

**BEFORE THE NEW PLYMOUTH DISTRICT COUNCIL
INDEPENDENT HEARINGS COMMISSIONER**

LUC24/48583

UNDER

the Resource Management Act 1991

IN THE MATTER

Application by the New Plymouth Pistol Club Inc for to operate a gun 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.

STATEMENT OF EVIDENCE OF DAMIAN ELLERTON – ACOUSTICS

DATED: 25 MAY 2026

Statement of evidence of Damian Ellerton

Introduction

- [1] My name is Damian Paul Ellerton. I have the qualifications and experience recorded in my evidence dated 21 April 2026.
- [2] This evidence is in response to evidence submitted on behalf of the Applicant as proposed conditions Rev1C.
- [3] There are also a small number of clarifications I would like to address.
- [4] I have also included a summary of my verbal evidence provided on May 20th.

Clarification/correction

- [5] I omitted to state my qualifications in my evidence in chief. I hold a M.Sc. in Environmental Acoustics.
- [6] Paragraph 28 of my evidence the final sentence should read “I consider that the CNR metric has some merit, but ***I do not know if Mr Philips would consider*** the value of 90 as being reasonable”.
- [7] Paragraph 46 – it should read “This means that at 20m from the road edge the ambient noise level may be around **66dB** L_{Aeq} (not 60)” while also noting the land within 20m of the carriageway also appears to be less likely to be developed.
- [8] During discussions about the value of “N” for several scenarios I offered off the cuff response to number of rounds fired and resultant N value. By way of clarification, I can confirm:
- For 1000 rounds fired, N=30
- For 2000 rounds fired, N=33
- For 2700 rounds fired, N=34
- For 4000 rounds fired, N=36
- For 5000 rounds fired , N=37

Verbal comments 20 May

- [9] I agree with the criteria CNR 90 as offered by applicant.
- [10] Agreed that a permanent noise logger (location to be confirmed) is a positive method of checking retrospective compliance, and I take Dr T's word that it can be used as a proactive "live CNR" tool in some meaningful form.
- [11] Proposed conditions – addressing public holidays and FUZ assessment position as oppose to "neighbouring" site being SH3 are considered admin issues that can be easily resolved.
- [12] My strongly held concern is the crucial interplay between conditions and NMP – where critical requirements by way of condition sit initially (2,700 round per day limit) and how it transfers into NMP as the actions/inaction for members to implement day to day. The conditions and NMP should always be reviewed and considered in terms of being practicable, reasonable and enforceable.
- [13] It is commonplace for a NMP to be seen as the catch all backstop to ensure compliance – and because in this case it is implemented by ~150 people + Police it needs to be very carefully considered in terms of PRE. The activity of using firing range is simple, the nuance of how to control this and ensure compliance is much more complex.
- [14] The noise content of the conditions has changed significantly as late as the day of the Hearing. While I appreciate amendments to conditions occur, such significant changes require suitably thoughtful consideration and not a quick endorsement that could lead to unintended consequences. The inclusion of additional exemption days (except for 2x3 days previously agreed to) and other provisions has been somewhat fluid to date and therefore it has been difficult to form an opinion with a moving target.
- [15] In particular the "how" a condition is complied with also needs to be clear and robust for the Council compliance team, should they be required to undertake any form of investigation.

[16] The absence of genuine respite for Mr Philips and his tenant, is of concern. I appreciate the relationship between the Club and Mr Philips may not be as cordial or productive as it perhaps could be, but I do see it as incumbent on the applicant to perhaps consider mitigation options at Mr Philips property – hours, days, physical.

[17] As it stands today, I am not satisfied the proposed conditions, and how they will be implemented is sufficient to ensure the agreed noise limit can and will be complied with at all times.

Proposed Conditions

[18] Revised conditions Rev1C were received on 20 May, and I address them in turn for ease of reference.

[19] Condition 10: The hours of operation appear to be slightly lower than originally applied for except Police/AOS use when an unspecified amount of use for “low light” training provides an exemption.

[20] Condition 10: There are 12 statutory public holidays in New Zealand. The proposed conditions only list 4 and it may be more appropriate to reference all public holidays.

[21] Condition 11: The formula omits the term “R” which relates to the number of rounds per burst. For single shots this would be = 1, and the correction would be zero. For rapids. Police training or similar firing styles where several rounds are fired in quick succession then R may be 3 or more. In following the Commissioners suggestion of simplification (community adaption being set at -13) I suggest using R=3. The formula for calculating CNR should be:

$CNR = (Y - A) - 12 + 10\log N + 10\log R + 10\log T$; Where:

- Y is the log average L_{ZPeak} level for all shots over the day;
- A is the degree of community adaptation (set conservatively at 13 for no adaptation);
- N is the number of single shots a day;

- R is the number of rounds per burst (set at 3 in this case, making this term +5 as a constant); and
- T is the proportion of day that shooting occurs (time between first and last shot as a proportion of the total hours allowable for that day).

[22] Condition 12: I understand noise is to be mitigated in part through low noise periods. On the face of it this is a positive initiative except for the exemption of Police/AOS which is perhaps the antithesis of low noise. Similarly, the total exemptions sought (for 2 and 3 day events total 14 days plus Police/AOS activities) also renders the low noise periods redundant. The reference to L_{AFmax} should be converted to an equivalent L_{zpeak} value for consistency with the CNR calculation/consideration. Alternatively record both acoustic parameters.

[23] Condition 13: Agreed in principle. The Council will only rely on this information in the event of a complaint. The owner of 1222 Devon Rd will appreciate this and perhaps it should also include “future residential use within XYZm”. There are no limits on the number of days the Police/AOS can use the application site which I consider to be an oversight.

[24] Condition 14: Agreed

[25] Condition 15: The inclusion of 4x2 day events is not supported and is considered “noise creep” by way of exemption to noise limits. The publishing of event occurrence on their website required occupant of 1222 Devon Rd (and other future residents in FUZ) to monitor this website. Recommend the advance notice requirement in Condition 13 be adopted.

[26] Condition 16: as noted above the 3-day event and exemption is considered appropriate for reasons previously given. Recommend the advance notice requirement in Condition 13 be adopted.

[27] Condition 17: Agreed and suggest inclusion of L_{zpeak} noise levels to remove sole reliance on L_{AFmax} as it is not used in the CNR calculation.

- [28] Condition 18: I recall under questioning this was to be a more real time measurement and calculation of CNR. I agree records of previous days must be made available. It was also discussed that essentially the automated calculation would determine CNR on a daily basis and on a monthly basis send a summary to Compliance Team at Council as a routine response.
- [29] Condition 19: This is acceptable providing the CNR requirement is not exceeded. It may be that it is more an internal measurement tool than a condition of consent.
- [30] Condition 20: Agreed and privacy requirement understood.
- [31] Condition 21: As per comment regarding condition 19.
- [32] Condition 22: As per comment regarding condition 19.
- [33] Condition 23: Agreed in part. What happens in the 3 months up to the NMP being submitted Council and it being certified. I recommend the consent cannot be commenced until the NMP is certified by Council. The NMP is critical for applicant to demonstrate how compliance can and will be achieved at all times. This application is somewhat unique in that the Club has ~150 members, as well as casual visitors, who must all be able to understand and implement the NMP in real terms.
- [34] Condition 24: Agreed.
- [35] Condition 25: Agreed.
- [36] Condition 26: Agreed as much as it relates to control of noise.
- [37] Condition 47: Agreed in principle – as per comments on condition 23, what happens in the month leading up to the installation of the temporary monitoring system. Check reference to condition 17 as it is now condition 18.
- [38] Condition 48: Nothing in this condition should allow exceedance with Conditions 11 or 19 (number of rounds per day)
- [39] Condition 49: Agree in principle. Check condition reference to condition 43. As noted above the preference is use of L_{zpeak} as that relates directly

to CNR calculation. If L_{AFmax} is to be used, then L_{zpeak} equivalency should be stated.

- [40] Condition 50: Unclear what this means and how it relates to compliance with enduring noise limit.
- [41] Condition 51: Agreed
- [42] Condition 52: Agreed
- [43] Condition 53: Agreed
- [44] Condition 54: Agreed – check reference to condition 43 as appears to be incorrect.
- [45] Condition 55: Agreed in principle. Could this be included into condition 53? Recommend inclusion that analysis by a suitably qualified and experienced acoustic consultant to demonstrate the best practicable option has been adopted as required in section 16 of the Resource Management Act 1991.

Dated: 25 May 2026



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Damian Ellerton