

Directions/Panel Minute 2
LUC24/4848583
Application by New Plymouth Pistol Club Inc
228 De Havilland Drive/1206 Devon Road (State Highway 3)

- 1) In preparation for the hearing commencing on 19 May 2026 there are a number of preliminary procedural matters that the Hearing Panel wish to address.
- 2) Firstly, we note that the expert evidence of Ms Williams on behalf of Puketapu Hapū was filed at around 7-40am on 12 May. The deadline for submitter expert evidence, as set out in the revised Notice of Hearing, was midday on 11 May.
- 3) The Panel was forewarned that this evidence would be late and the Chair advised verbally that it would be accepted provided it was received not later than 8am on 12 May.
- 4) The Panel confirms waiver of the receipt of late evidence in this case under section 37 of the Resource Management Act. In the Panel's view, the delay in provision of the evidence was not excessive, particularly when measured against the time period specified in section 103B, not prejudicial to the applicant or any other party, and the evidence will contribute to the Panel being better informed regarding the matters at issue.
- 5) We note that no waiver is necessary for the evidence of Ms Raukura Salisbury that was filed at the same time as it is not presented as independent expert evidence.
- 6) Turning to other expert evidence, the Panel has the benefit of detailed evidence on acoustic issues from Mr Damian Ellerton (for Council) and Dr Jeremy Trevathan (for the applicant). The Panel would be assisted if the two acoustic experts conference prior to the hearing and produce a Joint Witness Statement. We note counsel for the applicant's advice that Dr Trevathan is in another hearing this week and has limited availability, but would be available to meet Mr Ellerton in person on 18 May. We do not know if that will work for Mr Ellerton and accordingly we leave it as a request rather than a direction.
- 7) If Mr Ellerton and Dr Trevathan are able to conference, they are requested to focus on the questions attached and file their Joint Witness Statement by 4pm on 18 May. The Joint Witness Statement may be filed with Claire Kelly (claire.kelly@npdc.govt.nz), Acting Governance Manager at NPDC, by way of email. As soon as practicable following receipt of any such Joint Witness Statement, NPDC is to provide a copy to all other parties to these proceedings by way of email with a link to the Council's website

- 8) If they are not able to conference (or to produce a joint Witness Statement) in the time available, the attached questions will form part of the Panel's questions of them at the hearing.
- 9) The Panel intends to hear the evidence of Dr Trevathan and Mr Ellerton together (colloquially described as 'hot-tubbing"). Counsel for the applicant is requested to liaise with the Council Reporting Officer and the Hearing Administrator to identify when it would be convenient to schedule their joint appearance.
- 10) The format of the hearing will otherwise be as follows:
 - a. We will hear first from the applicant, starting with counsel for the applicant, followed by the applicant's witnesses;
 - b. Submitters supporting the application will follow the applicant;
 - c. Submitters supporting the application on a conditional basis, or opposing the application will present next; followed by
 - d. The Council Reporting Officer, who will then present his section 42A report, including any supporting evidence not already heard.
- 11) The hearing will conclude with the applicant's reply. Depending on the progress of the hearing, we may adjourn the hearing and receive the applicant's reply in writing within a defined period thereafter.
- 12) All precirculated evidence, including the section 42A report, will be taken as read. Expert witnesses will need to:
 - a. Confirm their qualifications and experience;
 - b. Confirm the matters of fact and opinion in their evidence;
 - c. Provide a brief summary of key facts and opinions in their evidence;
 - d. Outline any changes to their previously expressed opinions prompted by evidence received after their evidence was circulated.
- 13) Expert witnesses are able to respond to evidence received after their evidence was circulated and explain why they might disagree with that evidence. Such evidence should be provided as a written addendum tabled when they appear and be addressed verbally by the witness.
- 14) New expert evidence may not otherwise be provided without the leave of the Chair.
- 15) We note in response to the question of counsel for the applicant that we do wish to hear from Mr Bolger.
- 16) Submitters who have not precirculated evidence should proceed on the basis that the Panel has read their submission. They should not, therefore read it out themselves. Rather, they should highlight key points in their submission they wish the Panel to take on board.

17) The Panel will ask questions of each person giving evidence/ making submissions. If any party wishes to ask a witness for another party a question of clarification, they need to seek the leave of the Chair to do so.

18) Lastly, It is noted that the Panel will undertake a site visit on the afternoon of 18 May. At present, the Panel intends to visit the applicant's premises, Mr Phillips' adjacent property, and (subject to the landowner providing access) the FUZ land on the opposite site of State Highway 3. We record that the site visit is not an opportunity for any party to give evidence to the Panel, but rather for the Panel to gain a better impression of the lie of the land.



Trevor Robinson
Independent Commissioner - Chair
Date: 13 May 2026

Agenda for Expert Conferencing

The following questions are to form the agenda for the conference.

- 1 Is CNR an appropriate compliance metric for shooting noise at the notional boundary of the dwellings at 1222 Devon Road? If yes, will CNR 90 (as proposed) result in an acceptable level of amenity at those dwellings? If not, identify the alternative metric(s) and/or limit(s), and explain why.
- 2 Explain how CNR 90 translates in practice to the expected shooting noise levels at 1222 Devon Road, e.g., typical or upper LZpeak and/or LAFmax, and comment on whether CNR 90 can equate to a simple “ \approx LAFmax X dB” statement.
- 3 The CNR equation ($CNR = (Y - 13) + 10 \log_{10} N + 10 \log_{10} T - 12$) depends on Y=sound level, N=number of shots, T=time period. Confirm the definition of Y, N and T. For example, is Y the log-average LZpeak level for all shots over the day or the log-average LZpeak level of the 25 loudest shots occurring that day? Is T the proportion of days per annum that shooting occurs or is it the proportion of the 7am–10pm daytime period represented by the time between the first and last shot fired on the day. The experts are to propose clear condition ready wording for Y, N and T.
- 4 Confirm how Y, N and T will be determined reliably on the day, and what method(s) will be used to ensure proactive daily compliance with CNR 90, i.e., how exceedances are prevented rather than identified after the fact.
- 5 Should the conditions provide for different controls by day type (e.g., weekday vs weekend, or “quiet days” vs “busy days”) to provide predictable respite? If yes, propose a practicable approach (metrics/limits/hours). If not, explain why such differentiation is not necessary or not workable.
- 6 Explain how sensitive CNR is to: firearm/ammunition selection, e.g., louder vs quieter firearms, and the “mix” of firearms over the day - including the potential for compliance to be influenced by many quieter shots.
- 7 Identify the physical mitigation and operational/management measures assumed, and state whether they are likely to improve the existing situation at 1222 Devon Road and why. Identify any additional measures considered necessary, e.g., reduced hours, quiet periods, staged limitations on range use as physical mitigation measures are implemented.
- 8 Provide the expected LAFmax and/or LZpeak at the notional boundary of the 1222 Devon Road dwellings once mitigation and controls are implemented, and compare that to the existing situation.
- 9 If future dwellings are established within the FUZ, what noise effects are likely if shooting noise is approximately 70 dB LAFmax at the notional boundaries? Explain how those effects differ from (and interact with) road-traffic noise.
- 10 Does the pistol club activity (even if compliant with the proposed controls) risk constraining future residential development within the FUZ or creating reverse sensitivity over time?

Yellow directed to Mr Ellerton in the first instance

Blue directed to Dr Trevathan in the first instance

Not highlighted - General