

**Before the Fast-track Panel Convener**

**FTAA-2511-1150**

**Under** the Fast-track Approvals Act 2024 (FTAA)

**And**

**In the Matter** of an application for approvals by McCallum Brothers Limited for the Te Ākau Bream Bay Sand Extraction Project located at Te Ākau Bream Bay, Northland

---

**Memorandum of Counsel on behalf of McCallum Brothers Limited Responding to Minute 2 of the Panel Convener**

**Dated 24 March 2026**

---

Jeremy Brabant

Barrister

Level 7, 50 Albert Street, Auckland Central

PO Box 1502, Shortland Street, Auckland 1140

M: [REDACTED]

E: [REDACTED]

## **Introduction**

1. This memorandum is presented on behalf of the Applicant, McCallum Brothers Limited (**MBL**). It responds to Minute 2 of the Panel Convener dated 13 March 2026.
2. Minute 2 identifies matters to be considered at a Convener's Conference to be held on 30 March 2026. The information sought is set out in Schedules 1 and 2 of the Minute.
3. As identified in the AEE, MBL propose to operate a new sand extraction activity at Te Ākau Bream Bay (the **Project**). The sand resource from Te Ākau Bream Bay is high-quality quartz feldspar sand, ideal for making high strength concrete and is immediately useable in the market (alleviating pressures on supply chain). The Project will ensure that infrastructure and development in the Auckland, Northland, Waikato and Bay of Plenty regions are facilitated by secure and efficient sources of sand.

## **Matters to Consider (Schedule 2)**

### ***Approvals***

4. The approvals sought are summarised at sections 8.8 and 17.1 of the Te Ākau Bream Bay Sand Extraction Project - Resource Consent and Wildlife Approval Applications and Assessment of Effects under the Fast-track Approvals Act 2024 (**AEE**), with an assessment of the resource consents against relevant matters in section 8 of the AEE. They are:
  - a. An approval under the RMA for a coastal permit for sand extraction s required under Rule C.1.5.13 of the Proposed Regional Plan for Northland (February 2024)
  - b. Approval under the Wildlife Act 1953 in relation to the capture, collection, possession and incidental killing of cup coral.

5. Resource consent is required for dredging which would otherwise be applied for under the RMA under the provisions of the Proposed Regional Plan for Northland.
6. The Wildlife Approval sought through this Application would otherwise be applied for under the Wildlife Act 1953.

***Complexity***

7. I address matters contributing to the level of complexity:
  - a. Legal Complexity:
    - i. The matter does not involve novel or difficult legal issues.
    - ii. The application only seeks two approvals (coastal permit and wildlife authority).
  - b. Evidentiary Complexity:
    - i. There is a significant volume of expert reports/evidence given the size of the application and the nature of the extraction activity.
    - ii. There is expert opinion in specialised fields, in particular with respect to coastal processes and ecology.
    - iii. MBL obtained an expert peer review from Jacobs on coastal processes and received pre-lodgement input from the Department of Conservation on Wildlife Authority matters, including cup corals. Feedback on benthic ecology and coastal processes was also provided by the Northland Regional Council (**NRC**), with all responses set out in Attachment Five – Consultation Summary. Additional input has been provided by Patuharakeke Te Iwi Trust and Te Parawhau ki Tai. All feedback from these parties has been considered and incorporated into the relevant specialist assessments where necessary.

- iv. In all other respects the evidence addresses common matters arising in the context of sand extraction and no special or unusual technical complexity is anticipated.
  - v. MBL anticipates the Panel will need to engage with and consider differences of opinion as between the relevant iwi authorities and Treaty settlement entities.
- c. Factual Complexity:
- i. As indicated above there is a reasonable volume of expert reports/evidence, but no special or unusual issues are anticipated or identified through the peer review process.
  - ii. There is expert opinion in specialised fields, in particular with respect to coastal processes and ecology, and analysis of that evidence will be required.

***Issues***

- 8. MBL has undertaken extensive consultation as summarised in section 14 of the AEE. With respect to issues arising, MBL understands from consultation with Council to date that there are no unique or significant matters. Various detail issues have been identified and are being proactively worked through by MBL.
- 9. Issues in contention are anticipated to relate to:
  - a. Effects on coastal processes and the seabed;
  - b. Potential effects on marine animals;
  - c. Sand supply and benefits of the proposal;
  - d. Cultural effects.
- 10. MBL is open to ongoing consultation with NRC and other parties after lodging the application with the EPA with a view to further identifying and narrowing issues.

11. Draft conditions have been circulated to Te Parawhau, Patuharakeke, Ngatiwai, NRC and DOC for comment. Comments received have been incorporated into the current draft conditions.
12. To the extent MBL, NRC and other parties have collaborative discussions about the draft set of conditions proffered by the Applicant as part of this process, one version of the draft conditions will be maintained between the Applicant and NRC for consistency. This will be dated and issued with a version number.

***Panel membership***

13. The Convenor addresses the composition of the Panel at [7] – [12] of Minute 2. MBL's position is:
  - a. Three panel members will be sufficient;
  - b. The appointment of both Mr Brockbank and Dr Green is accepted, noting discussion may be appropriate at the conference regarding any potential conflicts of interest;
  - c. The appointment of Ms Somerville-Frost as Chairperson is agreed.
14. Turning to consider relevant expertise, it would be useful for at least one panel member to have mātauranga Māori/ tikanga expertise. Experience with marine consents and coastal processes would also assist. The proposed Panel covers these areas of expertise.

***Procedural requirements***

15. MBL is willing to engage directly with the Panel as necessary to advance progress of the application.
16. It seems unlikely that any form of hearing process will be required based on information currently available. That may change based on comments received, or any topics or issues which the Panel raises in due course.

## Estimated Timeframe for Decision (Schedule 1)

17. Turning to the timeframe for a decision, I submit:
- a. Timeframe for decision:
    - i. The Panel Convener must set a timeframe for a decision to issue that (inter alia) the convener considers is appropriate, having regard to the scale, nature, and complexity of the approvals sought in, and any other matters raised by the substantive application;
    - ii. MBL acknowledge that:
      - 1. As noted above there is a significant volume of evidence and some complexity to coastal process and ecology assessments;
      - 2. Preparation of the decision will require careful application of the statutory decision-making test (including weightings in respect of various approvals);
      - 3. Comments on, and consequential refinement of, draft conditions may require additional time.
    - iii. MBL propose that the timeframe for release of a decision is extended from 30 working days after comments are received to 60 working days.

### Other Matters

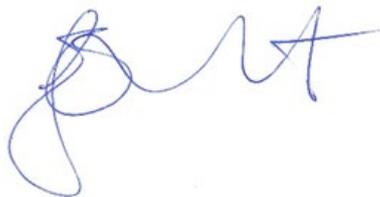
18. Due to the logistics and mechanics involved with a site visit, MBL invites the Convenor and Panel to turn their minds to that matter at an early stage.
19. The site visit is proposed to include:
- a. A walk over the proposed extraction vessel, the *William Fraser* at Port of Auckland; and

- b. A site visit via MBL's vessel the *Acheron III* to the proposed extraction location in Bream Bay.
- c. Land based viewing around Bream Bay.

20. The vessel visit at Port of Auckland can be undertaken separately to the Bream Bay visit. The Bream Bay on water component may be weather dependant.

21. Commencing with the visit to the extraction vessel, MBL indicates in advance that the Panel will likely be invited aboard the *William Fraser* while it is docked in Auckland. This is to ensure the vessel is easily accessible to members of the Panel and to minimise any potential weather-related delay. Arrangements for access will need to be made in advance with the Port as it is a secure area.

22. The Panel's site visit in Bream Bay to the proposed extraction area will occur on a separate occasion. The proposition is that the Panel would travel to Bream Bay by vehicle and then be transported out onto a vessel to traverse the extraction area. Timing will need to be resolved in advance so that arrangements for a vessel to be on site can be made.



---

**Jeremy Brabant**

Counsel for McCallum Brothers Limited

24 March 2026