

**BEFORE THE PANEL CONVENER**

**IN THE MATTER** of the Fast-track Approvals Act 2024 (**FTAA**)

**AND**

**IN THE MATTER** of an application by McCallum Brothers Ltd under section 42 of the FTAA for the substantive application to extract sand from Bream Bay

**APPLICATION NO.** FTAA-2511-1150

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**MEMORANDUM ON BEHALF OF THE DIRECTOR-GENERAL OF  
CONSERVATION IN RESPONSE TO MINUTE 2 OF THE PANEL CONVENER -  
CONVENER'S CONFERENCE 30 MARCH 2026**

23 March 2026

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**Introduction**

1. This memorandum has been prepared on behalf of the Director-General of Conservation (D-G) by the Department of Conservation (DOC). It responds to a minute of the Panel Convener dated 13 March 2026 in respect of the Bream Bay sand extraction project.
2. The Minute refers to an upcoming conference to gather participant views that will inform decisions of the Convener regarding:
  - a) The appointment of panel members.
  - b) The timing of the panel decision.
3. This memorandum addresses the matters identified in Schedules 1 and 2 of the Minute, as relevant to the two decisions required of the Panel Convener set out at paragraph 1 of the Minute.
4. The memorandum focuses on the approval sought under section 42(4)(h), being a wildlife approval as defined in Clause 1 of Schedule 7, for which the D-G is the administering agency. As a relevant administering agency, the D-G will also be invited to provide comments on the application under section 53. The focus of those comments will be on the resource consent approval component of the application. To the extent that it may assist the Panel Convener, this memorandum also provides some comment on the resource consent approvals as relevant to the D-G's interests.
5. The D-G's representatives will attend the conference.

**Complexity and principal issues***Wildlife approval*

6. DOC has reviewed the matters in Schedule 2 of the Minute and considers that the wildlife approval component of this Project is of moderate complexity.
7. One fundamental factual issue which arises from the substantive application, which the expert Panel will need to resolve, is the magnitude of effects on protected wildlife (stony corals). The application documents note that potentially millions of corals are present on the site, but the impact of the sand extraction activity and extent of adverse effect on coral populations is unclear. These issues go to the purpose of the Wildlife Act and the effects of the project on the protected wildlife to be covered by the approval, if granted.

*Resource consent approvals*

8. The applicant has applied for a resource consent approval. As not all aspects of this approval is relevant to the D-G's interests, DOC is not in a position to advise the Convener about the complexity of the resource consent component of the Project overall.

9. In terms of the D-G's interests, DOC considers that the possible issues in contention for the resource consent component are potential effects of the activity on avifauna, marine mammals and coastal processes. DOC's technical advisors are continuing to assess the application with a view to narrowing the issues that remain outstanding from DOC's perspective.
10. In this context, a particular issue is the potential effect of sand extraction on shoreline processes, and the monitoring of possible changes induced by the consent activity, cumulative with other climate change related coastal process changes. Triggers for adaptive management over the course of the proposed 35-year consent are likely to require careful consideration.
11. The D-G acknowledges that there will be further particular issues that the relevant iwi authority and Treaty settlement entities will wish to engage the expert Panel in relation to.
12. In terms of the issues relevant to the D-G's interests in the resource consent component of the Project, DOC assesses the complexity to be moderate.

#### **Appointment of panel members**

13. In terms of the D-G's interests, key matters to be considered in this application are effects on absolutely protected wildlife (stony corals), and on conservation matters dealt with as part of the proposed resource consents.
14. DOC is not aware of any conflicts of interest with the three proposed Panel members and supports their appointment.
15. Should the Panel Convener be open to including another Panel member, DOC considers that a planner with expertise in condition drafting would be helpful.

#### **Timeframe for panel decision**

16. DOC agrees that the relevant matters for setting an appropriate time frame for consideration of this Project are the scale, nature and complexity of the approvals sought, and any other matters raised by the application.
17. DOC considers that the default time frame would be sufficient for the wildlife approval component of this Project, as it is of moderate legal, evidential and factual complexity.
18. It is expected, however, that additional time will be required for the resource consent component of the application. DOC anticipates that specific advice around timeframes needed to decide on the resource consent elements of the Project will be provided by other attendees of the conference. However, DOC notes the following:
  - a) Given the technical and cultural issues involved with the resource consent approvals, DOC considers that it is likely this application will

benefit from expert conferencing once issues in contention have been identified.

- b) DOC recommends that the timeframe accommodate any other procedural steps that may be necessary, such as additional information requests by the expert Panel under section 67 of the FTAA. DOC considers that exactly what procedural steps will be necessary and appropriate will need to be determined by the Panel once the key issues have crystallised but notes that it is unlikely a hearing would be required on the wildlife approval component of this Project.

**Conclusion**

- 19. The D-G's representatives will be happy to elaborate further on any of the above points at the conference set for 10 a.m. on Monday 30 March 2026.
- 20. DOC confirms willingness to engage directly with the applicant and panel as necessary to advance the progress of the application.



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Counsel for the Director-General of Conservation