Your Comment on the Auckland Prison Capacity Increase

Please include all the contact details listed below with your comments and indicate whether you can receive further communications from us by email at substantive@fastrack.govt.nz

Contact Details			
Please ensure that you have authority to comment on the application on behalf of those named on this form.			
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Please provide your comments below, include additional pages as needed.

Please find comments attached

Please find attached the comments on the conditions. While each of these comments is important in relation to DOC's role and functions under the Wildlife Act and the Fast-track Approvals Act (FTAA), DOC highlights several matters which are of particular concern.

We note the draft decision document includes several points relating to the interpretation of the Freshwater Fisheries Regulations 1983 (Regulations) and activities under the FTAA. DOC are concerned with:

- paragraphs [281] and [282] which outlines the Panel's preference for the applicant's interpretation that piping a watercourse is not a diversion structure: and
- paragraph [566] where the Panel agrees with the applicant that the Regulations do not apply to a culvert installed prior to 1983.

DOC has an extensive history of administering the Regulations and has had legal guidance and opinion over this time. Firstly, the Panel's preference of the applicant's conclusion that the proposed piping of watercourse, does not constitute a diversion is at odds with DOC's view. DOC appreciates the Panel has considered the matter in detail through paras [273]-[285] of the document, and agrees that the ecological impacts are comparatively minor.

However, DOC still refers back to the Regulations definition of a diversion as a 'structure designed to divert or abstract natural water from its natural channel or bed, whether permanent or temporary'. While the proposed structure (the pipe) will be located within the existing stream channel, the structure diverts stream flow from the natural stream bed. From an ecological perspective, over 120 metres of piped stream, will not have the same substrate, daylight and hydrology.

DOC does understand that given the FTAA's focus on other benefits and practicalities, perhaps the impact of these structures at Auckland Prison, may not be viewed as significant, however, this interpretation could be applied to other applications including those outside the Fast Track process, where the environmental impacts are more pronounced.

Secondly, in relation to the culvert remediation as covered by para [566]. We note this is the Panel's view and agree with subsequent comments that the proposal does have several positive freshwater outcomes. However, DOC refers to Section 2.1 of the New Zealand Fish Passage Guidelines (P 31): *"However, regulation 42(2) (i.e., the requirement for culverts and fords to be maintained to prevent the development of fish passage barriers) applies to all culverts or fords built before and after 1984."* Accordingly, DOC considers that the occupiers of the relevant culverts and fords have an existing obligation to remediate them under section 42(2) of the Regulations, and that remediation of these culverts does not constitute additionality for the present process, but more significantly risks additionality for other projects where there are pre-1983 culverts and fords.

With respect to the draft decision, DOC is not expecting a significant shift in terms of the overall decision or indeed any conditions requiring additional compensation, on the basis this is relatively low risk ecological setting and there are some positive freshwater outcomes. However, DOC would like to highlight, for the record, that DOC has consistently maintained its position on additionality throughout many years of administering the Freshwater Fisheries Regulations including in pre-lodgement discussions and subsequent reporting with the Department of Corrections on this project.

Putting these matters to the side, DOC has reviewed the proposed conditions on the basis that the Panel is minded to grant the approvals sought.

Please note the tracked changes with black strikethrough and underline, are those changes as supplied in the Panel's draft conditions. The changes that are marked in blue ~~strikethrough~~ and underline, are those of DOC.



Linda Kirk

Fast Track Applications Manager

Acting pursuant to delegated authority on behalf of the Director-General of Conservation.

Dated: 28 September 2026

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011

Comments on draft conditions for a fast-track consenting application

Fast-track Approvals Act 2024 section 70

To: The Expert Panel

From: Department of Conservation

Regarding fast-track project: Auckland Prison Capacity Increase

Fast track Reference: FTAA-2601-1179

Comments on draft of Wildlife Act Approval

The draft decision does not include Schedule 2 – Standard terms and conditions of the Authority. These standard conditions were attached to the back of DOC's comments at s.51 stage, although it is noted the DOC s.51 report did not make it clear that it was the expectation these standard conditions be included in any approval. The inclusion of these conditions provides for a robust and standardised practice for approvals.

These have been attached below, for ease of reference.

Condition #	***SCHEDULE 2: STANDARD TERMS AND CONDITIONS OF THE AUTHORITY***
Interpretation	
1.	The Approval Holder is responsible for the acts and omissions of its employees, contractors or agents. The Approval Holder is liable under this Authority for any breach of the terms of the Authority by its employees, contractors or agents as if the breach had been committed by the Approval Holder.
2.	Where obligations bind more than one person, those obligations bind those persons jointly and separately.
What is being authorised?	
3.	The Approval Holder is only allowed to carry out the Authorised Activity in the Land described in Schedule 1, clause

Condition #	SCHEDULE 2: STANDARD TERMS AND CONDITIONS OF THE AUTHORITY
4.	Any arrangements necessary for access over land that is controlled, owned, or managed by someone other than the Department of Conservation are the responsibility of the Approval Holder. In granting this authorisation the Grantor does not warrant that such access can be obtained.
5.	The Approval Holder must immediately notify the Department of Conservation of any taxa found which are new to science. In addition, the Approval Holder must lodge holotype specimens and a voucher specimen of any new taxa with a recognised national collection.
Who is authorised?	
6.	Only the Authorised Personnel described in Schedule 1, clause 2 are authorised to carry out the Authorised Activity, unless otherwise agreed in writing by the Director-General for Conservation.
What are the liabilities?	
7.	The Approval Holder agrees to exercise the Authority at the Approval Holder's own risk and releases to the full extent permitted by law the Department of Conservation employees and agents from all claims and demands of any kind and from all liability which may arise in respect of any accident, damage or injury occurring to any person or property arising from the Approval Holder's exercise of the Authorised Activity.
8.	The Approval Holder must indemnify the Director-General of Conservation against all claims, actions, losses and expenses of any nature which the Director-General of Conservation may suffer or incur or for which the Director-General of Conservation may become liable arising from the Approval Holder's exercise of the Authorised Activity.
9.	This indemnity is to continue after the expiry or termination of this Authority in respect of any acts or omissions occurring or arising before its expiry or termination.
What about compliance with legislation and Director-General of Conservation's notices and directions?	
10.	The Approval Holder must comply with all statutes, bylaws and regulations, and all notices, directions and requisitions of the Director-General of Conservation and any competent Authority relating to the exercise of this Approval.
Revocation	
11.	The Director-General of Conservation may revoke this (Authority pursuant to clause 7(4) of Schedule 7 of the Fast-track Approvals Act 2024) at any time in respect of the whole or any part of Authorised Activity if:

Condition #	***SCHEDULE 2: STANDARD TERMS AND CONDITIONS OF THE AUTHORITY***
	a. the Approval Holder breaches any of the conditions of this Approval; or b. in the Director-General's opinion, the carrying out of the Authorised Activity causes or is likely to cause any unforeseen or unacceptable effects.
12.	If the Director-General of Conservation intends to revoke this Approval in whole or in part, the Director-General must give the Approval Holder such prior notice as appears reasonable and necessary in the circumstances.
What about the payment of costs?	
13.	The Approval Holder must pay the standard Department of Conservation charge-out rates for any staff time and mileage required to monitor compliance with this Approval and to investigate any alleged breaches of the terms and conditions of it.
What about Progress or final reports?	
14.	If the Director-General of Conservation so requests, the Approval Holder must keep the Director-General of Conservation and relevant Treaty partners informed on the progress of the Authorised Activities. Upon completion of the Activities and in accordance with any reasonable request from the Director-General, the Authority Holder must forward a copy of the research findings, reports and publications to the Director-General of Conservation. The Approval Holder acknowledges that the Director-General may provide copies of these findings to relevant Treaty partners.
Are there any Special Conditions?	
15.	Special conditions are specified in Schedule 3. If there is a conflict between this Schedule 2 and the Special Conditions in Schedule 3, the Special Conditions will prevail.
Can the Authority be varied?	
16	The Approval Holder may apply to the Director-General of Conservation for variations to this Approval in accordance with clause 7(2) of Schedule 7 of the Fast-track Approvals Act 2024.

Comments on draft of Resource Consent Conditions

LUC60464167		
Condition #	***Draft condition with track-changed suggestions***	***Comments and reasoning***
LUC04	**Sediment erosion control in accordance with a certified plan** Prior to the commencement of earthworks activity on the subject site, a finalised Erosion and Sediment Control Management Plan (ESCP) must be prepared in general accordance with: (a) Erosion and Sediment control Guide for Land Disturbing Activities in the Auckland Region – GD05; (b) the ESCP outlined within Section 5.6 and Appendix F of the Report titled "Extension of Pipes at Watercourses – Engineering Design Report" prepared by Aurecon, dated 26 March 2026. The ESCP must address the following matters: • specific erosion and sediment control works (location, dimensions, capacity) • supporting calculations and design drawings • catchment boundaries and contour information • details of construction methods	The word 'minor' is subjective and not defined within the consent. DOC seeks that the scope of what constitutes a minor amendment is defined within the condition set for clarity of implementation and suggests wording adopted in the recent North West Rapid Transit decision[1] which have been suggested through an amendment to condition DES35 that sets out the recertification process. The draft condition, as it stands, also does not make it clear what the process is for amendments that are more than minor. Wording has been added to explain this.

[1] North West Rapid Transit Decision, Resource Consent Condition 'ALL 4 – Certification'.

LUC60464167		
Condition #	***Draft condition with track-changed suggestions***	***Comments and reasoning***
	• timing and duration of construction and operation of control works (in relation to the staging and sequencing of earthworks) • details relating to the management of exposed areas (e.g. grassing, mulching) • Location of stockpiles, ensuring that sediment or material excavated from the bed of the stream is stockpiled outside the very high or high flood hazard areas. • monitoring and maintenance requirements. The finalised ESCP must be submitted to Council for certification confirming that it addresses the requirements of this condition, prior to commencement of earthworks activity. The ESCP may be amended at any time. However, a~~A~~ny minor amendments must be agreed to in writing by Council prior to implementation of any changes. Re-certification is not required if Council confirms those minor amendments are within scope of the certified ESCP. If amendments are outside the scope of the certified ESCP, the ESCP may be amended by a suitably qualified and experienced person and submitted to the Council for recertification. The Council assessment of a minor amendment must be undertaken in accordance with condition DES35.	
LUC12	**Ecological Management Plan**	The word 'minor' is subjective and not defined within the consent. DOC seeks that the scope of what constitutes a minor amendment is defined within the condition set for clarity of implementation.

LUC60464167		
Condition #	***Draft condition with track-changed suggestions***	***Comments and reasoning***
	Vegetation clearance at watercourses 1 and 2, and as identified as "vegetation to be removed" on the Location of Watercourse works Plan, prepared by Boffa Miskell dated 11 March 2026, mustbe undertaken in accordance with the Ecological Management Plan (EcMP) prepared by Boffa Miskell and dated 26 March 2026, The EcMP may be amended at any time by a suitably qualified and experienced ecologist. Any minor amendments must be agreed to in writing by Council prior to implementation of any changes. Re-certification is not required if Council confirms those minor amendments are within scope of the certified EcMP. The Council assessment of a minor amendment must be undertaken in accordance with condition DES35.	The draft condition, as it stands, also does not make it clear what the process is for amendments that are more than minor. Wording has been added to explain this.
LUC15	All ecological offset and ecological compensation planting must be completed prior to the removal ~~loss~~ of vegetation surrounding Watercourse 1 and 2. The replacement plants must be eco-sourced. Planting timeframes must be consistent with those set out in Condition DES44. Planting densities must be maintained to achieve the criteria set out by DES45.	Condition DES44 contains planting timeframes. DOC seeks that these timeframes are referenced in the Land Use Consent for consistency. The suggested change from 'loss' to 'removal' provides consistency with the Panel's wording for LUS04.
LUC16	**Watercourse 6 Culverts** Prior to completion of reclamation of the 124m length of Watercourse 1, the western culvert at watercourse 6 (abutting the land at 43 Merewhira Road and shown on the LMEEP) must be upgraded and designed to ensure the following matters are addressed:	Culvert remediation sites should be monitored following remediation to ensure that the new culvert works: (a) improve fish passage as per the intended offsetting gains. The goal of the culvert remediation works is to improve fish passage, so at the very least, there should be no need to specify that the structure will not prevent passage. Just like for new instream structures, the culvert works should be

LUC60464167		
Condition #	***Draft condition with track-changed suggestions***	***Comments and reasoning***
	(a) the total length of the replacement culvert structure will not exceed 10m measured parallel to the direction of water flow (b) conveyance of stormwater during the 100 year ARI event without increasing flood levels up stream or downstream of the structure (c) the structure must result in material improvements to ~~not prevent~~ the passage of fish upstream and downstream, except that temporary restrictions to fish passage may occur in to enable construction work to be carried out; (d) the structure must not facilitate the spread of Unwanted Organisms (*Gambusia affinis*) into newly accessible reaches (e) the structure must not cause more than minor bed erosion, scouring or undercutting immediately upstream or downstream. In addition, the outlet of the eastern culvert abutting Merewhira Road (shown on the LMEEP) must be improved to provide fish passage. Plans detailing the design of the replacement culvert at the western end of Watercourse 6, and fish passage structure at the eastern outlet of Watercourse 6 (abutting Merewhira Road), together with associated remediation structures and the proposed outcome monitoring regime must be provided to Council for written certification confirming that the design addresses the requirements	monitored to ensure that they achieve the outcomes that they set out to achieve. (b) do not facilitate the spread of the Unwanted Organism (Biosecurity Act 1993) *Gambusia affinis*. This species is present downstream, and culvert remediation works have the potential to increase the distribution of this species in the catchment if this secondary effect is not adequately managed during design. The suggested amendments to the advice note provide more certainty as to outcomes expected.

LUC60464167		
Condition #	***Draft condition with track-changed suggestions***	***Comments and reasoning***
	of this condition (LUC16) prior to commencement of the reclamation works within ~~of~~ watercourse 1. ***Advice Note:*** *Culvert improvements should be ~~aligned~~ in accordance with New Zealand Fish Passage Guidelines (NIWA 2024) and monitoring should confirm the new culvert/s are operating to address the matters listed (a)-(e).*	

Comments on draft of Resource Consent Conditions

LUS60464168 **For Watercourse works - including stream diversion and reclamation and associated works within a stream under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 and pursuant to Sections 13 and 14 of the Resource Management Act 1991.**		
Condition #	***Draft condition with track-changed suggestions***	***Comments and reasoning***
LUS01	Prior to the commencement of watercourse works activity on the subject site, a finalised watercourse works methodology must be submitted to Council for certification confirming that it addresses the requirements of this condition. The finalised watercourse works methodology must be prepared in general accordance with the application documents (including Section 5 of the Report titled "Extension of Pipes at Watercourses - Engineering Design Report" prepared by Aurecon, dated 26	Changes proposed to avoid repetition within the condition to ensure clarity around the requirements of the certification process.

LUS60464168 For Watercourse works - including stream diversion and reclamation and associated works within a stream under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 and pursuant to Sections 13 and 14 of the Resource Management Act 1991.		
Condition #	***Draft condition with track-changed suggestions***	***Comments and reasoning***
	March 2026), and in accordance with Auckland Council's Guideline Document 2016/005 *Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region* (GD05) and must include, but is not limited to: (a) specific erosion and sediment control works for the watercourse works; (b) management of contaminants to water (e.g. hydrocarbons, construction materials); (c) methodology for diverting upstream flows during the watercourse works, including how sufficient flow will be maintained at all times below the site of the works to maintain in-stream biota; (d) details of construction methods; (e) supporting calculations and design drawings; (f) monitoring and maintenance requirements; (g) details relating to the management of exposed areas (e.g. grassing, mulching, geotextile); (h) details of final streambed remediation or stabilisation upon completion of stream works. ~~The finalised watercourse works methodology must be submitted to Council for certification confirming that it addresses the requirements of this condition.~~ The watercourse works methodology may be amended at any time. Any minor amendments must be agreed to in writing by Council prior to implementation of any changes. Re-certification is not required if Council confirms those minor amendments are within scope of the certified watercourse works methodology. Re-certification is	

LUS60464168 **For Watercourse works - including stream diversion and reclamation and associated works within a stream under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 and pursuant to Sections 13 and 14 of the Resource Management Act 1991.**		
Condition #	***Draft condition with track-changed suggestions***	***Comments and reasoning***
	required if Council confirms the amendments are more than minor and/or beyond the scope of the certified watercourse works methodology. ***Advice Note:*** *The finalised Watercourse Works Methodology may be included and incorporated into the site's Erosion and Sediment Control Plan. In the event that minor amendments to either the Watercourse Works Methodology or the Erosion and Sediment Control Plan are required, any such amendments should be limited to the scope of this consent. Any minor amendments should be provided to Auckland Council prior to implementation to confirm that they are within the scope of this consent.*	
LUS02	**Native Fish Capture and Relocation Plan** The works that are the subject of the consent application must be undertaken in accordance with the Native Fish Capture and Relocation Plan, prepared by Boffa Miskell, dated 26 March 2026 ~~and~~ contained within the EcMP. ~~The Native Fish Capture and Relocation Plan addresses the following matters:~~ ~~(a) Methods for the salvage and relocation of native fish from the length of any intermittent or permanent watercourse reclaimed as part of the project works, or from Pond 2.~~ ~~(b) Details of the relocation sites~~ ~~(c) Storage and transportation methods~~ ~~(d) Details of suitably qualified ecologist to implement the Plan.~~	DOC submits that the struck-out subclauses (a) to (d) should be retained. While those matters are addressed in the EcMP, the condition allows the Native Fish Capture and Relocation Plan to be amended. Retaining the subclauses within the condition provides certainty as to the matters that must be addressed by the Plan, notwithstanding any future amendments.

LUS60464168 **For Watercourse works - including stream diversion and reclamation and associated works within a stream under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 and pursuant to Sections 13 and 14 of the Resource Management Act 1991.**		
Condition #	***Draft condition with track-changed suggestions***	***Comments and reasoning***
	The Native Fish Capture and Relocation Plan may be amended at any time by a suitably qualified and experienced ecologist. Any minor amendments must be agreed to in writing by Council prior to implementation of any changes. Re-certification is not required if Council confirms those minor amendments are within scope of the certified Native Fish Capture and Relocation Plan. Re-certification is required if Council confirms the amendments are more than minor and/or beyond the scope of the certified watercourse works methodology.	
LUS04	All ecological offset and ecological compensation planting must be completed prior to the ~~loss~~ removal of vegetation surrounding Watercourse 1 and 2. The replacement plants must be eco-sourced. Planting timeframes must be consistent with those set out in Condition DES44. Planting densities must be maintained to achieve the criteria set out by DES45.	Amendment sought to achieve consistency across the condition sets.
LUS07	**On-site works methodology** All machinery must be operated in a way, which ensures that spillages of fuel, oil and similar contaminants are prevented, particularly during stabilisation and machinery servicing and maintenance. Refuelling and lubrication activities must be carried out ~~away from any in areas that are not within~~ a minimum 20-metre setback from the bed of any water body, and such that any spillage can be contained so it does not enter the watercourses associated with these consents. The use of grouts and concrete products	The condition as drafted theoretically allows the consent holder to refuel directly adjacent to a water body. A minimum 20-metre setback has been recommended to apply a precautionary approach to reduce the risk of a spillage entering a watercourse. The 20-metre distance is considered to be industry best practice and has been adopted in other Fast Track consent conditions[2].

[2] State Highway 1 North Canterbury – Woodend Bypass Project (Belfast to Pegasus) – Resource Consent Condition C1.26

LUS60464168 **For Watercourse works - including stream diversion and reclamation and associated works within a stream under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 and pursuant to Sections 13 and 14 of the Resource Management Act 1991.**		
Condition #	***Draft condition with track-changed suggestions***	***Comments and reasoning***
	must also be limited adjacent to the watercourse with all mixing of products carried out outside the very high or high flood hazard areas such that any spillage can be contained so it does not enter the watercourses associated with these consents.	

Comments on draft Designation conditions

3900 Auckland Prison Designation

Condition #	*Draft condition with track-changed suggestions*	*Comments and reasoning*
	Management and Implementation Plans – Certification	
DES32	In accordance with the process set out in Conditions DES33 to DES37, the following Management Plans must be prepared: (a) Prior to commencement of construction works or demolition and/or removal works for New Prison Facilities: (i) Construction Traffic Management Plan (Condition DES38) (ii) Construction Noise and Vibration Management Plan (Condition DES39) (iii) Construction Lighting Management Plan (Condition DES41) (iv) Ecological Management Plan (Condition DES43A) (v) Landscape and Ecology Implementation and Management Plan (LEIMP) (Condition DES45) (b) Prior to commencement of construction works: (i) Earthworks Management Plan (required by Condition DES42) Except that the Management Plan requirements do not apply: (c) to minor works; (d) to construction works (including additions to existing facilities) or demolition and/or removal works, involving building or structure with a gross floor area or footprint of less than $10m^2$; (e) to temporary buildings or structures associated with or construction works or demolition and/or removal works; or	Proposed to include the Ecological Management Plan and Landscape and Ecology Implementation and Management Plan in this condition so that the requirements of the Plan are enforced prior to the commencement of construction. This condition as drafted is unclear as to when the Ecological Management Plans apply to the works, especially as these plans require some activities, namely the planting, to be undertaken before some of the construction works.

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
	(f) where Council has waived the requirement for a Management Plan and the associated certification process. ***Advice Notes:*** • ~~*The Ecological Management Plan (EcMP) (required by Condition DES43) and Landscape and Ecology Implementation and Management Plan (LEIMP) (required by Condition DES45) may be amended and re-certified in accordance with the process set out in Conditions DES33 to DES37.*~~ • *Management Plans may be submitted with an Outline Plan of Works where directly related to construction works associated with New Prison Facilities.*	
DES33	Unless otherwise required by another condition of this designation, all Management Plans must be certified through the following process: (a) The Management Plan must be provided to Auckland Council for certification no less than 40 working days before the works that are the subject of the Management Plan commence; (b) The certification process must be confined to confirming that the relevant Management Plan is consistent with the designation and adequately addresses the requirements of the relevant condition(s); (c) Auckland Council will endeavour to provide certification within 20 working days of receipt of any Management Plan or otherwise provide a written response to the Requiring Authority explaining why certification is unable to be provided in that time; (d) If Auckland Council's response is that they are unable to certify the Management Plan or if the Requiring Authority does not receive a response from Auckland Council within 20 working days of providing the Management Plan under (c) the Requiring Authority may request that the Council provides	This condition proposes deemed certification of a management plan should no response be received within 20 working days. The initial requirement for management plans to be included as part of the conditions, is essential to ensure protection of the environment and natural resources. An independent, regulatory check of the management plans is a necessary step to ensure the applicant is adhering to all protective requirements before work commences. The proposed approach of 'deemed certification' removes the primary protection mechanism and degrades the overall purpose of the management plan. DOC considers it is the Council that should be determining the adequacy of a management plan, not the applicant who is submitting it. This would allow Council adequate time, if necessary, to seek external

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
	reasons and recommendations for changes to the Management Plan in writing. The Requiring authority must consider any reasons and recommendations of the Council and resubmit an amended Management Plan for certification; (e) ~~If the Requiring Authority does not receive a written response from Council within 20 working days of the Management Plan(s) being submitted for certification, the Management Plan(s) will be deemed to be certified, and the requiring authority can commence the related works;~~ (f) Management Plans may be submitted in parts or stages to address particular activities and/or project phases – if submitted in part, the relevant Management Plan must clearly define the area/topic subject to the certification request, and any linkage with areas/topics for previous or subsequent certification.	expertise from iwi and DOC, to consider the appropriateness of the management plan.
DES34	Any Management Plan may be amended at any time by the Requiring Authority, to reflect any minor changes in design, construction materials, methods or management of effects to align with the conditions of designation. Any minor amendments to a Management Plan must be agreed to in writing by Council prior to implementation of any changes. Re-certification is not required in accordance with Condition DES33 if Council confirms those minor amendments are within scope of the certified Management Plan and any changes to the Management Plan are clearly identified.	DOC notes that the conditions do not define what would constitute a 'minor' amendment to the Management Plans and that this discretion is passed on to Council as the certifier. DOC seeks that the extent of the intended 'minor' amendment is defined to ensure that the conditions are implemented as intended.
DES35	Any amendments to a certified Management Plan that are not minor amendments must be submitted to the Council in accordance with Condition DES33 to certify that these amendments are consistent with the relevant condition(s) prior to implementation of any changes. Minor changes to a management plan occur where: a. The amendment(s) has no or a de minimis adverse effect on the environment; or	DOC notes that the conditions do not define what would constitute a 'minor' amendment to the Management Plans and that this discretion is passed on to Council as the certifier. DOC seeks that the extent of the intended 'minor' amendment is defined to ensure that the conditions are implemented as intended.

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
	b. The amendment(s) is administrative.	This recommendation suggests wording adopted in the recent North West Rapid Transit decision[3].
DES37	All works and activities on the Auckland Prison Site must be carried out in general accordance with any relevant certified Management Plan.	
DES43A	**Ecological Management Plan (EcMP)** The Requiring Authority must undertake construction works, demolition and/or removal works in accordance with the Ecological Management Plan (EcMP) prepared by Boffa Miskell, dated 26 March 2026 or any subsequent updated management plan(s) prepared by a suitably qualified and experienced ecologist(s)), and certified by Auckland Council in accordance with the process set out in conditions DES33 to DES37: The objective of the EcMP is to manage potential effects on ecological values during Construction Works, demolition and/or removal works for New Prison Facilities and includes the following: (a) Management protocols for the avoidance of bird nesting season, or the methods to confirm there are no nesting threatened indigenous birds nesting within the trees to be removed~~.~~ (b) Management and tree felling protocols for the detection and avoidance of bat usage at the time of tree felling in accordance with the 'Protocols for minimising the risk of felling occupied bat roosts' produced by the NZ DOC Bat Recovery Group 2024, or any update to that document. (c) Methods for the salvage and relocation of native fish from the length of any intermittent or permanent watercourse reclaimed as part of the project works.	Changes proposed to ensure any felling is planned and undertaken in accordance with industry best practice protocols to reduce the likelihood of an adverse effect on Bats. It is an offence under the Wildlife Act 1953 to disturb or destroy the nest of any protected wildlife (Section 63(1)(c)). Compliance with the industry guidelines will aid the Consent Holder in complying with the Wildlife Act 1953.

[3] North West Rapid Transit Decision, Resource Consent Condition 'ALL 4 – Certification'.

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
DES43B	The Approval Holder shall review the EcMP and resubmit it to Auckland Council for certification on or before each date that is 10 years from the Approval date, unless the activities managed by the EcMP are completed before the 10-year review period, in which case the LMP review and resubmission is not necessary. The purpose of the review is to reassess habitat conditions, habitat extent and characteristics and update the EcMP to reflect current species knowledge and best practice. Any proposed amendment to the EcMP must: (a) be prepared by a suitably qualified and experienced person; (b) be for the purpose set out above; and (c) meet the objectives of the EcMP and the requirements set out in condition DES43A.	Duration of approvals sought: The potentially long timescale of the project and the approvals sought (a 10 year lapse and a 15 year duration for the resource consent and watercourse works) makes the management of ecological effects across the entire lifetime of the project difficult to understand at the time of lodgement. The environment will change and potentially, the threat status of species present may also change over the lifetime of the consent. In this instance when approvals are being granted and relevant management plans approved through this Fast Track process, DOC notes the approach taken by the applicant in relation to the Wildlife Approval could be appropriate. The Wildlife Approval includes a condition that the lizard management plan is reviewed after 10 years to ensure it is still appropriate, relevant and using best practice of the time. A similar such approach could be appropriate for the other approvals which include reliance on a management plan.
DES44	**Landscape and Ecological Planting** The Requiring Authority must implement and maintain landscape and ecological planting in accordance with Figure C: Landscape Mitigation and Ecology Enhancement Plan (LMEEP). The landscape and ecological planting must be implemented in accordance with the following timeframes:	DOC submits that the condition does not provide sufficient certainty regarding the timing and extent of planting required. The repeated use of the term "implemented" creates ambiguity as to whether the planting must be fully established on the ground, substantially completed, or merely commenced. Greater precision is particularly important for planting relied upon to provide mitigation, offsetting and compensation for ecological effects. The condition

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
	(e) Visual screen planting (as identified on the LMEEP) must be ~~implemented~~ completed within the first two planting seasons from [date the designation alteration is confirmed] except for the 10 metre-wide 'future planting strip' in the north-western corner of the LMEEP which must be implemented as soon as practicable, within the first planting season, following completion of ~~site~~ earthworks within and adjacent to the future planting strip. (f) Watercourse offset planting, Watercourse compensation planting and Wetland compensation planting (as identified on the LMEEP) must be ~~implemented~~ completed prior to the loss of any intermittent or permanent watercourse. (g) The balance of the planting (required under the LMEEP) must be ~~implemented~~ completed progressively and must be completed no later than ten years after [date the designation alteration is confirmed]. (h) Existing planting within 3 metres of site boundaries at [date the designation alteration is confirmed] must be maintained until such time as the new planting is completed. Except that: (i) Area C can include balance land activities as set out in Condition DES04. Within Area C, those areas occupied by cultural buildings, infrastructure and services, energy generation and storage facilities need not be planted. (j) Within planting areas: a. access tracks can be provided, including existing access tracks along watercourse 6 to provide for planting implementation, maintenance, weed and pest control and security. b. stormwater management devices can be provided (and need not be planted).	should therefore be amended to specify the standard to be met within each timeframe. An amendment to include reference to the planting density required by the LEIMP has also been sought for consistency across the conditions. The Department considers that watercourse offset planting should have some time to establish before the loss of any intermittent or permanent watercourse to achieve the intended offset of adverse effect. The Department considers that given the intended time for construction of this project, that this is not an onerous request.

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
	c. the visual screen planting over the carriageway of Iona Avenue access point can be removed and reinstated as necessary for construction traffic access. In visual screen planting areas, these activities listed in DES44(j) must not compromise the purpose of the visual screen planting. (k) Existing planting may be removed to facilitate construction of operational access 1 (western access) where necessary. (l) Where planting is required to be removed for construction works or earthworks it must be replanted within the next planting season following the completion of the work. (m) Planting species mix may be refined in detailed planting plans to maintain integrity of existing services on-site, including gas pipelines and electricity lines, in consultation with relevant utility service providers. (n) Planting densities must be maintained and planned to achieve the criteria set out by DES45. The exceptions in clause (i) to (m) above do not apply to Watercourse offset planting, Watercourse compensation planting and wetland compensation areas identified on Figure C: LMEEP.	
DES45	**Landscape and Ecology Implementation and Management Plan (LEIMP)** The Requiring Authority must undertake planting and maintenance of planted areas in accordance with the Landscape and Ecology Implementation and Management Plan (LEIMP) prepared by Boffa Miskell, dated 26 March 2026 (or any subsequent **updated** LEIMP prepared by a suitably qualified and experienced landscape or ecology	DOC acknowledges that the key tenets of a "fit for purpose" management plan condition are[4]: 1. A requirement to prepare it by a suitably qualified person;

[4] Ōpunake Solar Farm Project Record of Decision of the Expert Consenting Panel under Clause 37 of Schedule 6 of the Covid-19 Recovery (Fast Track Consenting) Act 2020 (2024), p 22.

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
	professional(s), and certified by Auckland Council in accordance with the process set out in conditions DES33 to DES37). The objective of the LEIMP is to provide detailed information regarding planting and maintenance of planted areas, protection and enhancement of existing ecological features (including wetlands, watercourses, and areas of indigenous vegetation), and to ensure that proposed land use and planting activities are consistent with the objectives of the LMEEP. The LEIMP includes the following: (a) A planting schedule identifying species (botanical and common names), plant numbers, locations, spacings, grades at time of planting, and timing for planting implementation; (b) Identification of existing vegetation to be retained and augmented where required; (c) Details of timing, site preparation and planting methodology; (d) Planting for riparian enhancement of streams, wetlands and coastal margins; (e) Promotion of the use of eco-sourced native species; (f) Details of proposed fencing and pest animal and pest plant control measures; (g) A plan for the ongoing maintenance and monitoring of planting, including success criteria and a process for replacement planting if required; (h) Confirmation that low flammability planting species will be used within 20 metres of the external clear zone (as shown on the LMEEP); (i) An explanation of how cultural input and advice has been incorporated (including opportunity for Iwi to provide feedback on plant species and details);	2. A requirement to be consistent with the conditions and to provide for all the required elements of the relevant conditions; 3. A clear objective, a stated scope and performance management requirements; 4. Specification of a process for council certification; 5. Specification of process for amending a certified plan; and 6. A requirement to comply with the management plan once certified. DOC acknowledges the assessment made by the Panel in paragraph [695] of the Draft Decision. However, the process allows for a LEIMP different to that included in the substantive application to be submitted to Council and certified. DOC proposes the inclusion of the Management Plan objectives to be retained within the condition to enable the assurance that the effects to be managed through the LEIMP are addressed. DOC considers this is standard practice condition drafting and should be accepted given the Applicant's reliance on management plans. For consistency, DOC seeks this retention across all Designation and Consent conditions proposed. The Department has sought the addition of an industry standard requirement for planting maintenance to ensure that the planting is maintained to an 80% canopy closure and 90% minimum survival rate. This

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
	(j) An explanation of how the LEIMP integrates with the EcMP (including pest management measures); and (k) A requirement that maintenance continues until at least 80% canopy closure and a minimum plant survival rate of 90% of the original planting density has been achieved. The maintenance period must be a minimum of five (5) years, or until 80% canopy closure is achieved, and must include the replacement of plants that do not survive. ~~The objective of the LEIMP is to provide detailed information regarding planting and maintenance of planted areas, protection and enhancement of existing ecological features (including wetlands, watercourses, and areas of indigenous vegetation), and to ensure that proposed land use and planting activities are consistent with the objectives of the LMEEP. The LEIMP includes the following:~~ ~~(a) A planting schedule identifying species (botanical and common names), plant numbers, locations, spacings, grades at time of planting, and timing for planting implementation;~~ ~~(b) Identification of existing vegetation to be retained and augmented where required;~~ ~~(c) Details of timing, site preparation and planting methodology;~~ ~~(d) Planting for riparian enhancement of streams, wetlands and coastal margins;~~ ~~(e) Promotion of the use of eco-sourced native species;~~ ~~(f) Details of proposed fencing and pest animal and pest plant control measures;~~	standard was adopted in the Drury Quarry Fast Track Decision[5].

[5] Drury Quarry Project Fast Track Decision – Resource Consent Condition 67(g).

Condition #	Draft condition with track-changed suggestions	Comments and reasoning
	~~(g) A plan for the ongoing maintenance and monitoring of planting, including success criteria and a process for replacement planting if required;~~ ~~(h) Confirmation that low flammability planting species will be used within 20 metres of the external clear zone (as shown on the LMEEP);~~ ~~(i) An explanation of how cultural input and advice has been incorporated (including opportunity for Iwi to provide feedback on plant species and details); and~~ ~~(j)(a) An explanation of how the LEIMP integrates with the EcMP (including pest management measures).~~	
DES45A	The Approval Holder shall review the LEIMP and resubmit it to Auckland Council for certification on or before each date that is 10 years from the Approval date, unless the activities managed by the LEIMP are completed before the 10-year review period, in which case the review and resubmission is not necessary. The purpose of the review is to reassess habitat conditions, habitat extent and characteristics and update the LEIMP to reflect current species knowledge and best practice. Any proposed amendment to the LEIMP must: (a) be prepared by a suitably qualified and experienced person; (b) be for the purpose set out above; and (c) meet the objectives of the LEIMP and the requirements set out in condition DES45.	Duration of approvals sought: The potentially long timescale of the project and the approvals sought (a 10 year lapse and a 15 year duration for the resource consent and watercourse works) makes the management of ecological effects across the entire lifetime of the project difficult to understand at the time of lodgement. The environment will change and potentially, the threat status of species present may also change over the lifetime of the consent. In this instance when approvals are being granted and relevant management plans approved through this Fast Track process, DOC notes the approach taken by the applicant in relation to the Wildlife Approval could be appropriate to apply to other management plans. The Wildlife Approval includes a condition that the lizard management plan is reviewed after 10 years to ensure it is still appropriate, relevant and using best practice of the time. A similar such approach could be appropriate for the other approvals which include reliance on a management plan.