

Memorandum

Date: 1 May 2025

To: [REDACTED], Marshall Day Acoustics

From: [REDACTED], Campbell Brown Planning

Subject: Waitemata Gun Club Consent History and Existing Use Rights

1.0 Introduction

Campbell Brown Planning Limited has undertaken a review of the Waitemata Gun Club (WGC) property file and other publicly available information with respect to operations of the WGC.

The purpose of the review is to inform the assessment of the receiving environment for the proposed Rangitootuni project, with particular regard to potential reverse sensitivity effects.

When undertaking an assessment of effects, regard must be had to what constitutes the “environment”. An understanding of the environment is necessary to inform the assessment of the effects of a proposal. Section 104(1)(a) of the Resource Management Act 1991 (RMA) requires an assessment of the adverse effects or actual and potential effects on the environment to determine whether a consent should be granted or declined.

What constitutes the environment has been subject to several court cases and case law has confirmed that the “environment” includes existing lawful activities, the environment as it may be modified by permitted activities, and the implementation of resource consents which have been granted and which are likely to be implemented.

Unlawful activities do not form part of the “environment”.

2.0 WGC

This memorandum does not set out a comprehensive summary of WGC’s consent history.

It is sufficient to record that in June 1966, according to the Council’s records, the WGC activity was established at 465 Old North Road, Huapai. The original Permit was granted in June 1966 and imposed no conditions, although the application materials indicated that shooting would occur one day per month between 11am and 5pm. That is not contested.

Subsequently there have been exchanges between WGC and Auckland Council in the context of the Proposed Auckland Unitary Plan (PAUP) hearing process in 2016 which have summarised the position.

In short, there is agreement that in 1990, 1992 and 1999 the then Rodney District Council confirmed that WGC had existing use rights at those times. However, differences of opinion are evident between WGC and Auckland Council as to what the lawful scale and intensity of activities is during that period.

In 2012 Auckland Council expressed the view that WGC did not have existing use rights by reference to the scale and intensity of activities it was undertaking. That dispute was unresolved as of 2016.

The PAUP process by reference to WGC in 2016 revolved around a proposed precinct expressly providing for WGC activities. It appears that the WGC strategy was to avoid engaging further with differences of opinion regarding existing use rights, or progressing an application under section 139A RMA, and instead seek to legalise activities through imposition of a precinct. However that proposed precinct was deleted and is not part of the Auckland Unitary Plan Operative in Part (AUPOP). Therefore, the PAUP process did not resolve the lawfulness of the WGC activities.

Turning to the assessment now required of the “environment”, and consideration of the lawfulness of the WGC activities in 2025, it is a matter of record that WGC has not formally established it enjoys existing use rights in the context of rules in the AUPOP. Compliance must be shown with each subsequent operative or notified rule. We understand that the onus of establishing existing use rights sits upon the person seeking to assert them. If WGC wishes to do so, it could make an application under section 139A RMA.

We note that Council’s acoustic expert in the PAUP hearings (Mr Styles) was also of the opinion that noise levels generated by WGC were unreasonable in terms of section 16 RMA.

It follows from the above that the lawfulness of WGC activities in 2025 by reference to s10 RMA has not been established beyond shooting occurring one day per month between 11am and 5pm. For that reason, WGC activities beyond shooting occurring one day per month between 11am and 5pm do not form part of the “environment”.

3.0 Concluding Opinion

In our opinion, the WGC holds a 1966 permit authorising trap shooting one day per month between 11am and 5pm.

Although the WGC has operated continuously since 1966, it is clear that the scale and intensity of the operation has changed significantly over the past 59 years. In addition, new District plan rules have been notified and subsequently become operative over that period.

No further resource consents have been obtained to authorise an increase in the scale or frequency or intensity of activities. Compliance must be shown with each subsequent operative or notified rule following lawful establishment, which has not occurred.

For the purposes of assessing the Rangitootuni application:

- Only lawful activities may be considered as part of the receiving environment.
- Activities which exceed the scope of the 1966 permit and for which no existing use rights have been confirmed must be treated as unlawful and excluded from the receiving environment.

Yours Sincerely,



Campbell Brown Planning Limited



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