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**MINUTE 3 OF THE EXPERT PANEL**  
**Bream Bay Sand Extraction Project Expert Panel [FTAA-2511-1150]**  
**28 April 2026**  
**Invitations to Comment (section 53 FTAA)**

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### **Invitations to Comment**

[1] This minute addresses invitations to comment on the Bream Bay Sand Extraction Project application, under section 53 of the Fast-track Approvals Act 2025 (**FTAA**). Comments from invited persons are due on or before **Tuesday 26 May 2026**, as outlined further below.

#### ***Persons that must be invited to comment***

[2] The Panel must invite comments from the persons listed in sections 53(2)(a) to (n) of the FTAA. **Appendix One** to this minute provides, in tabular form, the list of prescribed persons relevant to this project.

[3] Sections 53(2)(h) and (i) require that an invitation be made to the owners and occupiers of the land adjacent to the land the application relates to. The Environmental Protection Authority (**EPA**) has provided advice to the Panel based on the Guidance Note entitled: *FTA Guidance Material Identifying Adjacent Land*. “Land” is not defined under the FTAA, but is under the Resource Management Act 1991, and within that latter statute includes land covered by coastal water.

[4] As the project is located within the coastal marine area, and some 4.7km distant from the shoreline, the Panel has determined that there are no relevant

adjacent owners or occupiers for the purposes of sections 53(2)(h) and (i).

[5] Two further matters arise in relation to mandatory invitations to comment under section 53(2) FTAA, albeit the Panel has ultimately addressed them under section 53(3).

[6] Firstly, while steps have been taken to identify relevant Marine and Coastal Area (Takutai Moana) Act 2011 (**MACA**) applicant groups, via the section 18 report prepared by the Ministry for the Environment, only MACA applications that are “within the project area” are identified in that report, in accordance with section 18(2)(f). Section 53(2)(e) limits mandatory invitations to applicant groups that are identified in the section 18 report, and further requires (again) that the recognition of customary marine title or protected customary rights must be “within the area to which the substantive application relates”.

[7] MACA applications by Ngāti Hine and Ngāti Pūkenga were not identified in the section 18 report because they were not strictly within the 15.4 km<sup>2</sup> project area / site (being the Sand Extraction Area (**SEA**)). The applications are however reasonably close to the site and importantly are broadly within and / or connected to Te Ākau Bream Bay. The Panel is concerned that taking a narrow approach to MACA claimants, in the context of a project that may have impacts beyond the ‘site’, might inappropriately limit the information available to the Panel and required for its decision-making.

[8] The Panel has therefore determined to invite Ngāti Hine and Ngāti Pūkenga to comment under section 53(3). The Panel has also invited the Patuharakeke Rohe Moana Kaitiaki for similar reasons as they have kaimoana customary fishing rights in areas adjacent to the site.

[9] Secondly, the Panel notes the potentially unusual distinction between the treatment afforded to marine consents in the Exclusive Economic Zone (**EEZ**) under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012, and resource consents for applications within the coastal marine

area under the Resource Management Act 1991 (**RMA**). For EEZ marine consents the “relevant local authority” that must be invited is defined to include adjacent regions and districts, while for RMA resource consents (such as here) that authority is only the region or district within which the project is located (see section 53(2)(a) and the section 4 definition of “relevant local authority”). For the coastal marine area that effectively limits the mandatory invitation to regional councils only, yet these are the projects which are the closest to shore (i.e. within 12nm), and therefore likely the ones most requiring of assessment for actual and potential effects on land.

[10] As the site is located in the coastal marine area this project is within the Northland Region but not the Whāngarei District. Accordingly, while the Northland Regional Council must be invited to comment, that is not the case for the Whāngarei District Council. The Panel has nevertheless determined it would be appropriate to include the Whāngarei District Council under section 53(3).

***Persons that may be invited to comment***

[11] Section 53(3) of the FTAA records that the Panel may invite comments from any other person considered appropriate. Having now reviewed the application material and undertaken a site visit, the Panel has determined that it is appropriate to invite comments from the parties listed in **Appendix Two** to this minute, under section 53(3) FTAA.

[12] The Panel appreciates, at this early stage, that the SEA is located within an area that has cultural, intrinsic, ecological, recreational, amenity and other values. The site is not owned by the Applicant. It is particularly important that the Panel is aware of, and receives information regarding:

- (a) the values that would or might be affected by the project,
- (b) the actual and potential effects on the environment that might arise in the event of grant of the approvals sought, and
- (c) the nature and scale of the project’s regional and / or national

benefits.

[13] To ensure that the Panel has all relevant material before it for sound decision-making, the Panel requires information from a number of sources.

[14] The Panel has expressly noted and considered the FTAA's section 10 direction to take all practicable steps to use timely, efficient, consistent, and cost-effective processes that are proportionate to the functions or powers being exercised. Widening the number of persons invited to comment invariably increases the workload for both the Panel and the Applicant. The Panel considers that to be important mahi which will need to be undertaken.

[15] It is fair also to reflect that, across the projects before fast-track panels to date, there has been a range of approaches to determining persons to be invited for comments. See for example the absence of invitations under section 53(3) by the Expert Panel assessing the Bledisloe North Wharf and Fergusson North Berth Extension Project (involving development of port facilities within an operating commercial port), and the much wider group identified by the Expert Panel for the Taranaki VTM Project. The Panel has determined that it is appropriate to sit towards the wider end of the spectrum for this project.

[16] Participation of the invited parties (or at least a good number of them) will assist with the proper testing of the material before the Panel, and will ensure, to the extent possible, that the Panel is properly informed about relevant issues, values and effects on the environment. The Panel has noted below, at paragraph [19], matters that may aid invited persons to best assist the Panel with its FTAA decision-making.

### ***Timing of comments***

[17] The invitation to comment is dated Tuesday 28 April 2026 and the date for comments is 20 working days from this date (section 54 FTAA), namely, **Tuesday 26 May 2026**.

- [18] Comments from invited persons must be made to the EPA:
- (a) by email to [substantive@fasttrack.govt.nz](mailto:substantive@fasttrack.govt.nz);
  - (b) by post to Private Bag 63002, Wellington 6140, New Zealand; or
  - (c) in person to Stewart Dawson's Corner, 366 Lambton Quay, Wellington 6011
- [19] Persons invited to comment are advised that:
- (a) Requests for further information will be made in the coming days and may be responded to by the Applicant prior to the close of the comments process. That material will be made available on the Fast-track website.
  - (b) The Panel would be most assisted by commenters:
    - (i) Focussing on the matters which the Panel is required to address in its FTAA decision-making, including the linked provisions of the RMA and Wildlife Act 1953. In particular, these include the important matters outlined in paragraph [11](a) to (c), above.
    - (ii) Clearly identifying the specific area(s) of the application and/or topics (for example, the category of effect on the environment, the technical assessment challenged, etc) which the comment addresses. This will assist the Panel to quickly understand the focus of each comment and to group related feedback and other material for efficient review, etc.
    - (iii) Considering whether they might join with other persons invited to comment, to present a joint case. Joint comments would greatly assist the Panel, by ensuring all relevant information is before it in an efficient form, enabling appropriate review within the available timeframes.
  - (c) If any document or information requested is considered to be confidential, commercially sensitive, or contains tikanga-protected information, commenters should clearly mark it as “Restricted” and

identify any required redactions so that this can be managed appropriately. Note that restricted material will, at a minimum, be provided to the Applicant for natural justice purposes.

[20] Lastly, the Panel appreciates that it will not have invited every person that wished to be invited. This includes individuals and groups that have provided unsolicited correspondence to the EPA and/or the Panel but which have not been invited to comment.

[21] The Panel invites such persons to consider whether any relevant information they hold (particularly technical material or expert advice) might reasonably be able to be shared with a party with similar interests that has been invited to comment, and potentially made available to the Panel in that manner.

### ***Requests for invitations to comment***

[22] The Panel received a number of requests to be invited to comment. Some of the early unsolicited correspondence was not directly addressed to the Panel, and some did not perfectly request an invitation, only impliedly so (noting that the Fast-track process is still reasonably new to some entities). Further, a number of 'last minute' requests to be invited were sent to the EPA.

[23] The requests that have been received and granted by the Panel are listed below (copies of these requests are also included on the Fast-track website here: <https://www.fasttrack.govt.nz/projects/bream-bay-sand-extraction-project/correspondence>):

- (a) Waipu Cove Reserve Board, dated 9 May 2025.
- (b) Bream Bay Guardians Society Inc, dated 29 January 2026.
- (c) Tangaro Tuia te Ora, Endangered Species Foundation, dated 9 March 2025 and 25 April 2026.
- (d) Takahiwai Maori Committee, dated 20 March 2026.
- (e) Te Parawhau Hapu Inc, dated 30 March 2026.

- (f) Te Iwitahi Manihera whanau, dated 8 and 10 April 2026.
- (g) Te Parawhau ki Tai, dated 9 April 2026 (invited under section 53(2)).
- (h) Parliamentary Commissioner for the Environment, dated 21 April 2026.
- (i) Te Rerenga Parāoa Rohe Moana Kaitiaki, dated 21 April 2026 and received 24 April 2026 (invited under section 53(2)).
- (j) Ngāti Kahu o Torongare dated 24 April 2026 (invited under section 53(2)).
- (k) A and R LaBonté dated 24 April 2026.

[24] The Panel notes that, where correspondence included details or information relating to the Panel's substantive decision-making, that material should be included in any formal invited comment lodged with the EPA. This is to ensure that the Applicant is provided with an opportunity to respond, and so that the material and information relevant to decision-making is before the Panel in a formal and organised manner.

### **Unsolicited Correspondence**

[25] All other unsolicited correspondence (received up to and including the date of this minute) will not be included in the Panel's decision-making.

[26] As already described, fast-track decision-making requires that information comes before the Panel in an orderly and efficient way, and the Applicant must also have a fair opportunity to respond. Authors of affected unsolicited correspondence are directed to paragraphs [20] and [21] above.



Catherine Somerville-Frost

Bream Bay Sand Extraction Project Expert Panel Chair

### Appendix One: Persons invited under section 53(2) FTAA

Section of Act	FTAA Description	Party identified
53(2)(a)	the relevant local authorities	<ul style="list-style-type: none"> <li>• Northland Regional Council</li> </ul>
53(2)(b)	the relevant iwi authorities	<ul style="list-style-type: none"> <li>• Te Rūnanga o Ngāti Whātua</li> <li>• Ngātiwai Trust Board</li> <li>• Te Uri o Hau Settlement Trust</li> <li>• Ngāti Manuhiri Settlement Trust</li> <li>• Te Kawerau Iwi Settlement Trust</li> <li>• Te Rūnanga a Iwi o Ngāpuhi</li> <li>• Patuharakeke Te Iwi Trust Board</li> </ul>
53(2)(c)	<p>any relevant Treaty settlement entities, including, to avoid doubt,—</p> <p>(i) an entity that has an interest under a Treaty settlement within the area to which the substantive application relates; and</p> <p>(ii) an entity operating in a collective arrangement, provided for under a Treaty settlement, that relates to that area</p>	<ul style="list-style-type: none"> <li>• Te Rūnanga o Ngāti Whātua</li> <li>• Ngātiwai Trust Board</li> <li>• Te Uri o Hau Settlement Trust</li> <li>• Ngāti Manuhiri Settlement Trust</li> <li>• Te Kawerau Iwi Settlement Trust</li> <li>• Te Rūnanga a Iwi o Ngāpuhi</li> <li>• Patuharakeke Te Iwi Trust Board</li> <li>• Ngāti Kahu o Torongare</li> <li>• Te Ohu Kaimoana</li> <li>• Te Pouwhenua o Tiakiriri Kukupa Trust (trading as Te Parawhau ki Tai)</li> </ul>
53(2)(d)	any protected customary rights groups and customary marine title groups whose protected customary rights area or customary marine title is within the area to which the substantive application relates	N/A

53(2)(e)	any applicant group under the Marine and Coastal Area (Takutai Moana) Act 2011 that is identified in the report prepared under section 18 or 49 and seeks recognition of customary marine title or protected customary rights within the area to which the substantive application relates	<ul style="list-style-type: none"> <li>• Ngāti Tū ki Ngāpuhi (CIV-2017-404-573)</li> <li>• Hapū o Te Waiariki, Ngāti Korora, Ngāti Takapari (MAC-01-01-013/CIV-2017-404-566)</li> <li>• Ihaia Paora Weka Tuwhera Gavala Murray Mahinepua Reserve Trust Ngatirua Iti Ngati Muri Ngatiruamahue Ngati Kawau Ngati Haiti Ngaitupango Nga Puhi Ngati Kahu Te Aupouri (MAC-01-01-023)</li> <li>• Ngā Hapū o Ngāi Tahu (MAC-01-01-037)</li> <li>• Ngā Hapū o Ngāti Wai Iwi (MAC-01-01-039/CIV-2017-404-554)</li> <li>• Ngā Hapū o Tangaroa ki Te Ihu o Manaia tai atu ki Mangawhai (MAC-01-01-040/CIV-2017-404-579)</li> <li>• Ngā Puhi Nui Tonu (Awataha Marae), Ngāti Rāhiri, Ngāti Awa, Ngāi Tahu and Ngāitawake (MAC-01-01-050/CIV-2017-404-537)Ngāitawake</li> <li>• Ngā Puhi Nui Tonu (Te Kotahitangā Marae) (MAC-01-01-056)</li> <li>• Ngapuhi nui tonu (Waitangi Marae) (MAC-01-01-058)</li> <li>• Ngā Puhi Nui Tonu-Kotatoka-tutaha-moana o whaingaroa (MAC-01-01-059)</li> <li>• Ngā Puhi, Ngāti Wai, Haki Pereki and Ngāwhetu Sadler Whānau Trust (MAC-01-01-060)</li> <li>• Ngāti Kawau and Te Waiariki Korora (MAC-01-01-073/CIV-2017-485-398)</li> </ul>
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		<ul style="list-style-type: none"> <li>• Ngāti Manuhiri (MAC-01-01-079/CIV-2017-404-545)</li> <li>• Ngāti Maraeariki and Ngāti Rongo and Hapū (MAC-01-01-080/CIV-2017-485-378)</li> <li>• Ngāti Wai (MAC-01-01-090)</li> <li>• Patuharakeke (MAC-01-01-101/CIV-2017-485-286)</li> <li>• Patuharakeke Te Iwi (MAC-01-01-102)</li> <li>• Reti Whānau, Whangaruru, Whangārei and Whangaroa (MAC-01-01-105/CIV-2017-485-515)</li> <li>• Te Hikutu Whānau and Hapū (MAC-01-01-125/CIV-2017-404-570)</li> <li>• Iwi, whānau and hapū of Ngātiwai (MAC-01-01-131/CIV-2017-485-283)</li> <li>• Te Kaunihera o Te Tai Tokerau, Ngāitawake (MAC-01-01-133/ CIV-2017-404-558)</li> <li>• Te Parawhau Hapū (MAC-01-01-136/CIV-2017-485-799)</li> <li>• Te Parawhau ki Tai (MAC-01-01-137/CIV-2017-485-305)</li> <li>• Te Rūnanga o Ngāti Whātua (MAC-01-01-140/CIV-2017-404-563)</li> <li>• Te Uri o Hau Settlement Trust (MAC-01-01-143/CIV-2009-488-205)</li> <li>• Te Uri o Tautohe (MAC-01-01-146)</li> </ul>
53(2)(f)	ngā hapū o Ngāti Porou if the area to which the substantive application relates is within or adjacent to, or the activities to which it relates would directly affect, ngā rohe moana o ngā hapū o Ngāti Porou	N/A

53(2)(g)	the tangata whenua of any area within the area to which the substantive application relates that is a taiāpure-local fishery, a mātaimitai reserve, or an area that is subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996	<ul style="list-style-type: none"> <li>• Ngāti Kahu o Torongare</li> <li>• Te Ohu Kaimoana</li> <li>• Te Pouwhenua o Tiakiriri Kukupa Trust (trading as Te Parawhau ki Tai)</li> <li>• Te Rerenga Parāoa Rohe Moana Kaitiaki</li> </ul>
53(2)(h)	owners of the land to which the substantive application relates  (Owners of land adjacent to that land are covered in Table 2 as the panel must exercise judgement on what is considered adjacent)	N/A
53(2)(i)	occupiers of the land to which the substantive application relates unless, after reasonable inquiry, an occupier cannot be identified  (Occupiers of land adjacent to that land unless, after reasonable inquiry, an occupier cannot be identified are covered in Table 2 as the panel must exercise judgement on what is considered adjacent)	N/A
53(2)(j)	the Minister for the Environment and other relevant portfolio Ministers	<ul style="list-style-type: none"> <li>• Minister for the Environment</li> <li>• Minister for Conservation</li> <li>• Minister for Building and Construction</li> <li>• Minister for Economic Growth</li> <li>• Minister for Hunting and Fishing</li> <li>• Minister for Infrastructure</li> </ul>

		<ul style="list-style-type: none"> <li>• Minister for Māori Crown Relations</li> <li>• Minister for Māori Development</li> <li>• Minister for Oceans and Fisheries</li> <li>• Minister for Regional Development</li> <li>• Minister for Resources</li> <li>• Minister for Rural Communities</li> <li>• Minister for Tourism and Hospitality</li> <li>• Minister for Treaty of Waitangi Negotiations</li> </ul>
53(2)(k)	relevant administering agencies	<ul style="list-style-type: none"> <li>• Department of Conservation</li> </ul>
53(2)(l)	any requiring authority that has a designation on land to which the substantive application relates or on land adjacent to that land	N/A
53(2)(m)	<p>if the approvals sought in the substantive application include—</p> <p>(i) an approval described in section 42(4)(a) or (d) (resource consent or designation), the persons and groups listed in clause 13 of Schedule 5:</p> <p><del>(ii) an approval described in section 42(4)(e) (concession), the persons listed in clause 5 of Schedule 6:</del></p> <p><del>(iii) an approval described in section 42(4)(g) (conservation covenant), the</del></p>	<p>Regarding the resource consents:</p> <ul style="list-style-type: none"> <li>• the Director-General of Conservation</li> <li>• iwi authorities and groups that represent hapū that are parties to relevant Mana Whakahono ā Rohe or joint management agreements: <ul style="list-style-type: none"> <li>○ Patuharakeke Te Iwi Trust Board</li> <li>○ Te Pouwhenua o Tiakiriri Kukupa Trust (trading as Te Parawhau ki Tai)</li> </ul> </li> </ul> <p>Regarding the wildlife approval:</p> <ul style="list-style-type: none"> <li>• New Zealand Conservation Authority</li> </ul>

	<p><del>persons listed in clause 44 of Schedule 6:</del></p> <p>(iv) an approval described in section 42(4)(h) (wildlife approval), the persons listed in clause 4 of Schedule 7:</p> <p><del>(v) an approval described in section 42(4)(k) (marine consent), the persons listed in clause 5 of Schedule 10:</del></p> <p><del>(vi) an approval described in section 42(4)(l) or (m) (access arrangement), the persons listed in clause 5 of Schedule 11</del></p> <p><del>(vii) an approval described in section 42(4)(n) (mining permit), the person listed in clause 18 of Schedule 11.</del></p>	<ul style="list-style-type: none"> <li>• Northland Conservation Board</li> <li>• New Zealand Fish and Game Council</li> <li>• Game Animal Council</li> </ul>
53(2)(n)	any persons or groups specified by the Minister under section 27(3)(b)(iii).	N/A – this is a listed project.

**Appendix Two: Persons invited under section 53(3) FTAA**

Ngati Hine (MAC-01-01-064 / CIV-2017-485-231)	Ngati Pukenga (MAC-01-05-015 / CIV-2017-485-250)
Te Tāwharau o Ngāti Pūkenga	Ngāti Pūkenga ki Pakikaikutu Charitable Trust
Te Rūnanga o Ngāti Hine	Te Iwitahi Manihera
Takahiwai Māori Committee	Te Parawhau Hapu Incorporation
Patuharakeke Rohe Moana Kaitiaki	
Whangārei District Council	Ministry for Primary Industries
Channel Infrastructure	Leigh Fish
Moana New Zealand	NIWA Northland Marine Research Centre
Northport Ltd	Ruakākā Surf Lifesaving Patrol Inc
Whāngarei Volunteer Coastguard Inc	Seafood New Zealand
Ruakākā Residents & Ratepayers Association Inc	Langs Beach Residents Association Inc
Waipū Residents and Ratepayers Association Inc	Langs Cove Residents Association Inc
Whāngarei Heads' Citizens Association Inc	Ocean Beach Residents Association Inc
Langs Beach Society Inc	Bream Bay Guardians Society Inc
Waipū Cove Reserve Board	Tāngaro Tuia te Ora - Endangered Species Foundation
Parliamentary Commissioner for the Environment	Royal Forest and Bird Protection Society of New Zealand Inc
The Shorebirds Trust	Environmental Defence Society
Bream Bay Coastal Care Trust	Camp Waipū Cove
Ruakākā Beach Holiday Park	Waipū Boat & Fishing Club Inc
Marsden Cove Fishing Club Inc	NZ Sport Fishing Council Inc
LegaSea	New Zealand Fishing Industry Association Inc
Te Kauika o Patuharakeke Waka Ama Inc	Parihaka Waka Ama Inc
Tai Tokerau Polynesian Canoe Association Inc	Kiwi Association of Sea Kayakers Inc
Concrete NZ	Aggregate & Quarry Association of New Zealand Inc

Infrastructure New Zealand	Te Waihanga (New Zealand Infrastructure Commission)
A and R LaBonté	