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Sent: Fri, 2 Aug 2024 13:00:18 +1200
To: "applications" <applications@npdc.govt.nz>
Subject: [#BTW230984.00] Resource Consent Application - 1206 Devon Road, Bell Block
Attachments: 230984.00 NPPC AEE.pdf

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Kia ora

Please find attached a land-use resource consent application for the continued operation of the New Plymouth Pistol Club on the site at 1206 Devon Road, Bell Block (legally described as: Lot 1 DP 19854).

Please note that any site visit will need to be organised with the club prior. Please contact me in the first instance to make arrangements.

The applicant requests that an invoice be generated for payment of the deposit to New Plymouth Pistol Club Inc, c/- BTW Company.

Look forward to confirmation of receipt of the application.

Ngā mihi

AARON EDWARDS Manager Planning – Pou Whakamāhere Taiao Matua

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CREATING A
BETTER FUTURE
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RESOURCE CONSENT APPLICATION AND ASSESSMENT OF ENVIRONMENTAL EFFECTS

New Plymouth Pistol Club Inc, 1206
Devon Road, Bell Block

for New Plymouth Pistol Club Inc

Rev B - 02/08/2024

BTWCOMPANY
SURVEYING | ENGINEERING | PLANNING & ENVIRONMENT



New Plymouth Pistol Club Inc,
1206 Devon Road, Bell Block

for New Plymouth Pistol Club Inc

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02/08/2024

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02/08/2024

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230984
Rev B - 02/08/2024

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1 INTRODUCTION

1.1 Purpose

The purpose of this application is to seek land use resource consent for the continued operation of the New Plymouth Pistol Club (NPPC) on the site at 1206 Devon Road, Bell Block (legally described as: Lot 1 DP 19854). Resource consent is sought in part on a retrospective basis.

The proposal is described in detail in Section 3. The proposal includes noise mitigation measures to include the establishment of a new two-storey building, an extension to an existing earth bund and acoustic walls/fencing. The following information is attached as appendices to this report:

- Appendix A: Application Forms
- Appendix B: Rule Assessment
- Appendix C: Proposed Plans
- Appendix D: Record of Title
- Appendix E: Assessment of Environmental Noise Effects
- Appendix F: Building Consent Plans
- Appendix G: Officers Report CRT23/44925
- Appendix H: Records of Consultation
- Appendix I: Range Safety Orders

1.2 Site Description Summary

Land Location:	1206 Devon Road, Bell Block
Landowner:	Te Atiawa Iwi Holdings Limited Partnership
Lessee:	New Plymouth Pistol Club Inc
Property Reference:	228 De Havilland Drive, Bell Block
Legal Descriptions:	Lot 1 DP 19854
Record of Title	945222
Title Area:	110.337 hectares
Consent Sought:	Land Use
Zone:	ODP: Industrial C Environment Area / Industrial E Environment Area PDP: General Industrial Zone
ODP Map:	A 32
Special Notations:	ODP: Waahi Taonga/Site of Significance to Maori and Archaeological Site (Site ID: 448 and 566); State Highway Limited Access Road; Designation N3; Energy Pipelines PDP: Site of Significance to Māori and Archaeological Sites (Site ID: 566); Entrance Corridor; Noise Control Boundary; Water Body (unnamed tributary); Airport Flight Path Surface; Gas Transmission Pipeline; Gas Transmission Pipeline Corridor, Indicative Road Transport Network; Designation (FGL-1 and NZTA-1)

1.3 The Applicant

New Plymouth Pistol Club Inc
c/- BTW Company Limited
PO Box 551
New Plymouth
Attention: Aaron Edwards
aaron.edwards@btw.nz

1.4 Existing Use

The NPPC first established on the site in 1983. The club has since developed overtime with currently eight outdoor ranges and one indoor range in use and membership in the order of 150 members.

In or around August 2021, NPDC began receiving regular noise complaints from the neighbouring site at 1222 Devon Road. NPDC concluded the club did not have resource consent on the understanding noise generated from outdoor shooting activities did not comply with District Plan noise standards and that the club did not enjoy existing use rights pursuant to section 10 of the RMA. NPDC issued an abatement notice in August 2022, restricting shooting hours to the following:

- Tuesday, between 9 am and 4 pm
- Wednesday, between 9 am and 4 pm
- Thursday, between 5 pm and 8 pm
- Saturday, between 9 am and 4 pm
- Sunday, between 10 am and 4 pm.

The shooting hours have since been modified in agreement to exclude Tuesday and include Friday (between 9 am and 4 pm) and for a 9 am start on Sundays. The NPPC continues to operate under the restricted hours. The abatement notice is currently under appeal.

The applicant applied to NPDC for an Existing Use Certificate for the activity in February 2023 (CRT23/44925). The application was refused on 22 June 2023 on the basis that the application did not satisfy the relevant tests under section 139A of the RMA. A copy of the Officers Report is attached as Appendix G.

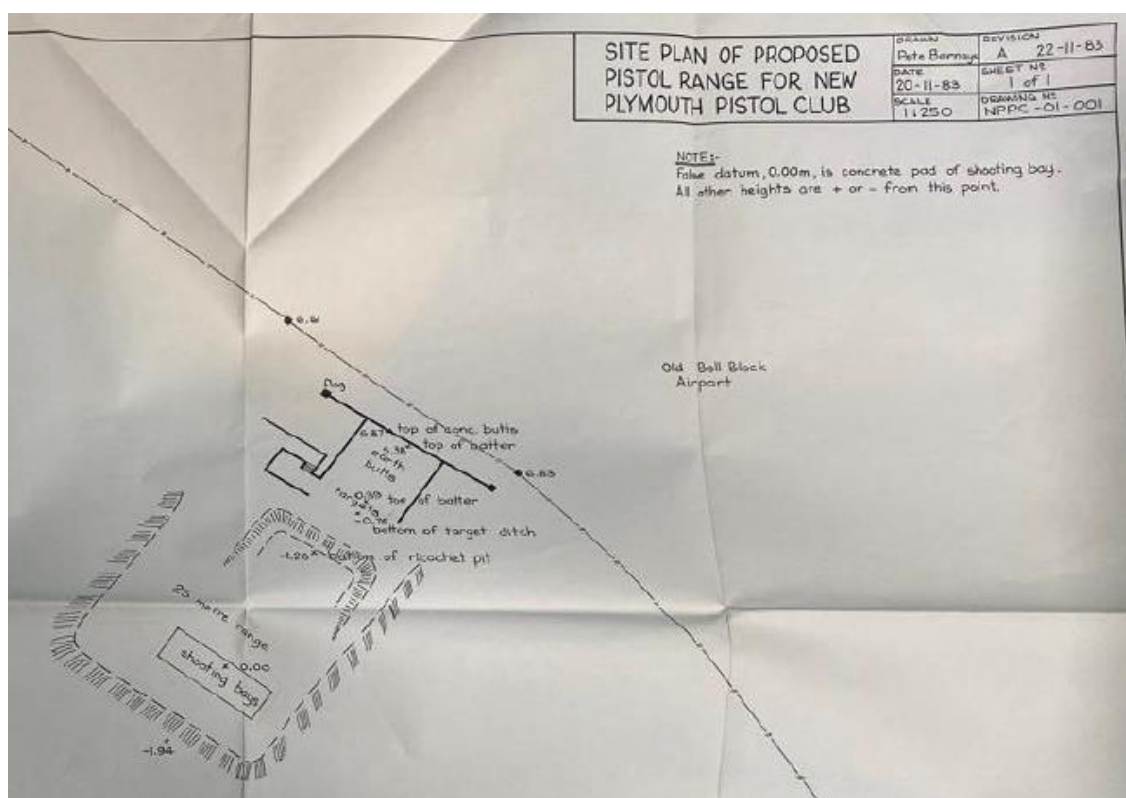
The Officers Report concluded the NPPC was legally established in 1983 with the scope of the activity involving up to three shooting ranges and approximately 30 members. Figure 1.1 below demonstrates the 1983 site plan as included in the Officers Report, which provided for the three ranges to be set up over an open field area of 250 m in length and 150 m in width with a carpark area.

With regard to activity post-1983, the Officers Report concluded there was insufficient information to demonstrate continued compliance with other relevant planning provisions in the period between 1983 and 2005 when the Operative District Plan (ODP) came into effect and that the applicant did not demonstrate that the effects of the use are the same or similar in character, intensity, and scale to those which existed before the rule became operative or the proposed plan was notified.

The applicant acknowledges NPDCs position - up to three shooting ranges and approximately 30 members forms as the 'existing environment' against which the activity is to be assessed.

The applicant notes the following aspects:

- **Vehicle Access Point:** The existing vehicle access point location was approved by the Ministry of Works and Development in 1983 (approval letter attached as Appendix H).
- **Buildings and Structures:** Existing buildings and structures on site have been legally established at the time of development (see building consent files attached as Appendix F). No retrospective resource consent is sought or deemed necessary for the establishment of existing buildings and structures on site.
- **Earthworks:** Earthwork activity to form the existing ranges has been undertaken periodically since the NPPC first occupied the site in 1983. The last earthwork activity (to form Ranges 10, 11 and 12) was completed in 1990. It is understood this work was undertaken as a permitted activity under the relevant planning framework at the time of works. Accordingly, no retrospective resource consent is sought or deemed necessary in respect of previous earthwork activity undertaken on the site.



Rule	Summary Assessment	Activity Status
Building activities (including relocation of a building)		
WB - Waterbodies		
WB-R4 (under appeal) Earthworks on a site containing or adjoining a natural waterbody:	Earthworks will be undertaken within 10m of the bank of the unnamed tributary associated with the extension and height increase for the Range 1 bund.	Restricted Discretionary
EW – Earthworks		
EW-R3 Earthworks for sport and recreation activities	Earthwork activity will not comply with the fill height or cut depth standard under EW-S2.	Restricted Discretionary
EW-R10 Earthworks for building activities	Earthwork activity associated will not comply with the fill height or cut depth standard under EW-S2.	Restricted Discretionary
TRAN - Transport		
TRAN-R1 Roads and vehicle access points	Not all transport effects standards will be complied with.	Restricted Discretionary
TRAN-R10 Vehicle access points onto a state highway	The proposal results in an increase in the use of the existing access point when compared to the existing environment	Discretionary
ECOR – Entrance Corridors		
ECOR-R6 (under appeal) Building activities on sites adjoining an entrance corridor	New building activity does not comply with all ECOR Effects Standards.	Restricted Discretionary
ECOR-R7 (under appeal) Outdoor storage on sites adjoining an entrance corridor	Outdoor storage areas will not comply with all ECOR Effects Standards.	Restricted Discretionary

Having regard to those rules under appeal, no resource consent is required under the ODP noting the following:

- WB-R4: There is no equivalent rule in the ODP.
- ECOR-R6 and ECOR-R7: There are no equivalent rules in the ODP.

A detailed assessment against PDP and relevant ODP rules and standards is attached as Appendix B.

Resource consent is applied for under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) as a discretionary activity until such time as a Preliminary Site Investigation (PSI) is provided to determine activity status.

Overall, after applying the bundling principle, resource consent is required under the PDP as a non-complying activity.

1.6 Resource Consents from Other Authorities

No other resource consents from any other statutory authorities are required.

It is noted proposed earthwork activity will be undertaken to comply with permitted activity standards for soil disturbance under Rule 26 in the Taranaki Regional Council (TRC) Regional Fresh Water Plan.

1.7 Technical Reports

An Assessment of Environmental Noise Effects (AENE) prepared by Acoustic Engineering Services Limited is submitted in support of the application attached as Appendix E.

A PSI is currently being prepared by BTW Company (BTW) and will be submitted in support of the application once finalised.

1.8 Record of Title

The site is held in Records of Title 916091 and 945222 (RT).

RT 916091 concerns a deed of easement with NPDC as the registered owner. The NPPC activity does not affect this RT.

The following interests are listed on RT 945222:

- Subject to Section 59 Land Act 1948
- 165446 Pipeline Certificate and Variation thereof pursuant to Section 70 of the Petroleum Act 19937 in favour of the Natural Gas Corporation of New Zealand
- 171538 Certificate declaring State Highway 3 adjoining the within land to be a limited access road
- Subject to a right (in gross) to drain stormwater over part marked V-W DP 12910 in favour of New Plymouth District Council
- Subject to a right (in gross) to convey water over part marked B on DP 312222 in favour of New Plymouth District Council
- Subject to Part IVA Conservation Act 1987 except for sections 24(2A), 24A and 24AA.
- Subject to Section 11 Crown Minerals Act 1991

None of the above registered interests prevent the proposal from proceeding noting the applicant is consulting with NZ Transport Agency Waka Kotahi (NZTA) in relation to limited access road matters. RT copies are attached as Appendix D.

2 SITE AND EXISTING ENVIRONMENT

2.1 Site Location

The NPPC site is located approximately 1.5 km east of Bell Block, with the wider site adjoining the eastern extent of the Bell Block industrial area (Figure 2.1). The NPPC site is referenced as 1206 Devon Road in the Officers Report for CRT23/44925. The wider site is referenced as 228 De Havilland Drive in the PDP planning maps. The NPPC is located at the northeastern corner of the site within an approximate 1.6 ha footprint for the activity (Figure 2.2 and Figure 2.3). Access to the NPPC site is via an existing vehicle access point onto Devon Road / State Highway 3 (SH3).

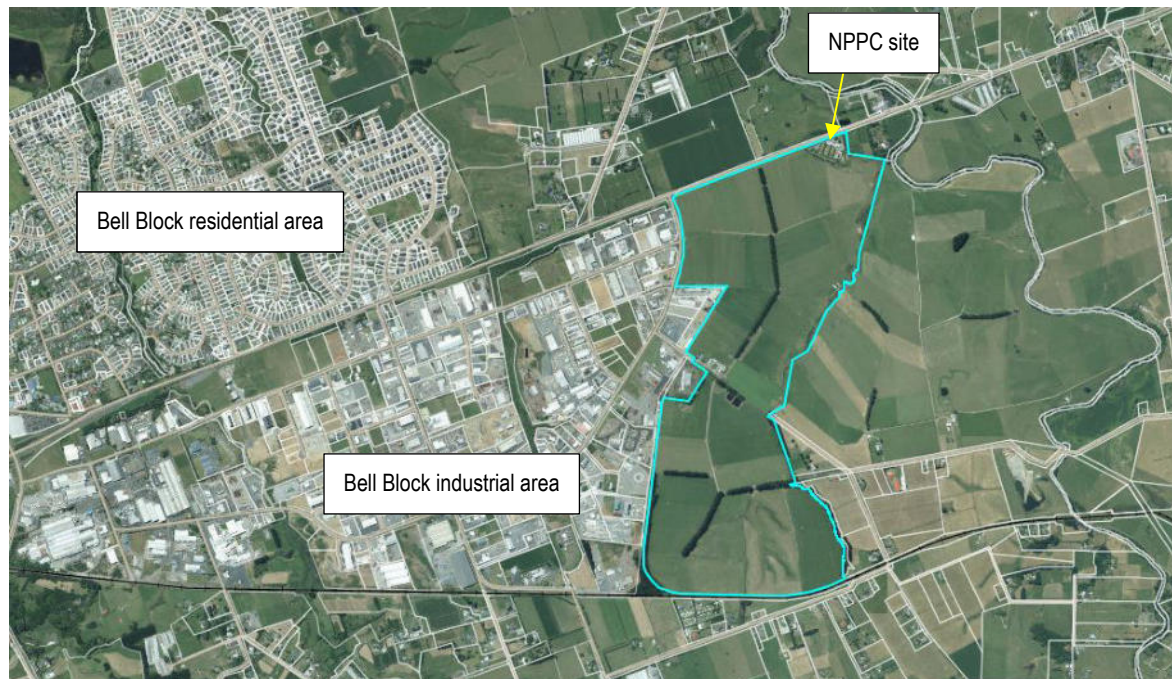


Figure 2.1: Wider site and surrounding area (source: TRC, 2021)

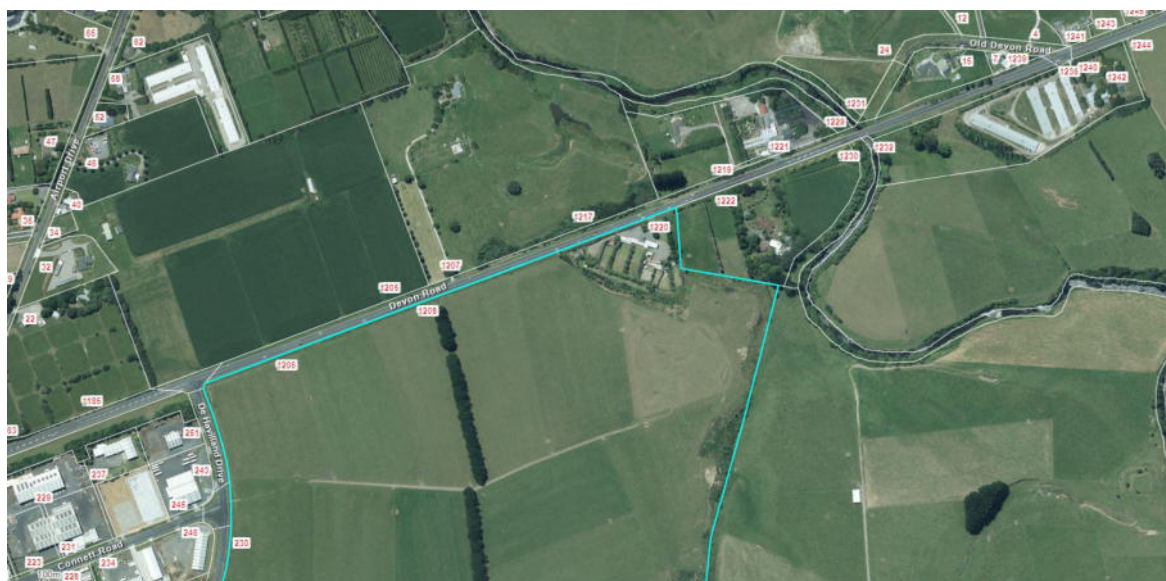


Figure 2.2: NPPC location and surrounding area (source: TRC, 2021)



Figure 2.3: NPPC footprint (source: TRC, 2021)

2.2 Existing NPPC Facilities and Activities

2.2.1 Buildings and Structures

The NPPC features a single-storey main block consisting of a clubroom building (Building Consent 67121P; 2005) and outdoor range building (Building Permit No. 10829; 1984) (Figure 2.4). Copies of the approved building consent plans are attached as Appendix F.

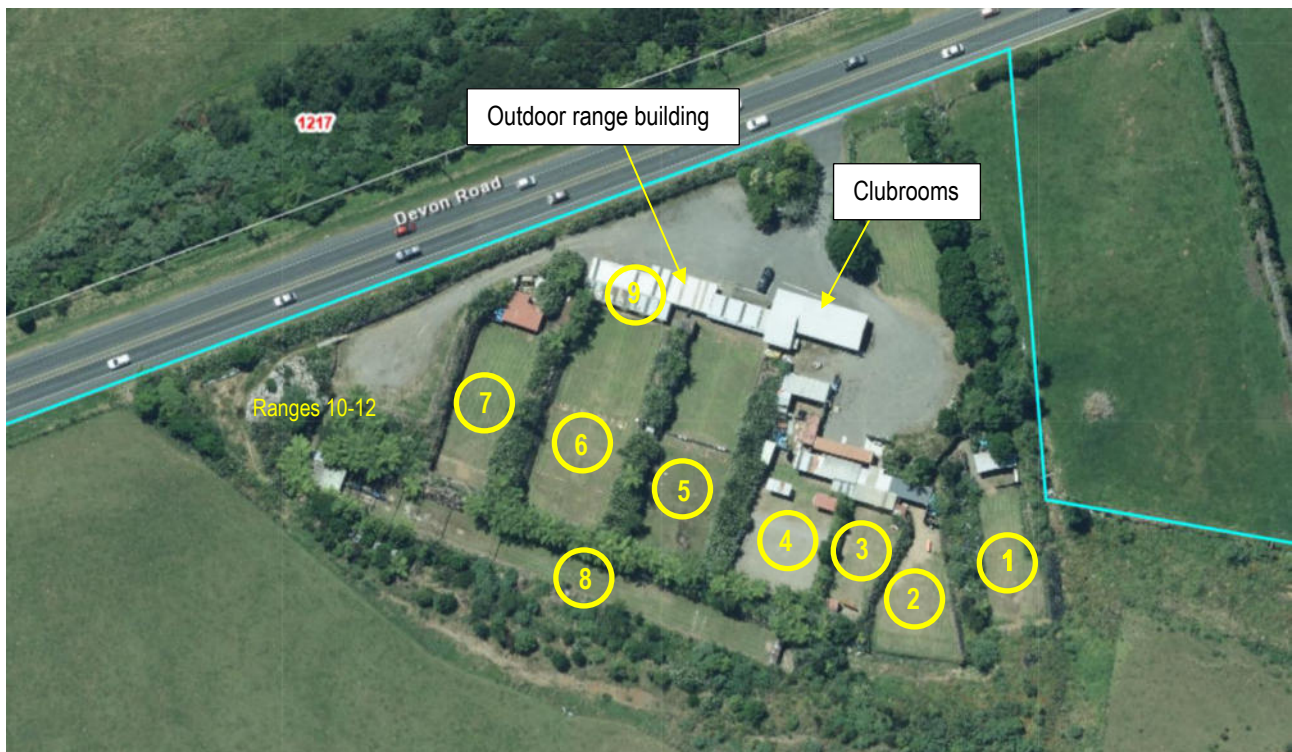


Figure 2.4: Existing NPPC buildings and Ranges 1-9. Ranges 10-12 are no longer in use (image source: TRC, 2021)

The main block extends approximately 56 m in length over an area in the order of 425 m² (including roof overhangs on Range 6). The outdoor range building is set back approximately 10 m from the road boundary at its northwest corner. The club rooms are set back approximately 33 m from the eastern boundary at its closest point. The balance of the site features a number of accessory buildings (sheds, lean-tos and containers) used for general purpose storage and shooting activities.

2.2.2 Shooting Ranges

The site features eight (8) active outdoor shooting ranges (Ranges 1-8) and one (1) indoor shooting range (Range 9) (Figure 2.4). Ranges 10-12 are no longer in use and will not be used for shooting purposes as part of continued NPPC activities. Figure 2.5 demonstrates examples of existing outdoor ranges. Each range typically features a flat shooting area enclosed within earthen embankments supported by tyre retaining and vegetation. The outdoor range building includes an indoor shooting range.



Figure 2.5: Outdoor shooting range examples (source: BTW, 2023)

2.2.3 Access and Parking

The site is accessed via an existing sealed crossing onto SH3 (Figure 2.6). The access extends approximately 13 m from the carriageway to a metal chainlink gate to which entry is controlled by swipe card access (Figure 2.7). The access leads to a metalled unmarked parking area in front of the main block building (Figure 2.8). Additional parking is available to the rear of the clubroom building and eastern lawn area as required. No on-street parking is available along SH3.



Figure 2.6: Existing site access point (source: BTW, 2024)



Figure 2.7: Existing site entrance (source: BTW, 2024)



Figure 2.8: Unmarked parking area (source: BTW, 2024)

2.2.4 Existing Club Activity

Existing club activity is described in detail in the Section 3 under the following sub-headings:

- Membership
- Opening Hours
- Shooting Disciplines
- Range Use

2.3 District Plan Zoning

The site is zoned General Industrial Zone under the PDP (Figure 2.9) and is located in the Industrial C Environment Area under the ODP (Figure 2.10).

The following overlays apply to the wider site:

- **PDP:** Site of Significance to Māori and Archaeological Sites (Site ID: 566); Entrance Corridor; Noise Control Boundary; Water Body (unnamed tributary); Airport Flight Path Surface; Gas Transmission Pipeline; Gas Transmission Pipeline Corridor; State Highway - Limited Access; Indicative Road Transport Network; Designation (FGL-1 and NZTA-1)
- **ODP:** Waahi Taonga/Site of Significance to Maori and Archaeological Site (Site ID: 448 and 566); State Highway Limited Access Road; Designation N3; Energy Pipelines

Overlays of particular relevance to the NPPC activity include the Entrance Corridor overlay, unnamed tributary, limited access road and Site ID: 488 (discussed further the following sections).

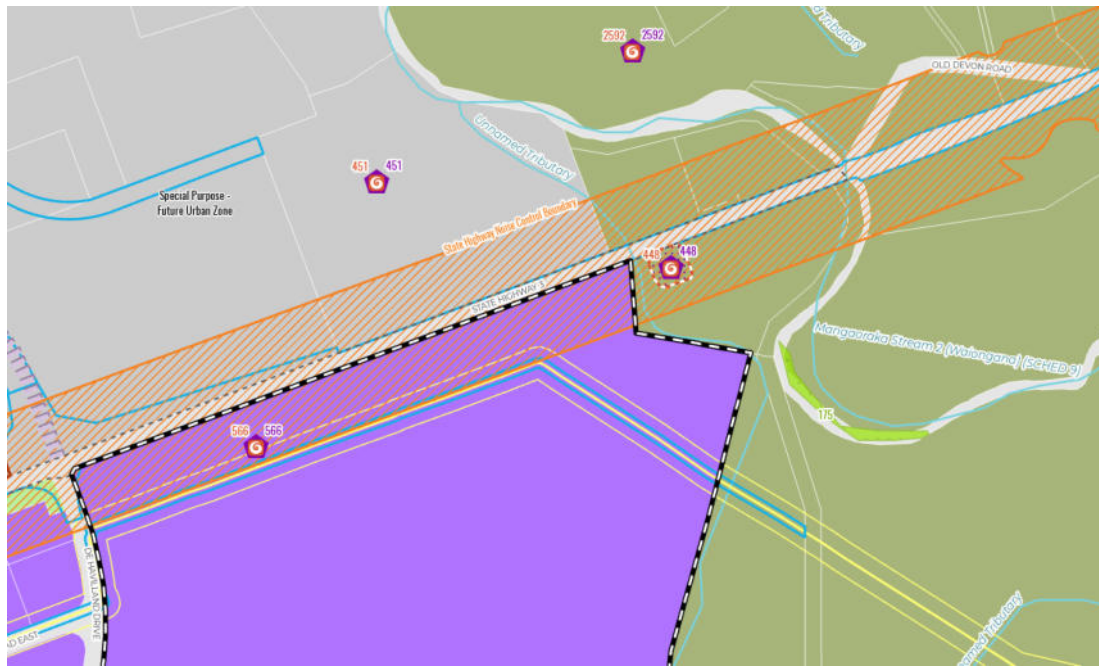


Figure 2.9: PDP Planning Map

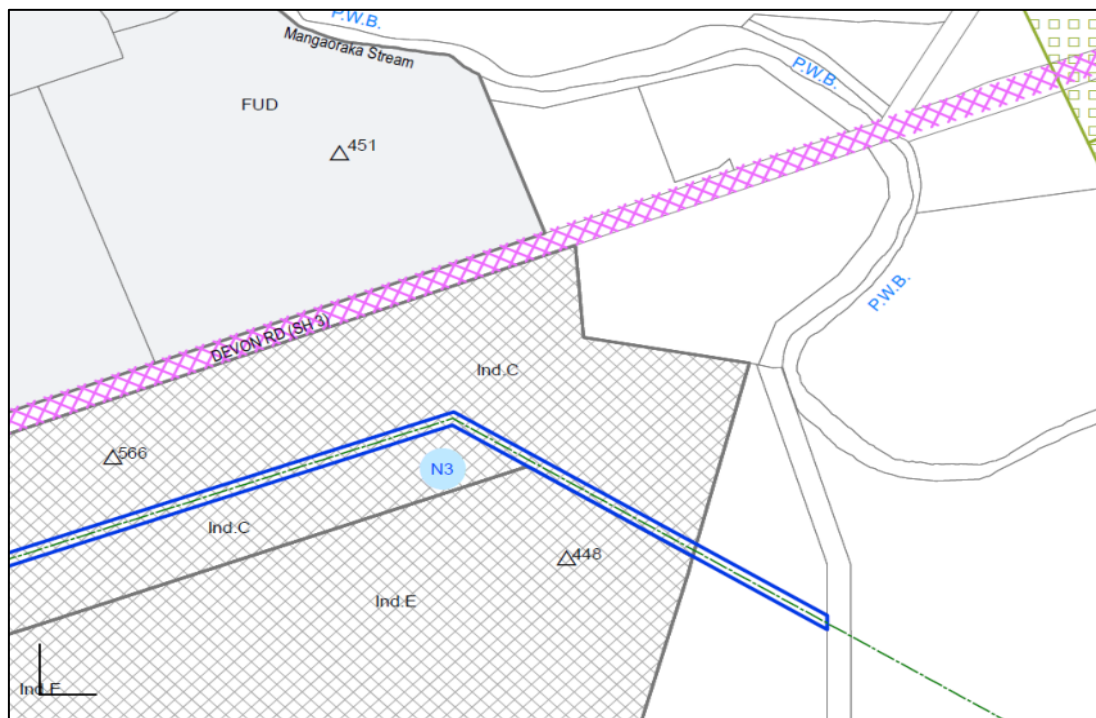


Figure 2.10: ODP Planning Map A32

2.4 Surrounding Land Use

The wider site is located on the periphery of the Bell Block urban extent. Although zoned General Industrial, the wider site (surrounding the NPPC site to the west and south) remains in rural land use (grazing paddocks).

The NPPC site adjoins a rural lifestyle property (Rural Production Zone) to the east at 1222 Devon Road which features a dwelling and detached sleepout (presumed) located centrally within the site, approximately 120 m from the boundary of the NPPC site. The dwelling curtilage area features established vegetation that screens views toward the NPPC site.

To the north on the opposite side of SH3 is a rural lifestyle property (Special Purpose – Future Urban Zone) located at 1209 Devon Road. The property features a dwelling setback in the order of 300 m from the NPPC site. A further rural lifestyle property (Rural Production Zone) is located to the northeast at 1219 Devon Road, featuring a dwelling setback in the order of 120 m from the NPPC site.

A commercial nursery (Big Jim's Garden Centre, Rural Production Zone) is located further to the east at 1221 Devon Road.

2.5 Noise Environment

The ambient noise environment is described as follows in section 2.3 in the AENE:

Measurements taken by Marshall Day Acoustics on 5 occasions between 20 February 2022 and 28 May 2022 indicated ambient noise levels between 56 dB $L_{Aeq(1 h)}$ and 58 dB $L_{Aeq(1 h)}$ at the secondary dwelling at 1222 Devon Road. It is expected that traffic noise levels will be in the order of 3 dB higher at the main dwelling at 1222 Devon Road, and up to 9 dB higher within the Future Urban Zone to the north based on traffic noise modelling in SoundPLAN v 8.2.

Noise logging equipment deployed under our supervision in May 2024 on the opposite side of Devon Road to the Club indicated noise levels in the order of 73 dB $L_{Aeq(1 h)}$. At the closest possible dwellings in the Future Urban Zone, noise levels are expected to be in the order of 6 dB lower, based on modelling of traffic in SoundPLAN v 8.2.

2.6 Transport Environment

The NPPC adjoins SH3 as a limited access road. A posted speed limit of 80 km/h applies. SH3 forms as a single lane dual carriageway with double yellow centre-lines (no-passing lines) in the vicinity of the site. A right-turn median provides access to the Big Jim's Garden Centre.

NZTA records an annual average daily traffic count (ADDT) of 15,749 vehicles (5% heavy) in the vicinity of the site.¹ The NZTA Crash Analysis System (CAS) Map identifies a number of recorded crash events in the vicinity of the site to include two fatal vehicle crashes (1989 and 2014).²

Future safety improvements are planned in the vicinity of the NPPC site as part of NZTA's Te Ara Tūtohu project.³ Construction of the De Havilland Drive / SH3 roundabout is expected to occur during 2025-2026. The NPPC site is located approximately 700 m east of the proposed roundabout. As part of the safety improvements, it is understood that a central median barrier will be installed in the vicinity of the NPPC site with access to be restricted to left turn entry and exit only.

¹ [NZTA State highway traffic monitoring – annual average daily traffic](#)

² [CAS Map](#)

³ [Te Ara Tūtohu: Waitara to Bell Block](#)



Figure 2.11: NZTA CAS Map showing recorded crashes in vicinity of the NPPC site (source: NZTA, 2024)

2.7 Entrance Corridor

The PDP New Plymouth Entrance Corridor – Northern overlay applies to SH3 in the vicinity of the NPPC site, commencing approximately 300 m east of the site (where the Mangaoraka Stream crosses under SH3). The Entrance Corridor is generally characterised by established road boundary planting and grass berms along SH3 in this location (Figure 2.12 and Figure 2.13). The existing NPPC buildings are visible in part but largely softened or screened from viewpoints along the road by existing road boundary vegetation (Figure 2.14 and Figure 2.15). It is noted that all existing road boundary planting is established within the NPPC site boundaries.

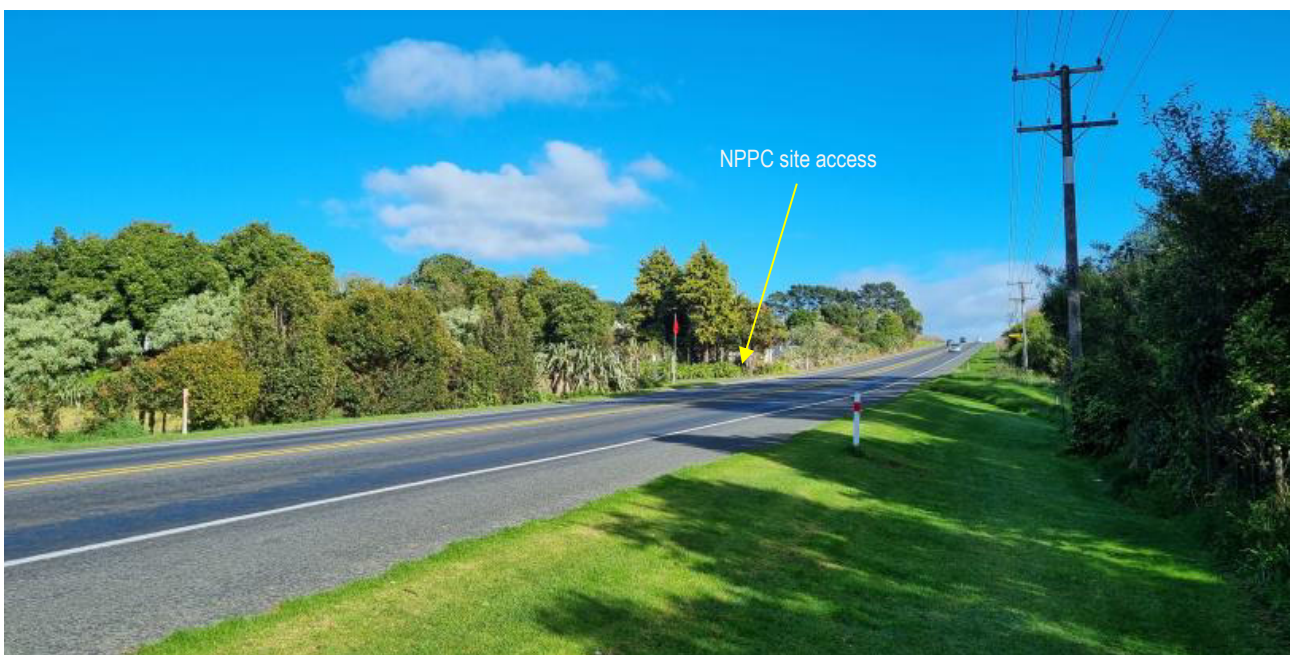


Figure 2.12: Eastern approach to the NPPC site (source: BTW, 2024)



Figure 2.13: Western approach to the NPPC site (source: BTW, 2024)



Figure 2.14: Existing road boundary planting in the vicinity of the NPPC access (source: BTW, 2024)

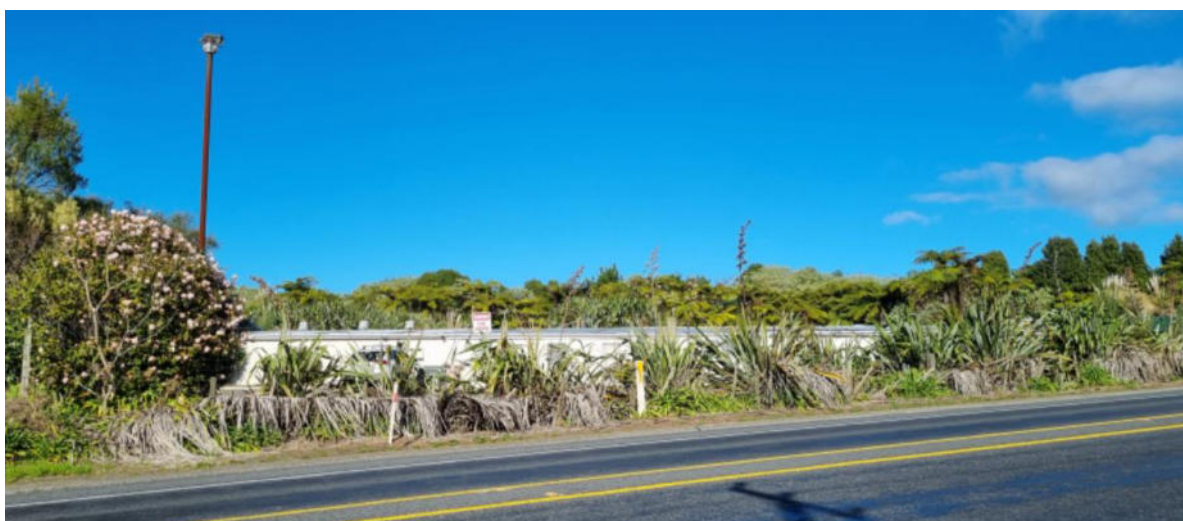


Figure 2.15: Existing road boundary planting in front of the outdoor range building (source: BTW, 2024)

2.8 Waterbodies

An unnamed tributary of the Mangaoraka Stream (Waiongana) runs parallel to the eastern boundary of the NPPC site before flowing through a culvert under SH3 (Figure 2.16). The tributary is not listed as a Schedule 9 waterbody in the PDP. The Waiongana Stream and its tributaries are listed as an area subject to statutory acknowledgement under the Te Atiawa Claims Settlement Act 2016.



Figure 2.16: Unnamed tributary viewed from the road boundary (source: BTW, 2024)

2.9 Cultural and Historic Heritage Sites

The site and surrounding area are located within the rohe of Puketapu hapū. The surrounding area features a number of cultural and historic heritage sites recorded in the ODP and PDP as listed in Table 2.1 and shown in Figure 2.17 below. Site ID:448 is the closest recorded site with the verified extent located approximately 23 m from the NPPC site boundary.

Table 2.1: Sites of Significance to Māori and archaeological sites in proximity to the site

Site ID	Location	Site Description	Mana Whenua	Silent File	Verified	NZAA Ref
448	Devon Road, Bell Block	Rongonui Pā or Rongorongonui Pā	Puketapu	No	Yes	Q19/113
451	Devon Road, Bell Block	Pahau Pā	Puketapu	No	Yes	Q19/116
566	Devon Road, Bell Block	Ikamoana Pā	Puketapu	No	No	Q19/243



Figure 2.17: Sites of Significance to Māori and archaeological sites in proximity to the site

2.10 Soil Productivity

The NPPC footprint is located within an area of Land Use Capability (LUC) Class 4 soils as recorded in the New Zealand Land Resource Inventory (NZLRI) (Figure 2.18). The site does not contain highly productive soils as defined in National Policy Statement for Highly Productive Land (NPS-HPL). The NPS-HPL does not apply to the proposal.



Figure 2.18: LUC soils in the surrounding area as recorded in the NZRLI (source: TRC LocalMaps)

2.11 Historic Land Use

The NES-CS controls the activities on land where an activity on the Hazardous Activities and Industries List (HAIL) is being carried out, has been carried out, or is more than likely than not have been carried out. The site is not listed as a verified Hazardous Activities and Industries List (HAIL) site on the TRC Register of Selected Land Uses (RSLU) for contaminated sites, however, outdoor shooting ranges are included on the HAIL (*C.2. Gun clubs or rifle ranges, including clay targets clubs that use lead munitions outdoors*). The NES-CS is a relevant matter. As noted in Section 1.7, a PSI is currently being prepared and will be submitted in support of the application once finalised.

3 PROPOSAL

The applicant seeks resource consent for the continued operation of the NPPC as a Sport and Recreation Activity in the General Industrial Zone on the site at 1206 Devon Road, Bell Block. Proposed plans are attached as Appendix C.

The following provides an overview of the proposed NPPC facilities, activities and mitigation measures. The proposal has been developed on the basis of the recommended noise mitigation measures as set out in the AENE (Figure 3.1). The applicant adopts the AENE recommendations with proposed mitigation measures as demonstrated in Figure 3.2.



Figure 3.1: Recommended physical noise mitigation measures (source: AES, 2024)

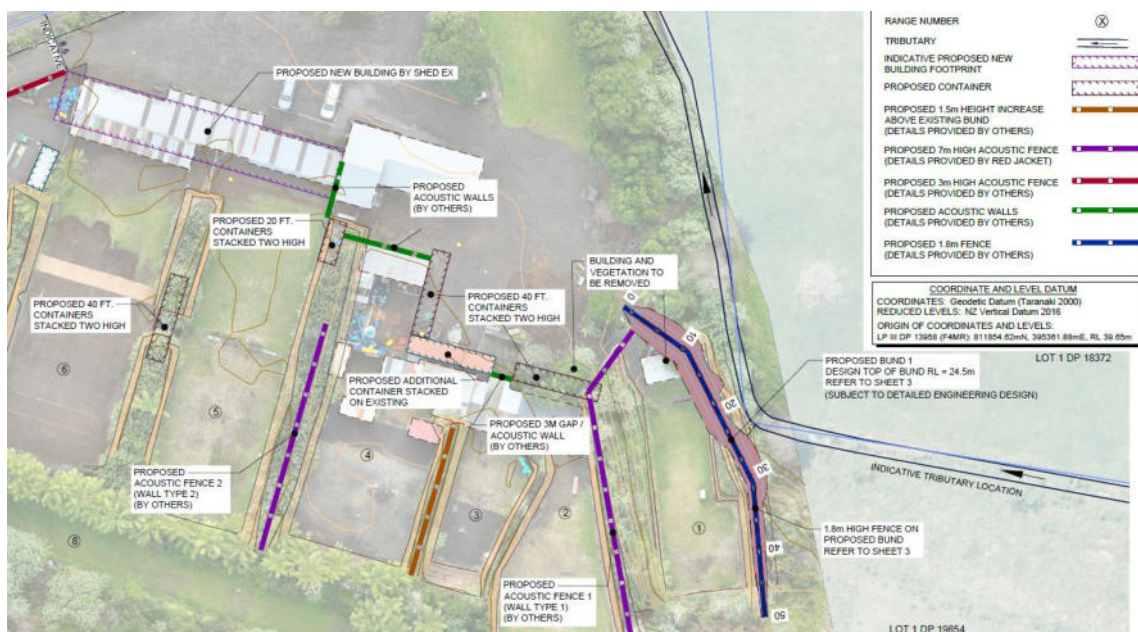


Figure 3.2: Site plan demonstrating proposed physical noise mitigation measures (source: BTW, 2024)

The applicant acknowledges NPDC's position that the NPPC was lawfully established in 1983 with the scope of the activity involving up to three (3) ranges and approximately 30 members. This forms as the existing environment against which the continued operation of the NPPC is to be assessed. With eight (8) current outdoor ranges and one (1) indoor range in use and membership in the order of 150 members the NPPC activity has increased when compared to the existing environment. Resource consent is therefore applied for in part on a retrospective basis.

3.1 Facilities

3.1.1 Proposed Building

A new two-storey building is proposed to be established over the existing outdoor range building footprint (Figure 3.3 and Figure 3.4). A series of acoustic walls will be established on the range side of the building for shooting bays (Figure 3.5). Proposed plans are attached as Appendix C.



Figure 3.3: Site Plan for the new building (source: Shed Ex, 2024)

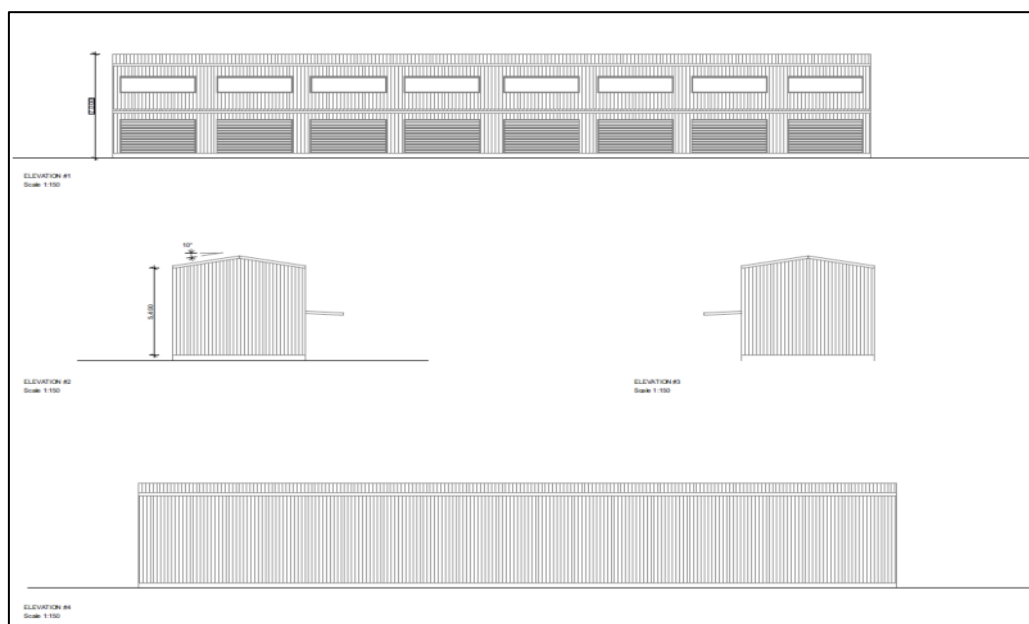


Figure 3.4: Elevations for the new building (source: Shed Ex, 2024)

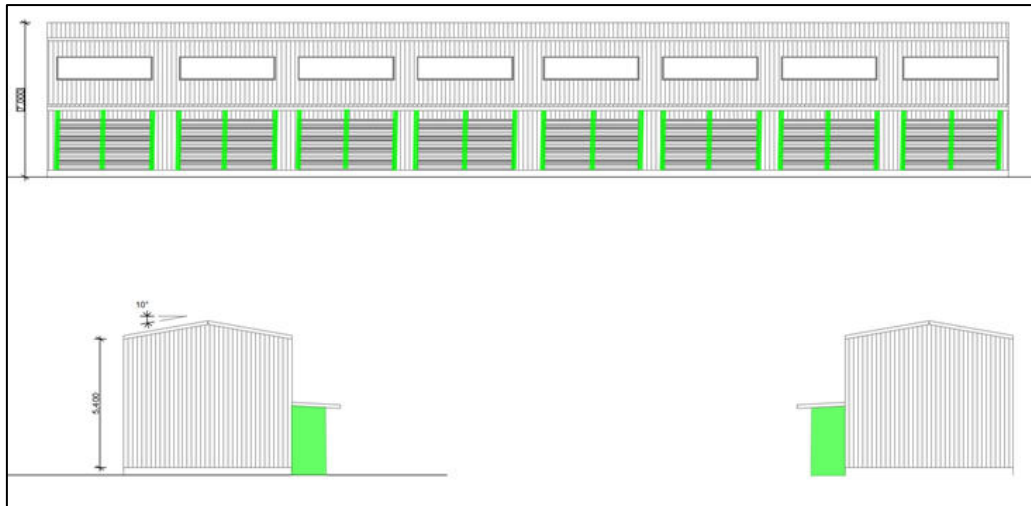


Figure 3.5: Indicative shooting bay acoustic walls (source: modified from Shed Ex, 2024)

The new building is to have a footprint of 280 m² with similar positioning and footprint to the existing building. The building complies with the minimum 5 m road boundary setback requirement. The western end of the building will be located within the 20 m entrance corridor setback from SH3 (approximately 113 m²). The building is to be finished in recessive green.

The foundation design will most likely be a 600 mm diameter 1.8 m deep bored pier at each portal column and mullion column position. A standard 300 mm deep wash out footing will run the full perimeter of the building. The final design will be confirmed by a structural engineer based on results of future geotechnical testing.

3.1.2 Ranges

As set out in Section 2.2.2, the site features eight active outdoor ranges and one indoor range. These ranges are to be retained in use for shooting purposes as part of continued NPPC activities. The use of the ranges is described in further detail in Section 3.2.4.

3.1.3 Range 1 Bund

The existing bund along the eastern side of Range 1 will be extended and increased in height with a 1.8 m high acoustic fence to be established on top of the bund. The bund and fence will be designed to meet the 3.0 m height increase as per the AENE recommendations. A concept bund design is included in Appendix C. Final form will be confirmed through detailed design.

3.1.4 Acoustic walls and fencing

New 7.0 m high acoustic walls are to be established between Ranges 1 and 2 and Ranges 4 and 5 (Figure 3.2). Concept elevations are attached as Appendix C. Detailed design and construction methodology will be confirmed at the time of building consent. Existing bunds and tyres may need to be removed to facilitate construction of the acoustic walls. Bunds may then be re-instated once walls are constructed.

Additional acoustic mitigation measures include a series of double stacked containers and acoustic fences (Figure 3.2). The existing fence behind Range 7 will be retained (Figure 3.6). Any gaps in the fence will be filled in and upgraded as necessary to achieve acoustic specifications.



Figure 3.6: Existing fence behind Range 7 to be upgraded as necessary (source: BTW, 2024)

3.2 Club Activities

3.2.1 Membership

The NPPC currently has approximately 150 members. Membership numbers fluctuate over time. The number of members does not directly correlate to the intensity of use for the shooting ranges. The intensity of use is dictated by regular club activities and events (described further in Sections 3.2.2-3.2.4 below). An increase in membership does not directly equate to an expansion of the activity. Accordingly, no limit to membership numbers is proposed or considered necessary as part of this resource consent application.

3.2.2 Opening Hours

The NPPC is open to members from 9:00 am to 9:00 pm seven days a week. Resource consent is sought to undertake shooting during opening hours from 9:00 am to 9:00 pm seven days a week (to include public holidays).

The NPPC reserves the right to close the ranges on any day of the week as necessary.

3.2.3 Shooting Disciplines

The following shooting disciplines are currently undertaken at the NPPC:⁴

- Multi Gun
- Action Shooting
- Cowboy Action Shooting
- International Practical Shooting Confederation (IPSC)
- Service Pistol
- Speed

⁴ Discipline description available here: <https://pistolnz.org.nz/> and <https://www.newplymouthpistolclub.org.nz/>

- Muzzle Loading
- International Sport Shooting Federation (ISSF)
- Hand Gun Metallic Silhouette

Jonathan Marshall (NPPC Treasurer) describes the way in which the disciplines operate within the NPPC as follows (personal communication, 19 February 2024):

Our club is broken down into these disciplines and we have a convenor appointed to each discipline who is responsible to the club for their activities. Members are then free to choose their direction in the sport with suitable accredited members providing mentorship and training not unlike a golf club. Members must be qualified to shoot the different disciplines and have special training for each one.

Shooting disciplines may vary over time. Variations to the way in which shooting disciplines are undertaken on site and/or new shooting disciplines will be managed to comply with noise limits as set out in the Noise Report. Accordingly, no restrictions on the type of shooting disciplines undertaken are proposed or considered necessary as part of this resource consent application.

3.2.4 Range Use

Table 3.1 details current use of outdoor ranges for each shooting discipline.

Table 3.1: Shooting disciplines by outdoor range

Range	Shooting disciplines
1	Speed, IPSC
2	Speed
3	Cowboy Action Shooting, Speed
4	Cowboy Action Shooting, Speed, IPSC
5	Speed, Muzzle Loading, ISSF
6	Action Shooting, Service Pistol, Speed
7	Action Shooting, IPSC, Speed, Multi Gun
8	Speed, sighting in rifles

Intensity of use is noted as follows on pages 4-5 in the AENE:

- *Typically, daily use may be 4 – 8 hours per day for all club and training use, with club members also using the facility on weekends, especially on Sunday when most events are held.*
- *Use by other shooting clubs and open days for public or corporate events occur occasionally and is often on weekends or evenings.*
- *Police will use the facility for training and certification as required, which is typically three days per month. The Armed Offenders Squad uses the Club approximately five times per year.*
- *Between 6 – 8 times a year the Club may operate a local or national competition with up to 160 attendees for an average of three days. The competitions typically run between 0900 to 1700 hours with some set-up testing from 0800 hours and some repairs and testing after 1700 hours in preparation for the competition on the next day.*

The AENE also notes that regular club shooting events are currently scheduled on Wednesday mornings, Thursday evenings, and Sunday mornings (page 3). At each event, attendance numbers typically fluctuate between 15 and 35 club members. The frequency, day and timing of these regular club shooting events may vary over time.

It is noted that the NPPC serves as the only outdoor shooting range available for police training purposes within the New Plymouth District.

3.3 Noise Levels

Noise generated by the activity is described in detail in section 3.0 in the AENE. The AENE identifies noise from gunshots as the primary noise source associated with the NPPC. Other noise sources (e.g., vehicles and people talking) are expected to be very low and any effects negligible.

Section 4.0 in the AENE sets out comparison with District Plan standards, concluding as follows:

The Club as it has been operating historically may not have been compliant with a 55 dB $L_{Aeq(15\text{ min})}$ (daytime) and 50 dB $L_{Aeq(15\text{ min})}$ (evening) New Plymouth Proposed District Plan notional boundary noise limits in some instances, but with the mitigation as outlined above, full compliance will be achieved – both at the notional boundary of both dwellings at 1222 Devon Road and at the notional boundary of future dwellings in the Special Purpose – Future Urban Zone.

Section 2.4 in the AENE outlines the adopted criteria for gunshot noise, noting that typically *District Plan limits are not suitable for determining potential noise effects of gunshot noise due to its impulsive nature*. The AENE applies assessment based on the following:

Considering the existing ambient noise environment in this case, the hours and intensity of use described above, and the above guidance, we consider that where noise levels during representative high noise periods from the pistol club of 65 dB L_{AFmax} are received at the notional boundary of residential dwellings such as those located at 1222 Devon Road, the noise will be acceptable and effects minimal, as the instantaneous noise would be only 5 – 10 dB higher than the ambient noise. Given the elevated ambient noise environment in this case, that approach is more conservative than what would often occur in a more ‘typical’ rural environment, with a shooting noise threshold of 55 dB L_{AFmax} .

Table 3.2 sets out predicted noise levels at the notional boundary for 1222 Devon Road (measured in L_{AFmax} based on the AENE recommendations). Table 3.3 sets out predicted noise levels at the Future Urban Zone boundary on the opposite side of SH3 (1217 Devon Road).

Table 3.2: Expected Shooting Noise Levels received at the notional boundary of the secondary dwelling at 1222 Devon Road (source: AES, 2024)

Range	Noise levels without mitigation (dB L_{AFmax})	Noise levels with mitigation (dB L_{AFmax})
Range 1	75	66
Range 2	80	66
Range 3	74	67
Range 4	77	67
Range 5	74	65
Range 6 - northern shooting positions	72	63

Range	Noise levels without mitigation (dB L _{AFmax})	Noise levels with mitigation (dB L _{AFmax})
Range 6 - central shooting positions	74	66
Range 6 - southern shooting positions	73	65
Range 7	72	66

Table 3.3: Expected Shooting Noise Levels received across Devon Road at the edge of the Special Purpose – Future Urban Zone (source: AES, 2024)

Range	Noise levels without mitigation (dB L _{AFmax})	Noise levels with mitigation (dB L _{AFmax})
Range 1	67	66
Range 2	64	59
Range 3	71	65
Range 4	70	65
Range 5	67	66
Range 6 - northern shooting positions	70	66
Range 6 - central shooting positions	77	75
Range 6 - southern shooting positions	78	76
Range 7	84	77

The AENE concludes as follows with regard to predicted noise levels received at the Future Urban Zone (Section 3.0, page 9):

Given the existing ambient environment in this location as described above, these predicted levels are not expected to be of concern, with the exception of Range 6 (75 dB L_{AFmax} and 76 dB L_{AFmax} – associated with the use of central and southern shooting positions) and Range 7 (77 dB L_{AFmax}). We therefore propose the following Condition, to ensure effects are minimal, in the event that dwellings are constructed on those sites in the future:

- *In the event that dwellings are constructed within the adjacent Special Purpose – Future Urban Zone sites the Club shall implement further noise mitigation to limit noise levels received at those sites to 70 dB L_{AFmax}.*

The applicant adopts the recommendations of the AES report.

3.4 Transport

3.4.1 Access and Parking

No change to the existing access and parking area is proposed. Vehicles will continue to park onsite on an informal basis. The existing gravel surface is considered to be fit for purpose and will be retained.

3.4.2 Vehicle Movements

Vehicle movements will vary throughout the week to coincide with regular opening hours and club events. The NPPC does not accommodate more than 200 people at any one time and therefore does not meet the PDP definition of a High Trip Generator Activity.

3.5 Earthworks

Earthwork activity will be required to establish mitigation measures. This will include earthwork activity associated with the following:

- New building foundations
- Range 1 bund formation
- Acoustic wall construction
- Acoustic fencing and container placement

Proposed earthworks will exceed the following cut depth or fill height under EW-S2:

- Outside the minimum building setback for the underlying zone: 1.5m; and
- Inside the minimum building setback for the underlying zone: 0.5m

Up to 4.21 m of fill activity will be required for the Range 1 bund formation (occurring both inside and outside of the minimum 8 m building setback). It is expected that the Range 1 bund extension will be formed using soil removed from existing bunds to facilitate the construction of the acoustic walls. Any soil sourced from offsite (if required) would be cleanfill.

Up to 2.5 m of cut and fill activity will be required for the acoustic wall construction and the placement of the container between Range 5 and 6 (occurring outside of the minimum 8 m building setback).

Proposed earthworks will comply with other PDP earthwork standards (EW-S1, EW-S3, EW-S4 and EW-S5).

Earthwork activity will be managed in accordance with the recommendations of the PSI.

4 ASSESSMENT OF ENVIRONMENTAL EFFECTS

4.1 Matters to be considered for Non-Complying Activities

Under Section 88(2) of the RMA an application for resource consent must include, in accordance with Schedule 4, an assessment of environmental effects in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment. These effects are described below.

As a non-complying activity NPDC's assessment is unrestricted and any relevant actual and potential effects of this proposal can be considered. Relevant actual and potential adverse effects of the proposal are set out below under the following matters:

- Positive Effects
- Noise Effects
- Character and Amenity Effects
- Visual Effects
- Effects on Transport Safety and Efficiency
- Earthwork Effects
- Effects on Human Health
- Effects on Waterbodies
- Effects on Archaeology
- Cultural Effects.

4.2 Positive Effects

In accordance with section 104(1)(a) Council must have regard to any actual and potential effects on the environment of allowing the activity which includes positive effects. The proposal provides for the continuation of the NPPC activity as the only outdoor shooting range in the New Plymouth District. The proposal supports community well-being in providing for social aspects associated with club activities, hosting sport and recreation events at a district, regional and national level and in serving as a training facility for the NZ police.

4.3 Noise Effects

The NPPC activity creates the potential to generate unreasonable noise, in turn causing adverse nuisance and health effects. As noted, outdoor shooting forms part of the existing environment with the NPPC activity legally established in 1983 for up to three ranges and 30 members.

Noise effects are assessed in detail in the AENE attached as Appendix E. The AENE concludes full compliance will be achieved with PDP noise limits at the notional boundary of both dwellings at 1222 Devon Road and at the notional boundary of future dwellings in the Special Purpose – Future Urban Zone (being the closest receivers).

Acknowledging gunshot noise is not well captured in the PDP standards, the AENE considers a noise threshold of 65 dB L_{AFmax} where received at dwellings, at which the AENE concludes noise will be acceptable and effects minimal in the context of this situation. BTW understands that the noise threshold has been chosen specifically for the situation at 1222 Devon Road, whereas a higher threshold for the Future Urban Zone (70 dB L_{AFmax}) is considered appropriate where there are higher

levels of traffic noise. In a different context it is also possible that a lower threshold value could be deemed appropriate.

With proposed noise mitigation measures, the AENE concludes as follows with regard to predicted noise levels (Section 5.0):

A representative high noise scenario has been considered which indicates that when received at the notional boundary of the secondary dwelling at 1222 Devon Road noise levels either meet, or are also within 1 – 2 dB of, a 65 dB L_{AFmax} threshold. We therefore expect this noise to have a minimal effect.

Noise levels received at the notional boundary of the main dwelling at 1222 Devon Road are typically lower, and the ambient traffic noise is higher. Noise effects for that dwelling are therefore also expected to be minimal.

On the opposite side of Devon Road, at the edge of the Special Purpose – Future Urban Zone the traffic noise levels are 9 dB higher than those experienced at the notional boundary of the secondary dwelling at 1222 Devon Road. Given the high existing ambient environment, the predicted 'within mitigation' noise levels in this location are not of concern, apart from with regard to Range 7 and where shooting occurs down the range on Range 6. Further acoustic mitigation may be required if dwellings are built in the Special Purpose – Future Urban Zone in the future.

Based on the AENE conclusions, any potential adverse effects on receptors in the surrounding area associated with noise are considered to be less than minor when compared to the existing environment.

With regard to development within the Future Urban Zone, it is considered the proposal will not unduly compromise future residential activity if and when rezoning occurs. The AENE notes SH3 traffic results in a high existing ambient environment which affects noise levels experienced on the property at 1217 Devon Road. It is noted that the State Highway Noise Control Boundary extends approximately 70 m into the site at 1217 Devon Road. Future dwellings with this overlay would be subject to noise insulation standards under NOISE-R5 and NOISE-R6 (setting a permitted activity internal noise level of 40 dB L_{Aeq} (24 hour) inside all noise sensitive rooms). Whilst noise insulation forms as a factor when considering the permitted baseline of effects for future development, the purpose of the rule is to avoid reverse sensitivity effects in relation to the state highway network. Applying the permitted baseline to disregard effects associated with gunshot noise from the NPPC activity is not considered to be appropriate and may in fact be *ultra vires*. As it stands, with the condition as proposed, it is considered the proposal will not compromise the ability to develop the area for urban growth purposes within the Future Urban Zone. Further noise mitigation measures are able to be implemented if and when required to reduce noise associated with the NPPC activity to an appropriate level.

4.4 Character and Amenity Effects

The NPPC is established on site and forms as part of the existing environment (in part). The expansion and continuation of the activity creates the potential to adversely affect character and amenity values in the surrounding area.

Existing character in the surrounding area remains predominantly rural, however, PDP zoning within the site and surrounding area (General Industrial Zone and Future Urban Zone) anticipates future land-use and resultant character change. As it stands, the NPPC activity is considered to be appropriately located on the periphery of the future urban extent (noting noise effects are able to be appropriately mitigated).

Existing landscaping largely softens and screens the NPPC footprint from views within the surrounding area (with visual effects discussed further in Section 4.5 below). The majority of club activity occurs within the buildings and outdoor ranges which are screened from view. General levels of activity within the club are not readily apparent when viewed from the surrounding area.

In terms of character and amenity effects associated with traffic generation, the NPPC does not meet the threshold for a high trip generating activity in the PDP. Any traffic generated by the activity is largely indiscernible in the context of the SH environment. Vehicle movements associated with the NPPC will not adversely affect character and amenity values in the surrounding area.

Overall, any adverse effects character and amenity effects are considered to be less than minor.

4.5 Visual Effects

Additional built form creates the potential for adverse visual effects when viewed from receptors in the surrounding area. New development in proximity to the Entrance Corridor also creates the potential to adversely affect the arrival experience along SH3.

The NPPC footprint is well-established with existing road boundary landscaping serving to soften and screen views through the site. Further landscaping at the rear of the site assists in embedding the NPPC footprint within the landscape.

Existing buildings and structures have been legally established. Proposed new buildings and structures comply with bulk and location standards for the General Industrial Zone.

The most visual addition will be the proposed new two-storey building. This building will be part located within the 20 m Entrance Corridor setback. The existing fence to the rear of Range 7 is also located within the 20 m setback (with some upgrades required to establish as an acoustic fence at 3 m in height). The building and fence will be finished in recessive green and not appear overly dominant when viewed from the surrounding area. Existing road boundary landscaping will be retained to soften views.

The 7 m high acoustic walls between Ranges 1 and 2 and Ranges 4 and 5 will be located toward the rear of the NPPC footprint behind the two-storey building. The walls will be either softened or screened by landscaping and will not be highly visible from vantage points in the surrounding area.

It is noted that the existing dwellings at 1222 Devon Road are screened from view by established landscaping around the dwelling curtilage areas as well as along the eastern boundary of the NPPC site. Landscaping along the Range 1 bund will be reinstated following construction to soften the appearance of the acoustic fence running along the top of the bund. Any visual effects experienced by occupiers at 1222 Devon Road will be less than minor.

Overall, any potential visual effects are considered to be less than minor.

4.6 Effects on Transport Safety and Efficiency

The expansion and continuation of the activity creates the potential to adversely affect transport safety and efficiency within the adjoining road network.

Existing site access and parking is proposed to be retained with the existing access point approved in 1983.

Retention of the existing access point is considered to be appropriate. The existing access has clear sight lines in both directions. Sufficient queuing space is provided for the activity to avoid the potential

for vehicles having to queue on SH3. There is a minimum of 13 m queuing space between the road carriageway and the access gate, enabling two vehicles to comfortably queue in tandem whilst opening the security gate. The width of the access also enables two vehicles to pass each other without conflict at the entrance. A central median barrier is understood to be planned as part of future SH3 safety improvements, restricting movements to left turn entry and exit only.

Sufficient onsite parking is provided to service the activity. Retention of the existing parking areas results in technical non-compliances when assessed against PDP standards, however, existing parking is considered to be fit for purpose noting the following:

- No current members require disability parking spaces. Disabled parking spaces in proximity to buildings are able to be established if required in the future;
- No bicycle parking is considered necessary as members do not cycle to the site and unlikely to be required in the future given the nature and location of the activity;
- The sealed access point will assist in dislodging material from tires to reduce the potential for material being tracked onto the SH3 carriageway; and
- The NPPC activity does not meet the threshold for a high trip generating activity. The provision of parking and access is considered sufficient to accommodate vehicle trips generated by the activity.

Overall, any potential adverse effects on transport safety and efficiency are considered to be no more than minor. No persons in the surrounding area are considered to be adversely affected in regard to transport safety and efficiency effects.

4.7 Earthwork Effects

Resource consent is required under the Earthworks Chapter provisions due to non-compliances with the maximum cut depth or fill height standards under EW-S2. Effects associated with earthwork activity in proximity to the unnamed tributary are further assessed in Section 4.9 below.

Matters of discretion under EW-S2 provide relevant guidance and are listed as follows:

1. *Effects on the stability of land or structures, and potential to create new or exacerbate existing natural hazards, impact natural drainage patterns, redirect overland flow paths or flood flows or create instability, erosion or scarring.*
2. *Impacts on character and amenity values, natural landforms and features, including whether the cut face and any retaining structures can be concealed behind development or effectively landscaped*

Earthwork form will be subject to detailed design and suitably managed to avoid natural hazard risks, instability, erosion or scarring. The new two-storey building and acoustic walls will be subject to building consent processes. Overland flow paths will be maintained with stormwater to be managed to avoid flooding.

Earthwork activity will largely occur out of sight to the rear of the existing and proposed buildings and will not impact on character and amenity values or natural landforms and features. As per assessment in Section 4.5, any visual effects experienced by occupiers at 1222 Devon Road associated with the Range 1 bund formation will be less than minor.

Construction activity is able to be suitably managed to control the effects of dust, stormwater, sediment, noise and vibration as well as vehicle movements.

Overall, it is considered that any earthwork effects will be less than minor. Finished landform will be appropriately designed to avoid potential effects associated with visual amenity, cultural values, land stability and natural hazard risk. Construction phase activity will be temporary and managed appropriately to avoid or mitigate adverse effects.

4.8 Effects on Human Health

The activity will be managed in accordance with the recommendations of the PSI. The activity is able to be suitably managed to avoid, remedy or mitigate potential risk to human health.

4.9 Effects on Waterbodies

Earthwork activity within proximity to the unnamed tributary creates the potential to adversely affect waterbody health and function and associated values.

The existing bund along the eastern boundary of Range 1 is located within 10 m of the unnamed tributary. The proposed extension and height increase will occur within 10 m of the unnamed tributary. The earthwork activity is necessary to mitigate noise effects. Given the existing bund extent (the formation of which is understood to have been legally established at the time of development), it is considered the earthwork activity has a functional need and operational need (as prescribed in the National Planning Standards) to be located adjacent to the tributary.

A concept design is provided in the plan set. Final bund form will be subject to detailed design. The bund will be designed so as not to create new or exacerbate existing natural hazards, including flooding or stream bank erosion.

All earthwork activity will be suitably managed with erosion and sediment controls in place for the duration of works. Earthwork areas will be stabilised and planting re-established following formation of the bund.

The applicant has initiated consultation with tangata whenua and welcomes any feedback in regard to cultural values associated with the tributary.

Overall, it is considered the proposal will suitably provide for the protection of waterways. Any adverse effects on waterway health, function and associated values are considered to be appropriately avoided, remedied or mitigated.

4.10 Effects on Archaeology

Resource consent is not required in relation to sites of significance to Māori and archaeological sites as no earthwork activity will occur within 50 m of the known extent for Rongonui Pā (Site ID: 448). All earthwork activity will be undertaken in compliance with discovery protocol requirements under EW-S5. Any potential adverse effects on cultural and historic heritage values will be appropriately avoided or mitigated.

4.11 Cultural Effects

The applicant has initiated consultation with Te Atiawa. A copy of the application will be provided to Te Atiawa and Puketapu at the time of lodgement. Any feedback will be forwarded to the processing planner.

4.12 Effects Summary

Overall, any adverse effects are considered to be appropriately avoided or mitigated. Any residual adverse effects will be no more than minor. Any adverse effects on persons in the surrounding area will be less than minor.

5 NOTIFICATION DECISION

It is considered there is no need to publicly or limited notify the application in accordance with the steps for notification under Sections 95A and 95B of the RMA. There is no mandatory requirement to notify the application. The applicant does not request that the application is notified and any adverse effects will not be more than minor. No persons are considered to be adversely affected by the proposal and it is considered there are no special circumstances that would warrant notification. It is therefore considered the application is able to be processed on a non-notified basis.

6 CONSULTATION

Pursuant to Section 36A of the RMA, there is no duty to consult about a resource consent application. However, it is considered best practise to consult with those parties considered to be potentially adversely affected by a proposal.

The following provides a summary of consultation undertaken since BTW was engaged by the applicant to assist in preparing a resource consent application.

6.1 New Plymouth District Council

6.1.1 Site Meeting

A site visit was held at the NPDC on 12 December 2023 with the following persons in attendance:

- NPDC:
 - Richard Watkins (Principal Planner)
 - Campbell Robinson (Senior Planner)
 - Damian Ellerton (Marshall Day Acoustics)
- NPPC (applicant):
 - Jonathan Marshall (Treasurer)
 - Mike O'Sullivan (President)
 - Martin Phillips (Secretary)
 - Jeremy Trevathan (Acoustic Engineering Services)
 - Aaron Edwards (BTW)

The purpose of the meeting was to discuss resource consent requirements and set a pathway forward for preparation and lodgement of the consent application. Meeting notes are included in the records of consultation attached as Appendix G.

6.1.2 Noise Data

Following on from the site visit meeting, a copy of the raw data sets for previous noise testing undertaken by Marshall Day Acoustics was requested on 12 December 2023. The data was provided on 2 February 2024 as a Local Government Official Information and Meeting Act (LGOIMA) request under NPDC reference CSM23/504655.

6.1.3 Pre-Application Meeting

A pre application meeting was held at NPDC offices on 20 March 2024 (PAP23/00063). The following persons were in attendance:

- Richard Watkins, NPDC
- Campbell Robinson, NPDC
- Jonathan Marshall, NPPC
- Aaron Edwards, BTW

Agreed points from the meeting were summarised as follows:

- NPPC is continuing to work with Acoustic Engineering Services (AES) to consolidate noise mitigation measures as part of the proposal. Development of the proposed two-storey building is central to noise mitigation measures.
- The resource consent application will need to give due regard to noise levels received within the Future Urban Zone located on the opposite side of SH3.
- Acknowledgement that membership numbers do not necessarily directly correlate to levels of activity on site (but equally acknowledgment that membership numbers may have been an appropriate historical indicator of intensity of use in the absence of specific management of range use). Intensity of use is to be captured through the resource consent application through specific management of range use in consultation with AES.
- Visual impact of future buildings/development will need to be assessed accordingly within the application, to include consideration of Entrance Corridor matters. The existing landscaping strip may provide sufficient mitigation noting a good level of screening is achieved currently – important to confirm landscaping is located within the site (in order to rely on existing landscaping in mitigating effects).
- Consultation with NZTA is required. Aaron Edwards is to review previous communications with NZTA undertaken by the NPPC to then initiate consultation.
- The suitability of the existing access and vehicle parking areas will need to be considered further in consultation with NZTA. If sealing car parking areas (or further modifying/compacting), stormwater matters will need to be addressed.
- Consultation with mana whenua will be required in relation to earthworks in proximity to the waterbody (and potentially any proposed earthworks more generally across the wider site that do not comply with earthwork standards).
- The activity is included on the MfE Hazardous Activities and Industries List (HAIL) under C2 Gun clubs or rifle ranges, including clay targets clubs that use lead munitions outdoors. The NES-CS is a relevant matter. BTW is to consider reporting requirements under the NES-CS further.
- The application will need to identify and assess activities (if any) that have previously occurred on site that required resource consent at the time of undertaking (for which consent was not obtained) with retrospective resource consent sought accordingly.
- Acknowledgement that preparation of the resource consent application is not straight-forward but that NPPC is progressively working toward lodgement of the application. At this stage, a date for lodgement cannot be confirmed. Noting work required above to include consultation, lodgement by the end of April would be a best-case scenario.

Meeting notes are included in the records of consultation attached as Appendix G. The application has been prepared generally consistent with NPDC feedback received to date.

6.2 Tangata Whenua

The site is owned by Te Atiawa Iwi Holdings Limited Partnership. NPPC has a lease agreement (Licence to Occupy) with Te Atiawa. NPPC have initiated consultation with Te Atiawa. A copy of the application will be forwarded to Te Atiawa and Puketapu at the time of lodgement. Any feedback received will be forwarded to the processing planner.

6.3 NZ Transport Agency Waka Kotahi

Consultation with NZTA was initiated on 27 July 2024 providing an overview of the proposal. No feedback has been received to date. A record of consultation is included in Appendix G.

BTW understands NPPC met with NZTA in 2022 to discuss the proposed Te Ara Tūtohu SH3 safety improvements in the vicinity of the site. No written record is available.

A copy of the application will be forwarded to NZTA at the time of lodgement.

6.4 New Zealand Police | Nga Pirihimana O Aotearoa

The NPPC is in regular contact with the New Zealand Police as part of regular range use as well as from a legislative approval perspective. A copy of the NPPC Range Standing Orders (RSO) is attached as Appendix I which is a legal requirement under Te Tari Pūreke Firearms Safety Authority which assess the NPPC every year to confirm a certificate for compliance and a set of rules (the RSO). Of note, the RSO certifies the NPPC range as a non-fall out range (i.e., no projectiles leave the site).

6.5 Local Community

With mitigation as proposed, no persons in the surrounding area are considered to be adversely affected by the proposal.

The applicant has discussed the proposal with the owners and occupiers of 1217 Devon Road and 1219 Devon Road. BTW understands that no concerns have been raised.

The applicant is aware of a history of complaints in relation to the NPPC activities from the owner and occupier at 1222 Devon Road. The applicant has not directly engaged with the owner and occupier in preparing this resource consent application.

7 STATUTORY REQUIREMENTS

7.1 Introduction

The regulatory framework comprises the relevant sections of the Resource Management Act 1991, the relevant objectives and policies of the ODP, PDP, Regional Policy Statement for Taranaki (RPS), National Policy Statement for Freshwater Management (NPS-FM) and Te Atiawa Iwi Environmental Management Plan (Tai Whenua, Tai Tangata, Tai Ao).

7.2 Section 104 Assessment

In accordance with Section 104, when considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to:

- (a) any actual and potential effects on the environment of allowing the activity; and*
- (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
- (b) any relevant provisions of—*
 - (i) a national environmental standard:*
 - (ii) other regulations:*
 - (iii) a national policy statement:*
 - (iv) a New Zealand coastal policy statement:*
 - (v) a regional policy statement or proposed regional policy statement:*
 - (vi) a plan or proposed plan; and*
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

Assessment: The proposal is a non-complying activity under the PDP to be considered pursuant to Sections 104, 104B and 104D. Of the above relevant matters for assessment, actual and potential effects on the environment have been assessed in Section 4 with assessment of relevant policy documents provided in the following sections. It is noted that no offset or compensation measures are proposed by the applicant under Section 104(ab) noting that any adverse effects are considered to be no more than minor.

7.3 Section 104B

In accordance with Section 104B, after considering an application for a resource consent for a non-complying activity, a consent authority:

- a) May grant or refuse the application; and*
- b) If it grants the application, may impose conditions under section 108 of the RMA.*

Assessment: The applicant anticipates conditions would be imposed, assuming consent was to be granted. The applicant requests opportunity to review draft conditions of consent prior to any decision being issued.

7.4 Section 104D

Section 104D(1) outlines the thresholds of the 'gateway test'. An application for a non-complying activity must pass through one of these gateways in order for it to be considered under section 104 of the RMA:

(a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or

(b) the application is for an activity that will not be contrary to the objectives and policies of—

(i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or

(ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or

(iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.

Assessment: As per the effects assessment in Section 4, any actual or potential adverse effects of the proposal on the environment are considered to be no more than minor. The proposal therefore passes through (a) above. Assessment against relevant objectives and policies of the ODP and PDP is provided below and concludes that the proposal is not contrary to either.

Noting that an application only needs to pass through one of the gateways, the proposal can go on to be considered under Section 104 of the RMA under Section 104D(1)(a) though it is considered to have passed through both gateways.

7.5 Part 2 of the RMA

The decision in the Court of Appeal in *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316 has further influenced the way in which Part 2 should be assessed.

In circumstances where it is clear that a plan is “*prepared having regard to Part 2 and with a coherent set of policies designed to achieve clear environmental outcomes*” the Court envisaged that “*the result of a genuine process that has regard to those policies in accordance with s 104(1) should be to implement those policies.*” Reference to Part 2 would not add anything, and “*could not justify an outcome contrary to the thrust of the policies*”⁵.

In respect of the District Plan and other relevant planning documents, it is considered that they have been prepared with a coherent set of policies designed to achieve clear environmental outcomes and that an assessment of this application against Part 2 would not necessarily add anything to the evaluative exercise required. However, in case the NPDC disagree with this assessment, the application has been assessed against Part 2.

⁵ Paragraph [74] *RJ Davidson Family Trust v Marlborough District Council* [2018] NZCA 316

The overriding purpose of the Act is to promote the sustainable management of natural and physical resources. In informing the decision of whether or not a proposal promotes sustainable management, Part 2 of the RMA is paramount and directs reference to the following specific matters:

- Matters of National Importance (Section 6);
- Other Matters (Section 7); and
- Treaty of Waitangi (Section 8).

It is commonly accepted that the approach to applying Section 5 involves an overall broad judgment of whether a proposal would promote the sustainable management of natural and physical resources. That assessment will require the taking into account of conflicting considerations, the scale or degree of them and their relevant significance or proportion. The purpose of the RMA is informed by the provisions of Part 2 generally.

7.5.1 Section 6

The following matters of national importance are relevant:

(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;

(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;

Assessment: The proposal provides for the protection and preservation of natural character associated with rivers and their margins. Tangata whenua have been engaged to provide for their cultural and traditional relationships. The proposal appropriately recognises and provides for Section 6 matters of national importance.

7.5.2 Section 7

The following matters under Section 7 are relevant:

(a) kaitiakitanga;

(aa) the ethic of stewardship;

(b) The efficient use and development of natural and physical resources;

(c) The maintenance and enhancement of amenity values; and

(f) Maintenance and enhancement of the quality of the environment.

Assessment: The applicant has engaged with tangata whenua in recognition of their role as kaitiaki and has had particular regard to the ethic of stewardship, taking care in the management of the environment and engaging with tangata whenua in recognition of kaitiakitanga. The proposal is considered to be an efficient use of land on the periphery of the planned urban extent in New Plymouth to provide for the continuation of the NPPC sport and recreation activity already established on the site. Extensive mitigation measures are proposed to maintain and enhance amenity values and the quality of the surrounding environment. The proposal has given particular regard to Section 7 matters.

7.5.3 Section 8

Section 8 of Part 2 of the RMA requires that the principles of the Treaty of Waitangi are taken into account. The proposal and the manner in which the applicant has engaged with tangata whenua is considered to be consistent with the principles of the Treaty of Waitangi.

7.5.4 Part 2 Summary

Overall, the proposal is considered to be consistent with Part 2 matters and will promote the sustainable management of natural and physical resources.

7.6 Section 16

Section 16 of the RMA imposes a duty to avoid unreasonable noise:

(1) Every occupier of land (including any premises and any coastal marine area), and every person carrying out an activity in, on, or under a water body or the coastal marine area, shall adopt the best practicable option to ensure that the emission of noise from that land or water does not exceed a reasonable level.

Assessment: The AENE identifies reasonable noise levels based on a review of assessment criteria for gunshot noise to recommend mitigation measures accordingly. In adopting the proposed mitigation measures the application adopts the best practicable option to ensure that the emission of noise does not exceed a reasonable level. The application has been prepared consistent with the Section 16 duty to avoid unreasonable noise.

7.7 District Plan Objectives and Policies

7.7.1 Proposed District Plan

The following objectives and policies in the PDP are considered to be relevant to the application.

Strategic Direction

The proposal is considered to be consistent with relevant Strategic Direction objectives for the following summary reasons:

- **HC - Historic and Cultural:** Works avoid impacts on sites and areas of significance to Māori and archaeological sites;
- **IE - Infrastructure and Energy:** Reverse sensitivity effects are avoided;
- **NE – Natural Environment:** Protection of natural environment features are integrated into the proposal with works in proximity to the unnamed tributary to be managed appropriately;
- **RE – Rural Environment:** The site is not mapped as highly productive land and the activity will not constrain the ability for primary production and rural industry activities to operate in the surrounding area;
- **TW – Tangata Whenua:** Engagement with tangata whenua recognises kaitiaki roles and provides for taiao relationships and associated contribution to the district's identity and sense of belonging; and
- **UFD - Urban Form and Development:** The activity is considered to be appropriately located at the periphery of the urban extent. With mitigation as proposed it is considered the activity will not unduly compromise the supply of industrial land or residential growth and development within the Future Urban Zone.

General Industrial Zone

Objectives
GIZ-O2 The role and function of the General Industrial Zone is not compromised by non-industrial or incompatible activities or built form.
GIZ-O4 The General Industrial Zone provides a safe and functional working environment with a reasonable level of amenity.
Policies
<p>GIZ-P3 Avoid activities that are incompatible with the role, function and planned character of the General Industrial Zone and activities that will result in:</p> <ul style="list-style-type: none"> the establishment of retail activities or business service activities in the General Industrial Zone that are more appropriately located in the Commercial and Mixed Use Zones; adverse effects on industrial activities that cannot be avoided or appropriately remedied or mitigated, including reverse sensitivity effects or conflict with industrial activities; or result in one or more incompatible activities clustering or locating near to each other or conflict between incompatible activities. <p>Incompatible activities include:</p> <ul style="list-style-type: none"> retail activities (except food and beverage retail stores); business service activities; sensitive activities; educational facilities (except trade and industry training facilities); entertainment and hospitality activities; medical and health services; sport and recreation activities; and subdivision that creates small allotments.
<p>GIZ-P4 Enable the role, function and level of amenity appropriate to the General Industrial Zone by controlling the effects of:</p> <ul style="list-style-type: none"> bulk, scale and location of structures; outdoor storage; proximity to waterbodies; traffic and parking; infrastructure and stormwater; and noise and light.
<p>GIZ-P5 Require any effects generated by activities to be of a type, scale and level that is appropriate for the General Industrial Zone, including by:</p> <ul style="list-style-type: none"> ensuring built form is of a scale that is compatible with the role and function of the zone; managing noise and light emissions to an acceptable level; and controlling the size, location, design and type of signage.
<p>GIZ-P6 Require that activities maintain on-site and streetscape amenity by:</p> <ul style="list-style-type: none"> retaining, where practicable, existing trees, vegetation and established landscaping; providing landscaping along road and site boundaries; screening any outdoor storage; providing riparian planting along waterbodies; and minimising hard standing areas where appropriate.
<p>GIZ-P7 Ensure adequate permeable surfaces within sites to avoid or mitigate any potential adverse effects on water quality, stormwater quantity and amenity values.</p>

Assessment: The NPPC is considered to be compatible with the role and function of the General Industrial Zone in this location. The activity forms as part of the existing environment. The expansion of the activity to include existing club activities will not adversely affect the ability for future industrial activities to operate (noting the RSO certifies the NPPC range as a non-fall out range). Noise will be

managed to an acceptable level. On-site and streetscape amenity will be maintained. Adequate permeable surfaces will be retained.

The proposal is not considered to be contrary to the above objectives and policies.

Future Urban Zone

Objectives
FUZ-04 Activities within and adjacent to the identified Future Urban Zones do not compromise the ability to develop the area for urban growth purposes.
Policies
<p>FUZ-P2 Manage activities that may be potentially incompatible with the ability to comprehensively develop and use the Future Urban Zone for urban growth purposes and ensure it is appropriate for such activities to establish in the Future Urban Zone, having regard to whether:</p> <ol style="list-style-type: none"> 1. the activity will limit, restrict or constrain permitted or existing lawfully established activities or the ability to develop and use the Future Urban Zone for urban growth purposes; 2. the purpose of the activity is compatible with or will support the needs of existing activities and future urban activities in the area the activity is located within; 3. any potential conflict between activities can be appropriately managed as the area transitions to an urban area in the future; 4. the activity will compromise the provision of connected transport networks that allow ease of movement within, to and from the Future Urban Zone; 5. the activity will affect the ability to provide adequate, coordinated and integrated infrastructure to meet the immediate and future needs of the Future Urban Zone area that the activity is located within. <p>Potentially incompatible activities include:</p> <ol style="list-style-type: none"> 1. large lot rural subdivision; 2. community facilities; 3. camping grounds; 4. educational facilities (except Kōhanga reo, cultural education and research facilities); and 5. sport and recreation activities

Assessment: The NPPC activity is able to be managed to mitigate noise so that it does not compromise the ability for future urban development on the opposite side of SH3. The proposal is not considered to be contrary to the above objective and policy.

Noise

Objectives
NOISE-O1 Activities generate noise effects that are compatible with the role, function, and predominant or planned character of each zone.
NOISE-O2 Activities do not generate noise effects which adversely affect amenity values, the health and wellbeing of people and communities or noise sensitive activities.
Policies
NOISE-P1 Maintain the predominant or planned character and amenity of each zone by controlling the types of activities and level of noise that is permitted in each zone.
<p>NOISE-P3 Ensure any noise effects generated by an activity are of a type, scale and level that are appropriate for the activity's location having regard to:</p> <ol style="list-style-type: none"> 1. the frequency, intensity, duration and offensiveness of the noise being generated; 2. whether the level of effects are compatible with the character and amenity of the location and adjacent activities; 3. internalisation of effects to the extent practicable and minimisation of conflict at site boundaries; 4. any impact on the health and well-being of the surrounding community, including sleep disturbance;

5. the adoption/implementation of best practicable options to minimise the adverse effects;
6. any positive effects associated with the activity; and
7. the ability to avoid conflict with existing sensitive activities.

Assessment: The activity is considered to be compatible with the role, function, and predominant or planned character in this location at the interface of industrial, rural and future urban zones noting that the activity (in part) forms as part of the existing environment. Noise generated by the NPPC activity is able to be appropriately mitigated so that it does not adversely affect amenity values, the health and wellbeing of people and communities or noise sensitive activities. The proposal has been prepared consistent with NOISE-P3 direction to internalise effects to the extent practicable and to minimise conflict at site boundaries through the adoption/implementation of best practicable mitigation options. The proposal is not considered to be contrary to the above objectives and policies.

Transport

Objectives	
TRAN-02	The transport network is safe, efficient and effective in moving people and goods within and beyond the district.
TRAN-03	Activities generate a type or level of traffic that is compatible with the local road transport network they obtain access to and from.
TRAN-04	The existing and future transport network is not compromised by incompatible activities which may result in reverse sensitivity effects or conflict.
Policies	
TRAN-P2	Allow the following activities provided they maintain the safety, efficiency and effectiveness of the transport network: <ol style="list-style-type: none"> 8. roads and vehicle access points; 9. building activities and trees within the New Plymouth Airport Flight Path Surface 2 area; 10. electric vehicle charging stations; and 11. operation, maintenance and repair or construction of the transport network.
TRAN-P3	Manage activities that occur on or in close proximity to the transport network, including: <ol style="list-style-type: none"> 1. erection of structures on or adjacent to an indicative road transport network; 2. erection of structures on or adjacent to a railway corridor; 3. high trip generator activities; 4. vehicle access points onto a state highway; and 5. vehicle access points over a railway level crossing.
TRAN-P12	Require that activities provide for the safe and efficient movement of vehicles on-site, onto and along the road transport network by: <ol style="list-style-type: none"> 1. providing appropriately designed and located vehicle access points, on-site parking including bicycle parking, loading and standing spaces, driveways, manoeuvring space and queuing space to reduce disruption to traffic flow, driver distraction and road congestion; 2. ensuring that the location, orientation, design and illumination of signs avoid road or footpath user obstruction, distraction or confusion; and 3. providing stock truck effluent receiving facilities to avoid or minimise spillage onto roads.
TRAN-P13	Ensure that activities do not constrain or compromise the safe and efficient operation of the road transport network by: <ol style="list-style-type: none"> 1. minimising potential conflict between vehicles, pedestrians and cyclists; 2. managing the width of vehicle access points so that on-street parking is not reduced; and 3. managing adverse cumulative effects.
TRAN-P15	Encourage car parks that provide for general public or staff use to be designed to provide clearly marked, connected, convenient, safe, accessible pedestrian pathways, with provision for shelter where possible.

TRAN-P16	Ensure the type and level of traffic using the road transport network is appropriate by: <ol style="list-style-type: none"> 1. minimising the ability for heavy vehicles to directly access and utilise local roads; 2. requiring high traffic generating activities to locate on state highway, arterial and collector roads; or 3. avoiding, remedying or mitigating adverse amenity, character, safety and cumulative effects.
TRAN-P18	Require activities that generate vehicle trips associated with construction to minimise any adverse traffic effects having regard to: <ol style="list-style-type: none"> 1. the types of vehicles serving the site, their frequency, the time of vehicle movement and anticipated traffic generation; 2. the duration of the traffic generation and the extent to which it creates adverse amenity effects or sleep disturbances for surrounding sensitive activities; 3. the capacity of the site and adjoining roads to accommodate parking for workers associated with the construction work; 4. any potential adverse effects on the safety and efficiency of the transport network; or 5. the outcomes or recommendations of a Construction Traffic Management Plan undertaken by a suitably qualified traffic specialist.

Assessment: For reasons set out in Section 4.6, the retention of the existing access and parking areas on site is considered to be acceptable to maintain transport safety and efficiency. The level of traffic generation is compatible with the SH network. The activity does not create the potential for reverse sensitivity effects or conflict and will not compromise planned future safety improvements.

The proposal is considered to be consistent with the above objectives and policies.

Earthworks

Objectives	
EW-01	Earthworks and associated retaining structures necessary for the construction, maintenance or operation of activities are enabled, provided that adverse environmental effects are avoided, remedied or mitigated.
Policies	
EW-P3	Ensure earthworks are undertaken in a way that avoids or appropriately remedies or mitigates adverse effects on cultural, spiritual or historical values of importance to tangata whenua, by: <ol style="list-style-type: none"> 1. having regard to: <ol style="list-style-type: none"> a. the extent to which the earthworks or land disturbance may compromise the particular cultural, spiritual or historical values of importance to tangata whenua associated with the site and, if so, the outcomes of any consultation with tangata whenua, including any expert cultural advice provided with respect to: <ol style="list-style-type: none"> i. opportunities to incorporate mātauranga Māori into the overall scale, form and extent of the earthworks or land disturbance; ii. opportunities for tangata whenua's relationship with ancestral lands, water, sites, wāhi tapu and other taonga to be maintained or strengthened; iii. options to avoid, remedy or mitigate adverse effects; and b. the outcomes of any consultation with Heritage New Zealand Pouhere Taonga. 2. in all cases, requiring appropriate steps to be followed in the event that sensitive material is discovered during earthworks and land disturbance.
EW-P4	Ensure that earthworks are of a type, scale and form that is appropriate for the location having regard to the effects of the activity, and: <ol style="list-style-type: none"> 1. the impact on existing natural landforms and features and indigenous vegetation; 2. changes in natural landform that will lead to instability, erosion and scarring; 3. impacts on natural drainage patterns and secondary flow paths;

	<ol style="list-style-type: none"> 4. compatibility of the earthworks and the design and materials for any retaining structures with the visual amenity and character of the surrounding area; 5. the extent to which the activity mitigates any adverse visual effects associated with any exposed cut faces or retaining structures, including through screening, landscaping and planting; and 6. the impact of the movement of dust and sediment beyond the area of development.
EW-P5	<p>Require earthworks and any retaining structures associated with future land development or subdivision to be designed, located, managed and undertaken in a coordinated and integrated manner, including by:</p> <ol style="list-style-type: none"> 1. managing large-scale earthworks associated with subdivision, including for the purpose of site development and creating roads or access to and within the subdivision; and 2. considering the appropriateness of earthworks in conjunction with site design and layout of future subdivision and development of land, particularly for future infill or greenfield subdivision.
EW-P6	<p>Ensure that earthworks and any associated structures are designed as far as practicable to reflect natural landforms, and where appropriate, landscaped to reduce and soften their visual impact having regard to the character and visual amenity of the surrounding area.</p>

Assessment: Environmental effects associated with earthwork activity will be appropriately avoided, remedied or mitigated. Earthworks in close proximity to recorded extents for sites of significance to Māori will be avoided. Earthwork activity will be undertaken in accordance with discovery protocol requirements. Earthwork activity will be appropriately designed and managed to ensure that earthworks are of a type, scale and form that is appropriate.

The proposal is considered to be consistent with the above objectives and policies.

Contaminated Land

Objectives	
CL-01	The risks to human health from contaminated land are avoided, remedied or mitigated.
Policies	
CL-P1	Identify sites that are known to contain contaminated soil as a result of land uses and activities, including current and historical land use and activities.
CL-P2	Ensure that contaminated land or potentially contaminated land is suitable for the intended use by requiring investigation, remediation or management where necessary at the time of land use change, subdivision or re-development so as to minimise the risk to human health from the contamination.

Assessment: A PSI is to be prepared consistent with industry standards. The activity is able to be managed so as to minimise the risk to human health from contamination.

The proposal is considered to be consistent with the above objective and policies.

Waterbodies

Objectives	
WB-01	The adverse effects of activities on the values of waterbodies are avoided, remedied or mitigated.
WB-04	The relationship of tangata whenua and their culture and traditions associated with waterbodies are recognised and provided for.
Policies	
WB-P3	Require that activities proposing to locate on sites adjoining a natural waterbody, demonstrate that the activity is located appropriately having regard to:

	<ol style="list-style-type: none"> 1. the particular natural character, ecological, recreational, cultural, spiritual, heritage or amenity values of the natural waterbody and the extent to which the values of the natural waterbody may be adversely affected by the activity; 2. the purpose of the activity and whether it has a functional need and operational need to be located adjoining a natural waterbody; 3. the ability to effectively restore and rehabilitate the natural waterbody or off-set adverse effects; 4. for natural waterbodies which have cultural, spiritual or historic values of importance to tangata whenua, the outcomes of any consultation with tangata whenua, including any expert cultural advice provided with respect to mitigation measures; and 5. whether the activity would create new or exacerbate existing natural hazards, including flooding or stream bank erosion.
WB-P7	Consider the incorporation of mātauranga Māori into the design, development and operation of activities on sites adjoining waterbodies which have cultural, spiritual or historic values of importance to tangata whenua and provide opportunities for tangata whenua to exercise their customary responsibilities in respect of waterbodies.

Assessment: Activity in proximity to the unnamed tributary is able to be appropriately managed. Landscaping will be re-established following completion of works. The applicant has initiated consultation with tangata whenua with respect to waterbody values.

The proposal is considered to be consistent with the above objectives and policies.

Entrance Corridor

Objectives	
ECOR-01	The main roads leading to and from the urban areas of New Plymouth, Waitara and Inglewood, and to and from the New Plymouth Airport are visually attractive, and provide a welcoming, pleasant arrival experience.
Policies	
ECOR-P4	Maintain and enhance the visual amenity, attractiveness and the quality of the arrival experience of entrance corridors by controlling: <ol style="list-style-type: none"> 1. the location of structures; 2. network utilities; 3. outdoor storage; 4. signage; and 5. planting and screening.
ECOR-P5	Ensure activities within or on sites adjoining entrance corridors maintain the visual amenity, attractiveness and the quality of the arrival experience of entrance corridors having regard to: <ol style="list-style-type: none"> 1. the location, form, bulk, scale and orientation of structures on the site, including whether structures are sufficiently set back from boundaries; 2. whether structures complement and integrate with the surrounding topography and landscape; 3. the type, scale, location, design and direction of signage and its visibility within the entrance corridor; 4. the maintenance or enhancement of views of notable/landmark built features and natural features, including Mount Taranaki; 5. the cultural (including tangata whenua) values of the entrance corridor, where relevant and whether these will be compromised; 6. the functional needs and operational needs of network utilities; 7. whether visually prominent trees, planting or landscaping that contribute to the amenity of the area will be retained; and 8. the extent to which planting and landscaping mitigates adverse effects on visual amenity and the quality of the arrival experience along the entrance corridor.

ECOR-P6	<p>Encourage landowners of sites adjoining entrance corridors to carry out planting and ongoing maintenance of planting to ensure a cohesive planted edge in accordance with:</p> <ol style="list-style-type: none"> 1. the Council's District Tree Policy, using tree species that will not impact on safety or damage state highway infrastructure; 2. any relevant Council guidelines and technical advice for planting; maintenance and care of the land; or 3. covenants/agreements that retain and safeguard mature trees or planting..
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Assessment: Existing road boundary landscaping will be retained. Proposed buildings and structures will not unduly impact visual amenity. The proposal will not detract from the New Plymouth arrival experience.

The proposal is considered to be consistent with the above objective and policies.

7.7.2 Operative District Plan

The proposal is assessed as a permitted activity under the ODP in relation to equivalent PDP provisions under appeal. Accordingly the proposal is considered to be consistent with relevant ODP objectives and policies.

7.7.3 Summary – District Plan Objectives and Policies

Overall, it is considered that the proposed activity will not be contrary to the relevant objectives and policies of the PDP and will be consistent with any relevant ODP objectives and policies.

7.8 Regional Policy Statement for Taranaki

The Regional Policy Statement (RPS) for Taranaki sets the framework for resource management policies including policies relating to the natural physical resources of Taranaki. The purpose of the document is to *“promote the sustainable management of natural and physical resources in the Taranaki Region by providing an overview of resource management issues... and identifying policies and methods to achieve integrated management of natural and physical resources in the region”* (Taranaki Regional Council, 2010).

The RPS seeks to promote sustainable development whilst improving the quality of life by improving better social, environmental and economic outcomes. Objectives and policies within the Natural Features and Landscapes, Historic Heritage and Amenity Value chapter (Chapter 10) seek to protect natural features and landscapes, historic heritage and amenity values from inappropriate subdivision, use and where appropriate enhance those values. In particular, AMY Policy 1 seeks to provide for a safe and pleasant living environment free of nuisance arising from excessive noise.

The proposed works and the manner in which the application has been prepared are considered to be consistent with the objective and policy framework. The proposal appropriately mitigates the potential for nuisance effects arising from excessive noise. Overall, the proposal is considered to be consistent with the intent of the RPS.

7.9 National Policy Statement for Freshwater Management

The NPS-FM came into force on 3 September 2020. It seeks to ensure that natural and physical resources are managed in a way that prioritises firstly the health and wellbeing of waterbodies and their ecosystems, secondly the health needs of people, and thirdly the ability of people and communities to provide for their social, cultural and economic wellbeing now and in the future.

Policies relevant to this application generally seek to manage freshwater in a way that gives effect to Te Mana O Te Wai, provide for Māori freshwater values, avoid losses of river values, protect habitats, and provide for community wellbeing in a way consistent with the NPS FM.

The proposal is considered to mitigate effects on waterbodies through appropriate management of earthwork activity within proximity to the unnamed tributary. Overall, the proposal is considered to be consistent with the objective and policies of the NPS-FM.

7.10 Other Matters

7.10.1 Te Atiawa Iwi Environmental Management Plan

Tai Whenua, Tai Tangata, Tai Ao identifies issues, objectives and policies aligned with Te Atiawa aspirations regarding the use of environmental and cultural resources of significance to Te Atiawa.

The general objectives and supporting policies in Section 6.2 Te Tai Awhi-Nuku – Inland and Coastal Whenua are considered to set out over-arching direction relevant to the proposal as follows:

- **General (Gen) Ob. TTAN1.1:** *Protect and enhance native vegetation, species and environments such as rivers, streams, tributaries and wetlands.*
- **Gen. Ob. TTAN1.2:** *Protection of wāhi tapu/wāhi taonga, urupā and sites of significance to Māori, from damage, modification, desecration, destruction and loss of access.*
- **Gen. Ob. TTAN1.3:** *Protect the mauri of our ancestral lands and wāhi tapu/wāhi taonga, urupā and sites of significance to Māori.*

The proposal avoids activity in close proximity to sites of significance to Māori and will suitably manage earthwork activity in proximity to the tributary. Overall, the proposal is considered to be consistent with the relevant objectives and policies of Tai Whenua, Tai Tangata, Tai Ao.

7.10.2 Precedent

A consent authority must be consistent in their interpretation of the provisions of the RMA. However, a consent authority is not formally bound by a previous resource consent decision as it is unlikely that two resource consent applications will ever be the same; although one may be similar to another. Each resource consent application must therefore be considered on a case by case basis and on its own merits. The most that can be said is that the granting of one consent may well have an influence on how another application should be dealt with. The extent of that influence will obviously depend on the extent of the similarities.

In this instance, the proposal is considered to be unique. The NPPC activity is already established on site (both in terms of the existing environment and physical footprint). The site is uniquely located at the interface of the General Industrial Zone, Rural Production Zone and Future Urban Zone with a number of planning map overlays applicable to include SH3 as a limited access road.

The proposal could not be replicated and expect the exact same outcomes as any assessment undertaken on this subject application. Other proposals would equally be assessed on their merits and need to demonstrate an acceptable level of effects or an outcome that is not contrary to the relevant objective and policy framework. Granting of this resource consent will not set a precedent and in turn will not undermine the integrity of the PDP objectives, policies and rules.

8 CONCLUSION

This report provides an assessment of NPPC's application to seek land use resource consent for the continued operation of the NPPC on the site at 1206 Devon Road, Bell Block (legally described as: Lot 1 DP 19854). Resource consent is sought in part on a retrospective basis.

An assessment of the proposal has been made against Sections 16, 104, 104B, 104D and Part 2 of the RMA and against the relevant objectives and policies of the ODP, PDP, RPS, NPS-FM and IEMP.

The application has been prepared consistent with the Section 16 duty to avoid unreasonable noise. Any adverse effects on the environment resulting from the proposal are considered to be appropriately avoided, remedied or mitigated. Any residual adverse effects would be no more than minor. The proposal is considered to be consistent with the objectives and policies of the ODP, PDP and RPS. The application has been assessed against Part 2 of the RMA and it is considered that it will promote the sustainable management of natural and physical resources.

No persons in the surrounding area are considered to be adversely affected by the proposal. There is no mandatory requirement to notify the application and it is considered there are no special circumstances that would warrant notification. Therefore, it is considered the application can be processed on a non-notified basis.

APPENDIX A APPLICATION FORMS



Te Kaunihera-ā-Rohe o Ngāmotu

**New Plymouth
District Council**



FORM

Application cover page

(required with all other forms)

Incorporates requirements of Form 2, sections 33 or 45,
Building Act 2004

1. Property details

- 1a. Site address
(Specify unit/level number,
location of building within
site/block number, building
name and street name)

1206 Devon Road, Bell Block
Wider site is also referenced as 228 De Havilland Drive

- 1b. Current lawfully
established use

Pistol club

- 1c. Legal description

Lot 1 DP 19854

- 1d. Rapid number

2. Property owner details

- 2a. Owner name

Te Atiawa Iwi Holdings Ltd Partnership

First name(s)

Surname

- 2b. Name of additional
owner(s)/company/trust

-

- 2c. Contact person
(if different from above)

Available on request

- 2d. Postal address
(include postcode)

- 2e. Contact details

Phone

Mobile

Fax

- 2f. Email

3. Payer details

- 3a. Required for invoice



Applicant
- proceed to 4



Owner
- proceed to 4



Other
- provide details below

- 3b. Name in full

New Plymouth Pistol Club Inc

- 3c. Postal address

treasurer@newplymouthpistolclub.org.nz

4. Description of project

- 4a. Detailed description
of the development/
project

Continued operation of the New Plymouth Pistol Club on the site at 1206 Devon Road - see section 3 in the AEE

- 4b. Will business activities take place when building is completed?



Yes

























No

Please turn over

5. NPDC applications for this project

OFFICE USE ONLY

	Application attached	Have applied already (write the application number if known)	Information provided
5a. Common applications			
 Project information memorandum	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
 Building consent	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
 Vehicle crossing	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
 Encroachment licence	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
 Land use resource consent	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
 Deemed permitted boundary activity notice.....	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
 Subdivision resource consent	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
 Sewer connection/disconnection	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
 Stormwater connection/disconnection.....	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
 Water connection/disconnection	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
5b. Non-residential applications			
 Discharge of trade waste consent	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
 Alcohol licensing	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
 Food premises registration	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
 Health Act registration	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
(Hairdressing, camping ground, funeral parlour, offensive trade)			
 Beauty registration	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
5c. Other project authorisations			
 Swimming pool registration	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
 Temporary obstruction on road reserve	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
 Temporary road closure	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
 Easements through NPDC-owned reserve land	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
5d. Other project requirements			
 Rapid number request	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
 Contractors parking space reservation	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
 Existing street damage declaration	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>



Te Kaunihera-ā-Rohe o Ngāmotu

New Plymouth
District Council



FORM 9
Application for a land use
resource consent or
fast-track resource consent

Section 87AAC & 88, Resource Management Act 1991

This form must be submitted with a completed application cover page form.

1. Applicant details

- 1a. I am the ☐ Property owner ☒ Lessee ☐ Agent authorised by owner/lessee
- 1b. Full name
- First name(s) Surname
- 1c. Electronic service address - this must be provided for fast-track consent applications
- 1d. Telephone
- Mobile Landline
- 1e. Postal address or alternative method of service under Section 352 of RMA 1991

2. Property owner details

Provide details below for the property owner if different to 1. above

- 2a. Full name
- First name(s) Surname
- 2b. Electronic service address
- 2c. Telephone
- Mobile Landline

3. Fast-track application details

- 3a. Is this a fast-track controlled land use application? ☐ Yes ☒ No (proceed to 4.)
- 3b. If yes, please indicate whether you opt out or do not opt out of the fast-track resource consent process ☐ I opt out ☒ I do not opt out

Under the fast-track resource consent process the Council must give notice of the decision within 10 working days after the date the application was first lodged, unless the applicant opts out of the process at the time of lodgement. A fast-track application may cease to be a fast-track application under Section 87AAC(2) of the RMA.

4. Description of proposed activity

- 4a. Description of activity
- 4b. Description of the site at which activity is to occur
- 4c. Description of any other activities that are part of the proposal
- 4d. Details of additional resource consents required for this activity ☒ No additional resource consents are required. ☐ Additional resource consents are required. Please provide details of the resource consents required, and whether these have been lodged.

Please turn over

OFFICE USE ONLY

Date received

Time received

Received by

Receipt #

Amount paid \$

Application #

Document #

Property ID

Land ID

Planner's Pre-check

Signature

Date

4. Description of proposed activity - continued

4e. District Plan rule(s) not being met

PDP: GIZ-R15; GIZ-R17; WB-R4; EW-R3; EW-R10; TRAN-R1; TRAN-R10; ECOR-R6; ECOR-R7

4f. Proposed start date

From date of grant

5. Information included in application

I confirm that I have assessed my proposed activity against the relevant matters of the RMA:

- ☒ Part 2 Purpose and Principles.
- ☒ Section 104 Consideration of Applications.
- ☒ Schedule 4, including an Assessment of Environmental Effects (AEE).

I have attached this assessment and all other required information as listed below:

- ☒ Site plan. Your site plan must show the following items:
 - Scale and north orientation.
 - Existing and proposed buildings.
 - Building dimensions and distances to boundaries.
 - Trees, fences, landscaping, screening and contours.
 - Car parking, loading facilities and access points.
 - Signs.
- ☐ Floor plan.
- ☒ Elevation plan. Your plan must show the groundlines and the view of your site, from the ground up, from all boundaries.
- ☐ Written approvals from affected parties. Contact the Council if you are unsure of who the potentially affected parties might be.
- ☐ Application fee. Refer to the land use consents fees and charges schedule.

6. Post-approval contact details for monitoring purposes

6a. Full name

Jonathan

First name(s)

Marshall

Surname

6b. Electronic service address

treasurer@newplymouthpistolclub.org.nz

6c. Telephone

021814699

Mobile

Landline

7. Privacy statement

The Privacy Act 2020 applies to the personal information provided in this application. For the purposes of processing this application the Council may disclose that personal information to another party. If you want to have access to, or request correction of, that personal information, please contact the Council.

8. Applicant's declaration and privacy waiver

By signing this application, or by submitting this application electronically, I confirm that I am authorised to make such an application, that the information contained in this application is true and correct and that I have read, understood and agree to such terms and conditions applying to this application. I acknowledge and agree to the disclosure of my personal information in respect of this application.

A signature is not required if this application is submitted electronically.

If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

Aaron

First name(s)

Edwards

Surname

Signature

01/08/2024

Date

APPENDIX B DISTRICT PLAN RULE ASSESSMENT

Table B 1: Proposed District Plan Rule Assessment

Rule	Rule Parameter	Assessment
GIZ - General Industrial Zone		
GIZ-R15	Sport and recreation activities	Non-complying: The NPPC meets the definition of a sport and recreation activity. The proposal involves an expansion of the activity when compared to the existing environment. Resource consent is therefore required as a non-complying activity.
GIZ-R17	Building activities (including relocation of a building) Activity status: PER Where: 1. the building activity is associated with a building used for or to be used for a permitted activity; and 2. all General Industrial Zone Effects Standards are complied with	Restricted Discretionary: Building activity will meet the General Industrial Zone Effects Standards (see assessment below) however the building activity is not associated with a permitted activity.
GIZ-S1	Maximum Structure Height Buildings: 12m above ground level All other structures: 15m above ground level	Complies: New buildings will not exceed 12m in height.
GIZ-S2	Height in relation to boundary No part of any building shall project beyond the height to boundary plane from points 3m above a site boundary where that boundary adjoins a site in the following zones: Rural Zones	Complies: New buildings will not project beyond the height to boundary plane relative to the adjoining Rural Zone boundary to the east.
GIZ-S3	Minimum building and structure setbacks from a boundary: From a road boundary: 5m From the Rural Zone boundary: 8m	Complies: New buildings and structures (to include acoustic walls/fencing) will comply with the minimum setback requirements from boundaries.
GIZ-S4	Landscaping requirements on a road boundary For all structures, carparking areas or yard areas that are visible from an adjoining road, the road boundary must be screened from the road with landscaping and planting that will, within two years after planting, reach a minimum height of 1m and, with the exception of vehicle crossings, be a minimum depth of 2m from the road boundary.	Complies: Existing planting is assessed as compliant with this standard aside from the road boundary east of the vehicle crossing. Planting can be established to comply.
GIZ-S6	Landscaping or fencing requirements on a side boundary The side boundary of a site that adjoins a site zoned as Rural must: 1. be planted or landscaped with planting that will, within two years of planting, reach a minimum height of 2m and a minimum depth of at least 2m from the side boundary; or 2. be fenced with a solid, close-boarded enclosed fence made with a minimum height of 1.2m above ground level and a maximum height of 2m above ground level.	Complies: Existing planting is assessed as compliant with this standard along the adjoining eastern boundary. New planting can be established on the Range 1 bund to comply.
GIZ-S7	Outdoor storage screening requirements Any outdoor storage area visible from an adjoining property or road must be screened from the property or road by: 1. planting or landscaping that will, within two years of planting, reach a minimum height of 2m and a minimum depth of at least 2m from the site boundary; or	Complies: All outdoor storage areas are screened from view from neighbours and the road.

Rule	Rule Parameter	Assessment
	2. a solid, close-boarded enclosed fence made with a minimum height of 1.2m above ground level and a maximum height of 2m above ground level.	
GIZ-S8	Minimum permeable surface area At least 20% of the site shall be planted in grass, vegetation or landscaped with permeable materials.	Complies: The majority of the site consists of permeable surfaces.
WB - Waterbodies		
WB-R1	Erection of a building on a site containing or adjoining a natural waterbody:	Permitted: No buildings are proposed within 10m of the unnamed tributary running along the eastern boundary of the site.
WB-R2	Relocation of a building onto a site containing or adjoining a natural waterbody	
WB-R3	Addition to a building on a site containing or adjoining a natural waterbody 1. the building is set back at least 10m from the natural waterbody.	
WB-R4 (under appeal)	Earthworks on a site containing or adjoining a natural waterbody: 1. the earthworks are set back at least 10m from any the natural waterbody.	Restricted Discretionary: Earthworks will be undertaken within 10m of the bank of the unnamed tributary associated with the extension and height increase for the Range 1 bund.
EW – Earthworks		
EW-R3	Earthworks for sport and recreation activities Permitted where: 1. all Earthworks Effects Standards are complied with.	Restricted Discretionary: Earthwork activity associated with the Range 1 berm extension will not comply with the fill height standard under EW-S2.
EW-R10	Earthworks for building activities (1) Permitted where: 1. the building activity is authorised by a building consent; 2. the earthworks are not for the purpose of constructing a driveway, right of way or accessway; 3. the total earthworks area does not exceed 150% of the area of the building activity; and 4. EW-S2, EW-S3, EW-S4 and EW-S5 are complied with. (2) Permitted where: 1. the building activity does not require a building consent; 2. the earthworks are not for the purpose of constructing a driveway, right of way or accessway; 3. the total earthworks area does not exceed 150% of the area of the building activity; and 4. all Earthworks Effects Standards are complied with.	Restricted Discretionary: Earthwork activity associated with building activity (for building activity requiring or not requiring building consent) will not comply with the fill height or cut depth standard under EW-S2.
EW-R13(2) (under appeal)	Earthworks not otherwise provided for in this table General Industrial Zone 1. in any 12 month period, the total volume of earthworks does not exceed 1,000m ³ per site; and 2. all Earthworks Effects Standards are complied with.	N/A: It is assumed in the first instance that earthwork activity is covered under EW-R3 and EW-R10.
EW-S1	Instability of land Earthworks or land disturbance must not result in any instability of land or structures at or beyond the boundary of the site where the earthworks occur.	Complies: Earthworks will be suitably designed and managed so as not to result in any instability of land at or beyond the property boundary.

Rule	Rule Parameter	Assessment
EW-S2	Maximum cut depth or fill height The cut depth or fill height (measured vertically) shall not exceed: <ol style="list-style-type: none"> outside the minimum building setback for the underlying zone: 1.5m; and inside the minimum building setback for the underlying zone: 0.5m. 	Does not comply: Earthwork activity will exceed the standard. Up to 4.21 m of fill activity will be required for the Range 1 bund formation (occurring both inside and outside of the minimum 8 m building setback). Up to 2.5 m of cut and fill activity will be required for the acoustic wall construction and the placement of the container between Range 5 and 6 (occurring outside of the minimum 8 m building setback).
EW-S3	Site reinstatement As soon as it is practicable, but no later than six months from the commencement of earthworks or land disturbance: <ol style="list-style-type: none"> the earthworks area shall be stabilised, filled, recontoured and revegetated to achieve 80% ground cover in a manner consistent with the surrounding land; or sealed, paved, metalled or built over. 	Complies: Earthworks will be stabilised and achieve 80% ground cover in a manner consistent with the surrounding land within 6 months of commencement.
EW-S4	Control of Silt and Sediment For the duration of earthworks or land disturbance, measures must be implemented to prevent silt or sediment from entering the stormwater system, waterbodies, overland flow paths, or roads. The measures must be installed prior to the commencement of earthworks or land disturbance and maintained until the site of the earthworks or land disturbance has been reinstated in accordance with EW-S3.	Complies: Silt and sediment control measures will be implemented for the duration of works to comply.
EW-S5	Requirements for discovery of sensitive material during earthworks or land disturbance	Complies: Discovery protocols will be followed under EW-S5 if sensitive material is found during site development.
NOISE - Noise		
NOISE-R1	Emission of noise (not otherwise provided for in this chapter) Permitted where: <ol style="list-style-type: none"> all Noise Effects Standards are complied with. 	Permitted: Following implementation of proposed mitigation measures noise generated by shooting activity is expected to comply with maximum noise levels under NOISE-S1.
NOISE-R2	Emission of noise from construction, maintenance and demolition activities Permitted where: <ol style="list-style-type: none"> the noise generated complies with NOISE-S2. 	Permitted: Construction activity will be managed to comply with NOISE-S2.
NOISE-S1(4)	Maximum noise levels - zone specific (4) General Industrial Zone <ol style="list-style-type: none"> Noise generated by any activity shall not exceed the following noise limits at any point within any other site in the General Industry Zone: <ol style="list-style-type: none"> All times - 70 dB LAeq(15 min). All times - 80 dB LMax. Noise generated by any activity shall not exceed the following noise limits at any point within the notional boundary of any noise sensitivity activity on any site in the Rural Production Zone and Future Urban Zone: <ol style="list-style-type: none"> 7am to 7pm – 55 dB LAeq(15 min). 7pm to 10pm – 50 dB LAeq (15 min). 	Complies: The Acoustic Report concludes that with mitigation as proposed, noise generated by the NPPC activity will comply with maximum noise levels under NOISE-S1.

Rule	Rule Parameter	Assessment
	c. 10pm to 7am – 45 dB LAeq (15 min). d. 10pm to 7am – 75 dB LAmax.	
NOISE-S2 (under appeal)	Maximum noise levels - activity specific 1. Construction work: The noise from any construction, maintenance, and demolition activity must be measured, assessed, managed, and controlled in accordance with the requirements of NZS 6803:1999 Acoustics Construction Noise. t	Complies: Construction activity will be managed to comply.
TRAN - Transport		
TRAN-R1	Roads and vehicle access points 1. the following are complied with: <ol style="list-style-type: none"> the standards set out in Council's Land Development and Subdivision Infrastructure Standard Local Amendments; and the vehicle access point dimensions required for fire appliances for developments in SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice where a fire appliance is not able to reach either a house or the source of a firefighting water supply from a public road; and 2. all Transport Effects Standards are complied with.	Restricted Discretionary: Not all transport effects standards will be complied with. See assessment below.
TRAN-R9	High Trip Generator Activities Permitted where: <ol style="list-style-type: none"> For existing activities: <ol style="list-style-type: none"> no change or variation to an existing lawfully established activity listed in TRAN – Table 1. Threshold: Sport and recreation activities: Accommodating in excess of 200 people at any one time.	N/A: The NPPC does not accommodate more than 200 people on site at any one time.
TRAN-R10	Vehicle access points onto a state highway Activity status: RDIS Where: <ol style="list-style-type: none"> an activity requires a new vehicle access point or an alteration or increase in the use of an existing vehicle access point onto a state highway; traffic generation in relation to a site is less than 60 vehicle movements per day; and all Transport Effects Standards are complied with. 	Discretionary: The proposal results in an increase in the use of the existing access point when compared to the existing environment. Traffic generation may exceed 60 vehicles movements per day.
TRAN-S1	Design standards for vehicle access points onto a state highway that is not a limited access road Minimum sight distance: 300 m Minimum distance of vehicle access point relative to intersections: 200 m Minimum spacing between vehicle access points on same or opposite frontages: 200 m	N/A: The vehicle access point is onto a state highway that is a limited access road.
TRAN-S2	Design standards for vehicle access points onto a local road, collector road or arterial road	N/A: The vehicle access point is onto a state highway.

Rule	Rule Parameter	Assessment
TRAN-S3	Vehicle access points All new vehicle access points must comply with the standards set out in section 3 of Council's Land Development and Subdivision Infrastructure Standard Local Amendments.	N/A: The vehicle access point is existing.
TRAN-S4	Minimum distance between vehicle access points and transport corridor intersections	N/A: The vehicle access point is onto a state highway. The vehicle access point would comply regardless.
TRAN-S5	Maximum width of vehicle access points 9m	Does not comply: The existing access point is approximately 10.8m in width.
TRAN-S7	Minimum number of on-site vehicle parking spaces for people with disabilities	Does not comply: No dedicated vehicle parking spaces for people with disabilities are provided.
TRAN-S8	Minimum number of on-site bicycle parking spaces	Does not comply: No dedicated on-site bicycle parking spaces are provided.
TRAN-S10	Requirements for on-site vehicle parking spaces - dimensions	N/A: No marked parking spaces are proposed.
TRAN-S11	Minimum vehicle parking space and manoeuvring dimensions	N/A: No marked parking spaces are proposed.
TRAN-S12	Requirements for on-site vehicle parking spaces - construction and formation General Industrial Zone 1. For sites with four or more on-site vehicle parking spaces, where the site is not adjacent to a residential zone: a. the area must be formed, to an all weather standard; and b. the gradient of the parking area must be a maximum of 1:20; and c. the area over which vehicles obtain access to the parking area must be sealed from the vehicle access point for 5m into the site.	Does not comply: Although there are no marked parking spaces, the activity provides parking for four or more vehicles. This standard is conservatively assessed as applicable. The existing parking area is not formed to an all weather standard, meaning a pavement that is useable by motor vehicles under all weather conditions. The parking area is in gravel and not pavement. The existing parking area complies with gradient requirements. A minimum 5m seal between the access and parking area is provided (approximately 13 m).
TRAN-S13	Requirements for on-site vehicle parking spaces - people with disabilities	N/A: No parking spaces for people with disabilities are proposed.
TRAN-S14	Requirements for on-site bicycle parking spaces	N/A: No bicycle parking spaces are proposed.
TRAN-S15	Minimum number of on-site loading and standing spaces 1. One loading space must be provided per site; and 2. Where more than one service vehicle or bus will be on-site at any one time, one standing space must be provided per site for every service vehicle or bus on-site in addition to the loading space.	N/A: The activity does not generate any service vehicle or bus movements.

Rule	Rule Parameter	Assessment
TRAN-S16 (under appeal)	Requirements for on-site loading and standing spaces - design	N/A: No loading or standing spaces are proposed.
TRAN-S17 (under appeal)	Requirements for on-site loading and standing spaces – construction and formation	N/A: No loading or standing spaces are proposed.
TRAN-S18	Requirements for driveways - design <ol style="list-style-type: none"> Every parking, loading and standing space must have driveways and aisles for entry and exit of vehicles to and from the road, and for vehicle manoeuvring within the site. Access and manoeuvring areas must accommodate the 85th percentile car tracking curves in TRAN - Figure 7 in TRAN-S10. The required driveway must not include any space used for on-site parking, loading or standing space, or vehicle access point; Where an activity or subdivision involves the creation of a vehicle access point, the formation of the vehicle access point must be compliant with TRAN-S4. 	Complies: The existing driveway is assessed as compliant.
TRAN-S19	Requirements for driveways- construction and formation All driveways must comply with the following standards: <ol style="list-style-type: none"> Minimum width of the driveway: 3.5m; and Maximum gradient of the driveway: 1:5; and A passing bay(s) must be provided in compliance with Council's Land Development and Subdivision Infrastructure Standard Local Amendments where the driveway length is 50m or longer and is spaced at no more than 50m intervals; and A turning area(s) must be provided in compliance with TRAN-S22 where the driveway length is 50m or longer. 	Complies: The existing driveway is assessed as compliant. No passing bay or turning area is required as the driveway is less than 50 m in length.
TRAN-S21	Requirements for on-site manoeuvring space – provision On-site manoeuvring spaces must be provided where: <ol style="list-style-type: none"> a single vehicle access point serves four or more required parking spaces; access to a site is obtained from a state highway, arterial road or collector road; or a site has two tandem parking spaces which comply with TRAN-S13. 	Complies: On-site manoeuvring space is available.
TRAN-S22	Requirements for on-site manoeuvring space - design	Complies: On-site manoeuvring space is available.
TRAN-S23	Requirements for on-site queuing space - provision and design On-site queuing space must be provided when six or more, but 30 or less, parking, loading or standing spaces combined are provided on-site. On-site queuing lengths, measured from the commencement of the driveway at the site boundary, must comply with the following: <ol style="list-style-type: none"> 6m into the site if the largest vehicle to visit the site is a car; or 8m into the site if the largest vehicle to visit the site is a medium service vehicle; or 	Complies: On-site queuing space in excess of 13 m is provided.

Rule	Rule Parameter	Assessment
	3. when the largest vehicle to service the site is greater than a medium service vehicle, then this vehicle must be able to be accommodated within the site.	
ECOR – Entrance Corridors		
ECOR-R6 (under appeal)	Building activities (excluding demolition or removal of a structure) on sites adjoining an entrance corridor Permitted where: 1. all Entrance Corridor Effects Standards are complied with.	Restricted Discretionary: New building activity does not comply with all ECOR effects standards. See assessment below.
ECOR-R7 (under appeal)	Outdoor storage on sites adjoining an entrance corridor Permitted where: 1. all Entrance Corridor Effects Standards are complied with.	Restricted Discretionary: Outdoor storage areas will not comply with all ECOR effects standards. See assessment below..
ECOR-S1 (under appeal)	Minimum setback from the road boundary for structures on sites adjoining an entrance corridor General Industrial Zone: 20m.	Does not comply: The new two-storey building will be established in part within 20m of the road boundary (approximately 8.5m at the closest point). The existing fence within the 20m setback may be upgraded as part of noise mitigation measures to achieve a 3m high acoustic fence.
ECOR-S2 (under appeal)	Minimum landscaped setback area on sites adjoining an entrance corridor At least 60% of the setback area specified in ECOR-S1 shall be landscaped with trees and shrubs, with or without grass.	Does not comply: Less than 60% of the 20m setback area from the road boundary is landscaped with trees and shrubs.
ECOR-S3 (under appeal)	Outdoor storage on sites adjoining an entrance corridor Outdoor storage: 1. must not be located within the setback area specified in ECOR-S1; and 2. must not be visible from an entrance corridor; or 3. must be screened from the entrance corridor by planting and landscaping, or a combination of planting, landscaping and a wall or fence, provided that: a. the planting and landscaping must, within two years, reach a minimum height of 2m; and b. any wall or fence must be solid or close-boarded with a height of: i. Residential Zones: 1.2m - 1.4m above ground level; ii. All other zones: 1.2m - 2m above ground level.	Complies: Any outdoor storage areas located within the 20m setback area will be screened.
HH - Historic Heritage		
HH-R14	Land disturbance (excluding earthworks) within the extent of a scheduled archaeological site, or within 50m of the extent of a mapped archaeological site	N/A: No land disturbance will occur within 50 m of the extent of AS:448.
HH-R24	Erection of a structure and associated earthworks within the extent of a scheduled archaeological site, or within 50m of the extent of a mapped archaeological site	N/A: No structures will be established within 50 m of the extent of AS:448.

Rule	Rule Parameter	Assessment
HH-R25	Additions to a structure and associated earthworks within the extent of a scheduled archaeological site, or within 50m of the extent of a mapped archaeological site	
HH-R26	Relocation of a structure and associated earthworks to within the extent of a scheduled archaeological site, or to within 50m of the extent of a mapped archaeological site	
HH-R30	Earthworks within the extent of a scheduled archaeological site, or within 50m of the extent of a mapped archaeological site	N/A: No earthworks will occur within 50 m of the extent of AS:448.
SASM - Sites and Areas of Significance to Māori		
SASM-R1	Land disturbance (excluding earthworks) within the extent of a scheduled site or area of significance to Māori, or within 50m of the extent of a mapped SASM	N/A: No land disturbance will occur within 50 m of the extent of SASM:448.
SASM-R4	Erection of a structure within 50m to 100m of a scheduled site or area of significance to Māori	Permitted: No building or structure within 50-100 m of SASM:448 will exceed 10 m in height.
SASM-R5	Additions to a structure within 50m to 100m of a scheduled site or area of significance to Māori	
SASM-R6	Relocation of a structure to within 50m to 100m of a scheduled site or area of significance to Māori Permitted where: 1. the building or structure does not exceed 10m in height or the maximum height permitted in the underlying zone, whichever is the lesser.	
SASM-R11 (under appeal)	Erection of a structure and associated earthworks within the extent of a scheduled site or area of significance to Māori, or within 50m of the extent of a mapped SASM	N/A: No structures will be established within 50 m of the extent of SASM:448.
SASM-R12 (under appeal)	Additions to a structure and associated earthworks within the extent of a scheduled site or area of significance to Māori, or within 50m of the extent of a mapped SASM	
SASM-R13 (under appeal)	Relocation of a structure and associated earthworks to within the extent of a scheduled site or area of significance to Māori, or to within 50m of the extent of a mapped SASM	
SASM-R17	Earthworks within the extent of a scheduled site or area of significance to Māori, or within 50m of the extent of a mapped SASM	N/A: No earthworks will occur within 50 m of the extent of SASM:448.
NU – Network Utilities		
NU-R39 (under appeal)	Land disturbance within the Gas Transmission Pipeline Corridor	N/A: No land disturbance or earthworks will occur within the Gas Transmission Pipeline Corridor.

Rule	Rule Parameter	Assessment
NU-R40 (under appeal)	Earthworks within the Gas Transmission Pipeline Corridor (not covered by NU-R39)	

Table B 2: Operative District Plan Rule Assessment

PDP Rule	Rule Parameter	Assessment
NOISE		
Ind80	Noise generated by noise generated by CONSTRUCTION WORK, measured in accordance with NZS 6803P:1984 The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work	Permitted: Construction activity will be managed to comply with conditions for a permitted activity as specified in Table 12.1 in Appendix 12.
WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI and ARCHAEOLOGICAL SITES		
OL 81	ERECTION of STRUCTURES (excluding MINOR UPGRADING) in the vicinity of WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI and/or ARCHAEOLOGICAL SITES on any WAAHI TAONGA/ SITE OF SIGNIFICANCE TO MAORI or ARCHAEOLOGICAL SITE in the RURAL, INDUSTRIAL or OPEN SPACE ENVIRONMENT AREA listed in Appendix 26 or within: 50m	N/A: No land disturbance will occur within 50 m of the extent of AS:448.
OL 82	ERECTION of STRUCTURES (excluding MINOR UPGRADING) in the vicinity of WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI and/or ARCHAEOLOGICAL SITES on any WAAHI TAONGA/ SITE OF SIGNIFICANCE TO MAORI or ARCHAEOLOGICAL SITE in the RURAL, INDUSTRIAL or OPEN SPACE ENVIRONMENT AREA listed in Appendix 26 or within: 100m may be erected up to a maximum HEIGHT of 10m, unless the underlying ENVIRONMENT AREA specifies a lesser HEIGHT; or is for the purpose of the ERECTION OF LINES	Permitted: No building or structure within 50-100 m of SASM:448 will exceed 10 m in height.
OL85	EXCAVATION and FILLING, clearance of TREES (excluding MINOR UPGRADING) on or within 50m of any WAAHI TAONGA/SITE OF SIGNIFICANCE TO MAORI or ARCHAEOLOGICAL SITE listed in Appendix 26	N/A: No earthworks will occur within 50 m of the extent of AS:448.

APPENDIX C PLAN SET

APPENDIX D RECORD OF TITLE



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy




R. W. Muir
Registrar-General
of Land

Identifier **945222**
Land Registration District **Taranaki**
Date Issued 14 May 2020

Prior References
933529

Estate Fee Simple
Area 110.3370 hectares more or less
Legal Description Lot 1 Deposited Plan 19854
Registered Owners
Te Atiawa Iwi Holdings Limited Partnership

Interests

Subject to Section 59 Land Act 1948 (affects part formerly comprised in TNB2/818)
165446 Pipeline Certificate and Variation thereof pursuant to Section 70 of the Petroleum Act 1937 in favour of the Natural Gas Corporation of New Zealand - 23.12.1968 at 2:59 pm (affects part formerly comprised in TN144/11)
171538 Certificate declaring State Highway 3 adjoining the within land to be a limited access road - 26.9.1969 at 10:26 am
Subject to a right (in gross) to drain stormwater over part marked V-W DP 12910 in favour of New Plymouth District Council created by Transfer 268121.3 - 18.6.1980 at 11:07 am
The easements created by Transfer 268121.3 are subject to Section 37 (1) (a) Counties Amendment Act 1961
Subject to a right (in gross) to convey water over part marked B on DP 312222 in favour of New Plymouth District Council created by Deed of Easement 11570564.1 embodied in the Register as RT 916091 - 22.2.2011 at 7:00 am
Subject to Part IVA Conservation Act 1987 but sections 24(2A), 24A, and 24AA of that Act do not apply
Subject to Section 11 Crown Minerals Act 1991



16 JUL 1998



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
Search Copy




R. W. Muir
Registrar-General
of Land

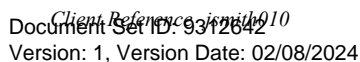
Identifier **916091**
Land Registration District **Taranaki**
Date Registered 07 October 2019 07:00 am

Prior References
11570564.1

Type	Deed of easement under s60 Land Act 1948	Instrument	YEC 11570564.1
Area	110.3370 hectares more or less		
Legal Description	Lot 1 Deposited Plan 19854		
Purpose	Easement (in gross) for right to convey water over part marked B on DP 312222		

Registered Owners
New Plymouth District Council - Grantee

Interests



YEC 11570564.1 Deed
Title Diagram Deed of Easement

Copy - 01/01, Pgs - 009, 21/10/19, 14:12



DocID: 5190*5569

Dated

10 Dec

2019

DEED OF GRANT OF EASEMENT
(Pursuant to Section 60 of the Land Act 1948)

Grantor
**THE COMMISSIONER OF CROWN LANDS at
Wellington**

Grantee
NEW PLYMOUTH DISTRICT COUNCIL

8 21
19/12

DEED OF GRANT OF EASEMENT (Pursuant to section 60 Land Act 1948)**DATED** 10th June 2019**PARTIES**

1. **THE COMMISSIONER OF CROWN LANDS** at Wellington ("the Grantor")
- AND**
2. **NEW PLYMOUTH DISTRICT COUNCIL** ("the Grantee")

BACKGROUND

- A. The Grantee wants to obtain an Easement for a right to convey water over the Easement Land with respect to an existing water supply pipeline.
- B. The Grantor has agreed to grant to the Grantee an Easement over the Easement Land being part of the Grantor's Land and the Grantee agrees to accept the granting of the Easement on the terms and conditions set out in this Deed.

TERMS OF THIS DEED**1. DEFINITIONS AND INTERPRETATION****1.1 In this Deed (including the Schedules):**

"Deed" means this Deed including the Background.

"Easement" means the easement in gross for the Right to convey water.

"Easement Land" means the area of the Grantor's Land shown B on Deposited Plan 312222 within which the Grantee may exercise the rights granted by this Deed.

"Equipment" includes equipment, tools, machinery and all materials and items required for the purposes of exercising any of the rights granted by this Deed.

"Grantee" includes the Grantee's servants, agents, employees, workers, invitees, licensees and contractors with or without any vehicles, machinery or equipment.

"Grantor's Land" means unregistered Crown land described as Lot 1 Deposited Plan 19854.

"HSW Act" means the Health and Safety at Work Act 2015.

"Install" means install, lay, suspend, extend, connect, inspect, use, replace, and remove.

"Machinery" includes cranes, drilling rigs, plant, pile drivers, excavators and other similar tools and machinery.

"Maintain" includes maintain, repair, renew, alter and inspect and **"maintenance"** has a similar meaning.

Deed of Grant of Easement - New Plymouth District Council

Page 1

"Right to convey water" means the right for the Grantee, in common with the Grantor and other persons to whom the Grantor may grant similar rights, at all times, to take and convey water in free and unimpeded flow from the source of supply or point of entry under the Easement Land without interruption or impediment.

"Structures" includes pipes, pumps, pump sheds, storage tanks, water purifying equipment, other equipment suitable for that purpose, and anything in replacement or substitution.

"Vegetation" includes all vegetation both cultivated and natural and includes grass, crops, trees, and shrubs.

"Vehicles" includes trucks, tractors, cars, bicycles, motorcycles (2 and 4 wheeled) and trailers whether wheeled or tracked.

"Working Day" means any day of the week excluding Saturday, Sunday, national statutory holidays, and the anniversary days commonly observed in Wellington, Auckland, and in the locality in which the Easement Land is situated.

1.2 In the interpretation of this Deed unless the context otherwise requires:

1.2.1 the headings and subheadings appear as a matter of convenience and shall not affect the interpretation of this Deed;

1.2.2 references to any statute, regulation or other statutory instrument or bylaw shall be deemed to be references to the statute, regulation, instrument or bylaw as from time to time amended and includes substitution provisions that substantially correspond to those referred to;

1.2.3 references to the Grantor and the Grantee include their successors and assigns and, where not repugnant to the context, their employees, contractors, agents, lessees, licensees, and invitees; and

1.2.4 the singular includes the plural and vice versa and words incorporating any gender shall include every gender.

2. GRANT OF EASEMENT

2.1 Pursuant to section 60 of the Land Act 1948 the Grantor grants to the Grantee a Right to convey water in gross under the Easement Land in perpetuity together with the following incidental rights and powers:

2.1.1 the right to Install and Maintain the Structures under the Easement Land, provided that lids and marker pegs for the valves and man holes may be Installed and Maintained above the Easement Land; and

2.1.2 the right from time to time and at all times to enter, exit, pass and remain on such part of the Grantor's Land as is reasonable for the exercise of the rights granted under this Deed from time to time and at all times for all purposes reasonably necessary for the exercise of the rights granted under this Deed with or without Vehicles or Machinery necessary for such purposes but subject to the limitations expressed in this Deed.

2.2 The rights granted under this Deed to the Grantee are non-exclusive and are exercisable in common with the Grantor and any other person having similar rights either now or in the future. The easement rights granted under this Deed to the Grantee are subject to the compliance by the Grantee with the obligations imposed on it under this Deed.

3. CONSIDERATION**3.1 In consideration of the Grant of Easement in this Deed:**

3.1.1 the Grantee shall pay the Grantor \$8,000 plus GST (if demanded); and

3.1.2 the Grantee shall observe the obligations imposed on it under this Deed.

3.2 The Grantee will pay the consideration to the Grantor by the 20th day of the month following the receipt of a valid tax invoice from the Grantor, to be provided as soon as reasonably practicable following the commencement of this Deed.

4. REGISTRATION

4.1 This Deed will be registered pursuant to section 60 of the Land Act 1948, at the sole expense of the Grantee.

5. OBLIGATIONS OF THE GRANTEE**5.1 The Grantee shall when exercising its rights under this Deed:**

5.1.1 wherever possible remain on the formed roads and tracks and when on those roads or tracks comply with all traffic laws and regulations as are applicable to public roads or in accordance with the Grantor's directions;

5.1.2 immediately after passing through any gates, close such of them as were closed and lock such of them as were locked immediately before such passing through;

5.1.3 take all reasonable precautions for guarding against any danger (including but without limitation, fire, physical damage or transmission of disease or spread of contaminants), and in particular shall (but without limiting the general obligation to take full and proper precautions pursuant to this clause 5.1.3) comply with all conditions that may be imposed from time to time by the Grantor or any lawful authority;

5.1.4 ensure that as little damage or disturbance is caused to the surface of the Easement Land and/or the Grantor's Land and that the surface is restored as nearly as possible to its former condition prior to the Grantee's use pursuant to this Easement and any other damage done by reason of the activities permitted on the Easement Land by this Deed is similarly restored;

5.1.5 the Grantee shall, at its cost, repair to the satisfaction of the Grantor any part of the Easement Land and/or the Grantor's Land, including the tracks, fences, gates, drains, buildings or other structures, which is damaged directly or indirectly by the Grantee.

5.2 The Grantee covenants that when it exercises its rights under this Deed it shall do so at all times in a manner so as not to obstruct or hamper the Grantor, or any agents, employees and contractors of the Grantor in their normal or reasonable use of the Easement Land.

5.3 The Grantee shall not at any time carry out on the Easement Land any activity which is not provided for under clause 2 of this Deed, or do any other thing which would affect the ability of the Grantor to use the Easement Land.

5.4 The Grantee covenants to ensure compliance at its own cost at all times with all statutes and regulations, ordinances and by-laws, placing obligations on the Grantee and covenants to obtain all approvals, consents and authorisations at its own cost as are necessary for the Grantee to lawfully conduct the activities permitted by this Deed, including compliance by the Grantee's servants, employees and invitees entering upon the Easement Land from time to time.

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- 5.5 The Grantee shall at all times use its best endeavours to keep the Easement Land clear of noxious weeds, pests, disease and contaminants resulting from the Grantee's exercise or attempted exercise of its rights under the Easement.
- 5.6 The Grantee shall maintain at its own expense the Structures and shall prevent the Structures from becoming a danger or nuisance.
- 5.7 In accordance with section 34 of the HSW Act, the Grantee shall, so far as is reasonably practicable, consult, cooperate with, and coordinate activities with:
- 5.7.1 the Grantor; and
- 5.7.2 other persons conducting a business or undertaking (as defined in section 17 of the HSW Act) who are accessing any part of the Easement Area,
- in order to ensure that at all times, each of the parties referred to is complying with its duties under the HSW Act and promulgated regulations.
- 5.8 The Grantee will comply with its duties in respect of the HSW Act and promulgated regulations and ensure its own health and safety and that of its workers and any person who enters on any part of the Grantor's Land and/or the Easement Area at the request of the Grantee.
- 5.9 The Grantee shall so far as is reasonably practicable, ensure the safety of its workers, and shall ensure the safety of other persons is not put at risk from work carried out by the Grantee on the Easement Area.

6. OBLIGATIONS OF THE GRANTOR

- 6.1 The Grantor shall not do anything on the Easement Land whereby the rights, powers and liberties granted to the Grantee by this Deed may be interfered with and in particular the Grantor shall not without the consent in writing of the Grantee (which will not be unreasonably withheld):
- 6.1.1 erect or permit the erection of any structures on the Easement Land except as allowed as of right under clauses 6.1.3 and 2.1.1;
- 6.1.2 make any alterations or additions to any structure on the Easement Land which affects the overall dimensions;
- 6.1.3 erect any fence of a height of more than three (3) metres on the Easement Land.

7. OWNERSHIP AND REMOVAL OF STRUCTURES

- 7.1 The Structures will remain the property of the Grantee and will not for any reason become the property of the Grantor.
- 7.2 Subject to clause 7.4, the Grantee will, on termination of the rights created by this Deed in accordance with clause 13, remove the Structures from the Easement Land within 40 Working Days of the date of termination and will make good any damage caused to the Grantor's Land in doing so and will restore the Easement Land and/or the Grantor's Land as nearly as possible to the condition that it was at the commencement of this Deed.
- 7.3 If the Grantee has not taken the steps set out in clause 7.2 of this Deed within the specified time (subject to clause 7.4), the Grantor may remove the Structures from the Easement Land and make good any damage caused to the Grantor's Land in doing so and restore the Easement Land and/or the Grantor's Land as nearly as possible to the condition that it was at the commencement of this Deed and recover all costs incurred from the Grantee.

- 7.4 The provisions of clause 7.2 and 7.3 will not apply if, in the Grantee's reasonable opinion, removal of the Structures is not reasonably practicable in the circumstances.

8. COSTS

- 8.1 The Grantee shall bear all reasonable costs and expenses (including the Grantor's legal costs) in relation to the preparation and enforcement of any provisions of this Deed.
- 8.2 The Grantee shall be solely responsible for the registration (if any) of this Deed and any associated costs.
- 8.3 All the costs of the construction, repair and maintenance of the Structures, and the carrying out of all associated works permitted by this Deed shall be at the Grantee's cost.

9. NO GRANTOR WARRANTY

- 9.1 The Grantee acknowledges that it has entered into this Deed in reliance upon its own judgement and not in reliance upon any representations or warranties made by or on behalf of the Grantor as to the suitability of the Easement Land for any purpose or otherwise.

10. GRANTEE INDEMNITY

- 10.1 The Grantee hereby indemnifies the Grantor against any loss, claim, damage, expense or liability or proceeding suffered or incurred at any time by the Grantor resulting from any breach of the Grantee's obligations under this Deed.
- 10.2 The Grantee acknowledges that this Deed is granted on the basis that the Grantee and any of its invitees when they enter and/or use the Easement Land by virtue of this Easement, do so strictly at their own risk **AND** the Grantee shall indemnify the Grantor from and against any action or claim made by any person the Grantee permits to enter into and upon the Easement Land.
- 10.3 Clauses 10.1 and 10.2 will only apply if the Grantor is the Commissioner of Crown Lands or the Crown (as that term is defined in the Public Finance Act 1988).

11. LIMITATION OF LIABILITY

- 11.1 Under no circumstances will the Grantee seek to claim against the Grantor in contract, tort, or otherwise for any expense, costs, loss, injury, or damage whether consequential or otherwise, arising directly or indirectly from this Deed or any activity undertaken by the Grantor on the Grantor's Land, whether the expense, cost, loss, injury or damage is the direct or indirect result of negligence or otherwise.
- 11.2 The maximum amount payable by the Grantee to the Grantor in respect of any liability arising:
- 11.2.1 under clause 10.1;
 - 11.2.2 for a breach of any provision of this Deed; or
 - 11.2.3 otherwise at law,
- is \$5,000,000.

12. ASSIGNMENT

- 12.1 The Grantee may not transfer, lease, assign or licence all or any part of its interest in the Easement Land, and/or the rights in this Deed or any parts of those rights without the prior written consent of the Grantor, such consent not to be unreasonably withheld. Any transfer, lease, assignment or licence shall be subject to the rights and obligations set out in this Deed (and any such other rights and obligations as the Grantor may reasonably require).
- 12.2 To avoid doubt, the Grantor agrees that any assignment by the Grantee, by operation of law or otherwise, to a successor local authority as a result of a local authority reorganisation, is not a breach of clause 12.1.

13. TERMINATION

- 13.1 The Grantor may terminate the rights created by this Deed if the Grantee breaches any of the terms of this Deed and the breach remains unrectified following written notice to the Grantee specifying the breach and seeking rectification within 20 Working Days or such other time agreed in writing by the parties.
- 13.2 If the breach remains unrectified (or is unable to be rectified) then termination must be by written notice from the Grantor.
- 13.3 Upon termination (for whatever reason) of the Grant of Easement evidenced by this Deed all rights of the Grantee shall immediately cease (subject to clause 7.2 of this Deed) but the Grantee shall not be released from any liability to pay consideration or other moneys up to the date of termination, AND the Grantee shall forthwith at its cost decommission and remove the Structures placed by it upon the Easement Land and reinstate the Easement Land.
- 13.4 Upon termination the Grantee shall formally surrender the rights under this Deed and surrender the Grant of Easement.

14. DISPUTES

- 14.1 If any dispute arises between the Grantor and the Grantee concerning the rights and obligations created by this Deed the parties shall enter into negotiations in good faith to resolve their dispute. If the dispute is not resolved within 20 Working Days of the date on which the parties begin their negotiations the parties shall submit to the arbitration of an independent arbitrator appointed jointly by the parties, and if one cannot be agreed upon within a further 10 Working Days, the President or his nominee for the time being of the New Zealand Law Society will appoint an independent arbitrator in the area. Such arbitration shall be determined in accordance with the Arbitration Act 1996, excluding the Second Schedule thereof, and the parties' execution of this Deed shall be deemed to be a submission to arbitration PROVIDED THAT this clause shall be subject in all respects to the provisions of section 17 of the Land Act 1948.

15. NOTICES

- 15.1 Any notice to be given by one party to the other under this Deed shall be in writing and shall be forwarded by either delivering or posting it to the address at the appropriate address set out below or to such address notified by the address in writing to the other party:

The Grantor's Address:

Land Information New Zealand
Crown Property Management
Radio New Zealand House
155 The Terrace, P O Box 5501
WELLINGTON
Fax Number: (04) 477 5564

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The Grantee's Address:

New Plymouth District Council
Private Bag 2025
NEW PLYMOUTH 4342
Fax Number: (04) 759 8072

15.2 All such notices shall be deemed to have been delivered:

15.2.1 if posted, three (3) Working Days following deposit in the mail with postage prepaid; or

15.2.2 if delivered, when delivered by hand; or

15.2.3 if sent by facsimile, when a completed transaction report is received by the sender unless a verifiable query as to material legibility is promptly raised by the recipient,

provided, however, that a notice sent or delivered on a day which is not a Working Day shall be deemed to be received at 9am on the next Working Day.

16. SEVERABILITY

16.1 If any part of this Deed is held by any court or administration body of competent jurisdiction to be illegal, void, or unenforceable, such determination shall not impair the enforceability of the remaining parts of this Deed which shall remain in full force.

17. COVENANTS IMPLIED BY LAND TRANSFER REGULATIONS 2018

17.1 The implied rights and powers set out in Schedule 5 of the Land Transfer Regulations 2018 are specifically excluded and replaced with those contained in this Deed.

18. NO WAIVER

18.1 A waiver of any provision of this Deed shall not be effective unless given in writing, and then it shall be effective only to the extent that it is expressly stated to be given.

18.2 A failure, delay or indulgence by one party in exercising any power or right shall not operate as a waiver of that power or right. A single exercise or partial exercise of any power or right shall not preclude further exercises of that power or right or the exercise of any other power or right.

19. GOVERNING LAW

19.1 This Deed shall be governed by and construed in accordance with New Zealand law.

20. BINDING ON SUCCESSORS

20.1 This Deed will be binding on and endure for the benefit of the executors, administrators, successors, and assigns of both parties.


21. FURTHER ASSURANCES

21.1 Each of the parties agrees to execute and deliver any documents and to do all acts and things as may reasonably be required by the other party to obtain the full benefit of this Deed according to its true intent.

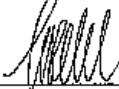
10th June 2018

IN WITNESS WHEREOF this Deed has been duly executed on the date first written above.

Signed by
acting for and on behalf of the Commissioner of
Crown Lands pursuant to a delegation under
section 41 of the State Sector Act 1988


Signature
Jacob Taula
Land & Property Manager
Crown Property

In the presence of:


Witness signature

Full name (please print) Sherlene Ho
Portfolio Manager
Crown Property
Land Information New Zealand
Occupation (please print) Wellington

Address (please print)

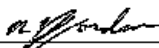
Signed for and on behalf of New Plymouth
District Council in the presence of:

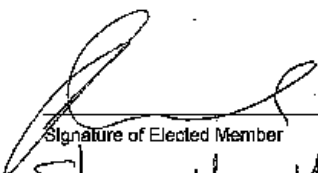

Witness signature

Lisa Lowe
Full name (please print)

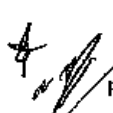
Executive Assistant
Occupation (please print)

New Plymouth
Address (please print)
District Council


Signature of Elected Member
RICHARD THOMAS JORRAN
Full name of Elected Member (please print)


Signature of Elected Member
Sarah Marie Haddock
Full name of Elected Member (please print)

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APPENDIX E ASSESSMENT OF ENVIRONMENTAL NOISE EFFECTS

File Ref: AC23328 – 01 – R5

1 August 2024

Mr M O'Sullivan
President
New Plymouth Pistol Club
1220 Devon Road
Bell Block
NEW PLYMOUTH 4373

Email: president@newplymouthpistolclub.org.nz

Dear Mike

**Re: New Plymouth Pistol Club
Assessment of Environmental Noise Effects**

Acoustic Engineering Services Ltd (AES) have been engaged by New Plymouth Pistol Club to provide acoustic engineering advice to support a Resource Consent application for the club. The Applicant requires an assessment of environmental noise effects for the activity with regard to section 104 (1) of the Resource Management Act (RMA), which requires the actual and potential effects of the activity to be considered.

We have based our analysis on our correspondence to date.

1.0 BACKGROUND

1.1 Site and surrounding area

The New Plymouth Pistol Club is located at 1220 Devon Road (State Highway 3), and is located approximately 150 metres west of the closest dwelling, as shown below in figure 1.1. The land that is used by the Club is outlined in orange.

The site is within the General Industrial Zone in the New Plymouth District Plan. The land to the east of the site is zoned Rural Production Zone, and the land to the north across Devon Road is zoned Special Purpose – Future Urban Zone. The other land surrounding the site is also within the General Industrial Zone.

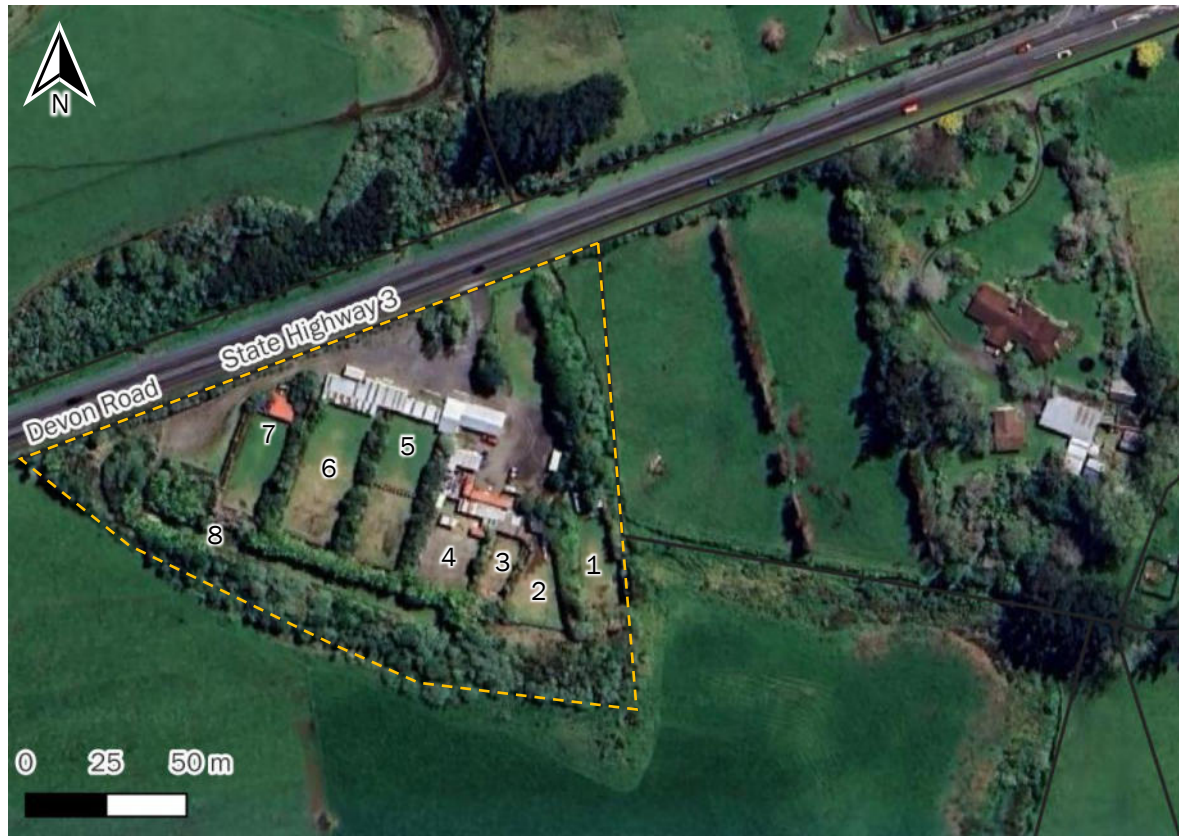


Figure 1.1 – Site and surrounding area

1.2 Current and proposed activity

The Club is used by members for recreation, training for competitions, and for competitions. It is also used by schools, other shooting clubs, and open days for public or corporate events. The New Zealand Police | Ngā Pirihimana O Aotearoa and the Armed Offenders Squad will also use the facility for training and certification.

The Club currently has eight ranges, which are labelled in figure 1.1 above. Currently the following shooting disciplines are undertaken on each range:

Table 1.1 – Shooting disciplines by range

Range	Shooting disciplines
1	Speed, IPSC
2	Speed
3	Cowboy Action Shooting, Speed
4	Cowboy Action Shooting, Speed, IPSC
5	Speed, Muzzle loading, ISSF
6	Action Shooting, Service Pistol, Speed
7	Action Shooting, IPSC, Speed, Multi Gun
8	Speed, Sighting in rifles

An explanation of these disciplines can be found at the hyperlink below:

<https://www.newplymouthpistolclub.org.nz/types-of-pistol-shooting/>

The Club currently operates under conditions given in an abatement notice dated the 18th of August 2022, which limits shooting to the following times:

- Tuesday, between 9 am and 4 pm
- Wednesday between 9 am and 4 pm
- Thursday between 5 pm and 8 pm
- Saturday between 9 am and 4 pm
- Sunday between 10 am and 4 pm

Regular shooting events are scheduled on Wednesday mornings, Thursday evenings, and Sunday mornings.

As part of this process to draft and apply for a new Resource Consent for the overall activity, extensive measurements, modelling, and consultation with the Club has been undertaken, to establish what the best practicable options are for managing the Club's noise effects within the constraints of the current site.

As a result, the following noise mitigation measures are to be implemented (also illustrated in figure 1.2 below):

Physical mitigation:

- An increase in height of 3 metres for the bund next to Range 1.
- An extension of the bund next to Range 1 behind the back of the Range.
- Build a 7 metre high acoustic fence between Ranges 1 and 2.
- An additional 40 foot container stacked on top of the existing container behind Range 4, and two other stacks of 40 foot containers to the east and north of the existing container. All containers to be 'high-cube' (2.9 metres).
- Reconstruct the bund between Ranges 3 and 4, with a 1.5 metre high fence above.
- A new two storey club building behind Ranges 5 and 6, which blocks the line of sight to 1222 Devon Road dwellings from all shooting positions. On Range 5 shooting bays should have a solid partition on each side of the bay and roof above all lined with minimum NRC 0.6 noise absorbing material (for example Woodtex or mineral wool). The partitions should extend 1.5 m in front of the shooting position, and the distance between partitions should be no greater than 2 metres.
- A 7 metre high acoustic barrier between the new club building and containers, as well as between the Range 1 bund and the containers.
- A barrier (30 metres long) reaching to 7 m high above the bund between Ranges 4 and 5.
- Two 40 foot 'high-cube' containers stacked halfway down Range 6 on the side.
- Any gaps in the 3 metre high fence behind Range 7 filled and upgrades made as necessary to achieve acoustic specifications.

We note that a wide range of other possible mitigation was also considered, but determined not to be practicable following engineering and other expert advice, for example:

- Increase in height of other existing bunds was not considered practicable, as the bund footprint would increase and intrude into the ranges.
- It is not possible to construct a lightweight acoustic fence on top of the existing bunds, as a robust foundation system which extends down through the bund is not practicable.
- Gabion baskets on top of the existing bunds are not practicable, as the existing bunds are constructed from tyres and fill material, which is not a suitable foundation.
- Moving targets down the Range (to avoid shooters advancing down the range to less screened positions) is not possible due to safety and ammunition issues.
- Close proximity shooting shelters are not practicable in situations where shooters are required to move to different locations on each Range.



Figure 1.2 – Proposed physical noise mitigation at New Plymouth Pistol Club

The overall open hours sought under this Consent are 0900 to 2100 hours on any day of the week. We understand that this is likely to result in the following intensity of use:

- Typically, daily use may be 4 – 8 hours per day for all club and training use, with club members also using the facility on weekends, especially on Sunday when most events are held.
- Use by other shooting clubs and open days for public or corporate events occur occasionally and is often on weekends or evenings.

- Police will use the facility for training and certification as required, which is typically three days per month. The Armed Offenders Squad uses the Club approximately five times per year.
- Between 6 – 8 times a year the Club may operate a local or national competition with up to 160 attendees for an average of three days. The competitions typically run between 0900 to 1700 hours with some set-up testing from 0800 hours and some repairs and testing after 1700 hours in preparation for the competition on the next day.

2.0 APPROPRIATE GUNSHOT NOISE LEVELS

The Resource Management Act requires consideration of the significance of any adverse effects associated with the proposal. Guidance as to the significance of any adverse noise effects may be obtained from several sources.

2.1 New Plymouth District Plan

The site is located in the General Industrial Zone in the New Plymouth Proposed District Plan. The New Plymouth District Plan is currently being revised, however rules relating to noise emissions from sites located in the General Industrial Zone are already operative. Therefore, the following noise limits from Rule NOISE-S1 will apply:

Table 2.1 - Excerpt from Rule NOISE-S1 of the Proposed New Plymouth District Plan

<p>(4)</p> <p>General Industrial Zone</p>	<p>1. Noise generated by any activity shall not exceed the following noise limits at any point within any other site in the General Industry Zone:</p> <p>a. All times – 70 dB $L_{Aeq(15\ min)}$</p> <p>b. All times – 80 dB L_{Amax}</p> <p>2. Noise generated by any activity shall not exceed the following noise limits at any point within the notional boundary of any noise sensitivity activity on any site in the Rural Production Zone, ... Future Urban Zone ...:</p> <p>a. 7am to 7pm – 55 dB $L_{Aeq(15\ min)}$</p> <p>b. 7pm to 10pm – 50 dB $L_{Aeq(15\ min)}$</p> <p>c. 10 pm to 7am – 45 dB $L_{Aeq(15\ min)}$</p> <p>d. 10 pm to 7am – 75 dB L_{Amax}</p>	<p>Matters of discretion if compliance not achieved:</p> <p>1. Management of effects from the activities with regard to the matters set out in NOISE-P3.</p> <p>2. Any mitigation of the noise proposed in accordance with a best practicable option approach (e.g. site layout and design, design and location of structures, buildings and equipment and the timing of operations).</p> <p>3. The ability to mitigate adverse effects through the imposition of conditions such as noise attenuation.</p>
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Where $L_{Aeq(15\ min)}$ is the average A-weighted noise level measured over a 15 minute period, and L_{Amax} means the maximum A-weighted sound level during a stated time period.

2.2 New Zealand Standard NZS 6802:2008

NZS 6802:2008 *Acoustics – Environmental Noise* outlines a guideline daytime limit of 55 dB $L_{Aeq(15\ min)}$ for the “reasonable protection of health and amenity associated with the use of land for residential purposes”, however, we note that impulsive noise from gunfire is explicitly excluded from the scope of the Standard.

The Standard also describes how a - 3 dB adjustment may be applied to sound received for less than 50 % of the daytime period, and a - 5 dB adjustment may be applied to sound received for less than 30 % of the daytime period. A + 5 dB penalty is added to sound which contains Special Audible Characteristics.

Regarding maximum noise levels, NZS 6802:2008 states the following: “The intention of L_{max} (L_{AFmax}) noise limits is to provide protection against the effects of ‘typical maxima’ of the specific sound and not the ‘absolute maxima’. A noise nuisance does not generally arise from a single isolated incident. A single isolated noise event which exceeds an applicable limit might not be representative of the sound under investigation and should not be used as the sole basis for compliance action.”

2.3 Ambient noise environment

Measurements taken by Marshall Day Acoustics on 5 occasions between 20 February 2022 and 28 May 2022 indicated ambient noise levels between 56 dB $L_{Aeq(1h)}$ and 58 dB $L_{Aeq(1h)}$ at the secondary dwelling at 1222 Devon Road. It is expected that traffic noise levels will be in the order of 3 dB higher at the main dwelling at 1222 Devon Road, and up to 9 dB higher within the Future Urban Zone to the north based on traffic noise modelling in SoundPLAN v 8.2.

Noise logging equipment deployed under our supervision in May 2024 on the opposite side of Devon Road to the Club indicated noise levels in the order of 73 dB $L_{Aeq(1h)}$. At the closest possible dwellings in the Future Urban Zone, noise levels are expected to be in the order of 6 dB lower, based on modelling of traffic in SoundPLAN v 8.2.

2.4 Criteria for gunshot noise

In line with the scope of NZS 6802:2008, we consider that the District Plan limits are not suitable for determining potential noise effects of gunshot noise due to its impulsive nature. Many countries have criteria specifically for gunshot noise, usually expressed as either L_{peak} or L_{AFmax} . These criteria are typically more stringent than generic L_{AFmax} values commonly encountered in District Plans throughout New Zealand.

A body of guidance is available which describes reasonable maximum noise emissions associated with shooting ranges. A review of international shooting noise regulations¹ outlines that typical noise limits at residential receivers generally fall between 50 to 60 dB L_{AFmax} , with some exceptions (both higher and lower limits). Other guidance² seems to indicate that the threshold for annoyance is in the order of 60 – 65 dB L_{AFmax} . AES has undertaken work relating to noise emissions from several existing gun clubs in NZ and have typically recommended noise limits of between 50 – 65 dB L_{AFmax} at residential receivers, depending on the location, ambient noise levels, and situation.

Other guidance from the UK Chartered Institute of Environmental Health regarding Clay Target Shooting³, uses a Shooting Noise Level (SNL) to quantify noise effects, which is the average L_{AFmax} of the 25 loudest shots in a 30 minute period. This guidance states that annoyance is less likely to occur at a mean SNL of below 55 dBA and highly likely to occur at a mean SNL above 65 dBA. This guidance quotes the following:

“At shooting noise levels below the mid 50’s dB(A) there is little evidence of significant levels of annoyance at any site, whereas for levels in the mid to high 60’s, significant annoyance is engendered in a majority of sites. For levels in between however, the extent of the annoyance varies considerably from site to site. Thus a level of, say, 60 dB(A) may be deemed acceptable at one site, but not at another.”

The studies reviewed generally indicate that the range in acceptable noise levels from gun club activities is dependent on local conditions, including community attitude to the club, cumulative shooting time, number of shooting days, time at which shooting occurs, predominant meteorological conditions and how the site is managed.

Considering the existing ambient noise environment in this case, the hours and intensity of use described above, and the above guidance, we consider that where noise levels during representative high noise periods from the pistol club of 65 dB L_{AFmax} are received at the notional boundary of residential dwellings such as those located at 1222 Devon Road, the noise will be acceptable and effects minimal, as the instantaneous noise would be only 5 – 10 dB higher than the ambient noise. Given the elevated ambient noise environment in this case, that approach is more conservative than what would often occur in a more ‘typical’ rural environment, with a shooting noise threshold of 55 dB L_{AFmax} .

For the purposes of assessing predicted noise emissions against this 65 dB L_{AFmax} threshold, we recommend the adoption of the UK Chartered Institute of Environmental Health SNL processing technique (the average L_{AFmax} of the 25 loudest shots in a 30 minute period), as this produces a more stable result, addressing the

¹ V. Desarnaulds et al. *Shooting noise regulation review of various national practices*. Proceedings of Internoise 98, Christchurch.

² Sorensen, S. and Magnurror, J. *Annoyance caused by noise from shooting ranges*. Journal of Sound and Vibration, 62(3), pp 437 – 442, 1979.

³ Chartered Institute of Environmental Health (2003) *Clay Target Shooting, Guidance on the Control of Noise* [online]

concerns expressed in section 7.2 of NZS 6802:2008 regarding the inherent variability often evident in L_{AFmax} levels.

In this case, the Club is constrained by the physical layout of the existing facility and the shape and topography of the site, and neighbouring sites. As a result, as outlined below, even where all practicable mitigation is implemented, in some scenarios noise levels will still slightly exceed a 65 dB L_{AFmax} threshold – which we consider to also be acceptable, where this exceedance represents a ‘typically inaudible’ difference (1 – 2 dB).

We note that Marshall Day Acoustics have previously suggested the use of the CNR parameter in relation to this situation. They suggested a similar CNR dispensation to account for the elevated ambient environment, as is embodied in our L_{AFmax} approach described above. Generally, we prefer the use of the L_{AFmax} parameter, coupled with general consideration of the hours and days of shooting, rather than the CNR parameter which combines all of these things into a more abstract single value.

3.0 NOISE GENERATED BY THE ACTIVITY

The primary source associated with the Club is noise from gunshots. Due to the distances to the nearest receivers noise from other sources – for example light vehicles and people talking are expected to be very low and effects negligible.

SoundPLAN computational noise modelling based on ISO 9613 *Acoustics – Attenuation of sound outdoors – Part 2: General method of calculation* has been used to calculate the propagation of gunshot noise from the site, taking into account the topography of the area, and sound power levels for each of the noise sources.

The L_{AFmax} noise levels have been modelled based on data gathered during a structured shooting exercise (a selection of firearms, fired from each Range in turn) using noise logging equipment deployed under our supervision at three locations simultaneously on the 25th and 26th of May 2024, and on measurements taken by Marshall Day Acoustics at five different times between 20 February 2022 and 28 May 2022, primarily at the notional boundary of the 1222 Devon Road secondary dwelling. We have also compared the data to our own measurements undertaken at several gun ranges around the country, and there is a high level of correlation.

A ‘representative high noise scenario’ has been considered which is typical of the outcomes of Marshall Day Acoustics testing during periods where 9 mm pistols were in regular use, and occasional ‘black powder’ shooting. Our detailed measurements confirmed that in general terms, firearms such as a 0.44 black powder revolver and 0.38 handgun were 3 – 7 dB quieter on an L_{AFmax} basis than a 9 mm standard load pistol. 0.22 firearms are at least 11 dB quieter. Therefore in reality, based on the intensity and manner of use outlined in section 1.2 above, there are expected to be extended periods where quieter firearms are in use (for example .22 calibre firearms) and noise levels are 5 – 10 dB lower than those predicted below. From the Marshall Day Acoustics measurements on the 11th of April 2022, the suppressed .223 firearms used by the Police were also have a shooting noise level of 60 dB L_{AFmax} without any other mitigation.

Noise levels from each Range have been predicted – both based on the current configuration and implementation of the new mitigation outlined in section 1.2 above. Range 6 has multiple shooting positions down the Range, as shown below in figure 3.1. In our analysis, these have been grouped as northern (50 yards), central (25 yards), and southernmost (10 and 7 yards) shooting positions – as mitigation needed to be developed specifically for each position. Range 8 has not been modelled in detail as its location, orientation and use, result in potential noise effects that are low.



Figure 3.1 – Range 6 shooting positions

Expected noise levels as received at the notional boundary of the secondary dwelling at 1222 Devon Road are presented below in table 3.1.

Table 3.1 – Expected Shooting Noise Levels received at the notional boundary of the secondary dwelling at 1222 Devon Road

Range	Noise levels without mitigation (dB L _A F _{max})	Noise levels with mitigation (dB L _A F _{max})
Range 1	75	66
Range 2	80	66
Range 3	74	67
Range 4	77	67
Range 5	74	65
Range 6 – northern shooting positions	72	63
Range 6 – central shooting positions	74	66
Range 6 – southern shooting positions	73	65
Range 7	72	66

Based on this analysis noise levels in all scenarios either meet, or are also within 1 – 2 dB of, a 65 dB L_AF_{max} threshold. We therefore expect this noise to have a minimal effect.

Noise levels received at the notional boundary of the main dwelling at 1222 Devon Road are typically between 0 to 2 dB lower than the levels outlined in table 3.1 above, and the existing ambient noise from traffic is between 3 – 6 dB higher. Noise effects for that dwelling are therefore also expected to be minimal.

We have also considered noise levels on the opposite side of Devon Road, at the edge of the Special Purpose – Future Urban Zone. In this location, the traffic noise levels are 9 dB higher than those experienced at the key receiving location on the notional boundary of the secondary dwelling at 1222 Devon Road.

The expected noise levels are presented below in table 3.2. These predicted noise levels relate to the worst-case receiving locations along the Special Purpose – Future Urban Zone boundary. The exact location of worst noise levels varies depending on which range is in use, and which shooting position is used on some ranges.

Table 3.2 – Expected Shooting Noise Levels received across Devon Road at the edge of the Special Purpose – Future Urban Zone

Range	Noise levels without mitigation (dB L _{AFmax})	Noise levels with mitigation (dB L _{AFmax})
Range 1	67	66
Range 2	64	59
Range 3	71	65
Range 4	70	65
Range 5	67	66
Range 6 – northern shooting positions	70	66
Range 6 – central shooting positions	77	75
Range 6 – southern shooting positions	78	76
Range 7	84	77

Given the existing ambient environment in this location as described above, these predicted levels are not expected to be of concern, with the exception of Range 6 (75 dB L_{AFmax} and 76 dB L_{AFmax} – associated with the use of central and southern shooting positions) and Range 7 (77 dB L_{AFmax}). We therefore propose the following Condition, to ensure effects are minimal, in the event that dwellings are constructed on those sites in the future:

- In the event that dwellings are constructed within the adjacent *Special Purpose – Future Urban Zone* sites the Club shall implement further noise mitigation to limit noise levels received at those sites to 70 dB L_{AFmax}.

4.0 COMPARISON WITH THE DISTRICT PLAN NOISE LIMITS

As outlined above, the NZS 6802:2008 Standard warns against assessing gunshot noise against ‘general noise limits’ which use L_{Aeq} metrics. This is primarily because for this type of noise, the L_{Aeq} will correlate poorly with actual noise effects – and therefore there is a risk of over or understating the noise effects.

In the case of gunshot noise, our experience is that L_{Aeq} levels understate the potential noise effect – and in many situations noise levels comply with ‘general activity’ L_{Aeq} noise limits, but are still problematic.

Based on the Marshall Day Acoustics measurements, where there are periods with a high number of rounds in one hour and ‘black powder’ gunshots which influence the L_{Aeq} more than other types, we would expect a L_{Aeq} noise level that is more than 15 dB below the L_{AFmax} Shooting Noise Levels reported above. During periods of lower intensity shooting, the difference will be greater.

This means that the Club as it has been operating historically may not have been compliant with a 55 dB L_{Aeq(15 min)} (daytime) and 50 dB L_{Aeq(15 min)} (evening) New Plymouth Proposed District Plan notional boundary noise limits in some instances, but with the mitigation as outlined above, full compliance will be achieved – both at the notional boundary of both dwellings at 1222 Devon Road and at the notional boundary of future dwellings in the Special Purpose – Future Urban Zone.

5.0 CONCLUSION

We have been engaged by New Plymouth Pistol Club to provide acoustic engineering advice to support a Resource Consent application for the Club. Extensive measurements, modelling and consultation with the Club has been undertaken, to establish what the best practicable options are for managing the Club's noise effects within the constraints of the current site.

As a result, extensive physical mitigation is to be implemented including an increase in height and extension in length for the bund next to Range 1, a new 7 metre high fence between Ranges 1 and 2, additional containers behind Ranges 3 and 4, a 7 metre high acoustic fence between the stacked containers and adjacent Ranges, a new bund with a 1.5 metre fence on top between Ranges 3 and 4, a 30 metre long 7 metre high barrier between Ranges 4 and 5, a new two storey club building behind Ranges 5 and 6, two containers stacked on the side of Range 6, and acoustic upgrades to the fence behind Range 7.

Based on the above, and considering the existing ambient noise environment in this case and the hours and intensity of use described above, we consider that where noise levels during representative high noise periods from the Club in the order of 65 dB L_{AFmax} are received at residential dwellings, the noise will be acceptable and effects minimal.

A representative high noise scenario has been considered which indicates that when received at the notional boundary of the secondary dwelling at 1222 Devon Road noise levels either meet, or are also within 1 – 2 dB of, a 65 dB L_{AFmax} threshold. We therefore expect this noise to have a minimal effect.

Noise levels received at the notional boundary of the main dwelling at 1222 Devon Road are typically lower, and the ambient traffic noise is higher. Noise effects for that dwelling are therefore also expected to be minimal.

On the opposite side of Devon Road, at the edge of the Special Purpose – Future Urban Zone the traffic noise levels are 9 dB higher than those experienced at the notional boundary of the secondary dwelling at 1222 Devon Road. Given the high existing ambient environment, the predicted 'within mitigation' noise levels in this location are not of concern, apart from with regard to Range 7 and where shooting occurs down the range on Range 6. Further acoustic mitigation may be required if dwellings are built in the Special Purpose – Future Urban Zone in the future.

While less relevant with regard to noise effects, with the mitigation as outlined above, full compliance will be achieved with the District Plan noise limits – both at the notional boundary of both dwellings at 1222 Devon Road, at the notional boundary of future dwellings in the Special Purpose – Future Urban Zone.

Please do not hesitate to contact us to discuss further as required.

Kind regards,



Dr Jeremy Trevathan
Ph.D. B.E.(Hons.) Assoc. NZPI®
Principal Acoustic Engineer
Acoustic Engineering Services

APPENDIX F BUILDING CONSENTS

~~16mm~~ 35mm

BUILDING FILE

Code No. 150 / 1220

Subject SHOOTING FACILITY

No. Sheets 3

Permit No 10829

Date 3-8-84

50/1220

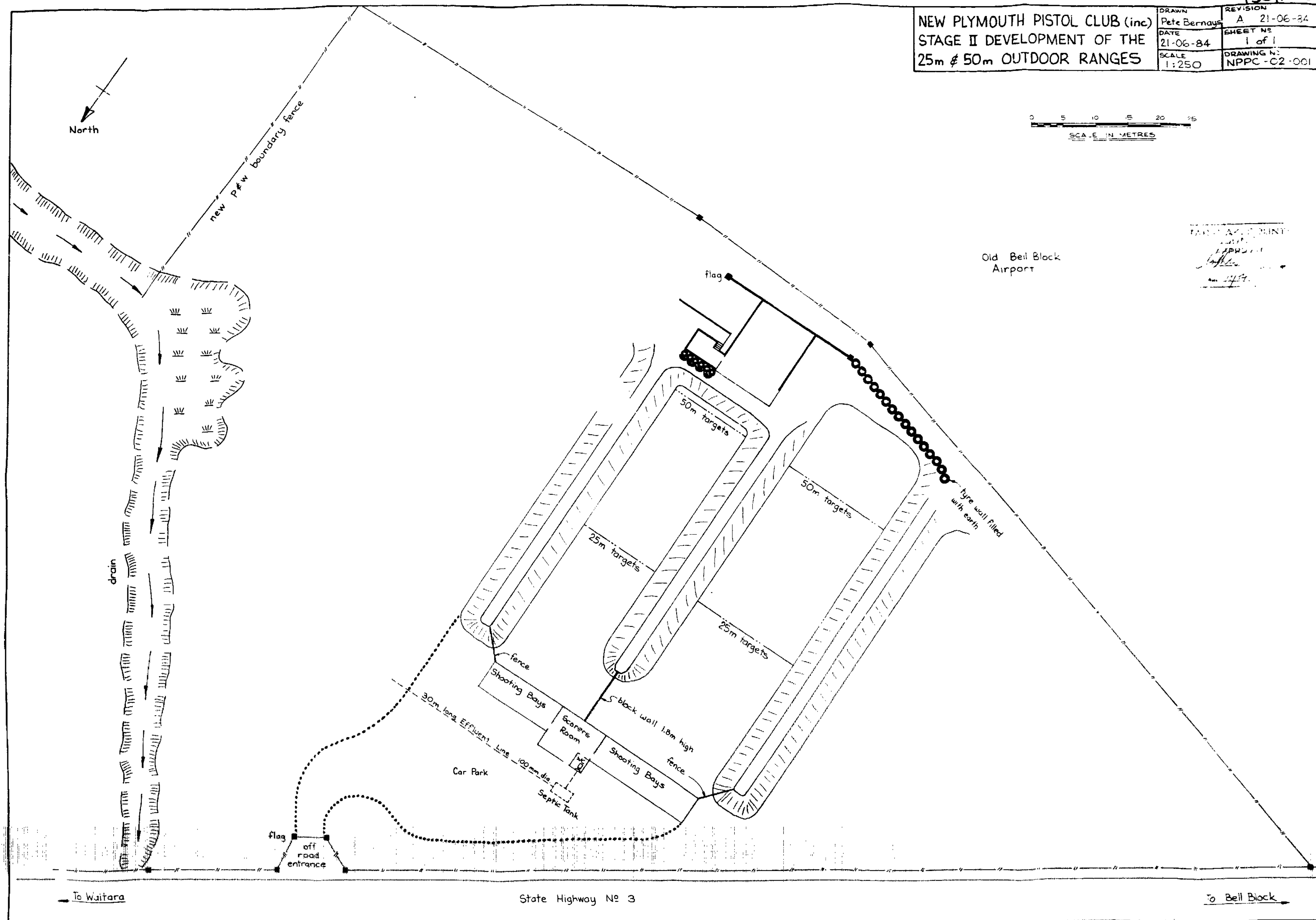
NEW PLYMOUTH PISTOL CLUB (inc)
STAGE II DEVELOPMENT OF THE
25m & 50m OUTDOOR RANGES

DRAWN Pete Bernays	REVISION A 21-06-84
DATE 21-06-84	SHEET NO 1 of 1
SCALE 1:250	DRAWING NO NPPC-C2-001

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SCALE IN METRES

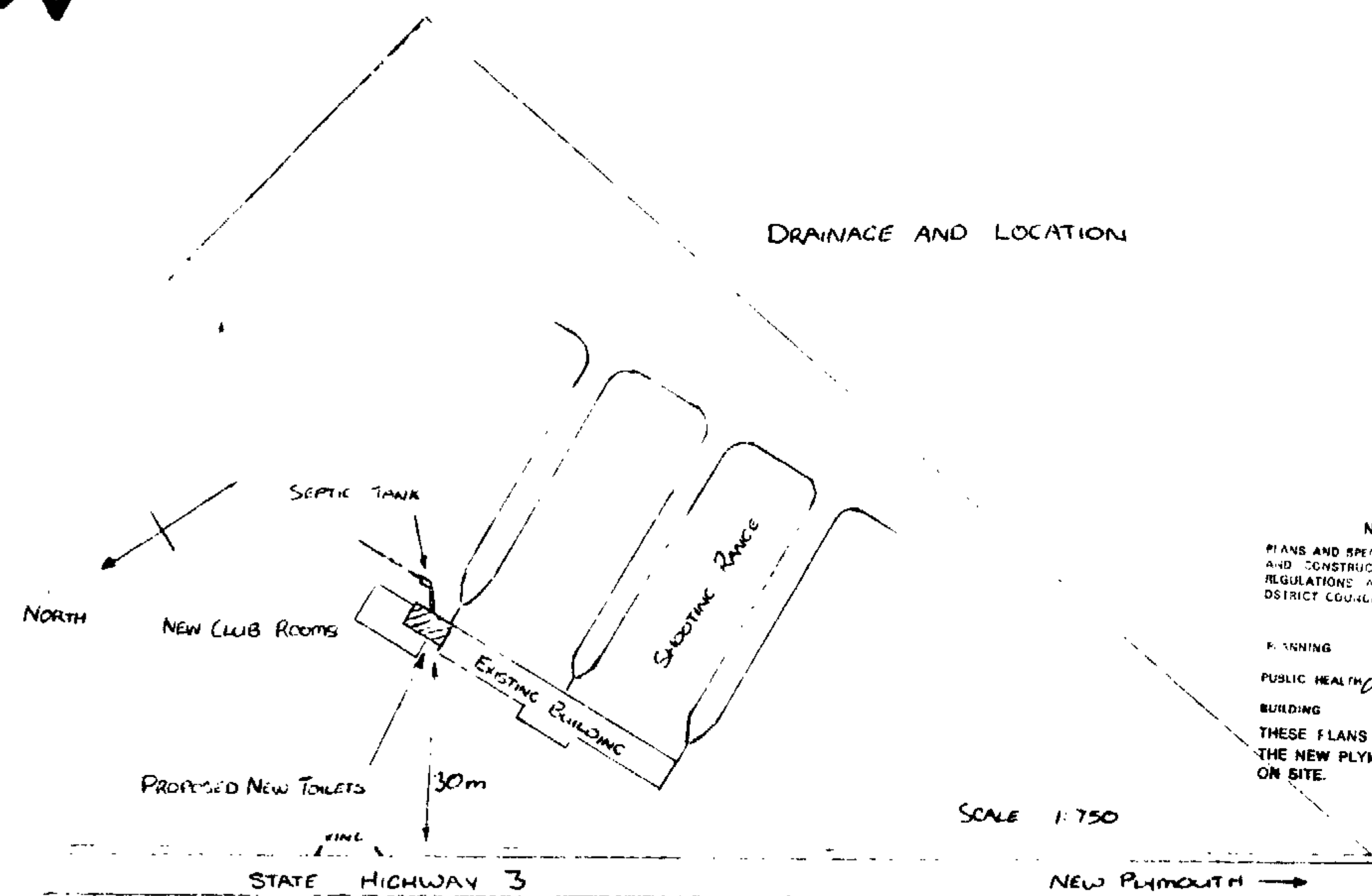
Old Beil Block
Airport

DATE OF PRINT
21-06-84
BY
Pete Bernays



2

150/1220



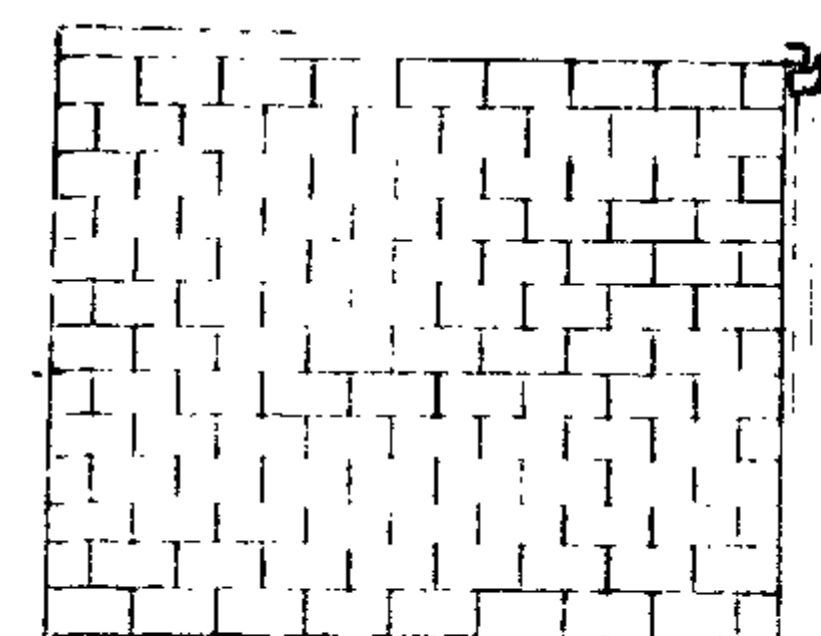
NEW PLYMOUTH DISTRICT COUNCIL
 PLANS AND SPECIFICATIONS APPROVED FOR TYPE, USE, SITING COVERAGE
 AND CONSTRUCTION, AS IN ACCORDANCE WITH ALL RELEVANT ACTS
 REGULATIONS AND BY-LAWS ADMINISTERED BY THE NEW PLYMOUTH
 DISTRICT COUNCIL.

PLANNING
 PUBLIC HEALTH
 BUILDING

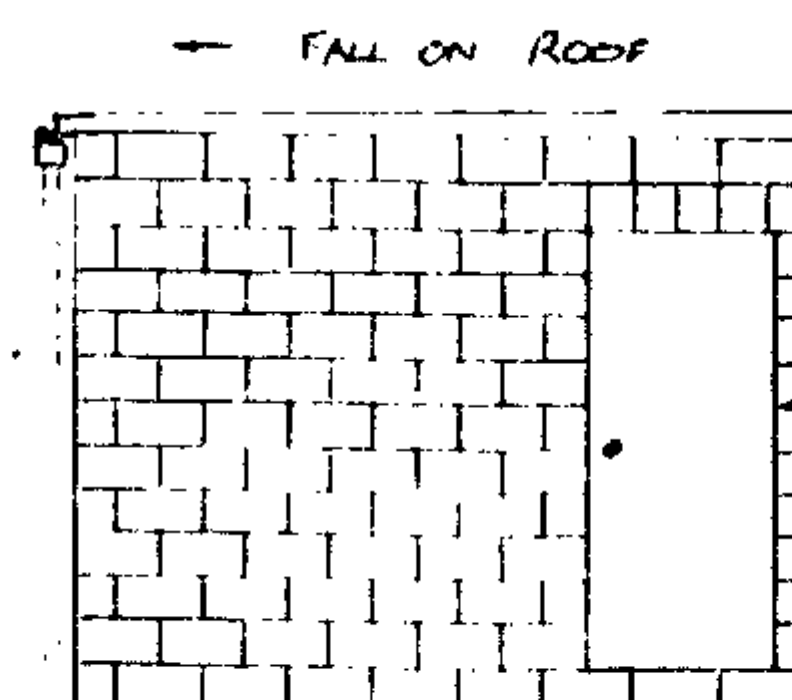
DATE
 23.1.90
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THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF
 THE NEW PLYMOUTH DISTRICT COUNCIL AND MUST BE KEPT
 ON SITE.

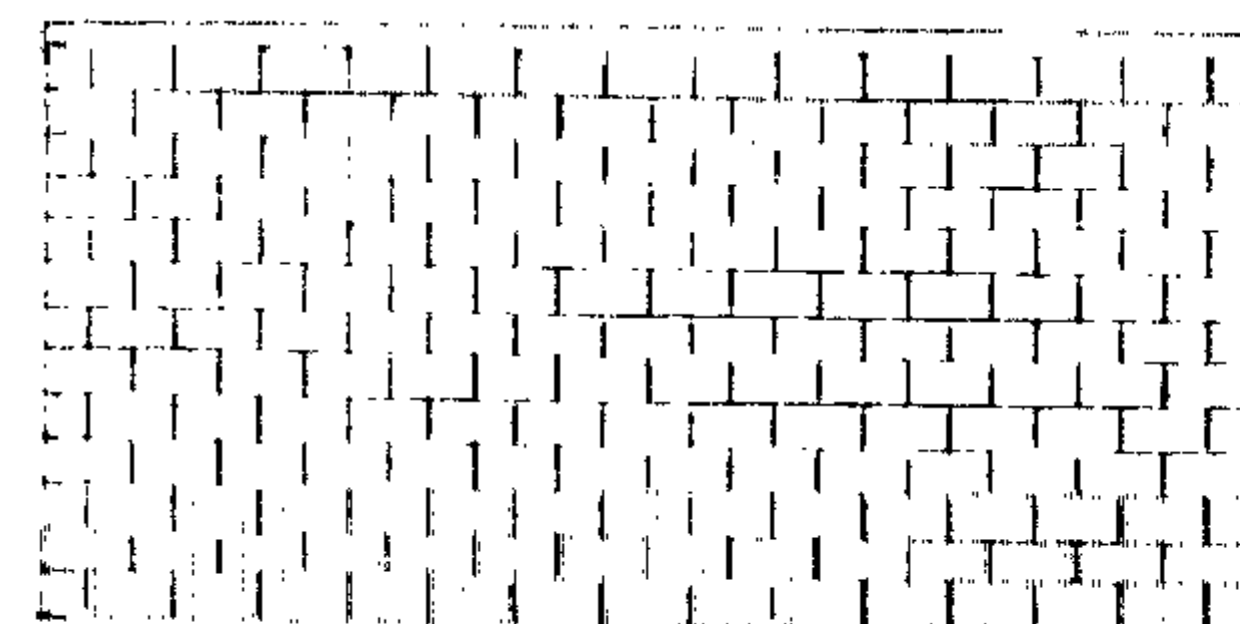
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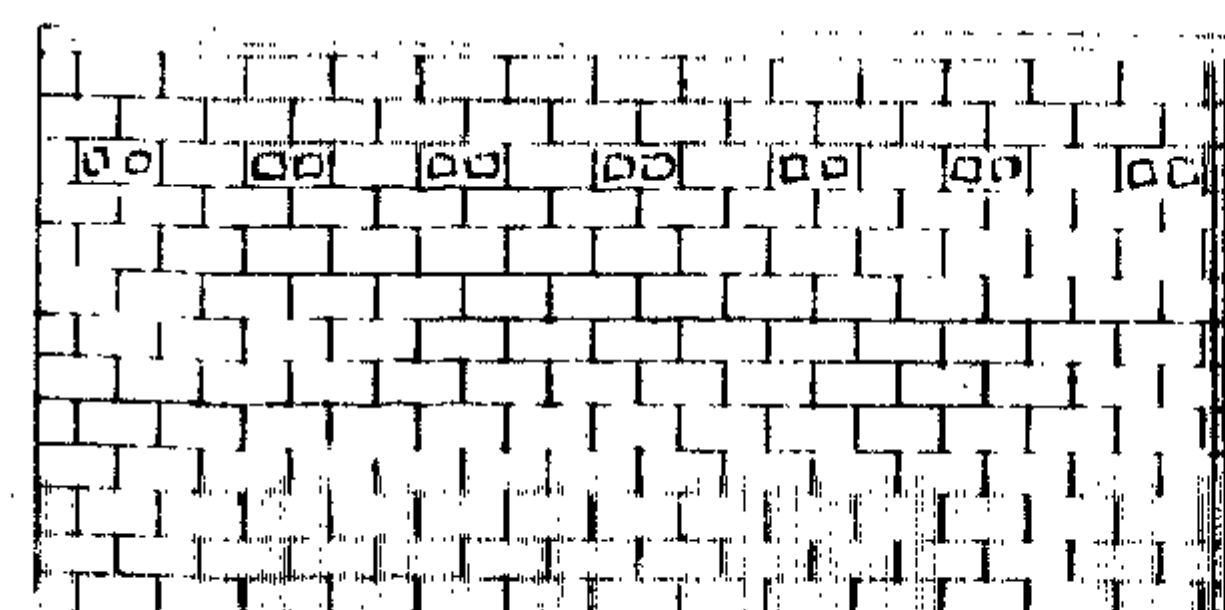
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EAST ELEVATION

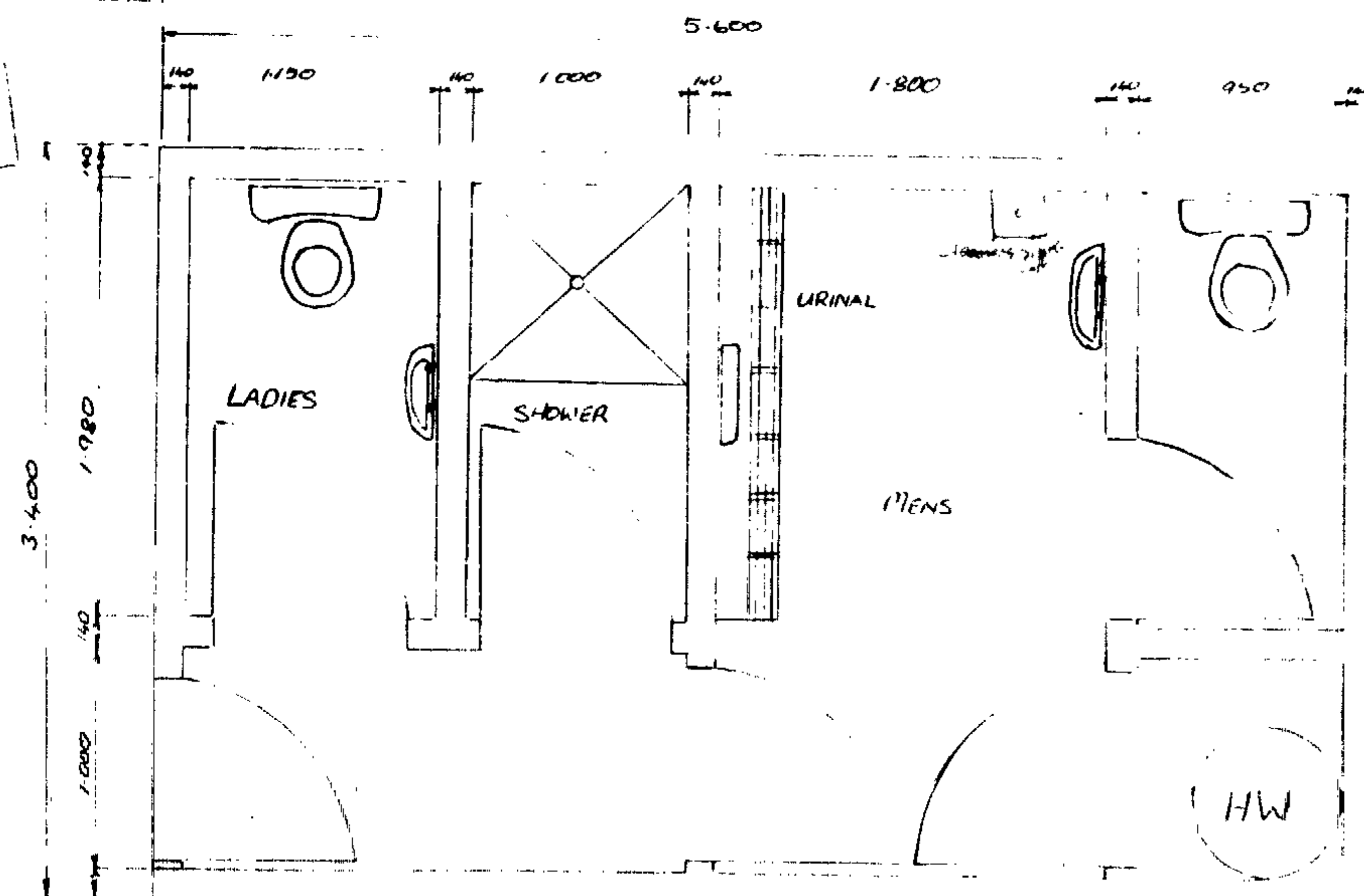
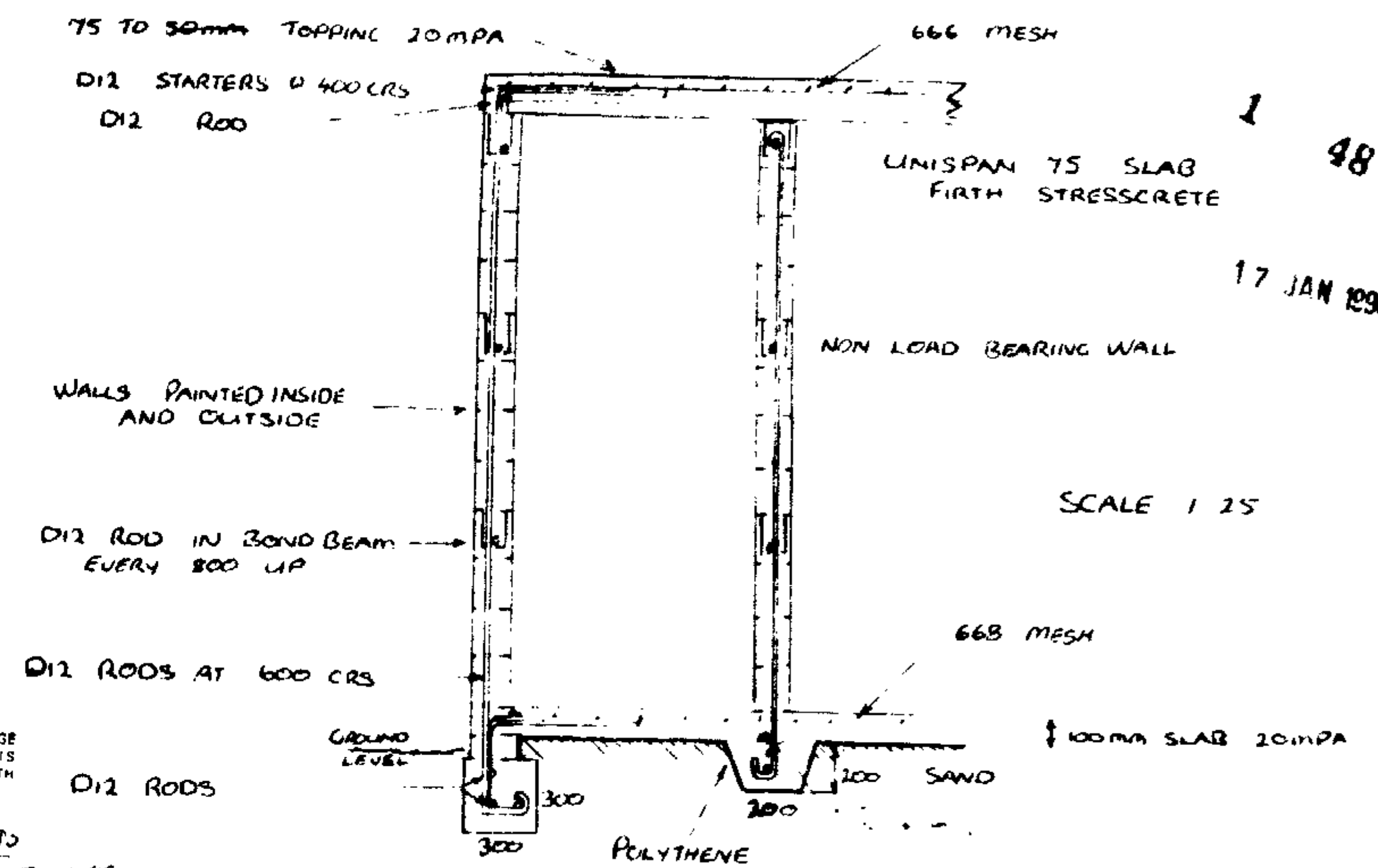


NORTH ELEVATION



SOUTH ELEVATION

SCALE 1:50



FLOOR PLAN

SCALE 1:25

NEW PLYMOUTH PISTOL CLUB
 PROPOSED TOILET BLOCK

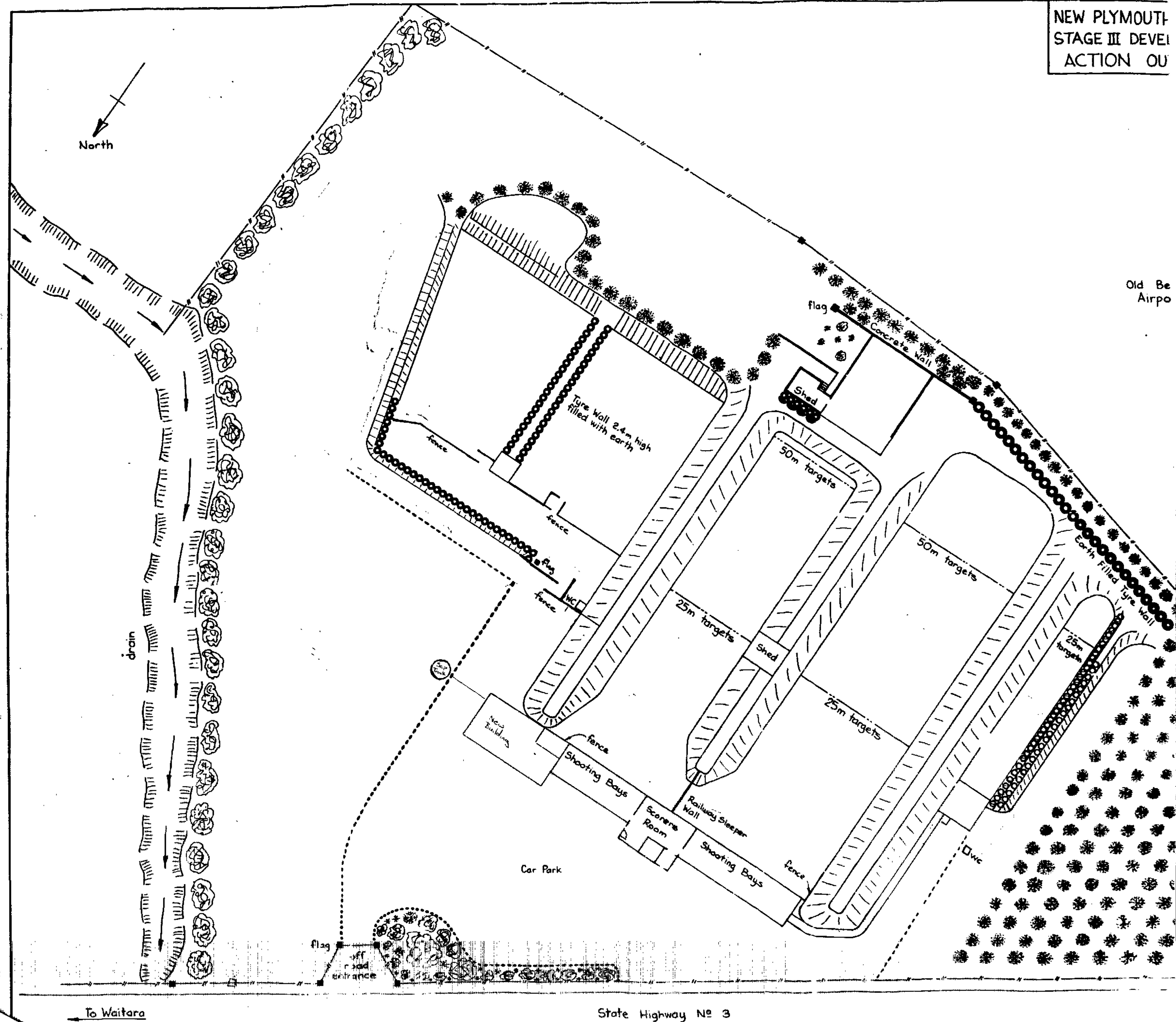
ALL WORK DONE TO NEW ZEALAND STANDARDS

LOT 6 DPS831

DATE 17-1-90

DRAWING BY BRIAN O'KEEFE

NEW PLYMOUTH
STAGE III DEVELOPMENT
ACTION OUTLINE



Old Be
Airpo

BUILDING CONSENT

67121P

PROPERTY ID

009711

 **67121P**

OLD BELL BLOCK AIRPORT

GENERAL

- Contractors are required to comply with the Building Act 1991 and the Health and Safety in Employment Act 1992 including all current amendments, together with any reasonable requirement by the Owner and the Engineer/Architect.
- The builder shall have a copy of NZS 3804 and all drawings and specifications on site at all times.
- No building construction shall commence until a Building Consent has been obtained from the Territorial Authority.

CONCRETE

- All concrete work shall conform to NZS 3109.
- Extend foundations to a minimum of 300mm into good ground.
- All concrete shall be ordinary, high or special grade to conform to NZS 3109.
- Concrete shall have a minimum compressive strength at 28 days of 10 MPa for unreinforced concrete used in mass foundations, 17.5 MPa for reinforced concrete exposed to the weather in Zone 1, 20 MPa for reinforced concrete exposed to the weather in Zone 2 and 25 MPa for reinforced concrete exposed to the weather in Zone 3.

REINFORCING

- Minimum concrete cover to steel reinforcement shall be 75mm when concrete is placed directly on or against the ground.
- 50mm in all other situations where the concrete is placed in formwork (with compressive strength as required in the preceding note), 25mm from the top of a wall or floor slab which is in a closed area, 50mm from the top of any exposed wall or floor slab.

MINIMUM BENDS FOR MAIN STEEL

GRADE	Bar diameter, 4 (mm)	Minimum diameter of bend, 4 (mm)
300 or 300E	6 - 20	5 4,
	25 - 40	6 4,

GRADE	Bar diameter, 4 (mm)	Minimum diameter of bend, 4 (mm)
300 or 300E	6 - 20	2 4,
	25	3 4,

CONCRETE BLOCKWORK

- All concrete work shall conform to NZS 4210, NZS 4229 & NZS 4230. All blockwork shall be Grade B.
- Concrete for filling masonry cavities to be ordinary grade with a maximum aggregate size of 10mm. Panel vibrators are to be used when pouring concrete.
- Concrete masonry shall have minimum cover to steel reinforcement from a masonry external face and a minimum gross strength of 60N/m² and 25 MPa for Sea Spray Zone, 60N/m² and 17.5 MPa for Zone 1, 45N/m² and 17.5 MPa for Zone 2 and 3, 35N/m² and 17.5 MPa for interior conditions.

STRUCTURAL STEEL WORK

- All structural steel work shall conform to NZS 3404, AS 4100 and AS 3980 (p2).
- All welds are indicated by standard welding symbols. Where the type of weld is not noted, weld with a fillet weld all round.
- Sandblast steelwork to Swedish standard SA 2 1/2 and apply one primer coat of Aluma Devco high build rust barrier to a minimum dry film thickness of 75 microns.

BOLTS

- Standard ordinary grade bolts to comply with AS 1111. High strength bolts to comply with AS 1252.

FASTENINGS & FIXINGS

- Material and protection for all Fastenings & Fixings shall comply with Section 4 of NZS 3604.

RETAINING WALLS

- Retaining walls have not been designed to be stable under full load until the wall concrete has reached its design strength. Provide adequate shoring and bracing to prevent any damage to the walls occurring during backfilling and compacting behind walls. Compacting machinery used adjacent to the walls shall be such that the wall is not damaged.
- Compaction of height to be carried out in maximum layers of 150mm.
- Provide 100mm dia. flexible pipe lateral wall, backfill with free draining material.

PRECAST TILT-UP PANELS

- Slab and facing concrete shall have a minimum compressive strength of 25 MPa at 28 days.
- Precast panels shall have a minimum compressive strength of 30 MPa at 28 days.
- Joint between panels (vertically and horizontally) shall be 10mm. Joints shall be sealed with MSB Bionastic Ultra polyurethane sealant on PEF backing rods.
- Provide 10mm chamfers to all panel edges and 10mm deep recess at panel joints (per detail). Fit a PVC flexible tube to recess to provide back-up barrier to the joint sealant.

CARPENTRY

- All carpentry shall comply with the NZ Building Code and with NZS 3804.
- All materials shall comply with NZS 3602.
- All materials to be installed in accordance with the manufacturer's specifications.
- Separate all Timber from concrete, blockwork, and/or masonry products with Mastisol (or similar) damp proof course (DPC).
- All timber shall be CCA treated to appropriate Hazard Class.
- All framing timber (including external & internal walls, sub-floor framing, roof frames, trusses, ceiling & floor - storey joists) shall be treated to a minimum level of H12 (M11+).
- Parapets and balconies exposed to the weather or covered by cladding, and all cantilevered balconies, balconies or decks shall be treated to a minimum level of H12.
- Posts and retaining structures (not piles) in contact with ground or concrete/masonry to be treated to TPA standard H4.
- Timber piles and poles to be treated to TPA standard H5.
- Proprietary nail-plate fixings shall be at centres nominated on the drawings. The manufacturer shall provide all design and fabrication and shall include all roof bracing, chord ties, struts, etc., as necessary to complete the whole of the roof structure.

ACCESSIBILITY

- Accessibility shall comply with the NZ Building Code, Approved Documents D1 Access Routes & D2 Mechanical Installations for Access.
- Accessible stairways shall have a minimum clear opening of 1000mm.

INSULATION & VENTILATION

- All insulation shall comply with NZS 4214 Thermal Resistance, and with NZS 4218: Energy Efficiency - Housing & Small Building Emission.
- Provide outdoor ventilation openings to prevent outdoor moisture. Ventilation openings shall not be less than 3000 mm² per 1 m² of floor area and evenly distributed around the foundation perimeter.

PLUMBING & DRAINAGE

- All Plumbing and Drainage shall be done in full accordance with the NZ Building Code. Any plumbing and drainage layouts shown on these drawings are schematic only and the Plumber and Drainlayer shall be responsible for ensuring all works are carried out to the Territorial Authority's satisfaction.

- Water supply and foul-water shall comply with Approved Documents G12 and G13 of the Building Code, respectively. Any alternative methods of construction must be approved by Council before commencing any of the works.

WINDOW JOINERY

- All Glass and Glazing shall comply with NZS 4222: Code of Practice for Glazing in Buildings.
- All windows shall comply with NZS 4211: Specification for Performance of Windows. Confirm all Window dimensions and configurations with the Owner before manufacture. In any case, provide glazing equivalent to at least 10% of the room area for natural light; and opening windows equivalent to at least 1% of the room area to achieve natural ventilation to rooms.

DOMESTIC SMOKE ALARMS

- Domestic smoke alarms shall be installed unless complying alarms are already installed and where (in purpose groups 5-1 and 8-1) an automatic smoke detection and alarm system is not required by Table 4.1, CLASS 1 of the NZ Building Code.
- Smoke Alarms shall comply with at least one of the following standards: UL 217, CANULC 5531, AS 3786, BS 5446: Part 1.
- Smoke Alarms may be battery operated and are not required to be interconnected. They shall provide a hush facility having a minimum duration of 60 seconds.
- There shall be an alarm test facility readily accessible by the building occupants, which may be located on the smoke alarm.
- Smoke alarms shall be located on the escape routes on all levels within the household unit. On levels containing the sleeping spaces, the smoke alarm shall be located either in every sleeping space or within 3m of every sleeping space door. The smoke alarm must be audible to sleeping occupants on the other side of closed doors.

SITE DATA

Environment Area = 8.4 ha
Site Area = 1.4 ha
40% of Site Area = 0.56 ha
Building Coverage = 0.14 ha
(includes new addition)
Area of New Work = 0.14 ha

Corrosion Zone: 1
Earthquake Zone: A
Wind Zone: MEDIUM

LEGAL DESCRIPTION

Lot
D.P.
Part Section
New Plymouth

ZONE 1

FASTENINGS & FIXINGS EXCLUDING NAILS AND SCREWS

ZONE/ENVIRONMENT	MINIMUM MATERIAL PROTECTION
CLOSED (dry, internal)	MM steel
TIMBER PILES - with 600mm of ground	304 stainless steel, or hot-dip galv ⁽¹⁾ plus additional protection ⁽²⁾

TIMBER PILES - more than 600mm from ground	304 stainless steel, or hot-dip galv ⁽¹⁾ plus additional protection ⁽²⁾
Vertical more than 7000 mm ²	Hot-dip galvanized ⁽¹⁾ steel
Vertical less than 7000 mm ²	Hot-dip galvanized ⁽¹⁾ steel

ROOF SPACES	Continuously coated galvanized ⁽¹⁾ steel nail plates
Roof Piles & Sills	Hot-dip galvanized ⁽¹⁾ steel

SHUTTERED (open to atmosphere, but not in contact with ground)	304 stainless steel, or hot-dip galv ⁽¹⁾ plus additional protection ⁽²⁾
Vertical more than 7000 mm ²	Hot-dip galvanized ⁽¹⁾ steel
Vertical less than 7000 mm ²	Hot-dip galvanized ⁽¹⁾ steel

EXPOSED (open to atmosphere and rain washing)	304 stainless steel, or hot-dip galv ⁽¹⁾ plus additional protection ⁽²⁾
Zone 1	304 stainless steel, or hot-dip galv ⁽¹⁾ plus additional protection ⁽²⁾

- All galvanizing weights to steel shall be as given in table below.
- Additional protection for bolts shall be 100 microns epoxy powder coating of entire galvanized bolt & nut system, or High build epoxy coating.
- Additional protection for steel plates shall be 100 microns epoxy powder coating, or, for surfaces not in contact with treated timber, a rust paint system consisting of an oil-based galvanized steel primer and a high gloss acrylic exterior paint with a total minimum dry film thickness not less than 120 microns, or Dupon coating of 50 microns minimum of a non-inhibitive epoxy primer plus 125 microns minimum of high-build epoxy masticaceous iron oxide.

NAILS AND SCREWS (Zone 1)

Struct Cladding	Non-structural Cladding	Class Areas	Sheltered and Enclosed Areas
Stainless steel ⁽¹⁾ or silicon bronze or protected galvanized steel ⁽¹⁾	Galvanized steel ⁽¹⁾	Mild steel	Galvanized steel

- Stainless steel nails shall have annular grooves.
- Galvanized steel protection shall consist of putty and an exterior painting system consisting of a primer undercoat and 2 top coats of oil-based or acrylic paint.
- Where cladding is a composite timber (e.g. western red cedar or redwood) use stainless steel⁽¹⁾, silicon bronze or aluminium nails.
- Galvanized nails shall be hot-dipped galvanized; screws shall be mechanically zinc plated.
- In respect of the above, nails and screws must be compatible with any lining plate they are used with.
- Nails and screws into piles within 600mm of the ground shall be stainless steel.

STEEL GALVANISING (except Nails and screws)

COMPONENT	PROTECTION REQUIRED
BOLTS	375 gm ² average
NAIL PLATES in sheltered or exposed locations	At least 300 gm ²
NAIL PLATES in roof spaces	275
WIRE DOGS	280 gm ²
SHEET METAL FIXINGS	275
HIDDEN GALV FLASHINGS	2450 plus a coating of 50 microns min. of a non-inhibitive epoxy primer plus 125 microns min. of high-build epoxy masticaceous iron oxide
EXPOSED GALV FLASHINGS	2450
MILD STEEL ANGLES for masonry veneer	800 gm ²
WALL TIES	430 gm ²
REO USED IN STUCCO	275
STUCCO WIRE REINFORCING	140 gm ² to 170 gm ² depending on wire thickness

In all cases, finishing materials shall be compatible with their surrounding materials.

NPDC Approved
02 FEB 2005

MASTER COPY

COPY

NPDC OFFICE COPY
This Building Consent is approved under the Building Act and is limited to new work only as shown on these plans and related specifications.
Approved: *[Signature]* Date: 3.1.05
67120/67121

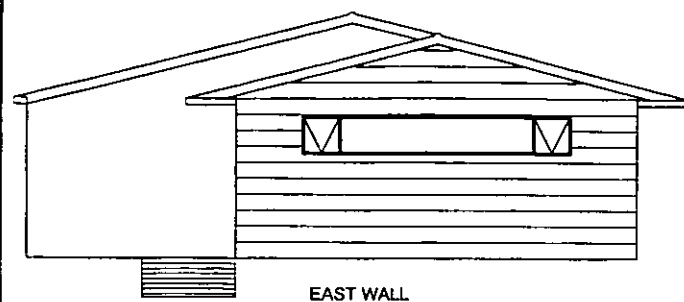
REV	DATE	DESCRIPTION	BY	CHKD	APP
0	07.12.04	ISSUED FOR CONSTRUCTION	WI	-	-
A	01.03.04	ISSUED FOR APPROVAL	WI	-	-
DRAWN	WI	DATE 01.06.04	SHEET No.	1 OF 1	
CHECKED	NH	DATE 01.06.04	CLIENT No.		REV.
JOB No.	NPPC	APPROVED	DATE	NPPC-001	0



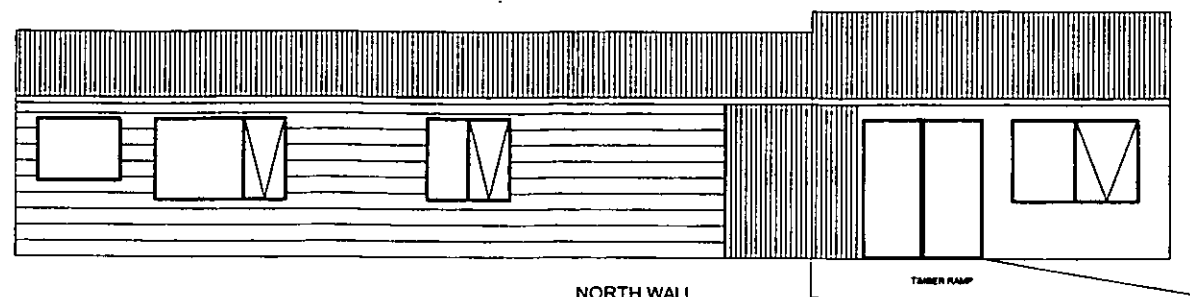
NEW PLYMOUTH PISTOL CLUB INC.
PO Box 4203
New Plymouth
NEW ZEALAND

Club President
[Signature] 07/12/2004

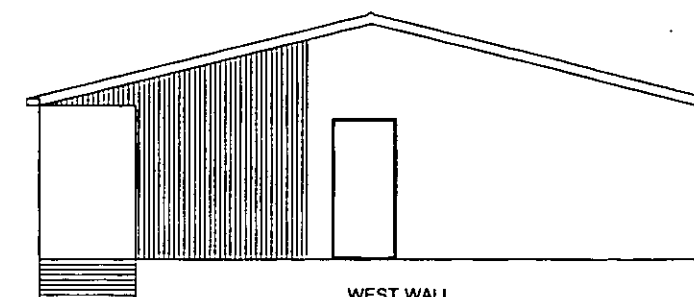
NEW PLYMOUTH PISTOL CLUB (inc)
OUTDOOR RANGES 1-8
& AIR PISTOL RANGE 9



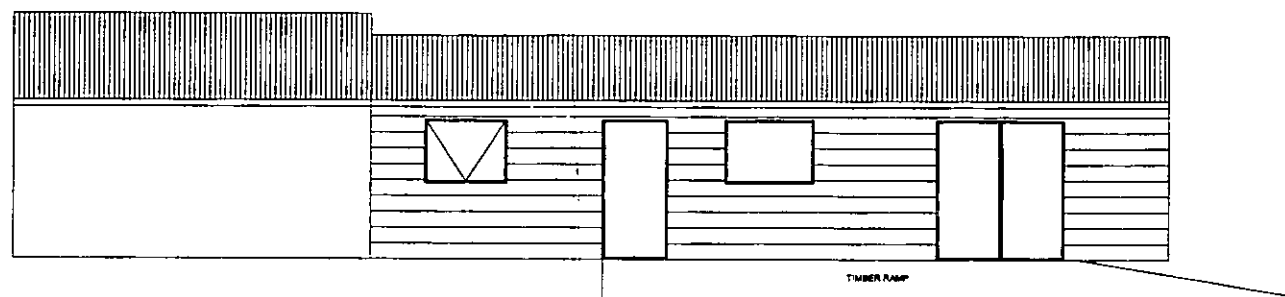
EAST WALL



NORTH WALL



WEST WALL



SOUTH WALL

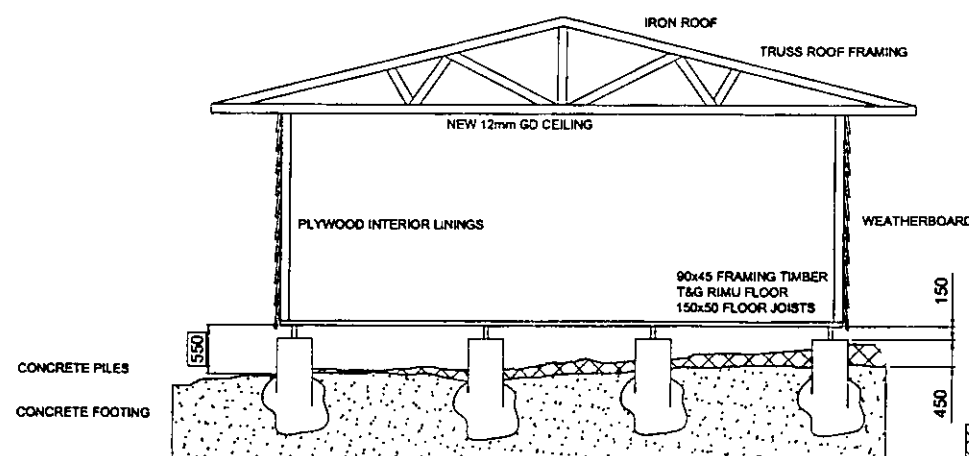
NPDC Approved
02 FEB 2005

MASTER COPY

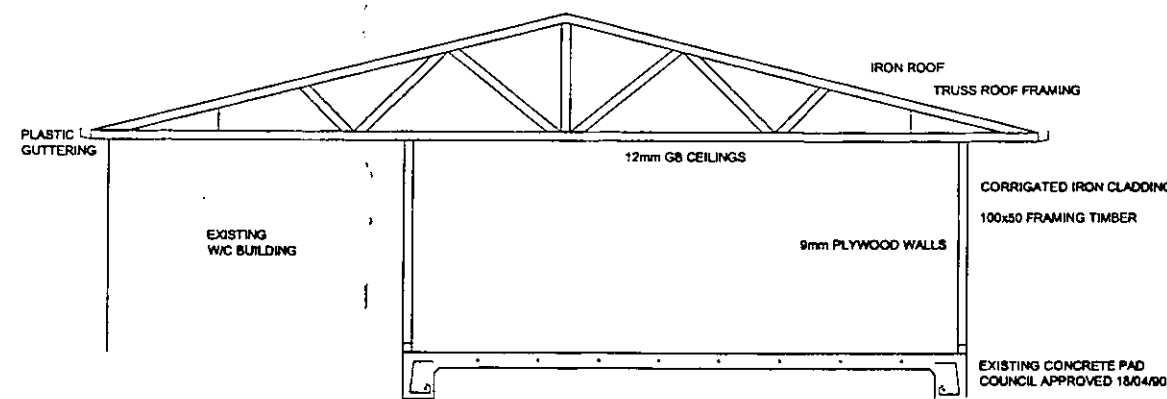
SPECIFICATIONS:

NEW CLUBROOM BUILDING
100x50 FRAMING
EXTERIOR CLADDING CORRUGATED IRON/WALLS AND ROOF
HARDITEX UNDER EAVES
INTERNAL LININGS 9mm PLYWOOD
12mm GB CEILINGS
KITCHEN AREA WALLS AND CEILING WHITE SERETONE
ALL PLUMBING SUPPLIED BY CLUB
KITCHEN UNITS, ALL ELECTRICAL WIRING AND
LIGHTING SUPPLIED BY CLUB

RELOCATABLE BUILDING:
DELIVERED TO AND ERECTED ON CONCRETE PILES
BY MOVING CONTRACTOR
12mm GB TO COVER EXISTING CEILING
FILL IN EXISTING DOORWAY WALL AND REPOSITION DOOR
RECLAD WALL USING CORRUGATED IRON
ALL PAINTING UNDERTAKEN BY THE CLUB
9mm PLYWOOD TO ALL INTERIOR WALLS



CROSS SECTION OF RELOCATABLE BUILDING



CROSS SECTION OF RELOCATABLE BUILDING

COMPLETED

0	07.12.04	ISSUED FOR CONSTRUCTION	WI	-	-
A	01.03.04	ISSUED FOR APPROVAL	WI	-	-
REV	DATE	DESCRIPTION	BY	CHK	APP



NEW PLYMOUTH PISTOL CLUB INC.
PO Box 4203
New Plymouth
NEW ZEALAND

NEW PLYMOUTH PISTOL CLUB (inc)
CLUB ROOMS
GENERAL ARRANGEMENT - ELEVATIONS

	DRAWN	WI	DATE	01.06.04	SHEET No.	1 OF 1
	CHECKED	NH	DATE	01.06.04	CLIENT No.	
JOB No.	NPPC	APPROVED	-	DATE	-	REV.
					NPPC-003	0

APPENDIX G OFFICERS REPORT CRT23/44925



Te Kaunihera-ā-Rohe o Ngāmotu

New Plymouth District Council

22ND June 2023

NEW PLYMOUTH PISTOL CLUB
C/- Thompson O'Neil and Co.
Mark Utting
Via Email: mark@uttinglaw.co.nz

Dear Mark,

Re: CRT23/44925 - Application for Existing Use Certificate, 1206 Devon Road, Bell Block.

This letter is to advise you that your application for a certificate of existing use under s 139A Resource Management Act 1991 (the Act) has been refused. Whilst Council appreciates the time and effort that was put into the application, the information presented did not satisfy the relevant tests under the Act. The reasons for refusing the application are included within the attached officers report.

The letter is also to advise you that the date by which the decision was made on this application was extended under s 37A(4)(b)(i) of the Act. The decision was made in 53 working days and is considered both reasonable and necessary given the relative complexity of the issues to be considered.

An objection to this decision can be made under s 357A(1)(v) of the Act. Any objection shall be made in writing, setting out the reasons for the objection. This must be lodged with Council within 15 working days after receiving this decision.

An invoice for further fees and charges in relation to this application will be sent under separate cover. The additional invoice reflects the relative complexity of the application and need to undertake an in-depth review of the application and further information.

If you have any queries about any matters relating to the attached decision, please do not hesitate to contact me.

Yours faithfully

Juliet Johnson
Manager, Planning.

OFFICERS REPORT TO THE PLANNING CONSENTS LEAD FOR AN EXISTING USE CERTIFICATE APPLICATION NO. CRT23/44925

Applicant:	New Plymouth Pistol Club Incorporated
Location:	1206 Devon Road, Bell Block
Legal Description:	Lot 1 DP 19854
Proposal:	Application for Existing Use Certificate under Section 139A of the Act
Date Application Received:	22 nd February 2023
Further Information Requested:	17 th March 2023
Further Information Received:	26th April 2023

1.0 DESCRIPTION OF PROPOSAL

- 1.1 The applicant has requested an Existing Use Certificate in relation to an existing indoor and outdoor gun range at 1206 Devon Road, New Plymouth. The range is operated by the New Plymouth Pistol Club Incorporated (NPPC).
- 1.2 The site to which the application relates is shown in Figure 1 below:

Figure 1: Existing NPPC facility, 1206 Devon Road, Bell Block (Source NPDC GIS).



2.0 THE APPLICATION

2.1 The application filed on 22nd February 2023 was supported by a range of information including:

- Submissions by Thompson, O’Neil and Co Lawyers;
- Certificate of Incorporation from the New Zealand Companies Office (Appendix 1);
- Letter from New Plymouth City Council (Appendix 2);
- Letter from Taranaki Country Council (Appendix 3);
- Overhead map dated February 2023 (Appendix 4);
- Record of Title (Appendix 5);
- Excerpts from the Arms Regulations 1991 (Appendices 6 and 11);
- Affidavit by Dr. Ian Kenneth Griffin - Member NPPC (Appendix 7);
- Affidavit by Robert John Blackburn - Member NPPC (Appendix 8);
- Letter from NZ Police dated June 1983 (Appendix 9);
- Site Plan entitled “New Plymouth Pistol Club (inc) Outdoor Ranges 1-8 and Air Pistol Range 9 (Appendix 10);
- Summary of numbers of club members attending site 14 March 2018 – 17 August 2022;
- Attendance data 2004 – 2005 (Appendix 12); and
- New Plymouth Pistol Clubs - Available North Island and national records (Appendix 13).

2.2 Further information was requested by the Council on the 17th of March 2023¹. A response was provided by the applicant on the 26th of April 2023 which included further submissions by Thompson, O’Neil and Co.

3.0 RELEVANT PLANNING PROVISIONS

3.1 Section 139(A)(1) outlines the matters that must be taken into account in determining whether a territorial authority should grant an Existing Use Certificate.

139A Consent authorities to issue existing use certificates

- (1) *A person may request the consent authority to issue a certificate that—*
- (a) *describes a use of land in a particular location; and*
 - (b) *states that the use of the land was a use of land allowed by section 10 on the date on which the authority issues the certificate; and*
 - (c) *specifies the character, intensity, and scale of the use on the date on which the authority issues the certificate.*
- (4) *The consent authority must issue a certificate under subsection (1) if it—*
- (a) *is satisfied that the use of the land is a use of land allowed by section 10 on the date on which the authority issues the certificate; and*
 - (b) *receives payment of the appropriate administrative charge.*

4.0 ASSESSMENT

4.1 In order to grant an Existing Use Certificate under s 139A, the territorial authority must be satisfied that:

- (i) the use was lawfully established before the rule became operative or the proposed plan was notified; and

¹ Refer Appendix 1.

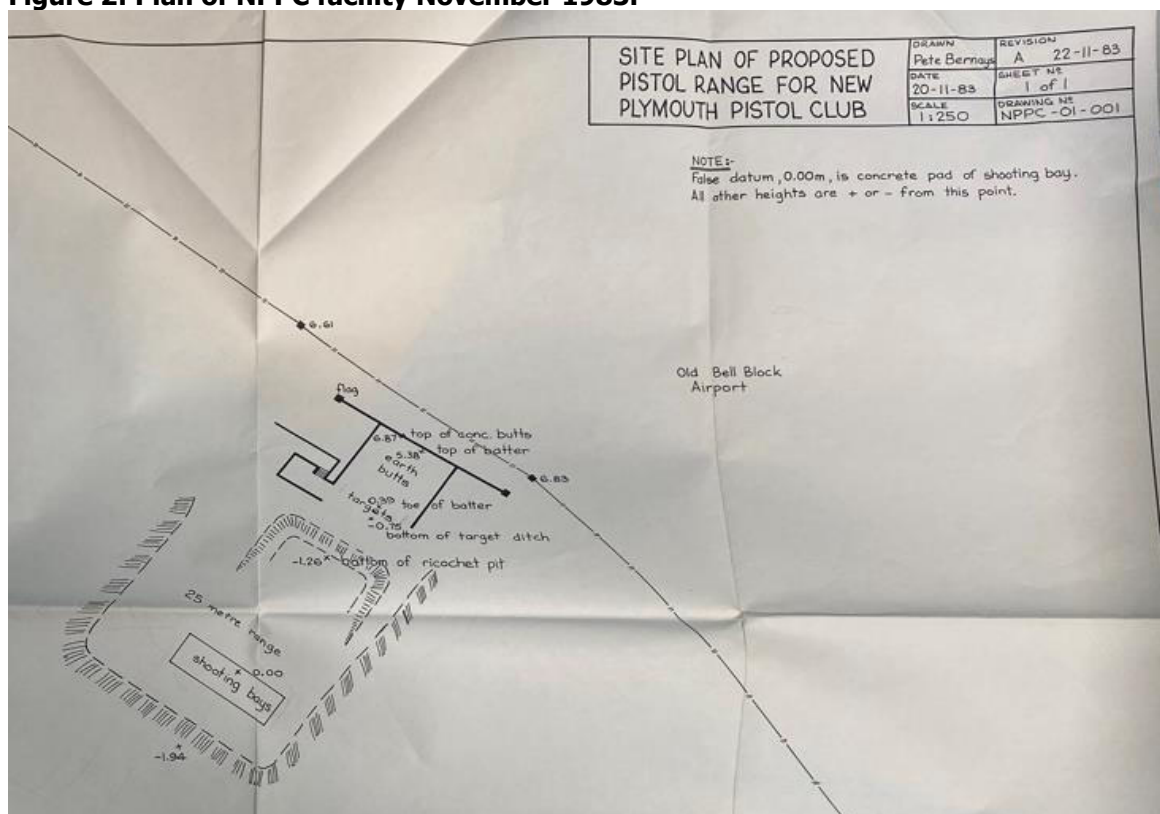
- (ii) the effects of the use are the same or similar in character, intensity, and scale to those which existed before the rule became operative or the proposed plan was notified:

Was the use lawfully established before the rule became operative or the proposed plan was notified?

Initial establishment in or around 1983/1984

- 4.2 The applicant has outlined in the application that the NPPC has, as an entity, existed since the 1960's, and has operated at the current Devon Road site since in or around 1983/1984.
- 4.3 The application includes documentation from Taranaki County Council confirming that an "outdoor range" was lawfully established in or around this time². The letter confirmed that the NPPC activities were part of "outdoor recreation", a predominant use under the County's Operative District Scheme at the time. The letter confirmed that "no formal planning consent application is required".
- 4.4 This letter was in response to correspondence from NPPC to the County Council which outlined that "In the future we intend to develop a total of 3 outdoor ranges on the site, as well as a club house. To this end we will apply for the necessary permits to comply with your regulations at a later date".
- 4.5 The plan appended to the letter from NPPC is shown below in Figure 2.

Figure 2: Plan of NPPC facility November 1983.



- 4.6 Overall, based on the information presented, I am satisfied that that the NPPC facility was lawfully established in or around 1983 and that the scope of the activity involved up to 3

² Letter from County Engineer R.W Struthers, dated 12th of December 1983 (Appendix 2 of the application)

ranges. I understand that the NPPC which was based in Fitzroy at the time catered for approximately 30 members³.

Relevant planning schemes since 1983

- 4.7 Since the initial correspondence between the Taranaki County Council and the NPPC in 1983, there have been multiple planning instruments in effect, including the Taranaki County Council District Plan 1980; the New Plymouth District Planning Scheme 1989; the Operative New Plymouth District Plan 2005 (ODP); and the Proposed District Plan 2019 (PDP).
- 4.8 The applicant's basis for addressing the period between 1983 and 2005⁴ has been the assertion that the Council, as part of a separate Environment Court mediation agreement⁵, had confirmed that the NPPC operations as they existed at the date the ODP became operative were lawfully established.
- 4.1 I understand that Environment Court-assisted mediations are confidential to the parties who participate in them, and parties are prevented from communicating what took place during a mediation process or its outcome, unless all parties present agree to it.⁶
- 4.2 In this case, the applicant provided a mediation agreement dated 24 November 2022 to the Council's consenting team for the purposes of this application. I have subsequently confirmed that both the applicant and the Council are willing to waive confidentiality over this agreement for the limited purpose of considering this application⁷.
- 4.3 The application also references discussions held between the parties at mediation. However, I am advised that the Council is not prepared to waive privilege or confidentiality over the discussions that occurred during the mediation process. In any event, I consider that the mediation agreement reflects the outcome of the mediation and have therefore relied on this for the purposes of my report.
- 4.4 I have reviewed the mediation agreement signed by the parties and can find no clear references which would verify the applicants claim that the Council confirmed the NPPC facilities as that stood prior to the ODP being notified were lawfully established⁸. Based on the information before me I do not consider that the mediation agreement between the parties provides any relief from the requirements of s 139A and, by extension, s 10 of the Act.
- 4.5 Whilst I agree that the outdoor range facility involving approximately 30 members and up to 3 ranges was lawfully established in 1983, the applicant has not provided an assessment of the activity against the subsequent planning instruments to demonstrate that the facility has remained lawful since its establishment.
- 4.6 I note that the applicant was, as part of the Council's further information request, asked to demonstrate "*the activity was lawfully established as a permitted activity (or equivalent) under the relevant plans including but not limited to the Taranaki County Council District Plan 1980, or the New Plymouth District Planning Scheme 1989.*" It was suggested at the time that the applicant provide a detailed planning assessment to this effect providing a breakdown of the

³ Refer article in the Taranaki Herald dated 25th November 1983.

⁴ The applicant acknowledges that the NPPC operation does not comply with the provision of the ODP which came into effects in 2005.

⁵ Refer Environment Court Mediation Agreement No: ENV-2022-AKL-000182, dated 24th November 2022.

⁶ Environment Court Practice Note 2023, paragraph 7.3(k).

⁷ Confirmation was provided via an email from Mark Utting 22nd June 2023.

⁸ The mediation agreement was willingly provided to the Council's consenting team by the applicant for the purposes of this application.

various rules in effect and demonstrating compliance against each provision. No such information was provided as part of the response received on the 26th of April 2023.

Section II, New Plymouth District Planning Scheme 1989

- 4.7 This Plan includes noise ordinances under Section 611-72-1. The application contained no information to clearly demonstrate compliance with the relevant rules at the time that plan was notified.

Operative District Plan 2005

- 4.8 As a result of a noise complaint, noise monitoring was undertaken by Marshall Day Acoustics on behalf of New Plymouth District Council in February 2022. This concluded that the current noise levels being emitted from the NPPC facility were not compliant with Noise Standards 7.11 and 7.12 of the Operative District Plan⁹. A copy of the Marshall Day Acoustics report is attached at Appendix 2.
- 4.9 The applicant has not provided any expert noise evidence or analysis to challenge the conclusions of Marshall Day. Accordingly, as this is the only expert evidence before me, I therefore conclude that existing NPPC operation does not comply with the provisions of the ODP. To be considered lawful under the provisions of the ODP, the applicant would need to apply for and be granted a land use consent under Rule Ind83 which concerns noise requirements for the underlying Industrial C Environment Area.
- 4.10 Any application for resource consent under Rule Ind83 would be required to demonstrate compliance with other permitted activity standards relevant to the intended use including, but not limited to traffic, access, parking, manoeuvring and lighting etc. Further resource consents may be required if the activity does not satisfy any additional permitted activity standards (other than the noise standards).

Proposed District Plan 2019

- 4.11 The decisions version of the PDP was notified on the 13th of May 2023. At the time of this decision, the PDP was subject to an appeal period.
- 4.12 It is noted that any resource consent lodged in respect of the ODP would also need to demonstrate compliance with relevant Rules and Effects Standards in the PDP. From the testing undertaken by Marshall Day Acoustics, the NPPC operation fails to meet the provisions of the notified version of the PDP.
- 4.13 No analysis has been provided by the applicant in relation to either the notified or decisions version of the PDP.

Conclusion on lawful establishment

- 4.14 Whilst I accept that the NPPC operation was lawfully established in 1983, the application includes insufficient information to demonstrate continued compliance with other relevant planning provisions in the period between 1983 and 2005 when the ODP came into effect.
- 4.15 Given this, and the fact the proposal fails to comply with the noise provisions of the ODP, I cannot be satisfied that the facility was lawfully established before the relevant noise rules in the ODP were notified.

⁹ Contained in Appendix 12, Table 12.1 of the Operative District Plan 2005.

Are the effects of the use the same or similar in character, intensity, and scale to those which existed before the rule became operative or the proposed plan was notified?

4.16 In assessing the effects of the use, I have considered a range of matters included within the application and provided an assessment of key areas below.

Number of Ranges

4.17 I understand from the information provided with the application and on the Council's file that when the club was first established in 1983 there were up to 3 ranges in total. I understand that, in the period between its establishment and 2005, the number of ranges has increased to 9. This includes 8 outdoor ranges and an indoor pistol range¹⁰. Overall, based on the information to hand, the number of ranges has increased by 200% between 1983 and 2005. This suggests that there has been an increase in the scale of the activity, although I accept that an increase in the number of ranges may not, in isolation, result in an increase in character, intensity and scale of effects generated by the activity.

Number of Members

4.18 Whilst the applicant has provided a summary of members attending the site (Appendix 12), the data is limited in duration to between 2018-2022. I consider it is therefore of limited relevance in determining whether the effects of the activity are the same or similar to those that existed in 1983.

4.19 I have considered membership numbers more generally and I understand from an article in the Taranaki Herald that the NPPC had approximately 30 members in 1983. The estimated number of members at the time the application was lodged was 150¹¹. Overall, based on the information to hand, the number of members has increased by 400% between 1983 and 2023.

Number of Events

4.20 The application included information as to the number of events held at the NPPC site between 1986 and 2022. This information included the number of competitors involved with each event.

4.21 The data provided includes notable gaps which has impacted my ability to draw conclusions and identify clear trends. For example, there is no data for either the number of events held at the NPPC, or the number of competitors involved, between 2006 and 2010 and again for 2014 and 2015.

4.22 I do note that the three years where the most events have been held occurred consecutively between 2018-2020. The highest number of competitors occurred in 2019 (435). The next highest number of competitors occurred in 1989 (405).

4.23 Overall, whilst the events data suggests that the effects of the use are not the same or similar in character, intensity, and scale to those which existed in 1983, the gaps in the data create sufficient doubt as to whether it can be relied upon to determine whether test (ii) above is met.

¹⁰ Refer Appendix 10 of the application.

¹¹ <https://www.newplymouthpistolclub.org.nz>

Noise

- 4.24 The application includes affidavits from two long standing members of the NPPC (Appendices 7 and 8). These statements have primarily concentrated on the effects of noise related to the type of guns and ammunition used at the range.
- 4.25 Whilst I acknowledge the evidence of the members, the statements focus on the type of firearms and ammunition that have been used and do not provide an analysis of actual noise levels that have occurred at the facility over time. Ultimately, the evidence fails to demonstrate that noise has remained consistent with levels prior to the relevant noise standards in the ODP being notified in 2005.
- 4.26 Similar to my conclusion regarding the number of events held on the site, there is insufficient evidence to demonstrate that the effects of the activity are the same or similar in character, intensity, and scale to those which existed before the noise rules in the ODP were notified in 2005.

Conclusion on effects

- 4.27 Based on the information submitted by the applicant, I cannot determine whether the character, intensity, and scale of all of the relevant effects of the use at present are the same or similar in character, intensity and scale to those before the use required a resource consent. If anything, when viewed collectively, the data concerning club membership and the number of ranges suggests that the effects of the activity have increased in terms of character, intensity, and scale since 1983. Overall, I am not satisfied that the effects of the activity are the same or similar in character, intensity, and scale to those which existed before the noise rules in the ODP were notified in 2005.

5.0 RECOMMENDATION

- 5.1 For the reasons outlined above, I consider that the relevant tests under s 139A including the relevant tests referenced under s 10 of the Act, have not been met. I therefore recommend that the application for an Existing Use Certificate under 139A of the Act is refused for the following reasons:
- the applicant has not demonstrated under s 10(1)(a)(i) that the use was lawfully established before the rule became operative or the proposed plan was notified; and
 - the applicant has not demonstrated that the effects of the use are the same or similar in character, intensity, and scale to those which existed before the rule became operative or the proposed plan was notified.

Report and Recommendation by:

Campbell Robinson (Consultant Planner)



Signed By:

Juliet Johnson (Manager, Planning)



Appendix 1: Request for Further Information

Appendix 2: Analysis of Marshall Day Acoustics

APPENDIX H RECORDS OF CONSULTATION

Aaron Edwards

From: Campbell Robinson <Campbell.Robinson@npdc.govt.nz>
Sent: Tuesday, 9 April 2024 7:48 am
To: Aaron Edwards
Cc: Richard Watkins
Subject: RE: [#BTW230984.00] NPPC Pre-app PAP23/00063

EXTERNAL MESSAGE

Morning Aaron,

I am generally comfortable with the notes.

Ngā mihi

Campbell Robinson
Senior Planner (Consultant)
New Plymouth District Council

From: Aaron Edwards <aaron.edwards@btw.nz>
Sent: Tuesday, April 9, 2024 7:27 AM
To: Campbell Robinson <Campbell.Robinson@npdc.govt.nz>
Cc: Richard Watkins <Richard.Watkins@npdc.govt.nz>
Subject: RE: [#BTW230984.00] NPPC Pre-app PAP23/00063

[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.

Morning Campbell

Did you have any feedback here or happy with summary points as is?

Thanks

AARON EDWARDS Manager Planning – Pou Whakamāhere Taiao Matua **MNZPI** +64 275 521 561

BTW info@btw.nz | www.btw.nz | +64 6 759 5040

From: Aaron Edwards
Sent: Wednesday, March 20, 2024 3:00 PM
To: 'Campbell Robinson' <Campbell.Robinson@npdc.govt.nz>
Cc: 'Richard Watkins' <Richard.Watkins@npdc.govt.nz>; 'Jonathan Marshall'

Kia ora Campbell

As discussed, the following provides a summary of key discussion points from today's meeting.

Location: NPDC Civic Offices

Date: 20 March 2024

Attendees:

- NPDC:
 - Richard Watkins (Principal Planner)
 - Campbell Robinson (Senior Planner)
- NPPC (applicant):
 - Jonathan Marshall (Treasurer)
 - Aaron Edwards (BTW Company)

Key points:

- NPPC is continuing to work with Acoustic Engineering Services (AES) to consolidate noise mitigation measures as part of the proposal. Development of the proposed two-storey building is central to noise mitigation measures.
- The resource consent application will need to give due regard to noise levels received within the Future Urban Zone located on the opposite side of SH3.
- Acknowledgement that membership numbers do not necessarily directly correlate to levels of activity on site (but equally acknowledgment that membership numbers may have been an appropriate historical indicator of intensity of use in the absence of specific management of range use). Intensity of use is to be captured through the resource consent application through specific management of range use in consultation with AES.
- Visual impact of future buildings/development will need to be assessed accordingly within the application, to include consideration of Entrance Corridor matters. The existing landscaping strip may provide sufficient mitigation noting a good level of screening is achieved currently – important to confirm landscaping is located within the site (in order to rely on existing landscaping in mitigating effects).
- Consultation with NZTA is required. AE is to review previous communications with NZTA undertaken by the NPPC to then initiate consultation.
- The suitability of the existing access and vehicle parking areas will need to be considered further in consultation with NZTA. If sealing car parking areas (or further modifying/compacting), stormwater matters will need to be addressed.
- Consultation with mana whenua will be required in relation to earthworks in proximity to the waterbody (and potentially any proposed earthworks more generally across the wider site that do not comply with earthwork standards).
- The activity is included on the MfE Hazardous Activities and Industries List (HAIL) under *C2 Gun clubs or rifle ranges, including clay targets clubs that use lead munitions outdoors*. The NES-CS is a relevant matter. BTW is to consider reporting requirements under the NES-CS further.
- The application will need to identify and assess activities (if any) that have previously occurred on site that required resource consent at the time of undertaking (for which consent was not obtained) with retrospective resource consent sought accordingly.
- Acknowledgement that preparation of the resource consent application is not straight-forward but that NPPC is progressively working toward lodgement of the application. At this stage, a date for lodgement cannot be confirmed. Noting work required above to include consultation, lodgement by the end of April would be a best-case scenario.

Please let me know any comments/corrections/additions to the above.

Ngā mihi

BTW info@btw.nz | www.btw.nz | +64 6 759 5040

From: Aaron Edwards

Sent: Monday, March 18, 2024 11:49 PM

To: Campbell Robinson <Campbell.Robinson@npdc.govt.nz>

Cc: 'Richard Watkins' <Richard.Watkins@npdc.govt.nz>; Jonathan Marshall <treasurer@newplymouthpistolclub.org.nz>

Subject: RE: [#BTW230984.00] NPPC Pre-app PAP23/00063

Kia ora Campbell

Please find attached a draft proposal and draft rule assessment to inform our discussion on Wednesday. This information is preliminary only. Please note a number of details in both documents are yet to be confirmed (generally in highlight). Please treat in confidence.

The rule assessment identifies the following PDP rule non-compliances (I have not undertaken an assessment against the ODP yet):

- GIZ-R15: Sport and recreation activities - Non-complying
- GIZ-R17: Building activities (including relocation of a building) - Restricted Discretionary
- WB-R4: Earthworks on a site containing or adjoining a natural waterbody - Restricted Discretionary
- EW-R3: Earthworks for sport and recreation activities and/or EW-R13(2) Earthworks not otherwise provided for in this table – Restricted Discretionary
- TRAN-R1: Roads and vehicle access points - Restricted Discretionary
- ECOR-R6: Building activities (excluding demolition or removal of a structure) on sites adjoining an entrance corridor - Restricted Discretionary
- ECOR-R7: Outdoor storage on sites adjoining an entrance corridor - Restricted Discretionary

Of note, once noise mitigation measures are employed it is considered likely the activity will comply with the PDP noise standards. Compliance will be further considered by AES.

It will be good to discuss retrospective aspects further.

Look forward to discussing on Wednesday.

Ngā mihi

BTW info@btw.nz | www.btw.nz | +64 6 759 5040

From: Campbell Robinson <Campbell.Robinson@npdc.govt.nz>

Sent: Thursday, March 14, 2024 1:23 PM

To: Aaron Edwards <aaron.edwards@btw.nz>

Cc: Richard Watkins <Richard.Watkins@npdc.govt.nz>

Subject: RE: [#BTW230984.00] NPPC Pre-app PAP23/00063

EXTERNAL MESSAGE

Thanks Aaron,

Just confirming that we will have a draft proposal statement and preliminary rule assessment by tomorrow as previously outlined?

Ngā mihi

Campbell Robinson
Senior Planner (Consultant)
New Plymouth District Council

From: Aaron Edwards <aaron.edwards@btw.nz>
Sent: Wednesday, March 13, 2024 3:42 PM
To: Campbell Robinson <Campbell.Robinson@npdc.govt.nz>
Cc: Richard Watkins <Richard.Watkins@npdc.govt.nz>; Birgit Kuriger <Birgit.Kuriger@npdc.govt.nz>
Subject: RE: [#BTW230984.00] NPPC Pre-app PAP23/00063

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Hi Campbell

On track for this meeting next week – could we move to 10:30?

Jonathan Marshall, NPPC Treasurer, would also like to attend.

I am preparing a draft proposal statement intending to circulate prior. Will put together a preliminary rule assessment as well.

Ngā mihi

AARON EDWARDS Manager Planning – Pou Whakamāhere Taiao Matua MNZPI +64 275 521 561

BTW info@btw.nz | www.btw.nz | +64 6 759 5040

From: Campbell Robinson <Campbell.Robinson@npdc.govt.nz>
Sent: Tuesday, March 5, 2024 10:40 AM
To: Aaron Edwards <aaron.edwards@btw.nz>
Cc: Richard Watkins <Richard.Watkins@npdc.govt.nz>; Birgit Kuriger <Birgit.Kuriger@npdc.govt.nz>
Subject: RE: [#BTW230984.00] Pistol Club Visit, Tuesday 12, 2023 10AM

EXTERNAL MESSAGE

Kia Ora Aaron,

Thank you for the update and for confirmation that Council will be provided with a consent outline at some stage next week. We would expect that this will provide a broad project outline and initial assessment of relevant ODP and PDP consent matters.

To facilitate further progress, I propose we set up a meeting for the week ending to discuss the proposed scope of the application and possible lodgement dates. I will send a meeting invite shortly.

Kind Regards

Campbell

Campbell Robinson
Senior Planner (Consultant)
New Plymouth District Council

From: Aaron Edwards <aaron.edwards@btw.nz>
Sent: Monday, March 4, 2024 3:22 PM
To: Campbell Robinson <Campbell.Robinson@npdc.govt.nz>
Cc: Richard Watkins <Richard.Watkins@npdc.govt.nz>
Subject: RE: [#BTW230984.00] Pistol Club Visit, Tuesday 12, 2023 10AM

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Hi Campbell

As an update, we have prepared a draft proposal statement which is now with the client for review. We expect to be able to provide a draft in confidence next week following which I hope to further discuss with you consent requirements.

Ngā mihi

AARON EDWARDS Manager Planning – Pou Whakamāhere Taiao Matua **MNZPI** +64 275 521 561

BTW info@btw.nz | www.btw.nz | +64 6 759 5040

From: Aaron Edwards
Sent: Tuesday, February 20, 2024 11:19 AM
To: 'Campbell Robinson' <Campbell.Robinson@npdc.govt.nz>
Cc: 'Richard Watkins' <Richard.Watkins@npdc.govt.nz>
Subject: RE: [#BTW230984.00] Pistol Club Visit, Tuesday 12, 2023 10AM

Kia ora Campbell

As discussed, I met with Jonathan Marshall and Mike O'Sullivan from NPPC on Thursday last week to discuss next steps in progressing consent requirements. The club is currently considering noise mitigation options as recommended by AES following their review of the MDA noise data.

Our next action point is to prepare a proposal statement for the club to incorporate all club activities (buildings, access, membership, regular activities, events etc) and proposed mitigation measures. The intention of the proposal statement is to form the basis of any consent application. Once the statement is prepared it is my intention to then work with you to confirm consent requirements and prepare the application and supporting material accordingly.

We are currently working toward preparing a draft proposal statement by the end of next week, Friday 1 March. I expect to be able to follow up with you the week after.

Any queries please let me know.

Ngā mihi

AARON EDWARDS Manager Planning – Pou Whakamāhere Taiao Matua MNZPI +64 275 521 561

BTW info@btw.nz | www.btw.nz | +64 6 759 5040

From: Aaron Edwards
Sent: Thursday, February 15, 2024 8:52 AM
To: 'Campbell Robinson' <Campbell.Robinson@npdc.govt.nz>
Subject: RE: [#BTW230984.00] Pistol Club Visit, Tuesday 12, 2023 10AM

Mōrena Campbell

Missed your phone call yesterday.

As an update, AES have recently completed their initial analysis of the MDA noise data obtained via LGOIMA request. We are now reviewing results and considering next steps. I am meeting with the club today to discuss further. I expect to contact you next week to discuss further.

Ngā mihi

AARON EDWARDS Manager Planning – Pou Whakamāhere Taiao Matua MNZPI +64 275 521 561

BTW info@btw.nz | www.btw.nz | +64 6 759 5040

From: Campbell Robinson <Campbell.Robinson@npdc.govt.nz>
Sent: Wednesday, January 31, 2024 3:06 PM
To: Aaron Edwards <aaron.edwards@btw.nz>
Subject: RE: [#BTW230984.00] Pistol Club Visit, Tuesday 12, 2023 10AM

EXTERNAL MESSAGE

Kia Ora Aaron,

I generally concur with the summary of the discussion as presented. A few points to emphasise:

- I agree that “Other aspects associated with the expansion of the activity will need to be assessed as part of the resource consent application, notably in respect of transport matters (e.g., vehicle movements, access safety). Consultation with Waka Kotahi NZ Transport Agency will be required (with written approval potentially required). Other potential aspects to address include earthworks and buildings/structures. “ This should address any contamination issues under the NESCS.
- I am comfortable with the framing of the existing environment as per paragraphs 4.2-4.6 of the officer’s report under CRT23/44925.
- As Richard previously mentioned, the LGOIMA is being process elsewhere in Council so I can’t comment t on the timing of that. Rowan Williams is the key point for the process.

Let me know if you need anything further. Happy to meet over the coming weeks to go over what will be the draft application and agree on consent triggers.

Ngā mihi

Campbell Robinson
Senior Planner (Consultant)
New Plymouth District Council

Sent: Wednesday, December 20, 2023 10:16 AM
To: 'Richard Watkins' <Richard.Watkins@npdc.govt.nz>
Cc: 'Campbell Robinson' <Campbell.Robinson@npdc.govt.nz>
Subject: RE: [#BTW230984.00] Pistol Club Visit, Tuesday 12, 2023 10AM

Morning Richard

Any feedback and/or indication of timeframe for comment on the below? Would like to keep the client updated.

In the interim, are you able to provide the raw data sets for previous noise testing undertaken?

Thanks

AARON EDWARDS Manager Planning – Pou Whakamāhere Taiao Matua **MNZPI** +64 275 521 561

BTW info@btw.nz | www.btw.nz | +64 6 759 5040

From: Aaron Edwards
Sent: Wednesday, December 13, 2023 3:37 PM
To: 'Richard Watkins' <Richard.Watkins@npdc.govt.nz>; Campbell Robinson <Campbell.Robinson@npdc.govt.nz>
Cc: Jonathan Marshall <treasurer@newplymouthpistolclub.org.nz>
Subject: RE: [#BTW230984.00] Pistol Club Visit, Tuesday 12, 2023 10AM
Importance: High

Hi Richard and Campbell

Thanks for attending yesterday's meeting.

The following provides a summary of key points discussed at the meeting which focused on resource consent requirements:

Location: New Plymouth Pistol Club, 1206 Devon Road, Bell Block

Date: 12 December 2023

Attendees:

- NPDC:
 - Richard Watkins (Principal Planner)
 - Campbell Robinson (Senior Planner)
 - Damian Ellerton (Marshall Day Acoustics)
- NPPC (applicant):
 - Jonathan Marshall (Treasurer)
 - Mike O'Sullivan (President)
 - Martin Phillips (Secretary)
 - Jeremy Trevathan (Acoustic Engineering Services)
 - Aaron Edwards (BTW Company)

Key points:

- Preparation of the resource consent application has not yet commenced.
- Timing for lodgement of the resource consent application is yet to be confirmed (although the applicant intends to at least make substantial progress in preparing the consent application prior to the Environment Court report order date of 29th March 2024).
- A robust resource consent application will need to be prepared to address all relevant matters. This should assist in reducing consent processing timeframes.
- Noting the application for an existing use certificate (EUC) has been refused (CRT23/44925), the application will need to consent all those aspects of the activity that have not previously been consented and therefore be in part retrospective (noting the application may include additional scope/activities to future proof the activity):
 - Based on the Officers Report for the EUC application, it is understood NPDC acknowledges the NPPC was lawfully established in 1983 with the scope of the activity involving up to 3 ranges and approximately 30 members – this forms as the 'existing environment' against which the activity is to be assessed (unless demonstrated otherwise as part of the consent application).
 - The resource consent application will need to assess additional activity over and above the 'existing environment' against the current District Plan framework.
- A key next step will be to confirm the District Plan non-compliances – recommended AE liaise with CR in a review capacity to confirm agreement in principle prior to lodgement of the consent application.
- The site is located in the General Industrial Zone under the Proposed District Plan (PDP). The activity would likely meet the PDP definition of a Sport and Recreation Activity. Resource consent is required as a non-complying activity for a Sport and Recreation Activity in the General Industrial Zone. Although the activity is existing (in terms of the 'existing environment' described above), resource consent would still be required as a non-complying activity due to the expansion of the activity – RW/CR to confirm.
- Noise matters:
 - NPDC to provide a copy of raw data from testing undertaken by Marshall Day Acoustics.
 - JT to review data, work toward confirming noise levels for the activity to enable assessment against the PDP standards (noting the relevant PDP rules are not under appeal)
 - JT to review noise mitigation options (if required) based on results, to include potential development of Noise Management Plan
 - Option for JT to liaise with DM in a review capacity to confirm agreed assessment methodology/approach, results and to develop mitigation options

- Other aspects associated with the expansion of the activity will need to be assessed as part of the resource consent application, notably in respect of transport matters (e.g., vehicle movements, access safety). Consultation with Waka Kotahi NZ Transport Agency will be required (with written approval potentially required). Other potential aspects to address include earthworks and buildings/structures.
- There can be no predetermined outcome in terms of notification. The application will need to be assessed on its merits and will be subject to the notification tests under sections 95A (public notification) and 95B (limited notification) – accordingly notification will depend on the scale of adverse effects when assessed against the relevant planning framework. Obtaining written approvals from neighbours who support the activity would simplify the notification assessment (as any effects on those persons must be disregarded).
- Recommended AE requests a copy of the property file from NPDC in part to confirm legal establishment of buildings.

Please let me know any comments/corrections/additions to the above.

Ngā mihi

AARON EDWARDS Manager Planning – Pou Whakamāhere Taiao Matua **MNZPI** +64 275 521 561

BTW info@btw.nz | www.btw.nz | +64 6 759 5040

From: Aaron Edwards

Sent: Tuesday, December 12, 2023 12:56 PM

To: Richard Watkins <Richard.Watkins@npdc.govt.nz>

Cc: gandoff@extra.co.nz; jp@aeservices.co.nz; Mark Utting <mark@uttinglaw.co.nz>; Campbell Robinson <Campbell.Robinson@npdc.govt.nz>; Susan Hughes <susan@bankchambers.co.nz>; Jade Magrath <Jade.magrath@ricespeir.co.nz>; Martin Phillips <secretary@newplymouthpistolclub.org.nz>; Avin Panchorie <admin@newplymouthpistolclub.org.nz>; Damien.morresey@npdc.govt.nz; Damian Ellerton <damian.ellerton@marshallday.co.nz>; 'Jonathan Marshall' <treasurer@newplymouthpistolclub.org.nz>

Subject: RE: [#BTW230984.00] Pistol Club Visit, Tuesday 12, 2023 10AM

Hi all

Thanks for meeting out on site this morning. As discussed, I will consolidate notes from the meeting and forward for comment.

In the interim, as discussed we would like to request the raw data sets for previous noise testing undertaken.

Look forward to receiving and going forward from there.

Ngā mihi

AARON EDWARDS Manager Planning – Pou Whakamāhere Taiao Matua **MNZPI** +64 275 521 561

BTW info@btw.nz | www.btw.nz | +64 6 759 5040

From: Jonathan Marshall <treasurer@newplymouthpistolclub.org.nz>

Sent: Monday, December 11, 2023 7:28 AM

To: Richard Watkins <Richard.Watkins@npdc.govt.nz>

Cc: gandoff@extra.co.nz; jp@aeservices.co.nz; Aaron Edwards <aaron.edwards@btw.nz>; Mark Utting <mark@uttinglaw.co.nz>; Campbell Robinson <Campbell.Robinson@npdc.govt.nz>; Susan Hughes

<susan@bankchambers.co.nz>; Jade Magrath <Jade.magrath@ricespeir.co.nz>; Martin Phillips
<secretary@newplymouthpistolclub.org.nz>; Avin Panchorie <admin@newplymouthpistolclub.org.nz>;
Damien.morresey@npdc.govt.nz; Damian Ellerton <damian.ellerton@marshallday.co.nz>
Subject: [#BTW230984.00] Pistol Club Visit, Tuesday 12, 2023 10AM
Importance: High

EXTERNAL MESSAGE

Good Morning people,

Tomorrow, we the New Plymouth Pistol Club are hosting your visit to our club. For your personal safety, we would like to make you aware of what will be required of you and what you will need.

- Arrive in the carpark by about 10 am. Park your car against the buildings, you will see other cars there and follow that format. You do not need to back park, but if you wish to that is your choice.
- You will need to have strong footwear for walking across uneven ground,
- You can not wear any camo clothing at the club,
- No one is allowed at the club if they have any criminal convictions,
- No one is allowed at the club if they associate with any gangs,
- We will meet you in the car park and you should not venture from the car park till we meet you and bring you inside, The car park is a safe zone.
- We will need you to sign the visitors' book. This book is mandatory and is inspected by the police regularly. The record is kept by the club and will join our records from the late 1960's. It is available to the executive and police when ever it is asked for.
- After everyone has signed the book, we will start the induction of the club just inside the club rooms.
- We will then go for a walk around the club introducing you to the club and our activities.
- Be aware the club is under major maintenance and the ground is uneven, we can discuss the reasons for our maintenance in our induction.
- After the walk around, we will then go to our club rooms, have a tea or coffee, and begin our discussions.
- If there are any members or police in the club not associated with our group, please refrain from conversing with them unless they approach you.

If you have any questions before this event, please feel free to contact myself or our president Mike O'Sullivan. I expect our induction to be robust and enthusiastic as we enjoy our club and our sport. If you have any questions as we walk around, we would appreciate answering them for you. This email includes the lawyers, but they are not expected to be at the meeting, this email is for our "learned friends" information.

Many thanks for your attendance to this.

Kindest regards

Jonathan KP Marshall

NPPC Treasurer

treasurer@newplymouthpistolclub.org.nz

Cell Phone: **021814699**



New Plymouth Pistol Club Inc.

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Aaron Edwards

From: Aaron Edwards
Sent: Saturday, 27 July 2024 11:54 am
To: Jonathan Marshall
Cc: Martin Phillips; Mike O'Sullivan; Avin Panchorie
Subject: FW: [#BTW230984.00] Resource Consent Application - New Plymouth Pistol Club - 1206 Devon Road, New Plymouth
Attachments: AC23328_01_R4_04_07_2024.pdf; 230984.00-SU-01-Sheets 1 Rev 0 Topo.pdf
12d Synergy: -1

Kia ora Jonathan

The following provides a planning overview of the resource consent application in support of consultation with Te Atiawa Iwi.

BTW Company (BTW) is assisting New Plymouth Pistol Club (NPPC) in preparing a land-use resource consent application to be submitted to New Plymouth District Council (NPDC) for the continued operation of the club as a sport and recreation activity on the site at 1206 Devon Road, Bell Block (legally described as: Lot 1 DP 19854) (Figures 1 and 2). Resource consent is sought in part on a retrospective basis. The application is to be lodged with NPDC on or before 2 August 2024 in order to comply with Environment Court proceedings.

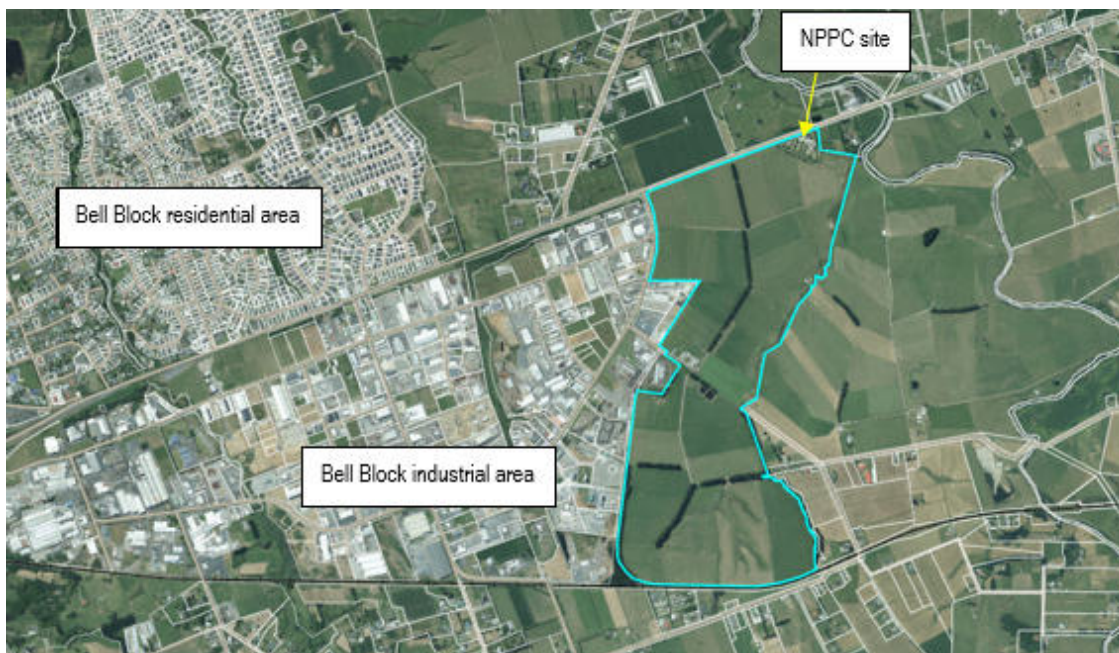


Figure 1: Site location



Figure 2: NPPC footprint

Background

The NPPC first established on the site in 1983. The club has since developed overtime with currently eight (8) outdoor ranges and one (1) indoor range in use and membership in the order of 150 members.

In or around August 2021, NPDC began receiving regular noise complaints from the neighbouring site at 1222 Devon Road. NPDC concluded the club did not have resource consent on the understanding noise generated from outdoor shooting activities did not comply with District Plan noise standards and that the club did not enjoy existing use rights pursuant to section 10 of the RMA. NPDC issued an abatement notice in August 2022, restricting NPPC hours to the following:

- Tuesday, between 9 am and 4 pm
- Wednesday, between 9 am and 4 pm
- Thursday, between 5 pm and 8 pm
- Saturday, between 9 am and 4 pm
- Sunday, between 10 am and 4 pm.

The abatement notice is currently under appeal.

The applicant applied to NPDC for an Existing Use Certificate for the activity in February 2023 (CRT23/44925). The application was refused on 22 June 2023 on the basis that the application did not satisfy the relevant tests under section 139A of the RMA. The NPDC decision report concluded the NPPC was lawfully established in 1983 with the scope of the activity involving up to three shooting ranges and approximately 30 members.

Current Proposal

As above, NPPC is seeking resource consent (in part retrospective) for the continued operation of the club as a sport and recreation activity on the site.

NPPC acknowledges NPDC's position that the club was lawfully established in 1983 with the scope of the activity involving up to three (3) ranges and approximately 30 members. This forms as the existing environment against which the continued operation of the NPPC is to be assessed. With eight outdoor ranges and one indoor range in use and membership in the order of 150 members the NPPC activity has increased when compared to the existing environment.

The current proposal has largely been developed on the basis of the recommended noise mitigation measures as set out in a noise report prepared in support of the application (attached). Figure 3 demonstrates proposed noise mitigation measures.



Figure 3: Proposed physical noise mitigation measures

NPPC seeks resource consent to undertake shooting during opening hours from 9:00 am to 9:00 pm seven days a week (to include public holidays).

Intensity of use is noted as follows on pages 4-5 in the Noise Report:

- Typically, daily use may be 4 – 8 hours per day for all club and training use, with club members also using the facility on weekends, especially on Sunday when most events are held.
- Use by other shooting clubs and open days for public or corporate events occur occasionally and is often on weekends or evenings.
- Police will use the facility for training and certification as required, which is typically three days per month. The Armed Offenders Squad uses the Club approximately five times per year.

- *Between 6 – 8 times a year the Club may operate a local or national competition with up to 160 attendees for an average of three days. The competitions typically run between 0900 to 1700 hours with some set-up testing from 0800 hours and some repairs and testing after 1700 hours in preparation for the competition on the next day.*

It is noted that the NPPC serves as the only outdoor shooting range available for police training purposes within the New Plymouth District.

The NPPC currently has approximately 150 members. Membership numbers fluctuate over time. The number of members does not directly correlate to the intensity of use for the shooting ranges. The intensity of use is dictated by regular club activities and events. An increase in membership does not directly equate to an expansion of the activity. Accordingly, no limit to membership numbers is proposed or sought as part of the resource consent application.

Proposed Works

Proposed physical mitigation measures are as demonstrated in Figure 3. Site plans are currently being finalised to capture the mitigation measures and will be submitted in support of the application.

Earthwork activity will be required to establish the mitigation measures. Estimated earthwork quantities are to be confirmed (following on from a recently completed topographic survey). Of particular note, the site plan set is to include a concept design for the 3m increase in height and extension for the bund along the eastern boundary adjoining the unnamed tributary (described further below). The concept design is to include an acoustic fence along the top of the bund to reduce the volume of earthworks required.

Erosion and Sediment controls will be installed prior to commencement of any areas being disturbed to prevent any sediment discharges leaving the area of works. All exposed areas will be stabilised upon completion of earthworks by spreading topsoil and planting grass or covering with mulch or hardfill.

District Plan

The New Plymouth District Plan is currently under review with the Proposed District Plan – Appeals Version (PDP) to replace the Operative District Plan (ODP). The majority of PDP rules relevant to the NPPC activity are not under appeal and are operative. The following focuses on the PDP only.

The site is located in the General Industrial Zone under the PDP (Figure 4).

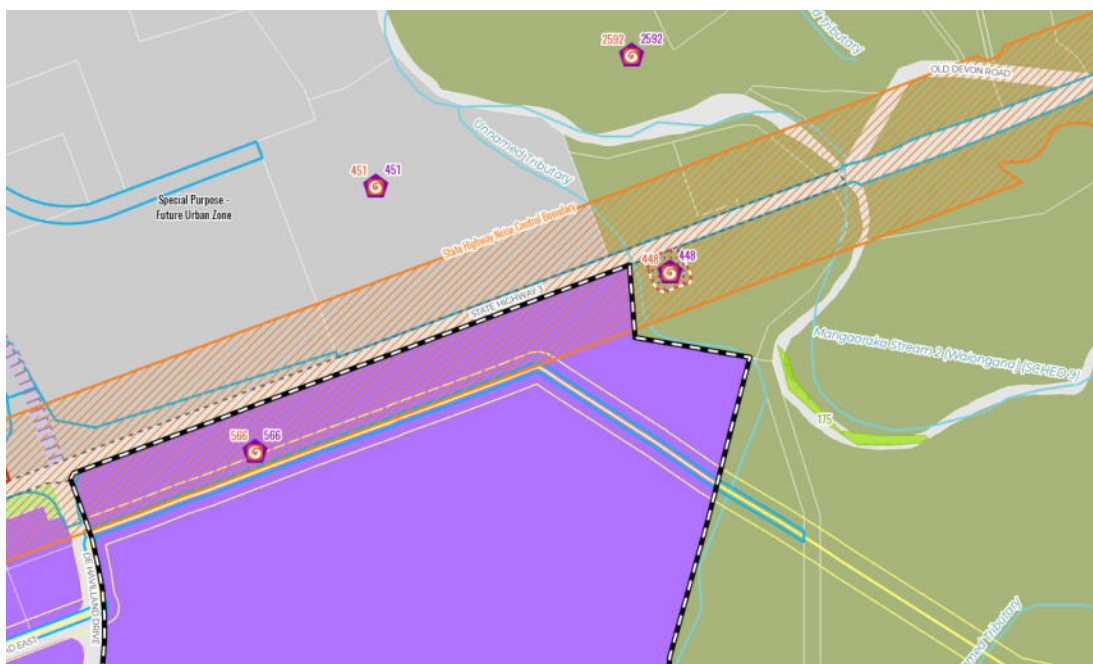


Figure 4: PDP planning map. Wider site marked in black and white dash.

The following overlays apply to the site:

- Site of Significance to Māori and Archaeological Sites (Site ID: 566)
- Entrance Corridor
- Noise Control Boundary
- Water Body (unnamed tributary)
- Airport Flight Path Surface
- Gas Transmission Pipeline
- Gas Transmission Pipeline Corridor
- State Highway - Limited Access
- Indicative Road Transport Network
- Designation (FGL-1 and NZTA-1).

Waterbodies

An unnamed tributary of the Mangaoraka Stream (Waiongana) runs parallel to the eastern boundary of the NPPC site before flowing through a culvert under SH3 (Figure 5). The tributary is not listed as a Schedule 9 waterbody in the PDP. The Waiongana Stream and its tributaries are listed as an area subject to statutory acknowledgement under the Te Atiawa Claims Settlement Act 2016.



Figure 5: Unnamed tributary viewed from the road boundary (source: BTW, July 2024)

Cultural and Historic Heritage Sites

The surrounding area features a number of cultural and historic heritage sites recorded in the PDP to include the following as listed in Table 1 and shown in Figure 6 below. Site ID:448 is the closest recorded site with the verified extent located approximately 23 m from the NPPC site boundary.

Table 1: Sites of Significance to Māori and archaeological sites in proximity to the site

Site ID	Location	Site Description	Mana Whenua	Silent File	Verified	NZAA Ref
448	Devon Road, Bell Block	Rongonui Pā or Rongorongonui Pā	Puketapu	No	Yes	Q19/113
451	Devon Road, Bell Block	Pahau Pā	Puketapu	No	Yes	Q19/116
566	Devon Road, Bell Block	Ikamoana Pā	Puketapu	No	No	Q19/243



Figure 6: Sites of Significance to Māori and archaeological sites in proximity to the site

Resource Consent Requirements

Overall resource consent is required as a non-complying activity in accordance with Rule GIZ-R15 for a sport and recreation activity in the General Industrial Zone (on the basis of an expansion to the activity when compared to the existing environment).

Of note, resource consent will be required as a restricted discretionary activity under the following rules:

- *WB-R4 Earthworks on a site containing or adjoining a natural waterbody*
 - Earthworks will be undertaken within 10m of the bank of the unnamed tributary associated with the extension and height increase for the Range 1 bund.
- *EW-R3 Earthworks for sport and recreation activities and EW-R10 Earthworks for building activities*
 - Earthwork activity will not comply with the 1.5m fill height or cut depth standard under EW-S2.

Resource consent is not expected to be required in relation to sites and areas of significance to Māori. No earthwork activity is expected to occur within 50 m from the recorded extent for Site ID: 448 (Figure 7).



Figure 7: PDP map showing 50 m extent for Site ID: 448.

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS) controls the activities on land where an activity on the Hazardous Activities and Industries List (HAIL) is being carried out, has been carried out, or is more than likely than not have been carried out. Outdoor shooting ranges are included on the HAIL (*C.2. Gun clubs or rifle ranges, including clay targets clubs that use lead munitions outdoors*). The NES-CS is a relevant matter. A PSI is currently being prepared and will be submitted in support of the application once finalised. Depending on the PSI findings, resource consent may be required under the NES-CS. Any earthwork activity will be managed in accordance with the recommendations of the PSI.

Next Steps

As noted, NPPC is working toward lodgement of the consent application on or before 2 August 2024. A copy of the application is able to be forwarded at the time of lodgement.

Look forward to feedback. Feel free to contact me with any queries.

Ngā mihi

AARON EDWARDS Manager Planning – Pou Whakamāhere Taiao Matua **MNZPI**

Office: +64 6 759 5040 | **Mobile:** +64 275 521 561

BTW COMPANY

Ngāmotu – New Plymouth

179-181 Courtenay Street, PO Box 551, New Plymouth 4340, +64 6 759 5040

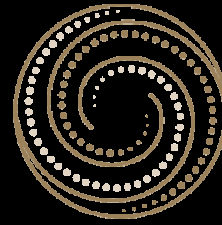
Kirikiroa – Hamilton

517 Anglesea Street, PO Box 1229, Hamilton 3240, +64 7 595 0020

Taupō

12 Ashwood Avenue, Taupō 3330

info@btw.nz | www.btw.nz



CREATING A
BETTER FUTURE
SINCE 1973

Aaron Edwards

From: Aaron Edwards
Sent: Saturday, 27 July 2024 10:51 am
To: Environmental Planning
Subject: [#BTW230984.00] Resource Consent Application - New Plymouth Pistol Club - 1206 Devon Road, New Plymouth
Attachments: MOT vehicle crossing approval 1983.PDF; AC23328_01_R4_04_07_2024.pdf; 230984.00-SU-01-Sheets 1 Rev 0 Topo.pdf

Tēnā koe

We seek to consult on behalf of the New Plymouth Pistol Club (NPPC) in regard to a land-use resource consent application to be submitted to New Plymouth District Council (NPDC) for the continued operation of the club as a sport and recreation activity on the site at 1206 Devon Road, Bell Block (legally described as: Lot 1 DP 19854) (Figures 1 and 2). Resource consent is sought in part on a retrospective basis. The following provides an overview of the consent background and current proposal.

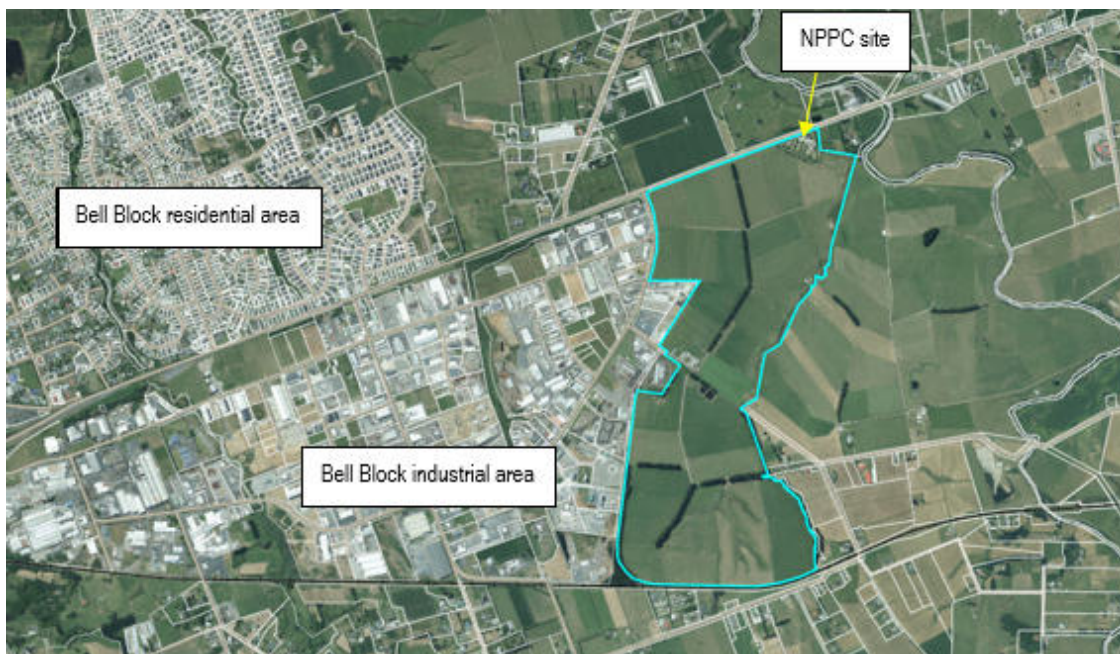


Figure 1: Site location



Figure 2: NPPC footprint

Background

The NPPC first established on the site in 1983. A vehicle access point was approved at that time for the activity (see attached).

In or around August 2021, NPDC began receiving regular noise complaints from the neighbouring site at 1222 Devon Road. NPDC concluded the club did not have resource consent on the understanding noise generated from outdoor shooting activities did not comply with District Plan noise standards and that the club did not enjoy existing use rights pursuant to section 10 of the RMA. NPDC issued an abatement notice in August 2022, restricting NPPC hours to the following:

- Tuesday, between 9 am and 4 pm
- Wednesday, between 9 am and 4 pm
- Thursday, between 5 pm and 8 pm
- Saturday, between 9 am and 4 pm
- Sunday, between 10 am and 4 pm.

The applicant applied to NPDC for an Existing Use Certificate for the activity in February 2023 (CRT23/44925). The application was refused on 22 June 2023 on the basis that the application did not satisfy the relevant tests under section 139A of the RMA. The NPDC decision report concluded the NPPC was lawfully established in 1983 with the scope of the activity involving up to three shooting ranges and approximately 30 members.

Current Proposal

As above, NPPC is seeking resource consent (in part retrospective) for the continued operation of the club as a sport and recreation activity on the site.

NPPC acknowledges NPDC's position that the club was lawfully established in 1983 with the scope of the activity involving up to three (3) ranges and approximately 30 members. This forms as the existing environment against which the continued operation of the NPPC is to be assessed. With eight (8) current outdoor ranges and one (1) indoor range in use and membership in the order of 150 members the NPPC activity has increased when compared to the existing environment.

The current proposal has largely been developed on the basis of the recommended noise mitigation measures as set out in a noise report prepared in support of the application (attached). Figure 3 demonstrates proposed noise mitigation measures.



Figure 3: Proposed physical noise mitigation measures

NPPC seeks resource consent to undertake shooting during opening hours from 9:00 am to 9:00 pm seven days a week (to include public holidays).

Intensity of use is noted as follows on pages 4-5 in the Noise Report:

- Typically, daily use may be 4 – 8 hours per day for all club and training use, with club members also using the facility on weekends, especially on Sunday when most events are held.
- Use by other shooting clubs and open days for public or corporate events occur occasionally and is often on weekends or evenings.
- Police will use the facility for training and certification as required, which is typically three days per month. The Armed Offenders Squad uses the Club approximately five times per year.

- *Between 6 – 8 times a year the Club may operate a local or national competition with up to 160 attendees for an average of three days. The competitions typically run between 0900 to 1700 hours with some set-up testing from 0800 hours and some repairs and testing after 1700 hours in preparation for the competition on the next day.*

It is noted that the NPPC serves as the only outdoor shooting range available for police training purposes within the New Plymouth District.

The NPPC currently has approximately 150 members. Membership numbers fluctuate over time. The number of members does not directly correlate to the intensity of use for the shooting ranges. The intensity of use is dictated by regular club activities and events. An increase in membership does not directly equate to an expansion of the activity. Accordingly, no limit to membership numbers is proposed or sought as part of the resource consent application.

Transport Environment

No change to the existing site access or parking areas is proposed.

Figures 4-7 demonstrate the site access and general car park area. The site is accessed via an existing sealed crossing onto SH3. The access extends approximately 13 m from the carriageway to a metal chain-link gate to which entry is controlled by swipe card access. The access leads to a metalled unmarked parking area in front of the main block building. Additional parking is available to the rear of the clubroom building and eastern lawn area as required. No on-street parking is available along SH3. All vehicles park on site.

Vehicle movements vary throughout the week to coincide with regular opening hours and club events. The NPPC does not accommodate more than 200 people at any one time and therefore does not meet the Proposed District Plan (PDP) definition of a High Trip Generator Activity.

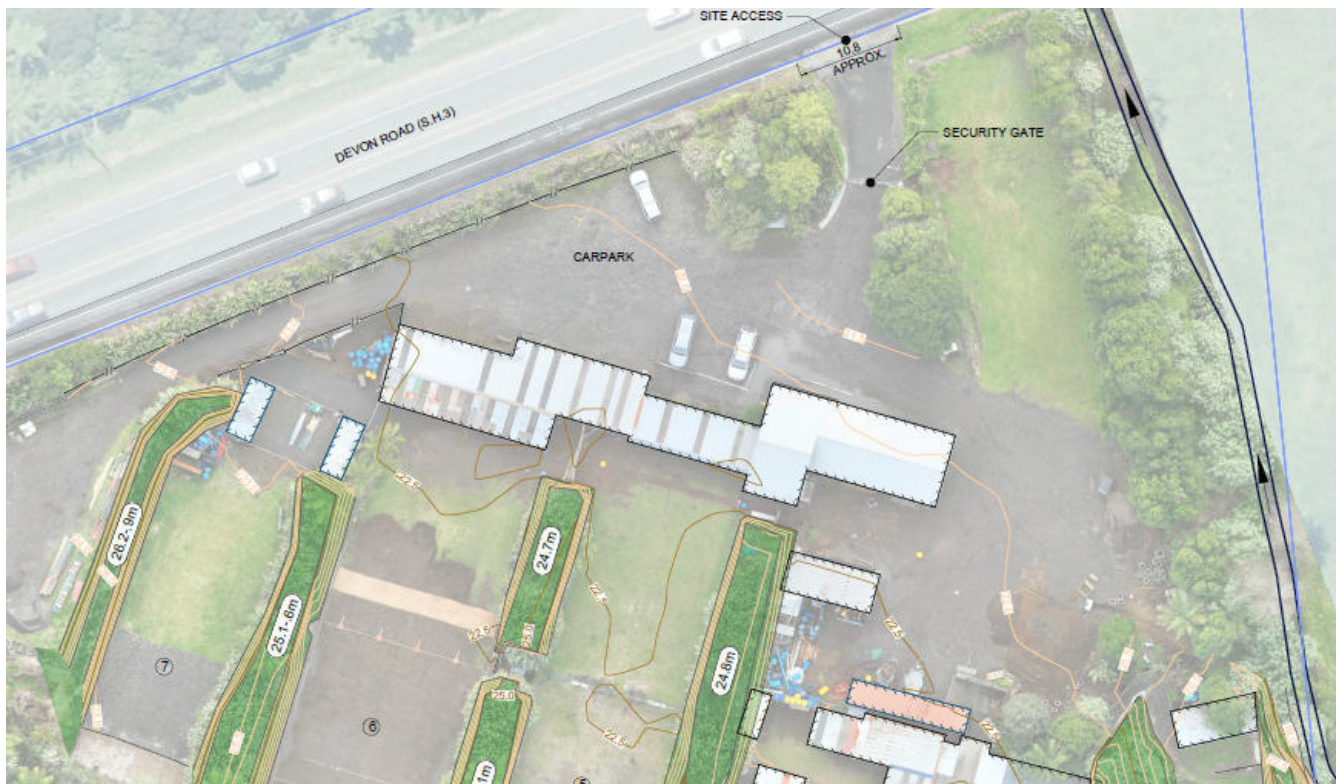


Figure 4: Existing site layout



Figure 5: Existing site access point (source: BTW, July 2024)



Figure 6: Existing site entrance (source: BTW, July 2024)



Figure 7: Unmarked parking area (source: BTW, July 2024)

District Plan

The New Plymouth District Plan is currently under review with the Proposed District Plan – Appeals Version (PDP) to replace the Operative District Plan (ODP). The majority of PDP rules relevant to the NPPC activity are not under appeal and are operative. The following focuses on the PDP only.

The site is located in the General Industrial Zone under the PDP (Figure 8).

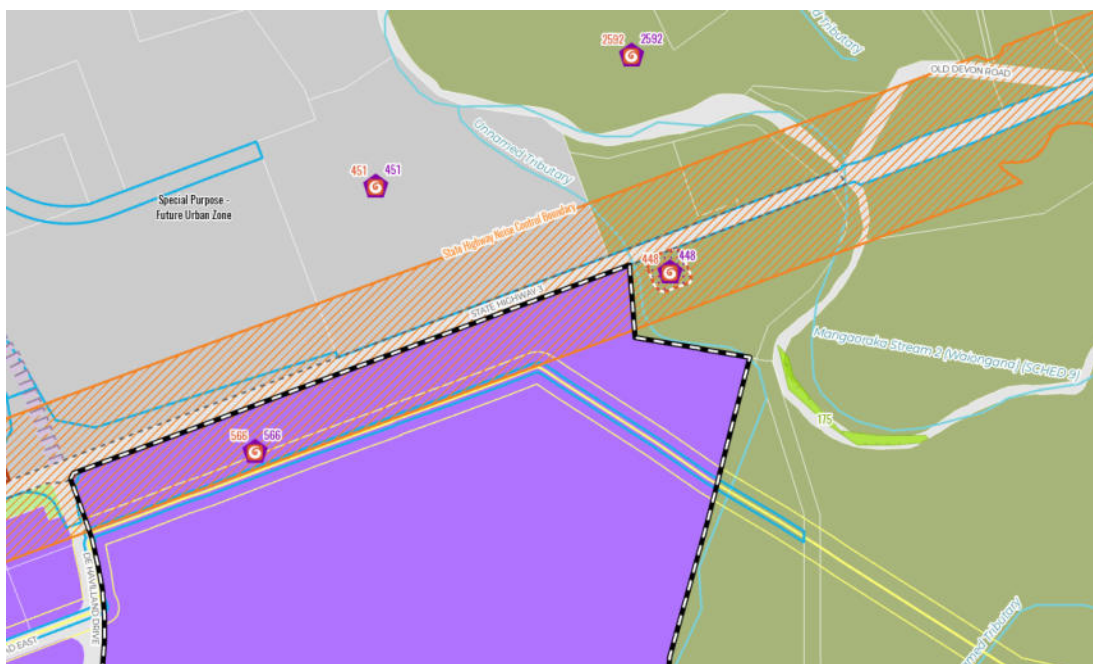


Figure 8: PDP planning map. Wider site marked in black and white dash.

The following overlays apply to the site:

- Site of Significance to Māori and Archaeological Sites (Site ID: 566)
- Entrance Corridor
- Noise Control Boundary
- Water Body (unnamed tributary)
- Airport Flight Path Surface
- Gas Transmission Pipeline
- Gas Transmission Pipeline Corridor
- State Highway - Limited Access
- Indicative Road Transport Network
- Designation (FGL-1 and NZTA-1).

Overall resource consent is required as a non-complying activity in accordance with Rule GIZ-R15 for a sport and recreation activity in the General Industrial Zone (on the basis of an expansion to the activity when compared to the existing environment).

In terms of traffic non-compliances, the proposal requires resource consent as a restricted discretionary activity under Rule *TRAN-R1 Roads and vehicle access points* due to non-compliances with transport effects standards (due to technical non-compliances in retaining the existing site layout) and as a discretionary activity under Rule *TRAN-R10 Vehicle access points onto a state highway* (due to an increase in the use of the existing access point when compared to the existing environment).

Safety Improvements

NZTA has previously consulted NPPC in relation to Te Ara Tūtohu Waitara to Bell Block safety improvements. NPPC understands a median barrier is proposed to be installed in the vicinity of the site with access likely be restricted to left turn entry and exit.

Next Steps

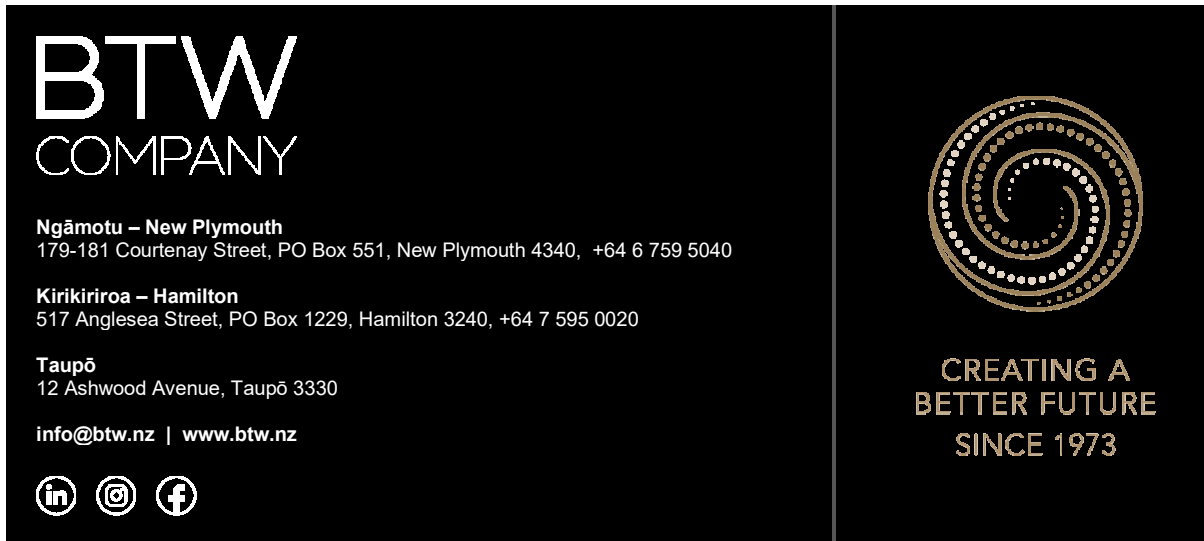
NPPC is working toward lodgement of the consent application on or before 2 August 2024. A copy of the application will be forwarded to NZTA at the time of lodgement.

Look forward to feedback. Feel free to contact me with any queries.

Ngā mihi

AARON EDWARDS Manager Planning – Pou Whakamāhere Taiao Matua **MNZPI**

Office: +64 6 759 5040 | **Mobile:** +64 275 521 561



Aaron Edwards

From: Environmental Planning <EnvironmentalPlanning@nzta.govt.nz>
Sent: Friday, 2 August 2024 11:45 am
To: Aaron Edwards
Subject: Waka Kotahi NZ Transport Agency - Case Ref # - Application-2024-0960 - A new Environmental Planning request has been logged CRM:0093153955

EXTERNAL MESSAGE

Dear Aaron Edwards,

Thank you for your application. Your reference : #BTW230984.00,

Your application has been assigned to the Environmental Planning Team and you should expect to receive a response within the next 20 working days. If you have any further queries or concerns on this matter, please do not hesitate to contact us via email quoting case ref: Application-2024-0960 or visit our [website](#).

Note: Due to the high work loads of our team there maybe a delay in our response.

Kind Regards,

Environmental Planning Team

Transport Services

E environmentalplanning@nzta.govt.nz / w <http://www.nzta.govt.nz>

This message, together with any attachments, may contain information that is classified and/or subject to legal privilege. Any classification markings must be adhered to. If you are not the intended recipient, you must not peruse, disclose, disseminate, copy or use the message in any way. If you have received this message in error, please notify us immediately by return email and then destroy the original message. This communication may be accessed or retained by Waka Kotahi NZ Transport Agency for information assurance purposes.

Telephone 86074

Inquiries to

Mr Perrott

Date 10 May 1983

Our ref 19/18/5N & 7/3/9/69

Your ref

Hon Secretary
New Plymouth Pistol Club
46 Sanders Avenue
NEW PLYMOUTH

Dear Sir

STATE HIGHWAY 3 : LIMITED ACCESS ROAD
WAITARA TO NEW PLYMOUTH
PROPOSED OUTDOOR RANGE AT BELL BLOCK EAST

Further to our letter 19/18/5N to you of 15 March, we confirm that the National Roads Board has no objection to your Club utilising the old butts situated at Bell Block east for an outdoor range.

This is conditional however upon highway access to the range being confined to a single 'recessed entrance' formed as near as practicable to the eastern property boundary, necessitating permanent closure of the existing wire-and-batten 'Taranaki' gate and for its relocation at a point approximately 35 metres further eastwards along the highway frontage opposite the kerbed passing lane entrance taper.

... Sketch plans showing the new access location and typical layout of a recessed entrance are attached.


As you will appreciate, recessing of the entrance is necessary from traffic safety aspects due to the limited berm width between the kerb and the highway boundary fence.

If you decide to proceed with the proposed outdoor range, please advise when it is intended to close off the existing 'Taranaki' gate and construct the new entrance so that we can formalise its relocation with the Roads Board.

Also, the Club will be responsible for meeting the costs of any minor kerb alterations or metalling of the berm necessary to facilitate vehicular access.

A copy of this correspondence has been forwarded to the City Council.

Yours faithfully


M S Perrott
for Resident Engineer

Encl

LOT 6
DP 5331

OLD W.W.2
FIRING BUTTS
(PROPOSED RANGE)

FULL WIDTH PASSING LANE SECTION

WATER TO BE CHANNELLED INTO
EXISTING CULVERT INLET

Proposed Recessed Entrance (604)
To outdoor
To Relocate
approx 35-40 metres
Past and Wire Fence (existing)

BEEM

KEEN CHANNEL

S.D. 300m

S.D. 1000m

WHITE EDGELINES

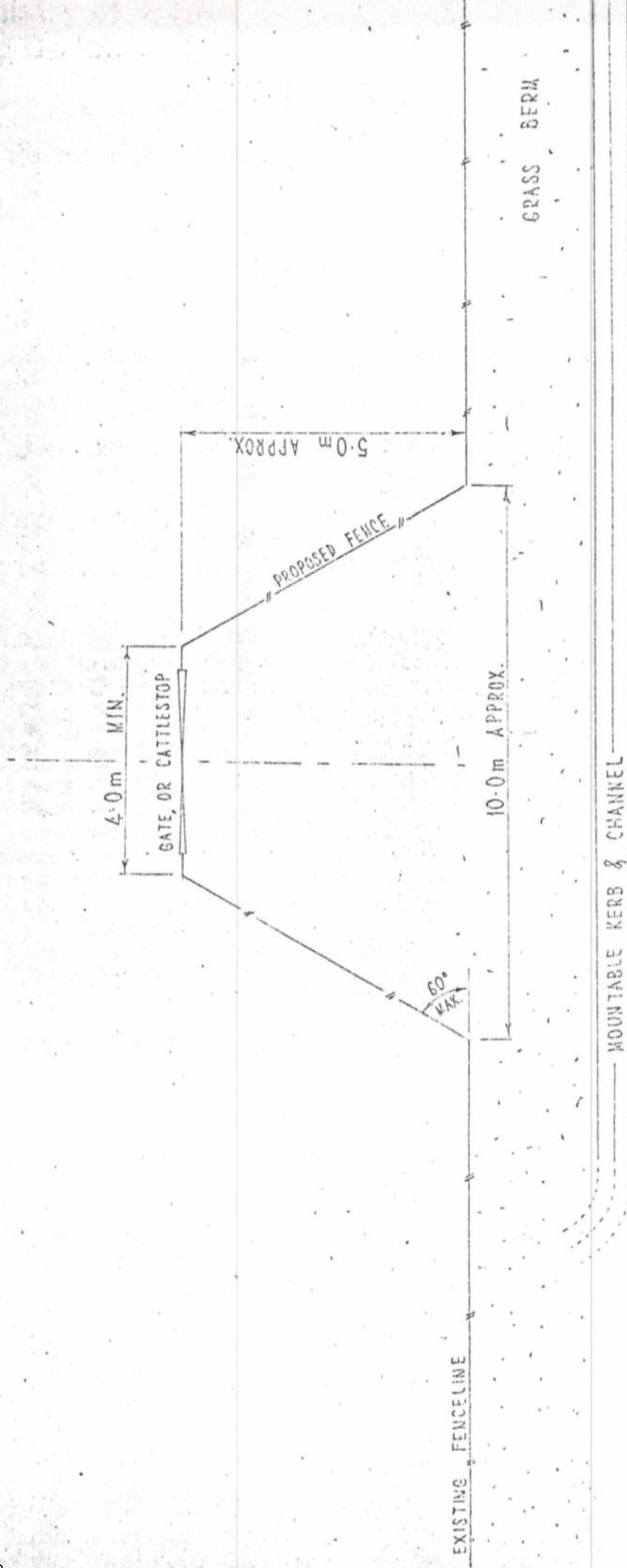
To Waitara

To New Plymouth

EXISTING 1041DA R.C. PIPE

1000m

TYPICAL RECESSED ENTRANCE





NEW ZEALAND POLICE
POLICE STATION

PO BOX 344, New Plymouth

TELEPHONE 75-449

13 June 1983

The Secretary
New Plymouth Pistol Club
46 Sanders Avenue
NEW PLYMOUTH

Dear Sir

Your letter of 6 March 1983 and letter of the New Plymouth City Council dated 28 February 1983 refer.

I endorse the move of your New Plymouth Pistol Club extending their activities to an outdoor range on land supplied by the New Plymouth City Council. This target range will be inspected by a member of the NZPA and should be in accordance with their regulations.

For the past 17 years your club has operated an indoor pistol target range with the highest respect for the rules laid down by the New Zealand Pistol Association.

The new firing range will enable the club to cater for increased membership and outdoor pistol target competition in the future, which is a highly competitive sport.

This outdoor pistol range would be an asset to other similar bona fide bodies requiring its use.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'A. B. Gordon', written over the typed name.

A B GORDON
DISTRICT ARMS OFFICER

APPENDIX I RANGE SAFETY ORDERS



RANGE STANDING ORDERS

1. **New Plymouth Pistol Club Inc.**
2. **Range Name:** **New Plymouth Pistol Club Range Complex**
3. **Dated: 24th July 2024**

Range Standing Orders are written to ensure all **Club Members and users are aware** of the conditions that apply to these ranges.

Safety MUST be your prime consideration when using the New Plymouth Pistol Club Inc. Club Ranges.

All persons not involved in the match being shot are to remain at least **1m** behind the shooting line or starting position and must remain quiet so as not to interfere with the giving of instructions by any Range Officers

4. Introduction:

- The range complex is situated 1220 Devon Road, Bell Block, New Plymouth.
- The land is owned by XXXXX.
- Legal title: Lot1 DP XXXX.
- These orders are applicable to **ALL PERSONS** who enter the property administered by the New Plymouth Inc.
- These orders are to be promulgated to all New Plymouth Pistol Club Inc. members and all other user organisations.
- A Copy of these orders are to be permanently displayed on the club notice board.
- RSOs are written to ensure all users are aware of the conditions of use that apply to these ranges.
- **Hours of operation are from XXXXX.**
- Every person who enters the New Plymouth Pistol Club range complex is to sign the register upon arrival.
- Visitors are to be directed to where, a copy of these Range Standing Orders are available to be read. Range Standing Orders are written to ensure all **Club Members and users are aware** of the conditions that apply to these ranges.
- The signing of the range register acknowledges that the user has read, understood and accepted the Range Standing Orders and the specific Pistol Discipline rules or specified Rifle or Shotgun or Black Powder rules posted on each range.
- Access and use of these ranges is for New Plymouth Pistol Club Inc. Members, Associate Members and visitors under direct control of an Officer on Duty/Range Officer.
- All users are to read these standing orders.
- All pistol shooters must either hold a B endorsement on their firearms licence or be under the direct supervision of a holder of a firearms licence with a B endorsement.
- Firearms may only be handled at this range complex under the following circumstances.
 - [a] In the designated and approved Safety Zone or designated loading & unloading tables.
 - [b] On the range under the supervision of a Range Officer or other approved match official.

5. Responsibility:

- The Shooting Range Operator is the New Plymouth Pistol Club Inc.
- The New Plymouth Pistol Club Inc. Committee is responsible for the administration, allocation, and ongoing maintenance of all ranges, and are also responsible for ensuring that all members are familiar with and abide with these Range Standing Orders.

6. Compliance with Range Standing Orders (RSOs).

- All users of the range are subject to these RSOs.
- User organisations permitted use of these facilities will have their approval withdrawn if they do not adhere to these RSOs.

7. Location:

- The range complex is located at Topo 50 Map No. **BH29 New Plymouth.**
- NZTM Reference: **E 1702272 N5679717**
- **Address: 1220 Devon Road Bell Block. New Plymouth.**

8. Approved range users and Priority of use:

- The following is the order of priority for the use of the New Plymouth Pistol Club ranges and no other individual may use the range unless they are fully authorised members of one of the associations listed below.
 - [a] Members of the New Plymouth Pistol Club Inc.
 - [b] Members of Pistol NZ (PNZ).
 - [c] Members of the NZ Police for firearms training (see NZ Police Annex B).
 - [d] No. 8 Squadron, NZCF, New Plymouth (see NZCF Annex B).
 - [e] Pest Control contractors approved by the New Plymouth Pistol Club Committee.
 - [f] Other users as approved by the New Plymouth Pistol Club Committee.
- The range is not to be allocated for use by non-members or non-affiliated organisations without the express authority of the President of the New Plymouth Pistol Club Inc.

9. Warning flags-Danger signs.

- Red range flag **MUST** be positioned at the following point and is to be hoisted prior to commencement of any live firing:
 - [a] Flag/Sign; Gate entrance on Devon Road NZTM E1702272 N5679717.
 - [b] Flag; On hilltop behind range eight
 - [c] Sign; The entrance gate to each covered firing point.
 - [d] Sign; Boundary fence at not greater than 50m intervals
- The warning flags must be lowered when the range is closed.

10. Description of individual ranges and conditions of use:

- The complex has Eight (8) Outdoor "No Danger Area Ranges" and One (1) Indoor "No Danger Area Range".
- Ranges are restricted to the firing of the following firearms:

➤ Range 1: 25-Metre, Outdoor, Multi Discipline No Danger Area Range.

Restrictions: Range 1.

- [a] Pistols up to and including .45 Calibre with a maximum muzzle velocity no greater than 1600fps.
- [b] Rifles firing pistol calibres up to and including .45 Calibre with a maximum muzzle velocity no greater than 2148fps.
- [c] Rifles up to and including .223in / 5.56mm Calibre with a maximum muzzle velocity no greater than 3280fps (1000m/s) and a maximum muzzle energy no greater than 1844ft-lb (2500 Joules).
- [d] Black Powder firearms up to and including .75 Calibre with a maximum muzzle velocity no greater than 2148fps.
- [e] Shotguns up to and including 12 gauge with a maximum muzzle velocity no greater than 2000fps.

Conditions of Use: Range 1.

- Approved for all PNZ Shooting Disciplines, excluding Silhouette pistol.
- Shooting into side backstops (to the left and right) is only permitted from a maximum range of 10 metres with a target centre height of 500mm (the side backstop must be a minimum of 2.5 metres high).



Range 2: 20-Metre Outdoor, Multi Discipline No Danger Area Range.

Restrictions: Range 2.

- [a] Pistols up to and including .45 Calibre with a maximum muzzle velocity no greater than 1600fps.
- [b] Rifles firing pistol calibres up to and including .45 Calibre with a maximum muzzle velocity no greater than 2148fps.
- [c] Rifles up to and including .223in / 5.56mm Calibre with a maximum muzzle velocity no greater than 3280fps (1000m/s) and a maximum muzzle energy no greater than 1844ft-lb (2500 Joules).
- [d] Black Powder firearms up to and including .75 Calibre with a maximum muzzle velocity no greater than 2148fps.
- [e] Shotguns up to and including 12 gauge with a maximum muzzle velocity no greater than 2000fps.

Conditions of Use: Range 2

- Approved for all PNZ Shooting Disciplines, excluding Silhouette pistol.
- Shooting into side backstops (to the left and right) is only permitted from a maximum range of 10 metres with a target centre height of 500mm (the side backstop must be a minimum of 2.5 metres high).

➤ **Range 3: 25-Metre Outdoor, Multi Discipline No Danger Area Range.**

Restrictions: Range 3.

- [a] Pistols up to and including .45 Calibre with a maximum muzzle velocity no greater than 1600fps.
- [b] Rifles firing pistol calibres up to and including .45 Calibre with a maximum muzzle velocity no greater than 2148fps.
- [c] Rifles up to and including .223in / 5.56mm Calibre with a maximum muzzle velocity no greater than 3280fps (1000m/s) and a maximum muzzle energy no greater than 1844ft-lb (2500 Joules).
- [d] Black Powder firearms up to and including .75 Calibre with a maximum muzzle velocity no greater than 2148fps.
- [e] Shotguns up to and including 12 gauge with a maximum muzzle velocity no greater than 2000fps.

Conditions of Use: Range 3

- Approved for all PNZ Shooting Disciplines, excluding Silhouette pistol.
- Shooting into side backstops (to the left and right) is only permitted from a maximum range of 10 metres with a target centre height of 500mm (the side backstop must be a minimum of 2.5 metres high).

➤ **Range 4: 25-Metre Outdoor, Multi Discipline No Danger Area Range.**

Restrictions: Range 4.

- [a] Pistols up to and including .45 Calibre with a maximum muzzle velocity no greater than 1600fps.
- [b] Rifles firing pistol calibres up to and including .45 Calibre with a maximum muzzle velocity no greater than 2148fps.
- [c] Rifles up to and including .223in / 5.56mm Calibre with a maximum muzzle velocity no greater than 3280fps (1000m/s) and a maximum muzzle energy no greater than 1844ft-lb (2500 Joules).
- [d] Black Powder firearms up to and including .75 Calibre with a maximum muzzle velocity no greater than 2148fps.
- [e] Shotguns up to and including 12 gauge with a maximum muzzle velocity no greater than 2000fps.

Conditions of Use: Range 4.

- Approved for all PNZ Shooting Disciplines, excluding Silhouette pistol.
- Shooting into side backstops (to the left and right) is only permitted from a maximum range of 10 metres with a target centre height of 500mm (the side backstop must be a minimum of 2.5 metres high).

➤ **Range 5: 50-Metre Outdoor, Multi Discipline No Danger Area Range.**

Restrictions: Range 5.

- [a] Pistols up to and including .45 Calibre with a maximum muzzle velocity no greater than 2250fps.
- [b] Rifles firing pistol calibres up to and including .45 Calibre with a maximum muzzle velocity no greater than 2800fps.
- [c] Rifles up to and including .223in / 5.56mm Calibre with a maximum muzzle velocity no greater than 3280fps (1000m/s) and a maximum muzzle energy no greater than 1844ft-lb (2500 Joules).

- [d] Black Powder firearms up to and including .75 Calibre with a maximum muzzle velocity no greater than 2148fps.
- [e] Shotguns up to and including 12 gauge with a maximum muzzle velocity no greater than 2000fps.

Conditions of Use: Range 5.

- Approved for all PNZ Shooting Disciplines, excluding Silhouette pistol.
- Shooting into side backstops (to the left and right) is only permitted from a maximum range of 10 metres with a target centre height of 500mm (the side backstop must be a minimum of 2.5 metres high).

➤ **Range 6: 50-Metre Outdoor, Multi Discipline No Danger Area Range.**

Restrictions: Range 6.

- [a] Pistols up to and including .45 Calibre with a maximum muzzle velocity no greater than 2250fps.
- [b] Rifles firing pistol calibres up to and including .45 Calibre with a maximum muzzle velocity no greater than 2800fps.
- [c] Rifles up to and including .223in / 5.56mm Calibre with a maximum muzzle velocity no greater than 3280fps (1000m/s) and a maximum muzzle energy no greater than 1844ft-lb (2500 Joules).
- [d] Black Powder firearms up to and including .75 Calibre with a maximum muzzle velocity no greater than 2148fps.
- [e] Shotguns up to and including 12 gauge with a maximum muzzle velocity no greater than 2000fps.

Conditions of Use: Range 6.

- Approved for all PNZ Shooting Disciplines, excluding Silhouette pistol.
- Down range shooting only.

➤ **Range 7: 35-Metre Outdoor, Multi Discipline No Danger Area Range.**

Restrictions: Range 7.

- [a] Pistols up to and including .45 Calibre with a maximum muzzle velocity no greater than 2250fps.
- [b] Rifles firing pistol calibres up to and including .45 Calibre with a maximum muzzle velocity no greater than 2800fps.
- [c] Rifles up to and including .223in / 5.56mm Calibre with a maximum muzzle velocity no greater than 3280fps (1000m/s) and a maximum muzzle energy no greater than 1844ft-lb (2500 Joules).
- [d] Black Powder firearms up to and including .75 Calibre with a maximum muzzle velocity no greater than 2148fps.
- [e] Shotguns up to and including 12 gauge with a maximum muzzle velocity no greater than 2000fps.

Conditions of Use: Range 7.

- Approved for all PNZ Shooting Disciplines, excluding Silhouette pistol.
- Down range shooting only.

➤ **Range 8: 100-Metre Outdoor (Baffled) No Danger Area Range.**

Restrictions: Range 8.

- [a] Pistols up to and including .45 Calibre with a maximum muzzle velocity no greater than 2250fps.
- [b] Rifles firing pistol calibres up to and including .45 Calibre with a maximum muzzle velocity no greater than 2800fps.
- [c] Rifles up to and including .8mm Calibre with a maximum muzzle velocity no greater than 3280fps (1000m/s) and a maximum muzzle energy no greater than 3250ft-lb (4406 Joules).
- [d] Black Powder firearms up to and including .75 Calibre with a maximum muzzle velocity no greater than 2148fps.
- [e] Shotguns up to and including 12 gauge with a maximum muzzle velocity no greater than 2000fps.
- [f] Pest controller's holding the appropriate endorsement may use prohibited firearms and magazines up to and including 8.6mm (0.338inch) with a maximum muzzle velocity of 4000fps.

Conditions of Use: Range 8.

- Approved for all PNZ Shooting Disciplines.
- Down range shooting only.

➤ **Range 9: 10-Metre Indoor, Airgun, No Danger Area Range.**

Restrictions: Range 9.

- [a] Air pistols and air rifles up to and including .177 Calibre.

Conditions of Use: Range 9.

- Down range shooting only.
- Firing lead projectiles only.
- Paper targets only.

11. Range safety roles:

- An Officer on Duty/Range Officer. (RO) must be on duty whenever the range is in use.
- The RO shall be:
 1. A person approved by the New Plymouth Pistol Club Inc. Committee, shall hold a firearms
 2. licence, and be appropriately trained in shooting range safety management and the discipline being undertaken.
 3. Any other qualified safety officer may be appointed as required by match rules.

12. Range safety rules:

- Safety of the range is the responsibility of all range users.
- The RO is responsible for ensuring that the range is safe for use prior to the commencement of any shooting activity:
 - [a] That the bullet catcher is in good repair.
 - [b] That only approved or authorised targets are used on the range.
 - [c] Firearm and ammunition restrictions are adhered to.
 - [d] That there is no person(s) or activity in the danger area.
 - [e] That hearing & eye protection is used by all range users and spectators.
 - [f] The safety rules for individual shooting disciplines are to be complied with in conjunction with these RSOs. Where individual safety rules may contradict these

RSOs, the RSOs are to take precedence. Club executives are to seek a satisfactory and safe resolution to eliminate this situation and where necessary amend RSOs.

THE FOLLOWING SAFETY RULES ARE EMPHASISED.

- When a Range is in use it shall at all times be under the control of an RO, whose authority is absolute and all persons on the Range shall act under his or her direction.
- The RO shall be responsible for the observance of these rules and for the reporting of any breach to the Club Committee without delay.
- Firearms are not to be handled unless under the control of an RO or in an approved and designated Safety Zone.
- No pistol shooting shall take place on the range except under the control of a RO holding the appropriate RO qualification.
- Loaded firearms must be pointed down-range at all times.
- Do not leave firearms unattended at any time.
- Firearms that are not your own are not to be touched without owner's consent.
- Firearms are not to be loaded unless under the direct control of an RO.
- Firearms are not to be handled while people are forward of the firing line.
- Pistols are not to be placed loaded in a holster unless the shooter is holster qualified and then only under the direction of a qualified RO.
- No firearm may be removed from the firing point until it has been checked and verified by the RO as being clear.
- When using handguns **All** new members or members without a "B" endorsement on their firearms licence must be under the direct (one on one) supervision of a member with a "B" endorsement on their firearms licence.
- Pistols must be cased or holstered with rifles and Shotguns covered or with a chamber flag inserted, at all times when moving about the range, unless under the control of an RO except as part of an action match.
- Where a Safety Zone has been declared, firearms may be cleaned, repaired or tested by cycling or dry firing **ONLY** in this zone. Ammunition or anything resembling ammunition including dummy or drill rounds is **NOT PERMITTED TO BE HANDLED** in any Safety Zone **UNDER ANY CIRCUMSTANCES**.

13. New ammunition use:

- If a new type of ammunition is proposed for use on the range, it must be approved for use by the SRO. Before inclusion in the RSOs, the requirements of section 34 of these orders are to be adhered to.

PROHIBITED AMMUNITION

- The following ammunition must NOT be used on any range administered by the New Plymouth Pistol Club Inc.:
 - [a] Tracer ammunition
 - [b] Incendiary ammunition
 - [c] Armour piercing ammunition.
 - [d] Explosive ammunition (all types)
 - [e] Air pistols pellets containing steel / copper / tungsten inserts.
 - [f] Steel shot on steel targets.

14. Targets / New target systems:

- Only all approved Pistol NZ targets are to be used.
- Standard target centre height for soft targets is 1.2 metres off the floor of the range.
- All targets should be placed close to the bullet catcher, backstop or side backstop. Where this is not possible, mobile bullet catchers are to be used.

- The Officer on Duty/Range Officer is to ensure that the target system is set so that no projectiles can escape the active range area.

IMPORTANT NOTE:

- All range users are to ensure that in the interests of safety, targets are placed as close as possible to the approved backstop or side backstop in order to reduce the possibility of ricochets.

15. Steel plate targets:

- ONLY Approved steel plate targets may be used on the New Plymouth Pistol Club Ranges.
- The minimum grade is Bisloy grade 450 or higher. (Refer to PNZ Steel Target Safe Use Guide).
- All steel targets to be inspected by the Officer on Duty/Range Officer prior to use.
- All non-reactive steel plate targets to be set at a forward sloping angle of 15 degree from the vertical to reduce the possibility of ricochets.
- Steel targets are to be place as close as practical to the backstop.
- Shrouds may need to be used where steel targets are placed more than 1 metre from the backstop/bullet catcher.

16. Moving targets:

- The SRO is to approve any moving targets set up before use.
- For moving targets at ranges of 25 metres or closer, left and right arcs are to be indicated by brightly painted posts. Firing outside of these arcs is strictly prohibited.

17. Minimum safe engagement distances:

- The MINIMUM distance permitted for engaging a steel target is as list in competition rules and the PNZ Steel target safe use guide:
 - 7 metres IPSC Handgun.
 - 7 metres IPSC Pistol Carbine.
 - 5 metres IPSC Mini Rifle.
 - 50 metres IPSC Rifle.
 - 8 metres IPSC Shotgun (Birdshot & Buckshot).
 - 50 metres IPSC Shotgun (Lead solids slugs).
 - 5 yards CAS Pistol.
 - 7 yards CAS Shotgun.
 - 13 yards CAS Rifle.
 - 10 yards NRA Pistol.
- Under no circumstances are shotguns using steel shot to be used on steel plate targets.
- All steel plate targets to be set in a manner that will reduce the possibility of ricochets with non-reactive plates set at a minimum forward sloping angle of 15 degrees.

18. Eye and hearing protection:

- All members and visitors to the club are to wear eye and hearing protection at all times while shooting is taking place with the exception of within the clubhouse and carpark.

19. Medical:

- First Aid facilities are available in the club rooms.
- The nearest medical facility is Bell Block Medical Centre. 69 Corbett Road Bell Block New Plymouth. Phone 06 9681440.
- **In a Medical Emergency Dial 111 and ask for Ambulance Assistance.**
- **Address: 1220 Devon Road Bell Block. New Plymouth.**
- Should this be necessary, ensure that a club member is at the road entrance to meet the Ambulance and direct them down to the site. Ensure that any cars parked blocking the entrance are moved.

20. Accident/incident procedure:

The following procedures are to occur:

- **Accident/incident not involving a firearm or ammunition:**
 - Cease Firing and follow the instructions of the RO.
 - Ensure the scene/situation is safe for all participants.
 - Render immediate first aid and assess the need for evacuation of the casualty to the nearest medical facility or onsite recovery by emergency services.
 - Notify the Club President or Secretary.
 - Record all details of the accident/incident in the accident/incident register.
- **Accident/incident involving a firearm or ammunition causing injury or death;**
 - Cease Firing and follow the instructions of the RO.
 - Ensure the scene/situation is safe for all participants.
 - Render immediate first aid and assess the need for evacuation of the casualty to the nearest medical facility or onsite recovery by emergency services.
 - Make no attempt to remove or strip the firearm.
 - Notify the Police.
 - Notify the Club President or Secretary.
 - Notify the Executive Officer of Pistol New Zealand.
 - Record all details of the accident/incident in the accident/incident register.

NOTE: It is important that all users are aware of sect-20 Accident/incident procedures and fully comply with this procedure in the case of any accident involving a firearm.

21. Fire precautions and procedures:

- All precautions are to be taken to reduce the possibility of fire in buildings and the surrounding grounds.
- **In the case of fire Dial 111 and ask for Fire Brigade Assistance.**
- **Address: 1220 Devon Road, Bell Block, New Plymouth.**
- All reasonable precautions are to be taken against fire and all fires are to be extinguished as quickly as possible if safe to do so.

22. Range clearance:

- All users are to ensure that all range rubbish, including used targets, ammunition boxes, fired cases and shotgun wads etc., are removed from the range and disposed of in an appropriate manner.
- All unwanted brass cases are to be placed into the bins provided.
- Rubbish is not to be left on the range as it may easily become a fire hazard.

23. Unauthorised access and/or use of the range:

- Any Individual or organisation given use of the Range Complex will have been provided with written authority from the Club.
- Any individual or Organisation unable to provide this approval as proof of authority must be asked to leave the property immediately.
- Any refusal to leave should be reported to the Police as soon as possible.

Range intrusion Procedure

When a range is in use for live firing, it is the responsibility of all persons on the range that if any people, animals, vehicles, or aircraft are seen to enter or are about to enter the active range area and/or its danger area and the RO has not identified the intrusion, they are required to shout 'STOP', and all shooting is to stop immediately. Only when the intrusion is clear may live firing resume under the instruction of the RO.

24. Cone of Fire (CofF):

The range design cone of fire for these ranges are:

Pistol 23mils (1.3 degrees)

Rifle 20mils (1.125 degrees)

Rifle Supported 10mils (0.56 degrees)

CONE OF FIRE: Handgun & IPSC Shotgun: 1.3 deg. (23 mils) (Horizontal and Vertical)		
Distance (Metres)	Radius (Metres)	Diameter (Metres)
20	0.454	0.907
25	0.567	1.134
35	0.794	1.588
50	1.134	2.268
100	2.268	4.536
CONE OF FIRE: Rifle Up to 8mm: 1.125 deg. 20 mils (Horizontal and Vertical)- STANDING		
Distance (Metres)	Radius (Metres)	Diameter (Metres)
20	0.393	0.785
25	0.491	0.981
35	0.687	1.374
50	0.981	1.963
100	1.962	3.924
CONE OF FIRE: Rifle Up to 8mm: 0.56 deg. 10 mils (Horizontal and Vertical)- Prone/Benchrest/Sling		
Distance (Metres)	Radius (Metres)	Diameter (Metres)
25	0.249mm	0.497mm
50	0.497mm	0.994mm
100	0.994mm	1.989mm

NOTE: The officer on duty must be satisfied that a shooter has demonstrated their ability to achieve the approved cone of fire.

25. Inability of the shooter to achieve the CofF:

- If for any reason any shots fired fall outside the Cone of Fire the following procedure is to occur.
- The Officer on Duty/Range Officer is to:
- Halt all firing and identify the shooter responsible.

- Observe that shooters next shot and if it falls within the Cone of Fire allow that shooter to continue shooting.
- If the observed shot does not fall within the Cone of Fire, the shooter is to be provided with a suitable coach with the intention of bringing the next round within the Cone of Fire.
- Shooters who are unable to achieve the Cone of Fire are to be prevented from further firing. Shooters prevented from firing in this way may resume firing following the completion of a club approved training program with the firearm.

26. Unlicensed or inexperienced shooters:

- Unlicensed/inexperienced shooters must be managed one to one by a member.
- They are to be shown the safety aspects of using a firearm initially with an unloaded firearm.
- All pistol shooters must either hold a B endorsement on their firearms licence or be under the direct supervision of a holder of a firearms licence with a B endorsement.
- All non-firearms licence holders must be under the direct supervision of the holder of a firearms licence.
- The Officer on Duty/Range Officer is to determine the level of supervision required.

27. Test firing:

- Test firing of new firearms types or new ammunition types, can only be done with the approval of the committee of the New Plymouth Pistol Club Inc. and conducted under the direction of a RO.
- A target must be used to ensure that so that all shots fall within the confines of the bullet catcher.

28. Air danger height (ADH):

- The ranges are approved as No Danger Area Ranges (NDA). As such no air danger area exists.
- All members and range users must be made aware that if an aircraft is seen to be approaching the club in a manner that may see them fly over the range at a low level whilst live firing is in progress, the RO must immediately call for a stop to all shooting until the aircraft clears the area.

29. Range maintenance plan:

- The Club implement a maintenance plan and schedule of work to ensure that ranges do not fall below the conditions of certification for each range.
- Bullet catchers are to be maintained above the minimum slope angle of 34 degrees.
- All unused targets and props are to be cleared from the range floor when not in use.
- Steel targets that are pitted or damaged are to be removed from the range and replaced if beyond repair.
- Any range structure that falls below the minimum standard must be repaired immediately or the range must be closed until repaired.

30. Children (minors):

- All people under the age of 16 (sixteen) years are to be under the direct supervision of an adult older than 18 (eighteen) years at all times.

31. Health and hygiene:

- Club members and users of the range are highly recommended to wash their hands after shooting, handling ammunition.
- Anyone who gets sick or ill from attending a club activity is requested to notify the secretary or President.
- Any allergies, or health concerns members may have, you are invited to share this information with the club or your shooting discipline, so that you may have the most appropriate support if needed.
- Sun protection should be used on hot summer days.
- Avoid dehydration.

32. Domestic animals:

- Domestic animals only permitted on the range with the approval of the RO and must remain on a leash at all times.

33. Additional headings:

- N/A

33. Amendment to RSOs:

- The SRO must review and approve any proposed amendment. If approved, the SRO is to submit the amendment to the Clubs and Ranges Team at Te Tari Pūreke - Firearms Safety Authority for review. If approved, the SRO can include the amendment in the RSOs with a new effective date and distribute accordingly. All previous copies of the RSOs are no longer valid.

34. Authorisation of RSOs:

- These RSOs are authorised by the New Plymouth Pistol Club Inc.

35. Distribution list:

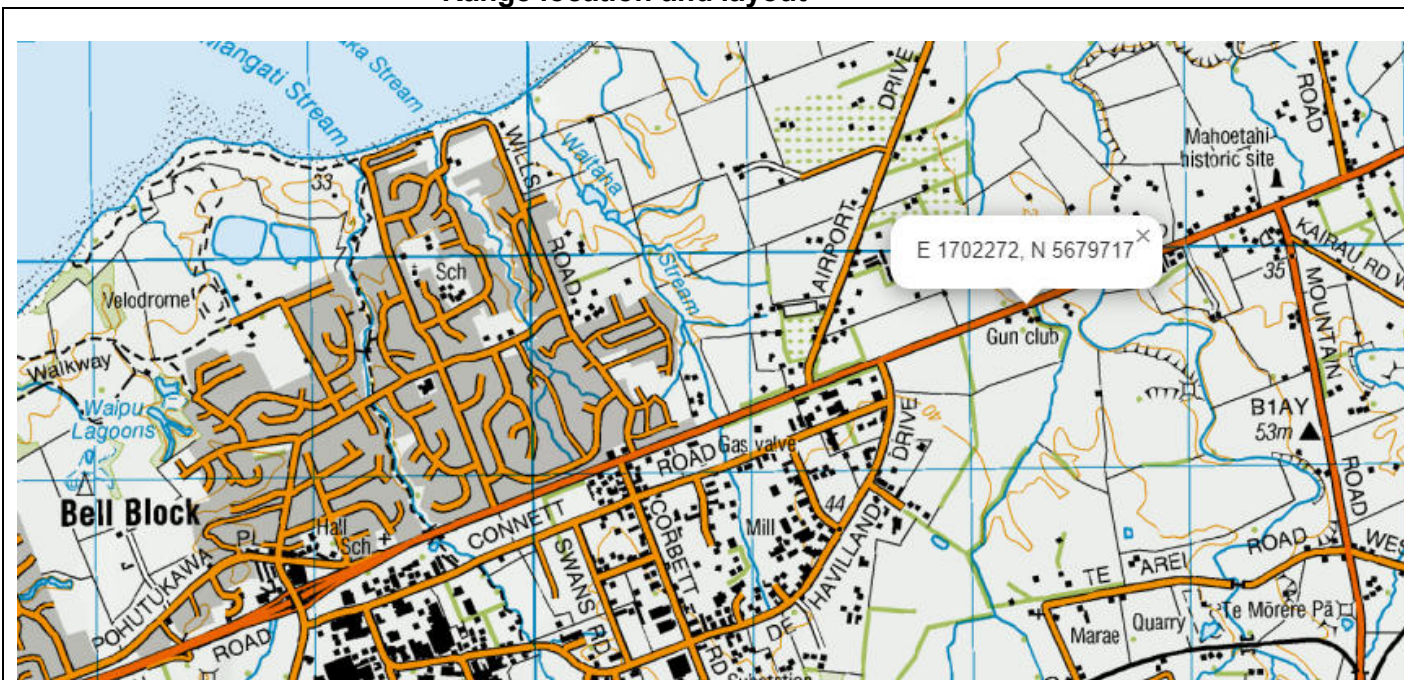
- All New Plymouth Pistol Club Inc. Members.
- Posted on the New Plymouth Pistol Club Inc. Notice Board.
- Pistol New Zealand.
- NZ Police.

36. Annexes:

- Annex A - Range location and layout
- Annex B - NZ Police annex
- Annex C - Table of equivalencies

Annex A:

Range location and layout



Range location



Range layout

Police Annex B to the New Plymouth Pistol Club

Range Standing Orders

1 Name/Number of individual range(s) Police are approved to use <i>(if applicable)</i>	
1.1 Ranges 5 (50m), 6 (50m), 7 (35m) and 8 (100m).	
2 Intended Dates/Hours of Use <i>(where applicable)</i>	
2.1 Dates of use: In accordance with range bookings approved by the Shooting Range Operator (SRO).	
2.2 Hours of use: In accordance with the hours approved by the SRO.	
3 Responsibility	
<i>The person/member of Police by appointment responsible for liaison and bookings with the SRO.</i>	
3.1 The Team Leader of the Central Tactical Options Training Team based in Palmerston North.	
3.2 The Team Leader of the Taranaki Armed Offenders Squad (AOS).	
4 Compliance with Range Standing Orders (RSOs)	
4.1 Police must comply with these RSOs.	
4.2 Non-compliance may result in the removal of Police as an approved user.	
5 Approved range users and priority of use	
5.1 Police are listed as an approved range user and are subject to the priority of use as laid down in these RSOs.	
6 Warning flags and danger signs	
6.1 All flags and danger signs are to be raised/operated in accordance with these RSOs.	
Police restrictions, and conditions of use	
7.1 Range 1 (Number or name):	Ranges 5 (50m), 6 (50m), 7 (35m) and 8 (100m).
Restrictions	The following Police approved firearms can be used:
7.1.1 Glock Pistol 9mm.	
7.1.2 LMT Rifle 5.56mm (.223 in).	
7.1.3 Marksman Rifle 7.62mm (.308 in) – on Range 8 only.	
7.1.3 B&T Launcher (40mm less lethal)	
7.1.4 Approved Police training and operational ammunition only including the 40mm Practice and Sponge round.	
Conditions of use	The conditions of use specific to this range:
7.2.1 Only approved Police courses of fire are permitted for use on these ranges by approval of the Shooting Range Operator.	
7.2.2 All approved Police tactical firearms handling, and forms of carriage are permitted for use on this range by approval of the Shooting Range Operator.	
8 Range safety roles	
8.1 All Range Conducting Officers (Officers on Duty) are qualified and appropriately trained in accordance with the Arms Act 1983 and are exempt the requirement to hold a firearms licence.	
8.2 A list of qualified RCOs (by QID) who have assumed the responsibility from time to time will be provided to the SRO on request.	
8.3 All Safety Officers are qualified and appropriately trained in accordance with the Police Firearms Instructors Course.	

9 Range safety rules
9.1 Police must comply with the range safety rules listed in these RSOs.
9.2 Police may apply additional range safety rules for shooting activities but must not contravene these RSOs.
10 New ammunition use
10.1 Any new ammunition must be approved by the SRO before use in accordance with these RSOs.
11 Targets
11.1 Only authorised Police targets are to be used on these ranges by approval of the SRO.
11.2 All targets must be placed in the correct location/position at the target line with the correct target centre height in accordance with these RSOs.
12 Steel targets
12.1 Only steel targets approved by the SRO are to be used on the range(s).
13 Moving targets
13.1 In accordance with these RSOs (If applicable).
14 Minimum safe engagement distances
14.1 In accordance with approved Police courses of fire.
15 Eye and hearing protection
15.1 Police approved eye and hearing protection is to be worn at all times when.
15.2 Eye protection may be waived at the discretion of the RCO, i.e. rifle shooting.
16 Medical and emergency
16.1 In accordance with these RSOs.
16.2 A Police medical kit must be onsite when the range is in use.
16.2 The primary method for contacting emergency services is by Cell phone, and then Police radio.
17 Accident/incident procedure
17.1 In accordance with these RSOs.
18 Fire precautions and procedures
<i>Evacuation procedure in the event of a fire</i>
18.1 In accordance with these RSOs.
19 Range Clearance
19.1 All range equipment is to be completely cleared from the range at the completion of shooting activity or period of the booking including recovery of expended brass.
19.2 Equipment is to be stacked in an orderly manner in the designated storage area.
20 Cone(s) of Fire (CofF)
20.1 Police cones of fire comply with the NZ Police Shooting Range Manual and have been approved in accordance with these RSOs.
20.2 The RCO may confirm the ability a shooter(s) to achieve the range design CofF at a firing distance deemed appropriate for the firearm to be fired, prior to commencing the main shooting activity.
21 Inability of the shooter to achieve Cone of Fire
21.1 In accordance with RSOs.
22 Authorisation of the Police Annex to RSOs
22.1 The SRO is to approve the inclusion of the Police Annex in the RSOs before any Police shooting activity is conducted.

No. 8 Squadron, NZCF Annex B to the New Plymouth Pistol Club Range Standing Orders

1 Name/Number of individual range(s) NZCF is approved to use

1.1 New Plymouth Pistol Club – Designated ranges.

2 Intended Dates/Hours of Use

2.1 Dates of use: In accordance with range bookings approved by the shooting range operator (SRO).

2.2 Hours of use: In accordance with the range bookings approved by the SRO.

3 Responsibility

The Officer in Charge of the Practice (OIC Practice) for a NZCF live firing shoot is to be either the:

1. NZCF officer holding the appointment of unit commander (CUCDR) of the unit conducting the shoot; or
2. NZCF Regular Force officer or warrant officer holding the appointment of area coordinator (AC); or
3. NZCF Regular Force non-commissioned officer holding the appointment of senior area adviser (SAA).

The OIC Prac is not expected to attend the shoot but is responsible for ensuring that:

1. the activity is in accordance with the unit training plan and is authorised to be conducted.
2. the range is appropriate for the shoot to be conducted.
3. the range conducting officer appointed is qualified, current, competent, and suitably experienced to conduct the shoot; and
4. the training level of the cadets participating in the shoot is appropriate to the activity being conducted.

An Officer on Duty (Range Conducting Officer or RCO) must be on duty whenever a range is in use for an NZCF shooting activity. The RCO is appointed by the OIC Prac and is to be either:

1. a competent and suitably experienced NZCF officer who has:
 - a. qualified at the NZCF RCO Course and is in possession of a NZCF 40 – RCO Warrant.
 - b. is current as a RCO, that is – is certified by the OIC Prac as having planned and conducted a minimum of one NZCF shoot in the previous three years; and
 - c. is appropriately trained in shooting range safety management for the range.
2. a competent and suitably experienced NZCF Regular Force officer, warrant officer or senior non-commissioned officer who:
 - a. regardless of any single service qualification, has qualified on the NZCF RCO Course and is in possession of a NZCF 40 – RCO Warrant.
 - b. is current as a RCO, that is – is certified by the OIC Prac as having planned and conducted a minimum of one NZCF shoot in the previous three years, and
 - c. is appropriately trained in shooting range safety management for the range.

The RCO is responsible for:

1. ensuring that the NZCF shoot is conducted in accordance with the provisions of NZCF 151 – Firearms Training Manual, authorised by the Commandant NZCF.
2. appointing safety supervisors and shooting coaches in accordance with the requirements of NZCF 151 – Firearms Training Manual, authorised by the Commandant NZCF.
3. ensuring the New Plymouth Pistol Club, range standing orders (RSOs), and this Annex, are complied with; and
4. the conduct and overall safety of the NZCF shoot.

The RCO is not required to hold a firearms licence but must be knowledgeable of these RSOs and this Annex before overseeing any NZCF shooting on this range.	
4 Compliance with Range Standing Orders (RSOs)	
4.1 All Cadet Units must comply with the New Plymouth Pistol Club, RSOs, which are to be read in conjunction with this Annex.	
4.2 Non-compliance may result in the removal of any Cadet Unit as an approved user by the SRO and possible disciplinary action through Headquarters NZCF.	
5 Approved range users and priority of use	
5.1 The following NZCF Units are listed as approved users of the range and are subject to the priority of use as laid down in these RSOs: 1. No. 8 Squadron, NZCF, New Plymouth.	
6 Warning flags and danger sign(s)	
6.1 All red warning flags are to be operated in accordance with these RSOs.	
7 NZCF restrictions, and conditions of use	
Range:	New Plymouth Pistol Club – Designated ranges.
Restrictions:	1. Only the NZCF current in-service single shot bolt action 5.6mm (0.22inch) rifle using NZCF issued subsonic rimfire ammunition made of lead or similar soft material is to be used. 2. The use of any other rifle, air firearm, black powder, or centrefire firearm of any type by a member of the NZCF during a NZCF shooting activity on the range is prohibited.
Conditions of use:	1. The RCO is to confirm that the active range area is clear before live firing commences. 2. Firing position for NZCF smallbore rifle shooting is to be prone, (supported or unsupported), benchrest, kneeling, or standing from the 25yd firing line only.
8 Range safety roles	
A NZCF RCO must be on duty whenever the range is in use for a NZCF shooting activity. The RCO must be knowledgeable of these RSOs before overseeing any NZCF shooting on the range. 8.2 The RCO is to record in the range book, their NZCF 40 number, and the date they were on duty. 8.3 The RCO may appoint qualified and experienced safety supervisors / shooting coaches where required.	
9 Range safety rules	
9.1 NZCF must comply with the range safety rules listed in the RSOs. If a contradiction exists, that contradiction is to be brought to the attention of the SRO and, if approved, recorded in section 9 of the NZCF annex as an exemption to the range safety rules of these RSOs. 9.2 The RCO is to ensure the NZCF range participant declaration has been completed before NZCF personnel use the range. (A Cadet Unit asked for this sentence to be included for their particular area. If this is not something that your unit does, or there is something different, feel free to add or delete.) 9.3 Only approved NZCF shooting activities are to be conducted on the range.	

9.4 All cadets and staff must pass the Dry Firing Training Test (DFTT's) before being permitted to participate in the live firing activity.

10 New ammunition use

10.1 Any new ammunition must be approved by the SRO before being used on the range in accordance with these RSOs.

11 Targets

11.1 Only NZCF issued paper targets approved by the SRO are to be used on the range.

11.2 All targets must be placed in the correct location and at the correct target centre height in accordance with these RSOs.

12 Steel targets

12.1 N/A.

13 Moving targets

13.1 N/A.

14 Minimum safe engagement distances

The MINIMUM safe engagement distance permitted for members of the NZCF is 25yd.

15 Eye and hearing protection

All NZCF participants and visitors to the range are to wear hearing protection when firing is in progress. Eye protection is not mandatory but can be directed to be used by the RCO if considered appropriate.

16 Medical and emergency

16.1 **Medical Cover.** The NZCF is authorised to conduct live firing shoots on NZDF and non-NZDF ranges without local medical officer authorisation, so long as there is at least one person present who holds either:

1. a current St John Workplace first aid level one certificate; or
2. a current Red Cross Save a Life certificate; or
3. an equivalent NZQA Unit Standards 6400/6401; or
4. a current NZDF first aid certificate.

16.2 It is the responsibility of RCO to ensure that:

1. an approved and current first aid kit (that is in accordance with Cadet Force Orders, Volume 7, Chapter 4, authorised by the Commandant NZCF) is present for the duration of the activity.
2. Any other medical equipment identified during the planning for the activity (for example – sun block, panadol, sticking plasters) is present for the duration of the activity if deemed appropriate; and
3. A casualty evacuation plan is prepared prior to the activity.

16.3 If there is no landline at the range, the RCO is to ensure that a mobile phone is available before live firing commences.

17 Accident/incident procedure

In the event of an accident or incident on the range not involving a firearm or ammunition, the RCO is to ensure the instructions in the RSO are adhered to. In addition, the RCO is to:

1. Follow Risk Management Plan Critical Incident Management procedure.
2. Contact the CUCDR if not in attendance.
3. Contact the NZCF AC and/or the NZCF SAA (if required by incident severity scale) after immediate actions are completed.
4. Contact the SRO.

In the event of an accident or incident on the range involving a firearm or ammunition, the RCO is to ensure the instructions in the RSO are adhered to. In addition, the RCO is to:

1. Follow Risk Management Plan Critical Incident Management procedure.
2. Contact the Commandant NZCF, NZCF AC, NZCF SAA, and CUCDR (if not in attendance) after immediate actions are completed.
3. Contact the SRO.

18 Fire precautions and procedures

In the event of a fire emergency occurring on the range, the RCO is to ensure the instructions in these RSOs are adhered to. In addition, the RCO is to:

1. Follow Risk Management Plan Critical Incident Management procedure.
2. Contact the CUCDR if not in attendance.
3. Contact the NZCF AC and/or NZCF SAA (if required by incident severity scale) after immediate actions are completed.
4. Contact the SRO.

Range Clearance

19.1 At the completion of the range activity, the range clearance procedures in these RSOs are to be adhered to. In addition, the NZCF Unit is to complete the following:

1. Firing Point Register.
2. Range Clearance Form.

20 Cone(s) of Fire (CoF)

20.1 In accordance with RSOs, the range design CoF is +/- 10mils (0.563deg). TSNZ uses a shooter CoF of +/- 4.5mils (0.253deg). This equates to an extreme spread of +/- 100mm at 25yd.

20.2 For NZCF shooting activities, all shooters must be able to achieve the range design CoF of +/- 10mils (0.563deg). This equates to an extreme spread of +/- 230mm at 25yd.

21 Inability of the shooter to achieve Cone of Fire

21.1 Should a shooter be unable to achieve the CoF, they should be given one on one coaching and attempts made to determine why they cannot achieve the CoF. If they are still unable to achieve the CoF they must not be permitted to continue shooting.

22 Authorisation of the NZCF Annex to RSOs

22.1 This NZCF Annex is endorsed by the OIC Prac and recommended for approval by the SRO.

22.2 This NZCF Annex is approved by the SRO for inclusion in the New Plymouth Pistol Club RSOs.

Annex C:

Table of Equivalencies.

5.56mm	223 Remington	30-30 Winchester
	.22 Hornet	.222 Winchester
	.220 Swift	.25-20 WCF
	.223 Remington Magnum	.25-35 Winchester
	.30 Remington	.50-90 Sharps
	.303 Savage	.32-20 Winchester
	.32 Winchester Special	.44-40 Winchester
	.35 Remington	.444 Marlin
	.38-55 Winchester	.44 ball
	.38-40 Winchester	.375 Winchester
	.30M1 Carbine	45-70 US Government
	.348 Winchester	.458 Winchester
	.351 Winchester	.30-40 Krag
	.356 Winchester	
	.25 Remington	
.357 Magnum	.357 Magnum	.357 Sig
9mm Parabellum	9mm Parabellum	.38 Super
	.44 magnum	.40 Smith & Wesson
	.45 ACP	
	7.65 Parabellum	.50 Calibre Muzzle Loader (Cast Bullet)
.22LR HV	.22 Long Rifle HV	9mm Browning Short
	.22 Long Rifle Std Velocity	.25 ACP
	.22 long	.32 ACP
	.22 Short	
	.58 Calibre Muzzle Loader Ball	
	.54 Calibre Muzzle Loader Ball	
	.44 Calibre Muzzle Loader Ball	
	.45 Calibre Muzzle Loader Ball	
	.40 Calibre Muzzle Loader Ball	
	.36 Calibre Muzzle Loader Ball	
	.32 Calibre Muzzle Loader Ball	