

in the matter of application **FTAA-2511-1150** (Bream Bay  
Sand Extraction Project)

between

**BREAM BAY GUARDIANS SOCIETY INCORPORATED**  
Invited Party

and

**MCCALLUM BROTHERS LIMITED**  
Applicant

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**MEMORANDUM OF COUNSEL FOR BREAM BAY  
GUARDIANS**

13 October 2026

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## MEMORANDUM OF COUNSEL FOR BREAM BAY GUARDIANS

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### MAY IT PLEASE THE PANEL

1. This memorandum is filed by Bream Bay Guardians Society Inc (**BBG**).
2. By minute the Panel has requested that counsel confer and, if possible, file a joint memorandum concerning Professor Dickson's letter dated 5 October 2026 (**Dickson Report**).<sup>1</sup> Counsel have seen the memorandum for the applicant (**MBL**) filed yesterday.
3. The Panel states in its minute that the provision of the Dickson Report raises procedural and natural justice issues and requests submissions from the parties regarding acceptance of the material, and if accepted, any process that may need to be adopted.
4. As counsel for MBL note, BBG sought to agree a joint memorandum with MBL. That memorandum made the proposal below for further steps, which BBG maintains is appropriate.

### BBG's Position

5. BBG provided the Dickson Report to MBL as part of its response to the request from MBL for spatial information relating to peat reefs in the proposed extraction area. BBG provided the request and its response to the Panel at the same time. The locations of those peat reefs had been omitted from BBG's comment material due to their ecological sensitivity.
6. The Dickson Report was obtained by BBG in the context of MBL's queries concerning BBG's invited comments. The material already before the Panel on the presence of peat in the proposed extraction area contains conflicting information, specifically:
  - (a) Annexure 8 of the application (p 16, 3.5.3) from Tonkin & Taylor stated "*Beds containing silt and peat were also identified*".<sup>2</sup>
  - (b) The Panel's minute 4 at [12] asked (by reference to annexure 8) about the risk that fine/high-in-organic matter referred to there would be disturbed by extraction.<sup>3</sup>
  - (c) The response of 14 May 2026 from MBL's experts was that that comment about peat was an "*error*".<sup>4</sup>

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<sup>1</sup> Minute 15 of the Expert Panel, dated 6 October 2026.

<sup>2</sup> [https://www.fasttrack.govt.nz/\\_\\_data/assets/pdf\\_file/0016/24631/08-Redacted-Attachment-Eight-Assessment-of-Coastal-Process-Effects-Sections-1-3-Tonkin-and-Taylor.pdf](https://www.fasttrack.govt.nz/__data/assets/pdf_file/0016/24631/08-Redacted-Attachment-Eight-Assessment-of-Coastal-Process-Effects-Sections-1-3-Tonkin-and-Taylor.pdf)

<sup>3</sup> [https://www.fasttrack.govt.nz/\\_\\_data/assets/pdf\\_file/0014/25502/Minute-4-April-30-2026-RFI-1.pdf](https://www.fasttrack.govt.nz/__data/assets/pdf_file/0014/25502/Minute-4-April-30-2026-RFI-1.pdf)

<sup>4</sup> [https://www.fasttrack.govt.nz/\\_\\_data/assets/pdf\\_file/0018/26622/9-20-R.Reinen-Hamill-and-E.Beetham-Evidence-Coastal-Processes-Final.pdf](https://www.fasttrack.govt.nz/__data/assets/pdf_file/0018/26622/9-20-R.Reinen-Hamill-and-E.Beetham-Evidence-Coastal-Processes-Final.pdf)

- (d) However, the BBG's invited comments included videos of two significant peat reefs, actually visible to divers, in the proposed extraction area.
- 7. BBG is a community organisation reliant on public donations and the contributions of volunteers. BBG had not, at the time of submitting its invited comments (on 25 May), noticed the detail of the conflict set out above between the MBL response (suggesting that there was no peat), the application annexure, and BBG's own observations.
- 8. BBG accepts that the report has been volunteered outside of the statutory timeframe for its invited comments, but considers that it contains relevant and material information for the purposes of Panel's decision-making, especially in view of the divergence in opinion noted above. In short, there is peat in the proposed extraction area and the Dickson Report helps to explain what that may mean. In BBG's view, the overall extent of peat needs investigation.
- 9. BBG accepts that MBL should have the opportunity to consider and respond to the Dickson Report if it wishes to do so.

**BBG's proposed approach**

- 10. As the Panel will be aware, it is to regulate its own procedure as it thinks appropriate, without procedural formality, and in a manner that best promotes the just and timely determination of the substantive application.<sup>5</sup>
- 11. BBG therefore proposes that:
  - (a) The Dickson Report is accepted by the Panel;
  - (b) MBL is to provide any response to the Dickson Report by one working day in advance of any expert conference on coastal processes and landforms.

Dated 13 October 2026



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Tim Mullins / Adam McDonald  
Counsel for Bream Bay Guardians

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<sup>5</sup> Fast Track Approvals Act 2024, Schedule 3, cl 10(1).