

BEFORE THE PANEL CONVENER

FTAA 2511 1150

UNDER THE

FAST TRACK APPROVALS ACT 2024 (FTAA or Act)

IN THE MATTER OF

a substantive application by McCallum Bros Limited for the Te Ākau Bream Bay Sand Extraction Project located at Te Ākau Bream Bay, Northland

**MEMORANDUM OF COUNSEL FOR
TE POUWHENUA O TIAKIRIRI KUKUPA TRUST ON BEHALF OF TE PARAWHAU
KI TAI FOR INITIAL CONVENER'S CONFERENCE**

24 MARCH 2026

Richard Allen Law Ltd
Solicitor Acting: Richard Allen

Counsel
Magdalene Chambers
Rob Enright

Marti Enright

1. This memorandum is filed on behalf of Te Pouwhenua o Tiakiriri Kukupa Trust on behalf of Te Parawhau ki Tai (**Te Parawhau ki Tai**). It responds to the Panel Convener's Minute 2 (and related directions) dated 13 March 2026 (**Minute 2**).

Background – whakapapa

2. Te Parawhau ki Tai instructs that it is the resource management authority established by mandated Kaumātua and Rangatira to represent the interests of Te Parawhau ki Tai on this project. Te Parawhau ki Tai has relevantly entered into a Mana Whakahono ā Rohe agreement with Northland Regional Council, and an agreement in principle with the Project Applicant (**MBL**) to conditionally support the Project.¹ Further context is set out in Te Parawhau ki Tai's Cultural Impact Assessment dated 14 January 2026 and the joint memorandum with MBL dated 28 January 2026.²

Directions sought

3. Minute 2 seeks party comment on the following issues | take:
 - (1) Composition of Panel;
 - (2) Timing of Panel decision.

Composition of Panel

4. Te Parawhau ki Tai does not object to the proposed composition of the Panel, including nominees identified by Northland Regional Council and the intended chair.
5. Te Parawhau ki Tai submits that a 3-member panel is adequate to address the parameters of the Project application.

Timing of Panel decision

6. The relevant factors are identified in Minute 2 at paragraph [5]. By reference to those factors, it is submitted that an additional **30**

¹ By way of Te Hononga Relationship Agreement dated 14 Sept 2025.

² The joint Memorandum with MBL has now been formally admitted to the record: refer Panel Convener Minute 3 dated 17 March 2026.

working days should be allowed for the Panel to issue its decision. Relevant considerations include:

Principal issues

- 6.1 Counsel for MBL has generally identified the relevant legal and merits issues, including principal issues in contention. As regards cultural effects and their corresponding mitigation (in accordance with the effects management hierarchy), it is apparent that there are differing views on the relevant relationships and effects as separately submitted by Te Parawhau ki Tai, Patuharakeke Trust Board, and Ngātiwai Trust Board in their respective cultural impact assessments.³ These types of issues are not unexpected in context of the coastal marine area | takutai moana, which is subject to overlapping claims of interest.⁴ While factually involved, the legal issues are not overly complex. Te Parawhau ki Tai has already indicated that it holds mana whenua interests in the Project application area, and exercises rangatiratanga and kaitiakitanga over the Project. As noted, Te Parawhau ki Tai conditionally supports the Project.
- 6.2 It is anticipated that further work is required to finally resolve the consent conditions. Te Parawhau ki Tai maintains a close working relationship with MBL, and does not seek that a separate workshop on conditions (or mini-hearing) is required.
- 6.3 However Te Parawhau ki Tai acknowledges that it would be appropriate to allow kanohi ki te kanohi engagement between the Panel and the relevant hapū and Iwi interests, to ensure that a proper understanding can be reached in respect of the s6(e) RMA relationships, having regard to tikanga. This might best be achieved by way of an in-person cultural effects workshop with the claimed tangata whenua parties, along similar lines to that held for the VTM project proposal. On this basis, it is submitted

³ See Attachments 22, 23 and 24 to the relevant Fast-track Approvals Act 2024 Substantive Application Form submitted by MBL.

⁴ Notably asserted claims under the Marine and Coastal Area (Takutai Moana) Act 2010.

that an additional **30 working days** is appropriate to ensure the Panel has sufficient time to assess the relevant cultural evidence, and to recognise and provide for the relevant cultural relationships to the Project.

7. Allowing greater time reflects the public interest factors present, as well as the decision-making principles in s10 FTAA. It is more likely to result in a lasting solution, that better recognises tikanga and enables some degree of kano ki te kano engagement under the Panel's independent auspices. However, Counsel acknowledge that ultimately any directions on workshops (or related steps) will be matters for the Panel. Allowing additional time may better facilitate tikanga based engagement.
8. Counsel will attend at the Conference and will be available to address the above issues, as required.

Dated this 24th March 2026

Rob Enright / Marti Enright
Counsel for Te Pouwhenua o Tiakiriri Kukupa Trust on behalf of Te Parawhau ki Tai