Before the Expert Panel

FTAA-2603-1179

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

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<u>Eleventh</u> Memorandum on behalf of the Department of Corrections – response to comments on draft conditions

Date: 30 September 2026

DLA PIPER

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[redacted]

Introduction

1 On 21 September 2026, through Minute 9, the Expert Panel invited comments on the proposed draft conditions attached to its Draft Decision, under section 70 of the Fast-track Approvals Act 2024 (**FTAA**). The purpose of this memorandum is to provide the Expert Panel with the Department of Corrections' (**Corrections**) response to the comments on the draft conditions provided by other parties. Specifically, this memorandum provides Corrections' response to comments received from:

1.1 Auckland Council;

1.2 Department of Conservation (**DoC**);

1.3 Ngā Maunga Whakahii o Kaipara Development Trust;

1.4 Pāremoremo Residents and Ratepayers Association;

1.5 Paul Denny; and

1.6 Upper Harbour Local Board.

Response to comments received

2 At the outset, Corrections would like to thank all those who took the time and chose to provide comments on the draft conditions. Each of the six sets of comments have been carefully considered by Corrections. The comments received were a combination of proposed track changed conditions, and more general statements as to the conditions and condition changes and Draft Decision. Corrections has considered those points, with a particular focus on comments on conditions rather than the Draft Decision.

3 Corrections has not responded to every comment made on a comment-by-comment basis, or on every change

requested to the conditions. Where Corrections has not responded to a change sought or comment made, that should not be read as Corrections' acceptance of that comment or change. Instead, where Corrections has not expressly commented that is because either no amendments were sought by the submitter (either generally or specifically through tracked changes) or where the comments made are not new. That is, a large number of the comments received seek to reiterate or relitigate matters already before the Expert Panel and addressed through the Draft Decision. Corrections' position on these matters remains as per the Substantive Application and its Section 55 Report.

4 Corrections has instead focused on new matters raised or new changes sought. These have been addressed in Attachment 1 to this memorandum – "Attachment 1 – Corrections response to Others Section 70 Comments". Where Corrections is requesting changes to the draft conditions, it has provided tracked changed condition wording in the final column of that table. Track changed text shows the commenter's requested wording that is supported by Corrections, with bold track changes showing changes proposed by Corrections to that wording and/or new wording in response to the commenter's requests.

5 As set out in Attachment 1, Corrections is requesting further changes to:

5.1 DES 41 Community Liaison Group;

5.2 DES 14 Exterior lighting - advice notes;

5.3 DES 32 Amendments to Management Plans;

5.4 DES 46 Iwi Forum;

5.5 DES 48 Cultural Monitoring;

5.6 Insertion of DoC's standard terms and conditions for the Wildlife Authority as Schedule 4 of that Authority; and

5.7 Condition 25 (formally LUS07) Onsite works methodology.

6 No further changes are considered necessary by Corrections, except for one matter regarding the timing of setting up the iwi forum, as explained below.

7 The current Iwi Forum designation conditions provide for four months after the designation is confirmed to set up the Iwi Forum. Four months from the issue of the decision is early February 2027, which coincidences with Christmas and Waitangi and creates practical difficulties for assembling the Iwi Forum during his time. Additionally, a karakia needs to take place prior to landscaping, anticipated to commence in autumn 2027. Corrections proposes to combine the first Iwi Forum meeting with the karakia for the landscaping on site.

8 For the above reasons, the attached condition amendments propose to extend the four month requirement to six months for establishment of the Iwi Forum.

9 Corrections also expressly records that DoC has sought to comment on substantive matters addressed in the Draft Decision. That is considered to be beyond scope of a valid comment under section 70 of the FTAA, and therefore has not been responded to by Corrections. Those matters have already been addressed in material provided to the Expert Panel by both Corrections and DoC.

10 Further, DoC has made numerous comments related to style, structure, administration and functionality of the resource consent and designation conditions. This is disappointing to receive at this late stage in the process. While Corrections accepts that section 70 of the FTAA provides a process for comments to be provided on draft conditions, Corrections has worked closely with regulatory authorities, including DoC, to consult and engage on this application prior to, and after lodgement of, the substantive application. This has been in respect of the Wildlife Approval (where DoC is the administrating agency) but also the project more generally, especially as it relates to the ecological effects of the Proposal.

11 Many of the matters raised by DoC have already been discussed at length with Auckland Council, who will oversee the designation implementation and the watercourse works consents. Auckland Council is comfortable with the wording as proposed by the Corrections in the section 70 version of conditions on the matters raised by DoC. As such, beyond the change to the Wildlife Approval by attaching DoC's standard terms and conditions, and the change to condition 25 regarding location of refueling and lubrication activities, no changes in response to DoC's comments are supported or consider necessary by Corrections.

Conclusion

12 Beyond the changes set out in Attachment 1, Corrections do not consider any further changes are necessary to the draft conditions. It continues to support the condition wording it put forward with its section 70 response, as amended in Attachment 1.

13 Attachment 2 contains a full version of the draft conditions on the Wildlife Approval, updated to include DoC's standard terms and conditions. Beyond that, given

the limited number of changes proposed, Corrections has not provided a full updated condition suite, but that can be provided should it be of assistance to the Expert Panel.

Date: 30 September 2026



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S F Quinn / E L Manohar
Counsel for the Department of Corrections

Attachment 1 – Corrections response to Others Section 70 Comments

[Supplied separately]

Attachment 2 – Draft Wildlife Approval Conditions (Applicant's Section 70(4) comments Version (dated 30 September 2026)

[Supplied separately]