

Updated: 31/07/2026

Condition Number and Heading	SMART Review	Department of Conservation	Northland Regional Council	Others (Including Applicant)
Definition – Application	Recommended changes made. New attachment 1A added (but is to be populated when the final conditions are compiled).			
Definition Cell/s				Applicant – This drawing has been updated to show the 220 m wide bathymetric control area and to correct the key. The date for this drawing has been changed through the consent conditions.
Definition – Control Site Envelope				Applicant - This is a new definition proposed by the Applicant and is a term used in the revised recommended Conditions 20 and 22.
Definition – Consent Holder	Recommended change made. The repeated definition has been deleted.			
Definition – The/the Council	Recommended changes made (and to all relevant conditions)			
Definition – Project	Definition deleted as no longer required due to changes in a number of conditions which now provide a			

	fuller description of the project.			
Definition – Underwater Soundscape		Definition added but with a simplified version.		
Definition – <i>William Fraser</i>			Instead of including “or any other sand extraction vessel operating under the consent” in each condition which references the <i>William Fraser</i> , a definition of the <i>William Fraser</i> which includes this wording has been added.	
Definition – Soundscape Monitoring Locations.		Definition not added. The detail of the monitoring location is included in the EMMP.		
Definition – Without Project Underwater Noise Measurements		Definition not added. This term is not used in the revised recommended Condition 35.		
Definition – With Project Underwater Noise Measurements		Definition not added. This term is not used in the revised recommended Condition 35.		
Conditions Index	Updated to reflect new conditions and change of headings.			
1 General Accordance	Recommended changes made. The recommended new Condition 1A has not been added as it is unclear as to what specific activities would be referenced in this condition.	Recommended change (deletion of “general”) not made. The SMART review has not sought the removal of the word “general” from this and other conditions where it is used.		BBG - Condition 1A has not been added as it is unclear as to what specific activities would be referenced in this condition.

2 Inconsistency Between Information	Recommended changes made. The classification of conditions (i.e. "bottom line conditions") has not been undertaken as it is unclear what the purpose of this is. All conditions have to be complied with.	Recommended change made.		
3 Consent Lapse and Expiry			Recommended change not made as any future legislation would have any required grandfathering clauses.	
4 Monitoring Charges and Payment of Council Costs	Recommended changes made.			
5 Information Held on Site	Recommended changes made.		Recommended change not made due to inclusion of the definition of the <i>William Fraser</i> .	
6 Review of Conditions	Recommended changes made.	Recommended changes (deletion of word "significant" and new clauses b) and change to c) iii) not made. The changes sought by DoC seek the introduction of actions to be undertaken. It is considered this is inappropriate as the review may identify more appropriate actions to be taken.	Recommend inclusion of "calendar" and removal of "an" in b) iii) made for clarification. Inclusion of "more than minor" before adverse in a) i) and ii) made.	BBG – Not in agreement with the BGG comment. It is not uncommon for more complex consents to have a specific s128 review condition.
7 Procedure for Complaints	Recommended changes made.		Recommended changes made except the addition in d) of the words "or other sand extraction vessel operating under the	

			consent" (owing to the new definition of the <i>William Fraser</i>).	
8 Commencement of the Consent	Recommended changes made.			
9 Pre-Start Meeting with the Council	Recommended changes made with some modifications. The identification of the specific Council officer role to be invited has not been included and the Council has not sought this change.		Minor wording change in the first paragraph partly addresses the change sought.	Applicant - Further minor changes to the final paragraph have been made for clarification.
10 Pre-Start Hui with Iwi and Hapū Representatives	Macro added to Hapū. Change made so that the Hui has to be held at least 5 working days before any pre-start meeting with the Council. As a result of this, notification to representatives has changed from 20 to 25 working days. A new clause has been added requiring the circulation of the minutes within 3 working days of the Hui.		Clarified that the timing relates to the commencement of sand extraction.	BBG – It is considered the revised wording addresses the BBG comment.
11 Requirement for Certified Management Plans	In respect to the existing wording, the changes sought ("prior to the commencement of sand extraction under this consent")	Recommended changes not made	"general" has been retained. The additional wording at the end of the last paragraph has been added. The SMART review did not recommend the	BBG – The BGG may have a similar concern in terms of the extra wording sought in the SMART review. The word "general" has been retained.

	are not agreed to as this does not reflect that the implementation of parts or all of certain plans does not commence until the sand extraction operation and/or monitoring is underway.		removal of "general" in the consent conditions.	
12 Minor Amendment to a Certified Management Plan	Recommended changes made (including the requirement for a written assessment by a SQEP).	Recommended changes not made. It is considered that certain operational methods or management of effects which have no or a <i>de minimis</i> adverse effect on the environment should be covered by this condition.	Recommendation to combine with Condition 13 not undertaken.	BBG – Considers it to broad but has not made any recommended changes.
13 Certification of an Amendment to a Certified Management Plan	Certain recommended changes made but on the basis that the Panel certifies the Management Plans as part of granting the resource consent.	Recommended changes not made		
14 Biosecurity Management Plan (BMP)	Recommended changes made except that "include as a minimum" has not been changed to "address" as it is considered that the current wording is more appropriate and has been used in other recent consents.	The word "include" has been retained. The other changes relating to certification have not been made.		Applicant - The version and date of the BMP have been updated.

15 Cup Coral Management Plan (CCMP)	Recommended change made.	The additional clauses c) – e) and the change to b) have not been added as they cannot be undertaken (in terms of b) and c)). The implementation of d) would be very subjective. The requirements of e) would be a legal requirement and does not need to be stated (and likewise for the Advice Note).	Recommended change not made. It is unclear why the Council is seeking a clause requiring all reports to be reported to DoC within 5 working days and what this would cover. Any reporting requirements would be covered by the Wildlife Approval.	Applicant - The version and date of the CCMP have been updated.
16 Environmental Monitoring Management Plan (EMMP)	In terms of c) iv), "report" has been changed to "records" so this now makes sense. Other recommended changes made.	The addition of iv) is not agreed to as the Applicant is not in agreement that this is required. This is further addressed in the Statement of Evidence to Comments of Dr Beetham and Mr Reinen-Hamill.	The two changes recommended by the Council are not agreed to. The monitoring under the PSEAR and SEMR is undertaken for cells and control areas and therefore a specific clause on this is not required. Further detail on the bathymetry monitoring is not required as again this is covered in the PSEAR and SEMR monitoring (with the methodology addressed in detail in the EMMP).	BBG – This reason why a review should be undertaken within 6 months of an incident is not further explained by BBG nor is "incident" defined.
17 Marine Mammal Management Plan (MMMP)	Recommended changes made.	A specific reference to minimising underwater noise is not considered necessary. The new clause b) has not been incorporated into this	Recommended change not made. It is unclear why the Council is seeking a clause requiring all reports to be reported to DoC within 5 working days and what this would cover	F&B – In a), the generation of underwater noise cannot be avoided. The words "avoid or" have been added into clauses b) and c). Applicant - The version and date of the MMMP have

		condition. Condition 36 has been amended and expanded upon.		been updated.
18 Sand Extraction Operation Management Plan (SEOP)			Additional wording in terms of the SEOP review requirements have been added.	Applicant - The version and date of the SEOP have been updated.
19 Light Management Plan (LMP)				Applicant – The version and date of the LMP have been changed in the condition to reflect the updated version and date of the SEOP (which the LMP is included in).
20 Extraction Area	The recommended changes have been made.		Additional wording regarding notification to the Council has been added. It is unclear why the Council wants this reported to DoC, when the Council are the consenting authority.	F&B – An ASEA was included as part of the application. F&B may not have a proper understanding of the process or may not have reviewed the PSEAR included with the application. Applicant - Condition 20 should refer to the Map in Attachment Three (the ASEA) and not Attachment Two. This has been corrected. New Clauses f) and g) have been included which now provides for a SQEP to recommend closure of a cell(s) or parts of a cell(s) in the SEMR. The provides for a more adaptive management approach during the life of the consent. The basis for these changes

				have been addressed in the Statements of Evidence on Comments of Mr West and Mr Reinen-Hamill/Dr Beetham.
20A Lapse of Cell(s) in ASEA				Applicant - This is a new condition. This was previously covered in recommended Condition 22 but it is considered that it is more appropriate as a stand-alone condition.
20B Desktop Maritime Archaeological and Heritage Assessment				BBG – This is a new condition which partly reflects the recommendation of Mr Bennett. The further recommendation of Mr Bennett have not been incorporated as they would be covered by the Heritage New Zealand Pouhere Taonga Act if an archaeological site was discovered.
21 PSEAR Requirement Exclusion			The current wording is preferred to the Council suggested wording.	Applicant - Condition 21 should refer to the Map in Attachment Three (the ASEA) and not Attachment Two. This has been corrected.
22 PSEAR Requirements	Certain changes made. .		The information requirements for a PSEAR are now listed The word "address" has not been changed to "report"	BBG – The BBG may not understand the proposed process to be followed by the PSEAR and the purpose of the ASEA.

			as it is considered important that the PSEAR not only reports the feedback but actually addresses this feedback (i.e. have any changes been made to the PSEAR as an outcome of this feedback).	Applicant – Condition 22 has been re-worded to a large extent to reflect the recommended changes to Condition 20. Those matters which are to be addressed in a PSEAR where a cell(s) has been excluded from an ASEA are now listed In addition to the additional clauses listing the matters to be addressed, the Applicant has also recommended the inclusion of wording relating to the requirement for Councils response if the PSEAR is not certified. The basis for these changes have been addressed in the Statements of Evidence on Comments of Mr West and Mr Reinen-Hamill/Dr Beetham.
23 Sand Extraction Volume	An amended version of this condition was submitted with the RFI1 response, and the SMART review did not cover that revised version.	The inclusion of “and area” in the heading is not agreed to as this condition relates to sand extraction volume only. The additional recommended changes assist in making the condition easier to follow. The changes also clarify that the monitoring is for	The recommendation to split this condition into two is not agreed with and would not assist in its administration. The refinement of the condition addresses the Council query relating to if there has been no sand extraction within this 3-year period.	BBG – This condition, like all the conditions, have been subject to a legal review. F&B – The condition has been refined so it is very clear that monitoring is from the commencement of extraction. It is not agreed that the new wording is more uncertain

		the period since the commencement of sand extraction. The inclusion for the requirement to operation in water depths no shallowed that 27 m is not agreed to.		and less precautionary in approach. Applicant - Further revisions have now been made to this recommended condition so that it is easier to understand and administer.
24 Sand Extraction Vessel and Equipment	Recommended changes have been made.		There is no standard unit. The final sentence removes the reference to Maritime New Zealand requirements and an advice note added stating that the load line is set by Maritime New Zealand Rules Part 47.	BBG – The addition of the advice note addresses the point raised. Applicant – An additional clause has been added addressing the requirement to avoid or minimise any overlapping of extraction tracks created within the previous 12 months. This addresses a comment by DOC on the recommended Wildlife Approval Conditions and has been further addressed in the Statement of Evidence on Comments by Mr Elstob.
25 Navigation	Recommended changes made including refinement of b) so it only relates to daylight hours and re-wording of the advice note.			BBG – Changes address the comment made.
26 Presence of Marine Mammals	Recommended changes made.		Reporting requirements are addressed under a separate condition.	Applicant - For further clarity the reference to "killer whale or larger" has been changed to "any species of cetacean larger than a bottlenose dolphin"

27 Seabird Interactions	Recommended changes made.		Reporting requirements are addressed under a separate condition.	BBG - Reporting requirements are addressed under a separate condition.
28 Marine Reptile Sightings	Recommended changes made.		Reporting requirements are addressed under a separate condition.	BBG - Reporting requirements are addressed under a separate condition.
29 Hours of Sand Extraction		The inclusion of "before civil twilight or" has not been added. This introduces a high degree of complexity in terms of administration and monitoring as the civil twilight hours for Bream Bay would need to be calculated and confirmed and would change daily.	The additional wording sought by the Council (referring back to Condition 34) is not considered necessary. Condition 35 has been refined so it is clear that the Council can seek these records at any time outside the reporting periods.	Applicant - There is no intent to operate on public holidays. This is now specifically stated in the condition and wording to this effect has now been included in the condition.
30 Operational Noise	The words (15 mins) have been added so it reads "L _{Aeq} (15 min)".			BBG – This condition was developed in conjunction with Mr Styles. The site from which measurements are undertaken are not stipulated because if Council sought confirmation of compliance they would stipulate where those measurements were required to be taken (which may reflect where a compliant had been received).
31 Plume	The practical implantation of this condition has been addressed in the Statement of Evidence to Comments by of Dr Wilson and Ms Jones. As an outcome of the review by Dr Wilson		As an outcome of the review by Ms Jones, it was recommended that this condition is tied back to the response procedures set out in the EMMP.	

	and Ms Jones, it was recommended that this condition is tied back to the response procedures set out in the EMMP.			
31A Frequency and Reporting of Plume Monitoring				Applicant - As an outcome of on-going consultation with Te Parawhau ki Tai, additional plume monitoring at 20 working days, 6 months and 12 months after the commencement of sand extraction is now proposed.
32 Disposal of Litter	Recommended changes made.		Recommended addition of providing this Plan to the Council has been included.	
33 Oil Spill Contingency Plan Required	Recommended changes made.	The requirement to notify Council and DoC immediately has not been included as the Oil Spill Management Plan is approved by Maritime New Zealand who stipulate who is to be notified.	Recommended addition of providing this Plan to the Council has been included.	BBG – This condition has been subject to a legal review.
34 Sand Extraction Volume and Location	Recommended changes made.		The following condition (Condition 35) has been refined so that it is clear that the Council can seek records outside reporting periods. It is unclear why the Council is seeking the records within 24 hours for certain periods. Council can seek these records if they require them	

			for these periods under Condition 35.	
35 Reporting of Sand Extraction Volume and Location	Recommended changes made.		Condition 35 has been refined so that it is clear that the Council can seek records outside reporting periods. A five working day period to advise the Council of any identified non-compliances is considered practical (rather than 24 hours).	BBG - A five working day period to advise Council of any identified non-compliances is considered practical (rather than 24 hours).
36 Underwater Soundscape Change Limit, Measurement and Assessment		This condition has been rewritten. This includes: (i) – setting a 3dB (on average) maximum increase in the soundscape level at the underwater monitoring location. (ii) – The requirement for the final report to demonstrate the soundscape change resulting from sand extraction at the maximum extraction volumes for Stages 1 and 2. (iii) – Outlining the process to be undertaken in the event of a non-compliance.		Applicant – The 3dBA limit has been addressed in the Statement of Evidence to Comments of Ms McConnell (Paras. 82 and 85).
37 Sand Extraction Monitoring Report (SEMR)	This condition was amended in the revised conditions submitted to the Panel as part of RFI 1. The SMART review	The recommended changes have not been accepted. The Applicant is not in agreement with the water depth of 27 m requirement being put forward by DoC. This is	The recommended change from “address” to “report” is not supported as it is considered that the SEMR should address any feedback received rather than just report it.	Applicant - The table setting out when an SEMR is required has been further modified so it is clear that an SEMR is also required for the final year of sand extraction.

	addressed the original condition, but where relevant the recommended changes have been accepted.	addressed further in the Statement of Evidence on Comments of Mr Reinen-Hamill and Dr Beetham (Paras. 71 and 72).	It is understood that the Council is recommending that this condition is split into 2 or more conditions and this is not supported.	A replacement and a new paragraph have been included if the Panel does not certify the Management Plans.
38 Seabird Interactions Log	Recommended changes made		Recommended change made (but 5 working days used instead of "one week").	
39 Marine Reptile Sighting Log	Recommended changes made.		Recommended change made (but 5 working days used instead of "one week").	
40 Marine Mammal Daily Records	Recommended changes made.		Recommended change made (but 5 working days used instead of "one week").	BBG – The collation of any records is for Council and DOC to undertake if they choose to hold collated records.
41 Marine Mammal Incident Reporting	Recommended changes made.		The changes recommended in the SMART review covers the changes recommended by the Council.	
42 Change of Extraction/Discharge Methodology and/or Vessel	Recommended changes made.		The change to e) to refer back to Condition 11 is not considered necessary for the understanding or administration of this condition.	Applicant - A further sentence has been added to outline the process to be followed if the application for requested changes needs to be re-submitted.
43 Contribution to the Council Bream Bay Beach Profile Survey Programme (offered on an <i>augier</i> basis)	Recommended changes made.	It remains the opinion of the Applicant that this is condition is being offered on an <i>augier</i> basis. The \$5000 quantum was the value which the Council	Further refinement of this condition to provide for instances when the Council does not undertake all profiles is not considered necessary and would add a degree of complication.	BBG – It is considered that this condition is specific enough and it does not need to be a side agreement.

		advised MBL was appropriate.		
44 Cultural Contribution (offered on an <i>augier</i> basis)			The additional wording has been added.	
45 Community Contribution (offered on an <i>augier</i> basis)			The additional wording has been added.	Applicant – The condition has been refined so it is clearer that the payment is subject to the acceptance of it by each party.
46 Accidental Discovery Protocol	Recommended changes made.			
47 Mahere Tikanga Plan	A final sentence has been added which requires the implementation of the Mahere Tikanga Plan.			BBG - A final sentence has been added which requires the implementation of the Mahere Tikanga Plan.
48 Bond				BBG – A bond condition has been included which covers the cost for undertaking a SEMR in the event a SEMR was not undertaken by the Consent Holder or the Consent Holder abandons the consent before any outstanding SEMR is undertaken.
49 Bond Amount				Applicant - This is a new condition which outlines what the bond amount is to cover.
50 Bond Fixing and Adjustment				Applicant - This is a new condition outlining the requirement for a bond quantum assessment.
Attachment Two				Applicant - The updated Map showing the 220 m wide (rather than 100 m) bathymetry control area has been included. This Map is

				dated 4/08/2026. The increase of the bathymetry control area to a width of 220 m is addressed in the Statement of Evidence to Comments of Mr Reinen-Hamill and Dr Beetham (Para. 67).
Attachment Three				Applicant - A refined version of this ASEA Map has been included. The name of the Map has been changed so it is clear this is the first Approved ASEA. The Map has been simplified by no longer including "Approved – Assuming wildlife authority for Stony Corals" and "Approved – Silt and Clay Elevated). These changes have been made on the basis that the Wildlife Approval has been granted alongside the Resource Consent and there is no requirement to show those cells with elevated silt and clay on the basis that they have not been excluded under Condition 20.
Attachment Four				A new row addressing scallops has been added. This is addressed in the Statement of Evidence to Comments of Mr West.