

IN THE MATTER
of the Resource Management Act 1991

AND

IN THE MATTER
of Application LUC24/48583 by New Plymouth Pistol Club Incorporated

RIGHT OF REPLY OF BRYAN PHILLIPS
TO ADDITIONAL MATERIAL AND REVISED CONDITIONS REV 1C

1. INTRODUCTION

1.1 I thank the Commissioners for granting leave to file this reply regarding the applicant's additional material and revised proposed conditions (Rev 1C dated 20 May 2026).

1.2 Having reviewed the revised conditions and additional material, I respectfully submit that the fundamental concerns raised throughout this proceeding remain unresolved.

1.3 In several respects, the revised conditions reinforce concerns already identified regarding:

- (a) the scale and intensity of the activity;
- (b) ongoing adverse residential amenity effects;
- (c) reliance on future mitigation and operational restraint;
- (d) uncertainty regarding implementation and effectiveness of mitigation works;
- (e) extensive reliance on self-monitoring and self-regulation;
- (f) safety concerns associated with range operation and infrastructure; and
- (g) the inability of the activity to presently operate at the proposed scale without substantial restrictions.

2. THE HISTORY OF THIS MATTER IS IMPORTANT

2.1 I respectfully submit that the revised conditions must be considered in the context of the lengthy history surrounding this matter.

2.2 The issues before the Panel are not recent issues.

2.3 Concerns regarding increasing noise, operational intensity, residential amenity impacts, and range safety concerns have existed for many years.

2.4 Over that time:

- (a) concerns were raised directly with the Club;
- (b) the Council became formally involved;
- (c) acoustic investigations and monitoring occurred over an extended period;
- (d) abatement notices were issued;
- (e) the Club became fully aware of ongoing compliance concerns;
- (f) the Certificate of Existing Use was ultimately refused; and
- (g) the applicant chose to contest the abatement notice and enforcement proceedings through the Environment Court process.

2.5 In my submission, the Club has already had extensive time and opportunity to undertake meaningful mitigation and reduce adverse effects.

2.6 Instead, neighbouring residents have experienced prolonged uncertainty and continued exposure to the effects of the activity while mitigation remained incomplete and operational intensity continued.

2.7 I respectfully submit that the proposal for staged mitigation extending over a further five-year period must be viewed in that context.

2.8 In my submission, neighbouring residents have effectively carried the burden of unresolved effects for many years while the activity continued operating and enforcement measures were contested.

3. THE REVISED CONDITIONS CONFIRM THE ACTIVITY CANNOT PRESENTLY OPERATE WITHOUT RESTRICTION

3.1 In my submission, the revised conditions themselves demonstrate that the activity cannot presently operate at the proposed scale without substantial operational restrictions.

3.2 Conditions 48–54 are particularly significant.

3.3 These conditions require:

- (a) immediate operational restrictions;
- (b) calibre limitations;
- (c) restrictions on the use of certain ranges;
- (d) suppressed firearm requirements;
- (e) staged mitigation works over several years; and
- (f) future verification before broader operation can occur.

3.4 In my submission, this is effectively an acknowledgement that the site cannot presently achieve acceptable effects under the proposed operation without extensive restraint and future works.

3.5 The proposal therefore continues to rely heavily upon future mitigation and future management responses rather than demonstrating that adverse effects can presently be appropriately avoided, remedied, or mitigated.

4. UNCERTAINTY OF STAGED MITIGATION

4.1 The revised conditions continue to permit mitigation works to occur progressively over a period of up to five years.

4.2 This remains a major concern.

4.3 Evidence presented during the hearing indicated the proposed mitigation and upgrade works may cost in the vicinity of approximately \$1.6 million.

4.4 I respectfully submit that this figure itself demonstrates the scale of intervention considered necessary in an attempt to reduce the adverse effects of the activity.

4.5 However, despite the significance of the effects and the lengthy history of the matter, the revised proposal still relies upon mitigation occurring progressively over many further years.

4.6 In my submission, there remains considerable uncertainty regarding:

- (a) timing of implementation;
- (b) funding certainty;
- (c) effectiveness of the mitigation;
- (d) practical enforceability; and
- (e) whether the proposed mitigation will ultimately achieve acceptable residential amenity outcomes.

4.7 Importantly, the revised conditions still require future attended measurements and future amendments to the Noise Management Plan depending upon outcomes.

4.8 In my submission, this reinforces that the effectiveness of the mitigation remains uncertain and unproven.

5. PROPERTY PURCHASE DISCUSSIONS ARE RELEVANT

5.1 I also wish to address discussions that occurred regarding the possibility of my property being purchased.

5.2 At an earlier stage of this matter, the Club wrote to Mr. Max Brough asking whether an offer could be made to purchase my property at market rates, as determined by Telfer Young.

5.3 In addition, during one of my meetings with New Plymouth District Council Chief Executive Gareth Green, the possibility of the Club purchasing my property was also raised, with a figure in the vicinity of approximately \$1.65 million discussed relating to Notice of Rating Valuation?

5.4 I made clear at the time that any potential sale would need to reflect the realistic cost of replacing the property on a like-for-like basis.

5.5 In practical terms, this was not simply a matter of accepting current rating valuation figures. The property includes a substantial dwelling and rural residential environment, and replacement on a comparable basis in the current New Zealand market would involve very significant cost.

5.6 I raise these matters because, in my submission, they demonstrate that both the seriousness of the effects on my property and the scale of intervention required have long been recognised.

5.7 I also respectfully note the inconsistency between:

- (a) substantial sums apparently being contemplated in relation to acquisition of the affected neighbouring property; and
- (b) the current position that mitigation works must instead occur progressively over a further five-year period due to financial constraints.

5.8 In my submission, these matters are relevant when considering the certainty, timing, and practical deliverability of the proposed mitigation measures.

5.9 More broadly, I respectfully submit that the fact acquisition discussions arose at all reflects the recognised seriousness of the effects being experienced at my property.

6. SELF-MONITORING AND SELF-REGULATION

6.1 The revised conditions continue to rely heavily upon:

- (a) internal shot counting;
- (b) club-controlled firearm certification;
- (c) club-operated monitoring systems;
- (d) a club-appointed Noise Management Officer;
- (e) internal record keeping; and
- (f) future management plans administered by the applicant itself.

6.2 Given the long history of complaints, disputes regarding monitoring, and ongoing disagreement regarding actual effects, I remain concerned that the proposal places excessive reliance on self-regulation.

6.3 In my submission, the proposal effectively creates a private compliance regime heavily dependent upon the applicant regulating itself.

7. EARLIER MITIGATION OPTIONS WERE NOT MEANINGFULLY PURSUED

7.1 I also respectfully note that over many years there appeared to be little meaningful enforcement or practical mitigation response from either the Club or the Council despite the ongoing nature of the complaints and acknowledged concerns regarding noise effects.

7.2 When I initially approached the Club regarding increasing noise impacts, I attempted to discuss practical mitigation measures directly with the Club in the hope that a workable outcome could be achieved without formal proceedings.

7.3 One of the suggestions I raised at an early stage was the increased use of suppressors in order to reduce noise effects where possible.

7.4 At that time, I was informed that suppressors did not suit the sport and that the firearms being used were generally not suitable for suppressor use.

7.5 Following those discussions, I undertook my own research and formed the view that suppressors were capable of being fitted to at least some of the firearms being used, although I acknowledge there may be limitations for certain firearm types such as revolvers.

7.6 I raise this because the revised conditions and evidence now contemplate the use of suppressed firearms for aspects of the activity.

7.7 In my submission, this reinforces the concern that practical mitigation options which may have reduced adverse effects were not meaningfully pursued at an earlier stage, despite neighbouring residents experiencing ongoing impacts over many years.

7.8 I respectfully submit this history is relevant when considering whether the best practicable option has been adequately demonstrated and whether sufficient weight can be placed on proposed future management responses.

8. EVENT EXEMPTIONS REMAIN SIGNIFICANT

8.1 The revised conditions continue to permit:

- (a) multiple two-day events where low-noise restrictions do not apply; and
- (b) up to two three-day events where both the CNR restriction and low-noise restrictions do not apply.

8.2 In my submission, these exemptions are highly significant.

8.3 The conditions effectively acknowledge there will be circumstances where the proposed protections for neighbouring residents will not apply.

8.4 These events have the potential to create some of the most intensive adverse effects experienced by neighbouring residents.

8.5 My concerns regarding these events are based upon actual experience over recent years where extended multi-day shooting activity has had substantial impacts on residential amenity.

9. POLICE AND AOS CONSIDERATIONS

9.1 The revised conditions continue to provide specific exemptions and operational flexibility relating to Police and AOS use of the facility.

9.2 I acknowledge that Police and specialist firearm training may serve important operational purposes.

9.3 However, I respectfully submit that the existence of Police or specialist training requirements does not remove the obligation to appropriately avoid, remedy, or mitigate adverse effects on neighbouring residents.

9.4 I note there have been Environment Court decisions involving firearm training facilities where the Courts recognised that public-service or operational firearm training requirements do not override the need to appropriately protect residential amenity.

9.5 In my submission, that principle remains relevant in the present case.

9.6 I respectfully submit that the operational needs of Police or AOS users should not diminish the importance of protecting neighbouring residential amenity or addressing unreasonable noise effects.

10. RICOCHET AND RANGE SAFETY CONCERNS

10.1 I also wish to respond to statements that there has never been a recorded ricochet incident at the Club.

10.2 In my submission, the absence of a recorded ricochet is not the same as proof that ricochet risk does not exist.

10.3 Ricochet risk is inherently serious because a deflected projectile can travel unpredictably and may cause fatal injury.

10.4 I have particular concern regarding the condition and maintenance of steel targets. Published firearms safety material recognises that damaged or cratered steel targets can increase ricochet risk, including by deflecting bullet fragments (which I noticed in the tyre bunions on a previous site visit) or projectiles back in unsafe directions.

10.5 I previously questioned the Club regarding steel target condition. The response given was that the Club had a jack to press plates flat.

10.6 From my background in engineering trades, I do not accept that a cratered or damaged steel target face can simply be restored to a proper flat and safe condition by pressing it with a jack. In my experience, proper rectification would require appropriate machining, replacement, or specialist repair.

10.7 I also understand that appropriate steel target material is commonly expected to be high-grade hardened steel, such as AR500 or equivalent, and that repair or welding of such material is not a simple general maintenance task.

10.8 In my submission, if steel targets are being relied upon as part of the overall safety management of the range, there should be proper traceability, inspection, and maintenance controls in place.

10.9 I respectfully submit that each steel target plate should:

- (a) be individually identified or numbered;
- (b) be traceable back to material certification records confirming the grade and specification of the steel used;
- (c) have inspection and maintenance records maintained;
- (d) include a documented repair history where repairs or welding have occurred; and
- (e) be removed from service where cratered, damaged, fatigued, or otherwise no longer compliant with the required safety standard.

10.10 From my engineering background, I do not consider informal repair practices or visual inspection alone to provide sufficient assurance regarding long-term target integrity or ricochet risk management.

10.11 I therefore respectfully submit that if consent were granted, independent inspection, certification, maintenance tracking, and replacement protocols should form part of any ongoing safety management requirements for steel targets and associated range infrastructure.

10.12 In my submission, the Club's statement that no ricochet has been recorded does not remove the need for proper, independently verifiable safety controls.

11. MEASURED AND EXPERIENCED EFFECTS REMAIN IMPORTANT

11.1 Throughout this process I have consistently relied upon actual measured and experienced effects at my property.

11.2 These include:

- (a) gunfire clearly audible within dwellings;
- (b) repeated and prolonged shooting activity;
- (c) increased scale and intensity over time;
- (d) simultaneous multi-range activity;
- (e) impacts during weekends and events; and
- (f) inability to reasonably enjoy normal residential amenity during periods of shooting.

11.3 In my submission, the revised conditions do not remove these effects. Rather, they acknowledge the need for substantial operational restraint in an attempt to reduce them.

11.4 During the hearing, one of the Commissioners asked me about my perception of the proposed CNR 90 standard and the distinction between peak noise levels and averaged noise modelling.

11.5 My response was that, from the perspective of someone living beside the activity, both can be equally intrusive, I say this because neighbouring residents are not exposed to mathematical averages — they are exposed to individual impulsive gunshots occurring repeatedly throughout the day.

11.6 While the CNR methodology may mathematically average firearm noise over time, human hearing and residential amenity do not operate mathematically in the same way.

11.7 Residents experience each individual gunshot event directly, including the sudden impulsive character of the noise, the repetition of shots, and the inability to predict when the next shot will occur.

11.8 In my submission, this is one of the key difficulties with relying heavily upon averaged modelling methodologies for assessing actual residential amenity effects from firearm noise.

11.9 Regardless of how noise may be averaged mathematically over a period of time, the lived experience for neighbouring residents remains one of repeated impulsive gunfire intruding into the residential environment.

12. PERSONAL AND HEALTH EFFECTS

12.1 I also wish to briefly address the personal effects this prolonged situation has had on my health and wellbeing.

12.2 Prior to returning to New Zealand, I worked internationally within the oil and gas in the commercial diving industry. Due to the nature of that work, I underwent intensive and regular medical examinations over many years, including cardiovascular and stress testing, which I consistently passed without issue.

12.3 Since living beside the Club during the period of increased activity and prolonged noise exposure, I have experienced increasing stress, frustration, and tension associated with the continual shooting activity and ongoing uncertainty surrounding this matter.

12.4 I have since been admitted to hospital with high blood pressure.

12.5 I acknowledge that health issues can involve multiple contributing factors. However, I cannot ignore the level of stress and frustration this prolonged situation has created.

12.6 One of the most difficult aspects has been the effect this has had on day-to-day family life. I have found myself becoming more easily upset and frustrated within my own home environment, including at times becoming short-tempered with my children over relatively minor matters.

12.7 I raise this not for sympathy, but because I believe it is important the Commissioners understand that the effects of this activity are not limited to technical acoustic measurements alone.

12.8 In my submission, the prolonged and repeated nature of the activity has had real impacts on personal wellbeing, family life, and peaceful enjoyment of home.

13. SECTION 16 REMAINS RELEVANT

13.1 In my submission, the revised conditions reinforce rather than resolve the Section 16 concerns raised throughout this proceeding.

13.2 The activity continues to depend upon:

- (a) incomplete mitigation;
- (b) future management responses;
- (c) operational restraint;
- (d) staged implementation;
- (e) future verification processes; and
- (f) ongoing self-monitoring.

13.3 In my submission, the best practicable option has still not been clearly demonstrated.

14. CONCLUSION

14.1 In my submission, the revised conditions do not cure the underlying deficiencies of the application.

14.2 Instead, the revised conditions reinforce that:

- (a) the current activity requires substantial operational restraint;
- (b) mitigation remains incomplete and uncertain;
- (c) future compliance depends on staged works and future management responses;
- (d) significant exemptions from proposed protections remain;
- (e) neighbouring residents would continue bearing uncertainty and adverse effects for years;
- (f) the proposal continues to rely heavily upon self-regulation and future compliance assumptions; and
- (g) important safety and maintenance concerns remain dependent upon internal club management processes.

14.3 For these reasons, I respectfully submit that the revised conditions do not overcome the concerns previously identified regarding adverse effects, residential amenity, uncertainty of mitigation, safety concerns, and the appropriateness of the activity at this location.

Bryan Phillips

24 May 2026