
MINUTE 15 OF THE EXPERT PANEL
Bream Bay Sand Extraction Project Expert Panel [FTAA-2511-1150]
6 October 2026
Memorandum of counsel for Bream Bay Guardians Association Inc
(dated 5 October 2026)

Memorandum from Bream Bay Guardians

[1] On 5 October 2026 the Panel was provided with a memorandum of counsel for Bream Bay Guardians Association Inc (**BBG**). A copy of the memorandum, subject to the redaction of some parts addressed further below, is attached and will be made available on the fast-track website.

[2] The memorandum:

- (a) Addressed the provision of spatial information by BBG to the Applicant, arising from references to dive locations where peat reefs had been observed in the document entitled '*Bream Bay First Order Ecological Survey – Phase 2*' prepared by eCoast and dated 25 May 2026. That document had accompanied BBG's comments lodged in May 2026.
- (b) Attached a copy of a letter sent to the Applicant providing the requested spatial information. The copy of the letter provided had the coordinates for the two sites redacted, but included general reference to the locations on an attached 'Bream Bay Constraints Map'. The Panel records its comfort, at this stage, that the precise coordinates remain redacted. It is not clear to the Panel whether the constraints map was also intended to be kept confidential, so for now

it has been excluded from publication online.

- (c) Included, as an attachment to the letter to the Applicant, a document stated to contain “relevant contextual information concerning the sites/peat reefs”. The document was authored by Professor Mark Dickson and dated 5 October 2026. The Panel has not reviewed this document in detail, for the reasons outlined below. It is also not included with the version of the memorandum provided on the fast-track website.

[3] The Panel is concerned that the 5 October 2026 material by Professor Dickson, while of course free to be sent by BBG to the Applicant, is in terms of its delivery to the Panel *unsolicited correspondence*, which raises important procedural and natural justice considerations. Those considerations will be obvious to counsel.

[4] The Panel requests submissions from counsel for BBG and the Applicant as to the appropriateness of the Panel accepting this material and, if it is to be accepted, any process that may need to be applied. Counsel are strongly encouraged to discuss this and, if possible, lodge a joint memorandum with the Panel. Submissions are requested as soon as possible, and by **Monday 12 October 2026** at the latest.



Catherine Somerville-Frost

Bream Bay Sand Extraction Project Expert Panel Chair