

Before the Independent Hearings Commissioner at New Plymouth

*Under:* the Resource Management Act 1991

*In the matter of:* hearing of the resource consent application by the New Plymouth Pistol Club Inc for a land use resource consent for the use of a gun range and associated facilities within the General Industrial Zone on the existing site at 228 De Havilland Drive & 1206 Devon Road (LUC24-48583)

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REPLY EVIDENCE ON CONDITIONS ON BEHALF OF PUKETAPU HAPŪ  
DATED 25 MAY 2026

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## **INTRODUCTION**

1. Further to the Panel's directions set out in Minute 3, Puketapu hapū provides this written response to additional material provided during the Hearing. The response is set out in the Table 1 attached.
2. The table references consent conditions as initially proposed in Appendix 'A'. Only those conditions for which amendments are sought are included. These amendments respond to changes introduced through the further evidence introduced by Mr Edwards on May 19<sup>th</sup> - Revision 1B, and on May 20<sup>th</sup> - Revision 1C.
3. In addition, where Puketapu Hapū considers that further provisions are necessary to appropriately address cultural effects, these are identified in the table as "New Condition".

## **CONSENT CONDITIONS**

4. The amendments introduced in Condition Revision 1B and carried through to Revision 1C partially address matters of concern to Puketapu Hapū, in relation to the wellbeing of cultural landscapes. These include the tributary of the Mangaoraka Stream, Pā sites, including Rongonui Pā and other Sites and Areas of Significance to Māori (SASM) identified in the Part Operative District Planning Maps.
5. However, Puketapu Hapū considers that these changes do not yet fully recognise and provide for the relationship of the Hapū with these cultural landscapes and associated values, including their protection.
6. In addition to conditions relating to physical re- design and mitigation Puketapu Hapū seeks the inclusion of ongoing cultural management and monitoring provisions. These are necessary to establish an integrated management framework with a clear cultural focus that; recognises the relationship of the Hapū with the affected environment, maintains and protects the mauri of wai and whenua and enables cultural effects to be identified, monitored, and addressed over time.

7. Puketapu hapū do not consider that reliance on a set of management plans provides certainty nor is an acceptable solution in this situation where direct condition controls should be the priority. Further cultural values are not explicitly embedded within management plans.
8. Noise – To the extent that Revision 1C includes provisions relating to noise within or adjoining the Future Urban Zone (FUZ), Puketapu Hapū notes that these provisions are directed toward managing future urban form and residential amenity, including reverse sensitivity effects.

Puketapu Hapū supports this approach and also notes that the FUZ also contains culturally significant sites and landscapes, including Rongonui Pā and identified SASM. Consideration should be given to the cultural context of these areas.

9. Prioritising areas presenting the highest environmental risk is a priority for Puketapu hapū and in particular reducing the duration of potential contaminant.

Two proposed conditions are relevant to this matter;

Condition 1g- Indicative Stormwater Treatment System Plan is a condition presented in Version 1B. The proposed stormwater treatment systems, as illustrated in the NPPC Indicative Stormwater Treatment System Plan, forms a key component of the site's effects management. However, the current conditions do not ensure that these systems are implemented and operational prior to site disturbance, creating a risk that contaminants may be mobilised before treatment measures are in place.

This is raised in Puketapu hapū submission point 56-58 but is not adequately addressed.

A further critical matter is the Condition relating to timing of bund realignment Version 1b (48 1 (b) and Version 1c (53(d).

The proposed staging allows key mitigation works, including those associated with Range 1, to be delayed for up to five years. This is of

particular concern given that Bund 1 is located closest to the tributary of the Mangaoraka Stream.

The proximity of Bund 1 to the receiving environment increases the risk that contaminants may migrate to the waterway, particularly during rainfall and earth disturbance.

Delaying remediation of this area prolongs the potential for contaminant mobilisation and associated adverse effects on environmental and cultural values, including the mauri of the stream and surrounding landscape.

10. The amendments and new conditions sought are therefore required to ensure that the consent conditions properly recognise and provide for cultural values and give effect to kaitiakitanga responsibilities.
11. The recommended amendments in **Table 1** – attached are intended to better align the consent framework with cultural value, provide for adaptive management and ensure that adverse cultural effects can be appropriately identified and addressed over time.

**Table 1: Puketapu Hapū Recommended Response and Amendments**

Existing Condition	Application Wording 1B	Application Wording 1C	Revised Wording	Comments
<p>Conditions 5–6 – Cultural Monitoring and Accidental Discovery Protocol</p>	<p>“No less than 7 working days prior to earthworks for the Works commencing on site, the consent holder shall advise Puketapu Hapū of the intention to undertake earthworks, so that they may provide a monitor for on-site cultural monitoring during earthworks at their discretion.” and “If the consent holder discovers kōiwi tangata, waahi taonga (resources of importance), waahi tapu (places or features of special significance) or other Māori artefacts during the Works...”</p>	<p>Same wording retained in Version 1C.</p>	<p>“Puketapu Hapu shall be resourced by the consent holder to provide cultural monitors. Puketapu Hapū shall be notified 14 days prior to works commencing. Puketapu Hapū shall be present during all earthworks, bund disturbance, excavation, and contaminated soil handling activities. In the event of discovery of kōiwi tangata, wāhi tapu, wāhi taonga, artefacts, or archaeological material, all works shall cease immediately, the area shall be secured and cordoned off, and no works shall recommence until written approval is provided by Puketapu Hapū, Heritage New Zealand Pouhere Taonga, and where relevant, New Zealand Police and the Coroner. A qualified archaeologist shall attend the site, and sufficient time shall</p>	<p>Existing wording makes cultural monitoring discretionary and does not fully reflect the Hapū accidental discovery protocol</p>

			<p>be provided for tikanga, karakia, and cultural processes as determined by Hapū.”</p> <p>Puketapu Hapū representatives shall determine the appropriate tikanga and processes relating to:</p> <ul style="list-style-type: none"> <li>- Handling</li> <li>- Protection</li> <li>- Preservation</li> <li>- Removal and/or</li> <li>- Reinternment of kōiwi tangata</li> </ul>	
Condition 7 – Stabilisation of Earthworks	<p>“As soon as it is practicable, but no later than six months from the commencement of earthworks or land disturbance...”</p>	<p>Same wording retained in Version 1C.</p>	<p>“All exposed earthworks and disturbed contaminated soils shall be progressively stabilised immediately following completion of each stage of works and no exposed area shall remain unstabilised for more than 10 working days.”</p>	<p>Six months is considered excessive given contamination and sediment mobilisation risks.</p>
Condition 8 – Setback from Tributary	<p>“The Range 1 acoustic wall must be set back a minimum distance of 10 m from the unnamed tributary of the Mangaoraka Stream.”</p>	<p>Same wording retained in Version 1C.</p>	<p>“A minimum setback of no less than 10 metres shall be maintained from the unnamed tributary of the Mangaoraka Stream, including enhanced riparian planting and contaminant interception measures supported by Puketapu Hapū.”</p>	<p>However, while acknowledging that this setback has been agreed to, Puketapu Hapū consider the current setback insufficient given the contamination risk.</p>

<p>Conditions 1B 28 / 1C 33 Site Management Plan and Contaminated Land Management</p>	<p>“A Site Management Plan (SMP) must be prepared by a suitably qualified and experienced practitioner...”</p>	<p>“A Site Management Plan (SMP) must be prepared by a suitably qualified and experienced practitioner...”</p>	<p>“The Site Management Plan and Ongoing Site Management Plan shall be prepared in consultation with and provided to Puketapu Hapū for review prior to certification by Council. The plans shall include contaminant trigger levels requiring immediate cessation of works, independent peer review of contamination management measures, and corrective action plans.”</p>	<p>Existing conditions do not provide sufficient adaptive management responses or Hapū oversight.</p>
<p>Condition 1B 29(g) /1C 34(g) – Soil Management and Bund Creation</p>	<p>“Methodology of any soil management on-site in creating any new bund.”</p>	<p>“Methodology of any soil management on-site in creating any new bund.”</p>	<p>“No highly contaminated soil shall be reused onsite within any new or existing bund structure unless independently validated as safe and approved by a suitably qualified and experienced practitioner.”</p>	
<p>Conditions 1B - 37 / 1C 42 Surface Water and Sediment Monitoring</p>	<p>“Any exceedance of trigger values must be reported within 48 hours...”</p>	<p>“Any exceedance of trigger values must be reported within 48 hours...”</p>	<p>“Where contaminant trigger values are exceeded, all works contributing to the exceedance shall cease immediately pending investigation and implementation of corrective actions approved by Council and Puketapu Hapū. Monitoring exceedances shall be reported to Puketapu Hapū</p>	<p>Existing wording is reactive only and does not require immediate cessation of works or direct Hapū notification.</p>

			within 24 hours of confirmation. Surface water monitoring shall continue for a minimum of five years following completion of works.”	
No Cultural Health Monitoring Requirement	No condition included.	No condition included.	“The consent holder shall engage Puketapu Hapū to undertake annual Cultural Health Index assessments and cultural monitoring of the unnamed tributary and receiving environments for the duration of the consent.”	New Condition Hapū seek direct involvement in monitoring cultural and environmental health outcomes.
Conditions 1B 39 / 1C 44 Stormwater Treatment Systems	“The Consent Holder must, where necessary, design, install and operate engineered stormwater treatment systems...”	“The Consent Holder must, where necessary, design, install and operate engineered stormwater treatment systems...”	"All stormwater treatment infrastructure designed to capture heavy metals and contaminated sediment shall be installed, operational, and certified immediately following completion of the bund works, and prior to any subsequent earthworks or activities that may mobilise contaminated sediment."	Current wording lacks certainty and allows works before systems are operational.
Condition 1B 43 / 1C 48 – Interim Operational Restrictions	“From the date of commencement of this consent, the Consent Holder must operate the site in a controlled manner...”	“From the date of commencement of this consent, the Consent Holder must operate the site in a controlled manner...”	“No expansion or intensification of shooting activities shall occur until all required physical mitigation works, bund removal works, and contamination management measures have	Puketapu Hapū concern relates to continued operation while mitigation works remain incomplete.

			been completed and independently verified as effective.”	
Conditions 1B - 48 /1C - 53 Staged Physical Mitigation Works	“Stage 4 – Range 1: within 5 years after consent commencement date.”	“Stage 4 – Range 1: within 5 years after consent commencement date.”	“Stage 4 – Range 1 mitigation works, bund remediation, and associated contamination management shall be completed within 12–24 months following consent commencement. No higher-intensity shooting activities shall occur until bund remediation and mitigation works have been completed and independently validated.”	This is a primary Hapū concern. Delaying bund remediation until year 5 prolongs contamination and cultural effects.
No formal adaptive management review condition / Condition 56 Placeholder	No review condition included in Version 1B.	“56. [Review condition to be inserted]”	“Pursuant to section 128 of the Resource Management Act 1991, Council may review the conditions of consent annually where monitoring identifies contaminant migration, degradation of freshwater values, cultural effects, exceedance of trigger thresholds, or failure of mitigation measures.”	New Condition -Puketapu Hapū seek a robust adaptive management review condition enabling tightening of consent conditions if adverse effects arise. This would

