
MINUTE 8 OF THE PANEL CONVENER

Section 62 suspension in relation to the Bream Bay Application

[FTAA-2511-1150]

22 September 2026

[1] On 2 September 2026 I directed that the Application is suspended in accordance with section 62(3) FTAA.

[2] On 14 September 2026 I received a Memorandum of Counsel on behalf of the Applicant and an accompanying document dated September 2026 titled ‘Addendum Amending the Application for Wildlife Approval to Include *Culicia Rubeola*’ (**Addendum**). The Addendum attached the following:

- (a) 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
- (b) Report titled “*Culicia rubeola* and Schedule 7 of the Fast-track Approvals Act 2024” dated 29 July 2026 and also prepared by Earth Sciences New Zealand” (to become Attachment 37 to the Application).

[3] The Memorandum of Counsel also included an updated Coral Management Plan (both a clean and track change version) dated 1 September 2026 (Version 5). This is an update to Attachment 30 to the Application (previously called the Cup Coral Management Plan).

[4] The Memorandum of Counsel noted that the updated recommended conditions relating to the wildlife approval (Attachment 35 to the Application) were provided in Attachments D and E to Mr Hay’s evidence in response to

invited comments dated 12 August 2026.

[5] All the above documents are available on the Fast-track website.

[6] The purpose of this Minute is to set out my directions with regards to the suspension, the Application and the Addendum.

Directions

[7] As noted in Minute 7, section 62 does not set out a detailed process for amending an application under the FTAA. Having considered the appropriate process and having discussed the matter with the Panel Chair for the Application, I record the following:

- (a) The Addendum amends the Application in accordance with section 62(2) of the FTAA, as recorded in my Minute 7.
- (b) The EPA has received the Addendum for administrative processing purposes only and has provided it to the Panel Convener and the Panel for consideration;
- (c) The Section 18 Report dated 12 May 2026 and provided to me as Panel Convener is sufficient to address the matters raised in the Addendum and no further report is required;
- (d) In terms of section 51, the Department of Conservation is directed to provide an updated section 51 report to address any matters raised by the Addendum within the timeframe set out in that section (being within 10 working days after the Panel invites comments on the Addendum under section 53 FTAA). That report may be provided on an 'exceptions' basis, noting that the existing report may already contain relevant details;
- (e) The suspension will be withdrawn at 11.59pm on Friday 25th September 2026 and the Panel is directed to continue with the processing of the Application (as amended by the Addendum) from and including **Monday 28th September**;

- (f) For the avoidance of doubt the Panel is directed that it should invite comments on the Addendum under section 53 of the FTAA within 10 working days from the date the suspension is lifted – being on or before **9 October 2026**.
- (g) The FTAA provides that the Application (as amended by the Addendum), must be processed in observance of the timeframes that apply to the amended part (section 63(5)).

[8] In terms of that timeframe, I consider that under section 79 FTAA a 55 working day period following the receipt of invited comments is appropriate. This means the final decision documents will be due on or before **16 February 2026**, subject to processing being suspended for any of the reasons outlined in section 60 of the Act, and to the date specified for inviting comments under section 53 of the Act being 9 October 2026.

[9] This timeframe represents effectively an additional 14 working days beyond the 90 working days originally provided to the Panel and under which the Panel's final decision would otherwise have been due by 26 January 2026. Some time is required to enable the original Application and the Addendum to reach the same procedural point.

[10] I confirm my direction in Minute 7 that the Panel and the EPA are able to continue with processing of the Application until the suspension is lifted.



Helen Atkins

Associate panel convener for the purpose of the Fast-track Approvals Act 2024