
MINUTE 14 OF THE EXPERT PANEL
Bream Bay Sand Extraction Project Expert Panel [FTAA-2511-1150]

28 September 2026

Lifting of suspension, amended application and next steps

Request for information from various parties

Expert conferencing and request to parties

Suspension (section 62 FTAA) and lifting of suspension

[1] Minute 7 from the Panel Convener dated 2 September 2026 suspended the Application from and including 2 September 2026, to enable the Applicant to amend the Application to include a third species of coral, being *Culicia Rubeola*. By way of Minute 8 from the Panel Convener dated 22 September 2026 that suspension has now been lifted, with processing of the Application to continue from and including today, Monday 28 September 2026.

Amended Application

[2] Minute 8 from the Panel Convener records that the amendment to the Application has been lodged and formally passed to this Panel, with the amendment and a covering memorandum of counsel dated 14 September 2026 now being available on the fast-track website.

[3] The amendment to the Application comprises a number of documents:

- (a) The ‘Addendum Amending the Application for Wildlife Approval to Include *Culicia Rubeola*’. This Addendum includes two further documents:
 - (i) Report titled “The scleractinian coral *Culicia rubeola* at Te Ākau Bream Bay: Literature review and distribution of *Culicia rubeola* within the proposed sand extraction area” dated 5 August 2026

prepared by Earth Sciences New Zealand (to become Attachment 36 to the Application); and

- (ii) Report titled “*Culicia rubeola* and Schedule 7 of the Fast-track Approvals Act 2024” dated 29 July 2026 also prepared by Earth Sciences New Zealand (to become Attachment 37 to the Application).
- (b) An updated Coral Management Plan (both a clean and track change version) dated 1 September 2026 (Version 5). This replaces Attachment 30 to the Application, previously titled ‘Cup Coral Management Plan’.

[4] The amendment to the Application needs to be subject to a section 53 invitation to comment process, which will start with the Panel issuing invitations on 9 October 2026. Responses to invitations to comment will be due by 9 November 2026, and the Applicant’s further response by 16 November 2026.

[5] The amendment will then be progressed in the usual way and ultimately ‘catch-up’ in a procedural sense with the original application, so that the Panel can issue its draft decision as required by the FTAA. The draft decision will relate to both the original application and the amendment addressed in the Addendum.

[6] Current timing, based on the Panel Convener’s provision of 55 working days in Minute 8, has a draft decision being circulated in early December and the final decision due on or before 16 February 2027.

Next steps

Hui

[7] The Panel has received correspondence regarding hui from:

- (a) Kōwhai Te Awhina Hapū o Te Parawhau Hapū Incorporation, dated 11 June 2026.
- (b) Takahiwai Māori Committee, dated 12 June 2026.
- (c) Te Iwitahi Manihera whanau, dated 15 June and 8 July 2026.
- (d) Patuharakeke Te Iwi Trust Board & Ngātiwai Trust Board, dated 16 and 29 June 2026.

- (e) Hapū o Te Waiariki, Ngāti Korora, Ngāti Takapari (MAC-01-01 013/CIV-2017-404-566), dated 25 June 2026.
- (f) Trustees of Te Pouwhenua o Tiakiriri Kukupa Trust, on behalf of Te Parawhau ki Tai, dated 18 August 2026.

[8] The above correspondence to the Panel is available on the fast-track website.

[9] EPA staff will be in contact with the above parties to discuss and finalise arrangements for hui.

[10] To be clear, there is an expectation that all information and material put to the Panel at hui, whether orally or in writing, will be made available to all parties via publication on the fast-track website. No party has to date identified any material that would need to be restricted from such publication. Further, as a matter of natural justice, representatives of the Applicant will be invited to attend hui.

[11] As noted in Minute 11 the Panel appointed Ms Gibberd as a special adviser to digitise and integrate mapping for the Panel. Draft PDFs of the outcome of this work, where relevant to the parties above, will be made available on the fast-track website prior to hui, so that any requested corrections, amendments or additions can be raised.

Requests for further information

[12] This minute records a request for further information from three parties. Those parties are the Applicant, Patuharakeke Te Iwi Trust Board & Ngātiwai Trust Board, and the Bream Bay Guardians Society Inc. The request is made under section 67(1)(a) of the FTAA and the information requested is set out in Appendix One to this minute.

[13] Ten working days is provided in terms of section 67(3), with responses therefore due by **12 October 2026**.

Expert conferencing

[14] The Panel wishes to undertake expert conferencing on particular coastal process and ecological matters to:

- (a) Better understand aspects of the information and expert evidence before the Panel; and
- (b) Assess whether the proposed ‘adaptive-management’ approach, and the draft proposed conditions and management plans, could be amended to address concerns the Panel holds.

[15] Addressing the draft proposed conditions and management plans at expert conferencing does not indicate that any decision has been reached regarding whether the approvals sought should be granted. Rather, these matters need to be considered alongside, and as part of, the Panel’s substantive decision-making. This is particularly so because the FTAA directs (for example in section 85(3)(b)(i) and (ii)), that conditions or modifications to address adverse impacts must be taken into account in decision-making.

[16] Expert conferencing is expected to occur from mid October to early November. There is not much, if any, room in this fast-track process to accommodate movement in this timing. The parties’ assistance with regards to availability is therefore respectfully requested.

[17] The four topics that the Panel is referring to expert conferencing, including the general issues and relevant draft proposed conditions and management plans for each topic, are:

Coastal processes and landforms

- (a) Whether the available baseline information (bathymetric data) is sufficient for an adaptive management regime to be applied. If not, what more could or should be done and when would it need to be done by?
- (b) Design of the monitoring and adaptive management programme, especially process, timing, information to be collected, adequacy of proposed control sites, and triggers/actions proposed.

- (c) Appropriateness of the proposed ‘early-warning’ monitoring: justification, metric, threshold, response. Are there any alternative or additional adaptive management schemes that have been and/or could be used?
- (d) Methods for distinguishing between ‘natural’ bathymetric change and bathymetric change due to extraction, in the context of the proposed adaptive management scheme.
- (e) Whether appropriate controls are in place to manage the staged increase in extraction sought to be authorised.

Relevant draft proposed conditions and management plans: Updated Attachment Twenty-Six – Conditions (**Draft Proposed Resource Consent Conditions**) (V3 dated 31 July 2026); Updated Attachment Twenty-Nine – Environmental Monitoring Management Plan (**EMMP**) (V1.2 dated 7 August 2026); Updated Attachment Twenty-Seven – Sand Extraction Operation Plan (**SEOP**) (V3 dated 2 July 2026).

Ecology – marine mammals

- (f) Whether there is a need for long term independent monitoring of effects on marine mammals, particularly Bottlenose dolphins.
- (g) Whether the proposed conditions are appropriate for a ‘marine mammal watch’ during extraction, and whether they contain appropriate separation distances that could be complied with while the vessel is operating.
- (h) Appropriate provisions for the Acoustic Monitoring Programme and addressing soundscape changes, including selection of the 3dB metric/threshold.
- (i) Whether offsetting or mitigation would be appropriate to address any residual effects.

Relevant draft proposed conditions and management plans: Draft Proposed Resource Consent Conditions; EMMP, SEOP; Updated Attachment Twenty-Eight – Marine Mammal Management Plan (**MMMP**) (V6 dated 17 July 2026).

Ecology - benthic

- (j) Whether the available baseline information is sufficient for an adaptive management regime to be applied. Is the dataset adequate to evaluate potential adverse effects, detect future change, and provide a basis for adaptive management?
- (k) If it is not, what more could or should be done, and when would it need to be done by?
- (l) Design of the monitoring and adaptive management programme, especially sampling (and how monitoring might be targeted to areas impacted by extraction/tracks), timing, analysis and triggers/actions proposed.
- (m) The statistical methods proposed to account for differences between the SEA and control sites.
- (n) How recovery is to be defined for the purposes of cell management, and what the estimated recovery time is.
- (o) Whether appropriate controls are in place to manage the staged increase in extraction sought to be authorised.

Relevant draft proposed conditions and management plans: Draft Proposed Resource Consent Conditions; EMMP; SEOP.

Ecology - corals

- (p) For all three species of corals, would survivorship studies offer any useful information (for example, that might assist to address effects)?
- (q) Whether offsetting or mitigation would be appropriate to address residual effects.

Relevant documents: Draft Proposed Resource Consent Conditions; EMMP; SEOP; Updated Attachment Thirty-Five [Draft Proposed] Recommended Wildlife Approval Conditions (dated 15 July 2026); Updated Attachment Thirty – Coral Management Plan (dated 15 September 2026).

[18] In terms of the expected format of expert conferencing:

- (a) The Panel will attend expert conferencing, which is expected to take place in a reasonably informal manner. The Panel may have questions to be addressed first, and then an agenda will be prepared with the participants present. Depending on availability, Mr McMahon or a member of his team (with planning experience), will also be invited to attend conferencing to assist with record-keeping and drafting, etc..
- (b) Four separate sessions are proposed. The Panel would prefer that these occur in person (likely in Auckland for ease of travel and based on the home offices of the experts likely to attend), but online sessions may be needed to address availability constraints.
- (c) Only experts and parties' legal counsel / representative or planning experts are to attend. The expert conferencing will be videoed, with these being uploaded to the fast-track website.
- (d) The agenda will become a record of the expert conferencing, through updating 'live' on the day while conferencing progresses, to create a form of Joint Witness Statement, or otherwise a record of the conferencing discussion and outcomes. Agreed or directed outcomes may include further conferencing between experts.

[19] By **Wednesday 7 October 2026** any party wishing to be involved in expert conferencing is to provide the EPA with:

- (a) The names of the experts they propose to have attend each (or any) of the expert conferencing topics identified above, and any dates on which those experts are unavailable (between 12 October and 6 November 2026). Experts do not need to have had any prior involvement in the proceedings, but that is preferred where possible.
- (b) Unless earlier provided, a summary of each expert's qualifications and experience relevant to the particular topic.
- (c) The names of any legal counsel / representative or planning experts proposed to attend each (or any) expert conferencing topic.

[20] The Panel notes with thanks the memorandum from counsel for the Bream Bay Guardians Society Inc dated 10 September 2026, and the support shown there for expert conferencing occurring.

Other matters

[21] To keep parties up to date in relation to other relevant matters the Panel notes that:

- (a) The Applicant's response to section 53 comments on the original Application is available on the fast-track website.
- (b) The Applicant's response to a request for further information directed in Minute 11 is also available on the website (dated 24 August 2026 and relating to coastal processes matters).
- (c) The fast-track website is frequently updated and is the best source of information and correspondence relevant to the Application (both from and to the Panel).

Correspondence from Mr Green (Axiom Economics Limited)

[22] During the earlier suspension the Panel received correspondence from Mr Green of Axiom Economics Limited dated 4 August 2026. A copy is available on the website. In that letter Mr Green corrects and clarifies aspects of his 23 February 2026 report, relating to claimed emissions and health-related cost savings (sections 4.2 to 4.4 of his report). The Panel has determined to accept this correspondence.

[23] Any economic expert engaged by a party may provide a response to Mr Green's letter, if necessary to correct or clarify their own related material already before the Panel, and that must be provided to the EPA on or before **12 October 2026**.

Correspondence from Ngāti Tū ki Ngāpuhi

[24] The Panel received a detailed document prepared for and on behalf of Ngāti Tū ki Ngāpuhi dated 11 September 2026. That document was entitled '*Bream Bay Sand Extraction Project: Request to Address a Material Ngāti Tū ki Ngāpuhi Cultural Effects Evidential Gap - Submission to the Expert Panel*'. A copy is available on the website.

[25] The document requested that the Panel ensure an evidential gap described in the document is addressed through either “an appropriately scoped and resourced Ngāti Tū-led Cultural Impact Assessment” or “an equivalent Ngāti Tū-authorised cultural-effects assessment”. The particular relief sought was described in section 6.3 of the document.

[26] The Panel has carefully considered the document and material within it, and the relief sought. At this point, given the passage of time and fast-track nature of these proceedings, the Panel considers that there is a fair and reasonable pathway available to receive relevant information as to cultural effects relating specifically to Ngāti Tū. That is via a hui with the Panel, rather than the commissioning of any formal report or CIA.

[27] In the Panel’s view this pathway appropriately reflects and accommodates the various factors at play. These include the importance of the Panel being properly informed about matters such as (*inter alia*) cultural effects specific to Ngāti Tū, while at the same time acknowledging the procedural point the substantive proceedings have reached (with the comments process having closed in late May). There are also the requirements of natural justice for other participants, including the Applicant. By way of example only, the matters raised in the five bullet points in the middle of page 17 of the document could comfortably be addressed at hui, either orally or by the presentation of written material to the Panel.

[28] Accordingly, EPA staff will be in contact with the author of the document to discuss and finalise arrangements for hui.

Amended key dates

[29] To summarise, the key dates are now as follows:

- (a) Parties are to advise the EPA of proposed attendees for expert conferencing by 7 October 2026.

- (b) Invitations to comment on the Addendum will be issued by the Panel on 9 October 2026.
- (c) Responses to the Panel's requests for further information included in Appendix One to this minute are due by 12 October 2026.
- (d) The Department of Conservation's section 51 report on the Addendum (requested by the Panel Convener) is due by 23 October 2026.
- (e) Comments on the Addendum from invited persons will be due by 9 November 2026. The Applicant's response to those comments will be due by 16 November 2026.
- (f) A draft decision is expected to be circulated in early December, including conditions for comments if the Panel's intention is to grant the approvals sought. The final decision is currently due on or before 16 February 2027. This results from the Panel Convener's provision of 55 working days in their Minute 8, and does not take account of any further suspensions that may occur.



Catherine Somerville-Frost

Bream Bay Sand Extraction Project Expert Panel Chair

Appendix One – Requests for further information

RFI#	Party from whom information is requested (including suggested expert)	Requested information
1(a), (b), (c), (d)	Applicant (Mr Brown)	(a) Statements are made within the August 2025 Landscape & Natural Character Effects Assessment that suggest the absence of an overflow sediment plume around the vessel, or that there is containment of the plume to underneath the vessel (see pages 9, 40, 43, 44 and 50). The Panel has had difficulty reconciling this with its understanding of the plume created, and other material before the Panel. This includes the video provided with Attachment 25 to the application (in particular at 0:19-0:29), and image 9 on page 3 of that Attachment. Could explanation or clarification be provided? (b) Did Mr Brown have an opportunity to see the <i>MV William Fraser</i> while operating at Pakiri, and the creation of a plume from extraction activities? (c) In section 8 (Biophysical Effects) it is not clear to the Panel why marine mammals are assessed, but not other ecology including for example fish and / or birds? (d) Comparisons are made in relation to transport shipping movements, and the link to these movements “being part and parcel of” Bream Bay’s character. While accepting that not all of the viewing audience will necessarily be able to distinguish the vessel as the <i>MV William Fraser</i>, some will (especially when tracks bring the vessel closest to shore). There can be visual similarities, but the vessel is undertaking a very different activity, and one which may be associated, for some viewers, with an adverse perception. What relevance does this hold in relation to an assessment of effects?
2	Applicant (Mr Donoghue)	At paragraph 72 of Attachment 20 to the Application the statement is made that “it is unlikely that the market for manufactured sand in Auckland will exceed 150,000 tonnes per annum within the next 5 years” however no analysis was provided to underpin that estimate. The figure is not resiled from in Mr Donoghue’s response to comments. What matters were considered, and what assumptions were relied on, to reach the stated figure?

3	Patuharakeke Te Iwi Trust Board & Ngātiwai Trust Board (Dr Parsons) Bream Bay Guardians Society Inc (Dr Mead)	Do the amendments relating to tipa/scallops now proposed by the Applicant in Appendix F (Sensitive Benthic Communities) of the EMMF (7 August 2026 version), and which are also included as Attachment 4 to the recommended resource consent conditions (31 July 2026 version), address your concerns with regards to tipa/scallops? If not, to what extent, and why not? Please provide suggested wording changes if possible.
4	Applicant	The Panel understands that post-completion monitoring at Pakiri may now be completed, and that results/reporting may potentially be available (see Mr West's footnote 6). Could a copy of the Pakiri Recovery Monitoring Study (2023-2024) please be provided, along with any material relevant and available from the August 2026 monitoring.
5	Applicant (Mr West)	Reference is made to the recovery experience at Pakiri (see paragraphs 185-188 of the 12 August 2026 statement of evidence) and comparisons made there to what might be expected to happen at this site. Does this take into account the difference between the sites, for example with the application site being understood to be part of a closed system regarding sediment?