

Department of Conservation advice for EPA compliance assessment

Overview

Project name	Bream Bay sand extraction
Project applicant	McCallum Brothers Ltd
EPA unique ref. no	FTAA-2511-1150
EPA Request Number	CRM:0139010041
Conservation approvals sought	Wildlife approval for the disturbance, capture, collection and incidental killing of Scleractinian cup corals
EPA request summary	Whether the application meets the requirements of sections 42 and 43 of the Fast-track Approvals Act 2024 (the Act) and whether the information is in sufficient detail to satisfy section 44 of the Act
Date received	30 January 2026
Date due to EPA	9 February 2026

The purpose of this document is to provide advice to assist the EPA in making its decision whether the application lodged by McCallum Brothers Ltd dated 22 January 2026 complies with the requirements of section 46(2) of the Act. The advice covers compliance with information requirements for relevant approvals

The advice also includes further observations of relevance to further processing of the application.

DOC understands that this document will be passed on to the applicant, the Panel Convener and the Panel.

Compliance with information requirements

Our detailed assessment of the information requirements for the relevant approval is provided in the attached table. In summary, DOC's advice is that the application meets the requirements of sections 42, 43, and 44 of the Act.

Further observations



In addition to the compliance requirements, DOC makes the following observations in relation to the wildlife approval application:

- Operations will almost certainly impact protected corals. Coral abundance estimates are inconsistent, and survivability is unclear, within and beyond extraction area.
- During pre-lodgement consultation, DOC and NIWA (for the applicant) agreed that there remains uncertainty on coral longevity, growth, resilience and recovery, reproduction, distribution and connectivity, and post-extraction survivability within and beyond the proposed extraction area for the species in question. There remains risk, therefore, that the activity will negatively impact protected corals and impede 'wildlife protection' as per the purpose of the Wildlife Act 1953.
- DOC understands anecdotally that the applicant is currently preparing a post-operations monitoring report on the impact of sand extraction at Pakiri Beach in accordance with its Auckland Council resource consents. This report could be helpful to inform potential effects of this application.

Listed project requirements under section 43(2)

The table below provides information to assist the EPA in relation to consideration of the matters required for listed projects for a substantive application under section 43(2) of the Act. This section requires additional information for listed projects that would otherwise have been required during the referral process. Where this information duplicates other requirements it will be addressed elsewhere.

Relevant section	Is the information present?	Application document reference	Is the information provided in sufficient detail?	Comments
13(4)(j): <ul style="list-style-type: none"> relevant Treaty settlement entities relevant protected customary rights groups and customary marine title groups relevant applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011: persons with a registered interest in land that may need to be acquired under the Public Works Act 1981 	Y	Section 14; Attachment 5, sections C and D	Y	
13(4)(k) a summary of the consultation undertaken for the purposes of section 11/ 29 and any other consultation undertaken on the project with the persons and groups referred to in paragraph (j) and how that consultation has informed the project	Y	Section 14	Y	The application accurately summarises consultation with DOC during the pre-lodgement phase.
13(4)(l) a list of any Treaty settlements that apply to the project area, and a summary of the relevant principles and provisions in those settlements	Y	Section 14	Y	No relevant active Treaty settlements have been identified by the Applicant.

13(4)(n) a statement of any relevant principles or provisions in the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019:				
13(4)(o) information identifying the parcels of Māori land, marae, and identified wāhi tapu within the project area:				
13(4)(m) a description of any processes already undertaken under the Public Works Act 1981 in relation to the project:	N/A		N/A	DOC is not aware of any Public Works Act 1981 processes associated with this site.
13(4)(u) whether any activities that are involved in the project, or are substantially the same as those involved in the project, have been the subject of an application or a decision under a specified Act and,— (i) if an application has been made, details of the application: (ii) if a decision has been made, the outcome of the decision and the reasons for it	N/A		N/A	The applicant does not hold any DOC approvals, and there is no record of any DOC decision on any previous application for the same or substantially the same activity.
13(4)(x) a summary of compliance or enforcement actions (if any), and the outcome of those actions, taken against the applicant (or if the referral application is lodged by more than 1 person, any of those persons) under a specified Act:	N		N	The applicant is currently being investigated by DOC for an offence under the Wildlife Act 1953, being alleged unlawful disturbance of cup corals at Pakiri. As the investigation is still underway, no decisions have been made on compliance or enforcement.

Applications for wildlife approvals

Clause 2 of Schedule 7 outlines the information required in an application for a wildlife approval.

Relevant section	Is the information present?	Application document reference	Is the information provided in sufficient detail?	Comments
Schedule 7 clause 2(1) - For the purposes of section 43(3)(h), an application for a wildlife approval must include the following information:				
(a) specify the purpose of the proposed activity:	Y	Section 19, p193	Y	
(b) identify the actions the applicant wishes to carry out involving protected wildlife and where they will be carried out (whether on or off public conservation land):	Y	Section 19, p193	Y	
(c) include an assessment of the activity and its impacts against the purpose of the Wildlife Act 1953:	Y	Section 19, p 193 – 194; Attachment 15, section 2.1	Y	The activity will not protect wildlife in accordance with the purpose of the Wildlife Act 1953.
(d) list protected wildlife species known or predicted to be in the area and, where possible, the numbers of wildlife present and numbers likely to be impacted:	Y	Section 19, p194 – 195; Attachment 15, section 2.2; Attachment 21, section 5.5	Y	We note coral abundance estimates vary vastly in the application, so measuring impacts in numbers of individuals is not possible at this stage. Estimates range from 0.11 to 3,152 individuals per m ² for <i>Kionotrochus suteri</i> , and 0.37 to 94,657 per m ² for <i>Stephanotrochus ralphae</i> . These numbers reflect estimates of live and dead coral taken during monitoring (both are protected). In Attachment 15 P5, NIWA states: “Based on the available sample data, and noting the

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				patchy distributions of both species, the overall live population of the two species of cup corals within the 15.4 km ² proposed sand extraction area could be in the order of millions”.
(e) outline impacts on threatened, data deficient, and at-risk wildlife species (as defined in the New Zealand Threat Classification System):	N/A	Section 19, p195; Attachment 15, section 2.3	N/A	Neither of the Scleractinian cup corals present have a threat status under the NZTCS because they have not yet been assessed (so we don't know if they are at risk or not). They are both endemic species only found in NZ, and only in a limited area of the territorial sea.
(f) state how the methods proposed to be used to conduct the actions specified under paragraph (b) will ensure that best practice standards are met:	Y	Section 19, p195; Attachment 30, section 4.1	Y	
(g) describe the methods to be used to safely, efficiently, and humanely catch, hold, or kill the animals and identify relevant animal ethics processes:	Y	Section 19, p195; Attachment 30, section 4.1	Y	
(h) state the location or locations in which the activity will be carried out, including a map (and GPS co-ordinates if available):	Y	Section 19, p195; Attachment 6	Y	
(i) state whether authorisation is sought to temporarily hold or relocate wildlife:	Y	Section 19, p195 - 196	Y	

Relevant section	Is the information present?	Application document reference	Is the information provided in sufficient detail?	Comments
(j) list all actual and potential wildlife effects (adverse or positive) of the proposed activity, including effects on the target species, other indigenous species, and the ecosystems at the site:	Y	Section 19, p196; Attachment 15, section 2.4; Attachment 21	Y	
(k) where adverse effects are identified, state what methods will be used to avoid and minimise those effects, and any offsetting or compensation proposed to address unmitigated adverse effects (including steps taken before the project begins, such as surveying, salvaging, and relocating protected wildlife):	Y	Section 19, p196; Attachment 15, section 2.5; Attachment 21	Y	No offsetting or compensation has been proposed by the applicant for residual adverse effects on protected wildlife (cup corals).
(l) state whether the applicant or any company director, trustee, partner, or anyone else involved with the application has been convicted of any offence under the Wildlife Act 1953:	Y	Section 19, p196	Y	
(m) state whether the applicant or any company director, trustee, partner, or anyone else involved with the application has any current criminal charges under the Wildlife Act 1953 pending before a court:	Y	Section 19, p197	Y	The applicant is currently being investigated by DOC for an offence under the Wildlife Act 1953, being alleged unlawful disturbance of cup corals at Pakiri. As the investigation is still underway, no decisions have been made on compliance or enforcement.

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(n) provide proof and details of all consultation, including with hapū or iwi, on the application specific to wildlife impacts:	Y	Section 19, p198; Attachments 5, 22, 23 and 24	Y	
(o) provide any additional written expert views, advice, or opinions the applicant has obtained concerning their proposal.	Y	Section 19, p 199; Attachment 21	Y	The applicant provided a response to DOC's pre-lodgement comments on the cup coral management plan from NIWA.