

Memorandum

Attention:	FTAA-2603-1179 Expert Panel for Auckland Prison Capacity Increase Proposal
Date:	21 August 2026
From:	James Whetu, Director, Whetū Consultancy Group
Message Ref:	Response to Minute 6

Introduction and Purpose

This memorandum responds to the Expert Panel's request for further information as set out in Minute 6. The request arises from matters raised in the formal comments of Ngā Maunga Whakahii o Kaipara Development Trust ("the Trust") on behalf of Ngāti Whātua o Kaipara, which identify a range of concerns regarding potential adverse effects on the values of Ngāti Whātua o Kaipara.

Response to Panel Minute 6

In response to the Expert Panel's request for further information, I provide the following comments.

Introduction Statement

I acknowledge the Panel's request that I provide further information from a Te Ao Māori, mātauranga Māori and tikanga Māori perspective in relation to the concerns raised by Ngāti Whātua o Kaipara. In responding to that request, I consider it important to distinguish between the matters on which I am able to assist the Panel and those matters that are properly for Ngāti Whātua o Kaipara and Te Taoū, as tangata whenua and mana whenua, to articulate for themselves.

I am not tangata whenua or mana whenua at Pāremoremo. Accordingly, I do not seek to define or reinterpret the relationship of Ngāti Whātua o Kaipara and Te Taoū with Pāremoremo, or to substitute my assessment for theirs as to the nature or significance of effects of the Proposal on their values and relationships.

I have considered the Cultural Statement dated 28 July 2026 prepared by the Trust. That statement records the Trust's position in relation to Pāremoremo and the Proposal, including the whakapapa and relationship of Ngāti Whātua o Kaipara and Te Taoū with the area, the cultural effects they identify as arising from the Proposal, and the outcomes and conditions they seek. Cultural values can only be identified, defined, and articulated by the relevant Iwi themselves.

Where I am able to assist the Panel is by explaining how Te Ao Māori, mātauranga Māori and tikanga Māori have been considered in the development of the Proposal, how Corrections has responded to the concerns identified by the Trust and whether the proposed measures demonstrate a commitment to provide an appropriate mechanism, and opportunities, for mana whenua values, mātauranga Māori, tikanga and the exercise of kaitiakitanga to inform the implementation of the Proposal.

Overview – Consideration of Cultural Values in the Proposal

Included with the substantive application report is the *Māori Consultation and Cultural Values Assessment Report* ('the report').

The report identifies the relevant Iwi interests in the Auckland Prison Capacity Increase Proposal, record the engagement undertaken, identify cultural values potentially affected by the Proposal, and recommend measures for responding to those values and potential cultural effects.

The report outlines the four principles that informed the consultation and engagement with Iwi in Tāmaki Makaurau Auckland. These are:

- Principle #1 – Tikanga-led approach
- Principle #2 – Uphold Hōkai Rangi¹
- Principle #3 – Recognise formal relationships agreements
- Principle #4 – Being a good neighbour & best endeavours towards consultation principles

Principle #1 encompasses both process and outcome/output. With the Trust, the process started with Mr Malcolm Patterson², and through him, the Project was introduced to Mr Daniel Clay³. Until his departure from the Trust, the Project team were being led by Mr Patterson regarding the tikanga and their preferred approach to engagement.

The outcome/output of the engagement was largely informed by Mr Clay, which was to ensure that obligations and mechanisms under the Settlement Act concerning their interests in the Auckland Prison village were safeguarded.

I have reviewed the Ngāti Whātua o Kaipara Claims Settlement Act 2013 (Settlement Act) and the Deed of Settlement between the Crown and Ngāti Whātua o Kaipara (Deed of Settlement), both of which apply to the Auckland Prison site and the Auckland Prison Village land. Based on my review, there is nothing within the Settlement Act or the Deed of Settlement that indicates the Proposal is inconsistent with, or contrary to, the relevant Treaty settlement legislation.

With regard to mātauranga Māori, the report draws on the consultation with Iwi, and relevant information contained within:

- Treaty settlement legislation and Deeds of Settlement (including statutory acknowledgements and their statements of associations),
- Publicly available and relevant iwi environmental management plans, and
- Two cultural values assessment reports (available at the time of writing the report) prepared for the Proposal by Te Rūnanga o Ngāti Whātua and Ngaati Whaanaunga.

Although the information that was reviewed extends across a number of Iwi in Tāmaki Makaurau Auckland, the Proposal identified potentially relevant mātauranga contained within the:

- Ngāti Whātua o Kaipara Deed of Settlement,
- Ngāti Whātua Ōrākei Deed of Settlement,
- Ngāti Whātua Ōrākei - Te Pou o Kahu Pōkere Iwi Management Plan 2018, and
- Cultural Values Assessment report prepared by Te Rūnanga o Ngāti Whātua.

It is acknowledged by Corrections that only Ngāti Whātua o Kaipara (represented by the Trust) can identify and articulate the values, relationships and mātauranga of Ngāti Whātua o Kaipara, but in response to the

¹ Corrections organisational strategy that ultimately aims to lower the proportion of Māori in Corrections care to a level that matches the Māori share of the general population.

² Malcolm Patterson – Previous Chief Executive for Ngā Maunga Whakahii o Kaipara

³ Daniel Clay – Chief Executive for Ngā Maunga Whakahii o Kaipara Whenua Hoko Holdings Ltd

Panel's question, the Proposal has attempted to recognise and provide for mātauranga Māori, irrespective of Mr Patterson departing from the Trust.

It is from this extensive review of the available information and documents that the report identifies five shared cultural values and interests:

- Rangatiratanga/mana,
- Kaitiakitanga,
- Protection of archaeological and cultural sites,
- Restoration and protection of waterways, and
- Enhancement and protection of indigenous flora and fauna.

It is important to note here that the report does acknowledge that the expression of these values may differ between Iwi and that the shared values framework was intended to provide context rather than restrict individual Iwi expressions.

Arising from the shared values framework were a series of recommendations:

- Continued engagement and formal arrangements,
- Opportunities for kaitiaki involvement (management plans and monitoring),
- Protection of archaeological sites,
- Participation in enhancement and restoration activities
- Responsive design, and
- Protection of waterways and ecological values during construction.

The Proposal in the substantive application report proactively responds to these recommendations, whilst recognising that the Project site is an established operating prison, so there are limitations to meaningfully respond to the values identified, and expressed, by Iwi.

Section 55 Report Responses

When the project team prepared the Section 55 Report in response to the Trust's formal comments, I reviewed and contributed to the sections addressing the matters raised by the Trust, including Section 4.3 and Appendix 9 (Table 8: Recommendations from Ngāti Whātua o Kaipara Cultural Statement Report and Corrections Response). Having undertaken that review, I agree with the responses and conclusions set out in the Section 55 Report⁴.

In this regard, the Proposal demonstrates a commitment to recognising and responding to cultural values, through:

- continued engagement with Iwi (including the Trust),
- protection and enhancement of significant environmental features, and
- the incorporation of measures that support the observance of tikanga where culturally significant sites, materials, or remains are encountered; and
- ongoing opportunities for involvement in implementation of management plans.

Taken as a whole, the Proposal reflects a considered effort to integrate mātauranga Māori into project development, environmental management, and future site outcomes. It also demonstrates a meaningful level

⁴ including as they relate to the social and economic partnership and infrastructure matters (outlined in Appendix 9, Table 8 of the Section 55 Report).

of alignment that seeks to recognise tikanga Māori within the context of a nationally significant Corrections infrastructure proposal, but also within the confines of an established operating prison.

The Section 55 Report comprehensively addresses the matters raised by the Trust. Within the scope of the matters on which I am able to assist the Panel, I have not identified any additional project response or implementation mechanism that I consider necessary beyond those presently proposed.

Relationship Agreement

The Proposed condition DES50 (Iwi Forum) provides an appropriate mechanism for ongoing engagement, cultural input, collaboration, and discussion of management plans and other measures associated with the Proposal, as opposed to reliance on a broader relationship agreement that applies also to matters outside the Auckland Prison Site and beyond the scope of the approvals sought. This approach of using designation conditions is appropriate for reasons set out in paragraph 7 of the Second Memorandum of Counsel⁵.

In my view, proposed condition DES50 appropriately provides for continued engagement with cultural and iwi interests. Accordingly, it is not necessary to rely on, or require, a separate relationship agreement as part of the designation conditions.

It is noted that proposed condition DES50 (Iwi Forum) includes advice note (a), which states:

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.

Conclusion

Having reviewed the matters raised in Minute 6, including the comments of Ngā Maunga Whakahii o Kaipara Development Trust, I am satisfied that within the limitations of an established operating prison, the relevant cultural matters have been appropriately considered and addressed through the Proposal and the responses contained in the Section 55 Report.

Also, I consider the Proposal to be consistent with the relevant Treaty settlement legislation. In my opinion, the proposed conditions, including the establishment of the Iwi Forum, provide an appropriate framework for ongoing engagement and cultural input throughout the implementation of the Proposal.

⁵ Second Memorandum of Counsel on behalf of Department of Corrections: Cultural Matters Update (dated 26 June 2026)