

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

**Eighth Memorandum of Counsel on behalf of the Department of
Corrections – Response to Minute 7 – upgrades associated with
Watercourse 6**

Date: 3 September 2026



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Introduction

- 1 The purpose of this memorandum is to provide a response to Minute 7 on behalf of the Department of Corrections (**Corrections**).
- 2 Through Minute 7, the Expert Panel invited Corrections to provide further information in relation upgrades associated with Watercourse 6. Specifically, the Expert Panel requested the following information:
 - 2.1 a plan(s) showing the specific location of the two perched culverts on Watercourse 6 that are proposed to be 'improved' to provide fish passage; and
 - 2.2 confirmation of the construction methodology associated with LUC16, and as part of that construction methodology confirmation (or otherwise) that no access is required from, and that none of the works required to comply with condition LUC16 will be undertaken within, privately owned land at 43 Merewhira Road.
- 3 That further information is provided in the 2 September 2026 Boffa Miskell memorandum *attached* as **Appendix 1** to this memorandum.

Date: 3 September 2026



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

Appendix 1 – Boffa Miskell Memorandum in Response to Minute 7



Memorandum

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Attention:	FTAA-2603-1179 Expert Panel for Auckland Prison Capacity Increase Proposal
Date:	02 September 2026
From:	Jaimee Cannon, Senior Principal Planner, Boffa Miskell Ian Boothroyd, Senior Ecologist and Partner, Boffa Miskell
Subject:	Response to Minute 7

Introduction and Purpose

This memorandum responds to the Expert Panel's request for further information in Minute 7 regarding the proposed fish passage improvements at Watercourse 6, which form part of the ecological compensation associated with the Auckland Prison Capacity Increase proposal. The specific information requests are:

- a plan(s) showing the specific location of the two perched culverts on Watercourse 6 that are proposed to be 'improved' to provide fish passage.
- confirmation of the construction methodology associated with LUC16, and as part of that construction methodology confirmation (or otherwise) that no access is required from, and that none of the works required to comply with condition LUC16 will be undertaken within privately owned land at 43 Merewhira Road.

This memorandum has been prepared to respond to these requests, with input and advice from Connor O'Boyle (Associate Engineer, Aurecon) who is responsible for preparing the engineering design for the fish passage improvements.

Response to Panel Minute 7

Proposed Fish Passage Improvements

Since the substantive application was lodged, Corrections has been progressing with engineering design for the proposed fish passage improvements, along with ongoing consultation with Auckland Council ecologists¹, to ensure the proposed design achieves the requirements of Condition LUC16 (contained in **Attachment 1**). It is noted that Auckland Council will certify the design for the culvert improvements, in accordance with proposed Condition LUC16². A plan showing the specific location of the two perched culverts on Watercourse 6, is provided in **Attachment 2** to this memorandum.

Western Culvert Design

The western culvert is located within the Auckland Prison site, near the property boundary with 43 Merewhira Road (**Attachment 2**). It is currently undersized and is perched above the water level, preventing effective fish passage (refer to Figures 1 and 2 in **Attachment 3** below).

¹ A meeting was held with Auckland Council ecologists (Antionette Bootsma and Matthew Bloxham) on 21 August 2026 to discuss preliminary design for fish passage improvements and seek feedback.

² Modified condition, as proposed in Section 55 Report, contained in **Attachment 1** to this memorandum.

Following consultation with Auckland Council ecologists³, Corrections proposes to replace the existing perched culvert with a fish-passable box culvert approximately 6.2 metres in length. The replacement culvert will be designed to achieve the fish passage requirements of proposed Condition LUC16 while also reducing the potential for downstream erosion, with the design and construction methods complying with relevant Auckland Unitary Plan⁴ and National Environmental Standards for Freshwater (NES-FW) requirements.

There is a retaining wall adjacent to the western culvert also on Corrections land which requires repair (see Figures 1 and 2 in **Attachment 3**). Geotechnical investigations were undertaken on the Auckland Prison site and the adjacent land at 43 Merewhira Road to understand soil conditions to inform the proposed retaining wall design. Corrections has an agreement with the landowner at 43 Merewhira Road⁵ to repair the retaining wall. That agreement also requires Corrections to stabilise the stream banks downstream of the culvert outlet on the 43 Merewhira Road property, to mitigate the risks of downstream erosion. These works are expected to include “energy dissipation” features⁶ near the culvert outlet (on both Corrections owned land and within the stream channel at 43 Merewhira Road), and re-grading and planting of the stream banks at 43 Merewhira Road, as requested by the landowner.

Eastern Culvert Outlet Design

The existing eastern culvert is approximately 58 metres long, buried some 6-7 metres beneath Merewhira Road and is an Auckland Transport asset. The outlet structure is located 20 metres east of the Merewhira Road boundary within the Auckland Prison site (refer **Attachment 2** and Figures 4 – 6 in **Attachment 3**). The culvert outlet is currently perched, and is proposed to be improved with fish passage structure(s) at the outlet⁷, which may take the form of a rock ramp and/or ‘Newbury weir’ within the watercourse channel immediately downstream of the exiting apron (the preferred structure is subject to engineering design). Corrections is currently in the early stages of design for the proposed fish passage structure, including ongoing consultation with Auckland Council ecologists. The proposed engineering design involves consideration of velocities and backwater influence, to ensure that any proposed fish passage structure does not significantly increase risk of upstream flooding.

Indicative Construction Methodology and Access

The Panel has requested confirmation of the construction methodology associated with proposed condition LUC16, and as part of that construction methodology confirmation (or otherwise) that no access is required from, and that none of the works required to comply with condition LUC16 will be undertaken within privately owned land at 43 Merewhira Road.

The construction methodology for the proposed fish passage improvements is subject to the engineering design. However, to provide the Expert Panel with a general understanding of the likely construction method, the following indicative construction methodologies are provided. These methods are consistent with Auckland Council Guideline GD05: *Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (2016)*. The duration of construction works is expected to be in the order of 1-2 months and will be undertaken on weekdays and Saturdays between 7am and 6pm.

The downstream bank stabilisation works at 43 Merewhira Road (referred to above) are expected to occur at the same or similar timing to construction works for the replacement box culvert installation. Together, these works will require access to the property 43 Merewhira Road which is provided for in the agreement between Corrections and the landowner. Access to the private property will be from Corrections owned land (i.e. will not require access through the private property from Merewhira Road). Site set up and laydown areas will be within Corrections owned land.

³ Based on feedback from Auckland Council ecologists received at meeting held on 21 August 2026.

⁴ Including rules and relevant standards in Chapters E3 and E7

⁵ As stated in paragraph 169 of the Section 55 Report.

⁶ These features may include erosion protection or flow attenuation measures, scour protection features, outlet protection structures and/or rock rip rap apron (subject to engineering design).

⁷ The existing eastern culvert is not proposed to be replaced, as stated in the substantive application materials and clarified in Table 10 of the Section 55 Report.

Western Culvert - Indicative Construction Methodology

1. Install erosion and sediment control measures prior to commencing works.
2. Install a sandbag cofferdam upstream of the work area and divert stream flows through a pipe to discharge downstream within the 43 Merewhira Road property.
3. Excavate the existing access track to the base level of the existing culvert. Stockpile excavated material away from the watercourse, on the Auckland Prison site, and protect it with appropriate sediment controls.
4. Remove the existing culvert and continue excavation to the design subgrade level for the new box culvert.
5. Place and compact culvert bedding material, install the box culvert (on the Auckland Prison site), construct timber pole headwalls and outlet stabilisation works, and backfill the access track in the same location.
6. Undertake minor channel excavation and reshaping works (including energy dissipation features) upstream and downstream to accommodate and connect the new culvert to the existing watercourse, and re-grade the stream banks at 43 Merewhira Road.
7. Remove the cofferdam, reinstate normal stream flows, plant the re-graded stream banks (including those at 43 Merewhira Road).

Eastern Culvert Outlet - Indicative Construction Methodology

1. Install erosion and sediment controls, including silt fences and clean water diversions, prior to commencing works.
2. Install a temporary cofferdam upstream of the work area, on Auckland Prison site, and divert stream flows around the construction site to provide dry working conditions.
3. Excavate the stream bed and banks, as required, to achieve the design levels for the proposed Newbury weir or rock ramp. Stockpile excavated material away from the watercourse, on the Auckland Prison site, and protect it with appropriate sediment controls.
4. Place foundation material and install the Newbury weir or rock ramp(s) in accordance with the certified design, including any associated rock armour, scour protection, fish passage features and minor channel reshaping works to provide fish passage.
5. Reinstate disturbed stream banks and surrounding areas, and stabilise exposed surfaces using erosion protection measures and revegetation where required.
6. Remove the temporary flow diversion and cofferdam, reinstate normal stream flows, and undertake a final inspection to ensure the structure is stable and functioning as intended.

Conclusion

In summary, Corrections has progressed the design of the proposed fish passage improvements at Watercourse 6 and has undertaken consultation with Auckland Council ecologists to inform the development of these works. The current design approach involves replacement of the western perched culvert with a fish-passable box culvert and installation of a fish passage structure at the eastern culvert outlet, likely comprising either a rock ramp or Newbury weir, subject to detailed engineering design.

The proposed new western culvert and the proposed new eastern fish passage structure(s) are contained within the Auckland Prison site. However, access to 43 Merewhira Road will be required during construction to undertake minor channel excavation and reshaping works to accommodate and connect the new western

culvert to the existing watercourse, and downstream erosion-protection works, consistent with Corrections obligations under the agreement with the landowner.

The detailed design of both structures is still being refined. The design will be certified by Auckland Council in accordance with proposed Condition LUC16. The indicative construction methodologies outlined in this memorandum demonstrate that the proposed works can be undertaken in accordance with recognised erosion and sediment control practices and are expected to achieve the fish passage outcomes sought by Condition LUC16. In addition, Auckland Council have confirmed that monitoring during and after construction will be undertaken.



Attachment 1: Proposed Condition LUC16

The below proposed condition LUC16 is shown as proposed to be amended in the Section 55 Report (with deletions in ~~strike through~~ and new text in underline)

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) shall be upgraded and designed in accordance with Auckland Council Technical Publication 108: Guideline for stormwater runoff modelling in the Auckland Region, April 1999 and to ensure the following matters are addressed:

- (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 significantly increasing flood levels up stream or downstream of the structure
- (c) the structure must 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 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) shall be improved ~~with rocks stacked at the outlet to form a shallow sloping structure and/or spat ropes~~ 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 must be provided to Council for written certification prior to commencement of the reclamation of watercourse 1.

Advice Note:

Culvert improvements should be aligned with New Zealand Fish Passage Guidelines (NIWA 2024).

Attachment 2: Location of Culverts



Attachment 3: Photos of Existing Perched Culvert Outlets



Figure 1 Western Culvert, taken from 43 Merewhira Road, looking north-east



Figure 2 Western Culvert (perched), looking north-east across farm track



Figure 3 Looking south toward Watercourse 6 upper reach, parallel to Merewhira Road (showing the Eastern Culvert outlet sits in the gully beneath the elevated Merewhira Road)



Figure 4 Eastern Culvert outlet looking west downstream



Figure 5 Eastern Culvert outlet and apron



Figure 6 Eastern Culvert Outlet and Apron