
MINUTE 16 OF THE EXPERT PANEL
Bream Bay Sand Extraction Project Expert Panel [FTAA-2511-1150]
9 October 2026
Invitations to Comment (section 53 FTAA) – Addendum relating to
coral *Culicia rubeola*

Invitations to Comment – addendum relating to *Culicia rubeola*

[1] This minute addresses invitations to comment on the addendum to the Bream Bay Sand Extraction Project application, under section 53 of the FTAA. The addendum was described in Minute 14 and relates to the addition of one further coral species (*Culicia rubeola*) to the application for a wildlife authority.

[2] While not particularly clear from the FTAA provisions relating to amendments, the Panel considers it a reasonable assumption, and an important procedural matter, that a comments process be applied to the addendum. Some invited persons may not have an interest in the addendum, and there is no obligation to respond to the invitation. Other persons may simply wish to cross-reference comments they have already lodged, in May 2026, for example those relating to the species of cup coral identified at that time.

Persons that must be invited to comment

[3] Persons listed in sections 53(2) (a) to (n) of the FTAA must be invited to comment. **Appendix One** to this minute provides, in tabular form, the list of prescribed persons as relevant to the addendum.

[4] Sections 53(2)(h) and (i) require that an invitation be made to owners and occupiers of land adjacent to the land an application relates to. For the same reasons the Panel identified in Minute 3, the Panel has determined that there are no relevant adjacent owners or occupiers.

Persons that may be invited to comment

[5] Section 53(3) of the FTAA records that the Panel may invite comments from any other person considered appropriate. The Panel has determined that it is appropriate to invite comments from the parties listed in **Appendix Two** to this minute, under section 53(3). This list is intentionally smaller than the initial comments process, given the nature and scale of the addendum.

Timing of comments

[6] The invitation to comment is dated Friday 9 October 2026 and the date for comments must be 20 working days from this date (section 54 FTAA), being **Monday 9 November 2026**. The Applicant may respond to invited comments (section 55), and that response must be provided by **Monday 16 November 2026**.

[7] Comments from invited persons must be made to the EPA:

- (a) by email to substantive@fasttrack.govt.nz;
- (b) by post to Private Bag 63002, Wellington 6140, New Zealand; or
- (c) in person to Stewart Dawson's Corner, 366 Lambton Quay, Wellington 6011

[8] Persons invited to comment are advised that:

- (a) This comments process relates solely to *Culicia rubeola*. The Panel accepts, at this early stage and subject to comments, that the addition of this species of coral is clearly relevant to the application for wildlife approval, but it is also relevant to the assessment of effects arising in

relation to the application for resource consent.

- (b) The Panel would be most assisted by material which addresses matters relevant to our FTAA decision-making, including consideration of the relevant linked provisions in the Wildlife Act 1953 and the Resource Management Act 1991.
- (c) If any document or information requested is considered to be confidential or commercially sensitive, or contains tikanga-protected information, commenters should clearly mark it as “Restricted” and identify any required redactions so that this can be managed appropriately. Note that restricted material will, at a minimum, be provided to the Applicant for natural justice purposes.



Catherine Somerville-Frost

Bream Bay Sand Extraction Project Expert Panel Chair

Appendix One: Persons invited under section 53(2) FTAA

Section of Act	FTAA Description	Party identified
53(2)(a)	the relevant local authorities	• Northland Regional Council
53(2)(b)	the relevant iwi authorities	• Te Rūnanga o Ngāti Whātua • Ngātiwai Trust Board • Te Uri o Hau Settlement Trust • Ngāti Manuhiri Settlement Trust • Te Kawerau Iwi Settlement Trust • Te Rūnanga a Iwi o Ngāpuhi • Patuharakeke Te Iwi Trust Board
53(2)(c)	any relevant Treaty settlement entities, including, to avoid doubt,— (i) an entity that has an interest under a Treaty settlement within the area to which the substantive application relates; and (ii) an entity operating in a collective arrangement, provided for under a Treaty settlement, that relates to that area	• Te Rūnanga o Ngāti Whātua • Ngātiwai Trust Board • Te Uri o Hau Settlement Trust • Ngāti Manuhiri Settlement Trust • Te Kawerau Iwi Settlement Trust • Te Rūnanga a Iwi o Ngāpuhi • Patuharakeke Te Iwi Trust Board • Ngāti Kahu o Torongare • Te Ohu Kaimoana • Te Pouwhenua o Tiakiriri Kukupa Trust (trading as Te Parawhau ki Tai)
53(2)(d)	any protected customary rights groups and customary marine title groups whose protected customary rights area or customary marine title is within the area to which the substantive application relates	N/A

53(2)(e)	any applicant group under the Marine and Coastal Area (Takutai Moana) Act 2011 that is identified in the report prepared under section 18 or 49 and seeks recognition of customary marine title or protected customary rights within the area to which the substantive application relates	• Ngāti Tū ki Ngāpuhi (CIV-2017-404-573) • Hapū o Te Waiariki, Ngāti Korora, Ngāti Takapari (MAC-01-01-013/CIV-2017-404-566) • Ihaia Paora Weka Tuwhera Gavala Murray Mahinepua Reserve Trust Ngatirua Iti Ngati Muri Ngatiruamahue Ngati Kawau Ngati Haiti Ngaitupango Nga Puhi Ngati Kahu Te Aupouri (MAC-01-01-023) • Ngā Hapū o Ngāi Tahu (MAC-01-01-037) • Ngā Hapū o Ngāti Wai Iwi (MAC-01-01-039/CIV-2017-404-554) • Ngā Hapū o Tangaroa ki Te Ihu o Manaia tai atu ki Mangawhai (MAC-01-01-040/CIV-2017-404-579) • Ngā Puhi Nui Tonu (Awataha Marae), Ngāti Rāhiri, Ngāti Awa, Ngāi Tahu and Ngāitawake (MAC-01-01-050/CIV-2017-404-537)Ngāitawake • Ngā Puhi Nui Tonu (Te Kotahitangā Marae) (MAC-01-01-056) • Ngāpuhi nui tonu (Waitangi Marae) (MAC-01-01-058) • Ngā Puhi Nui Tonu-Kotatoka-tutaha-moana o whaingaroa (MAC-01-01-059) • Ngā Puhi, Ngāti Wai, Haki Pereki and Ngāwhetu Sadler Whānau Trust (MAC-01-01-060) • Ngāti Kawau and Te Waiariki Korora (MAC-01-01-073/CIV-2017-485-398)
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		• Ngāti Manuhiri (MAC-01-01-079/CIV-2017-404-545) • Ngāti Maraeariki and Ngāti Rongo and Hapū (MAC-01-01-080/CIV-2017-485-378) • Ngāti Wai (MAC-01-01-090) • Patuharakeke (MAC-01-01-101/CIV-2017-485-286) • Patuharakeke Te Iwi (MAC-01-01-102) • Reti Whānau, Whangaruru, Whangārei and Whangaroa (MAC-01-01-105/CIV-2017-485-515) • Te Hikutu Whānau and Hapū (MAC-01-01-125/CIV-2017-404-570) • Iwi, whānau and hapū of Ngātiwai (MAC-01-01-131/CIV-2017-485-283) • Te Kaunihera o Te Tai Tokerau, Ngāitawake (MAC-01-01-133/ CIV-2017-404-558) • Te Parawhau Hapū (MAC-01-01-136/CIV-2017-485-799) • Te Parawhau ki Tai (MAC-01-01-137/CIV-2017-485-305) • Te Rūnanga o Ngāti Whātua (MAC-01-01-140/CIV-2017-404-563) • Te Uri o Hau Settlement Trust (MAC-01-01-143/CIV-2009-488-205) • Te Uri o Tautohe (MAC-01-01-146)
53(2)(f)	ngā hapū o Ngāti Porou if the area to which the substantive application relates is within or adjacent to, or the activities to which it relates would directly	N/A

	affect, ngā rohe moana o ngā hapū o Ngāti Porou	
53(2)(g)	the tangata whenua of any area within the area to which the substantive application relates that is a taiāpure-local fishery, a mātaimai reserve, or an area that is subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996	• Ngāti Kahu o Torongare • Te Ohu Kaimoana • Te Pouwhenua o Tiakiriri Kukupa Trust (trading as Te Parawhau ki Tai) • Te Rerenga Parāoa Rohe Moana Kaitiaki
53(2)(h)	owners of the land to which the substantive application relates	N/A
53(2)(i)	occupiers of the land to which the substantive application relates unless, after reasonable inquiry, an occupier cannot be identified	N/A
53(2)(j)	the Minister for the Environment and other relevant portfolio Ministers	• Minister for the Environment • Minister for Conservation • Minister for Hunting and Fishing • Minister for Oceans and Fisheries
53(2)(k)	relevant administering agencies	• Department of Conservation
53(2)(l)	any requiring authority that has a designation on land to which the substantive application relates or on land adjacent to that land	N/A
53(2)(m)	if the approvals sought in the substantive application include— ~~(i) an approval described in section 42(4)(a) or (d)~~ ~~(resource consent or~~	Regarding the addendum to the wildlife approval: • New Zealand Conservation Authority • Northland Conservation Board

	~~designation), the persons and groups listed in clause 13 of Schedule 5:~~ ~~(ii) an approval described in section 42(4)(e) (concession), the persons listed in clause 5 of Schedule 6:~~ ~~(iii) an approval described in section 42(4)(g) (conservation covenant), the persons listed in clause 44 of Schedule 6:~~ ~~(iv) an approval described in section 42(4)(h) (wildlife approval), the persons listed in clause 4 of Schedule 7:~~ ~~(v) an approval described in section 42(4)(k) (marine consent), the persons listed in clause 5 of Schedule 10:~~ ~~(vi) an approval described in section 42(4)(l) or (m) (access arrangement), the persons listed in clause 5 of Schedule 11~~ ~~(vii) an approval described in section 42(4)(n) (mining permit), the person listed in clause 18 of Schedule 11.~~	• New Zealand Fish and Game Council • Game Animal Council
53(2)(n)	any persons or groups specified by the Minister under section 27(3)(b)(iii).	N/A

Appendix Two: Persons invited under section 53(3) FTAA

Ngati Hine (MAC-01-01-064 / CIV-2017-485-231)	Ngati Pukenga (MAC-01-05-015 / CIV-2017-485-250)
Te Tāwharau o Ngāti Pūkenga	Ngāti Pūkenga ki Pakikaikutu Charitable Trust
Te Rūnanga o Ngāti Hine	Te Iwitahi Manihera
Takahiwai Māori Committee	Te Parawhau Hapu Incorporation
Patuharakeke Rohe Moana Kaitiaki	Bream Bay Guardians Society Inc
Whangārei District Council	Royal Forest and Bird Protection Society of New Zealand Inc