

From: [Ché Hedges](#)
To: [Martin Phillips](#); [gandoff@xtra.co.nz](#); [Mark Utting](#)
Cc: [Gareth Green](#); [Max Brough](#)
Subject: FW: Response to Complaints and Our Ongoing Commitment to Mitigation - Council Response 231020
Date: Friday, 20 October 2023 4:53:51 pm
Attachments: [Outlook-livxparw.png](#)
[Pistol Club Letter.docx](#)
[FW NP Pistol Club Mr B. Phillips - Update 230918.msg](#)

Good Afternoon Michael,

Thank you for your letter (attached). Please find response to some of your points below. I have copied them from your letter for ease of context.

3. *We are approaching a critical point where our frustration with Mr. Phillips's actions may become more evident, and I share this statement as a forewarning. Despite our continued efforts to maintain civility and respect in our dealings, it is becoming increasingly apparent that Mr. Phillips's intentions extend beyond the resolution of perceived issues related to our activities, particularly those related to shooting. While he has expressed a degree of tolerance for specific aspects of our operations, it is evident that his overarching aim may be to curtail our activities altogether. His statements in the newspaper, confrontations with our members and our treasurer, and his past monitoring of our secretary, Avin, are indications that warrant concern. Our growing frustration also stems from the lack of acknowledgment by you of these worrisome behaviours.*

This is a very frustrating situation for all involved. *At all conversations I have attended, Mr Phillips has openly stated that closing the club is not his desired outcome.*

All three parties addressed the past behaviours when we met at Council on 31 July. Apologies were given, hands were shaken, and we agreed to leave those issues in the past and move forward.

What Council has been hoping to facilitate is some positive action from both parties and proactive/factual response to the complaints rather than just reacting to each other. What Council has stressed to both parties is that Council is being pulled into the middle of a difficult relationship. Council has been open with both parties regarding behaviours and attitudes. Council has also reflected on how it has handled things in the past and made changes in attempt to facilitate proactive outcomes.

4. *Mr. Philips's complaints about early-morning shooting activities, which he attributes to the club, may not be grounded in fact. Recent observations suggest that the gunshots he references may, in fact, originate from sources other than the club. It is essential to ascertain the accuracy of such attributions, and we urge you to consider this possibility.*

Council has been and remains open to other sources of noise as being a possibility. I am aware of these complaints and NPPC's opinion that it could be attributed to the airport or some other noise source. However, I respectfully add that it is NPPC who are proposing the potential for other noise sources but have not provided any evidence to support the accuracy of this opinion.

"...may not" doesn't equate to "does not as supported by..." If NPPC can prove this response, then surely the complaint can be addressed relatively quickly without any fuss?

5. *To address your request for information regarding our activities:*

5.1 *We have diligently adhered to the abatement notice by refraining from shooting on Monday, Tuesday, and Thursday before 4 PM. We consider this abatement as a breach of the property rights initially granted to us by the Taranaki County Council. Our commitment to this property and its use is significant, and we feel that our rights are currently being denied.*

5.2 *Before the week of October 9th to 15th, we communicated to the club members that no shooting would occur, except for two Muzzleloader shooters in preparation for a national competition. Muzzleloading involves the use of black powder, a practice that predates the 15th century, signifying an "existing use" scenario.*

5.3 *Police activities at the club occurred on Wednesday, Thursday evening (4 PM to 8 PM), and again on Friday, and the associated noise was measured at 60 decibels in our carpark against the backdrop of road noise ranging from 70 to 90 decibels.*

5.4 *A competition, "Need for Speed," was held on Saturday and Sunday, albeit with participation limited to 35 individuals, whereas we could accommodate more. This is a reduction from 60-70 we normally get and what we got in the 80's and 90's. Despite this reduction and our genuine efforts for mitigation, Mr. Philips continued to voice complaints, suggesting an intent to merely provoke annoyance. His assertions we find to be inaccurate and you should too.*

5.5 *There was no club activity on Wednesday, normally there is.*

5.6 *There was no club activity on Thursday night, normally there is.*

5.7 *There was no club activity on Sunday, normally there is*

Thank you for this update it is appreciated.

In response to:

5.1: I understand you have a position as to what you believe are the NPPC's rights. Unfortunately, NPPC have not achieved an existing use certificate, a resource consent or successful appeal of the abatement notice to date that supports this position.

5.2: Although something may have occurred in the past, it does not automatically guarantee that it meets s10 of the RMA & therefore has existing use rights today.

5.3: Please note that Police activity is still activity at NPPC, on club grounds. Road noise is not an activity associated with NPPC. I fully understand the ease of comparison to the road but comparing to road noise is not a measure of compliance.

Are you in the position to supply this noise testing to Council and Mr Phillips as proof of compliance? This may go a long way to reducing the complaints if you can demonstrate compliance.

5.4: Are you able to provide context about what specifically is inaccurate and why? It is difficult for Council to assess without context. This is why we asked for your input, to help us understand.

It is Council's responsibility to consider both parties equally. Council is attempting to facilitate common ground for both parties with expectation that both prove their claims against one another or more importantly, work positively together as neighbours. Should this disintegrate, Council will have no other option other than to go down the enforcement of legal provisions path, essentially handing the outcome to the Court to decide.

6. Our ongoing commitment to noise mitigation and compliance remains resolute, as demonstrated by these actions. Nevertheless, Mr. Philips's actions have strained our patience. We have not received adequate recognition for our extensive efforts from you or him in this regard.

Has NPPC provided a definitive register of these changes to both Mr Phillips and Council? I know they were part of discussions and proposals. It may be possible that Mr Phillips is unaware that these measures have been enacted. I'd hope that should Mr Phillips have these presented to him in a purely factual context, he may be more accepting.

I have stated my thanks and appreciation to both parties throughout my involvement with this matter. I do not understand what further recognition NPPC are requesting.

7. Mr Philips needs to replant the hedge that he has destroyed by poor management.

I don't believe a statement in this format would be helpful to the cause.

If the hedge replacement would help, how can both parties work together to achieve that?

8. Considering the aforementioned, we suggest that Mr. Philips's motivations may extend beyond working collaboratively with us to address noise issues. It appears that he may be aiming to close the club, and his actions, coupled with your enabling responses, have led to this conclusion. We believe it is essential that the council maintains a balanced approach, as required by LGA02 Section 10, and considers the impact of potential actions on both the club and our members.

As mentioned above, at all conversations I have attended, Mr Phillips has openly stated that closing the club is not his desired outcome.

Council has facilitated a multi-faceted approach allowing for the parties themselves to find resolution together and avoid legal proceedings should they achieve proactive agreement. However, it would be remiss of Council on behalf of the community, in accordance with s10 of the LGA2002, to ignore that NPPC have not achieved an existing use certificate, a resource consent or successful appeal of the abatement notice to date.

9. In addressing your request for further details, we are inclined to question the intent of such inquiries. Rest assured, we have proactively communicated our actions and measures, and we are committed to continuing in this regard. We are yet to hear back from you to our proposals.

Council's intent is simple. To give opportunity to NPPC to respond with facts to complaints made that may fall outside the requirements of the abatement notice prior to considering investigation or enforcement options. I attach my recent email from 16/10/23 which also includes a previous email thread from 18/09/23 regarding Council's response to the proposals.

10. In conclusion, we propose a solution. We kindly request that Max approaches Mr. Philips to discuss a potential offer for the purchase of his property at market rates, as determined by Telfer Young. The club is prepared to collaborate with individuals willing to invest in this endeavour. This gesture will serve as to the demonstration of Mr. Philips's continued commitment to closing the club, aligning with his overarching ideology.

I will leave this for Max and Gareth to consider within the scope and responsibilities of being an elected member.

From a Council staff perspective, this is not something I would instruct Council staff to assist with. It is a private sale & purchase arrangement between parties associated with private land. It would probably be more

appropriate for NPPC to engage a professional agent on their behalf to facilitate this.

It is important to note that this would not guarantee that should other complaints emerge from other neighbours in the future, this entire scenario wouldn't play out all over again.

11. We anticipate your response and a constructive path forward.

Council have put in a lot of time and effort into a constructive path forward as is evident in my attached email. As mentioned in the email "If this means another sit down and chat at NPPC, I am happy to attend this". Council is not obliged to do this. It has chosen to as a matter of good faith. We appreciate NPPC's willingness to communicate and work with Council along the way.

Council is working as equally as it can with both parties and prefer a constructive path forward. However, there is a stark reality that a conclusion to this matter needs to be achieved sooner rather than later. This means NPPC & Mr Phillips need to "find a way" to exist together otherwise the likelihood is that the legal process will decide. This offers no guarantee as to who the outcome will favour.

I remain available for proactive discussion in person to explain Councils position if anything is unclear. It is not Councils intent to be obstructive nor unreasonable. It is important that both parties respect that Council also has regulatory responsibilities that it must undertake on behalf of the community should matters not resolve themselves. This is a requirement of being a Council. This commentary is not mentioned with any ill intent to anyone. It is simply part of what a Council must do should there be no other options available.

Ngā Mihi,

Ché Hedges

Engagement & Development Control Lead

Te Kaunihera-ā-Rohe o Ngāmotu | New Plymouth District Council | Liardet St | Private Bag 2025 | New Plymouth 4340

PHONE 06-759 6060 |

www.newplymouthnz.com

From: President

Sent: Thursday, October 19, 2023 4:50 PM

To: Ché Hedges ; Gareth Green

Cc: Martin Phillips ; Max Brough ; gandoff@xtra.co.nz; Mark Utting

Subject: Response to Complaints and Our Ongoing Commitment ' > Mitigation

[EXTERNAL EMAIL] CAUTION: This email is from an external sender. To minimise cyber security risks, do not click on any links or open any attachments unless you are certain that the sender is legitimate. Please note that no legitimate sender will ever ask you for password details.

Hi Ché

Thank you for your expected email.

Please find attached our reply.

Regards

