28 September 2026

Auckland Prison Capacity Increase Expert Panel
c/- Environmental Protection Authority
Substantive@fasttrack.govt.nz

Auckland Prison Capacity Increase (FTAA-2603-1179): Comments on draft conditions

Tēnā koutou,

Ngā Maunga Whakahii o Kaipara Development Trust (the 'Trust') provides these comments on behalf of Ngāti Whātua ki Kaipara and Te Taoū.

Ngāti Whātua ki Kaipara and Te Taoū maintains its **opposition** to the application due to the permanent piping and reclamation of Watercourses 1 and 2 would reclaim approximately 238m of stream within Te Taoū's ancestral and cultural landscape. The proposed freshwater ecology measures, including improved fish passage and landscape planting, are supported. However, they do not address the permanent loss of the watercourses or the resulting effects on the cultural values, associations and relationship of Ngāti Whātua ki Kaipara and Te Taoū to the cultural landscape, Pāremoremo creek and the Waitematā. For these reasons, the application cannot be supported.

The Trust acknowledges the amendments to the draft conditions, particularly designation conditions DES50-52, which establish an Iwi Forum and provide opportunities for mana whenua involvement in the implementation and monitoring of archaeological, ecological and landscape measures. The increase of the protected area around archaeological site R10/831 from 10 to 20m in conditions DES21 and DES22 is also acknowledged and supported.

As set out in our Cultural Statement, we acknowledge the shared whakapapa and association of Te Kawerau ā Maki to Pāremoremo and will continue to work collaboratively with them. We oppose the inclusion of Ngāti Whanaunga, whose rohe is in Hauraki, as a member of the Iwi Forum at Pāremoremo. We support the participation of Te Kawerau ā Maki, with whom we share connections to this area, and request that Ngaati Whanaunga be removed from condition DES50(3).

It is considered that further amendments are required to ensure the Iwi Forum operates effectively and is appropriately responded to during implementation for the duration of the works. The recommended changes to the conditions are detailed in **Attachment 1**.

Nāku noa, nā



Ngārimu Blair
Tumu Whakarae – Chief Executive

Attachment 1 – Amendments to Conditions

Designation Conditions

Iwi Forum

Ngāti Whātua ki Kaipara supports condition DES50 that requires the establishment of an Iwi Forum to provide ongoing input by mana whenua during the implementation of this consent in relation to cultural, archaeological, ecological and landscape matters. A minor amendment is recommended to condition DES50 and DES35 to ensure mana whenua is also provided for should changes to certified management plans be required. The recommended changes are detailed below.

Ngāti Whātua ki Kaipara and Te Taoū remain opposed to the inclusion of Ngaati Whanaunga as a required member of the Iwi Forum under condition DES50(3). Ngaati Whanaunga are from the Hauraki district, and we do not support their inclusion in a condition intended to provide for mana whenua involvement at Pāremoremo. We support the participation of Te Kawerau ā Maki, with whom we share connections to this area. We therefore request that DES50(3)(b)(iv), which names Ngaati Whanaunga, be deleted.

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. Where a proposed amendment relates to a matter within the scope of Condition DES50(2)(c), the Requiring Authority must first provide it to the [Iwi Forum] and allow at least 10 working days for feedback. The submission to the Council must include any feedback received, identify how it has been incorporated, and give reasons where it has not been incorporated.

...

	Iwi Forum
DES50	(1) The Requiring Authority must establish a [Iwi Forum] within four months of [date the designation alteration is confirmed]. (2) The purpose of the [Iwi Forum] is to recognise and provide: (a) For the relationship between the Requiring Authority and mana whenua of Pāremoremo; (b) For the relationship of mana whenua with the land within the Auckland Prison site; (c) A forum for discussion, cultural input and collaboration on the following matters: (i) The implementation of mitigation measures for cultural, archaeological, ecological and landscape matters associated with the construction of new prison facilities; and (ii) The implementation and monitoring of management plans, including proposed non-minor amendments to those plans, and the sharing of monitoring results, reporting and project updates with mana whenua. (3) The [Iwi Forum] must include: (a) A representative(s) from Auckland Prison and other Corrections representatives; (b) A representative from each of the following: (i) Te Rūnanga o Ngāti Whātua; (ii) Ngāti Whātua o Kaipara; and ~~(iii)~~ Te Kawerau ā Maki; ~~and~~ ~~(iv)~~(iii) ~~Ngaati Whanaunga~~. (4) The [Iwi Forum] may include a representative from each of the following, should they wish to participate: (a) Ngāti Whātua Ōrākei (represented by the Ngāti Whātua o Ōrakei Trust Board) (b) Ngāi Tai ki Tāmaki (represented by the Ngāi Tai ki Tāmaki Trust)

(c) Ngāti Pāoa (represented by the Ngāti Pāoa Iwi Trust)

(d) Ngāti Tamaterā (represented by the Ngāti Tamaterā Treaty Settlement Trust)

(e) Ngāti Maru (represented by the Ngāti Maru Rūnanga Trust).

(5) The [Iwi Forum] will:

(a) Facilitate cultural input into the implementation of:

(i) Protection of archaeological feature R10/831 referred to in condition DES21;

(ii) Accidental discovery procedures referred to in condition DES22;

(iii) Implementation and monitoring of the Ecological Management Plan (EcMP) and Lizard Management Plan (LMP) referred to in conditions DES43A and DES43B;

(iv) Implementation and monitoring of the Landscape and Ecology Implementation and Management Plan (LEIMP) referred to in condition DES45; and

(v) Cultural monitoring during key project construction milestones in accordance with condition DES52~~1~~.

(b) Operate for a period of 10 years from [date the designation alteration is confirmed] or until relevant conditions listed in DES50(5)(a) are implemented.

(c) Confirm a joint management agreement and/or operational terms of reference and elect the chairperson within six months of [date the designation alteration is confirmed], which will reflect the designation conditions and include:

(i) Purpose to reflect the matters in DES50(2).

(ii) The members and composition in accordance with DES50(3) and (4) requirements.

(iii) Roles and responsibilities including a rotating chair arrangement responsible for facilitation.

(iv) Record of the ability of members to replace its representatives, and for the members representatives to seek input and direction from their constituent group.

(v) Frequency of meetings.

(vi) Administrative support including secretariat provided by the Requiring Authority.

(vii) Decision-making processes.

(viii) Remuneration.

(ix) Process for reviewing or amending the joint management agreement and/or operational terms of reference to improve the effectiveness of the [Iwi Forum].

(x) Naming of the group.

(6) The Requiring Authority must:

(a) be responsible for preparing the joint management agreement and/or operational terms of reference with input from the members.

(b) facilitate a meeting of the [Iwi Forum] at least every six months, or more or less frequently if requested by the majority of members.

(c) provide reasonable administrative support to facilitate the functioning of the [Iwi Forum], including venue, meeting coordination, and distribution of materials.

(d) prepare a record of the actions agreed at each meeting.

(e) review the effectiveness and relevance of the [Iwi Forum] annually, with feedback from members; and

(f) as necessary, review and update the terms of reference, with input from members.

Advice Note~~s~~:

	• *The establishment of the [Iwi Forum] does not replace existing relationships or individual relationship agreements between the requiring authority and whānau, hapū and iwi of the whenua on which the Auckland Prison site is situated.* • *The name of the [Iwi Forum] will be determined by the group as part of the Terms of Reference.*

Cultural monitoring and watercourse works

The applicant maintains that the reclamation of Watercourses 1 and 2 is necessary for the operation of the prison. As set out above, there will be a permanent loss of values associated with those waterbodies. Should the works proceed, suitable opportunities for Ngāti Whātua ki Kaipara and Te Taoū should be provided for to undertake cultural monitoring. As drafted, DES52 does not provide opportunities for mana whenua involvement during physical works, including cultural monitoring, associated with the reclamation of those streams. The following amendment is recommended to DES52.

	Cultural monitoring
DES52	The Requiring Authority must provide members of the [Iwi Forum] with reasonable opportunities to undertake karakia at commencement of the physical works on site, and cultural monitoring during key project construction milestones associated with the Auckland Prison Capacity increase proposal. Cultural monitoring must occur at the following key stages of the project: (a) **Commencement of planting activities**, including site preparation associated with proposed landscape mitigation and ecological enhancement planting. (b) **Commencement of earthworks**, including any topsoil stripping in Area C (previously undeveloped areas of the Auckland Prison site). ~~(b)~~(c) **Commencement of watercourse works,** including the diversion, piping and reclamation of Watercourses 1 and 2 and the fish passage works at Watercourse 6. This includes provision of safe and reasonable access to the site for cultural monitoring in relation to key project construction milestones, as set out above, including participation in relevant ecological and archaeological inductions. The Requiring Authority must notify the [Iwi Forum] in writing at least 10 working days prior to each milestone listed above, unless otherwise agreed in writing. Notification must include: (a) The proposed date and time of the activity. (b) A description of the works to be undertaken. (c) Site plans or locations for monitoring access. (d) Health and safety requirements for site access.

Authority to Modify Conditions

Consistent with our comments on condition DES50, Ngāti Whātua ki Kaipara and Te Taoū oppose Ngaati Whanaunga being named as a relevant iwi for tikanga protocols associated with archaeological works at Pāremoremo. We support the involvement of Te Kawerau ā Maki, with whom we share connections to this area. We therefore request that the reference to Ngaati Whanaunga be deleted from condition AA04.

AA04	**Tikanga** Archaeological work must be undertaken in conformity with any tikanga Māori protocols agreed between the Authority Holder and Te Kawerau ā Maki, Ngāti Whātua o Kaipara, ~~Ngaati Whanaunga~~ and Te Rūnanga o Ngāti Whātua (relevant iwi). In addition:

	a. Relevant iwi must be advised when archaeological works will begin at least two working days prior. b. The Authority Holder shall enable access for relevant iwi to any archaeological site encountered in order to undertake tikanga subject to any health and safety requirements. c. If any possible taonga or Māori artefacts are encountered, relevant iwi shall be informed to enable appropriate tikanga to be undertaken, so long as all statutory requirements under the Heritage New Zealand Pouhere Taonga Act 2014 and the Protected Objects Act 1975 are met. d. If any archaeological site is encountered and works modifying or destroying the archaeological site are undertaken, relevant iwi shall be provided with a copy of any reports completed under Condition AA11 and be given an opportunity to discuss it with the section 45 Approved Person if required. e. Relevant iwi must be advised of the completion of archaeological works within two working days of completion.