

**Before the Independent Hearing Commissioners  
appointed by New Plymouth District Council**

**Under** the Resource Management Act 1991

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

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**Statement of evidence of Aaron Mark Edwards on behalf of  
New Plymouth Pistol Club Inc**

**Date:** 4 May 2026

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## INTRODUCTION

- 1 My full name is Aaron Mark Edwards. I am employed as the Manager of Planning at BTW Company (**BTW**).
- 2 This evidence is given on behalf of New Plymouth Pistol Club Inc (**the Club**).
- 3 My evidence is in respect of the resource consent application by the Club for the use of a gun range and associated facilities on the site at 228 De Havilland Drive and 1206 Devon Road, New Plymouth (LUC24-48583) (**Application**).

## Qualifications and Experience

- 4 I hold a Bachelor of Science (Geography) (2000) and a Masters of Planning (with Distinction) (2012) from Otago University, Dunedin. I have been a full member of the New Zealand Planning Institute since 2018.
- 5 I have been a practising planner for 13 years. My experience includes planning practice in both local government and private consultancy, processing and preparing resource consent applications and leading multidisciplinary project teams for a wide range of development projects. My planning advice and project work typically relates to strategic planning, project management, policy analysis or resource consent matters. During my career, I have been involved in a variety of plan development and resource consent processes relating to both district and regional planning issues. I have been involved in local authority hearings and processes relating to these matters. I am familiar with the New Plymouth District Plan in my role as a consultant planner.

## Involvement in the Application

- 6 I was engaged by the Applicant in November 2023 to provide planning services and assist the Club in applying for resource consent from New Plymouth District Council (**Council**).
- 7 I am the principal author of the Assessment of Environmental Effects for the Application dated 2 August 2023 (**AEE**) and the section 92 further information response on behalf of the Club dated 6 December 2024 (**RFI response**).
- 8 I attended the pre-application meeting held at the Club on 12 December 2023.

- 9 I attended a hui at the Club with Club and Puketapu Hapū representatives on 19 March 2025.
- 10 I undertook site visits on 12 December 2023, 24 July 2024 and 26 April 2026.
- 11 I have not been involved in abatement notice matters relating to the Club.

### **CODE OF CONDUCT**

- 12 I confirm that I have read the Code of Conduct for expert witnesses contained in the 2023 Environment Court Practice Note and that I agree to comply with it. I confirm I have considered all the material facts that I am aware of that might alter or detract from the opinions I express. In particular, unless I state otherwise, this evidence is within my sphere of expertise, and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

### **SCOPE OF EVIDENCE**

- 13 My evidence relates to the planning assessment of the Application. My evidence is generally structured to align with the section 42A report headings which I consider provides a clear and logical structure and a comprehensive assessment of the Application.
- 14 My evidence addresses:
- The Site and Surrounding Area
  - Consent Processing Matters
  - The Proposal
  - Consent Requirements
  - Assessment of Effects
  - Regulatory Framework
  - Submissions
  - Section 42A Report Recommendation

- Consent Conditions
- Conclusion.

15 In preparing my evidence I have considered the following:

- Application for resource consent including the AEE, all attachments and technical reports
- Section 92 request for further information and the Club's RFI response
- Section 95 notification report
- Submissions on the Application
- Section 42A report
- Expert evidence filed on behalf of Council and the Club.

16 Recommended conditions of consent are attached as **Appendix A** to my evidence.

#### **SITE AND SURROUNDING AREA**

17 The Application site (**the site**) and surrounding area are described in section 2 in the AEE and further summarised in paragraphs 9-22 in the section 42A report. I rely on those descriptions to describe the site and surrounding area.

18 I note the Club occupies an approximate 1.7 ha area at the northern corner of the wider site. This extent is identified as the 'activity area' in the Application plan set, which forms the site extent for the purposes of the Application. The wider site is owned by Te Atiawa Iwi Holdings Limited Partnership. I understand the previous lease agreement has expired, and that any future lease area is anticipated to align with the consented activity area.

19 Record of title matters are discussed in section 1.8 in the AEE. I confirm that no new interests have been registered on the relevant titles since the Application was lodged and that none of the registered interests prevent the proposal from proceeding (noting the Club has obtained written approval from NZ Transport Agency Waka Kotahi (**NZTA**) to address limited access road matters).

## **BACKGROUND / CONSENT PROCESSING MATTERS**

20 The Club has sought to modify the proposal through the course of the resource consent process in response to feedback received during processing of the Application. The following notes key background and consent processing matters to assist the Panel in further understanding the Application process to date.

### ***Agreement to Operate***

21 The Club currently operates under an agreement with Council dated 24 April 2026. The agreement sets out general operating hours, exceptions for Police training and events, monitoring and event calendar requirements. It states, “*these terms do not prejudice the conditions that may be requested or imposed on any consent issued by the body hearing its application for land use consent*”. That is, I understand the terms were agreed by the Club for the interim period until a decision is made on this Application.

22 The agreement terminates either on 31 July 2026, or on the date that Council issues its decision on this Application, whichever is earliest.

### ***Abatement Notice***

23 An abatement notice was issued to the Club on 2 December 2022 in relation to shooting activity. The Club complied with the terms of the abatement notice. Following lodgement of the resource consent application, the requirements of the abatement notice were satisfied, and the abatement notice was subsequently cancelled.

24 I have not been directly involved in abatement notice matters.

### ***Existing Use Certificate***

25 The Club first established on the site in 1983. Since that time, the Club has expanded, with eight outdoor ranges and one indoor range currently in use.

26 The Club applied to Council for an Existing Use Certificate in February 2023 (CRT23/44925). The application was refused on 22 June 2023 on the basis that it did not satisfy the relevant tests under section 139A of the RMA.

27 The Officers Report concluded the Club was legally established in 1983 with the scope of the activity involving up to three shooting ranges and approximately 30 members. I acknowledge this forms the lawfully established environment against which the activity is to be assessed.<sup>1</sup>

28 I was not involved in the Existing Use Certificate application.

### ***Resource Consent Application***

29 Following the Existing Use Certificate decision the Club entered into pre-application discussions with Council. I attended the pre-application meeting held at the Club on 12 December 2023, which is when I first became involved in the matter.

30 The resource consent Application was lodged on 2 August 2024. I note this lodgement date was at the direction of the Environment Court in relation to the Club's appeal against the abatement notice.

### ***Section 92 Request***

31 An initial request for further information (**RFI**) under section 92 of the RMA was issued by Council on 12 September 2024. An interim response was provided on 20 November 2024, including submission of the preliminary site investigation (**PSI**). A further RFI was issued on 2 December 2024 in relation to the PSI. The complete response to the initial RFI was submitted on 6 December 2024, and the response to the second RFI, including an updated PSI, was submitted on 17 December 2024.

32 The RFI response included an addendum in relation to the Range 1 layout discussed further below. The RFI response also included an updated noise assessment report prepared by Acoustic Engineering Services Ltd (**AES**)<sup>2</sup>, revised to include assessment against a Composite Noise Rating (**CNR**) 90 control following feedback from Mr Ellerton, acting as Council's acoustic expert.

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<sup>1</sup> As stated in the Section 42A Report at [85].

<sup>2</sup> Acoustic Engineering Services Ltd (2024). *New Plymouth Pistol Club – Assessment of Environmental Noise Effects* (File Ref: AC23328-02-R3), prepared for New Plymouth Pistol Club, dated 6 December 2024

33 I concur with paragraph 27 in the section 42A report, that at the time of writing this evidence, a full response to item 1 of the RFI, relating to the outcomes of consultation with iwi and hapū, has not yet been provided. I note that Te Atiawa Iwi have deferred to Puketapu Hapū as mana whenua. Consultation undertaken with Puketapu Hapū is discussed further in paragraphs 184-187 of my evidence.

### ***Suspension in Processing***

34 I concur with paragraphs 33 and 34 in the section 42A report in regard to the suspension in processing. The Club requested the Application be suspended on 1 July 2025 with processing restarting on 20 January 2026.

35 Following close of submissions, the Club sought to suspend the Application in order to engage with Mr Phillips and Puketapu Hapū as submitters.

36 During the suspension period, the Club commissioned the preparation of a draft Noise Management Plan (NMP)<sup>3</sup> to support engagement with Mr Phillips. A copy of the draft NMP was provided to Mr Phillips on 5 December 2025 with an offer to meet with the Club to discuss the NMP content. Mr Phillips advised on 19 January 2026 that he was not willing to meet with the Club, preferring to engage through Council.

37 During the suspension period the Club also commissioned preparation of an erosion and sediment control plan (ESCP) and undertook soil sampling in support of consultation with Puketapu Hapū.

### ***Addendum / Changes***

38 The RFI response included an addendum setting out key changes to the Range 1 layout, taking into account feedback from by Puketapu Hapū, to include:

- Redesigning the acoustic walls and fences for Range 1, proposing double stacked containers set back 10 m from the tributary.

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<sup>3</sup> New Plymouth Pistol Club (2025). *Draft Noise Management Plan* (Ref: NPPC\_DRAFT\_NMP\_05\_12\_2025), prepared 5 December 2025.

- Establishing a minimum 10 m setback from the tributary, removing the existing bund adjoining the tributary and any existing structures within the setback.
- Committing to a planted riparian margin adjoining the tributary.

39 Paragraph 53 in the section 42A report further notes information and updates provided by the Club in January 2026 to include:

- *A draft Noise Management Plan (NMP)*
- *Draft erosion and sediment control plan*
- *Draft planting plan*
- *Amendments to the site plans allowing for the option of either container barriers OR sheet piled walls on range 1*
- *Further soil sample results*
- *Ecological receptor impact assessment*
- *Offered conditions of consent*
- *Summaries of consultation undertaken with:*
  - *Bryan Phillips (1222 Devon Road)*
  - *Puketapu Hapu*

40 I note the Club seeks flexibility to establish either container barriers, sheet piled walls or a combination of both along Range 1 to be confirmed at the time of detailed design. This is reflected in the offered conditions of consent.

41 I agree with the section 42A report conclusion (paragraph 54) that the proposed changes are within scope of the lodged Application.

***Pre-hearing Meeting Request***

42 On 20 January 2026 the Club requested Council arrange for a pre-hearing meeting with Mr Phillips. On 18 March 2026, Council formally advised they would not

invite persons to attend a pre-hearing meeting for the Application. Council advised they considered “*a pre-hearing meeting unlikely to be productive and determined that progressing the application to a public hearing was the most appropriate next step*”.<sup>4</sup> Council noted that the Panel has other mechanisms available to it to narrow the matters in dispute, including directing expert conferencing.

### ***Conditions of Consent***

43 A set of proposed conditions of consent was offered as part of the Application on 2 February 2026. The conditions were intended to tie together key aspects and commitments made through the Application process to date. A further updated set of conditions was provided on 5 March 2026 along with an updated plan set. The updated plan set was intended to consolidate changes made to the proposal and improve legibility. The conditions were updated to reference the updated plans.

44 For clarity, the offered conditions of consent were intended to supersede the draft NMP in terms of noise mitigation offered as part of the Application. Specifically, noise management conditions 10-18 in the proposed condition set formed the key mitigations offered. In summary, these conditions provided that:

- Firearms may only be discharged at the Club between 0900 and 2100 hours.
- Firearm noise must not exceed CNR 90 at the notional boundary of any neighbouring dwelling.
- The Club may hold two 3-day events per year where the CNR 90 restriction does not apply.
- Installation of a permanent Class 1 sound level meter and verification of the effectiveness of mitigation to ensure the CNR 90 control is met.
- Certification and implementation of an NMP.

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<sup>4</sup> Campbell Robinson, Consultant Planner for New Plymouth District Council, Section 99 letter dated 18 March 2026

- Police and Armed Offender Squad training must comply with the hours of operation and CNR 90 control except during emergency management situations under the Policing Act 2008.

45 Having further considered the section 42A report recommendations, the Club offers the following amendments and additions to the offered noise mitigation conditions:

- Addition of no shooting between the hours of 1700 to 2100 on Sundays.
- Addition of periods of low noise between the hours 1200 and 1500 hours on Monday to Friday and between 1700 and 2100 hours on Saturdays (with an exception for Police and AOS training and up to four 2-day competitions per year).
- Certification of firearms as low noise or other (to manage firearm use during low noise periods).
- Requirement for permanent sound level meter capable of capturing real time data.
- For Mondays to Saturdays, requirement for the NMP to include limitations on the number of rounds fired to ensure the CNR 90 control is not exceeded.

46 Dr Trevathan addresses limitations on the number of rounds in paragraph 17 of his evidence. He explains that the number of rounds discharged per day from Monday to Saturday will not exceed 2,700, providing certainty that the CNR 90 requirement is met. He also notes that Sunday shooting will be managed through structured Club activities, with CNR compliance able to be proactively managed.

## **PROPOSAL**

47 The proposal is for the continued operation of the Club activity involving nine shooting ranges (eight outdoor and one indoor) and associated facilities on the site at 228 De Havilland Drive and 1206 Devon Road, New Plymouth. Resource consent is sought in part on a retrospective basis.

48 The original proposal is described in detail in section 3 in the AEE. The proposal, taking into account the changes made to the proposal during processing of the Application, is summarised in the section 42A report and I generally concur with

that description. The following summarises the same matters set out in the section 42A report and clarifies any matters of note.

### ***Opening Hours***

49 The club proposes to undertake shooting activities between the hours of 9:00 am to 9:00 pm Monday to Saturday and 9:00 am to 5:00 pm on Sundays. The club would be open to members, non-members (accompanied by members) and the New Zealand Police including training by the local Armed Offenders Squad (AOS).

### ***Events***

50 The Club hosts a number of events throughout the year to include regular Club events as well as regional and national competitions. Future events may include international competitions. The Club is also used by schools, other shooting clubs, and can be booked for public or corporate events.

51 The Club has applied for two 3-day events per year where the CNR noise control would not apply. While the draft NMP included provision for no shooting to occur at the Club for three days before the three-day events, the Club does not offer this restriction as a condition of consent. The Club anticipates lower levels of shooting activity will occur in the lead-up to these events due to site preparations, however, not all ranges may be required for competition use and competitors may need to practice and/or sight firearms during this period. Accordingly, the Club proposes that shooting activity in the lead-up to these events continue to be managed through adherence to the CNR restriction.

### ***Membership***

52 Club membership numbers are discussed in section 3.2.1 in the AEE. I understand from Mr O'Sullivan's evidence that the Club currently has 149 members which fluctuates over time. The number of members does not directly correlate with the number of shooters on site at any one given time. Accordingly, no restriction on the number of members is considered necessary or appropriate to manage effects associated with the activity.

### ***Police Use***

53 Police and AOS use is noted in section 3.2.4 in the AEE, with Police use typically occurring three times a month, and AOS use five times a year. No restriction on the

frequency of use is sought as part of the Application. Police and AOS use is to be managed in accordance the proposed hours of operation and CNR restriction. A specific exemption is sought for use during emergency management situations undertaken in accordance with the Policing Act 2008.

### ***Types of Shooting, Ranges and Range Use***

54 Types of shooting, ranges and range use are described in sections 3.2.3 and 3.2.4 in the AEE, which is accurately reflected in summary paragraphs 41-43 in the section 42a report.

### ***New Building***

55 The new two-storey building is described in section 3.1.1 in the AEE. The building would be of shed-style construction with corrugated iron walls and roofs finished in recessive green, with dimensions of 7 m in height, 40 m in length and 7 m in width. The new building will form as part of the physical noise mitigation measures. Dr Trevathan notes in his evidence that absorption products will be installed in key shooting bays within the building.

56 The building would be established over the existing outdoor range building footprint. Whether the existing outdoor range building is retained in some form within the internal layout of the new building will be determined at the time of detailed design.

### ***Earthworks***

57 Earthwork activity is correctly summarised in paragraphs 47-48 of the section 42A report. Earthwork activity will be managed in accordance with the ESCP submitted in support of the Application and secured through proposed conditions of consent.

### ***Disturbance of Contaminated Soils***

58 The proposal in relation to contaminated land matters is described in paragraph 14 of Mr Bolger's evidence. Contaminated land will be managed through preparation and adherence to a Site Management Plan (SMP) and Ongoing Site Management Plan (OSMP). Potential effects on the unnamed tributary will be monitored through preparation and adherence to a Surface Water and Sediment Monitoring Plan (SWSMP). Contaminated land reporting and management will be undertaken

consistent with the Ministry for Environment Contaminated Land Management Guidelines No.1 – Reporting on Contaminated Sites in New Zealand.

### ***Signage***

59 I concur with the section 42A report. Existing signage will be retained. No new signage is proposed.

### ***Physical Noise Mitigation Works***

60 Paragraph 52 in the section 42A report lists physical mitigation works to be undertaken as recommended by AES. I confirm these measures are proposed, noting the sheet piling option along Range 1 also forms part of the physical mitigations. I understand from Dr Trevathan that the sheet piling option would achieve the same reduction in noise as the container option, with both providing a continuous physical barrier.

### ***Construction Sequencing***

61 Paragraphs 120 and 121 in the section 42A report appear to raise doubts over the commitment to fully implement the physical noise mitigations.

62 I understand the Club is fully committed to implementing the physical noise mitigations. The proposed works represent a significant financial undertaking for the Club. Physical mitigation measures are proposed to be implemented progressively as time and resources allow. Construction sequencing will be confirmed at the time of detailed design.

63 The Club is not seeking the ability to operate outside of the proposed noise limits. Shooting activities will be managed in accordance with the CNR90 standard, including the use of existing ranges or partially upgraded ranges.

## **STATUTORY REASONS FOR THE APPLICATION & ACTIVITY STATUS**

### ***National Environmental Standards***

64 I agree with the section 42A report that resource consent is required as a Discretionary Activity under Regulation 11 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS). The PSI identifies that an

activity on the Ministry for the Environment Hazardous Activities and Industries List (**HAIL**) has occurred on the site. Land disturbance works will exceed NESCS permitted activity standards under Regulation 8(3) and no Detailed Site Investigation (DSI) exists.

- 65 I agree with the section 42A report that no other National Environmental Standards apply to this proposal. I note that there are no standards under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 that apply to the proposal, noting there are no identified natural inland wetlands in proximity to the Club activity area and no reclamation or structures are proposed in relation to the tributary.

***New Plymouth District Plan - Consent Requirements***

- 66 I generally agree with the summary of New Plymouth District Plan matters as set out in paragraphs 59-66 of the section 42A report.
- 67 I agree that the Club met the definition of a Sport and Recreation Activity under the Proposed District Plan 2023 (**PDP**) at the time of notification, and that overall, the proposal was a Non-Complying Activity under Rule GIZ-R15.
- 68 I agree with the section 42A report that the Application did not comply with the following rules and effects standards in the PDP at the time of notification:

*GIZ - General Industrial Zone*

- GIZ-R15 Sport and recreation activities
- GIZ-R17 Building activities (including relocation of a building)

*WB - Waterbodies*

- WB-R4 Earthworks on a site containing or adjoining a natural waterbody

*EW – Earthworks*

- EW-R3 Earthworks for sport and recreation activities
- EW-R10 Earthworks for building activities

- EW-S2 Maximum cut depth or fill height

*TRAN - Transport*

- TRAN-R1 Roads and vehicle access points
- TRAN-R10 Vehicle access points onto a state highway
- TRAN-S5 Maximum width of vehicle access points
- TRAN-S7 Minimum number of on-site vehicle parking spaces for people with disabilities
- TRANS-S8 Minimum number of on-site bicycle parking spaces
- TRAN-S12 Requirements for on-site vehicle parking spaces - construction and formation
- TRAN-S15 Minimum number of on-site loading and standing spaces
- TRAN-S17 Requirements for on-site loading and standing spaces - construction and formation
- TRAN-S19 Requirements for driveways - construction and formation

*Entrance Corridor*

- ECOR-R6 Building activities on sites adjoining an entrance corridor
- ECOR-R7 Outdoor storage on sites adjoining an entrance corridor
- ECOR-S1 Minimum setback from the road boundary for structures on sites adjoining an entrance corridor
- ECOR-S2 Minimum landscaped setback area on sites adjoining an entrance corridor.

69 I note the Application was assessed as non-compliant with the following noise chapter rules and effects standards at the time of notification:

- NOISE-R1 Emission of noise
- NOISE-S1 Maximum noise levels - zone specific

70 The section 42A report notes advice provided by Mr Ellerton, concluding that insufficient information had been provided to determine whether compliance with the noise standards would be achieved. On that basis, a precautionary approach was adopted to conclude that the proposal did not comply with NOISE-R1 and NOISE-S1. In light of the retrospective nature of the Application, I agree it is reasonable to adopt a precautionary approach and proceed on the basis that technical compliance with NOISE-R1 and NOISE-S1 has not been demonstrated. I note that Dr Trevathan concludes in paragraph 58 of his evidence that, historically, the Club may not have complied with the limits set out in NOISE-R1 and NOISE-S1, but that with the proposed mitigations full compliance would be achieved.

71 I agree that no resource consents are now required under the Operative District Plan, with any relevant appeals under the PDP having been resolved.

72 Under the Part Operative District Plan (**PODP**), I agree that the Club meets the definition of a Sport and Recreation Activity and that the non-compliances identified in paragraphs 68 and 69 of my evidence above are unchanged. Overall, the proposal is a Non-Complying Activity under Rule GIZ-R15 in the PODP.

***Other Consents Required***

73 I agree with the section 42A report that no other resource consents from any other statutory authorities are required.

**ASSESSMENT OF EFFECTS**

74 The section 42A report assesses actual and potential effects of the proposal under the following headings:

- *Noise Effects*
- *Landscape and Visual Effects (Entrance Corridor)*
- *Transport Safety and Efficiency*
- *Contamination/Effects on Human Health*

- *Cultural Effects including culturally important waterbodies*
- *Archaeology*

75 I agree with the effects categories identified in the section 42A report as being relevant. I provide a summary of effects under each of these categories below to include positive effects as a relevant matter under Section 104(1)(a) of the RMA.

76 I agree with paragraphs 75–77 of the section 42A report that no credible permitted baseline exists. I have not applied a permitted baseline in my assessment of effects, noting I do comment on the lawfully established environment baseline.

### ***Positive Effects***

77 Section 4.2 in the AEE discusses positive effects associated with the Application. The proposal provides for the continuation of the Club activity as the only outdoor shooting range in the New Plymouth District. The Club supports community well-being in providing for social aspects associated with club activities as well as hosting sport and recreation events at a district, regional and national level. The Club further supports community well-being and safety in providing the only training facility for the NZ Police in the Taranaki Region.

78 I note the assessment of positive effects in paragraph 84 of the section 42A report concludes positive effects associated with Police and AOS use could “*be realised through use of an alternative facility which met all legislative requirements*”. I understand from the Club there are currently no other existing facilities in the Taranaki Region, with the closest alternative ranges in Hamilton or Whanganui. As noted in Mr O’Sullivan’s evidence (paragraph 9.1), reliance on those facilities would be operationally impractical for Police training purposes.

### ***Noise Effects***

79 I have had regard to the assessment of noise effects in the section 42A report which steps through key aspects under the following sub-headings:

- *How noise from firearms is considered under the Part Operative District Plan*
- *Noise assessment methodology*

- *The existing ambient noise environment*
- *Acceptability and ability to meet requested noise limits*
- *Draft Noise Management Plan*
- *Ability to develop Area R*

80 I consider each of these aspects in turn, drawing on the assessment in the section 42A report and the comparison of expert noise evidence prepared by Dr Trevathan on behalf of the Club and Mr Ellerton on behalf of the Council.

81 I note my assessment takes into account the additional noise mitigation conditions described in paragraph 45 of my evidence.

*How noise from firearms is considered under the Part Operative District Plan*

82 I generally agree with the section 42A report summary in paragraphs 90-93 in relation to the assessment of firearm noise under the PODP. Both experts agree that the PODP standards do not appropriately account for potential effects associated with firearm noise and that a tailored approach to assess noise effects is required.

*Noise assessment methodology*

83 As noted in paragraph 94 in the section 42A report, two noise assessment options have been discussed through the Application process: LAFmax and CNR.

84 In paragraph 79 of his evidence, Dr Trevathan addresses uncertainty cited in Mr Ellerton's evidence and the section 42A report around which option is proposed. To clarify, proposed conditions of consent rely solely on a CNR 90 control. No LAFmax control is proposed.

85 Dr Trevathan addresses the timeline around the use of these two noise assessment options, noting where potential confusion may have arisen. By way of summary, at the time of lodgement, AES proposed the use of an LAFmax control. Following initial feedback from Mr Ellerton, a CNR 90 control was adopted, as reflected in the updated noise assessment provided as part of the RFI response. The CNR 90 control has been proposed since.

- 86 Dr Trevathan explains the relevance of LAFmax measurements to the proposal in paragraphs 29–36 of his evidence. I rely on his expert evidence, which uses LAFmax as a design metric to inform the effectiveness of physical noise mitigation, rather than as a noise standard to be applied through consent conditions.
- 87 Dr Trevathan explains the application of a CNR control in paragraphs 37–40 of his evidence. He notes that a CNR 90 control has been discussed by Mr Ellerton since 2022, with reference to precedent in New Zealand. I rely on his expert opinion that a CNR 90 limit provides an appropriate, albeit conservative, method for managing shooting intensity and noise effects in this location.
- 88 Having reviewed Mr Ellerton’s evidence, my overall understanding is that he supports a CNR 90 control, at least in principle. Mr Ellerton disagrees with some aspects of the definition of CNR in the proposed conditions in paragraphs 80-83 of his evidence. Dr Trevathan addresses these matters in paragraphs 90-92 of his evidence. These appear to be technical matters, which I understand Dr Trevathan expects to be able to resolve, such as in expert conferencing.
- 89 In principle, there appears to be agreement between the two experts that a CNR 90 control is an appropriate control for managing firearm noise in this location.

*The existing ambient noise environment*

- 90 Paragraphs 100–107 in the section 42A report discuss the different expert views on the relevance of the existing ambient noise environment, particularly traffic noise, when assessing firearm noise.
- 91 As part of my site visit, I observed firearm noise immediately adjacent to State Highway 3 (at the same location as Location 1 in Figure 12 in the section 42A report) as well as standing on top of the existing Range 1 bund (approximately 100 m from the road carriageway). I also observed noise levels along the northern side of State Highway 3 opposite Ranges 6 and 7. I was not able to observe noise levels from within Mr Phillips’ property.
- 92 My observations were logical and as expected - ambient traffic noise levels decreased with distance from the State Highway. Opposite the State Highway, firearm noise was at times difficult to hear over, or distinguish from, traffic noise.
- 93 My observations from Range 1 were in close proximity to the shooting range so I cannot draw any reasonable conclusions as to the level of noise experienced at the

dwellings on Mr Phillips' property relative to the State Highway. I did note that at approximately 100 m from the State Highway, traffic noise remained clearly audible and was a contributing component of the ambient noise environment.

- 94 Based on my observations, it is clear to me that traffic noise is part of the existing environment and a relevant consideration when experiencing noise levels in the vicinity of the site.
- 95 Dr Trevathan includes discussion points in his evidence around the 'masking' of noise versus the 'emergence' of noise in relation to traffic noise, notably in relation to paragraph 102 in Mr Ellerton's evidence and paragraph 106 in the section 42A report. While the distinction between masking and emergence is nuanced, Dr Trevathan's evidence makes clear that this is not an argument that firearm noise would be inaudible. Rather, Dr Trevathan concludes that firearm noise will remain readily audible, but that, subject to the proposed physical mitigation, gunshot noise would only emerge above the ambient traffic noise to a modest degree. I find Figures A-C in Dr Trevathan's evidence (as referenced in paragraph 103) useful in understanding the emergence extent, and I rely on Dr Trevathan's evidence that this level of emergence would be modest.

#### *Acceptability of proposed noise limits*

- 96 Paragraphs 108-112 in the section 42A report discuss the acceptability of requested noise limits based on LAFmax levels. As noted, Dr Trevathan addresses this matter, reiterating that no LAFmax control is proposed. The acceptability of noise is to be managed within the limits of the CNR 90 control.
- 97 When considering the acceptability of proposed noise limits under the CNR 90 control, I have given regard to the expert evidence which I summarise below. This informs my overall conclusion as to the acceptability of noise limits, and ultimately noise effects.
- 98 Mr Ellerton's evidence raises concerns about the acceptability of noise effects notwithstanding compliance with a CNR 90 limit. His concerns are directed primarily at the residual character of firearm noise, which he considers will remain clearly audible and emergent above ambient traffic noise even where a CNR 90 control is complied with. In that context, his evidence focuses on whether compliance with the proposed limit would, in his view, provide sufficient protection of residential amenity, rather than on whether the CNR 90 limit itself is capable of being complied with. On that basis, Mr Ellerton ultimately concludes that the

proposed noise controls, should they be complied with, would not result in acceptable noise effects.

99 Dr Trevathan’s evidence addresses both the acceptability of noise effects and the ability to comply with a CNR 90 limit. Dr Trevathan describes the proposed mitigation design to achieve what he considers to be acceptable noise levels at key receptor locations, being 65 dB LAFmax at the notional boundary of the secondary dwelling at 1222 Devon Road and 70 dB LAFmax at the notional boundary of the closest future dwellings within the FUZ. As noted earlier in paragraph 86, Dr Trevathan explains these are not noise limits but design metrics. Dr Trevathan details the proposed physical mitigation, modelling he has undertaken (including for Sundays), and associated operational controls, concluding compliance with a CNR 90 limit will be realistically achievable in practice. He further explains that compliance with the proposed limit will meaningfully constrain both the level and intensity of shooting activity, such that residual noise effects can be appropriately managed and are no more than minor. On that basis, Dr Trevathan concludes that compliance with a CNR 90 limit will result in noise effects that are acceptable in this receiving environment.

100 Having considered the expert evidence, I accept Dr Trevathan’s evidence that compliance with a CNR 90 control is achievable through physical mitigation works and management controls. I note that in general, where the decision-maker can be satisfied the design, operation and management of a proposed activity are consistent with compliance with the proposed consent conditions, and in the absence of evidence suggesting conditions cannot be met, a consent applicant should be treated on the basis that it will comply consent conditions (*Let Capital Number 3 Ltd Partnership v Expert Consenting Panel* [2025] NZHC 3531 at [120]-[121]). I also accept Dr Trevathan’s evidence that the level of noise experienced at key receptors will be acceptable. In forming this opinion, I have had particular regard to the existing environment, which, as Dr Trevathan has noted, includes the elevated ambient noise environment. I conclude that noise effects will be appropriately avoided, remedied, or mitigated, and that any residual adverse effects will be no more than minor. As an additional matter, I also consider the baseline of a lawfully established Club activity is relevant, as I discuss further below.

#### *Draft Noise Management Plan*

101 Preparation and adherence to a NMP is central to the management of the activity. The draft NMP is addressed in paragraphs 113–136 of the section 42A report. I have had regard to that assessment, together with the expert noise evidence. The

positions and conclusions on the draft NMP are summarised below to inform my opinion. I note the NMP remains in draft. My overall focus is on the appropriateness and effectiveness of a NMP as an effects management tool, secured through conditions of consent.

- 102 The section 42A report raises concerns about the effectiveness of the draft NMP, particularly its length, complexity, and reliance on ongoing management responses. The report concludes the draft NMP does not provide sufficient certainty that adverse noise effects will be effectively avoided, remedied, or mitigated.
- 103 I note the Club has acknowledged comments in paragraphs 128-129 of the section 42A report around the potential for fragmentation of roles and responsibilities, proposing that a single person – the Noise Management Officer - will be responsible for implementation of the NMP (see paragraph 9.1 in Mr O’Sullivan’s evidence). The NMP is able to be updated accordingly.
- 104 Mr Ellerton accepts that a NMP is an appropriate tool in principle, but questions whether the draft NMP can be relied upon to deliver effective outcomes. His concerns focus on reliance on management processes to address residual noise effects and whether such measures provide a sufficiently robust response to manage noise. On that basis, he concludes that the draft NMP does not provide an effective or reliable means of managing noise effects to an acceptable level.
- 105 Dr Trevathan addresses the concerns raised in the section 42A report and the evidence of Mr Ellerton regarding the draft NMP primarily in paragraphs 48 and 108-109 of his evidence. In those sections, he explains the intended role of the NMP, its relationship with the proposed physical mitigation and conditions of consent, and how effectiveness and compliance would be achieved in practice.
- 106 There appears to be no disagreement in the section 42A report or between experts that a NMP can be an appropriate and effective effects management tool. While I acknowledge the concerns raised in the section 42A report and the evidence of Mr Ellerton in relation to the draft NMP, I consider those concerns to be suitably addressed in the evidence of Dr Trevathan. I note that the draft NMP was prepared to support engagement with Mr Phillips and remains subject to refinement. I am satisfied that an NMP, certified through the proposed conditions of consent, is an appropriate and effective effects management tool when implemented alongside the proposed physical mitigation and associated consent conditions.

- 107 Paragraphs 137–144 of the section 42A report address the potential impacts on FUZ. I have had regard to that assessment and the expert noise evidence. The respective positions on this matter are summarised below.
- 108 The section 42A report raises concerns that firearm noise may constrain future development within the FUZ. While acknowledging proposed mitigation, the report identifies uncertainty arising from limited detail on future physical mitigation, particularly in relation to Ranges 6 and 7. The report considers this lack of specificity creates uncertainty as to whether noise effects on future residents would be adequately managed. On that basis, the section 42A report concludes that noise effects on future sensitive activities within the Future Urban Zone would be unacceptable and not adequately mitigated. I note that the section 42A report assesses acceptability by reference to LAFmax limits, rather than by reference to compliance with the proposed CNR 90 control discussed earlier.
- 109 Mr Ellerton considers that firearm noise would remain clearly audible and character-distinct at future residential locations within the FUZ. His assessment of the FUZ is largely an extension of his broader concerns regarding residual noise character, rather than a detailed, location-specific analysis of the FUZ as a receiving environment. Even with the proposed mitigation and compliance with noise controls, he considers the Club activity would result in adverse amenity effects and reverse sensitivity over time. He therefore concludes that the proposal may constrain the ability to develop the FUZ for residential purposes. I also note that Mr Ellerton’s conclusions regarding the FUZ are informed by LAFmax-based considerations of audibility and noise character, rather than a direct assessment of effects against the proposed CNR 90 control.
- 110 Dr Trevathan specifically addresses the FUZ in paragraphs 40 and 56 of his evidence. In paragraph 40, he notes that the proposed CNR 90 control would apply to any future dwellings constructed in the FUZ and considers this to be a conservative approach given the high ambient traffic noise environment and acoustic insulation requirements within the State Highway Noise Boundary Control overlay. In paragraph 56, Dr Trevathan further assesses the implications for future residential development, including at the interface with Ranges 6 and 7, explaining that activity on those ranges could be moderated to maintain compliance with CNR 90 and that further physical mitigation is practical should future development occur.
- 111 In considering future development within the FUZ, I acknowledge comments cited in paragraph 139 of the section 42A report that Council officers consider Area R

(being the FUZ area to the east of Airport Drive) is most likely to be developed for residential purposes.

112 In assessing the relevance of potential future residential development within the FUZ for the purposes of my effects assessment, I have had regard to legal advice from Ms Ongley, counsel for the Club. That advice confirms the law is not settled as to whether future residential development within the FUZ necessarily forms part of the “environment” for the purposes of s104(1)(a). While *Queenstown-Lakes District Council v Hawthorn Estates Ltd* [2006] NZCA 120; (2006) 12 ELRNZ 299 (CA) confirms that the future state of the environment may be relevant, more recent authority emphasises the need for a realistic, non-artificial assessment of likely future conditions, as example in *Meridian Energy Ltd v Tararua District Council* [2025] NZEnvC 44. In this context, it is noted that the FUZ does not currently provide for intensive residential development as a permitted activity, and that any such development would require further statutory processes, including structure planning and plan changes. Statements of officer opinion as to the likelihood of development therefore carry less weight than adopted Council policy documents, which indicate that development of Area R is not anticipated until at least 2034. I have taken this legal context into account in forming my assessment of effects on the FUZ, while recognising that policy matters are considered separately under s104(1)(b).

113 I note that paragraph 141 of the section 42A report characterises my original assessment in section 4.3 of the AEE as relying on the State Highway Noise Control Boundary overlay as mitigation. That was not my intent. I recognise that the acoustic insulation requirements associated with the Noise Control Boundary form part of the existing environment against which future effects are assessed, rather than mitigation relied upon by the proposal. Should dwellings be located in that environment, it is unrealistic to suggest that acoustic insulation requirements would not be required in order to address State Highway noise effects.

114 In response to concerns raised in paragraphs 112 and 149 in the section 42A report regarding uncertainty as to the form and timing of mitigation in relation to the FUZ, I consider that Dr Trevathan’s evidence and the draft NMP identify a clear, staged framework for managing noise effects if and when development occurs. This includes application of the CNR 90 control relative to any future dwellings within the FUZ, supported by operational controls through the NMP, including limits on shooting intensity, hours of operation, range scheduling, monitoring, and enforcement.

- 115 If further mitigation was required at the interface with Ranges 6 and 7, activity on those ranges could be moderated to ensure continued compliance with CNR 90. In addition, the evidence identifies further physical mitigation options that are practical and capable of implementation, including a potential noise barrier behind Range 7. I note that such works could require a further resource consent, particularly in relation to the 20 m entrance corridor setback under ECOR-S1, but I do not consider the potential need for a future consent to represent a fatal flaw given the availability of immediate operational controls. I note entrance corridor setback non-compliances require resource consent as a restricted discretionary activity under the PODP with matters of discretion limited to visual amenity and arrival experience matters. Assessment in the section 42A report concludes effects on the New Plymouth Entrance Corridor as a result of the currently proposed physical mitigation works would be acceptable (discussed below in paragraph 118). I consider it a reasonable assumption that, subject to appropriate mitigation, consent could be granted for similar future physical works.
- 116 Having regard to the existing environment - including the elevated ambient noise environment, the Noise Control Boundary overlay and associated insulation requirements - I agree with Dr Trevathan that the proposed mitigation framework would suitably manage noise effects within the FUZ. When assessed against that environment, I conclude that the proposal would result in no more than minor adverse effects on future occupants and would not compromise the ability to develop the FUZ.

#### *Overall Conclusion on Noise Effects*

- 117 I have considered the assessment of noise effects in the section 42A report alongside the expert noise evidence. While I acknowledge the differing expert views, I consider the evidence of Dr Trevathan to be thorough and well-reasoned. I am satisfied that the proposed mitigation framework, including physical works, operational controls, and the NMP, provides a credible and enforceable basis for managing firearm noise. When assessed against the existing environment, including elevated State Highway traffic noise, as well as Dr Trevathan's evidence as to the lawfully established use of the site, I conclude that residual noise effects will be no more than minor and can be appropriately avoided, remedied, or mitigated through conditions of consent, including in relation to Mr Phillips' property and the FUZ.

#### *Landscape and Visual Effects*

118 I agree with the landscape and visual effects assessment in relation to the New Plymouth Entrance Corridor in the section 42A report. Proposed conditions of consent require the existing roadside planting strip to be retained and maintained which will assist in partially screening and softening built form development within the site and areas of outdoor storage. I conclude the proposal will appropriately maintain visual amenity and the overall attractiveness and quality of the arrival experience in this location.

### ***Transport Safety and Efficiency***

119 I agree with the assessment in the section 42A report concluding any transport safety and efficiency effects of the proposal are acceptable. Written approval has been provided by NZTA, confirming the existing site access is fit for purpose. The existing site layout provides sufficient area for manoeuvring and parking onsite. On that basis, I consider that any transport safety and efficiency effects are able to be appropriately avoided or mitigated.

### ***Contamination/Effects on Human Health***

120 I agree with the assessment of contamination effects on human health in the section 42A report that potential risks can be appropriately managed. In forming this opinion, I have had regard to the expert evidence of Mr Bolger and advice provided by Ms Shephard.

121 Proposed conditions require preparation and adherence to a SMP and OSMP, consistent with best practice under the Ministry for Environment Contaminated Land Management Guidelines No.1 – Reporting on Contaminated Sites in New Zealand. I conclude any potential adverse effects on human health will be appropriately avoided, remedied or mitigated through adherence to the conditions of consent.

122 I have noted the condition suggestion from Ms Shepard regarding soil validation reporting and reporting timeframes for the SWSMP. I accept Mr Bolger's advice in paragraph 44 of his evidence that a work summary report is appropriate in the circumstances. I agree with the extension to the reporting timeframe for SWSMP monitoring as a practical measure and have carried this through to my recommended conditions in Appendix A.

### ***Cultural effects including culturally important waterbodies***

123 I agree with the discussion of cultural effects in paragraphs 165-174 in the section 42A report. The Club has engaged with Puketapu Hapū as mana whenua through the consent process. At the time of preparing my evidence, Puketapu Hapū have not provided concluding comments and therefore I cannot make a conclusion as to cultural effects.

124 In response to Puketapu Hapū feedback, the Club has adopted and proposed a range of measures to include:

- Realigning Range 1 and associated physical noise mitigation works to provide a minimum 10 m setback from the tributary.
- Removing the existing Range 1 bund and all existing structures within the riparian margin.
- Establishing and maintaining a minimum 10 m wide, eco-sourced riparian planting strip with a minimum five-year maintenance period.
- Adoption of a discovery protocol and offer for on-site cultural monitoring during earthworks.
- Implementing erosion and sediment controls to prevent contaminants entering the waterway.
- Preparation and implementation of contaminated land management plans and a monitoring plan for the tributary.

These measures are supported by Puketapu Hapū in their submission.

125 The Puketapu Hapū submission identifies stormwater management and the monitoring of earthworks in relation to Rongonui Pā as matters of issue to be resolved. To address these matters, the Club has undertaken the risk assessment to assess hydrogeological conditions and potential risk to sensitive freshwater receptors adjacent the site, with proposed conditions to include monitoring through the SWSMP. The Club has adopted the requirements from Puketapu Hapū for cultural monitoring of earthworks and implementation of a discovery protocol, offered as proposed conditions.

126 The Puketapu Hapū submission also notes concerns regarding the potential for noise effects to adversely impact the ability to develop the FUZ. As discussed in

paragraphs 107-116, I consider the proposal will not compromise future development in the FUZ.

- 127 The Club has provided copies of relevant information to Puketapu Hapū (including the ESCP, risk assessment, updated plan set and proposed conditions of consent) and invited opportunity to meet again following the initial hui held in March 2025 at the Club. The Club remains committed to working with Puketapu Hapū going forward and welcomes any further feedback.
- 128 I note resource consent is required under *Rule WB-R4 Earthworks on a site containing or adjoining a natural waterbody* as a restricted discretionary activity. Relevant matters of discretion are set out in WB-P2 and WB-P3, seeking to protect the natural character, ecological, recreational, cultural, spiritual, heritage or amenity values of waterbodies and to require that activities proposing to locate on sites adjoining a natural waterbody demonstrate that the activity is located appropriately. In this respect, relevant matters in relation to waterbodies extend further than consideration of cultural effects. Paragraphs 252-255 in the section 42A report assess the proposal against the objectives and policies in the waterbodies chapter, concluding the development is broadly consistent with these provisions. I agree with that assessment and conclusion.
- 129 Overall, I consider any actual and potential effects on the tributary will be appropriately avoided or mitigated through conditions of consent. My conclusion does not extend to cultural effects, for which I rely on Puketapu Hapū to confirm their position.

### ***Archaeology***

- 130 I agree with the assessment of effects on archaeology in the section 42A report. All proposed earthworks will occur in excess of 50 m from the closest verified archaeological site. The potential for discovery during earthwork activity is able to be appropriately managed through adherence to the discovery protocol condition.

### ***Effects Summary***

- 131 Overall, I conclude the proposal will have positive effects in supporting community well-being and safety. Any actual and potential adverse effects are able to be appropriately avoided, remedied or mitigated through the proposed design and conditions of consent. Any residual adverse effects will be no more than minor.

## REGULATORY FRAMEWORK

132 The following provides a summary assessment against the relevant regulatory framework. My assessment is structured to align with the section 42A report headings, which I consider appropriately identify the relevant statutory and policy documents.

### *Part Operative District Plan*

133 I generally agree with the objectives and policies identified in paragraphs 178-268 in the section 42A report as being relevant to the Application. I assess relevant objectives and policies below, highlighting areas of agreement and disagreement.

### *Strategic Direction*

134 The PODP provides direction that all other objectives and policies in all other chapters are to be read and achieved in a manner consistent with these strategic objectives. Strategic direction objectives are not specifically discussed in the section 42A report.

135 I consider the proposal is consistent with the strategic direction for the following summary reasons:

- HC – Historic and Cultural: Works avoid impacts on sites and areas of significance to Māori and archaeological sites, tangata whenua values have been recognised and provided for.
- 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, Puketapu Hapū have been provided opportunity to exercise their customary responsibilities as mana whenua and kaitiaki.
- RE – Rural Environment: The activity will not constrain the ability for primary production and rural industry activities to operate in the surrounding area.

- TW – Tangata Whenua: Puketapu Hapū are recognised as mana whenua and kaitiaki and have been provided opportunity to exercise kaitiakitanga.
- UFD – Urban Form and Development: With mitigation as proposed I consider the activity will not unduly compromise the supply of industrial land in the GIZ or residential growth and development within the FUZ.

### *Noise*

- 136 Paragraphs 179–197 of the section 42A report assess the proposal against the PODP Noise Chapter objectives and policies, concluding that the proposal is contrary to those provisions due to the scale of predicted noise effects and uncertainty regarding mitigation. I do not agree with that conclusion.
- 137 Objective NOISE-O1 and supporting policy NOISE-P1 seek to control noise effects so they are compatible with the role, character, and amenity of each zone through appropriate control of activity type and noise levels. The site and surrounding area are located at the interface of the GIZ, RPORZ and FUZ within an existing environment that anticipates future industrial activities and includes elevated ambient noise levels from State Highway 3 and the lawfully established use of the site for shooting activities (comprising of three ranges and 30 members). In this context, the predominant character of the area is strongly influenced by the existing environment. In my opinion, having regard to the proposed noise mitigation and operational controls, the activity will generate noise effects that are compatible with the role, character, and amenity of the surrounding zones and is therefore not contrary to NOISE-O1 or NOISE-P1.
- 138 Objective NOISE-O2 and supporting policy NOISE-P3 seek to ensure that noise is managed so that adverse effects on the environment and on sensitive activities are avoided, remedied, or mitigated to acceptable levels, having regard to the character of the receiving environment. As set out in my assessment of noise effects above, I am satisfied that firearm noise arising from the proposal can be effectively managed through a combination of physical mitigation, operational controls, and NMP. In this respect, I find the proposal consistent with NOISE-O2 and NOISE-P3.
- 139 Accordingly, I conclude that the proposal appropriately controls noise effects and is not contrary to the relevant Noise Chapter objectives and policies.

### *Rural Production Zone*

- 140 I agree with the section 42A report that it is appropriate to have regard to the RPROZ objectives and policies given the effects of the activity may impact on adjoining RPROZ sites.
- 141 I disagree with the conclusions in the section 42A report that the proposal is inconsistent with RPROZ-O3, RPROZ-O4(3), RPROZ-P3 and RPROZ-P5(1) on the basis of noise effects. As with my noise effects assessment and conclusions in relation to Noise Chapter objectives and policies, I consider the proposal appropriately controls noise effects within the site setting and will not undermine rural production activities or amenity values within the RPROZ.
- 142 I note paragraphs 203-205 in the section 42A report assess the proposal against RPROZ-P3 on the basis that the activity is considered incompatible. I disagree with that approach. Given RPROZ-P2 specifically includes sport and recreation activities as a potentially compatible activity, I consider it appropriate to assess the activity against this policy and the specific policy direction to manage such activities rather than the avoidance directive under RPROZ-P3. For the reasons set out in my noise effects assessment above, I am satisfied that the activity is compatible in this location and is therefore consistent with RPROZ-P2. I also record that, if the Panel determines RPROZ-P3 to be more relevant, I consider the proposal would be consistent with that policy.
- 143 I note RPROZ-P2 is directed toward the appropriateness of activities establishing in the RPROZ whereas the subject site is zoned GIZ. I still consider RPROZ-P2 to be a relevant consideration when assessing the proposal against the adjacent RPROZ.
- 144 I also note that as a sport and recreation activity, and as a general observation, finding an appropriate site for an outdoor shooting range in terms of zoning and planned character outcomes under the PODP is inherently challenging. Sport and recreation activities are permitted within the following zones: LCZ - Local Centre Zone; COMZ - Commercial Zone; MUZ - Mixed Use Zone; TCZ - Town Centre Zone, CCS - City Centre Zone, OSZ - Open Space Zone and SARZ - Sport and Recreation Zone. Of these zones, only the OSZ and SARZ could realistically accommodate an outdoor shooting range, although these areas tend to be in close proximity to urban extents where the potential for adverse noise effects may be significant. Sport and recreation activities are provided for as a restricted discretionary activity within the RPROZ and FUZ. In all other zones, sport and recreation activities are either a discretionary or non-complying activity. Outdoor shooting ranges by their very nature are better suited to areas of open space. In this regard, I consider the site to represent a location where an outdoor shooting range

can reasonably be considered a potentially compatible activity in relation to the adjoining RPROZ (and likewise at the interface with the FUZ).

145 I agree with the section 42A report the proposal is consistent with RPROZ-P4 and RPROZ-P8 concerning buildings and earthworks.

146 Overall, I consider the proposal to be consistent with the relevant RPROZ objectives and policies, as it suitably demonstrates that the activity is compatible with the character and functioning of the RPROZ in this location.

#### *Future Urban Zone*

147 I agree with the section 42A report that it is appropriate to have regard to the FUZ objectives and policies, given the potential for noise effects to impact future development within the FUZ. I agree that objectives FUZ-O1, FUZ-O4 and supporting policy FUZ-P2 are relevant considerations.

148 I note the section 42A report assesses the proposal against FUZ-P2, which lists sport and recreation activities as a potentially incompatible activity. I agree that it is appropriate to assess the activity under FUZ-P2 rather than as an incompatible activity under FUZ-P3. This approach is similar to my discussion in paragraph 142 in relation to RPROZ-P2 and RPROZ-P3. As sport and recreation activities are expressly identified in FUZ-P2 as potentially compatible, I consider it appropriate that the assessment focuses on the management of effects under that policy, rather than on avoidance under FUZ-P3.

149 I disagree with the conclusions in the section 42A report finding the proposal to be inconsistent with FUZ-O1, FUZ-O4 and FUZ-P2. The FUZ objectives and policies seek to enable long-term urban development ensuring adjacent activities do not compromise future development potential. My assessment of noise effects concludes the proposal would result in no more than minor adverse effects on future occupants and therefore would not compromise the ability to develop the FUZ.

150 Accordingly, I conclude the proposal is not contrary to the relevant FUZ objectives and policies, as noise effects are appropriately managed and the activity will not unduly compromise the ability to develop the FUZ for urban growth purposes.

#### *General Industrial Zone*

- 151 I agree with the relevant GIZ objectives and policies assessed in the section 42A report. I note the report does not specifically assess objectives.
- 152 I consider objective GIZ-O2 to be particularly relevant, as it directs that non-industrial or incompatible activities, and associated built form, do not compromise the role and function of the GIZ. When assessed against GIZ-O2 and supporting policy GIZ-P3, the policy directive seeks to avoid sport and recreation activities as incompatible activities, with a particular focus on the avoidance of adverse effects on industrial activities under GIZ-P3(2).
- 153 I disagree with the section 42A report conclusion that the proposal is inconsistent with policies GIZ-P3, GIZ-P5(2), GIZ-P8(2)(a) and (4) in relation to noise effects. The section 42A report appears to conclude the proposal is inconsistent with these policies primarily on the basis of noise effects impacting on the adjoining FUZ and RPROZ. I do not dispute these to be relevant matters, and I have assessed the proposal against the relevant FUZ and RPROZ objectives and policies above.
- 154 Focusing on industrial activities, I do not consider the proposal will unduly compromise the role and function of the GIZ or future industrial activities, noting that the wider GIZ-zoned site is yet to be developed for industrial purposes and that a shooting range already forms as part of the lawfully established environment in this location. While acknowledging a sport and recreation activity is listed as an incompatible activity, the policy directive under GIZ-P3 seeks to avoid such activities where adverse effects on industrial activities cannot be avoided, remedied or mitigated. With proposed mitigation, and having regard to the existing environment, I conclude any adverse effects on future industrial activities can be appropriately avoided or mitigated.
- 155 In further considering the compatibility of an outdoor shooting range in this location, I have had regard to the PDP section 32 report for the GIZ. I understand that sport and recreation activities are identified as non-complying in order to protect the availability and long-term functioning of industrial land, avoid incremental erosion of the zone by out-of-zone activities, and manage reverse sensitivity effects (which in the Application context are primarily associated with noise-related amenity effects). That policy intent is directed at sport and recreation activities in general rather than any specific activity.
- 156 In my opinion, when compared to other potentially more sensitive sport and recreation activities (for example, gyms, sports centres, spectator facilities, or passive recreational uses), an outdoor shooting range is potentially more compatible

within the GIZ, which is characterised by industrial activity, lower amenity expectations, and an acceptance of elevated effects. Notably, the GIZ provides for the highest noise limits in the District under the PDOP, with NOISE-S1(4) setting limits of 70 dB LAeq (15min) and 80 dB LAmax at all times. Having regard to the nature of the Club activity, I consider it unlikely that noise generated by future industrial activities would give rise to compatibility or reverse sensitivity issues that would constrain those activities.

- 157 I agree the proposal is consistent with GIZ-P5(1) and (3) concerning built form scale and signage as well as GIZ-P8(1), (2)(b) and (3) concerning building bulk and location, shading and screening and landscaping.
- 158 Overall, I conclude the proposal is not contrary to the relevant GIZ objectives and policies.

#### *Waterbodies*

- 159 I agree with the assessment and conclusion in paragraphs 252-255 in the section 42A report concerning waterbodies. The proposal has been developed and modified to avoid, remedy or mitigate adverse effects on the values of waterbodies. I consider the proposal to be consistent with the relevant objectives and policies in the Waterbodies Chapter.

#### *Entrance Corridor*

- 160 I agree with the assessment and conclusion in paragraphs 256-259 in the section 42A report concerning entrance corridor matters. The proposal will suitably maintain the entrance corridor arrival experience. I consider the proposal to be consistent with the relevant objectives and policies in the Entrance Corridor Chapter.

#### *Earthworks*

- 161 I agree with the assessment and conclusion in paragraphs 260-266 in the section 42A report concerning earthworks. Earthwork activity is able to be appropriately managed through adherence to an ESCP and discovery protocol. I consider the proposal to be consistent with the relevant objectives and policies in the Earthworks Chapter.

#### *Contaminated Land*

162 I agree with the statement in paragraph 267 in the section 42A report concerning contaminated land. Contamination risks are well understood and able to be appropriately managed through conditions of consent. I consider the proposal to be consistent with the relevant objectives and policies in the Contaminated Land Chapter.

#### *Transport*

163 I agree with the statement in paragraph 268 in the section 42A report concerning transport matters. Effects on the transport network have been assessed as no more than minor. I consider the proposal to be consistent with the relevant objectives and policies in the Transport Chapter.

#### *Objectives and Policies Conclusion*

164 Overall, I consider the Application will not be contrary to the relevant Part Operative District Plan objectives and policies. In particular, I am satisfied that noise effects are appropriately avoided, remedied, or mitigated through the proposed design, physical mitigation, operational controls, and conditions of consent. When assessed against the existing environment and the anticipated future role and functioning of the adjoining zones, I consider the proposal to be compatible with the planned character and amenity outcomes sought by the PODP.

### **REMAINING MATTERS UNDER SECTION 104(1)(B) AND 104(1)(C)**

#### ***National Policy Statement on Urban Development 2022***

165 The section 42A report concludes the proposal is inconsistent with the National Policy Statement on Urban Development 2022 (NPS-UD) on the basis of the level of noise effects on the FUZ. As concluded through paragraphs 107-116, I consider noise effects in relation to the FUZ to be appropriately avoided or mitigated, such that the proposal will not unduly constrain future development outcomes for the FUZ. I consider the proposal is not contrary to the NPS-UD.

#### ***Taranaki Regional Policy Statement 2010***

166 The section 42A report concludes the proposal is inconsistent with relevant aspects of the Taranaki Regional Policy Statement 2010 (RPS) on the basis of noise effects, specifically AMY Policy 1 which directs that the adverse effects on rural amenity values will be avoided, remedied or mitigated.

167 For reasons set out in my effects assessment, I consider noise effects to be appropriately avoided or mitigated, such that amenity values will be maintained. Overall, I consider the Application to be consistent with the relevant provisions and intent of the RPS.

***National Policy Statement for Freshwater Management 2020***

168 Paragraph 288 in the section 42A report concludes the proposal is consistent with the National Policy Statement for Freshwater Management (**NPS-FM**). I agree with that conclusion. The Application has been developed consistent with the concept of Te Mana o te Wai to prioritise the health and well-being of waterbodies and freshwater ecosystems, particularly through appropriate management of earthwork activity within proximity to the unnamed tributary and proposed monitoring.

***Other Matters***

*Te Atiawa Iwi Environmental Management Plan*

169 Section 7.10.1 in the AEE includes assessment against the Te Atiawa Iwi Environmental Management Plan (Tai Whenua, Tai Tangata, Tai Ao). Since lodging the Application, the Club has engaged with Puketapu Hapū as mana whenua to address their feedback. The Application avoids activity in close proximity to sites of significance to Māori and will suitably manage earthwork activity in proximity to the tributary. The application appropriately gives effect to the land and freshwater objectives and policies by protecting whenua and wai through measures that avoid or minimise adverse effects, recognise kaitiakitanga, and maintain mauri and water quality including the appropriate management of contaminated land. Overall, I consider the Application is consistent with the relevant objectives and policies of Tai Whenua, Tai Tangata, Tai Ao.

*Precedent effects*

170 I do not consider that the proposal would give rise to precedent effects, as it is based on a set of site-specific circumstances. A decision to grant consent would not undermine the integrity of the PODP. Any future application would need to be assessed on its merits.

## **SECTION 104D ASSESSMENT – NON-COMPLYING ACTIVITY**

- 171 As the Application is to be assessed as a non-complying activity, it is required to be considered under section 104D of the RMA.
- 172 I disagree with the conclusion in paragraph 276 in the section 42A report that the proposal fails to meet both tests under section 104D.
- 173 As set out in my evidence above, I consider any adverse effects are able to be appropriately avoided, remedied or mitigated. In my opinion, the adverse effects of the proposal are no more than minor. In addition, as stated above, I consider the proposal is not contrary to the relevant objective and policy framework.
- 174 Accordingly, in my opinion, the Application satisfies one or both limbs of section 104D and is able to be granted consent under the RMA.

## **SECTION 16 – DUTY TO AVOID UNREASONABLE NOISE**

- 175 I have had regard to the duty under section 16 of the RMA to adopt the best practicable option to ensure that noise emissions do not exceed a reasonable level.
- 176 I understand from Dr Trevathan that the proposed physical noise mitigation measures represent the upper practicable limit of mitigation achievable for an outdoor shooting range at this location. Mr O’Sullivan details estimated costs for the proposed physical mitigation works at \$1,650,000 (paragraph 11.6 of his evidence). While greater noise attenuation could theoretically be achieved through full enclosure of all the ranges, this would require significant additional costs resulting in a materially different form of activity.
- 177 Mr O’Sullivan’s evidence also addresses the potential costs and feasibility of the Club moving to another location (paragraph 11.4).
- 178 In my opinion, the proposal adopts the best practicable option for managing firearm noise through a combination of substantial physical mitigation and enforceable operational controls.

## **PART 2 ASSESSMENT**

- 179 I consider the proposal appropriately recognises and provides for relevant section 6 matters of national importance and gives particular regard to section 7 other matters. I consider the proposal and the manner in which the Club has engaged with tangata

whenua to be consistent with the principles of the Treaty of Waitangi. Overall, I consider the Project to be consistent with Part 2 of the RMA and will promote the sustainable management of natural and physical resources.

## **CONSIDERATION OF SUBMISSIONS**

180 I agree with the summary of submission points in paragraph 80 of the section 42A report. My evidence below focuses on the submission in opposition lodged by Mr Phillips and the submission in conditional support from Puketapu Hapū.

### ***Mr Phillips***

181 I address submission points raised by Mr Phillips in relation to noise and amenity effects and environmental contamination. I rely on the evidence of Mr O’Sullivan to address ricochet matters in paragraph 5.9 of his evidence. I do not address other matters raised by Mr Phillips as they are outside of the scope of the relevant considerations under the RMA for the activity proposed.

### *Noise and Amenity Effects*

182 Mr Phillips raises concerns regarding ongoing impacts from firearm noise and resultant effects on residential amenity and compatibility with the rural-residential environment. Mr Phillips is further concerned by the potential for noise effects to be exacerbated by increased activity associated with extended hours of operation, Police use, and special events. I acknowledge these concerns and note that the expert evidence recognises the current (unmitigated) noise environment, including noise levels up to approximately 80 dB LAFmax, is capable of giving rise to significant adverse effects. I consider these concerns will be appropriately addressed through the proposed physical mitigation and noise management conditions, which are intended to materially reduce noise levels and manage shooting intensity.

### *Environmental Contamination*

183 Mr Phillips raises concerns regarding the potential risk of lead contamination to the surrounding environment. I acknowledge these concerns and note that the section 42A report concludes potential contamination risks can be appropriately managed through the proposed conditions. I have had regard to the expert evidence of Mr Bolger and advice provided by Ms Shephard; both of whom agree contamination risk can be suitably managed. I am satisfied that contaminated land matters can be appropriately managed through the proposed conditions of consent, including

requirements for site management, ongoing management, and monitoring to identify and respond to any mobilisation of contaminants.

### ***Puketapu Hapū***

184 Puketapu Hapū submitted in support of the application, subject to the resolution of identified matters relating to cultural and environmental values. The submission records that, following engagement with the Applicant, a range of agreed design changes and management measures have been incorporated, including setbacks from the tributary, removal of structures from the riparian margin, revegetation and restoration of stream margins, erosion and sediment controls, and contaminated land management planning.

185 The submission identifies remaining matters relating to stormwater management, cultural monitoring during earthworks, and consideration of future development within the FUZ, confirming overall support subject to these matters being appropriately addressed through conditions and continued engagement.

186 I discuss measures undertaken to address the remaining matters in paragraphs 124-127 in my evidence. Proposed conditions of consent have been shared with Puketapu Hapū consistent with the submission request.

187 As noted in paragraph 127, the Club remains committed to working with Puketapu Hapū going forward and welcomes any further feedback.

### **SECTION 42A REPORT RECOMMENDATION**

188 I respectfully disagree with the section 42A report recommendation to decline the application under section 104B(a) of the RMA.

189 In my opinion, the effects of the proposal, and in particular the noise effects, do not warrant refusal. Firearm noise has been comprehensively assessed and, for the reasons set out earlier in my evidence, is able to be effectively managed through physical mitigation and enforceable operational controls.

190 I consider the proposal meets the relevant gateway test under section 104B and is able to proceed to assessment under section 104 of the RMA. Having regard to that assessment, I consider the proposal is able to meet the relevant statutory tests and consent can be granted, subject to conditions.

## CONSENT CONDITIONS

191 Recommended conditions of consent are attached as Appendix A. I consider the proposed conditions to be appropriate to avoid, remedy or mitigate the adverse effects of the proposal.

## CONCLUSIONS

192 I consider the continuation of the Club's activities will have positive effects in supporting community well-being and public safety. The Club was first established on the site in 1983. Since that time, the Club has expanded its activities and invested in the development of the site and associated facilities. The Club provides the only outdoor shooting range in the Taranaki region and supports its members, the wider community, and training requirements for the New Zealand Police.

193 In my opinion, subject to the recommended conditions of consent, any actual or potential adverse effects arising from the application will be appropriately avoided, remedied, or mitigated, and through appropriate controls residual noise effects can be managed to no more than minor. When assessed in the context of the existing environment, I consider the proposal is not contrary to the relevant objectives and policies of the applicable planning framework.

194 Overall, having regard to the matters in Part 2 of the RMA, I consider the Application will promote the sustainable management of natural and physical resources.

**Date:** 4 May 2026



.....  
**Aaron Mark Edwards**

## **APPENDIX A: RECOMMENDED CONSENT CONDITIONS**

## **RECOMMENDED CONDITIONS OF CONSENT LUC24/48583**

### **NEW PLYMOUTH PISTOL CLUB**

#### **General Accordance**

1. The activity subject to this consent must be as described within the application LUC24/48583 received by the council on 2 August 2024 and further information received on 6 December 2024 and 17 December 2024 and be generally in accordance with the following plans except as amended by the conditions below:
  - a. BTW Company, Activity Area/Location Plan, Drawing 230984.02, Sheet GD00, Revision B1, Plot Date: 05/03/2026
  - b. BTW Company, Existing Site Plan, Drawing 230984.02, Sheet GD01, Revision B1, Plot Date: 05/03/2026
  - c. BTW Company, Concept Range, Drawing 230984.02, Sheet GD02, Revision B1, Plot Date: 05/03/2026
  - d. BTW Company, Typical Sections, Drawing 230984.02, Sheet GD03, Revision B1, Plot Date: 05/03/2026
  - e. BTW Company, Earthworks Plan, Drawing 230984.02, Sheet GD04, Revision B1, Plot Date: 05/03/2026
  - f. BTW Company, Erosion and Sediment Control Plan, Drawing 230984.02, Sheet GD05, Revision B1, Plot Date: 05/03/2026
  - g. BTW Company, Planting Plan, Drawing 230984.02, Sheet GD06, Revision B1, Plot Date: 05/03/2026
  - h. BTW Company, Groundwater Plan and Longsection, Drawing 230984.02, Sheet GD07, Revision B1, Plot Date: 05/03/2026
  - i. ShedEx, Site Plan, Drawing No. SCH1, Date: 17/07/24
  - j. ShedEx, Proposed Floor Plan, Drawing No. SCH2, Date: 17/07/24
  - k. ShedEx, Elevations, Drawing No. SCH3, Date: 17/07/24
  - l. Red Jacket, Wall Type 1, Job No. 6061, Date: 12/07/24
  - m. Red Jacket, Container Wall Section (for 1 Container), Job No. 6061, Date: 12/07/24

- n. Red Jacket, Container Wall Elevation (for 1 Container), Job No. 6061, Date: 12/07/24
- o. BTW Company, Erosion and Sediment Control Plan, 20 October 2025
- p. BTW Company, Preliminary Site Investigation, 1220 Devon Road, Bell Block, New Plymouth, Rev A1 - 17/12/2024

### **Monitoring Costs**

- 2. Pursuant to Section 36 of the Resource Management Act 1991 the Consent Holder must pay the actual and reasonable costs incurred by the New Plymouth District Council when monitoring the conditions of this consent.

### **Earthworks**

- 3. The Consent Holder must ensure that the erosion and sediment control measures shown in the approved Erosion and Sediment Control Plan (BTW Company, Drawing 230984.02, Sheet GD05, Plot Date 05/03/2026) are implemented prior to commencement of the physical noise mitigation works authorised by this consent (Works). The erosion and sediment control measures must be maintained for the full duration of the Works and shall not be removed without prior approval from the Council.
- 4. Any update to the approved Erosion and Sediment Control Plan must be provided to the Council for certification prior to implementing any changes.
- 5. No less than 7 working days prior to earthworks for the Works commencing on site, the consent holder shall advise Puketapu Hapū of the intention to undertake earthworks, so that they may provide a monitor for on-site cultural monitoring during earthworks at their discretion.
- 6. If the consent holder discovers kōiwi tangata, waahi taonga (resources of importance), waahi tapu (places or features of special significance) or other Māori artefacts during the Works, the consent holder must without delay:
  - a. Notify Te Kotahitanga o Te Atiawa, the Consent Authority, Heritage New Zealand Pouhere Taonga and in the case of kōiwi, the New Zealand Police.
  - b. Stop work within the immediate vicinity of the discovery to allow a site inspection by Puketapu Hapū, Te Kotahitanga o Te Atiawa and Heritage New Zealand Pouhere Taonga, who must determine whether the discovery is likely to be extensive, if further site investigation is required, and whether an Archaeological Authority is required.

- c. Any kōiwi tangata discovered should be handled and removed by kaumatua responsible for the tikanga (custom) appropriate to their removal or preservation.
  - d. Site work must only recommence following consultation with Puketapu Hapū, Te Kotahitanga o Te Atiawa, the Consent Authority, Heritage New Zealand Pouhere Taonga and in the case of kōiwi, the New Zealand Police.
7. As soon as it is practicable, but no later than six months from the commencement of earthworks or land disturbance:
- a. The earthworks area shall be stabilised, filled, recontoured and revegetated to achieve at least 80% ground cover in a manner consistent with the surrounding land; or
  - b. Sealed, paved, metalled or built over.

### **Range 1 Acoustic Walls**

- 8. The Range 1 acoustic wall must be set back a minimum distance of 10 m from the unnamed tributary of the Mangaoraka Stream.
- 9. The construction methodology for the Range 1 acoustic wall shall be confirmed at the time of detailed design and may consist of a container wall, sheet piling or combination of both.

### **Noise Management**

- 10. Firearms may only be discharged at the Club between 0900 and 2100 hours on Monday to Saturday and between 0900-1700 hours on Sundays.
- 11. Firearm noise generated by the Club must not exceed a Composite Noise Rating (CNR) of 90 at the notional boundary of any neighbouring dwelling on any day, except events provided for in condition 15. CNR is to be calculated as follows:

$$CNR = (Y - A) + 10 \log_{10} N + 10 \log_{10} T - 12$$

*Where*

*Y is the log average LZpeak level of the 25 loudest gunshots occurring that day*

*A is 13, which is the most pessimistic 'community adaption factor' allowed by the method*

*N is the number of gunshots occurring that day*

*T is the proportion of the time between 7 am and 10 pm in which shooting takes place, represented by the period between the first and last shots*

12. Periods of low noise must be maintained at the Club between 1200 and 1500 hours on Monday to Friday and between 1700 and 2100 hours on Saturdays. The periods of low noise do not apply to Police and Armed Offender Squad training.

**Advice Note:** *A period of low noise is defined as a period where any outdoor shooting is restricted to range/firearm combinations which produce a noise level of 55 dB LAFmax or less at the notional boundary of the 1222 Devon Road secondary dwelling.*

13. Any firearm used at the Club must be certified prior to use as either low-noise or other. Following testing undertaken by the Club, certification records for each firearm must be retained by the Club and provided to Council upon request.
14. Up to four times per year, the Club may hold a two-day event where the low noise restriction in condition 12 does not apply. These events must be published on the Club website at least one month in advance.
15. Up to two times per year the Club may hold a three-day event where the CNR restriction in condition 11 does not apply. These events must be published on the Club website at least one month in advance.
16. Within 3 months of the completion of the physical noise mitigation works the Club shall engage an acoustic engineer, who will:
  - a. Undertake an attended noise measurement campaign to determine the effectiveness of the physical mitigation works, and a sample of the LAFmax and CNR noise levels being generated at the following receivers:
    - i. 1209 Devon Road (Lot 1 DP 16176)
    - ii. 1222 Devon Road (Lot 1 DP 18372)
  - b. If necessary, make any recommendations for changes to the Noise Management Plan in order to ensure the CNR 90 requirement continues to be met.

**Advice Note:** *Noise assessment measurement on private land requires the consent of the landowner. The Club shall use all best endeavours to obtain agreement to access land for the purpose of undertaking assessment, but should such agreement not be forthcoming, may use the best alternative measurement method(s).*

17. Within 3 months of the date of the grant of this consent, the Club must install and maintain a permanent Class 1 sound level meter (capable of capturing real time data) and associated infrastructure at a location representative of the nearest residential receiver, such that a log of recent gunshots of a minimum period of the previous 14 days is able to be made available to the Council immediately upon request.
18. A Noise Management Plan must be prepared for the site and be submitted to Council for certification within 3 months of the date of the grant of this consent. The Noise Management Plan shall contain:
  - a. Processes to ensure that those who discharge firearms on the site are familiar with and required to abide by the procedures set down in the NMP.
  - b. Processes to ensure the CNR 90 requirement is complied with, including during the period when the physical mitigation works are only partially complete.
  - c. Processes to ensure the physical noise mitigation works, once complete, are inspected and kept in adequate functional condition.
  - d. Details around how the noise monitoring required by condition 17 is to be conducted.
  - e. Details around how the Club will regulate the level of activity at the Club day-to-day, to include limits on the number of rounds fired per day from Monday to Saturday, to ensure the CNR 90 requirement is not exceeded.
  - f. Details around the permanent Class 1 sound level meter which is to be installed, and who will be responsible for its upkeep.
  - g. The requirement for a Noise Management Officer responsible for implementation of the NMP, and details of their duties, including the keeping of noise log documentation and submission to Council upon request.
  - h. Processes relating to community relations and communications, and periodic review of the NMP.
  - i. Procedure for maintaining a register of complaints received and a record of the Club's responses and any remedial actions undertaken.
19. Upon its certification under condition 18, the Consent Holder shall comply with the Noise Management Plan.

20. Any amendments to the Noise Management Plan must be submitted to the Council for certification prior to those amendments being implemented.
21. Police and Armed Offender Squad training must comply with conditions 10-11 except during emergency management situations undertaken in accordance with the Policing Act 2008.

### **Entrance Corridor Planting**

22. The existing planting strip adjoining Devon Road as shown in the approved Planting Plan (BTW Company, Drawing 230984.02, Sheet GD06, Revision B1, Plot Date: 05/03/2026) must be retained and maintained. Any vegetation within this planting strip that dies, becomes diseased, or is removed must be replaced within the next planting season (May–September) with plant species of similar height, density, and character to those removed, to the approval of Council.

### **Riparian Planting**

23. The Consent Holder must establish and maintain a minimum 10 m wide riparian planting margin along both sides of the unnamed tributary (or to the legal boundary where less than 10 m) as shown in the approved Planting Plan (BTW Company, Drawing 230984.02, Sheet GD06, Revision B1, Plot Date: 05/03/2026).
24. Planting and any associated fencing within the riparian planting margin must be established in the first planting season (May–October) following the completion of Range 1 works.
25. Planting within the riparian planting margin should be undertaken using eco-sourced indigenous species appropriate to the Coastal and Semi-Coastal Bioclimatic Zone, consistent with *Restoration Planting in Taranaki: A Guide to the Egmont Ecological District*. Where practical, planting should include species with recognised bioremediation capability for stabilising or uptaking lead and other metals, including indigenous species with phytoremediation potential.
26. The riparian planting margin must be maintained for a minimum 5-year period or until canopy closure is achieved. Maintenance shall include:
  - a. Regular weed control.
  - b. Pest animal control where required.
  - c. Infill planting to maintain densities.
  - d. Post-storm inspections and remedial planting if necessary.

27. Any plants within the riparian planting margin that die, become diseased, fail to establish, or are removed shall be replaced in the next planting season (May–October) with the same or a similar species.

## **Contaminated Land**

### SMP

28. A Site Management Plan (SMP) must be prepared by a suitably qualified and experienced practitioner in accordance with the current edition of the Ministry for Environment Contaminated Land Management Guidelines No.1 – Reporting on Contaminated Sites in New Zealand. The SMP must be submitted to Council for certification at least 10 working days prior to commencing soil disturbance.
29. The SMP must detail the procedures, controls and contingency measures that must be implemented for the duration of the works in order to protect human and environmental health by ensuring exposure pathways are minimised for the duration of the soil disturbance works and must include, but not be limited to:
- a. Erosion and sediment controls preventing migration of contaminants to surface water or groundwater.
  - b. Environmental controls for stockpiling of soil.
  - c. Procedures to minimise on-site contaminant dispersal.
  - d. Procedures for the safe handling, decontamination, and management of tires.
  - e. Unexpected contamination discovery protocols.
  - f. Transport and disposal procedures for any material transported off-site.
  - g. Methodology of any soil management on-site in creating any new bund.
  - h. Soil testing requirements as a result of unexpected discoveries or off-site soil disposal.
  - i. Worker health and safety measures, including PPE, hygiene, and training for handling contaminated materials.
30. Soil disturbance works must be undertaken in accordance with the approved SMP. The procedures, controls and contingency measures set out in the SMP must be implemented for the duration of the soil disturbance works.

31. All material removed from the site in the course of the soil disturbance works must be disposed to a suitably licensed facility authorised for receipt of material of that kind.
32. If unexpected conditions, such as staining, odourous material, are encountered during the soil disturbance works; work in that area must cease and the Council notified. Unexpected contamination and contingency measures must be overseen and assessed by a suitably qualified and experienced practitioner.

### OSMP

33. An Ongoing Site Management Plan (OSMP) must be prepared by a suitably qualified and experienced practitioner in accordance with the current edition of the Ministry for Environment Contaminated Land Management Guidelines No.1 – Reporting on Contaminated Sites in New Zealand to control management of the fill area to the west of Range 7 and future activities following completion of construction. The OSMP shall be submitted to Council within 10 days of the completion of the soil disturbance works.

### Work Summary Report

34. Within three months of the completion of the soil disturbance works, a work summary report must be provided to the Council which must include:
  - a. The approximate location and dimensions of soil disturbance carried out including a relevant site plan and photographs.
  - b. Records of any unexpected discoveries encountered during the works and the actions taken to address them.
  - c. Results of soil sampling or material sampling.
  - d. Disposal dockets for any soil or materials removed from site.
  - e. Confirmation that the works were carried out in accordance with the approved SMP.
  - f. Recommendations or requirements for ongoing monitoring or management.

### Monitoring

35. A Surface Water and Sediment Monitoring Plan (SWSMP) must be submitted to Council for certification at least 10 working days prior to the commencement of soil disturbance. The purpose of the SWSMP is to ensure potential adverse effects on groundwater and the unnamed tributary of the Mangaoraka Stream arising from soil disturbance activity associated with acoustic mitigation works, are appropriately avoided, remedied, or mitigated.

36. The SWSMP must include, but not be limited to:

- a. Sampling locations (upstream, downstream, and adjacent to the bund area).
- b. Parameters including, at minimum: lead, copper, zinc, arsenic, antimony, pH, suspended sediment, and any other contaminants of concern identified in prior investigations.
- c. Outline protocols for stream sediment sampling and analysis.
- d. Frequency of monitoring:
  - i. During earthworks: at least monthly
  - ii. Post-earthworks: quarterly for a minimum of 12 months following completion of acoustic mitigation works.

37. SWSMP monitoring results must be provided to Council on a quarterly basis for the duration of the monitoring period. Trigger values shall be based on the Australian and New Zealand Guidelines for Fresh & Marine Water Quality (ANZG) 95% freshwater protection or more stringent site-specific criteria. Any exceedance of trigger values must be reported within 48 hours (to allow for laboratory confirmation of the validated sample result), to include:

- a. Likely cause(s).
- b. Immediate mitigation actions taken.
- c. Proposed corrective actions.