Attachment 1 – Corrections response to Others Section 70 Comments

Commenter	Summary of requested change	Corrections response	Proposed amended condition wording *Corrections proposed amendments, made in addition to commenters requested wording, are shown in **bold*** *Condition numbers are as per the applicant Section 70 version of conditions (dated 28 September 2026)*
Pāremoremo Residents and Ratepayers Association (PRRA) Upper Harbour Local Board (UHLB)	Requests a limit on construction hours.	Construction noise will be managed by construction noise limits (designation condition DES11) and the Construction Noise and Vibration Management Plan (designation condition DES35, formerly DES39). Placing limits on construction hours is not necessary, would fail to provide for future flexibility in construction, and would mean that conditions are more onerous than necessary (inconsistent with Section 83 of the FTAA).	No change.
	Community Liaison Group (CLG) representation.	• Corrections request the wording of designation condition DES41 (formerly DES46) is retained, without reference to certain local community groups as is sought, as those groups and their representatives may change over time. • The role of the CLG representatives is to foster and maintain a constructive relationship between Auckland Prison and the local community. To achieve this purpose effectively, a smaller and more focused group is considered preferable to a larger, all-inclusive body of local residents. • An Iwi Forum will be established under condition DES46, and therefore mana whenua representation is not required as part of the CLG as is sought. • Corrections agree with including Ridgeview School in the list of representatives that 'must' be included in the CLG, noting that designation condition DES42 (formerly DES47) enables the school to choose whether or not they become part of the CLG and attend meetings.	**DES 41 Community Liaison Group** *The CLG must include:* *(d) Representatives from Auckland Prison, including an officer whose responsibilities include the CLG.* *(e) Up to 4 representatives from community groups representing the Pāremoremo Residents.* ***(f) Ridgeview School*** *In addition to the representatives identified above, the CLG may include representatives from:* *(g) Auckland Council* *(h) New Zealand Police* *(i) Fire and Emergency New Zealand* ~~***(i) Ridgeview School.***~~
	Request for monthly CLG meetings during significant construction phases.	CLG designation condition DES41 (formerly DES46) reads: *The Requiring Authority must:* *(j) Facilitate a meeting of the CLG at least every six months, or more or less frequently if requested by the majority of members.* The current condition wording enables flexibility for meetings to be held more or less frequently, as needed. Corrections consider that this approach is appropriate, given the enduring nature of the designation, because construction timeframes are currently unknown and because defining a significant construction phase is impractical.	No change.
	Request that Iona Avenue / Sandes Road vehicle access is closed within two years of construction being completed.	Designation condition DES19(a) requires that the Iona Avenue / Sanders Road access is closed within two years of the date that the designation alteration is confirmed (not two years after construction is completed) and therefore better achieves the outcome sought, with greater certainty.	No change.

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	Ensure sufficient water is available for dust suppression.	Potable water supply is available at the Auckland Prison site and so is available as an option for dust suppression. The measures to control dust will be specified in the Earthworks Management Plan (EMP) as required by designation condition DES37 (formerly DES42). This includes the requirement for the EMP to set out measures to be undertaken such that *"…(g) 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 methodology for achieving this outcome will be confirmed by the contractor and may include dust suppression using water, or other methods. Amendments to the designation conditions are not considered necessary.	No change.
Paul Denny	Amendments to lighting conditions so that all properties affected by prison lighting, not just those deemed "adjacent sites", are included in the light-spill and glare assessment and modelling. 111 Sanders Road and 94 Sanders Road to be expressly recognised and included in the lighting modelling and mitigation measures for both new and existing prison lighting.	• The reference to 'adjacent sites' is included in the advice notes to designation condition DES14 in relation to the measurement locations for light intensity and glare source intensive calculations. This approach is generally consistent with the Auckland Unitary Plan (Chapter E24) which seeks to avoid significant glare and light spill onto "adjacent sites" (Policy E24.3(2)), with measurement of glare effects where there is a dwelling on "adjacent land" (Standard E24.6.1(8)), consistent with accepted lighting practice. • Corrections Project Lighting Engineer, Russ Kern, has confirmed that compliance with the limits specified in Condition DES14 can be achieved for new lighting, when measured from the existing dwellings on adjacent land and including at dwellings on 94 and 111 Sanders Road, because as spill light and glare criteria can be met at the prison boundary and adjacent properties, it also will be met by properties that are further away. • Corrections propose to amend the advice notes to include reference to 94 and 111 Sanders Road, in addition to adjacent sites. • It is noted that condition DES14A relating to upgrading of existing lighting was proposed on an *Augier* basis and is not required nor proposed to be amended.	**DES14 Advice Notes** • *I = Light intensity in Candelas when measured or calculated at the windows of habitable rooms of a lawfully established dwelling on an adjacent site**, and 94 and 111 Sanders Road.*** • *L= Luminance in Candelas per square metre.* • *Glare Source Intensity, when measured or calculated at the windows of habitable rooms of a lawfully established dwelling on an adjacent site, **and 94 and 111 Sanders Road**. This applies to each source in the potentially obtrusive direction, outside of the area lit.*

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Ngā Maunga Whakahii o Kaipara Development Trust (on behalf of Ngāti Whātua ki Kaipara and Te Taoū)	Requested amendments to conditions to provide an opportunity for Iwi Forum members to provide feedback on non-minor amendments to the relevant management plans referred to in the Iwi Forum designation condition DES46 (formerly DES50), being the Ecological Management Plan (EcMP) and the Landscape and Ecology Implementation and Management Plan (LEIMP), and associated change to designation condition DES32 (formerly DES35).	• Corrections supports the requested amendments as they align with the purpose of the Iwi Forum, to provide for: ○ cultural input and collaboration into the implementation of mitigation measures for for cultural, archaeological, ecological and landscape matters associated with the construction of new prison facilities; and ○ the implementation and monitoring of management plans, including sharing of monitoring results, reporting and project updates with mana whenua. • Corrections propose minor amendments to the wording proposed by the Trust for designation condition DES32 to provide certainty about the amount of time provided for feedback from Iwi Forum members (10 working days rather than 'at least' 10 working days), prior to plans being provided to Auckland Council for certification. The words 'members of' are also added to allow for such minor amendments to be circulated to members of the Iwi Forum for feedback on amendments to a Management Plan, rather than convene the full Iwi Forum for this purpose. This approach strikes an appropriate balance between enabling opportunities for cultural input and providing certainty and efficiency in the administration of the designation. A further change to designation condition DES46 is sought by Corrections to allow the establishment of the Iwi Forum six months from the date the designation alteration is confirmed, rather than four months. This revision is reflected in the proposed amended wording in this table for DES46. From a practical perspective, four months from the 6 October 2026 would take the establishment of the Forum to 6 February 2027, and will have practical difficulties in assembling the Forum over the Christmas period and leading up to Waitangi 2027. Additionally, a karakia needs to take place prior to the implementation of landscaping, and logically the first Iwi Forum meeting would be combined with the karakia for the landscaping to be undertaken within the 2027 autumn planting season.	**DES32 Amendments to Management Plans** *Any amendments to a certified Management Plan that are not minor amendments must be submitted to the Council in accordance with Condition DES30 to certify that these amendments are consistent with the relevant condition(s) prior to implementation of any changes. Where a proposed amendment **(beyond a minor amendment)** relates to a matter within the scope of Condition DES46(c), the Requiring Authority must first provide it to the **members of** the [Iwi Forum] and allow ~~**at least**~~ 10 working days for feedback. The submission to the Council must include any feedback received, and identify how it has been incorporated, and give reasons where it has not been incorporated.* **DES46 Iwi Forum** *The Requiring Authority must establish a [Iwi Forum] within ~~**four**~~ **six** months of [date the designation alteration is confirmed].* *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 sharing of **proposed non-minor amendments to those plans**, monitoring results, reporting and project updates with mana whenua.*

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	Add additional reference to watercourse works in cultural monitoring designation condition DES48 (formerly DES52).	The suggested addition is supported. This amendment is offered on an *Augier* basis (as is the balance of designation condition DES48).	**DES48 Cultural Monitoring** *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).* (c) ***Commencement of watercourse works,** including the diversion, piping and reclamation of Watercourses 1 and 2 and the fish passage works at Watercourse 6.*
Auckland Council Requests amendment to the definition of 'floodplain' in the designation as follows: ***Floodplain -** The area of land that is inundated by runoff from a specified rainfall event, with an upstream catchment generating 2m³/s or greater of above ground flow, taking into account:* *a. any increases in impervious areas that would arise from changes in land use, including those enabled by:* *i. development on Auckland Prison site that exists **(date of designation amended)** and any development approved under an outline plan, at the time of development; and* ii. *the policies and zonings of the Plan beyond the Auckland Prison site.*	• Auckland Council's wording would require that when determining the extent of a floodplain, the development on the Auckland Prison site that exists at the date that the designation is amended should be considered, together with any development 'approved' under an outline plan at the time of development, rather than what exists on the site at the time the assessment is undertaken. • The position of Corrections is that for the purposes of assessing the floodplain extent, the Flood Hazard Assessment should be based on the development that exists at the time the flood hazard assessment is being undertaken rather than the buildings that exist today (at the time the designation alteration is confirmed). This means any buildings that have been removed post approval would not be considered in flood modelling, which would provide a more accurate representation of the actual extent of the flood plain. • The definition of 'flood plain' should remain as proposed by the applicant in the Section 70 version of conditions (dated 28 September 2026).	No change.
Auckland Council Department of Conservation UHLB PRRA	Delete 'deemed certification' clause from designation condition DES30(e) (formerly DES33).	Corrections request the deemed certification provision be retained to provide certainty and efficiency in the administration of the designation. In the absence of a deemed certification mechanism, there is a risk that delays in obtaining Council confirmation could unnecessarily impede the timely delivery of the proposal. Importantly, the proposed approach only provides for deemed certification when the requiring authority does not receive a written response from Council within 20 working days. The approach proposed strikes an appropriate balance between Council oversight and the flexibility and certainty that designations are intended to provide.	No change.

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Department of Conservation (DoC)	Insert standard terms and conditions of the Wildlife Act Authority.	Corrections understand that these standard terms and conditions as sought have been applied to other Fast Track approvals. The standard terms and conditions have been added as Schedule 4 to the Wildlife Approval conditions set provided at Attachment 2 to this memorandum. A heading for 'Schedule 2: Definitions' is also proposed to be inserted for completeness. Importantly, condition WAA29 reads *"Special conditions are specified in Schedule 3. If there is a conflict between this Schedule 4 and the Special Conditions in Schedule 3, the Special Conditions will prevail".*	Refer to **Attachment 2** of this memorandum. The additional Terms and Conditions are added as Schedule 4.
	Add a definition for 'minor amendments' for conditions.	Designation condition DES31 (formerly DES34) already requires that "*Any minor amendments to a Management Plan must be agreed to in writing by Council prior to implementation of any changes".* Auckland Council, as the local authority who will oversee the designation implementation, is comfortable with the wording as proposed by the applicant in the Section 70 version of conditions (dated 28 September 2026). A definition of 'minor amendment' is not necessary because the term is commonly given its ordinary meaning. In planning practice, a minor amendment is generally understood to be a change that does not materially alter the nature, scale, intensity, or effects of the approved activity or management plan. Practitioners exercising the consent are capable of interpreting terms, according to their ordinary meaning, and using their judgement and discretion, without requiring a definition.	No change.
	Seeks cross-referencing between several conditions for the designation and the resource consent where conditions relate to the implementation of the EcMP and LEIMP. For example, additional wording in resource consent conditions 18 and 23 (formerly LUC15 and LUS04) to refer to designation conditions, to ensure that the timeframes for planting are aligned.	Cross-referencing between conditions for separate approvals is unnecessary and can create uncertainty regarding their implementation and enforcement. Approvals and their conditions should, as far as practicable, operate as standalone frameworks so that the requirements and compliance obligations for each approval are clear and readily identifiable. This approach provides greater certainty, avoids ambiguity if approvals are exercised or amended independently, and supports effective administration and enforcement. The approach to the conditions and management plans is explained in paragraphs 55 to 58 of Volume 6 of the substantive application. The management plans have been structured to minimise duplication while ensuring that the requirements for each approval remain clear, self-contained, and enforceable. This approach is consistent with good consenting practice and the Fast Track Approvals Act 2024: Panel Conveners Practice and Procedure Guidance. Corrections is aware of its obligations for planting implementation across all approvals, and has advanced the detailed planting design in preparation for planting implementation to commence next planting season.	No change.

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	Requested amendments to resource consent condition 19 (formerly LUC16) for Watercourse 6 culvert improvements to require that the western culvert replacement *"results in material improvement"* to passage of fish upstream and downstream.	Resource consent condition 19 already achieves the intended outcome by requiring the replacement western culvert to provide for, and not impede, fish passage. The wording aligns with the equivalent Auckland Unitary Plan fish passage standards for new and replacement structures[1]. DoC's proposed amendments are not supported because they introduce ambiguity and could be interpreted as requiring fish passage improvements throughout Watercourse 6, including areas beyond the Auckland Prison site (*'upstream and downstream'*), and furthermore require the culvert itself to result in material improvement in fish passage, rather than providing for fish passage. Those outcomes are neither intended nor reasonably achievable through replacement of a single culvert. The existing condition is supported by Auckland Council and is reinforced by a requirement for Council certification of the detailed fish passage design. Corrections is working with Council ecologists on the certified design, including minor channel works necessary to connect the replacement culvert to the existing watercourse and achieve effective fish passage[2]. The Expert Panel can be satisfied that the proposed works and existing condition wording will deliver the intended fish passage outcomes without the additional amendments sought by DoC.	No change.
	Requested amendment to resource consent condition 19 (formerly LUC16) to avoid spread of *Gambusia affinis* to newly accessible reaches of watercourse.	The risk of *Gambusia affinis* was addressed in Appendix 8 of the Applicant's Section 55 Report. In short, the risk of *Gambusia* at Watercourse 6 in this context is low because: • DoC's own information[3] on *Gambusia* states that the species live in shallow margins of slow-flowing ponds, wetlands and streams, particularly around aquatic plants. • the remediation of the culverts provides access to headwater catchment which are generally cooler, faster flowing and generally less favourable habitat for *Gambusia*. • the faster flowing water at Watercourse 6 (including as a result of the replacement culvert) would actively discourage the spread of *Gambusia*. • the benefits of the 3,339 m increase in extent of Watercourse 6 to be made available to native fish are likely to significantly outweigh the risks associated with the spread of *Gambusia*. At recent meetings, Auckland Council ecologist Matthew Bloxham agreed with this position.[4]	No change.
	Resource consent condition 19 (formerly LUC16) to insert requirement for certification of the outcome monitoring regime for Watercourse 6 fish passage improvements.	A monitoring regime is not necessary because the condition requires the western replacement culvert to be designed and constructed to provide fish passage. The detailed design of the culvert and the eastern fish passage structure is subject to certification by Auckland Council. Compliance is therefore achieved through the design and construction requirements themselves, rather than ongoing monitoring. If the culvert is designed and constructed in accordance with certified plans, the intended fish passage outcomes will be achieved. Ongoing monitoring would be disproportionate to the scale and nature of the works and would not improve environmental outcomes.	No change.

[1] E3.6.1.11(2) and E3.6.1.14(3) of the Auckland Unitary Plan

[2] Meeting on 21 August 2026 and site visit on 9 September 2026 held with Council ecologists and fish passage specialist (Matthew Bloxham) to discuss and refine the design concept for fish passage at Watercourse 6.

[3] Gambusia: New Zealand animal pests and threats

[4] Meeting on 21 August 2026 and site visit on 9 September 2026 held with Council ecologists and fish passage specialist (Matthew Bloxham) to discuss and refine the design concept for fish passage at Watercourse 6.

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	Add reference to the EcMP and the LEIMP to condition DES29 (formerly DES32).	The change is not necessary because those management plans have been provided with the substantive application and will be approved by the Expert Panel as part of the substantive application.	No change.
	Add new designation condition (DES43B) to require Corrections to review and re-submit the EcMP every 10 years (the same for the LEIMP through a new designation condition 45A).	A requirement to resubmit the EcMP and LEIMP every 10 years is unnecessary. Once approved, the EcMP and LEIMP provides an enduring framework for implementing the approved landscape and ecological mitigation and management measures. There is no evidence that the effectiveness of these management plans is inherently time-limited or that periodic reapproval would deliver improved environmental outcomes. In the absence of a demonstrated ecological issue, significant change in circumstances, or identified need to amend the approved management approach, mandatory resubmission would impose unnecessary administrative burden and uncertainty without corresponding environmental benefit. The focus of the conditions should remain on achieving the required landscape and ecological outcomes rather than on periodic reapproval of an already approved management framework. The advice note on condition DES29 already recognises that the EcMP and LEIMP can be amended where necessary: • *The Ecological Management Plan (EcMP) (Condition DES38) and Landscape and Ecology Implementation and Management Plan (LEIMP) (Condition DES40) may be amended and re-certified in accordance with the process set out in Conditions DES30 to DES33.*	No change.
	Amend several designation conditions on ecological and landscape planting to include: • Timeframes for planting to be 'completed' (rather than implemented) in accordance with the timeframes provided in designation condition DES39 (formerly DES44). • Re-insert objectives in the LEIMP designation condition 40 (formerly DES45) and details on planting densities, spacing of plants etc.	The requested amendments are not supported because: • Planting programme is intended to occur in accordance with the LEIMP which includes establishment over a two-year period and maintenance for a period of five years. The word 'implementation' allows for Corrections to undertake replacement planting in accordance with the LEIMP, and undertake additional enrichment planting (which has been incorporated into detailed planting plans in response to Iwi feedback). In contrast 'completed' as sought by DoC implies such planting works are simply finished within the specified timeframes. • Repeating stated objectives and matters of detail already included in the submitted EcMP and LEIMP within the designation conditions is not supported by the Expert Panel, for reasons stated in the Draft Decision.	No change.
	Add specific reference to bat roost protocols to designation condition DES38 (formerly DES43A).	Specific reference to the bat roosting protocols within the condition is unnecessary because the protocols are already referred to within the EcMP.	No change.
	Resource consent condition 25 (formerly LUS07) to ensure that refueling and lubrication activities are undertaken more than 20 metres away from the bed of any waterbody	The change is supported by Corrections, so that refueling activity does not occur immediately adjacent to the waterbody.	**Condition 25 On-site Works Methodology** *All machinery must be operated in a way, which ensures that spillages of fuel, oil and similar contaminants are prevented, particularly during stabilisation and machinery servicing and maintenance. Refueling and lubrication activities must be carried out ~~away from any~~ in areas that are not within a minimum 20-metre setback from the bed of any water body, and such that any spillage can be contained so it does not enter the watercourses associated with these consents…*