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**MINUTE 2 OF THE PANEL CONVENER**  
**Convener's Conference for Bream Bay Sand Extraction project**  
**[FTAA-2511-1150]**  
**13 March 2026**

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A conference will be held on 30 March 2026 at **10 am**. A MS Teams invite will shortly be sent.

[1] The purpose of this conference is to gather participant views on matters arising in relation to the application filed under the Fast-track Approvals Act 2024 (FTAA). Your views will inform two decisions that I must make as panel convener regarding:

- (a) the appointment of panel members;<sup>1</sup>
- (b) the timing of the panel decision.<sup>2</sup>

**Participants at the panel convener's conference**

[2] The following persons<sup>3</sup> are invited to attend the conference:

- (a) The authorised person or applicant – McCallum Bros Limited.
- (b) Relevant iwi authority and relevant Treaty settlement entities (see Schedule 3).<sup>4</sup>

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<sup>1</sup> FTAA, schedule 3

<sup>2</sup> FTAA, section 79

<sup>3</sup> These people are referred to as 'statutory participants' in the Guidance Note.

<sup>4</sup> FTAA, ss 18(2)(a). Section 7 states, relevantly, all persons performing and exercising functions, powers, and duties under this Act must act in a manner that is consistent with—

- (c) Relevant administering agency – Department of Conservation
- (d) Relevant local authority – Northland Regional Council.

### **Timeframe for a decision**

[3] The Panel Convener decides the appropriate timeframe for release of the decision on the application. The Convener does so having had regard to the scale, nature, and complexity of the approvals sought (among other matters).<sup>5</sup> Complexity is in part a function of the issues that arise on this application.

[4] If the timeframe for a decision is not appropriate this risks -

- (a) insufficient time being allowed, impacting the quality of the decision-making;
- (b) not adequately engaging with the wider requirements of public law leaving the decision susceptible to appeal or review; or
- (c) an overallocation of time which would not satisfy the procedural principles in section 10 of the Act.

[5] At the conference participants are invited to:

- (a) comment on the level of complexity including any novel or difficult legal issues, any evidential complexity, or any factual complexity;
- (b) identify, as a feature of this complexity, the principal issues in contention or other disputed matters;
- (c) state whether the drafting of proposed consent conditions (including any draft management plan filed) is accepted; and
- (d) propose efficient processes to enable the panel to understand, resolve

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the obligations arising under existing Treaty settlements. The panel has a discretion to invite the iwi authorities and the Treaty settlement entities together with other Māori groups with a relevant interest to comment.

<sup>5</sup> FTAA, section 79.

or narrow the scope of any likely issues and indicate how these processes may be accounted for under the decision timeframe.

[6] It is anticipated that the local authority and administering agency will obtain input from planning and technical advisors to identify the likely issues. However, an assessment of merits is not required at this stage. For information about cost recovery, please refer to the EPA's cost-recovery policy (details below).

### **Composition of the Panel**

[7] As the participants will be aware the Northland Regional Council (Council) has confirmed its nominees at the full Council meeting on 17 December 2025 as follows:

That Northland Regional Council nominate Troy Brockbank as a member of the Expert Panel convened to determine the McCallum Brothers Bream Bay Sand Mining Application lodged under the Fast Track Approvals Act. Should Troy Brockbank be unavailable at the time of convening the expert panel, or the convenor advises that they are seeking a coastal processes expert, that Dr Malcom Green be nominated.

[8] I understand that Troy Brockbank is available. In accordance with Schedule 3 of the FTAA I am only required to accept one of the Council nominees. However, in this case I am minded to accept both nominees as between them they have the skills, knowledge and expertise required to be appointed to the panel. I am satisfied that there are no conflicts of interest regarding these nominees that cannot be appropriately managed.

[9] In addition, to these persons I am proposing that the panel is chaired by Catherine Somerville-Frost who is an experienced lawyer and chair of fast-track applications.

[10] On 10 March 2026 I received a memorandum of Counsel for Te Patuharakeke Te Iwi Trust Board advising me that it has a Mana Whakahono ā Rohe with the Council. I confirm I was aware of this and it was noted out in the

section 18 Report that was prepared by the Ministry for the Environment.

[11] I can confirm that Troy Brockbank is on the list of approved RMA Hearing Commissioners held by the Council.

[12] I will be seeking the participants views on my proposed panel members to ensure that they collectively hold the skills, knowledge and expertise of the persons to be appointed to the panel.

### **Accessibility and recording of the panel convener's conference**

[13] The conference will be held remotely, with access provided to participants. The conference will be recorded, and a copy of the recording will be made available on the fast-track website.

[14] The application documents can be viewed on the fast-track website [here](https://www.fasttrack.govt.nz/projects/bream-bay-sand-extraction-project/substantive-application): <https://www.fasttrack.govt.nz/projects/bream-bay-sand-extraction-project/substantive-application>.

### **Cost recovery**

[15] Cost recovery for participation in fast-track processes is determined by the FTAA and the Fast-track Approvals (Cost Recovery) Regulations 2025.

[16] Costs for preparing and attending this conference are described in the policy. For information on costs recovery, the link to the policy is found [here](https://www.fasttrack.govt.nz/process/fees-charges-and-cost-recovery): <https://www.fasttrack.govt.nz/process/fees-charges-and-cost-recovery>.

### **Preparation**

[17] In the interests of taking all practical steps to use timely, efficient, consistent and cost-effective processes, I ask that participants take the time to consider the range of matters set out in Schedules 1 and 2 and come prepared to discuss them.

[18] Participants may find useful the Guidance Note to the practices and processes under the Act. It is found here: [https://www.fasttrack.govt.nz/\\_data/assets/pdf\\_file/0022/8680/Panel-conveners-practice-and-procedure-guidance.pdf](https://www.fasttrack.govt.nz/_data/assets/pdf_file/0022/8680/Panel-conveners-practice-and-procedure-guidance.pdf).

### **Directions**

I direct the participants are to file a written response to the matters set out in this Minute, including Schedules 1 and 2 (attached) by **24 March 2026**.



Helen Atkins

Associate panel convener for the purpose of the Fast-track Approvals Act 2024

**Schedule 1: Participants' estimated timeframe (note that the convener has populated some of the dates for ease of reference<sup>67</sup>)**

| <b>Task</b>   | <b>Working days</b> | <b>Date</b>             |
|---|---------------------|-------------------------|
| Panel commencement  | N/A                 | 13 April 2026 (nominal) |
| Invite comment from relevant parties  | 10 W/D later        | 28 April 2026 (nominal) |
| Comments close (ss 53 & 54)   | 20 W/D later        | 26 May 2026 (nominal)   |
| Comments close for applicants (s 55)  | 5 W/D later         | 2 June 2026 (nominal)   |
| Any other procedural steps, evaluation and decision writing                                     | XXX W/D (say)       | XXX 2025                |
| <b>Draft decision is to approve<br/>(see note below re decline decisions)</b>                   |                     |                         |
| Draft decision and conditions to Ministers (s 72) (note that this is based on a grant decision. | XXX W/D (say)       | XXX 2025                |

<sup>7</sup> Note 2: the order of ss 69, 70 and 72 steps may differ case-by-case. On a decision to approve, sequencing s 72 before s 70 is simplest, albeit requiring more time than running ss 72 and 70 steps in parallel.

|   |                 |                    |
|---|-----------------|--------------------|
| If the decision is to decline then the timeframes are different – see sections 69 and 72) |                 |                    |
| Response from Ministers. (s 72)   | 10 W/D later    | XXX 2025           |
| Applicant response to Ministers comments (if any)   | XXX W/D later   | XXX 2025           |
| Draft conditions and decision to participants (s 70(1))                                   | XXX W/D (say)   | XXX 2025           |
| Participant comments on draft conditions (s70(2))   | XXX W/D later   | XXX 2025           |
| Applicant response to participants on conditions (s 70(4))                                | 5 W/D later     | XXX 2025           |
| If not agreed, procedural step in relation to draft conditions.                           | XXX W/D (say)   | XXX 2025           |
| Evaluate and finalise decision  | W/D later (say) | XXX 2025 (approx.) |
| Decision release  | W/D later (say) | XXX 2025           |

## Schedule 2 – Matters to consider when preparing for conference

### Approvals

[1] The number and range of approvals sought.

### Complexity

[2] The level of complexity will have a bearing on the appropriate frame for decision making and may include:

- (a) Legal Complexity: novel or difficult legal issues -
  - (i) involve untested law or interpretation of statute;
  - (ii) involve application for multiple approvals;
  - (iii) interface with two or more statutes; and
  - (iv) engage constitutional law and public law.
- (b) Evidentiary Complexity: stemming from the volume, type, or technical nature of evidence -
  - (i) includes challenges like managing expert reports or dealing with conflicting factual or opinion evidence; and
  - (ii) often involve technical or scientific analysis.
- (c) Factual Complexity: arises from the volume and nature of evidence -
  - (i) requires careful management of extensive information or reports, including expert opinion in specialised fields; and
  - (ii) necessitates analysis of technical, scientific, or highly specialised subject matter are involved.

### Issues

[3] In addition to the matters noted in the Minute, describe:

- (a) the issues that have arisen during pre-lodgement and post-lodgement

consultation and engagement.

- (b) if the application concerns an activity the same or similar to one previously lodged with a consent authority, state how requests for information pursuant to section 92 of the RMA have been addressed in this application.
- (c) any statutory process that coincides with the 30-working day period (if proposed).<sup>8</sup>

### **Mātauranga and tikanga**

[5] Iwi authorities and Treaty settlement entities are invited to discuss:

- (a) advise whether tikanga is relevant to the application, how the panel might receive assistance on those matters, and the time required for this to occur;
- (b) seek guidance on any requirement to protect sensitive information.

### **Panel membership**

[4] Consider:

- (a) the knowledge, skills and expertise required to decide the application under clause 7(1) of Schedule 3.<sup>9</sup>
- (b) whether there are factors that warrant the appointment of more than four panel members, such as:
  - (i) the circumstances unique to a particular district or region; or
  - (ii) the number of applications that have to be considered in that particular district or region; or

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<sup>8</sup> The 30-working day period under s 79(1)(b) includes the 5 working day period for an applicant to respond to comments (s 55); the unspecified period for participants to comment on proposed conditions (s 70); a 10 working day period for government ministers to comment on a decision (s 72).

<sup>9</sup> FTAA, schedule 3, cl 3(7).

- (iii) the nature and scale of the application under consideration; or
- (iv) matters unique to any relevant iwi participation legislation.

### **Procedural requirements**

[6] Consider and prepare to indicate:

- (a) willingness to engage directly with the panel as necessary to advance progress of the application efficiently (briefings, meetings, conferencing).
- (b) the timing of expert conferencing or wānanga;
- (c) the referral of two or more participants or topics to mediation;
- (d) the requirement for any form of hearing process including:
  - (i) disputed facts or opinions;
  - (ii) proposed conditions; or
  - (iii) legal issues.

### **Anything else?**

[7] Is there any other information needed to decide time frames or panel composition?

**Schedule 3: relevant iwi authorities and relevant Treaty settlement entities****FTAA, s 18(2)(a)**

- Te Rūnanga o Ngāti Whātua
- Ngātiwai Trust Board
- Patuharakeke Te Iwi Trust Board
- Te Rūnanga-ā-Iwi-o-Ngāpuhi
- Te Uri o Hau Settlement Trust
- Ngāti Manuhiri Settlement Trust
- Te Kawerau Iwi Settlement Trust
- Te Ohu Kaimoana
- Te Pouwhenua o Tiakiriri Kukupa Trust (trading as Te Parawhau ki Tai)

**Copy to**

- Ngāti Kahu o Torongare
- Ngāti Tu ki Ngāpuhi
- Te Rūnanga o Ngāti Hine