoided, remedied or mitigated.
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### Policies

EW-P1	<p>Allow earthworks and land disturbance that are associated with the construction, maintenance and repair or upgrade of the following activities, while ensuring the scale, volume and effects of earthworks and land disturbance are appropriate:</p> <ol style="list-style-type: none"> <li>1. fences, poles, pile or service connections;</li> <li>2. gardening, planting or any vegetation and the construction or maintenance of garden amenities;</li> <li>3. sport and recreation activities;</li> <li>4. conservation activities;</li> <li>5. replacement, removal or installation of underground petroleum storage systems;</li> <li>6. interments in a burial ground, cemetery or urupā;</li> <li>7. the transport network;</li> <li>8. walking and cycling tracks and leisure activities;</li> <li>9. network utilities, including new and extended vehicle access tracks ;</li> <li>10. building activities authorised by a building consent;</li> <li>11. silage pits in the rural production zone;</li> <li>12. vehicle access tracks associated with agriculture, pastoral and horticultural activities in the Rural Production Zone; or</li> <li>13. other earthworks within specified limits and meeting the Earthworks Effects Standards.</li> </ol>
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260. EW-P1 allows for earthworks in association with construction activities and earthworks in association with sports and recreational activities. The overall quantities of the cuts and fills in the context of earthworks across the district are targeted and modest.

EW-P2	<p>Manage earthworks that have the potential to:</p> <ol style="list-style-type: none"> <li>1. create new or exacerbate existing natural hazards, particularly flood events, or cause adverse impacts on natural coastal processes;</li> <li>2. result in adverse effects on:             <ol style="list-style-type: none"> <li>a. the stability of land or structures;</li> <li>b. visual amenity and character;</li> <li>c. waterbodies and scheduled features;</li> <li>d. the health and safety of people and communities;</li> <li>e. indigenous biodiversity;</li> <li>f. the operation of network utilities; or</li> </ol> </li> </ol>
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	<p>3. result in adverse construction noise, vibration, odour, dust, lighting and traffic effects.</p>
EW-P3	<p>When any earthworks are undertaken on land where there is reasonable cause to suspect that an archaeological site or a site of significance to Māori exists on that land:</p> <ol style="list-style-type: none"> <li>1. have regard to: <ol style="list-style-type: none"> <li>a. the extent to which the earthworks or land disturbance may compromise the particular cultural, spiritual or historical values of importance to tangata whenua associated with the site and, if so, the outcomes of any consultation with tangata whenua, including any expert cultural advice provided with respect to: <ol style="list-style-type: none"> <li>i. opportunities to incorporate mātauranga Māori into the overall scale, form and extent of the earthworks or land disturbance;</li> <li>ii. opportunities for tangata whenua’s relationship with ancestral lands, water, sites, wāhi tapu and other taonga to be maintained or strengthened;</li> <li>iii. options to avoid, remedy or mitigate adverse effects; and</li> </ol> </li> <li>b. the outcomes of any consultation with Heritage New Zealand Pouhere Taonga.</li> </ol> </li> <li>2. in all cases, require appropriate steps to be followed in the event that sensitive material is discovered during earthworks and land disturbance.</li> </ol>
	<p>261. I consider that the risk of a sensitive discovery during earthworks is low given the proposed earthworks take place outside the mapped extent of cultural/archaeological site ID 448,</p> <p>262. Whilst the proposal would require earthworks to be undertaken near the unnamed tributary, the purpose of this is to remove the easternmost earth bund/retaining wall on range 1. This change has been made to reflect the feedback of Puketapu hapu and allows for a more natural stream margin to be provided. The consultation and opportunity for feedback and final riparian state would enhance the relationship between mana whenua and the cultural rohe</p> <p>263. Based on the low risk of a discovery been made, I do not consider that consultation with Heritage New Zealand Pouhere Taonga is necessary. Overall, the proposal is consistent with EW-P3(1) and (2).</p>
EW-P4	<p>Ensure that earthworks are of a type, scale and form that is appropriate for the location having regard to the effects of the activity, and:</p> <ol style="list-style-type: none"> <li>1. the impact on existing natural landforms and features and indigenous vegetation;</li> <li>2. changes in natural landform that will lead to instability, erosion and scarring;</li> <li>3. impacts on natural drainage patterns and secondary flow paths;</li> <li>4. compatibility of the earthworks and the design and materials for any retaining structures with the visual amenity and character of the surrounding area;</li> </ol>

	<ol style="list-style-type: none"> <li>5. the extent to which the activity mitigates any adverse visual effects associated with any exposed cut faces or retaining structures, including through screening, landscaping and planting; and</li> <li>6. the impact of the movement of dust and sediment beyond the area of development.</li> </ol>
EW-P5	<p>Require earthworks and any retaining structures associated with future land development or subdivision to be designed, located, managed and undertaken in a coordinated and integrated manner, including by:</p> <ol style="list-style-type: none"> <li>1. managing large-scale earthworks associated with subdivision, including for the purpose of site development and creating roads or access to and within the subdivision; and</li> <li>2. considering the appropriateness of earthworks in conjunction with site design and layout of future subdivision and development of land, particularly for future infill or greenfield subdivision.</li> </ol>
264. Policy EW-P5 is not considered to be relevant to this proposal as the works are not associated with the facilitation of new land development and subdivision.	
EW-P6	Ensure that earthworks and any associated structures are designed where practicable to reflect natural landforms, and where appropriate, landscaped to reduce and soften their visual impact having regard to the character and visual amenity of the surrounding area.
265. Cuts and fills across the site are minimised and targeted to the existing bund areas and stockpiling of material.	
266. The applicant has offered a draft erosion and sediment control plan to mitigate the effects of the construction phase of the proposal.	

## Contaminated Land

### Objectives

CL-O1	The risks to human health from contaminated land are avoided, remedied or mitigated.
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### Policies

CL-P1	Identify sites that are known to contain contaminated soil as a result of land uses and activities, including current and historical land use and activities.
CL-P2	Ensure that contaminated land or potentially contaminated land is suitable for the intended use by requiring investigation, remediation or management where necessary at the time of land use change, subdivision or re-development so as to minimise the risk to human health from the contamination.

267. Based on my conclusions in paragraphs 161-164, I am confident that site contamination risks are well understood and that, subject to adherence to conditions, the risks to human health would be minor and acceptable. On this basis the proposal is broadly consistent with the above Objectives and Policies.

<b>Transport</b>	
<b>Objectives</b>	
TRAN-O1	<p>The transport network is a well-connected, integrated and accessible system that:</p> <ol style="list-style-type: none"> <li>1. meets and is responsive to current and future needs, including projected population growth;</li> <li>2. maximises opportunities to link with land uses;</li> <li>3. maximises the use of public transport, walking and cycling, and reduces dependency on private motor vehicles; and</li> <li>4. provides for the adoption of low emission transport alternatives.</li> </ol>
TRAN-O2	<p>The transport network is safe, efficient and effective in moving people and goods within and beyond the district.</p>
	<p>Activities generate a type or level of traffic that is compatible with the local road transport network they obtain access to and from.</p>
TRAN-O4	<p>The existing and future transport network is not compromised by incompatible activities which may result in reverse sensitivity effects or conflict.</p>
TRAN-O5	<p>Adverse effects from the construction, maintenance and development of the transport network are managed.</p>
TRAN-O6	<p>The district-wide transportation benefits associated with the railway are recognised and the ability for the railway to operate efficiently and effectively is provided for.</p>
<b>Policies</b>	
<b>General</b>	
TRAN-P1	<p>Identify and map a road transport network hierarchy comprising the following different road types based on purpose, strategic function and anticipated volume of traffic:</p> <ol style="list-style-type: none"> <li>1. state highways;</li> <li>2. arterial roads;</li> <li>3. collector roads;</li> <li>4. local roads; and</li> <li>5. pathway connections.</li> </ol>
TRAN-P2	<p>Allow the following activities provided they maintain the safety, efficiency and effectiveness of the transport network:</p> <ol style="list-style-type: none"> <li>1. roads and vehicle access points;</li> <li>2. building activities and trees within the New Plymouth Airport Flight Path Surface 2 area;</li> <li>3. electric vehicle charging stations; and</li> <li>4. operation, maintenance and repair or construction of the transport network.</li> </ol>

TRAN-P3	<p>Manage activities that occur on or in close proximity to the transport network, including:</p> <ol style="list-style-type: none"> <li>1. erection of structures on or adjacent to an indicative road transport network;</li> <li>2. erection of structures on or adjacent to a railway corridor;</li> <li>3. high trip generator activities;</li> <li>4. vehicle access points onto a state highway; and</li> <li>5. vehicle access points over a railway level crossing.</li> </ol>
<b>Connectivity and Integration</b>	
TRAN-P4	<p>Identify and map indicative road transport networks for specific sites and areas within the district which:</p> <ol style="list-style-type: none"> <li>1. encourage connectivity and ease of movement within and between communities; and</li> <li>2. assist to create a compact urban environment while supporting growth and intensification.</li> </ol>
TRAN-P5	<p>Require activities on or adjacent to an indicative road transport network to:</p> <ol style="list-style-type: none"> <li>1. locate or design the activity in general accordance with the indicative road transport network; or</li> <li>2. provide an alternative road transport network with the same or similar connectivity outcomes.</li> </ol>
TRAN-P6	<p>Require that additions and upgrades to the road transport network achieve connectivity through design and construction by:</p> <ol style="list-style-type: none"> <li>1. linking to existing networks, including public transport routes and open space networks;</li> <li>2. not precluding connectivity to future developable land;</li> <li>3. contributing to shorter travel times and providing choices for users;</li> <li>4. allowing ease of movement within, to and from the activity for a variety of users;</li> <li>5. providing increased opportunity for social interaction, particularly in centres and residential neighbourhoods;</li> <li>6. supporting low impact urban design principles, including the integration of natural features; and</li> <li>7. making it accessible for all users, including the transport disadvantaged and mobility impaired through the provision of features such as dropped kerbs and tactile paving.</li> </ol>
TRAN-P7	<p>Ensure that sensitive activities are appropriately located and separated from state highways and railway corridors and that any adverse noise, amenity and reverse sensitivity effects are avoided, remedied or mitigated.</p>
TRAN-P8	<p>Ensure that on-site parking for activities in centres is located appropriately having regard to:</p> <ol style="list-style-type: none"> <li>1. existing and future accessibility to public transport;</li> </ol>

	<ol style="list-style-type: none"> <li>2. allowing ease of movement within, to and from the activity for a variety of users;</li> <li>3. ease of access to support walking and cycling; and</li> <li>4. impacts on streetscape and amenity.</li> </ol>
TRAN-P9	Ensure the transport network is located and designed to avoid, remedy or appropriately mitigate adverse effects on adjacent land, while recognising the positive benefits of enabling the transport network.
TRAN-P10	<p>Encourage buildings and new developments to:</p> <ol style="list-style-type: none"> <li>1. provide free, secure and covered parking for bicycles and end-of-trip facilities such as secure lockers, showers and changing facilities; and</li> <li>2. allocate parking for mobility devices, scooters, motorcycles, hybrid vehicles and car share or car pool vehicles and to provide charging points for electric vehicles.</li> </ol>
<b>Safety and Efficiency</b>	
TRAN-P11	Require additions and upgrades to the road transport network to meet design standards to ensure that the safety and efficiency of the road transport network is maintained and to provide for enhanced pedestrian and cyclist safety.
TRAN-P12	<p>Require that activities provide for the safe and efficient movement of vehicles on-site, onto and along the road transport network by:</p> <ol style="list-style-type: none"> <li>1. providing appropriately designed and located vehicle access points, on-site parking including bicycle parking, loading and standing spaces, driveways, manoeuvring space and queuing space to reduce disruption to traffic flow, driver distraction and road congestion;</li> <li>2. ensuring that the location, orientation, design and illumination of signs avoid road or footpath user obstruction, distraction or confusion; and</li> <li>3. providing stock truck effluent receiving facilities to avoid or minimise spillage onto roads.</li> </ol>
TRAN-P13	<p>Ensure that activities do not constrain or compromise the safe and efficient operation of the road transport network by:</p> <ol style="list-style-type: none"> <li>1. minimising potential conflict between vehicles, pedestrians and cyclists;</li> <li>2. managing the width of vehicle access points so that on-street parking is not reduced; and</li> <li>3. managing adverse cumulative effects.</li> </ol>
TRAN-P14	<p>Ensure that activities do not constrain or compromise the safe and efficient operation of the rail transport network by:</p> <ol style="list-style-type: none"> <li>1. requiring appropriately designed and located vehicle access points within close proximity to railway level crossings to improve safety for road users on approaches to railway level crossings;</li> </ol>

	<ol style="list-style-type: none"> <li>2. controlling vehicle access points over railway level crossings to minimise safety risks;</li> <li>3. restricting the location of buildings, structures and other visual obstructions including vegetation within sightline areas of railway level crossings; and</li> <li>4. managing the location of buildings and structures near railway corridors to allow for safe access to, and maintenance of, buildings and structures on sites adjoining the rail corridor.</li> </ol>
TRAN-P15	Encourage car parks that provide for general public or staff use to be designed to provide clearly marked, connected, convenient, safe, accessible pedestrian pathways, with provision for shelter where possible.
<b>Traffic Generation</b>	
TRAN-P16	<p>Ensure the type and level of traffic using the road transport network is appropriate by:</p> <ol style="list-style-type: none"> <li>1. minimising the ability for heavy vehicles to directly access and utilise local roads;</li> <li>2. requiring high trip generator activities to locate on state highway, arterial and collector roads; or</li> <li>3. avoiding, remedying or mitigating adverse amenity, character, safety and cumulative effects.</li> </ol>
TRAN-P17	<p>Require high trip generator activities which propose to access and utilise the district's roads to be assessed in an Integrated Transport Assessment commensurate to the scale of the activity prepared by a suitably qualified traffic specialist that demonstrates how any adverse effects on the road transport network will be avoided, remedied or mitigated, and assesses:</p> <ol style="list-style-type: none"> <li>1. the road's capacity and the likely effect of the proposed activity on the road, its ongoing maintenance and its users;</li> <li>2. whether opportunities for alternative access or routes exist;</li> <li>3. appropriate traffic management and travel planning mechanisms;</li> <li>4. provision for pedestrians, cyclists, public transport users, freight and motorists;</li> <li>5. whether it is appropriate to stage the activity or undertake improvements to the road transport network;</li> <li>6. cumulative effects;</li> <li>7. linkages to existing and proposed walking and cycle routes;</li> <li>8. integration with existing and proposed public transport;</li> <li>9. any positive transport effects; and</li> <li>10. any safety effects of high traffic generating activities.</li> </ol>
TRAN-P18	<p>Require activities that generate vehicle trips associated with construction to minimise any adverse traffic effects having regard to:</p> <ol style="list-style-type: none"> <li>1. the types of vehicles serving the site, their frequency, the time of vehicle movement and anticipated traffic generation;</li> </ol>

2. the duration of the traffic generation and the extent to which it creates adverse amenity effects or sleep disturbances for surrounding sensitive activities;
3. the capacity of the site and adjoining roads to accommodate parking for workers associated with the construction work;
4. any potential adverse effects on the safety and efficiency of the transport network; or
5. the outcomes or recommendations of a Construction Traffic Management Plan undertaken by a suitably qualified traffic specialist.

268. Based on the discussion in paragraphs 156-160, I consider that the development is generally consistent with the Objectives and Policies of the Transport Chapter. This aligns with the conclusions outlined page 43 of the AEE.

### **Objectives and Policies Conclusion**

269. Whilst the development is generally consistent with Waterbodies, Entrance Corridor, Contamination, Transport and Earthworks chapters due to the mitigations offered, I consider that the development is more fundamentally inconsistent with relevant aspects of the Noise, General Industrial Zone, Rural Production Zone and Future Suburban Zone chapters.

270. The development would be inconsistent with the broad intent of the plan regarding the management of noise, avoiding zoning conflicts, maintaining rural amenity and planned character and safeguarding the ability to comprehensively develop future urban growth areas.

271. On balance, I consider that the development would be inconsistent with the Objectives and Policies of the PODP.

### **SECTION 104D – “GATEWAY TEST”.**

272. Section 104D of the Act is relevant to the determination of non-complying activities. Before granting an application, the consent authority must be satisfied that either:

- the adverse effects of the activity on the environment will be minor (s104D(1)(a)), or
- the proposed activity will not be contrary to the objectives and policies of a proposed plan and/or plan (s104D(1)(b)).

273. If either of the limbs of the test can be passed, then the application is eligible for consideration and approval under s104.

274. The application fails to meet the first test under s104D(1)(a) as the effects of the proposal on Mr Phillips’ property and properties on the opposite side of State Highway 3 which are zoned FUZ would be unacceptable and not minor.

275. The proposal fails to meet the second test under (s104D(1)(b)) as, on balance, the proposal would be inconsistent with objectives and policies of the Part Operative District Plan 2025.

276. The proposal therefore fails to meet both tests under s104D and is not eligible to be considered for approval under s104 of the Act.

277. For completeness, I have included the other relevant matters under s104(1)(b) below.

### **National Policy Statement on Urban Development 2022**

278. The National Policy Statement on Urban Development 2020 ("NPS-UD") was updated in May 2022. The New Plymouth district has been defined as a Tier 2 urban environment. The Council is required to give effect to the objectives and policies of the NPS-UD and to monitor progress towards meeting key land capacity indicators.

279. The NPS-UD is relevant to this proposal as the application site (General Industrial Zone) and adjacent lands (Future Urban Zone) meet the definition of an "urban environment" under Section 1.4<sup>30</sup>.

280. Relevant Objectives and Policies of the NPD-US include:

**Objective 1:** *New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.*

**Objective 2:** *Planning decisions improve housing affordability by supporting competitive land and development markets.*

**Policy 1:** *Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:*

*a. have or enable a variety of homes that:*

- (i) meet the needs, in terms of type, price, and location, of different households; and*
- (ii) enable Māori to express their cultural traditions and norms; and*

*b. have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*

*c. have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*

*d. support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*

*e. support reductions in greenhouse gas emissions; and*

*f. are resilient to the likely current and future effects of climate change.*

281. Given the proposal would result in inappropriate and unmitigated level of noise effects on the southern portion of Area R, the proposal would undermine the intent of Objective 1 to achieve well-functioning environments now and into the future. The proposal also fails to meet the intent of Policy 1.d as it does not limit, as much as possible, the adverse impacts on Area R. This in turn may reduce its completeness in the overall land development market.

282. By acting as a possible constraint to the future comprehensive development of Area R, the proposal would act to frustrate the future supply of housing in the area thereby undermining housing affordability and competitive land and development markets promoted by Objective 2.

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<sup>30</sup> Refer section 1.4 of the NPD-UD which states "urban environment means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that: is, or is intended to be, predominantly urban in character; and is, or is intended to be, part of a housing and labour market of at least 10,000 people".

283. Overall, the proposal is inconsistent with the relevant aspects of the NPS-UD 2022.

### **Taranaki Regional Policy Statement 2010**

284. Section 7.8 of the AEE addresses the Taranaki Regional Policy Statement (RPS) 2010. The purpose of the document is to *"promote the sustainable management of natural and physical resources in the Taranaki Region by providing an overview of resource management issues... and identifying policies and methods to achieve integrated management of natural and physical resources in the region"*

285. I agree with the statements that: *"The RPS seeks to promote sustainable development whilst improving the quality of life by improving better social, environmental and economic outcomes. Objectives and policies within the Natural Features and Landscapes, Historic Heritage and Amenity Value chapter (Chapter 10) seek to protect natural features and landscapes, historic heritage and amenity values from inappropriate subdivision, use and where appropriate enhance those values. In particular, AMY Policy 1 seeks to provide for a safe and pleasant living environment free of nuisance arising from excessive noise."*

286. I however disagree that consistency with the Policy AMY Policy 1 is achieved on the basis that the effects assessment has found that noise effects on some properties would be inappropriately high.

287. Overall, the proposal is inconsistent with relevant aspects of the RPS 2010.

### **National Policy Statement of Fresh Water Management 2025**

288. Section 7.9 of the AEE addresses the National Policy Statement for Freshwater Management 2025 (NPS-FWM). I agree with the analysis provided that the proposal is consistent with the relevant aspects of the NPS-FWM.

## **PART 2 OF THE RMA**

289. I am satisfied in this case that the provisions of the Part Operative District Plan have been robustly prepared in accordance with Part II of the Act. Therefore, as per the Court of Appeal decision in R J Davidson Family Trust vs Marlborough District Council (CA97/2017) I feel assured in taking the view that there is no need to refer to Part II because doing so would not add anything to the evaluative exercise of the proposal undertaken earlier in this report.

## **RECOMMENDATION**

290. For the reasons outlined in this report and having had regard to s104B(a), I recommend that the land use application under the PODP and NESCS, reference LUC24/48583, be **declined**.

291. Whilst I have made best endeavours to provide a full and final recommendations on the proposal, if it is appropriate, I reserve the right to amend my recommendation at the conclusion of the hearing.

## **DRAFT CONDITIONS**

292. Should the commissioners be inclined to grant consent, a set of draft consent conditions of can be provided. This exercise would be informed by input from Council's acoustic specialist, Mr Ellerton and other technical advisors.

**Report by:**



*Campbell Robinson*  
*Consultant Planner*  
24th April 2026

**Reviewed and decision by:**



*Richard Watkins*  
*Principal Planner*  
24th April 2026