

Before the Expert Panel

FTAA-2026-1179

Under the Fast-track Approvals Act 2024

In the matter of the substantive application by the Department of
Corrections for approvals for the Auckland Prison
Capacity Increase listed project

**Second Memorandum of Counsel on behalf of
the Department of Corrections: Cultural Matters Update
Date: 26 June 2026**



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Introduction

- 1 The purpose of this memorandum is to provide the Expert Panel for the Auckland Prison Capacity Increase Proposal Application with:
 - 1.1 A copy of the Te Rūnanga o Ngāti Whātua Cultural Values Assessment for the Auckland Prison Capacity Increase Proposal (*containing sensitive information and not to be made publicly available*); and
 - 1.2 The proposed additional designation conditions (DES50 – DES52) proposed by Department of Corrections (**Corrections**) in response to the matters raised in the Cultural Values Assessment and during consultation with iwi/mana whenua.

Te Rūnanga o Ngāti Whātua Cultural Values Assessment

- 2 The substantive application, submitted on 1 April 2026, included a Māori Consultation and Cultural Values Assessment prepared by Whetū Consulting (Volume 1, Appendix 1F) (**Whetū Report**). Included within the Whetū Report (at Appendix C) was the Cultural Values and Impact Assessment by Ngaati Whanaunga. A draft version of the Cultural Values Assessment prepared by Te Rūnanga o Ngāti Whātua was referred to in the Whetū Report, but the finalised version had not been received by the Applicant team at the time of lodgement.
- 3 Following lodgement of the substantive application, Corrections received an updated version of the Cultural Values Assessment from Te Runanga o Ngāti Whātua, which requests the establishment of a Mana Whenua Working Group and clear enforceable conditions on cultural matters. A copy of this report is now provided to the Expert Panel in **Attachment 1** to this memorandum. *It is requested that due to sensitivity of information contained within the report, the report is not made publicly available.*

Proposed additional designation conditions

- 4 The Whetū Report provides a recommendation (at Tables 5 and 6) for continued engagement with four iwi/mana whenua in the Auckland Prison proposal and for formalised arrangements. The four iwi/mana whenua groups are those that actively participated in the pre-lodgement engagement being Te Kawerau ā Maki, Ngāti Whātua o Kaipara, Te Rūnanga o Ngāti Whātua and Ngaati Whanaunga.

- 5 The Whetū Report (at paragraph 143) also recognises that outside of those four iwi/mana whenua, an additional five have an actual and potential association with Auckland Prison and Pāremoremo area. These iwi are:
- 5.1 Ngāi Tai ki Tāmaki (represented by the Ngāi Tai ki Tāmaki Trust)
 - 5.2 Ngāti Pāoa (represented by the Ngāti Pāoa Iwi Trust)
 - 5.3 Ngāti Tamaterā (represented by the Ngāti Tamaterā Treaty Settlement Trust)
 - 5.4 Ngāti Maru (represented by the Ngāti Maru Rūnanga Trust); and
 - 5.5 Ngāti Whātua Ōrākei (represented by the Ngāti Whātua o Ōrākei Trust Board).
- 6 In response to the recommendations in the Whetū Report and the Cultural Values Assessment (**CVA**) from Te Runanga o Ngāti Whātua received post lodgement, Corrections is now proposing new designation conditions for the establishment of an iwi forum¹ supplemented by an additional designation condition providing for cultural monitoring opportunities at key stages.
- 7 The approach of using designation conditions is appropriate, as opposed to another form of formal arrangement or a collective agreement with Iwi that sits outside of the designation, because the designation conditions:
- 7.1 Provide a clear, enforceable statutory mechanism for engagement and cultural input (the requirement is legally binding, time bound and not dependent on separate agreement negotiations, and the approach gives the requiring authority, mana whenua, Expert Panel and the Council the confidence that engagement will occur and will be resourced).
 - 7.2 Align with the jurisdiction of the Expert Panel, with a focus on environmental and cultural matters relevant to the designation alteration being sought under the FTAA.

¹ Name to be confirmed once the forum has been established

- 7.3 Directly respond to the requests for a Mana Whenua Working Group and enforceable conditions by Iwi (including Te Runanga o Ngāti Whātua) and gives certainty to the Expert Panel that cultural matters can be addressed.
 - 7.4 Establish a single, inclusive forum for engagement with iwi.
 - 7.5 Enable ongoing dialogue throughout imminent landscaping and future design and construction phases for new prison facilities, and reflects tikanga-based engagement.
 - 7.6 Provide transparency and accountability with clear expectations on how the group will operate, with a transparent record of engagement for compliance and monitoring purposes.
 - 7.7 Provide clarity on the engagement mechanism and allow Corrections to proceed with planting implementation from mid 2027 with certainty while still meeting cultural engagement obligations.
 - 7.8 Utilise an approach that is familiar to Corrections and Iwi, with the TWLG type arrangement being a common mechanism for ongoing mana whenua engagement at other Corrections' facilities (including at Auckland Regional Women's Corrections Facility/Auckland South Corrections Facility and Waikeria Prison), and for other infrastructure projects within Tamaki Makaurau.
- 8 The proposed new designation conditions (DES50, DES51 and DES52), are set out in **Attachment 2** to this memorandum. The conditions generally follow the same format as the Community Liaison Group proposed condition (DES46). In summary the proposed conditions require:
- 8.1 **DES50 Iwi Forum** (final name to be confirmed once forum established)
 - (a) Establishment of the Iwi Forum within four months of the designation being confirmed, with terms of reference confirmed within six months of the designation being confirmed. Timeframes for establishment allow iwi/mana whenua to input into

planting at the Auckland Prison site, anticipated to commence from May 2027 onwards.²

- (b) Representatives from Auckland Prison and Te Rūnanga o Ngāti Whātua, Ngāti Whātua o Kaipara, Te Kawerau ā Maki, and Ngaati Whanaunga on the Iwi Forum (being those iwi who have actively engaged and confirmed their close association with the Pāremoremo area during consultation on the proposal).
- (c) A specified purpose for the Iwi Forum as a mechanism for discussion, cultural input and collaboration on cultural, archaeological, ecological and landscape matters associated with the construction of new prison facilities.
- (d) A clear process and delineation of roles and responsibilities between Auckland Prison representatives and Iwi Forum members.

8.2 **DES51 Not in Breach Condition**

- (a) Specifies that the Requiring Authority shall not be in breach of condition DES50 if any one or more of the named groups specified in Condition DES50 either do not wish to attend particular meetings or be members of the Iwi Forum.

8.3 **DES52 Karakia and Cultural Monitoring**

- (a) A new condition which requires Corrections (as requiring authority) to 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.
- (b) The conditions have been drafted to align with the approach and structure of the other proposed designation conditions, and in accordance with the

² Noting also that workshops with Iwi on detailed planting design are also programmed to occur mid-2025.

guiding principles set out in Section 2.0 and the SMART criteria set out in Section 3.1 of the Conditions Summary Report (Volume 6).

- 9 The conditions have also been developed and refined with input from James Whetū (Cultural Advisor), Corrections Deputy Chief Executive Māori –Tumu Herenga and Māori Partnerships Team representatives.
- 10 In particular, the proposed condition wording has been refined based on Corrections' representatives experience and lessons learned implementing the conditions related to the Tangata Whenua Committee at Auckland Regional Women's Corrections Facility/ Auckland South Corrections Facility and Tangata Whenua Working Group at Waikeria Prison. A summary of key lessons learned is provided below:
 - 10.1 The need to establish a clear, finite mandate aligned to the physical works on the prison site.
 - 10.2 Directly connect the purpose of the iwi forum to input and completion of the cultural, ecological, landscaping, archaeological matters which directly relate to the designation conditions.
 - 10.3 Set strong foundations early: joint management agreement and/or operational terms of reference, and expectations of scope.
 - 10.4 Keep membership targeted, committed, and manageable.
 - 10.5 Design leadership structures that support balance and effectiveness.
 - 10.6 Resource the group appropriately including with a Corrections appointed secretariat for record keeping and transparency.
- 11 The proposed conditions have been developed and refined based on the above lessons to improve the condition wording and effectiveness of the proposed iwi forum at Auckland Prison.
- 12 It is considered that other conditions recommended by Te Rūnanga o Ngāti Whātua in Section 7.0 of its Cultural Values Assessment are already addressed in the lodged substantive application as outlined in the table provided in **Attachment 3** to this memorandum. These

matters were discussed with Ihapera Paniora of Te Rūnanga o Ngāti Whātua at a hui held on 8 May 2026. On 24 June 2026, Te Rūnanga o Ngāti Whātua confirmed that the proposed conditions and approach outlined in **Attachment 3** satisfactorily address the recommendations in the CVA report, subject to some minor amendments to condition wording outlined in **Attachment 3** to this memorandum. Where suggested amendments by Te Rūnanga o Ngāti Whātua have not been agreed to by Corrections, the reasoning is provided in **Attachment 3**.

- 13 Corrections has provided a copy of the additional conditions and refinements to existing proposed condition DES22 (discovery of sensitive material) to the Expert Panel in a timely manner, in order to enable Iwi/mana whenua the opportunity to comment on the proposed condition wording during the Section 53 comment period.
- 14 Following the Section 53 comments period, the Applicant intends to supply an updated suite of the proposed designation conditions which will include new conditions DES50, DES51 and DES52, and the amendments to DES22, alongside any other amendments proposed in response to comments from invited parties.

Date: 26 June 2026



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Attachment 1 – Te Rūnanga o Ngāti Whātua Cultural Values Assessment

[Provided separately]

Attachment 2 Proposed New Designation Conditions on Cultural Matters

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

<u>Condition Reference</u>	<u>Iwi Forum</u>
	(c) <u>Ngāti Pāoa (represented by the Ngāti Pāoa Iwi Trust)</u> (a) <u>Ngāti Tamatera (represented by the Ngāti Tamatera Treaty Settlement Trust)</u> (b) <u>Ngāti Maru (represented by the Ngāti Maru Rūnanga Trust).</u> (1) <u>The [Iwi Forum] will:</u> (a) <u>Facilitate cultural input into the implementation of:</u> (i) <u>Protection of archaeological feature R10/831 referred to in condition DES21;</u> (ii) <u>Accidental discovery procedures referred to in condition DES22;</u> (iii) <u>Implementation and monitoring of the Ecological Management Plan (EcMP) and Lizard Management Plan (LMP) referred to in conditions DES43A and DES43B;</u> (iv) <u>Implementation and monitoring of the Landscape and Ecology Implementation and Management Plan (LEIMP) referred to in condition DES45; and</u> (v) <u>Cultural monitoring during key project construction milestones in accordance with condition DES51.</u> (b) <u>Operate for a period of 10 years from [date the designation alteration is confirmed] or until relevant conditions listed in DES50(5) are implemented.</u> (c) <u>Confirm the 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:</u> (i) <u>Purpose to reflect the matters in DES50(2).</u> (ii) <u>The members and composition in accordance with DES50(3) and (4) requirements.</u> (iii) <u>Roles and responsibilities including a rotating chair arrangement responsible for facilitation.</u> (iv) <u>Record of the ability of members to replace its representatives, and for the members representatives</u>

<u>Condition Reference</u>	<u>Iwi Forum</u>
	<u>to seek input and direction from their constituent group.</u> (v) <u>Frequency of meetings.</u> (vi) <u>Administrative support including secretariat provided by the Requiring Authority.</u> (vii) <u>Decision-making processes.</u> (viii) <u>Remuneration.</u> (ix) <u>Process for reviewing or amending the joint management agreement and/or operational terms of reference to improve the effectiveness of the [Iwi Forum].</u> (x) <u>Naming of the group.</u> (2) <u>The Requiring Authority shall:</u> (a) <u>be responsible for preparing the joint management agreement and/or operational terms of reference with input from the members.</u> (b) <u>facilitate a meeting of the [Iwi Forum] at least every six months, or more or less frequently if requested by the majority of members.</u> (c) <u>provide reasonable administrative support to facilitate the functioning of the [Iwi Forum], including venue, meeting coordination, and distribution of materials.</u> (d) <u>prepare a record of the actions agreed at each meeting.</u> (e) <u>review the effectiveness and relevance of the [Iwi Forum] annually, with feedback from members; and</u> (f) <u>as necessary, review and update the terms of reference, with input from members.</u> <u>Advice Note:</u> (a) <u>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.</u> (b) <u>The name of the [Iwi Forum] will be determined by the group as part of the Terms of Reference.</u>

<u>Condition Reference</u>	<u>Iwi Forum</u>
<u>DES51</u>	<u>The Requiring Authority shall not be in breach of condition DES50 if any one or more of the named groups specified in Condition DES50 either do not wish to attend meetings or be members of the [Iwi Forum].</u>
	<u>Cultural monitoring</u>
<u>DES52</u>	<u>The Requiring Authority shall 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 shall occur at the following key stages of the project:</u> (a) <u>Commencement of planting activities, including site preparation associated with proposed landscape mitigation and ecological enhancement planting.</u> (b) <u>Commencement of earthworks, including any topsoil stripping in Area C (previously unmodified areas of the Auckland Prison site).</u> <u>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.</u> <u>The Requiring Authority shall notify the [Iwi Forum] in writing at least 10 working days prior to each milestone listed above, unless otherwise agreed in writing. Notification shall include:</u> (a) <u>The proposed date and time of the activity.</u> (b) <u>A description of the works to be undertaken.</u> (c) <u>Site plans or locations for monitoring access.</u> (d) <u>Health and safety requirements for site access.</u>

Attachment 3 Response to other matters raised in Te Rūnanga o Ngāti Whātua Cultural Values Assessment

Conditions recommended by Te Rūnanga o Ngāti Whātua (reflected in Section 7 of the CVA)	Corrections response	Proposed Conditions included in lodged Substantive Application (with proposed new additions shown in <u>underline</u>)	Response to Te Rūnanga o Ngāti Whātua recommendations
1. Cultural monitoring by iwi during all earthworks and site disturbance	Proposed condition AA06 for the Archaeological Authority provides opportunities for cultural monitoring, including opportunities for a site visit for relevant Iwi to see the protection measures in place for site R10/831 and undertake karakia prior to works commencing.	<u>Condition AA06</u> In addition to Conditions AA03 and AA04 and any tikanga agreed to between the authority holder, Relevant Iwi provided with the authority application, the following shall apply: (a) Access for Relevant Iwi shall be enabled in order to undertake tikanga consistent with any requirements of site safety; (b) Relevant Iwi shall be informed 48 hours before the start and finish of the archaeological work; (c) If any kōiwi (human remains) are encountered, all work should cease within 5 metres of the discovery. The Heritage New Zealand Pouhere Taonga Senior Archaeologist, New Zealand Police, Relevant Iwi must be advised immediately in accordance with Guidelines for Kōiwi Tangata/Human Remains (AGS8 2010) and no further work in the area may take place until future actions have been agreed by all parties; (d) Relevant Iwi shall be informed if any possible taonga or Māori artefacts are identified to enable appropriate tikanga to be undertaken, so long as all statutory requirements under the Heritage New Zealand Pouhere	Additional proposed condition DES52 to provide opportunities for cultural monitoring (Attachment 2 to this memorandum). Te Rūnanga o Ngāti Whātua indicated support for additional proposed condition DES52 (cultural monitoring) on 24 June 2026.

Conditions recommended by Te Rūnanga o Ngāti Whātua (reflected in Section 7 of the CVA)	Corrections response	Proposed Conditions included in lodged Substantive Application (with proposed new additions shown in <u>underline</u>)	Response to Te Rūnanga o Ngāti Whātua recommendations
		Taonga Act 2014 and the Protected Objects Act 1975 are met; and (e) Relevant Iwi shall be provided with a copy of any reports completed as a result of the archaeological work associated with this authority and be given an opportunity to discuss it with the approved person if required. For the purposes of this condition Relevant Iwi are identified as: • Te Kawerau ā Maki; • Ngāti Whātua o Kaipara; • Ngaati Whanaunga; and • Te Rūnanga o Ngāti Whātua.	
2. A robust accidental discovery protocol that is agreed and provides for immediate cessation of works where koiwi, taonga, or archaeological material is uncovered.	Designation condition DES22 outlines procedures to be followed in the event of discovery of sensitive material which includes ceasing works and contacting mana whenua, in the event of a discovery, consistent with the accidental discovery	<u>Condition DES22 Accidental Discovery Protocol</u> In the event of sensitive material being uncovered during the course of any land disturbance or other works within the Auckland Prison Site, the requiring authority shall take the following steps: (a) Cease works and secure the area (i) Immediately cease all works within 20m of any part of the discovery, including shutting down all earth	Additional conditions DES50 and DES51 for [Iwi Forum] (Attachment 2 to this memorandum). Amendments to DES22(d)(i) and (v) have been proposed as suggested by Te Rūnanga o Ngāti Whātua.

Conditions recommended by Te Rūnanga o Ngāti Whātua (reflected in Section 7 of the CVA)	Corrections response	Proposed Conditions included in lodged Substantive Application (with proposed new additions shown in <u>underline</u>)	Response to Te Rūnanga o Ngāti Whātua recommendations
	protocols for the Auckland Unitary Plan.	disturbing machinery and stopping all earthmoving activities. (ii) Secure the area of the discovery, including a sufficient buffer area to ensure that all sensitive material remains undisturbed. (b) Inform tangata whenua and the following relevant authorities immediately of the discovery (i) The New Zealand Police, if the discovery is of human remains or kōiwi. (ii) Auckland Council, in all cases. (iii) Heritage New Zealand Pouhere Taonga, if the discovery is an archaeological site, Māori cultural artefact, human remains or kōiwi. (c) Wait for and enable an inspection of the site (i) Wait for and enable an inspection of the site by tangata whenua and the relevant authorities. (ii) The requiring authority shall arrange an inspection of the area by a suitably qualified and experienced archaeologist ("the archaeologist"). (iii) Following the inspection by the archaeologist and consultation with all relevant parties (including the	Te Rūnanga o Ngāti Whātua confirmed by email on 24 June 2026 that the proposed accidental discovery protocol outlined in condition DES22 (with the proposed changes) satisfactorily addresses the recommendation.

Conditions recommended by Te Rūnanga o Ngāti Whātua (reflected in Section 7 of the CVA)	Corrections response	Proposed Conditions included in lodged Substantive Application (with proposed new additions shown in <u>underline</u>)	Response to Te Rūnanga o Ngāti Whātua recommendations
		requiring authority), and based on the expert cultural advice of tangata whenua, the archaeologist shall will determine the area within which work must cease. (d) Recommencement of work (i) Work within the area determined by the archaeologist in (c)(iii) above <u>and in consultation with tangata whenua</u> must not recommence until all of the following requirements, so far as relevant to the discovery, have been met: (ii) Heritage New Zealand Pouhere Taonga has confirmed that an archaeological authority has been granted for the work or that none is required. (iii) Any required notification under the Protected Objects Act 1975 has been made to the Ministry for Culture and Heritage. (iv) Any material of scientific or educational importance must be recorded and if appropriate, recovered and preserved. The recovery or preservation of any archaeological material will require an authority under the Heritage New Zealand Pouhere Taonga Act 2014.	

Conditions recommended by Te Rūnanga o Ngāti Whātua (reflected in Section 7 of the CVA)	Corrections response	Proposed Conditions included in lodged Substantive Application (with proposed new additions shown in <u>underline</u>)	Response to Te Rūnanga o Ngāti Whātua recommendations
		(v) Any kōiwi have either been retained where discovered <u>as appropriate</u> or removed (<u>where appropriate</u>) in accordance with the appropriate tikanga <u>of tangata whenua</u> .	
3. Stringent sediment, erosion and stormwater controls to protect awa and downstream receiving environments	Designation condition DES42 requires an Earthworks management plan is prepared and implemented to ensure: (a) erosion and sediment control to minimise loss of sediment into water courses from the earthworks site (in accordance with Auckland Council's GD05); (b) dust control measures to minimise	<u>DES42 Earthworks Management Plan (EMP)</u> The objectives of the EMP are to document earthworks management measures relating to: (a) erosion and sediment control to minimise loss of sediment into water courses from the earthworks site; (b) dust control measures to minimise nuisance on neighbouring properties; and (c) to ensure these measures are implemented for the duration of the earthworks. The EMP shall set out the measures to be undertaken such that: (a) erosion and sediment control measures are in accordance with Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region Incorporating Amendment 3 June 2016, Auckland Council Guideline Document 2016/005;	Additional condition DES50 and DES51 for [Iwi Forum] (Attachment 2 to this memorandum). Te Rūnanga o Ngāti Whātua also requested additional changes to DES42 as follows (new words in <u>underline</u>): (a) the site is monitored and maintained until vegetation <u>sourced from local nurseries</u> is established or the site grassed to such an extent that it prevents erosion and prevents sediment from entering any watercourse; (b) all earthworks activities are carried out so that all dust and particulate

Conditions recommended by Te Rūnanga o Ngāti Whātua (reflected in Section 7 of the CVA)	Corrections response	Proposed Conditions included in lodged Substantive Application (with proposed new additions shown in <u>underline</u>)	Response to Te Rūnanga o Ngāti Whātua recommendations
	nuisance on neighbouring properties; and (c) these measures are implemented for the duration of the earthworks. In future, resource consents will be sought for the earthworks to establish new facilities which will also include requirements for erosion and sediment controls.	(b) earthworks are stabilised against erosion as soon as practicable and in a progressive manner as earthworks stages are completed; (c) the site is monitored and maintained until vegetation is established or the site grassed to such an extent that it prevents erosion and prevents sediment from entering any watercourse; (d) all earthworks activities are carried out so that all dust and particulate emissions are kept to a practical minimum to the extent that there are no dust discharges beyond the boundary of the site that cause an objectionable effect. The EMP shall include: (a) the proposed start date of the earthworks and a schedule of the earthworks programme (including the expected timing and duration of works); (b) the dimensioned cut and fill plans of earthworks and earthworks activities including stockpiling; (c) the proposed earthworks methodology, including staging;	emissions and dust discharges are kept to a practical minimum to the extent that there are no dust discharges beyond the boundary of the site that cause an objectionable effect. Those additional requested changes to DES42 referred to above have not been proposed by the Applicant because: • other conditions of designation already promote use of eco-sourced plant species (e.g. DES45(e)) • the requirement for dust emissions to not cause an objectionable effect beyond the boundary in clause (d) provides assurance to neighbouring properties, with a clear, measurable and enforceable

Conditions recommended by Te Rūnanga o Ngāti Whātua (reflected in Section 7 of the CVA)	Corrections response	Proposed Conditions included in lodged Substantive Application (with proposed new additions shown in <u>underline</u>)	Response to Te Rūnanga o Ngāti Whātua recommendations
		(d) finalised methods for dealing with any potential adverse environmental effects including but not limited to effects arising in relation to sediment, dust, noise and vibration; (e) methods to clean up any debris on roads; (f) monitoring procedures and responsibilities; (g) methods for dealing with any complaints generated by the activities including reporting of any complaints to Auckland Council; and (h) the principal contact person for the duration of the earthworks. <u>Condition DES23 Stormwater and Flood Hazard Management</u> Stormwater shall be managed for New Prison Facilities so that: (a) Stormwater is retained to the extent practicable in its tributary catchments existing as at [date the designation alteration is confirmed] to provide sustenance flows to remaining watercourses and existing wetlands; (b) Stormwater management devices, including for contaminant generating areas of the site, are designed in accordance with best practice (for example Auckland Council GD01) using water sensitive design principles;	condition, that is consistent with best practice. • Clause (d) already refers to dust and particulate emissions. Te Rūnanga o Ngāti Whātua also requested additional changes to DES23 as follows (deleted word in strike through): (c) Development does not significantly increase adverse effects from flood hazards. The requested change to DES23(d) has not been proposed by the Applicant at this time because the reference to 'significantly increasing' adverse effects from flood hazards in DES23 was previously discussed and agreed with Healthy Waters. Corrections will collectively consider any comments on

Conditions recommended by Te Rūnanga o Ngāti Whātua (reflected in Section 7 of the CVA)	Corrections response	Proposed Conditions included in lodged Substantive Application (with proposed new additions shown in <u>underline</u>)	Response to Te Rūnanga o Ngāti Whātua recommendations
		(c) The function of Overland Flow Paths to convey stormwater runoff safely from the site to the receiving environment is maintained. (d) Development does not significantly increase adverse effects from flood hazards, including risks to human life or to other properties or public roads upstream or downstream of the Auckland Prison Site. (e) For buildings or landform modifications located within an Overland Flow Path or Flood Hazard Area, a Flood Hazard Assessment is undertaken with an assessment of the potential flood hazard risks and the implementation of appropriate mitigation measures to achieve compliance with (d) above.	Condition DES23 following the S53 comment period.
4. Avoidance of, and protection measures for, any middens, wahi tupuna, or archaeological sites identified or discovered during works	Designation condition DES21 requires that no land disturbance (other than planting by hand) shall occur within 10 metres of archaeological feature R10/831 identified on Figure C: Landscape Mitigation and Ecology Enhancement Plan. The coastal edge where we understand there is	<u>Condition DES21</u> No land disturbance (other than planting by hand) shall occur within 10 metres of archaeological feature R10/831 identified on Figure C: Landscape Mitigation and Ecology Enhancement Plan. Accidental discovery protocol condition DES22 (as above).	Additional condition DES50 and DES51 for [Iwi Forum] (Attachment 2 to this memorandum). Te Rūnanga o Ngāti Whātua confirmed on 24 June 2026 that the proposed accidental discovery protocol outlined in condition DES22 (with the proposed changes) combined with DES21,

Conditions recommended by Te Rūnanga o Ngāti Whātua (reflected in Section 7 of the CVA)	Corrections response	Proposed Conditions included in lodged Substantive Application (with proposed new additions shown in <u>underline</u>)	Response to Te Rūnanga o Ngāti Whātua recommendations
	highest risk of unidentified features is avoided, with existing planting in those areas to be refined and augmented where required, and proposed development associated with new prison facilities to be concentrated in Areas A and B further inland (which are already highly modified). Area C will be planted with vegetation (28 hectares of planting in total).		satisfactorily addresses the recommendation.
5. The opportunity for appropriate iwi to undertake karakia prior to the commencement of works and at key project milestones	Corrections will provide opportunity for karakia prior to commencement of works at Auckland Prison Site and at appropriate milestones (including as specified in archaeological authority condition AA06).	No specific conditions in lodged condition set except for Condition AA06 (outlined above).	Additional proposed condition DES52 to provide opportunities for cultural monitoring (Attachment 2 to this memorandum). Te Rūnanga o Ngāti Whātua indicated support for additional proposed condition DES52 on 24 June 2026.

Conditions recommended by Te Rūnanga o Ngāti Whātua (reflected in Section 7 of the CVA)	Corrections response	Proposed Conditions included in lodged Substantive Application (with proposed new additions shown in <u>underline</u>)	Response to Te Rūnanga o Ngāti Whātua recommendations
6. Retention and reuse of topsoil within the site where practicable, recognising its cultural and ecological value.	Topsoil will be retained and re-used on site where practicable, subject to compliance with other management plan requirements (e.g. the Earthworks and Contamination Management Plan, LEIMP).	N/A	During discussion with Ihapera Paniora on 8 May 2025 it was noted that topsoil will be retained on site where practicable to do so, and it was acknowledged by e Rūnanga o Ngāti Whātua that this outcome is supported, without need for a specific condition.