BEFORE THE AUCKLAND PRISON CAPACITY INCREASE [FTAA-2603-1179] EXPERT PANEL

Under	the Fast-Track Approvals Act 2024 (**FTAA**)
In the matter of	the deliberations and final decisions of the Expert Panel appointed under section 50 and Schedule 3 of the FTAA for the Auckland Prison Capacity Increase application seeking approvals under the Resource Management Act 1991, the Wildlife Act 1953 and Heritage New Zealand Pouhere Taonga Act 2014.
Expert Panel	Philip Maw (*Chair*) Karyn Sinclair (*Member*) Peter Kensington (*Member*)
Comments received under Section 53 of the FTAA:	28 July 2026

Record of Decision of the Expert Consenting Panel under Section 87 of the Fast-Track Approvals Act 2024

Dated 6 October 2026

(Minor Corrections)

Decision: Approvals are granted subject to conditions

***Date of Decision**:*	6 October 2026
***Date of Issue**:*	6 October 2026
Date of Correction:	4 November 2026

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Appendix 4 – Wildlife Approval Conditions;
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PART A: EXECUTIVE SUMMARY

[1] This is an application (**Proposal** or **Application**) by the Department of Corrections, Ara Poutama Aotearoa (**Corrections** or **Applicant**) to increase the capacity of Auckland Prison at 505, 530, and 540 Pāremoremo Road, Pāremoremo, Auckland (**Site**) from 681 to 1,220 prisoners.

[2] Corrections has applied for a designation alteration, a range of resource consents (including a Standard Freshwater Fisheries Activity), wildlife approval and an archaeological authority. The substantive application for approvals document is dated 1 April 2026 (**Substantive Application**). In summary, the Proposal encompasses the following:

(a) Designation alteration to increase the capacity of Auckland Prison from 681 prisoners to 1,220 prisoners and replace the existing designation conditions (**Designation Alteration**).

(b) Resource consents for watercourse works, including conditions to manage a Standard Freshwater Fisheries Activity (Freshwater Fisheries Regulations 1983).

(c) An outline plan of works waiver for watercourse works (**OPW Waiver**).

(d) Wildlife approval for the salvage and relocation of native lizards that may be present at the Site (**Wildlife Approval**).

(e) A precautionary archaeological authority to ensure appropriate approvals are in place and to minimise delays if sensitive material is exposed once works are underway (**Archaeological Authority**).

[3] As well as increasing capacity, the Application seeks to reduce the footprint of the designation from 112 ha to 80 ha. This will be achieved by removing the 'Prison Village' area from the designation as that land is no longer required for prison purposes.

[4] The Application was included as a listed project in Schedule 2 of the Fast-track Approvals Act 2024 (**FTAA**). On 8 June 2026, an expert panel was appointed to determine the Application (**Panel**).[1]

[1] Minute 3 of Panel Convener dated 27 May 2026.

[5] The Panel has assessed the Application applying the relevant statutory criteria within the purpose and context of the FTAA.

[6] The Panel received comments from persons invited to make comments on the Application, and a response to those comments was given by the Applicant.

[7] A number of information requests were made and information was subsequently provided.

[8] The Panel has carefully reviewed all of the information that it has received in evaluating the Application and has visited the site and surrounding area, including during hours of darkness.

[9] The Panel must make a separate decision in relation to each type of approval sought in the Application. The Panel has carefully considered each of the approvals sought, and grants:

(a) the Designation Alteration;

(b) resource consents for watercourse works, including conditions to manage a Standard Freshwater Fisheries Activity (Freshwater Fisheries Regulations 1983);

(c) the OPW Waiver;

(d) the Wildlife Approval; and

(e) the Archaeological Authority.

[10] The Panel finds that, having considered all relevant matters, the Proposal meets the purpose of the FTAA and that having regard to all the relevant decision-making criteria, the approvals sought should be granted. The Panel therefore grants the approvals sought for the Application subject to the conditions as set out in **Appendices 2-5**.

[11] This decision is made in accordance with section 87 of the FTAA and covers all the approvals sought under the Substantive Application.

[12] The decision includes the following parts:

(a) Executive summary – Part A;

(b) An overview of the Application and Procedure - Part B;

(c) The legal context for the Panel's consideration of the approvals sought – Part C;

(d) The input received from iwi authorities and the legal context for the Panel's consideration of that input – Part D;

(e) An assessment of the effects of the Application – Part E;

(f) The regional and national benefits of the Application – Part F;

(g) Approvals relating to the Resource Management Act 1991 (**RMA**) – Part G;

(h) Approvals that would otherwise be applied for under the Wildlife Act 1953 – Part H;

(i) Approvals that would otherwise be applied for under the Heritage New Zealand Pouhere Taonga Act 2014 – Part I;

(j) Overall approach – Part J;

(k) Approach to conditions – Part K; and

(l) Final Decision – Part L.

[13] The decision also includes the following appendices:

(a) Appendix 1 – Consents Required;

(b) Appendix 2 – Designation Conditions;

(c) Appendix 3 – Resource Consent Conditions;

(d) Appendix 4 – Wildlife Approval Conditions;

(e) Appendix 5 – Archaeological Authority Conditions; and

(f) Appendix 6 – Summary of Comments.

PART B: OVERVIEW OF THE APPLICATION AND PROCEDURE

Application

Site and surrounding environment

[14] Auckland Prison has been operating as a prison since 1969 and designated for prison purposes since 1973.

[15] Corrections provided a detailed description of the environmental setting for the Proposal in Section 5.0 of Volume 1 and Sections 2.0 of Volume 2 and 3 of the Substantive Application, including the following key characteristics:

(a) Pāremoremo community and environment;

(b) site description;

(c) site history and facilities;

(d) AUP designations, zoning and notations;

(e) transportation network;

(f) three waters infrastructure;

(g) existing resource consents;

(h) Auckland Prison;

(i) 'Prison Village';

(j) surrounding environment;

(k) road network and access;

(l) mana whenua interests and statutory areas and treaty settlements;

(m) designation history and conditions;

(n) watercourses;

(o) vegetation;

(p) significant ecological areas and outstanding natural landscape overlays;

(q) natural hazards and stormwater management;

(r) geotechnical; and

(s) contamination.

[16] The Applicant also provided a number of specialist reports addressing a range of other characteristics and establishing the appropriate baseline from which the Applicant considers the Proposal ought to be assessed.

[17] We adopt the Applicant's description of the existing environment without repeating it here, unless specified otherwise.

Overview of the Application

[18] The Proposal seeks to increase the capacity at Auckland Prison from the current designation limit of 681 prisoners to 1,220 prisoners to address the current shortfall in custodial accommodation in the Auckland Region, to respond to a projected growing prison population and to enable appropriate operational resilience of the Prison network.

[19] The intention is to replace existing facilities and buildings at the Prison with new facilities to accommodate additional prisoners. The Applicant anticipates this will take place in a staged manner, over approximately 10 years, noting that the timing and staging is subject to future central government funding.

[20] Consistent with the prospective nature of a designation and the Proposal's objectives, the Applicant has not provided any design information. Instead, the Applicant has provided a set of development parameters to provide certainty, as far as practicable, and to enable the assessment of effects on the environment. These parameters, informed by technical assessments, include the maximum anticipated "envelope" of built form and operational characteristics (i.e. prescribed maximum limits and mapping of areas where secure/non-secure facilities will be located). The Applicant's conditions then seek to manage any such effects while maintaining flexibility and innovation in future design.

[21] Further approvals will be sought once design details are known for future facilities, including outline plans of works under section 176A of the RMA and resource consents as required.

[22] The Proposal includes the following approvals/activities:

(a) Alteration to Designation 3900 to increase prisoner capacity restrictions from 681 to 1,220;

(b) Amend the purpose of the designation from "Auckland Prison" to the more specific "Construction, operation and maintenance of prison and ancillary facilities";

(c) Reduction in the footprint of the designation by removing the 'Prison Village', as it is no longer needed for prison purposes;

(d) Resource consents for works to allow for two watercourses within the Site to be piped – both being an extension of existing stormwater pipes;

(e) OPW Waiver for the watercourse works (being works within the designated site);

(f) A standard freshwater fisheries activity for impeding fish passage at the culvert outlets;

(g) Wildlife Approval to allow for the capture, relocation and incidental killing of lizards across the Site; and

(h) Archaeological Authority, as a precaution, to ensure appropriate approvals are in place and minimise delays if sensitive material is exposed once works are underway.

Resource consents

[23] The Panel has reviewed all the documentation and the further information provided by Corrections and other participants and lists the necessary resource consents in **Appendix 1**. The Panel agrees with Corrections that the activity statuses of the resource consents required are:[2]

(a) a Non-complying activity under the Auckland Unitary Plan (**AUP**);

(b) a Discretionary activity under regulations 57 and 71 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (**NES-F**); and

(c) a Restricted Discretionary activity under regulation 10 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (**NES-CS**).

[2] Substantive Application, Volume 3, dated 1 April 2026 at [6].

[24] Under the "bundling" principle the overall activity status for the Proposal's resource consents is non-complying.

[25] The Applicant seeks the following lapse and duration periods:[3]

(a) 10-year lapse date and 15-year duration for resource consents for watercourse works (works within a stream, stream reclamation, riparian vegetation clearance, earthworks activities, and groundwater take under the AUP, and NES-F); and

(b) 10-year lapse date but a 35-year duration for the stormwater diversion and discharge associated with the new outfall location for the watercourse works.

Wildlife approval under Wildlife Act 1953

[26] Corrections seeks a Wildlife Approval under the Wildlife Act 1953 to allow for the capture, relocation and incidental killing of lizards. This approval is sought for the entirety of the Site and for the duration of 25 years from commencement.

[27] Both the Ornate skink (Oligosoma ornatum) and Copper skink (Oligosoma aeneum) may be present on-site. As the development is prospective and dependent on future central government funding, Corrections has taken the approach of providing lizard management methodology upfront.

[28] The Application concludes the Wildlife Approval aligns with the purpose of both the FTAA and the Wildlife Act and that the potential adverse effects on ecological values are less than minor and, overall, there will be a net benefit in the future with the mitigation measures in place (including pest management).

Archaeological approval under the Heritage New Zealand Pouhere Taonga Act 2014

[29] Corrections seeks a precautionary Archaeological Authority due to there being a low potential for uncovering unidentified sensitive material during preliminary earthworks and planting to ensure appropriate approvals are in place and to minimise delays in the event sensitive material is exposed. This approval does not include the destruction or modification of the only recorded archaeological site being a midden on the coastal edge of the Site and referenced as R10/831.

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3 Substantive Application, Volume 3, dated 1 April 2026 at [7] and Table 2.

Procedure

[30] The following matters of procedure are relevant to this decision.

Panel Convener Steps

[31] The Panel was set up under section 50 of the FTAA on 8 June 2026. The Panel commenced work on 15 June 2026.[4]

Meetings and site visits

[32] The Panel undertook a site visit on 25 June 2026. This comprised a walkover of the Site and drive around its immediate surrounds.

[33] The Panel also visited Auckland South Corrections Facility on 25 June 2026.

[34] Much of the Panel's correspondence, deliberations and decision-making occurred over email following review, drafting and commenting on drafts of further information requests, this decision report and the conditions. The Panel also met regularly online on Teams, as necessary.

Comments and reports on the application

[35] The FTAA does not contain a notification process and there is no obligation to hold a hearing. The primary mechanism by which third parties can provide information to a Panel is through the provision of comments (section 53, FTAA).

[36] The Panel invited comments on the Application in accordance with section 53 by a Minute dated 29 June 2026. Responses to this invitation were due on 28 July 2026. The Panel received comments from 17 parties. The comments are summarised in **Appendix 6**.[5]

[37] Also considered were the reports required by sections 18 and 51 of the FTAA. The Panel thanks all parties who commented for their contributions. The matters raised in the comments are primarily discussed in Part E of this decision under the relevant effects-based headings to which the comments relate.

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4 Minute 3 of the Panel Convener dated 27 May 2026.

5 For completeness, it is noted that the Panel received an unsolicited comment. The Panel notes that the FTAA does not provide the Panel with general discretion to accept and consider information from persons who are not parties to the process. This unsolicited comment was not considered as part of the decision-making process.

Applicant's response to invited persons comments

[38] In accordance with section 55, Corrections responded to the section 53 comments on 4 August 2026.

[39] The Panel has considered Corrections' responses, and, where appropriate, refers to those responses.

Appointment of decision drafter

[40] The Panel appointed Georgina Lyes, Solicitor to assist it with drafting the decision. The Panel records its appreciation for the assistance provided by Ms Lyes in this regard.

Further information

[41] The Panel, from time to time, also sought further clarifying information. Minutes were issued with these requests. Each request was responded to.

Draft Decision

[42] A draft of this decision (including proposed conditions) was circulated to relevant parties and their comments have, where appropriate, been taken into account.

Conditions

[43] The Panel's procedure relating to the establishment of conditions is set out in Part K of this decision and is summarised below.

[44] The Applicant provided a draft set of conditions as part of the Substantive Application and continued to update them as the Application was processed.

[45] A number of persons who provided comments also commented on those draft conditions. We discuss those comments primarily in Part E of this decision, where relevant, and in relation to some particular conditions, in Part K of this decision.

[46] The Council, in its capacity as a regulatory authority provided feedback on draft conditions for the resource consents and Designation Alteration, as part of its formal comments as an invited commentator.

[47] The Applicant provided a further updated set of proposed conditions in its response to comments (**Section 55 Report**).

[48] The Panel also held a conference on 14 September 2026 where it sought clarification from the Applicant in relation to some of the conditions proposed. Following that conference, on the 15th of September 2026, the Applicant filed a further refined set of draft proposed conditions for our consideration.

[49] The Panel considered all comments received on the draft conditions as required under section 70 of the FTAA and amended the conditions where appropriate. The Panel has addressed these comments throughout this decision report, and in Part K (Conditions) below.

Hearing not required

[50] The purpose of the FTAA in section 3 is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits, and the procedural principles in section 10 of the FTAA, require the Panel to take all practicable steps to use timely, efficient, consistent, and cost-effective processes that are proportionate to the Panel's functions, duties and powers. The Panel considered that a hearing was not necessary or in keeping with this purpose and progressing without a hearing was the most efficient way to progress the Application.

Comments from the Minister for Māori Crown Relations: Te Arawhiti and Minister of Māori Development

[51] Under section 72 of the FTAA, the Panel invited comment on its draft decision from the Ministers for Māori Crown Relations: Te Arawhiti and Māori Development. By letter dated 5 October 2026, the Hon Tama Potaka, Minister for Māori Crown Relations: Te Arawhiti and Māori Development responded noting his support for the decision of the Expert Panel and the conditions. but recommended that the consent conditions were clarified so that:

(a) The relationship between Sub-Clause DES 50 (2) and DES 50 (5) is rephased to read to ensure the Panel can achieve the purpose for the Forum as outlined at DES (2).

(b) The applicant ensures their representatives on the forum enable early engagement with the Forum on relevant matters, that ensure that cultural advice provided by the Forum is considered and appropriately incorporated into the final decisions.

[52] These recommendations are addressed in Part K (Conditions) below.

PART C: LEGAL FRAMEWORK

[53] In this Part, the Panel first sets out an overview of how the FTAA operates and its overarching provisions, before addressing the more specific decision-making frameworks applicable to each category of approval sought. The Panel defers discussion of the FTAA provisions that are particularly relevant in relation to iwi authorities to Part D where their position is discussed.

Legal Context for a Listed Project under the FTAA

[54] In accordance with section 42 an authorised person[6] for a listed project may lodge a substantive application with the Environmental Protection Authority (**EPA**). The substantive application is required to follow the process set out in sections 43 and 44. The Applicant lodged the Substantive Application on 1 April 2026.

[55] The EPA decided that the Application was complete and within scope[7] on 24 April 2026. The EPA made a recommendation on whether there are competing applications or existing resource consents for the same activity on 7 May 2026.[8] The EPA then provided the Application to the panel convenor and at the same time requested a report from the responsible agency[9] under section 18 of the FTAA. A report was received on 16 April 2026.

The Scheme of the FTAA

The purpose of the FTAA

[56] Section 3 of the FTAA states:

> The purpose of this Act is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.

[57] The FTAA provides a single process for seeking a range of approvals which would otherwise have to be sought under different statutes and by different processes. This is provided for in section 42, and the approvals which can be granted include all those sought by the Applicant.

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6 FTAA, ss 4 and 42.

7 Section 43.

8 Section 47.

9 The Ministry for Cities, Environment, Regions and Transport is the responsible agency for s 18.

General provisions that apply in relation to all fast-track approval applications

[58] Section 81 provides, relevantly:

> **81 Decisions on approvals sought in substantive application**
>
> (1) A panel must, for each approval sought in a substantive application, decide whether to—
>
> (a) grant the approval and set any conditions to be imposed on the approval; or
>
> (b) decline the approval.
>
> (2) For the purpose of making the decision, the panel—
>
> (aaa) must, if the substantive application relates to an unlisted project, consider the Minister's reasons for accepting the referral application that are stated in the notice given by the responsible agency under section 28(1):
>
> (aab) must consider a relevant Government policy statement:
>
> (a) must consider the substantive application and any advice, report, comment, or other information received by the panel under section 51, 52, 53, 55, 58, 67, 68, 69, 70, 72, or 90:
>
> (b) must apply the applicable clauses set out in subsection (3) (*see* those clauses in relation to the weight to be given to the purpose of this Act when making the decision):
>
> (c) must comply with section 82, if applicable:
>
> (d) must comply with section 83 in setting conditions:
>
> (e) may impose conditions under section 84:
>
> (ea) may impose conditions under **section 84A**:
>
> (f) may decline the approval only in accordance with section 85.
>
> (3) For the purposes of subsection (2)(b), the clauses are as follows:
>
> (a) for an approval described in section 42(4)(a) (resource consent), clauses 17 to 22 of Schedule 5:
>
> (b) for an approval described in section 42(4)(b) (change or cancellation of resource consent condition), in relation to a condition of a coastal permit specified under section 186H(3) of the Fisheries Act 1996, clauses 20 to 22 of Schedule 5:
>
> (c) for any other approval described in section 42(4)(b) (change or cancellation of resource consent condition), clause 23 of Schedule 5:
>
> (d) for an approval described in section 42(4)(c) (certificate of compliance), clause 27 of Schedule 5:
>
> (e) for an approval described in section 42(4)(d) (designation), clauses 24 and 25 of Schedule 5:
>
> (f) for an approval described in section 42(4)(e) (concession), clauses 7 to 9 of Schedule 6:
>
> (g) for an approval described in section 42(4)(f) (land exchange), clauses 29 to 33 of Schedule 6:
>
> (h) for an approval described in section 42(4)(g) (conservation covenant), clauses 45 and 46 of Schedule 6:

(i) for an approval described in section 42(4)(h) (wildlife approval), clauses 5 and 6 of Schedule 7:
(j) for an approval described in section 42(4)(i) (archaeological authority), clauses 4 and 5 of Schedule 8:
(k) for an approval described in section 42(4)(j) (complex freshwater fisheries activity approval), clauses 5 and 6 of Schedule 9:
(l) for an approval described in section 42(4)(k) (marine consent), clauses 6 and 7 of Schedule 10:
(m) for an approval described in section 42(4)(l) (access arrangement), clauses 7, 9, and 10 of Schedule 11:
(n) for an approval described in section 42(4)(m) (access arrangement), clauses 8, 9, and 10 of Schedule 11:
(o) for an approval described in section 42(4)(n) (mining permit), clauses 19 to 21 of Schedule 11.

(4) When taking the purpose of this Act into account under a clause referred to in subsection (3), the panel must consider the extent of the project's regional or national benefits.

(5) For the purposes of subsection (4), if the substantive application was made under section 42(1)(aa) or (b), the panel—
(a) must treat the stage of the project to which the application relates as constituting the project; but
(b) may consider the regional or national benefits of the whole project, having regard to the likelihood that any later stages of the project will be completed.

(6) Despite subsection (2)(a), the panel—
(a) is not required to consider any advice, report, comment, or other information it receives under section 51, 53, 55, 67, 69, 70, or 72 after the applicable time frame; but
(b) may, in its discretion, consider the information as long as the panel has not made its decision under this section on the approval.

(7) To avoid doubt, nothing in this section or section 82 or 85 limits section 7.

[59] Section 81(3) refers to the schedules to the FTAA that provide specific criteria to be taken into account in relation to the different types of applications that may be dealt with under the FTAA.

[60] Section 81(4) provides:

> When taking the purpose of this Act into account under a clause referred to in subsection (3), the panel must consider the extent of the project's regional or national benefits.

[61] Sections 83, 84A and 85 relevantly provide:

83 Conditions must be no more onerous than necessary

When exercising a discretion to set a condition under this Act, the panel must not set a condition that is more onerous than necessary to address the reason for which it is set in accordance with the provision of this Act that confers the discretion.

84A Conditions relating to infrastructure

(1) The panel may set conditions to ensure that the infrastructure in the project area or other infrastructure the project will rely on is or can be made adequate to support—

(a) the project; or

(b) the stage of the project to which the application relates.

(2) This section applies in addition to, and does not limit, any other powers to set conditions under this Act.

(3) To avoid doubt, a condition set under this section may impose an obligation on the applicant only.

85 When panel must or may decline approvals

…

(3) A panel may decline an approval if, in complying with section 81(2), the panel forms the view that—

(a) there are 1 or more adverse impacts in relation to the approval sought; and

(b) those adverse impacts are sufficiently significant to be out of proportion to the project's regional or national benefits that the panel has considered under section 81(4), even after taking into account—

(i) any conditions that the panel may set in relation to those adverse impacts; and

(ii) any conditions or modifications that the applicant may agree to or propose to avoid, remedy, mitigate, offset, or compensate for those adverse impacts.

(4) To avoid doubt, a panel may not form the view that an adverse impact meets the threshold in subsection (3)(b) solely on the basis that the adverse impact is inconsistent with or contrary to a provision

of a specified Act or any other document that a panel must take into account or otherwise consider in complying with section 81(2).

(5) In subsections (3) and (4), adverse impact means any matter considered by the panel in complying with section 81(2) that weighs against granting the approval.

[62] Section 85(4) means that non-compliance with say avoidance policies that would usually preclude the granting of an approval is not itself fatal to an application.[10] As we will explain shortly, there are provisions in the Schedules of the FTAA that are generally to a similar effect.

Application of section 85(3)

[63] Consistent with the approach adopted by other Panels, we see the exercise provided for by section 85(3) as requiring assessments:

(a) of the extent of the regional or national benefits of the project;

(b) of the significance of any adverse impacts; and

(c) whether the adverse impacts, if any are found to exist, are "sufficiently significant" to be out of proportion to the regional or national benefits of the project after allowing for, amongst other things, compensation that may be provided.

A general comment on the way the Schedules work

[64] As we have explained, Schedules in the FTAA prescribe the decision-making process for approvals obtainable under the Act.

[65] The Schedules specify that the Panel must take into account a list of criteria. These lists always start with the "purpose of this Act" and direct the Panel to give the greatest weight to that purpose. It will be recalled that that purpose is:[11]

> .. to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.

[66] We now set out the relevant Schedules and Clauses for each category of approval.

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10 For an example of a consent being refused on this basis, see *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited & Ors* – [2014] NZSC 38; [2014] 1 NZLR 593.

11 FTAA, s 3.

Approvals Relating to the Resource Management Act 1991

Resource consents

[67] The relationship of the FTAA with the RMA is outlined in Schedule 5 which provides the consent application process that applies rather than the standard RMA consent application process. In considering whether to grant resource consents, the Panel must apply clauses 17 – 22 of Schedule 5 to the FTAA.

[68] Clause 17 states:

> **17 Criteria and other matters for assessment of consent application**
>
> (1) For the purposes of section 81, when considering a consent application, including conditions in accordance with clauses 18 and 19, the Panel must take into account, giving the greatest weight to paragraph (a),
>
> (a) the purpose of this Act; and
>
> (b) the provisions of Parts 2, 3, 6, and 8 to 10 of the Resource Management Act 1991 that direct decision making on an application for a resource consent (but excluding section 104D of that Act); and
>
> (c) the relevant provisions of any other legislation that directs decision making under the Resource Management Act 1991.
>
> (2) For the purpose of applying any provisions in subclause (1),—
>
> (a) a reference in the Resource Management Act 1991 to Part 2 of that Act must be read as a reference to sections 5, 6, and 7 of that Act; and
>
> ...
>
> [sub-clauses (2)(b)-(c), and (3) – (7) omitted]

[69] Section 104D of the RMA provides decision-making criteria for non-complying activities.

[70] The phrase "take into account" requires the Panel to consider the matters so identified and give them genuine consideration; rather than mere lip service, such as by listing them and setting them aside.[12] This can be best effected (and demonstrated) by considering them first in ways that are uninfluenced by the FTAA's purpose and secondly, only then carrying out the weighing exercise required by clause 17(1).

[71] Clauses 17(3) and (4) provide:

> (3) Subclause (4) applies to any provision of the Resource Management Act 1991 (including, for example, section 87A(6)) or any other Act referred to in subclause (1)(c) that would require a decision maker to decline an application for a resource consent.
>
> (4) For the purposes of subclause (1), the Panel must take into account that the provision referred to in subclause (3) would normally require an application to be declined, but must not treat the provision as requiring the Panel to decline the application the Panel is considering.

[72] These subclauses should be read in conjunction with section 85(4). They mean that directive avoidance policies in planning instruments are to be taken into account in the manner outlined in clause 17(4), by:

(a) Recognising that they would usually require applications for consent to be declined on the basis of the "bottom line" approach taken in King Salmon;[13] but

(b) Do not require the Panel to decline an application.

[73] In accordance with clause 17, the relevant matters the Panel must take into account when considering the resource consents comprise the following:[14]

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12 *Royal Forest and Bird Protection Society of New Zealand Inc v New Zealand Transport Agency* [2024] NZSC 26.

13 *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited & Ors* – [2014] NZSC 38; [2014] 1 NZLR 593.

14 Under cl 17(1)(b), Schedule 5 of the FTAA, a s104D assessment (typically referred to as the "gateway test" under standard RMA applications) is not required.

(a) The purpose of the FTAA, being "to facilitate the delivery of infrastructure and development projects with significant regional or national benefits." When assessing this criterion, we must consider the extent of the project's national or regional benefits. This criterion is to be individually assessed as part of a clause 17(1) assessment, and then, when conducting an overall assessment, is to be given the greatest weight;

(b) Part 2 of the RMA, comprising sections 5-7;

(c) Part 3 of the RMA;

(d) Part 6 of the RMA; and

(e) Parts 8, 9 and 10 of the RMA.

[74] Our assessment of those matters is set out in more detail in the relevant sections of this decision.

Designation alteration

[75] As we have already stated, the relationship of the FTAA with the RMA is outlined in Schedule 5 which provides the application process that applies for a notice of requirement rather than the standard RMA consent application process. Clause 12 outlines the detailed information required in a notice of requirement application.[15] Clause 24 outlines the assessment criteria:

> **24 Criteria and other matters for assessment of notice of requirement**
>
> (1) For the purposes of section 81, when considering a notice of requirement, including conditions in accordance with clause 25, the panel must, giving the greatest weight to paragraph (a)(i),—
>
> (a) take into account—
>
> (i) the purpose of this Act; and
>
> (ii) the provisions of Part 8 of the Resource Management Act 1991 that direct decision making on an application for a designation (except section 170); and
>
> (iii) the relevant provisions of any other legislation that directs decision making under the Resource Management Act

[15] For completeness, we note that while the clause does not expressly apply to an alteration of a designation, this is the intention, given there are no other relevant clauses and s 42(4)(d) expressly enables applicants to apply for an alteration to an existing designation.

1991; and

(b) consider any Mana Whakahono ā Rohe or joint management agreement that is relevant to the approval.

(2) For the purpose of applying any provisions in subclause (1),—

(a) a reference in the Resource Management Act 1991 to Part 2 of that Act must be read as a reference to sections 5, 6, and 7 of that Act; and

(b) if the notice of requirement relates to an activity that is the subject of a determination under section 23 of this Act, the panel must treat the effects of the activity on the relevant land and on the rights or interests of Māori as a relevant matter under section 6(e) of the Resource Management Act 1991.

(3) For the purposes of subclause (1), the provisions referred to in that subclause must be read with all necessary modifications, including (where appropriate) that a reference to a consent authority must be read as a reference to a panel.

[76] In accordance with clause 24, the relevant matters the Panel must take into account when considering the alteration to existing designations comprise:

(a) The purpose of the FTAA, being "to facilitate the delivery of infrastructure and development projects with significant regional or national benefits." When assessing this criterion, we must consider the extent of the project's national or regional benefits. This criterion is to be individually assessed as part of a clause 24(1) assessment, and then, when conducting an overall assessment, is to be given the greatest weight; and

(b) Part 2 of the RMA, comprising sections 5-7.

[77] Where a Panel approves a Designation Alteration, it can, under clause 29, Schedule 5 of the FTAA waive the requirement for an outline plan. A waiver for the works associated with the Watercourse Works consents has been sought as set out in Volume 3 of the Application.

Power to waive requirement for Outline Plan of Works

[78] The Panel's power to waive the OPW requirement is conferred by clause 29 of Schedule 5 of the FTAA, which provides:

If a Panel grants a designation, —

(a) it may waive the requirement for an outline plan as required by section 176A of the Resource Management Act 1991; but

(b) if it does not waive the requirement under that section, the outline plan must be submitted to the territorial authority in accordance with that section.

[79] Our assessment of those matters is set out in more detail in the relevant sections of this decision.

Approvals Relating to a Wildlife Approval under the Wildlife Act 1953

[80] Schedule 7, clause 5 sets out the criteria for assessment of an application for a wildlife approval.

5 Criteria for assessment of application for wildlife approval

For the purposes of section 81, when considering an application for wildlife approval, including conditions under clause 6, the panel must take into account, giving the greatest weight to paragraph (a),—

(a) the purpose of this Act; and

(b) the purpose of the Wildlife Act 1953 and the effects of the project on the protected wildlife that is to be covered by the approval; and

(c) information and requirements relating to the protected wildlife that is to be covered by the approval (including, as the case may be, in the New Zealand Threat Classification System or any relevant international conservation agreement).

[81] These criteria are assessed in Parts E and H of this decision.

Approvals Relating to an Archaeological Authority under the Heritage New Zealand Pouhere Taonga Act 2014

[82] Schedule 8, clause 4 sets out the criteria for assessment of an application for an archaeological authority.

4 Criteria for assessment of application for archaeological authority

(1) For the purposes of section 81, when considering an application for an archaeological authority, including conditions in accordance with clause 5, the panel must take into account, giving the greatest weight to paragraph (a),—

(a) the purpose of this Act; and

(b) the matters set out in section 59(1)(a) of the HNZPT Act; and

(c) the matters set out in section 47(1)(a)(ii) and (5) of the HNZPT Act; and

(d) a relevant statement of general policy confirmed or adopted under the HNZPT Act.

[83] These criteria are assessed in Parts E and I of this decision.

PART D: IWI GROUPS AND THE REQUIREMENTS OF THE FTAA

What this Part is About

[84] The FTAA imposes a number of requirements on the procedure we must adopt and the decision we can make. In this Part we review these requirements.

[85] Any particular concerns that iwi groups raised with us are addressed in more detail later, in Subpart E3.

The Relevant Provisions of the FTAA

The primarily relevant provisions of the FTAA

[86] Section 7(1)(a) of the FTAA provides:

> **7 Obligation relating to Treaty settlements and recognised customary rights**
>
> (1) All persons performing and exercising functions, powers, and duties under this Act must act in a manner that is consistent with—
>
> (a) the obligations arising under existing Treaty settlements; and
>
> (b) customary rights recognised under—
>
> (i) the Marine and Coastal Area (Takutai Moana) Act 2011:
>
> (ii) the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.
>
> (2) To avoid doubt, subsection (1) does not apply to a court or a person exercising a judicial power or performing a judicial function or duty.
>
> (3) In this section, existing Treaty settlements means Treaty settlements that exist at the time the relevant function, power, or duty is performed or exercised (rather than only those that exist at the commencement of this Act).

[87] Section 82 provides:

> **82 Effect of Treaty settlements and other obligations on decision making**
>
> (1) This section applies if a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 is relevant to an approval.
>
> (2) If the settlement or Act provides for the consideration of any document, the panel must give the document the same or equivalent effect through

the panel's decision making as it would have under any relevant specified Act.

(3) The panel must also consider whether granting the approval would comply with section 7.

(4) In this section, document—

(a) means any document, arrangement, or other matter; and

(b) includes any statutory planning document amended as a result of the settlement or Act referred to in subsection (1).

[88] Section 84 provides:

84 Conditions relating to Treaty settlements and recognised customary rights

(1) For the purposes of section 7, the panel may set conditions to recognise or protect a relevant Treaty settlement ...

(2) This section applies in addition to, and does not limit, any other powers to set conditions under this Act.

Definitions

[89] "Treaty settlements" is defined in section 4 as meaning:

(a) a Treaty settlement Act; or

(b) a Treaty settlement deed.

[90] A "Treaty settlement Act" is:

(a) an Act listed in Schedule 3 of the Treaty of Waitangi Act 1975; or

(b) any other Act that provides redress for Treaty of Waitangi claims, including Acts that provide collective redress or participation arrangements for claimant groups whose claims are, or are to be, settled by another Act, including—

(i) the Maori Commercial Aquaculture Claims Settlement Act 2004:

(ii) the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014:

(iii) the Nga Wai o Maniapoto (Waipa River) Act 2012:

(iv) the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010:

(v) the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 and secondary legislation that gives effect to section 10 of that Act and is made under Part 9 of the Fisheries Act 1996.

[91] A "Treaty settlement deed" means:

> (a) means a deed or other agreement that—
>
> (i) has been signed by or on behalf of a Minister of the Crown and representatives of a group of Māori; and
>
> (ii) is in settlement of the claims of that group or in express anticipation, or on account, of that settlement; and
>
> (b) to avoid doubt, includes a deed or other agreement of the kind described in paragraph (a) that relates to the claims of a collective or combination of Māori groups; but
>
> (c) does not include an agreement in principle or any document that is preliminary to a signed and ratified deed.

Section 18

[92] Section 18(2) of the FTAA – along with section 49 – requires the preparation of a report that addresses a list of specified matters. They include:

> (a) any relevant iwi authorities and relevant Treaty settlement entities:
>
> (b) any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area:
>
> (c) the relevant principles and provisions in those Treaty settlements, including those that relate to the composition of a decision-making body for the purposes of the Resource Management Act 1991:
>
> (d) any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area:
>
> ...
>
> (k) any other Māori groups with relevant interests:
>
> (l) a summary of—
>
> (i) comments received by the Minister after inviting comments from Māori groups under section 17(1)(d) and (e); and
>
> (ii) any further information received by the Minister from those groups:
>
> (m) the responsible agency's advice on whether, due to any of the matters identified in this section, it may be more appropriate to deal with the matters that would be authorised by the proposed

approvals under another Act or Acts

[93] The expressions "relevant iwi authorities" and "Māori groups with relevant interests" are not defined.

Clause 5, Schedule 3 of the FTAA

[94] Schedule 3 of the FTAA deals, amongst other things, with the appointment and processes of panels.

[95] Clause 5 relevantly provides:

> **5 Conduct of hearings and other procedural matters in context of Treaty settlements and other arrangements**
>
> (1) This clause applies if any Treaty settlement Act, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, or any other iwi participation legislation, or any Mana Whakahono a Rohe or joint management agreement, includes procedural arrangements relating to the appointment of a decision-making body for hearings and other procedural matters, such as the following:
>
> (a) a requirement for iwi or hapū to participate in the appointment of hearing commissioners to determine resource consent applications or notice of requirement lodged under the Resource Management Act 1991:
>
> (b) a requirement that notice be given to any person or specified class of person of any steps in a resource management process:
>
> (c) any consultation requirements with iwi or hapū:
>
> (d) any other matter of procedure for determining a matter granted under a specified Act that corresponds to an approval under this Act.
>
> (2) The panel convener or panel must—
>
> (a) comply with the arrangements in the legislation, arrangement, or agreement referred to in subclause (1) as if they were a relevant decision maker (such as a local authority, department, Crown entity, or board of inquiry) ...

Section 18 Report for a Listed Project

[96] The Ministry for Cities, Environment, Regions and Transport provided a report under section 18 in accordance with section 49 (**Section 18 Report**). The Section 18 Report includes the following relevant information:

(a) relevant iwi authorities, Treaty settlement entities, applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 (**MACA**), and other Māori groups with interests in the project area; and

(b) relevant principles and provisions in Treaty settlements and other arrangements.

Relevant groups

[97] The Section 18 Report notes that Auckland has a complex Treaty settlement landscape with many overlapping interests. Some groups have settled while others are still in settlement negotiations with the Crown for both individual group and collective redress. Accordingly, the report identifies a significant number of relevant Māori groups for this project area.[16]

Treaty settlements

[98] Treaty settlements relevant to the Proposal are recorded as follows:

(a) Ngāti Whātua Ōrākei Claims Settlement Act 2012;

(b) Ngāti Whātua o Kaipara Claims Settlement Act 2013;

(c) Te Kawerau ā Maki Claims Settlement Act 2015;

(d) Ngāi Tai ki Tāmaki Claims Settlement Act 2018;

(e) Ngāti Tamaoho Claims Settlement Act 2018; and

(f) Te Ākitai Waiohua deed of settlement, signed 12 November 2021.

[16] Section 18 Report – Application FTAA-2603-1179 Auckland Prison Capacity Increase, dated 16 April 2026 at Attachment 3.

Relevant principles and provisions in settlements

[99] Across the settlements, the Crown offers acknowledgements and an apology to the relevant groups to atone for historical wrongs that breached te Tiriti o Waitangi, to restore honour, and begin the process of healing. As part of its apologies to Ngāti Whātua Ōrākei, Ngāti Whātua o Kaipara, Te Kawerau ā Maki, Ngāi Tai ki Tāmaki, Ngāti Tamaoho, and Te Ākitai Waiohua, the Crown stated that it looked forward to building a new relationship with these groups based on co-operation, mutual trust, and respect for te Tiriti o Waitangi and its principles. The report notes that the redress mechanisms in the Treaty settlements should be viewed in the context of these intentions.

[100] Specific relationship arrangements identified in the Section 18 Report of relevance to the Proposal are:

(a) Right of first refusal:[17] The Ngāti Whātua o Kaipara and Te Kawerau ā Maki settlements provide for a non-exclusive right of first refusal (**RFR**) over Auckland Prison. Should the RFR landowner (Corrections) decide to dispose of the land, it may need to offer it to both Post Settlement Governance Entities, simultaneously. The Application does not affect this RFR, as Auckland Prison is being retained by the Applicant. However, the provision of the RFR through the settlements underlines the traditional association of Ngāti Whātua o Kaipara and Te Kawerau ā Maki with the project area. Ngāti Whātua o Kaipara and Te Kawerau ā Maki settlements also provide for a separate 'right to purchase' the Pāremoremo Housing Block, which is the same property as the ‘Prison Village’, however, the future use or ownership of the ‘Prison Village’ is outside the scope of the Application.

(b) Statutory acknowledgements:[18] The southwest boundary of the project area adjoins Pāremoremo Creek, a tidal inlet of the upper Waitematā Harbour, which is within the statutory area for the following coastal statutory acknowledgements:[19]

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17 Section 18 Report – Application FTAA-2603-1179 Auckland Prison Capacity Increase, dated 16 April 2026 at [37]-[39].

18 At [41]-[46].

19 The Section 18 Report notes that Te Kawerau ā Maki, Ngāi Tai ki Tāmaki, and Te Ākitai Waiohua settlements provide for coastal statutory acknowledgements and these are relevant if activities will affect those statutory areas.

(i) coastal statutory acknowledgement (Te Kawerau ā Maki Claims Settlement Act 2015);

(ii) coastal marine area statutory acknowledgement (Ngāi Tai ki Tāmaki Claims Settlement Act 2018); and

(iii) coastal statutory acknowledgement (Te Ākitai Waiohua deed of settlement).

(c) Conservation relationship agreements:[20]

(i) The Ngāi Tai ki Tāmaki conservation relationship agreement with DOC, which requires a consultation process consistent with the Ngā Mana Whenua o Tāmaki Makaurau collective redress deed. That process includes the Department of Conservation (**DOC**) notifying Ngā Mana Whenua of the statutory authorisation application and timeframe, receiving their response, acknowledging their interests and views, considering whether it is possible to reconcile any conflict, recording interests and views as part of a decision document, and communicating the decision. The Ngāi Tai ki Tāmaki conservation relationship agreement states that the consultation for Wildlife Act approvals will be consistent with the process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement which anticipates a more iterative process of consultation than an invitation to comment on the application. The report also suggested consideration of whether the consultative process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement is applicable for Treaty Settlement entities whose conservation relationship redress is less clear.

(ii) The Ngāti Whātua Ōrākei conservation protocol, which provides for consultation principles but does not include specific obligations in relation to Wildlife Act 1953 approvals.

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[20] Section 18 Report – Application FTAA-2603-1179 Auckland Prison Capacity Increase, dated 16 April 2026 at [47]-[50].

(iii) Te Kawenata Taiao o Ngāti Whātua o Kaipara – Conservation Charter, which sets out a process for dealing with "taonga statutory authorisations" (including those relating to species), requiring DOC to discuss with Ngāti Whātua o Kaipara within 10 working days of receipt the potential impacts on cultural, spiritual and historic values, ways to address those impacts, and how to proceed with the application. After making a decision, DOC is required to report back as to how regard was given to those views.

(iv) The Ngāti Tamaoho conservation relationship agreement, which is to be read in conjunction with the relevant parts of the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement.

(v) The Te Ākitai Waiohua conservation relationship agreement, which includes taonga species and statutory authorisations amongst those activities where Te Ākitai Waiohua are seeking to work more closely with DOC, and is also to be read in conjunction with the Ngā Mana Whenua o Tāmaki Makaurau agreement. The report also recommended that the Panel consider compliance with the procedural requirements of conservation relationship agreements under relevant Treaty settlements in a manner consistent with cl 5 of schedule 3 of the Act.

(d) Whakaaetanga Tiaki Taonga: The Te Ākitai Waiohua deed of settlement provides for a Whakaaetanga Tiaki Taonga to be entered into with Heritage New Zealand Pouhere Taonga. Appendix B of that document summarises the process for seeking an archaeological authority under the HNZPT Act 2014, including the requirement that applicants must consult tāngata whenua.

Substantive Application Information

[101] The requirements for the designation alteration in Schedule 5, Clause 12(1)(e) of the FTAA, and for resource consents in Schedule 5, Clauses 5(4)(a) and 6(1)(e), require information to be provided in relation to the identification of and/or engagement with iwi authorities

[102] The Application included Volume 1 – Appendix 1F a comprehensive assessment, dated March 2026, prepared by Whetū Consultancy Group (**Whetū**), outlining the Applicant's consultation with Māori and an identification of relevant cultural values (**Whetū Assessment**). This report summarises the consultation process with Iwi/Mana Whenua and identified groups, outlines cultural values and interests of Mana Whenua, and makes recommendations to respond to those values and interests.[21]

[103] Whetū, on behalf of Corrections, actively sought to engage and consult with all 20 Iwi/Mana Whenua in Tāmaki Makaurau Auckland identified as having Treaty settlements in the area, being on the Auckland Council register as having an interest in the area, and/or having statutory acknowledgements or MACA claims near the Auckland Prison Site. In addition, two additional Māori Groups were identified: Houkura – Independent Māori Statutory Board, and Tūpuna Maunga Authority.[22]

[104] Engagement letters were sent on 14–15 July 2025 to 20 Iwi and two Māori organisations. Follow-up occurred over August–September 2025, seeking online meetings and providing an information booklet. Responses varied: some Iwi engaged, 13 deferred to other Iwi, and several did not respond. Online or phone meetings were held with five Iwi groups. Cultural values assessments were commissioned from Ngaati Whanaunga and Te Rūnanga o Ngāti Whātua (the latter of which was a draft). For Iwi who did not respond, a formal notification letter was issued in January 2026, but no further responses were received.[23]

[105] A full record of consultation and outcomes was documented in Section 5.2 of the Whetū Assessment and its appendices.

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21 Substantive Application, Volume 1, dated 1 April 2026 at [272].

22 At [273].

23 At [275].

[106] Shared values and interests were identified across the relevant Treaty settlement legislation, Deeds of Settlement, available Iwi Environmental Management Plan documents, and information drawn from consultation. These shared values and interests include:[24]

(a) Rangatiratanga / Mana (includes participation in supporting the wellbeing of Māori);

(b) Kaitiakitanga;

(c) Protection of Archaeological/Cultural Sites;

(d) Restoration and Protection of Waterways; and

(e) Enhance and Protect Native Flora and Fauna (Terrestrial Biodiversity).

[107] Following consultation and receipt of the cultural values assessment reports, recommendations were prepared by Whetū (contained within Table 5 of the Whetū Assessment) which aim to accommodate and respond to the shared values and interests of Iwi/Mana Whenua: [25]

(a) *Recommendation A* – Continued engagement with four Iwi/Mana Whenua that have clarified association with the Auckland Prison site (Te Kawerau ā Maki, Ngāti Whātua o Kaipara, Te Rūnanga o Ngāti Whātua, and Ngaati Whanaunga);

(b) *Recommendation B* – Enabling the role of Kaitiaki in Management Plans;

(c) *Recommendation C* – Participation in the protection of archaeological/cultural sites;

(d) *Recommendation D* – Participation in the enhancement and restoration of landscape and terrestrial ecology;

(e) *Recommendation E* – Design that minimises adverse effects on cultural landscapes, waterways and surrounding environment, provides for screen planting and building height restrictions, and minimises lighting effects; and

(f) *Recommendation F* – Protection of water, ecology and the environment during design and construction activities.

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24 Substantive Application, Volume 1, dated 1 April 2026 at [277].

25 At [278].

Comments

[108] The Panel invited comments from the relevant iwi authorities, Treaty settlement entities and other Māori groups with relevant interests identified in the Section 18 Report, under section 53(2)(b)–(g) of the FTAA.

[109] The Section 18 Report advised that inviting these parties to comment (including providing information about the Application) under the Act is comparable to the process under a Treaty settlement and the RMA of providing those who hold statutory acknowledgements with a summary of the application.[26]

[110] Comments were received from Te Kawerau Iwi Tiaki Trust on behalf of Te Kawerau ā Maki and from Ngā Maunga Whakahii o Kaipara Development Trust on behalf of Ngāti Whātua o Kaipara. Comments relating to potential effects and impacts on cultural values are addressed in Part E of this decision. No formal comments were received from any of the other iwi authorities or Treaty settlement entities, or MACA applicant groups identified in the Section 18 Report.

Te Kawerau Iwi Tiaki Trust

[111] Te Kawerau Iwi Tiaki Trust submitted a Cultural Impact Assessment dated 27 July 2026 on behalf of Te Kawerau ā Maki in response to the Substantive Application.

[112] Te Kawerau Iwi Tiaki Trust's comment notes that under Te Kawerau ā Maki Claims Settlement Act 2015, the Auckland Prison property is one of a number of Crown-owned properties over which Te Kawerau ā Maki have a RFR for a period of 170 years from the settlement date. Te Kawerau ā Maki also have a right to purchase the "Paremoremo Housing Block" containing the 'Prison Village'; these redress rights are jointly held with Ngāti Whātua o Kaipara.[27]

[113] Te Kawerau ā Maki supported the creation of an Iwi Forum, the proposed membership of the Iwi Forum was not supported. The Trust considered that Te Rūnanga o Ngāti Whātua, Ngāti Whātua o Kaipara and Te Kawerau ā Maki all have clear whakapapa connections, histories, Treaty Settlement rights and cultural values related to Pāremoremo, and that the land is subject to exclusive shared Treaty

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26 Section 18 Report – Application FTAA-2603-1179 Auckland Prison Capacity Increase, dated 16 April 2026 at [45].

27 Te Kawerau Iwi Tiaki Trust (on behalf of Te Kawerau ā Maki) Cultural Impact Assessment for Auckland Prison Capacity Increase Proposal dated July 2025, at 9.

Settlement redress between Ngāti Whātua o Kaipara and Te Kawerau ā Maki.

[114] Te Kawerau ā Maki specifically objected to the inclusion of Ngāti Whanaunga in the Iwi Forum, stating that Ngāti Whanaunga's connections are limited to resources along the coastline of Tikapa Moana (the Hauraki Gulf) and do not extend into the Pāremoremo area. The Trust states that Pāremoremo is not within Ngāti Whanaunga's agreed area of interest with the Crown and that they have never held mana whenua status there. Te Kawerau ā Maki considers that including Ngāti Whanaunga goes against tikanga and uses the fast-track process to override tikanga, Te Tiriti and common sense. If the Applicant continues engaging with Ngāti Whanaunga, the Trust strongly suggests this be done separately from the Forum. Te Kawerau ā Maki is happy to collaborate with Ngāti Whātua rōpū in the Iwi Forum.[28]

Ngā Maunga Whakahii o Kaipara Development Trust

[115] Ngā Maunga Whakahii o Kaipara Development Trust submitted a Cultural Statement dated 28 July 2026 on behalf of Ngāti Whātua o Kaipara Iwi in response to the Substantive Application. The comment opposes grant of the application.

[116] The Trust considered that the consultation undertaken by Corrections did not demonstrate early, meaningful or sustained engagement with Ngāti Whātua o Kaipara and Te Taoū.[29] Although the Trust was contacted and participated in an online hui, Corrections was expressly advised that the representative present could not speak to the specific cultural and environmental effects of the Proposal. The Trust stated that there was no evidence of appropriate follow up and therefore no opportunity for meaningful review and influence of the Application.[30] The Cultural Values Assessment (**CVA**) Report prepared for the Application does not constitute an adequate assessment of Ngāti Whātua o Kaipara's cultural values, and the Application has been developed without an adequate understanding of the iwi's relationship with Pāremoremo.[31]

[117] The Trust made recommendations, in the event the Application is granted despite their opposition, including: an enduring tāngata whenua relationship agreement;

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28 Te Kawerau Iwi Tiaki Trust (on behalf of Te Kawerau ā Maki) Cultural Impact Assessment for Auckland Prison Capacity Increase Proposal dated July 2025 at 9.

29 Ngā Maunga Whakahii o Kaipara Auckland Prison Capacity Increase Section 53(2) Comments dated 28 July 2026 at [5].

30 At [5].

31 At [5].

redesign of the Proposal to retain Watercourses 1 and 2 in their open form (or, failing that, tāngata whenua involvement in mitigation); protection of R10/831 with a 20-metre buffer; tāngata whenua input into design, construction management, and monitoring; measurable mana whenua employment, training and procurement outcomes; infrastructure capacity staging conditions; and cultural inductions and cultural monitoring delivered by persons nominated by Ngāti Whātua o Kaipara and Te Taoū.[32]

Applicant's Response to Comments and Minute 6

[118] In response to comments from Ngā Maunga Whakahii o Kaipara Development Trust, Corrections' Section 55 Report states that the Iwi Forum (proposed condition DES50) is the mechanism proposed for ongoing iwi involvement, providing opportunities for cultural input, collaboration, monitoring, reporting, and discussion of mitigation measures.[33] On the Iwi Forum membership dispute, Corrections states it does not have a role or mandate to determine mana whenua status and notes that the final wording of the condition is for the Expert Panel to determine.[34]

[119] In response to comments from Ngā Maunga Whakahii o Kaipara Development Trust, the Section 55 Report states that Corrections maintains that meaningful consultation opportunities were provided, noting engagement began in July 2025 with the previous Chief Executive of the Trust, and that a change in leadership at the Trust complicated ongoing communication.[35] Corrections also did not support a formal relationship agreement as a designation condition, proposing the Iwi Forum as the appropriate mechanism for ongoing engagement.[36] Many of the Trust's other recommendations are stated to already be incorporated into the proposed mitigation and associated conditions.[37]

[120] Minute 6 of the Panel requested that Corrections provide legal submissions addressing how the section 53 comments from Ngā Maunga Whakahii o Kaipara Development Trust might influence the Panel's decision-making under sections 7, 82

32 Ngā Maunga Whakahii o Kaipara Auckland Prison Capacity Increase Section 53(2) Comments dated 28 July 2026 at [6].

33 Applicant's Response to Comments Section 55 Report dated 4 August 2026 at [57].

34 At Section 4.3.3.

35 At [59].

36 At [59].

37 At [59].

and 84 of the FTAA.[38] The Applicant responded 21 August, supported by memorandum of Mr James Whetu, Director, Whetū Consultancy Group. The key submissions were:

(a) Section 7 requires identification of obligations arising under relevant Treaty settlements; it is not a direction to treat every cultural concern as a Treaty settlement obligation.[39]

(b) The relevant settlement legislation is the Ngāti Whātua o Kaipara Claims Settlement Act 2013, which gives Ngāti Whātua o Kaipara a non-exclusive right of first refusal over Auckland Prison for 170 years and a non-exclusive deferred selection right to purchase the 'Prison Village'.

(c) Even if the Panel finds the Proposal is not fully consistent with Ngāti Whātua o Kaipara's cultural and spiritual values, that does not mean the Proposal is inconsistent with the Settlement Act or Deed of Settlement.[40]

(d) The Proposal does not compromise the future outcomes sought by the Settlement Act or Deed of Settlement – it does not impact on the non-exclusive RFR and may have a positive impact on the deferred selection right to purchase the 'Prison Village', as the removal of the designation reduces the encumbrance on Treaty settlement commercial redress.[41]

(e) The existing Tākai Hono partnership agreement between Corrections and Te Rūnanga o Ngāti Whātua is not being relied on through this Application and accordingly does not need to be relied on by the Panel.[42]

(f) The Iwi Forum is proposed as the appropriate mechanism for ongoing iwi involvement, rather than a formal relationship agreement as a designation condition and no further conditions beyond those proposed need to be imposed under section 84.[43]

38 Minute 6 of the Expert Panel, dated 18 August 2026.

39 Seventh Memorandum of Counsel on behalf of the Department of Corrections – Response to Minute 6 dated 21 August 2026 at [9].

40 At [24].

41 At [25] and [26].

42 At [31].

43 At [32].

Recognition of and Compliance with Treaty Settlements and Other Obligations

[121] Although the Panel's functions are quasi-judicial and therefore it could be argued that section 7 does not apply (under the exemption in section 7(2)), for the reasons outlined below, the Panel considers that its decision-making processes and this decision are consistent with the obligations in section 7.

[122] The Treaty settlements directly applicable to the Auckland Prison Site are the Ngāti Whātua o Kaipara Claims Settlement Act 2013 and the Te Kawerau ā Maki Claims Settlement Act 2015.[44] The obligations arising in the Treaty settlement legislation are acknowledged, as is the Panel's responsibility to act in a manner consistent with those obligations. The Panel is satisfied that the Application does not compromise the future outcomes sought by the Treaty settlement entities, including for the 'Prison Village'. The Applicant is proposing to remove the designation from the 'Prison Village' land through this application, thereby preserving the non-exclusive deferred selection rights of Ngāti Whātua o Kaipara and Te Kawerau ā Maki over that land.

[123] The Applicant has acknowledged the shared values and interests of Iwi/Mana Whenua identified after reviewing Treaty settlement legislation, Deeds of Settlement, available Iwi Environmental Management Plans, and cultural values assessments. These values include rangatiratanga/mana, kaitiakitanga, protection of archaeological/cultural sites, restoration and protection of waterways, and enhancement and protection of terrestrial biodiversity.[45] The Applicant has actively considered these values and interests and, where appropriate and relevant, has sought to provide for them in the Proposal and in the proposed conditions.[46]

[124] The Panel is satisfied that the granting of the approvals sought is consistent with section 7 of the FTAA and that the decision-making processes followed have been consistent with the obligations arising under existing Treaty settlements.

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44 Substantive Application, Volume 1, dated 1 April 2026 at [244].

45 At [247].

46 At [248].

Conduct of Proceedings in the Context of Treaty Settlements and Other Arrangements Relating to Māori Interests

[125] The Panel was mindful of engagement obligations with iwi/hapū, including where additional engagement was required beyond the standard invitation to comment.

[126] As noted above, upon reviewing the comments provided under section 53 of the FTAA from Ngā Maunga Whakahii o Kaipara Development Trust on behalf of Ngāti Whātua o Kaipara Iwi, the Panel invited the Applicant to file legal submissions which addressed how the Trust's comments might influence our decision-making under sections 7, 82 and 84 of the FTAA. The Applicant filed legal submissions in response.

[127] An invitation was extended to all other parties to respond to the Applicant's legal submissions, but no response was filed.

[128] The Panel is satisfied that it has conducted this proceeding consistent with Clause 5 of Schedule 3 of the FTAA.

PART E: EVALUATION OF EFFECTS

[129] Schedule 5 clause 5(4) requires a consent application to provide an assessment of an activity's effects on the environment covering the information in clauses 6 and 7. These matters include:

Clause 6

(a) an assessment of the actual or potential effects on the environment:

(b) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use:

(c) if the activity includes the discharge of any contaminant, a description of—

(i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and

(ii) any possible alternative methods of discharge, including discharge into any other receiving environment:

(d) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of the activity:

(e) identification of persons who may be affected by the activity and any response to the views of any persons consulted, including the views of iwi or hapū that have been consulted in relation to the proposal:

(f) if iwi or hapū elect not to respond when consulted on the proposal, any reasons that they have specified for that decision:

(g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how the effects will be monitored and by whom, if the activity is approved:

(h) an assessment of any effects of the activity on the exercise of a protected customary right.

Clause 7

(a) any effect on the people in the neighbourhood and, if relevant, the wider community, including any social, economic, or cultural effects:

(b) any physical effect on the locality, including landscape and visual effects:

(c) any effect on ecosystems, including effects on plants or animals and physical disturbance of habitats in the vicinity:

(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:

(e) any discharge of contaminants into the environment and options for the treatment and disposal of contaminants:

(f) the unreasonable emission of noise:

(g) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.

[130] The Applicant provided an assessment of the relevant matters in Section 5 of Volume 3 of the Application.

[131] The Applicant also provided an assessment of effects with respect to the Designation Alteration, in accordance with Schedule 5 clause 12, and section 13(4)(h) of the FTAA. That assessment was set out in Section 7 of Volume 2 of the Application.

[132] Participants who commented also raised a range of actual and potential effects.

[133] The Panel has carefully considered all effects assessed in the Application, and those raised by those persons who made comments on the Application. We do not address every potential effect here as it is neither practicable nor necessary for us to do so. Rather, we have focussed on those effects that we consider most relevant to this Application.

[134] Where we have not discussed specific comments as to potential effects, we adopt with approval, the Applicant's response to those comments, or otherwise consider that they have been satisfactorily addressed through further information provided through this fast-track process, or through conditions imposed on the resource consent and altered designation. If they are not addressed at all, the Panel considers that they were not material to our decision on the Application.

[135] The main categories of actual and potential effects on the environment are:

(a) public safety;

(b) social effects;

(c) cultural effects;

(d) archaeological values;

(e) effects on landscape, natural character and visual amenity;

(f) ecology;

(g) noise and vibration;

(h) lighting;

(i) traffic and transportation;

(j) wastewater;

(k) stormwater and natural hazards;

(l) water supply;

(m) energy and communications infrastructure;

(n) contaminated land; and

(o) construction effects.

[136] The Panel has addressed these effects thematically throughout our discussion below. The Panel has also had regard to the relevant planning provisions in evaluating the effects of the Proposal, as noted in Part G: Approvals Relating to the RMA.

[137] In terms of the relevant receiving environment, the Panel has applied the test in *Hawthorn*. The environment includes that which presently exists. It also:[47]

> …embraces the future state of the environment as it might be modified by the utilisation of rights to carry out a permitted activity under a district or regional plan or by the implementation of resource consents which have been granted at the time a particular application is considered, where it appears likely that those resource consents will be implemented.

The Panel is mindful that the Site already comprises an operating Prison, that has been in existence on the Site for some time.

[47] *Queenstown Lakes District Council v Hawthorn Estate Ltd* CA45/05; [2006] NZRMA 424, at [84].

E1: PUBLIC SAFETY

Context

[138] Under the Corrections Act 2004, the purpose of the Corrections system is to improve public safety and contribute to the maintenance of a just society. As set out in the statement of Mr Lightfoot,[48] the Corrections system contributes to this purpose by:

(a) Ensuring that community-based and custodial sentences, and related orders, are administered in a safe, secure, humane and effective manner;

(b) Providing Corrections facilities that are operated in accordance with the Corrections Act, especially in terms of consistency with the United Nations Standard Minimum Rules for the Treatment of Prisoners; assisting in the rehabilitation of offenders and their reintegration into the community; and

(c) Providing information to the courts and New Zealand Parole Board to assist in their decision making.

[139] An important element of public safety is rehabilitation and reintegration of prisoners. As set out by Mr Lightfoot, Corrections is committed to ensuring people in prison have suitable access to rehabilitation and reintegration opportunities that align with their needs. Recognising that most prisoners will eventually return to the community, Corrections assesses each individual's rehabilitation and reintegration needs and develops a tailored plan for their time in custody.

[140] Mr Lightfoot sets out the significant national and regional benefits to the Corrections system from the capacity increase at Auckland Prison in his statement. He says that these benefits improve public safety and contribute to the maintenance of a just society. In particular:

(a) Providing sufficient prisoner places with the appropriate security classification in the geographical area of need to meet demand. This increases the capacity of the whole prison network, and enables Corrections to provide for the projected increase in prisoner numbers. This also ensures the Prison has the capacity to respond to unexpected events and changing conditions, including: flexibility for future design, operational efficiencies,

[48] Substantive Application, Volume 1, dated 1 April 2026 at Appendix 1D.

innovation, and operational resilience and disaster reserves;

(b) Enabling the development of quality and modern fit-for-purpose prison facilities to support the safety of staff and prisoners and enable better delivery of rehabilitation and reintegration programmes. This allows Corrections to reduce reoffending through effective rehabilitation in modern fit for purpose facilities;

(c) Enabling the efficient use and development of land held for prison purposes and associated assets. This avoids the significant cost, time and risk associated with securing and obtaining the necessary approvals for a new site; and

(d) Locating the Prison capacity sufficiently close and connected to:

(i) The culture, community, support networks and whānau of prisoners;

(ii) A workforce of prison staff to support a safe, secure and effective prison operation; and

(iii) Health services and service providers to rehabilitate and reintegrate prisoners.

[141] Ms Turner, Manager Network Configuration at Corrections, says there is an existing capacity shortfall in the wider Auckland Region.[49] Ms Turner points to the 2025 Justice Sector Projection that indicates a 36% increase in the Prison population in the next ten years. In addition, the impact of current policy and unapproved legislation changes, such as the Crimes Amendment Act 2025, will further increase the population.

[142] Ms Turner describes how incarcerating people closer to their home offers significant operational, economic, and social benefits. From an operational perspective, proximity reduces logistical challenges and costs associated with transporting individuals for court appearances, health appointments, and family visits. Economically, it lowers travel expenses for both the justice system and families, while also enabling better access to local rehabilitation and reintegration services, which can reduce recidivism and long-term incarceration costs. Socially, maintaining

[49] Substantive Application, Volume 1, dated 1 April 2026 at Appendix 1D.

close ties with whānau and community during imprisonment supports emotional wellbeing, cultural connection, and smoother reintegration upon release, ultimately strengthening social cohesion and improving outcomes for individuals and their communities.

[143] Ms Turner also describes the benefits of developing existing sites, as opposed to building on new sites. She notes here that greenfield development is not only time consuming and costly but also inefficient in terms of land use and provides less flexibility to adapt to demand uncertainty.

[144] Overall, the Applicant says that the Proposal will give rise to significant national and regional benefits to the Corrections system, which in turn ensure public safety and contribute to the maintenance of a just society.

Comments Received

[145] The Pāremoremo Residents and Ratepayers Association and the Upper Harbour Local Board requested reassurance that additional security measures would be provided to keep the community safe from any safety risks associated with expanded prison facilities. They provided findings of a survey supporting this concern.

Applicant's Response to Comments

[146] In its response, the Applicant noted that it is an experienced prison operator with procedures in place for escapes. Modern, fit-for-purpose prison facilities include purpose-built design and operational layouts that enhance the safety of staff, prisoners and visitors. Modern facilities support safer and more secure prison operations while also enabling more effective rehabilitation and reintegration programmes, which contribute to improved public safety outcomes.

[147] The Applicant drew our attention to the fact that there have been no breakout escapes from any of Corrections' prisons in the last five years. Auckland Prison has historically had a very low number of escapes, with only two escapes recorded over the past 25 years. The Substantive Application proposes a designation condition to maintain a community notification system (DES49). The notification system would clearly outline what the community need to be notified of and how the community will be informed, including in the event of emergencies, incidents or escapes.

Panel Findings

[148] For reasons we discuss later in our decision, we find that the Proposal will give rise to significant national and regional benefits to the Corrections system. Those benefits, in turn, ensure public safety and contribute to the maintenance of a just society.

[149] We find that providing sufficient prisoner places with the appropriate security classification in the geographical area of need as is proposed, responds to increases in the capacity of the whole prison network, and enables Corrections to provide for the projected increase in prisoner numbers. The availability of prison capacity is fundamental to Corrections' statutory obligation to deliver safe, secure, humane and effective custodial sentences.

[150] Locating the Prison capacity sufficiently close and connected to culture, community, support networks and whānau of prisoners, a workforce and health and service providers, as the Site offers, allows for more effective rehabilitation, access for health and service providers and staff.

[151] Overall, we find that there are significant positive public safety and wellbeing benefits that will derive from the increase in capacity at Auckland Prison.

E2: SOCIAL EFFECTS

Context

[152] The Applicant provided a Social Impact Assessment (**SIA**) with the Substantive Application. This assessment followed the International Association for Impact Assessment process. The SIA, at paragraph 24, sets out the potential impacts that the Proposal may have as:

- **Way of life**: how people live, work, play and interact with one another on a daily basis

  …

- **Community**: cohesion, stability, character, services and facilities

  …

- **Environment**: the quality of the air and water people use, the

availability and quality of the food they eat, the level of hazard or risk, dust and noise they are exposed to, the adequacy of sanitation, physical safety, and access to / control over resources

- Health and wellbeing: physical, mental, social and spiritual wellbeing

…

- **Fears and aspirations**: perceptions of safety, fears about the future of their community, aspirations for the future and future of their children

[153] It noted a deliberate exclusion of cultural matters, political systems and personal and property rights as being matters more appropriately addressed elsewhere or not relevant to this Substantive Application.

[154] The assessment summary of the SIA concluded that, post mitigation proposed by Corrections, there were low negative to extreme positive impacts resulting from the Proposal.

[155] The mitigation offered through conditions, beyond those associated with other effects assessments was a Community Liaison Group and complaints procedure process.

Comments Received

[156] Mr Beckett raised a number of issues, many of which are addressed elsewhere. The limitation placed on his property via a section 221 notice to prevent further subdivision and development he commented appeared to directly contradict the Prison Capacity increase sought by Corrections. He submitted that the environmental impact of a single additional dwelling compared to 500 plus prisoners was significantly less.

[157] Ms Steele commented that the social and community impacts of placing a larger prison on the site should be carefully weighed against alternative investments. She sought further clarification around the ongoing management of the 'Prison Village'. Ms Steele considered that the Prison had not been 'open and honest' with the community which has led to a 'lack of faith' in the Prison.

[158] Ling Dong and Frank Tang sought that Corrections provide advanced notice of 'significant construction activities', a dedicated community liaison officer and a 24

hour contact number throughout the project.

[159] Sandy Howard-Whitty and Leslie Whitty disputed that the offenders' families were based 'in proximity'. They also questioned what the removal of the designation over the 'Prison Village' would mean, noting that the change was causing concern among village residents.

[160] The Pāremoremo Residents and Ratepayers Association highlighted concerns from their membership regarding emergency planning, and community wellbeing including security and safety and provided findings of a survey supporting this concern.

[161] The Upper Harbour Local Board did not support the Proposal, on the basis of the following reasons (among others):

(a) They considered other parts of Auckland would be more suitable and closer to where the residents come from and that other parts of Auckland are 'far closer to home communities than Pāremoremo which does not even have public transport";

(b) The fast-track process limited participation and constrained robust consideration of community impacts;

(c) That the expansion of the Prison will adversely affect local amenity, perceptions of safety and overall community wellbeing;

(d) That the expansion is inconsistent with Government commitments that the Prison would not be further expanded, and that this Proposal will undermine public trust in the New Zealand Government; and

(e) That the changes to the 'Prison Village' will impact existing village residents, including any change to the current monitoring of behaviour of residents.

[162] The Local Board sought that if the Proposal did proceed, then, among other conditions, Corrections should make the Hall (505 Pāremoremo Road) a bookable facility and useable by residents of Pāremoremo, including as a community emergency hub.

Applicant's Response to Comments

The 'Prison Village'

[163] Corrections addressed the issues raised by commenters in relation to the future of the 'Prison Village' in section 5.12 of its response to comments.

[164] Corrections noted that the removal of the designation over the 'Prison Village' was because the land 'is no longer needed for "Corrections purposes" and it accordingly cannot be designated for that purpose'.[50] The change to its status is distinguished by Corrections from the ongoing 'Prison Village' management which it notes will remain with Colliers who currently manage the village on behalf of Corrections. Corrections further note that the uplifting of the designation does not change their tenancy agreements.[51]

Increase in capacity and location

[165] Corrections addressed the issues raised by commenters in relation to the need for increased capacity and specifically at Auckland Prison, Pāremoremo in section 5.2 of its response to comments.

[166] Corrections referred to the Alternatives Assessment[52] and the evidence of Ruth Turner[53] of the Substantive Application and reiterated the obligations of Corrections to provide sufficient prison places to minimise transfers and not 'too far' from whānau.

Communication during construction

[167] Corrections addressed the issues raised by commenters in relation to communications during construction in section 5.11. Other responses are noted in section 5.4.3. Notably Corrections has offered additional conditions in response to these comments. The new conditions are discussed in Part K below.

Previous Government commitments

[168] Corrections addressed the commitments made by previous governments at section 5.4.1, noting that this matter has been addressed in Applicant's sixth legal

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50 Section 55 Report, at [183].

51 At [184].

52 Substantive Application, Volume 2, dated 1 April 2026 at Appendix 2C.

53 At Appendix 1D.

memorandum.[54] Corrections does not consider the historical commitments to be a jurisdictional matter for the Panel to consider.

Hall at 505 Pāremoremo Road

[169] Corrections addressed the request to open up the hall to public use in 5.4.4. Corrections noted that the Substantive Application in front of the Panel does not address any change of use to the Hall.

Reduced community safety and security

[170] Corrections addressed issues raised relating to security concerns in section 5.4.2 of its response to comments. Corrections noted that there had been only two escapes in the past 25 years. Corrections did not respond to comments on antisocial behaviour attributed to prison visitors by commenters. Corrections has proposed a condition to address community notification in the event of emergencies, incidents or escapes. Corrections do not propose any amendments to this condition in response to comments received.

Panel Findings

[171] There is no disputed technical evidence in front of the Panel that requires evaluation as to the preferred position. Many of the issues raised by commenters are or can be addressed by specific conditions. These matters are addressed further below.

[172] We find that, based on the assessment contained in the SIA, there are clear and positive social effects derived from the Proposal. The Proposal enables Corrections to develop a modern prison facility that will be fit for purpose against modern prison standards and be designed to provide more effective facilities for rehabilitation programmes.

[173] With respect to the effects identified by commenters relating to safety, communications, the 'Prison Village' and other more individual concerns, the Panel is satisfied, based on the SIA and other assessments, that the mitigation proposed and set out in conditions can adequately address the concerns of the commenters.

[174] Overall, we find the potentially adverse social effects from the operation of the expanded prison are appropriately mitigated by the proposed conditions.

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[54] Sixth Memorandum on behalf of the Department of Corrections in support of the section 55 response to written comments and the section 51 reports dated 4 August 2026.

E3: CULTURAL EFFECTS

[175] The Panel formally acknowledges those tāngata whenua with mana and whakapapa at Pāremoremo, with this evidenced through the various information provided within the Substantive Application and via comments received from invited participants. The Panel also acknowledges and appreciates the warmth and sincerity of the mihi whakatau that was provided at the commencement of our site visit in June. The Panel respects the relationship values and tikanga that has been extended to our decision making.

Corrections' Relationships with Tāngata Whenua

[176] The Substantive Application included a statement dated 25 March 2026 from Stephen Parr, the General Manager of Auckland Prison. Mr Parr confirmed that:[55]

> Corrections has established relationships with four iwi authorities who represent Mana Whenua interests at Auckland Prison, being Te Kawerau ā Maki, Te Rūnanga o Ngāti Whātua Ōrākei, Ngāti Whātua o Kaipara, as well as two additional iwi Ngāti Manuhiri and Te Uri a Hau.

[177] Mr Parr outlined that the established relationships include meeting regularly with both Iwi that have Treaty of Waitangi claims over Auckland Prison and the 'Prison Village', namely: Te Kawerau ā Maki; and Ngāti Whātua o Kaipara.

[178] He also highlighted a 2025 Tākai Hono (Partnership Agreement) between Corrections and Te Rūnanga o Ngāti Whātua, which sets the parameters for a sustainable and effective strategic partnership between the parties and provides a framework to facilitate engagement and cooperation on matters of mutual interest. This includes a vision that seeks "…to improve the cultural and social wellbeing of Māori that enter the Corrections system in the rohe of Ngāti Whātua."

[179] The Panel acknowledges Mr Parr's statement which outlined that the Applicant is committed to ongoing engagement with those tāngata whenua that have mana over the Pāremoremo area "…through established relationship channels and including formal agreements such as with Te Rūnanga o Ngāti Whātua."[56]

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55 Substantive Application, Volume 1, dated 1 April 2026 at Appendix 1D at [107]-[109].

56 At [117]-[118].

Relevant Treaty Settlements

[180] The Panel appreciates that, amongst various statutory acknowledgement areas in the Pāremoremo locale, two specific Treaty settlements relate to the Site, being:

(a) the Ngāti Whātua o Kaipara Claims Settlement Act 2013 which was enacted on 12 June 2013 and formalises the Deed of Settlement between the Crown and Ngāti Whātua o Kaipara. The Settlement Act gives Ngāti Whātua o Kaipara a non-exclusive RFR for a period of 170 years over Auckland Prison (Pāremoremo) and a non-exclusive deferred selection right to purchase the Pāremoremo Housing Block ('Prison Village').

(b) the Te Kawerau ā Maki Claims Settlement Act 2015 which was enacted on 14 September 2015 and formalises the Deed of Settlement between the Crown and Te Kawerau ā Maki. It provides Te Kawerau ā Maki with the same redresses as Ngāti Whātua o Kaipara, being a non-exclusive RFR for a period of 170 years over Auckland Prison (Pāremoremo) and a non-exclusive deferred selection right to purchase the Pāremoremo Housing Block ('Prison Village'). The extent of the area of RFR is not mapped but is described similarly to the Auckland Prison definition under Ngāti Whātua o Kaipara Claims Settlement Act 2013.

Application Assessment

[181] As noted in Part D of this decision, the Application included the Whetū Assessment a comprehensive assessment outlining the Applicant's consultation with Māori and an identification of relevant cultural values. To assist, the Whetū Assessment referenced a CVA prepared by Ngaati Whanaunga, as well as a Draft CVA prepared by Te Rūnanga o Ngāti Whātua (noting that the Applicant provided a confidential final version of this CVA to the Panel in June 2026).

[182] Out of the consultation and engagement process, the Whetū Assessment (at section 7.0) made six recommendations for the Applicant to consider, including:

A. Continued engagement with four Iwi / Mana Whenua, being:
    i. Te Kawerau ā Maki;
    ii. Ngāti Whātua o Kaipara;
    iii. Ngāti Whātua (Te Rūnanga o Ngāti Whātua); and
    iv. Ngaati Whanaunga.
B. Enabling the role of Kaitiaki in management plans.
C. Participation in the protection of archaeological/cultural sites.

D. Participation in the enhancement / restoration of landscape / ecology.
E. Design that minimise adverse effects on cultural landscapes, waterways and surrounding environment, provides for screen planting and building height restrictions, and minimises lighting effects.
F. Protection of water, ecology and the environment during design and construction activities.

[183] The Application confirms that the Applicant has acknowledged and responded to these recommendations in order to manage effects from the Proposal on identified cultural values, including specifically proposing to:[57]

(a) Facilitate ongoing relationship with the four identified Iwi.

(b) Providing protocols for cultural practices are provided, including karakia before works, Iwi notification and tikanga processes for discovery of sensitive materials (conditions DES21–DES22), and site visits to the identified archaeological feature R10/831.

(c) Sharing monitoring and compliance reports for key management plans, to provide transparency across archaeological, ecological, lizard, landscape, and pest management activities.

(d) Undertaking extensive ecological restoration (28 ha), delivered by experienced contractors, with Iwi input on draft plans and detailed planting plans, and all planting eco-sourced in accordance with LEIMP requirements.

(e) Landscape and design measures (conditions DES04, DES05, DES07, DES10, DES28, DES30) minimise effects on cultural landscapes through siting, screening, colour controls, lighting standards, and protection of archaeological sites.

(f) Engagement with mana whenua continuing through construction and beyond, with stormwater best practice, minimised reclamation, and offset/compensation measures (LUC14–LUC16) supporting kaitiakitanga and cultural landscape values.

[184] The Applicant contends that their consultation and engagement with tāngata whenua has been appropriate and meaningful, resulting in practical outcomes for the Proposal and with a commitment for the established relationships to be ongoing.

[57] Substantive Application, Volume 2 Designation Alteration Report at [289] and [1030].

[185] However, the Applicant also acknowledged the concerns raised during this engagement by Te Rūnanga o Ngāti Whātua who expressed opposition in principle to an increase in prison capacity at the Site, due to a principled position being opposed to incarceration in general. Te Rūnanga o Ngāti Whātua are opposed in principle because of the type of activity (prison) that it is, and that is not conducive to the outcomes sought by Te Rūnanga o Ngāti Whātua for Ngāti Whātua (and broadly Māori). They consider the Proposal has high cultural risks and impacts from Māori being over represented within the Prison system and from system disconnection from tikanga, whakapapa and wairua.

[186] In response, the Applicant noted that Corrections operate at the end of the criminal justice process and do not have control over the number of prisoners it receives in the Prison network and is required to manage. Corrections outlined that they have a statutory obligation to ensure that sentences are administered in a safe, secure, humane and effective manner. To fulfil their statutory obligations, Corrections state that they must have sufficient capacity to meet both current and future demand in the national prison network.

Comments Received

Minister for Māori Crown Relations – Te Arawhiti

[187] Comments from the Minister for Māori Crown Relations – Te Arawhiti (Hon Tama Potaka) offered broad support to the Proposal, subject to any comments received from relevant Māori rōpu. The Minister also suggested taking into account the interests of Te Kawerau ā Maki and Ngāti Whātua ki Kaipara because of the relevant Treaty settlement commercial redress interests (e.g., the RFR).

Te Kawerau ā Maki

[188] Te Kawerau Iwi Tiaki Trust (a subsidiary of Te Kawerau Iwi Settlement Trust) (Te Kawerau ā Maki) provided comments on the Application, highlighting the Treaty settlements and also providing a July 2026 Cultural Impact Assessment.

[189] Te Kawerau ā Maki stated that, for them:

> … the entire Pāremoremo area is a cultural landscape, embedded with identity, meaning, and significance. The character and integrity of the whole is made up of its constituent parts, such its topography, relationship to Pāremoremo Creek and Te Wai Roa o Kahu, puke (hills) surrounding the valley, archaeological

sites, place names and cultural sites.

[190] Comments from Te Kawerau ā Maki indicated that the Proposal had the potential to result in significant impacts on identified cultural values associated with landform, freshwater, ecology, cultural heritage and cultural landscapes. Additionally, Te Kawerau ā Maki raised concern over the potential for cumulative adverse impacts from historical land uses degrading the mauri of the Site.

[191] Having said this, Te Kawerau ā Maki consider the proposed designation conditions (with recommended adjustments, as outlined below) will adequately address impacts on their cultural values arising from the expansion project. They outlined that the mitigation proposed in the Application would reduce most of the potential impacts to an acceptable level. In particular, the degree of restoration planting proposed for the area surrounding the prison has a beneficial impact and has been developed to compensate for and offset residual impacts that could not be mitigated.

[192] While Te Kawerau ā Maki support the establishment and suggested kaupapa of the Iwi Forum they raised concerns over the proposed membership of the group, suggesting this should be limited to Te Rūnanga o Ngāti Whātua, Ngāti Whātua o Kaipara and Te Kawerau ā Maki because all have clear whakapapa connections, histories, Treaty Settlement rights, and cultural values related to Pāremoremo and the prison site. For reasons outlined in their comments, including as to Mana Whenua status, Te Kawerau ā Maki strongly suggest that membership of the Iwi Forum does not include Ngāti Whanaunga.

Ngāti Whātua o Kaipara

[193] Ngā Maunga Whakahii o Kaipara Development Trust (on behalf of Ngāti Whātua o Kaipara Iwi) (Ngāti Whātua o Kaipara) provided comments on the Application which also highlighted the Treaty settlements and the significance of Pāremoremo and Te Marae o Hinekakea, stating that:

> The lands surrounding Pāremoremo, including the headwaters of the Pāremoremo Creek, form part of the ancestral landscape of Te Taoū, one of the principal hapū of Ngāti Whātua. For Te Taoū, this landscape is not simply a geographic location but an enduring expression of whakapapa, ahi kā, mana whenua and rangatiratanga. Every ridge, waterway, wetland and harbour inlet contributes to an interconnected cultural landscape that has sustained

generations of Ngāti Whātua.

[194] Specific issues raised by Ngāti Whātua o Kaipara relate to potentially significant impacts on cultural values associated with the following:

(a) Ecology – effects from the permanent destruction of the waterways.

(b) Archaeology – suggesting that the proposed conditions should include tikanga-led input to manage effects on archaeological and cultural values.

(c) Landscape, visual and natural character – an increase in the presence of an already substantial Crown institution within an ancestral landscape, results in significant and enduring adverse effects on the cultural landscape.

(d) Social effects – lack of assessment on enduring effects on mana whenua.

(e) Economic effects and infrastructure effects.

[195] The comments from Ngāti Whātua o Kaipara also contend that the consultation undertaken by Corrections does not demonstrate early, meaningful or sustained engagement with Ngāti Whātua o Kaipara and Te Taoū. As a result, the comments contend that the Application has been developed without an adequate understanding of the relationship of Ngāti Whātua o Kaipara and Te Taoū with Pāremoremo or the effects of substantially expanding the prison within this ancestral landscape.

[196] Ngāti Whātua o Kaipara confirm their opposition to the Application and outline that a primary concern relates to:

> … the permanent reclamation and piping of Watercourses 1 and 2 within an important ancestral and cultural landscape. These works would diminish the mauri of the waterways, remove freshwater habitat, sever relationships between whenua and wai, and further modify their connection with Pāremoremo Creek. Together with the expansion of the prison facilities, they would further degrade the relationship of Ngāti Whātua o Kaipara with the site and surrounding cultural landscape.

[197] It is also noted that Ngāti Whātua o Kaipara provided suggested conditions for consideration by the Panel should it be determined that the Proposal does proceed.

Auckland Council

[198] Comments were provided by Auckland Council planners, which noted that there are no relevant scheduled Sites of Significance to Māori identified in the AUP; and that

various of the proposed conditions being advanced by the Applicant will assist with the mitigation of potential adverse effects on Māori cultural values.

Applicant's Response to Comments

[199] In responding to the above comments, the Applicant was cautious in recording that it does not have a role or mandate to determine who holds mana whenua status or is tāngata whenua in relation to the designated site, choosing to respond to the relevant topics and issues raised by Te Kawerau ā Maki and Ngāti Whātua o Kaipara on their merits. This is reflected in the conditions proposed as part of the Application, including proposed condition DES50 (Iwi Forum) which references four Iwi.

[200] The Applicant also maintains that they have followed an appropriate consultation and engagement process with tāngata whenua, including with Ngāti Whātua o Kaipara via the Ngā Maunga Whakahii o Kaipara Development Trust and Ngā Maunga Whakahii o Kaipara Whenua Hoko Holdings Limited.

[201] In response to specific comments from Te Kawerau ā Maki, the Applicant confirmed:

(a) Corrections primarily propose the Iwi Forum as the mechanism for ongoing iwi involvement, providing opportunities for cultural input, collaboration, monitoring, reporting, and discussion of mitigation measures across cultural, ecological, landscape, archaeological, and construction matters.

(b) Environmental and landscape mitigation will be implemented through management plans and design controls, including the Landscape and Ecology Implementation and Management Plan (**LEIMP**), Earthworks and Contamination Management Plan (**ECMP**), lighting conditions, and design reports, with opportunities for Te Kawerau ā Maki to provide feedback through workshops, the Iwi Forum, and access to relevant reports.

(c) Lighting, contaminated soils, planting, and ecological restoration will be managed through specific conditions and management plans, with iwi able to review information and provide cultural input, while compliance monitoring remains the responsibility of Auckland Council and other regulatory processes.

(d) Corrections acknowledge cultural heritage sensitivities and propose

archaeological monitoring for works in sensitive areas, with ongoing engagement and information sharing rather than formal co-governance or iwi decision-making roles.

[202] In response to specific comments from Ngāti Whātua o Kaipara, the Applicant noted that many of the recommendations and requests of Ngāti Whātua o Kaipara are incorporated into the proposed mitigation and associated conditions. They also confirmed:

(a) Corrections maintains there is a functional and operational need to reclaim Watercourses 1 and 2, and therefore considers avoidance is not practicable. The proposed watercourse works are fundamental to enabling the future development associated with increasing capacity at Auckland Prison, and thereby, in relation to the part of the Site where the watercourses occupy, key to realising those significant regional and national benefits outlined in Volume 1 of the Substantive Application, consistent with the purpose of the FTAA.

(b) Areas on the Site have been identified where future development will occur as part of the designation alteration (Areas A and B). These areas avoid several wetlands and watercourses on the Site, but the Proposal is unable to avoid the removal of Watercourses 1 and 2 because there is a functional need, and no practicable alternatives as explained in section 6.3.4.2 of Volume 3.

(c) In accordance with the 'effects management hierarchy', the Proposal includes a comprehensive package of measures to avoid, minimise, remedy, offset and compensate potential and actual adverse ecological effects as a result of the proposed watercourse works (refer to section 5.2.1 of Volume 3).

(d) Overall, subject to the proposed effects management, the proposed loss of watercourse extent and values, as well as riparian vegetation, will have less than minor adverse effects on terrestrial ecology and freshwater ecology and will achieve no net loss of ecological values.

(e) Corrections agrees to extend the protection for identified archaeological feature R10/831 from 10 metres to 20 metres, as requested, and has

amended proposed designation condition DES21 and the Landscape Mitigation and Ecology Enhancement Plan (**LMEEP**) accordingly. Corrections highlights that accidental discovery protocols are already included within proposed designation condition DES22.

(f) The proposed designation conditions, management plans, future consent requirements, and comprehensive regulatory oversight collectively ensure that cultural, ecological, heritage, infrastructure, and construction effects are appropriately identified, managed, and mitigated. Iwi are afforded ongoing opportunities to contribute to project planning and implementation through the proposed Iwi Forum, cultural monitoring provisions, reporting obligations, and review of management plans.

[203] The Applicant focused on providing a response to the concerns raised by Ngāti Whātua o Kaipara relating to the impacts associated with the watercourse piping and reclamation works. Relying on expert evidence and proposed conditions which address these concerns, while also noting the functional need for the watercourse works, the Applicant's position is that the level of mitigation and offsetting that is proposed as part of the Application, is an appropriate response to these concerns.

Minute 6 of the Expert Panel – Comment on ss 7, 82 and 84 of the FTAA

[204] Upon reviewing the comments provided by Ngāti Whātua o Kaipara, the Panel invited the Applicant to file legal submissions and evidence from a Te Ao Māori, mātauranga Māori and tikanga Māori perspective, which addresses how these comments might influence our decision-making under sections 7, 82 and 84 of the FTAA, noting that section 7 requires the Panel must act in a manner that is consistent with obligations arising under existing Treaty settlements.

[205] In response to Minute 6, the Applicant provided the requested submissions and evidence, which included a helpful memorandum from James Whetū (Whetū Consultancy Group), which – while acknowledging that only Ngāti Whātua o Kaipara can identify and articulate relevant values – sought to assist the Panel 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.

[206] After considering these issues, Mr Whetū confirmed that he was satisfied that, within the limitations of an established operating prison, relevant cultural matters have been appropriately considered and addressed through the Proposal and the responses contained in the Section 55 Report; and that the Proposal is consistent with the relevant Treaty settlement legislation. It was Mr Whetū's opinion that 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.

[207] The Applicant's response to Minute 6 also outlined why, to the extent possible within the confines of an established operating prison site, the adverse effects raised by the Trust have been appropriately avoided, remedied or mitigated and do not fall into the category of being sufficiently significant to be out of proportion to the Proposal's regional or national benefits.

[208] The response also acknowledged that, if the Panel reached a finding that the Proposal was not fully consistent with Ngāti Whātua o Kaipara cultural and spiritual values, that does not mean the Proposal is not consistent with the Settlement Act or Deed of Settlement. It is the position of the Applicant that the Proposal does not compromise the future outcomes sought by the Settlement Act or Deed of Settlement, including for the 'Prison Village', stating:

> The approvals sought through the FTAA are not inconsistent with the Settlement Act or Deed of Settlement. Granting the approvals in the form sought does not create any inconsistency with any obligation arising under them.

[209] The Applicant highlighted that the Proposal does not impact on the non-exclusive RFR over the Prison site (noting that the Prison is already established and will continue to operate on site regardless of the approvals granted). The Applicant also noted that the Proposal may have a positive impact on the non-exclusive deferred selection right to purchase the 'Prison Village', acknowledging the FTAA approval process is independent from any future property disposal process.

Panel Findings

[210] We acknowledge the concerns being raised by tāngata whenua, including in particular those of Ngāti Whātua o Kaipara and Te Taoū which raise fundamental challenges to the existence and proposed expansion of Auckland Prison in this location, which holds significant cultural values to this Iwi.

[211] We find that the Applicant has engaged appropriately with tāngata whenua on this Proposal and has also committed to continuing this engagement into the future. We cannot criticise the Applicant for a lack of effort, or for not understanding the issues which have been raised by Ngāti Whātua o Kaipara and Te Taoū.

[212] The Panel also understands these issues, but ultimately agree with the Applicant's reasons as to why they consider the potential adverse effects on Māori cultural values can be effectively managed through delivery of an expanded prison facility at the Site. This includes the significant offsetting being proposed in response to the loss of existing watercourses and associated habitat to allow for this expansion.

[213] We are in agreement with the Applicant that the proposed conditions of the amended designation and associated resource consents will appropriately achieve an outcome where tāngata whenua can provide relevant input and engage with delivery, consistent with the statutory tests in the FTAA.

E4: ARCHAEOLOGICAL VALUES

Application Assessment

[214] An Archaeological Assessment prepared by Clough and Associates (**Clough Assessment**) was provided with the Application material to establish whether future development on land within the Designation 3900 boundary is likely to result in potential effects on archaeological values.[58]

[215] The Clough Assessment highlighted one previously recorded archaeological site (R10/831), being a shell midden located on a possible terrace cut into the bank along the western coastal boundary of the Site, and 11 recorded sites in the vicinity of the Site but located outside the boundary of the designated land. One of these being

[58] Substantive Application, Volume 2, dated 1 April 2026 at Appendix 2G.

R10/163 which is the location of Te Marae o Hinekakea, recorded as a Māori village (kāinga). R10/163 is recorded as being approximately 370m north west of the Site.

[216] As a result of site investigations which supplemented desktop analysis, and based on the nature and location of previously recorded archaeological sites in the vicinity of the Site; the Clough Assessment concluded that, while the majority of the Site has a low potential for containing unrecorded archaeological sites, the areas of the Site bordering Pāremoremo Creek and streams, have the potential to contain additional sites associated with Māori occupation and settlement in the form of shell midden.

[217] The Designation Alteration application has been prepared to specifically avoid impacts on the recorded R10/831 archaeological site, including by setting back any proposed planting from this feature, to ensure no disturbance or modification. In addition, proposed conditions require such a setback for any land disturbance, as well as accidental discovery protocols for other land disturbance in the Site.

[218] With the proposed conditions in place, the Clough Assessment concluded that potential effects on archaeological values from future development within the Site will be minor; noting that an Archaeological Authority is also being sought through the Application (assessed in Part I of this decision) as a precaution, but which is related to the management of potential effects on archaeological values.[59] An Archaeological Management Plan has been prepared by the Applicant, as part of the Archaeological Authority approval sought.

Comments Received

[219] Comments from Ngā Maunga Whakahii o Kaipara Development Trust (on behalf of Ngāti Whātua o Kaipara Iwi) (Ngāti Whātua o Kaipara) raised concerns regarding the management of effects on cultural heritage and archaeology, including potential for unidentified archaeological sites, taonga and kōiwi tangata to be disturbed.

[220] Ngāti Whātua o Kaipara seeks stronger protections, cultural monitoring, mana whenua participation and tikanga-led responses in archaeological management, and enhanced protection of recorded archaeological site R10/831 – specifically to:

(a) Protect archaeological site R10/831 from modification and establish a

[59] Substantive Application, Volume 2, dated April 2026 at Appendix 2G at [72] and [81].

consistent 20m protected buffer.

(b) Require Tāngata whenua input into the Archaeological Management Plan and archaeological requirements for each development stage.

(c) Provide for cultural monitoring of culturally sensitive ground disturbance.

(d) Apply accidental-discovery procedures across the entire site, with immediate notification and a Tāngata whenua role in determining tikanga and appropriate responses.

[221] While comments from Te Kawerau Iwi Tiaki Trust (subsidiary of Te Kawerau Iwi Settlement Trust) (Te Kawerau ā Maki) did not specifically address archaeological issues, the Application records that Te Kawerau ā Maki support the use of accidental discovery protocols and ongoing iwi participation during earthworks and construction activities.

[222] Within the comments from Auckland Council, Principal Heritage Advisor (Mica Plowman) confirmed agreement with the findings of the Clough Assessment.

[223] Related comments were also received from Heritage New Zealand Pouhere Taonga (**HNZPT**) in its Section 51 Report on the Application for an Archaeological Authority.

Applicant's Response to Comments

[224] In response to comments and recommendations from Ngāti Whātua o Kaipara, the Applicant has agreed to extend the protection buffer around identified archaeological feature R10/831 from 10m to 20m, with this change reflected in an amendment to proposed condition DES21 and associated changes to the LMEEP.

[225] The Applicant also highlighted that accidental discovery protocols are included within proposed condition DES22.

Panel Findings

[226] We agree with the Applicant's assessment and evidence and find that potential adverse impacts on archaeological values will be avoided and mitigated by the proposed conditions of the amended Designation. We also find that the related application for Archaeological Authority, and conditions provided on the approval, appropriately address these impacts.

E5: EFFECTS ON LANDSCAPE, NATURAL CHARACTER AND VISUAL AMENITY

Application Assessments

[227] The Application material included an Assessment of Landscape, Natural Character and Visual Effects prepared by Boffa Miskell (**Boffa Miskell Landscape Assessment**), which was supported by graphic material, including visual simulations, and the proposed LMEEP.[60] The Application also included a memo from landscape architect Julia Wick at Boffa Miskell, with a Landscape and Natural Character Assessment of the proposed watercourse works (**Wick Memo**).[61]

[228] In describing the existing environment of Designation 3900, the Boffa Miskell Landscape Assessment noted that the existing Auckland Prison is a largely visually self-contained property, surrounded by gently rolling rural-residential land and the tidal waters of Pāremoremo Creek, noting that pockets of mature exotic trees and regenerating native vegetation help screen existing buildings. The Boffa Miskell Landscape Assessment also highlighted the Pāremoremo Scenic Reserve (north of the Site) and Sanders Reserve (south-west of the Site) as areas of public open space, as well as an area of Outstanding Natural Landscape (AUP ONL 52) to the west of the site, the values of which are associated with the wider coastal landscape.

[229] The Application and the Boffa Miskell Landscape Assessment acknowledge that the existing Auckland Prison facilities are an established component part and identity of the existing environment for the purpose of assessing landscape and visual effects.

[230] The Boffa Miskell Landscape Assessment describes the Site as:[62]

> …a modified landscape, predominantly shaped by the existing prison development and surrounding open pasture. Historical land clearance, pastoral farming, and built infrastructure have significantly affected the Site's hydrology, aquatic systems, and terrestrial ecology. While some natural features remain –such as streams and a coastal edge with mangroves–these contribute only a low level of natural character in localised areas.

60 Substantive Application, Volume 2, dated 1 April 2026 at Appendix 2H.

61 Substantive Application, Volume 3, dated 1 April 2026 at Appendix 3C.

62 Substantive Application, Volume 2, dated 1 April 2026 at Appendix 2H at [78].

[231] While views from public locations and from private properties towards the Site are possible, the Boffa Miskell Assessment confirmed that any direct views are diluted by landform and existing mature vegetation, or by viewing distances.

[232] Assessment of the potential landscape and visual effects of future built form enabled by the Designation Alteration was made on a worst case scenario, based on analysis of an envelope of potential building development, noting that future outline plan of works processes would include a greater level of detail regarding building design.

[233] The Application outlines how the Boffa Miskell Landscape Assessment of the Site's existing landscape values, along with other technical inputs, informed an analysis and spatial mapping of the Site's existing opportunities and constraints, which in turn informed locations for proposed development Areas A and B within the Site.

[234] Implementation and ongoing management of the proposed LMEEP and LEIMP is described in the Boffa Miskell Landscape Assessment as being an important component of the mitigation strategy that will minimise potential adverse effects on landscape, natural character and visual amenity values. This includes the Proposal that approximately 28ha of land within the Site will be retired from grazing and planted, with associated ecological and natural character benefits, alongside screening future buildings. In addition, control over the extent of earthworks and the design, height, scale, setback, location and colour and reflectivity of future prison buildings will assist with the reduction in their visual prominence in the landscape.

[235] The Boffa Miskell Landscape Assessment concludes that the Designation Alteration, with proposed conditions, will provide for increased development on the Site with minor adverse impacts on landscape, natural character and visual amenity values.

[236] The Wick Memo describes the existing natural character of watercourses within the Site as being of low quality due to the degree of existing modification of these natural features, influenced by modifications which have been required to establish the existing facilities, such that the adverse effects on natural character will be low. Additionally, the Wick Memo confirms that riparian planting proposed as part of the Application, once established, will improve the natural character of the Site overall.

Comments Received

[237] General concerns relating to potential adverse visual effects were raised in comments from Rebecca Steele, Mitchel Beckett, and Lynn and Martin Roberts. The Pāremoremo Residents and Ratepayers Association (by Mr Andrew Riley) and the Upper Harbour Local Board also raised general concerns regarding visual effects in their comments.

[238] In essence, these general comments sought confirmation that the proposed mitigation planting would be effective, including in terms of ensuring successful establishment.

[239] Comments from Mitchel Beckett also suggested that a 1.8m high boundary fence be constructed on their property, as well as planting, in order to mitigate visual effects from future development on the Site within the Designation area.

[240] Comments provided by Ngā Maunga Whakahii o Kaipara Development Trust and Te Kawerau Iwi Tiaki Trust also raised landscape, natural character and visual effects as being relevant issues; however, this was in the context of potential impacts on the cultural landscape values which had been identified. These comments are noted in the context of this topic; however, are addressed further at Part E3 of this decision.

[241] Within the comments from Auckland Council, expert evidence from landscape architect Simon Button (Isthmus Group) confirmed agreement with the analysis and findings of the Boffa Miskell Landscape Assessment and with the Wick Memo. With the proposed conditions in place, Mr Button's peer review assessment agreed that future development within the designated area can be integrated into the Pāremoremo landscape without generating significant residual adverse effects on natural character, landscape (rural) character, or visual amenity values.

Applicant's Response to Comments

[242] In responding to the comments on this topic, the Applicant highlighted the importance of proposed designation conditions DES44 and DES45, together with the LMEEP and the LEIMP to provide effective mitigation of potential adverse impacts on landscape, natural character and visual amenity. The objective of these conditions is to achieve landscape integration and long-term screening outcomes for future prison related activities and buildings on the Site; with proposed planting to

be undertaken during the 2027 and 2028 planting seasons to ensure establishment before future construction activities commence on the Site.

[243] The Applicant is confident that the proposed mitigation planting will be successful in mitigating potential adverse visual effects and be effective once established. This includes mitigating adverse visual effects when viewed from 44 Attwood Road, with analysis confirming that a boundary fence is not required to ensure this outcome.

[244] In responding to the comments received, the Applicant has made some refinements to the LMEEP and proposed condition DES44 to improve implementation and long-term outcomes, strengthening the originally proposed LMEEP and condition.

Panel Findings

[245] The Panel agrees with the Applicant's assessment that:

(a) The Site has not been identified as having 'outstanding natural character' and is neither pristine nor sufficiently unmodified to warrant such a classification. The generous setback of buildings and structures from the coastal edge of the Site, combined with the comprehensive planting proposed via the LMEEP and the LEIMP will improve the natural character of the Site and its wider context. Overall, once fully implemented, the project will enhance existing low levels of natural character and will result in overall positive effects on natural character.

(b) A range of activities have the potential to result in adverse landscape effects, including vegetation removal, the introduction of additional built form, artificial lighting, and landform modifications. These activities can affect landscape character, outstanding natural landscapes, and rural character and amenity values.

(c) The removal of trees within Area A will alter the existing character of the Site to a certain extent, however the most significant vegetation on the Site is located along stream corridors and the Site boundaries (outside Areas A and B). This ensures that the broader vegetated character of the Site will be largely retained.

(d) The most significant change to landscape character will result from the introduction of additional built form - including roofs, light poles, and other

infrastructure - particularly within the Site's western extent. The proposed Designation Alteration will reduce the overall ‘open space to built form’ ratio on the Site however this will be relatively limited to Area A (where the larger of the buildings will occur).

(e) A range of mitigation measures have been recommended including bulk and location controls, retaining mature boundary trees where practicable and introducing substantial new planting and revegetation across the wider Site. With these mitigation measures in place, the landscape character of the wider Site and the surrounding area will be retained following completion of the new facilities enabled by the proposed Designation Alteration. These outcomes will be assured by designation conditions and supported by the successful establishment of both mitigation and enhancement planting as set out in the LMEEP and the LEIMP.

(f) Once established, the proposed setbacks and planting will help to visually screen future earthworks and buildings in Areas A and B from adjacent properties.

(g) The project will not compromise the values of the small Outstanding Natural Landscape (**ONL**) area identified on the Site, with the ONL remaining vegetated. No new buildings will be constructed within the ONL.

(h) While some adverse effects on rural character and visual amenity are anticipated for a limited number of nearby residents these are expected to be no greater than moderate for some and for the majority low or very low once mitigation planting is established. Carefully considered visual screening is proposed to be implemented within two years of the Application being confirmed, allowing for early establishment prior to construction and helping to minimise effects on rural character and visual amenity over time.

(i) The level of adverse visual effects will vary based on the viewer’s location, the nature of the viewing audience (static vs. transient), and the extent to which vegetation and topography can screen or filter views. While some adverse effects - particularly during and shortly after each construction period - are expected to be up to moderate-high, these are anticipated to reduce significantly over time as mitigation planting becomes established.

> With advance visual screen planting occurring on the Site as a requirement of the conditions within the first two planting seasons from the date the Designation Alteration is confirmed, effects are expected to reduce to low or very low levels from most viewpoints assessed, with the exception of a few locations where views remain open, where adverse effects may remain up to low-moderate.

[246] After reviewing the Application Landscape Assessment, the Wick Memo, the comments received, and visiting the representative public viewpoints identified and analysed by the Applicant, the Panel finds that the adverse impacts on landscape, natural character and visual amenity, to be appropriately avoided, remedied and mitigated.

[247] The Panel's findings in this regard are contingent upon its assessment of the proposed conditions, which are considered further below.

E6: ECOLOGY

Application Assessment

[248] Corrections provided an assessment of ecology with the Substantive Application, in Volume 2 Appendix 2I. Additionally, specific ecological assessment was provided to support the resource consent application for the watercourse works (**Ecology Assessment**).[63]

[249] The Ecology Assessment addressed terrestrial ecology, including lizards, birds, bats and vegetation. It delineated wetlands (both RMA and NPSFM definitions) and freshwater ecological values. Lastly it considered the marine ecology values. The Assessment concluded that the site was highly modified, ecological features were limited and all features are of "low ecological value".[64]

[250] As acknowledged in the Assessment, the "effects of land disturbance and construction works associated with the new Prison facilities on indigenous flora and fauna will be negligible".[65] Furthermore, the 12 hectares of "landscape framework

63 Substantive Application, Volume 3, dated 1 April 2026 at Appendix 3B.

64 Substantive Application, Volume 2, dated 1 April 2026 at Appendix 2I at [5.5].

65 At [11], cl 123.

planting" offered by the Applicant on an *Augier* basis, will ensure that there will be 'substantial positive ecological benefits'.[66]

Watercourse Works

[251] The watercourse works consent application included an ecological assessment, at Volume 3 Appendix 3B, on the two affected watercourses, identified as Watercourse 1 (a permanent stream to the north of the site) and Watercourse 2 (an intermittent stream west of Saunders Road). These two watercourses will be piped to enable the subsequent development of Area A for prison activities. Overall, the piping of these watercourses will result in the loss of approximately 238m in stream length and approximately 0.6 ha of vegetation. The two watercourses were assessed as having low and very low ecological value respectively.

[252] The Assessment report identified a suitable mitigation site (Watercourse 6 which runs through the south of the site both within and beyond the Designation). Two other offset sites were identified being Watercourse 3 (flowing to the western most boundary of the site) and Watercourse 4 (an artificial drain flowing northward into Watercourse 1).

[253] The mitigation package proposed (including offset and compensation) includes improvement and upgrade of culverts that are currently creating impediment or a barrier to fish passage upstream, wetland planting and stream riparian planting.

[254] Overall, the Ecological Assessment associated with the watercourse works resource consent application concluded that with the aquatic offset and compensation, the effects associated with the piping of the two watercourses and associated removal of riparian vegetation will be less than minor.

Wildlife Approval

[255] Volume 4 of the Application addresses the Wildlife Approval. The Wildlife Approval is sought across the Prison Site to allow for the capture, relocation and incidental killing of lizards in accordance with the Lizard Management Plan (**LMP**)[67].

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66 At cl 126.

67 Included as Appendix 4B to Volume 4 of the Substantive Application.

[256] The Approval is sought due to ecological advice that both the Ornate skink (*Oligosoma ornatum*) and Copper skink (*Oligosoma aeneum*) may be present at the Site. Both species are classified as "At Risk – Declining" under the New Zealand Threat Classification System.

[257] Corrections identified and assessed the effects of the Wildlife Approval in Section 4.2 of Volume 4, including injury and death during site preparation, disturbance, and habitat loss and displacement:[68]

(a) Injury and death during site preparation: Vegetation clearance and earthworks may result in direct harm to lizards, particularly during colder months when they are less active and unable to escape. Without appropriate management, this potential adverse effect was assessed as significant given the cryptic and low-mobility nature of lizards.

(b) Disturbance: Construction-related noise, dust, and vibration may impact individual skinks in and adjacent to the Site, potentially disrupting essential behaviours such as foraging and basking. This was assessed as a less than minor adverse effect.

(c) Habitat loss and displacement: The Site contains approximately 1.86 hectares of suitable lizard habitat within Areas A and B. Permanent removal of habitat could displace surviving lizards into suboptimal areas, increasing stress and predation risk. Without management, this was assessed as a significant adverse effect.

(d) Habitat fragmentation: Further fragmentation of already isolated habitat patches may limit dispersal and breeding opportunities, disproportionately affecting lizards due to their low dispersal ability. This was assessed as a minor adverse effect.

(e) Increased predation: There is no existing predator control at the Site, meaning lizards are already under some predation pressure. However, vegetation removal is likely to decrease the food source available to predators, making those areas less attractive to them. Increased predation due to redevelopment was assessed as a less than minor adverse effect.

[68] Substantive Application, Volume 4, at [46]-[53].

(f) Salvage limitations: Due to the cryptic nature of lizards and limitations in detection and capture methods, not all individuals may be salvaged prior to construction, which could result in incidental harm.

[258] The Applicant noted there is no opportunity to fully avoid vegetation clearance and associated disturbance to lizards within Areas A and B due to the constraints of the proposed redevelopment requiring complete removal of certain habitats for new prison facilities.[69]

[259] The LMP includes several mitigation measures, including:

(a) Timing of lizard capture, handling and relocation;

(b) Pre-construction lizard survey and salvage;

(c) Maintaining intensive land use practices;

(d) Lizard fencing; and

(e) Cover object removal.

[260] The LMP also details a remedial approach for areas within the wider Auckland Prison Site outside of the proposed development area as well as an enhancement package involving large areas of landscape and ecological enhancement.

[261] Appendix 4C to Volume 4 of the Application also includes a comprehensive Pest Animal Management Plan (**PAMP**) targeting nine introduced mammalian pest species across a 31.3-hectare pest management area.

[262] Overall, the Substantive Application concludes that the potential adverse effects on protected native lizard species are less than minor with the proposed mitigation measures in place and that there will be a net benefit in the future with the mitigation measures (including pest management).[70]

Comments Received

[263] DOC disputed the Corrections interpretation of the works under the Freshwater Fisheries Regulations, and contended that the works in Watercourse 1 fall under a 'complex freshwater fisheries activity' and not the 'standard freshwater fisheries activity' as Corrections sought. DOC's reasoning was the piping of the watercourse

69 Substantive Application, Volume 4, dated 1 April 2026 at Appendix 4B at [6.1].

70 Substantive Application, Volume 4, dated 1 April 2026 at [82].

constituted 'diversion or altering of waterflow'. Furthermore, DOC commented that the remediation of Watercourse 6 as offset for the watercourse works would not meet the 'additionality test' and that Corrections had an existing responsibility to maintain that culvert so the proposed offset is not appropriate. DOC noted that existing fish in Pond 2 may not be able to migrate downstream due to existing impediments and should be suitably relocated and that new pipe works should include a means to prevent fish migrating to prevent further entrapment. In relation to wildlife, DOC concluded that the LMP was technically appropriate and fit for purpose.

[264] Both Ngā Maunga Whakahii o Kaipara Development Trust and Te Kawerau ā Maki commented on ecology issues in the context of cultural values and these comments are addressed in Part E3.

[265] Auckland Council recommended minor amendments to conditions, and agree with the overall assessment undertaken by Corrections.

[266] The Auckland Conservation Board commented that the proposed mitigation measures should be fully implemented and monitored.

Applicant Response to Comments Received

[267] In response to DOC's assertion that there was an obligation under the Freshwater Fisheries Regulations for Corrections to remediate the culvert to ensure fish passage, Corrections disagreed. Corrections reasserted the view expressed in the Applicant's sixth memo to the Panel that noted:

(a) The obligation to maintain culverts did not extend to culverts that were installed prior to 1983 which were constructed without an obligation to enable the passage of fish, noting that the Fish Passage Guidelines that DOC relied on were just that, guidelines that did not change legislative requirements; and

(b) The culvert installed prior to 1983 did not have fish passage within it, and therefore there is nothing under Regulation 43(2) of the Freshwater Fisheries Regulations to "maintain".[71]

[268] In the Section 55 Report, Corrections noted that the stream piping did not 'divert or

[71] Applicant's sixth memorandum at [40-41].

alter water flow', reaffirming the comments in the Memorandum set out in the paragraph immediately above.

[269] Corrections maintained its opinion that the works did not qualify as a "complex freshwater fisheries activity" as defined by the FTAA and that the Substantive Application including a consent for a 'standard freshwater fisheries activity' was appropriate.

[270] Corrections responded to other comments relating to ecology in the Section 55 Report, at section 5.7. Corrections acknowledged support for the approach set out in the Substantive Application with respect to the LMEEP. It further noted that comments received seeking measures to protect sensitive features are appropriately addressed in the suite of proposed designation and resource consent conditions.

[271] Corrections acknowledged that subsequent resource consent applications may address some concerns, such as that raised by Ngāti Whātua o Kaipara with respect to water quality and confirmed that information on stormwater quality monitoring results can be shared with them.

[272] As a result of comments received, Corrections has proposed very minor amendments to conditions.

Panel Findings

Watercourse works

[273] Given the disagreement as to interpretation relating to the freshwater fisheries activity status between Corrections (who sought a 'standard freshwater fisheries activity' approval as part of the Substantive Application) and DOC (who contend the Proposal should be considered as a 'complex freshwater fisheries activity), the Panel has had to turn its mind to whether there is sufficient and reliable evidence to support either position.

[274] The FTAA sets out the definitions of complex freshwater fisheries activity and standard freshwater fisheries activity.

[275] DOC set out its position in the 'completeness check' as follows: [72]

> In broad terms, DOC considers that:

[72] DOC advice for EPA compliance assessment at 2.

a) a complex application might be required based on the prison culverts; and

b) a complex application is required based on the stream reclamation.

[276] DOC noted that there is agreement with Corrections that "the proposed culvert design will impede and not block fish passage", but that the existing upstream infrastructure might trap fish. In DOC's view this would require Corrections to block fish passage into the pipe network, thus supporting DOC's interpretation of a 'complex freshwater fisheries activity' under the FTAA.

[277] With respect to the stream reclamation, DOC consider this to constitute a permanent diversion structure, thus falling into the definition under the FTAA of 'complex freshwater fishery activity' as set out above. DOC went on to note that as the appropriate approval had not been sought, it would be able to be obtained subsequently through DOC's process independent of the FTAA.

[278] Corrections rejects DOC's interpretation and referred the Panel back to the Applicant memorandum of 15 June 2026. In Corrections' view, the piping of the watercourse does not constitute a 'diversion structure' as defined in the Freshwater Fisheries Regulations, on the basis that the water (albeit in a pipe) is within the original stream bed and therefore not 'diverted' (i.e. not changing direction or quantity of flow)[73]. As noted in the Applicant's memorandum of 15 June 2026, the application of DOC's interpretation would mean that every pipe or culvert would qualify as a 'complex' freshwater fisheries activity. Corrections also contends that the existing piped network impedes fish passage, given the perched outfall structure, and this perched outfall will be copied, downstream at the end of the extension of the piped network.

[279] The ecologists noted in the Section 55 Report "[f]urthermore, the gradients within the existing stormwater pipe system means that water velocities substantially exceed the published velocities enabling fish to swim against the fast waters."[74]

[280] The Panel notes that the Council comments did not raise any issues with the matters for consent, and notably did not seek a diversion consent for surface water into the piped network. That matter is addressed in the 'reclamation' of the watercourse

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73 Memorandum on behalf of the Department of Corrections providing further information as to freshwater fisheries activities and Cultural Values Assessment dated 15 June 2026 at 9.

74 Section 55 Report, at Appendix 8 (Ecology Response memorandum) at [3.5]

under E3, and not considered a diversion E7 of the AUP.

[281] The Panel prefers the analysis undertaken by Corrections and finds that the piping of the watercourse is not a diversion structure for the purposes of the Freshwater Fisheries Regulations.

[282] The proposed piping will not divert water away from the existing stream bed because the pipe will be located within the stream bed. Further, the water will be returned at the end of the pipe to the same location that the water would have been in if it had not been piped at all.

[283] The Panel finds that the existing piped network already impedes fish passage, and this will simply be copied in the extension of the piped network. Further, the Panel finds that the gradient and therefore velocity of flows in the piped watercourse will exceed the ability of fish to migrate through the piped network to the upstream pond.

[284] For completeness, the Panel notes the Applicant's reliance on the decision of the Expert Panel for the *Maitahi Village* project,[75] which the Applicant says came to a similar position and that the works did not result in a 'complex freshwater fisheries activity". We disagree with the Applicant's reliance on that decision because it was dealing with a materially different Proposal that did not involve the piping of an existing watercourse within the bed of the existing watercourse. Rather, it was dealing with the realignment of a watercourse to its original alignment.

[285] Overall, the Panel is satisfied that the effects of the watercourse works resource consent application have been appropriately addressed by Corrections, and that conditions of consent will ensure that all potential adverse effects will be appropriately mitigated, and that the conditions of consent will operate as a standard freshwater fisheries approval.

Wildlife Approval

[286] We find that the potential adverse effects on protected native lizard species are less than minor, with the proposed mitigation measures in place, and that there will be a net benefit in the future with the implementation of proposed mitigation measures (including pest management). These proposed mitigation measures are secured through the conditions imposed on the Wildlife Approval. The Wildlife Approval is

[75] Decision Report of the Expert Consenting Panel for Maitahi Village dated 18 September 2025.

discussed further in Part H of this decision.

E7: NOISE AND VIBRATION

[287] This part deals with operational noise and vibration effects. Construction effects, including construction noise and vibration is addressed in E15 below. Corrections has addressed outdated noise standards and likely noise effects according to the area delineation proposed in the Substantive Application.

[288] Corrections provided an assessment of noise and vibration with the Substantive Application, prepared by Styles Group (Substantive Application, Volume 2 Appendix 2J). This report acknowledged that the existing conditions governing noise at the site were outdated. It set out the noise measurements taken to determine the baseline noise environment, noting noise sources were predominantly mechanical from plant, vehicle noise, noise from prison industries, people noise in outdoor areas and noise associated with rehabilitation programmes.[76]

[289] The overall conclusion of the noise and vibration assessment was that, based on noise measurements at the site and at another correctional facility, the prison activities and facilities generate 'a low level of noise ..' largely due to '… acoustic screening provided by built form and attenuation…' and '… site perimeters'.[77]

[290] The proposed conditions will be 'generally consistent with the existing Designation Conditions and permitted standards from the AUP'.[78]

Comments Received

[291] Comments received from the local board included a survey which noted that residents were concerned about the increase in noise from the prison as a result of the increase in numbers of prisoners.

[292] Local residents have commented that the increased capacity would have impacts including noise.

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76 Substantive Application, Volume 2, dated 1 April 2026 at Appendix 2J Noise and Vibration Assessment, at [53].

77 At [153].

78 At [154].

Applicant Response to Comments Received

[293] Corrections addressed the potential for an increase in noise at section 5.10 of its response to comments. The response noted that while the concerns had been raised during consultation with residents, the technical report prepared by Styles Group did not support the assertion that operationally, noise would be an issue. Corrections further noted that the conditions as drafted were appropriate and did not require amending.

Panel Findings

[294] We find the potential noise effects from the operation of the expanded prison can be appropriately managed provided that the conditions of designation associated with them are robust.

[295] There is no disputed technical evidence in front of the Panel that requires evaluation as to the preferred position. Additionally, the evidence in front of us is that the increase in numbers of prisoners will not affect noise levels beyond that permitted by the AUP.

[296] The conditions as proposed, including the Acoustic Design Report will ensure that even as numbers increase over time, the noise levels anticipated by the conditions will be met.

[297] We acknowledge the concerns of the Local Board and residents. However, we find that the Proposal will not result in unacceptable noise levels from the operational prison.

E8: LIGHTING

Application Assessment

[298] The Substantive Application included two assessments prepared by Kern Consultants (**Kern Assessments**), including an Assessment of External Lighting Effects;[79] and a Construction Lighting Effects Assessment, in relation to the application for regional resource consents.[80]

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79 Substantive Application, Volume 2, dated 1 April 2026 at Appendix 2K.

80 Substantive Application, Volume 3, dated 1 April 2026 at Appendix 3D.

[299] The Application noted that external lighting of prisons is important to provide a safe and secure environment for staff, visitors, prisoners and the general public. The Application acknowledged that the potential adverse impacts from lighting was an issue raised during consultation.[81]

[300] Assessed by way of a 'parameters approach' to gauge potential future glare and/or external light spill from within the designated area; the Kern Assessments sought to effectively manage (avoid, remedy and mitigate) potential impacts from lighting. Lighting is required to provide safety within carpark areas, perimeter and yard areas; and artificial lighting may be required to support nighttime construction activity associated with watercourse works (with construction lighting effects also addressed within this decision at E15).

[301] The Kern Assessments concluded that relevant lighting standards in the AUP can be achieved through compliance with the proposed conditions of the Designation, with expert input provided by the Kern Assessments to inform these conditions.

[302] With such conditions in place, the Kern Assessments concluded that significant glare and light spill onto adjoining sites is avoided, safety for road users and aircraft is maintained, and loss of night sky viewing is minimised.[82]

[303] The conditions include the requirement for preparation and compliance with a Construction Lighting Management Plan, as well as the requirement for a Lighting Design Report and a Lighting Completion Report to be certified.

Comments Received

[304] Comments from various people within neighbouring properties to the Designation area raised general concerns about potential light spill and light pollution from prison operations. These people included:

(a) Lynn and Martin Roberts;

(b) Rebecca Steele;

(c) Mitchel Beckett; and

(d) Paul Denny.

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81 Substantive Application, Volume 1, dated 1 April 2026 at [609].

82 Kern Assessment, at [11].

[305] Mr Denny raised concerns over the effectiveness of proposed condition DES14 and set out alternative wording for this condition for consideration by the Panel.

[306] Comments from the Pāremoremo Residents and Ratepayers Association and comments from Ngā Maunga Whakahii o Kaipara Development Trust (on behalf of Ngāti Whātua o Kaipara Iwi) also each included a statement regarding potential intensification of lighting as being one of their general concerns.

[307] Comments from Auckland Council included a specialist review from the Team Leader – Contamination, Air and Noise (Jared Osman) agreeing with the assessment findings of the Kern Assessments; and endorsing the proposed lighting conditions.

Applicant's Response to Comments

[308] In their response to the above comments, the Applicant acknowledged the concerns raised by residents regarding glare and light spill experienced as a result of existing lighting within the Designation area. In response, and based on expert advice from Kern Consultants, the Applicant has voluntarily agreed to replace or deactivate certain identified existing exterior light fittings that currently cause glare beyond the site, within five years of the Designation Alteration being confirmed.

[309] The Applicant also retains their conclusions, based on expert lighting assessment, that light spill onto neighbouring properties from within the designation area resulting from redevelopment of prison facilities, is expected to be very low, with glare or brightness effects from prison lights also low, such that compliance with the relevant AUP lighting standards will be achieved. The Applicant makes the point that, as the Site is redeveloped, older prison facilities and their lighting (other than the Maximum Security Facility which was established in 2018) will ultimately be replaced with newer facilities and new, modern lighting systems.

Panel Findings

[310] We agree with the Applicant's assessment and evidence and find that potential adverse impacts from lighting, both during operation and construction, will be effectively avoided, remedied and mitigated by the proposed conditions of the amended designation, including through management plans which will ensure the adverse effects from lighting, including glare, will be effectively managed.

E9: TRAFFIC AND TRANSPORTATION

[311] In this part we address operational traffic and transport. Construction traffic is addressed in E15 below. Corrections provided an Integrated Traffic Assessment (**ITA**) as part of the Substantive Application, prepared by Don Mc Kenzie Consulting (Substantive Application, Volume 2 Appendix 2L).

[312] The ITA addresses the effect that increased numbers of prisoners would have on the road network (resulting from increased staffing and visitor numbers), and any safety or capacity issues that might arise as a result.

[313] The ITA addresses proposed new vehicle access points along Pāremoremo Road and assesses the sight distances from either direction, finding them to meet appropriate standards.[83]

[314] The ITA considered the existing traffic movements generated by the Prison activities (reconciling the general traffic movements with those at the prison gates), and the crash data associated with the local road conditions. The ITA identified the period of shift changes to be the busiest.

[315] The ITA identified the planned and committed roading projects proposed for the wider area, including the proposed Auckland Transport upgrade of the Dairy Flat Highway with The Avenue. This intersection was identified in the assessment of traffic movements as being a key intersection for prison related traffic.

[316] The estimated increase during peak periods was set out in Table 8 of the ITA, and based on the likely increase in staffing numbers provided by Corrections, identified an additional 100 vehicles during the 7 – 8 am peak and 101 vehicles across a two hour peak from 3.30 – 5.30 pm. Approximately 70% of the traffic generated by the increased capacity of the Prison would travel via Pāremoremo Road, and the balance from Brookdale Road to the west.

[317] The future traffic impacts related to the Prison expansion were based on an agreement between Auckland Transport and Corrections that before the prison expanded beyond 921 prisoners, the intersection of The Avenue and Dairy Flat Highway would be signalised, in accordance with Auckland Transport's future

[83] Substantive Application, Volume 2, Appendix 2L at [46].

planned upgrade.

[318] The ITA concluded that: [84]

(a) There was no traffic reason to limit the use of 'one or a combination of the proposed access locations… to be used for operational traffic…'.

(b) The additional traffic movements associated with the increase in prison numbers 'will be generally modest at a local scale…' and that the local road network could accommodate that growth.

(c) With the proposed condition relating to the upgrade of the Dairy Flat Highway/The Avenue intersection, the additional traffic movements can be accommodated.

(d) That the likely parking demands generated by additional staff and visitors would be accommodated on site.

Comments Received

[319] The Local Board and a number of commenters raised concerns that the local road network was insufficient to accommodate the additional traffic, including the state of the roading network and the intersection of The Avenue and Dairy Flat Highway. The Local Board also considered that there were other upgrades required within Albany Village to offset the impacts of additional traffic generated by the Proposal. The Pāremoremo Residents and Ratepayers Association raised issues of the resilience of Pāremoremo Road and sought that a network wide transport and resilience plan be completed before works began.

[320] Auckland Council, and its adviser Mr Jegadeeswaran, have recommended minor changes to conditions, but generally concur with the findings of the ITA.

Applicant Response to Comments Received

[321] Corrections provided responses to issues raised by commenters based on the following issues:

(a) Dairy Flat Highway/The Avenue upgrade;

(b) Other Albany Village transport upgrades;

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[84] Substantive Application, Volume 2, Appendix 2L at [211].

(c) Traffic safety along Brookdale Road;

(d) Transport network resilience; and

(e) Amendments to conditions.

[322] Corrections' response to the Dairy Flat Highway/The Avenue and other Albany Village upgrade issues raised by the Local Board directed these concerns to Auckland Transport as the appropriate authority to address them. Corrections acknowledged that the increased capacity at the Prison should only advance beyond 921 prisoners when the Dairy Flat Highway/The Avenue works had been completed. This can be addressed by way of the proposed conditions in Corrections' view. Beyond this Corrections referred back to the comments from Auckland Transport, that no additional upgrades to the road network were necessary.[85]

[323] Corrections did not agree that there were any upgrades or safety enhancements required on Brookdale Road. The ITA did not identify any issues with Brookdale Road, and there is no evidence provided by the Local Board to the contrary. Auckland Transport did not identify any issues in comments provided through Auckland Council. No changes to conditions are proposed.

[324] Corrections noted that the resilience issues raised by the Pāremoremo Ratepayers and Residents Association and the Local Board are issues appropriately directed to Auckland Transport and are not related to the Proposal to increase capacity of the prison.

[325] Corrections has sought minor changes to proposed conditions as discussed below.

Panel Findings

[326] We find that the operational traffic and transport effects can be appropriately managed, subject to the conditions of designation.

[327] There is no disputed technical evidence in front of the Panel that requires evaluation as to the preferred position. Additionally, the evidence in front of us is that the increase in numbers of prisoners will not result in unacceptable traffic effects on the roading network, that the Dairy Flat Highway/The Avenue intersection upgrade will address capacity issues prior to the increase in prisoners beyond 921 and that the

[85] Corrections Response to Comments at [102].

increased staff and visitor parking can be accommodated on site.

[328] The conditions as proposed, including the condition precedent for the upgrade of the Dairy Flat Highway/The Avenue will ensure that even as numbers increase over time, there will not be unacceptable traffic conditions resulting.

[329] We acknowledge the concerns of the Local Board, the Residents and Ratepayer Association and residents. However, we find that the Proposal will not result in unacceptable traffic effects from the operational prison with a maximum capacity of 1,220.

E10: WASTEWATER

[330] The Substantive Application included a Wastewater Capacity Assessment (Volume 2 Appendix 2N). This assessment set out the existing infrastructure associated with the Prison, 'Prison Village' and school, and how it was collected and transferred to the Watercare wastewater network. It notes that all other sites use their own wastewater on site systems.

[331] The wastewater from the Prison, 'Prison Village' and school flows to the Pāremoremo wastewater pump station from where it enters the Greenhithe wastewater catchment through syphon and gravity feed systems. Watercare own the pump station and pipeline infrastructure beyond the prison site.

[332] The Assessment addressed the demands that would arise from the increased prisoner numbers (and from associated staffing and visitor number increases) and confirmed that upgrades were required to the Watercare system to accommodate that growth. As an outcome of the Assessment, Corrections proposed conditions that requires two stages of wastewater upgrades and includes the capping of prisoner numbers to 921 until such time as changes are made to the pump station and rising main by Watercare.

Comments Received

[333] Comments regarding the adequacy of wastewater infrastructure were received from Sandy Howard-Whitty and Leslie Whitty, Ngā Maunga Whakahii o Kaipara Development Trust, M and W Miles, Auckland Council and Pāremoremo Residents and Ratepayers Association. The Upper Harbour Local Board also raised concerns

regarding wastewater constraints.

[334] Comments received by Auckland Council, including the technical memorandum provided by Watercare. Watercare supported an increase in prison numbers but qualified this with a timeframe, given the limited resilience of the infrastructure an increase in prison numbers relied on. Subsequently, Auckland Council commented that as proposed, recommended condition DES24(a) would potentially require a reduction in prisoner numbers back to a cap of 681 if certain works had not been completed by Watercare within the specified timeframe.

Applicant Response to Comments Received

[335] Section 5.6 of the Section 55 Report provides Corrections' reply to the matters raised. Corrections acknowledged comments made about the performance of the wastewater network made by the local residents, Residents and Ratepayer Association and Local Board. Corrections confirmed that its proposed wastewater solution was viable.

[336] Corrections also set out its engagement with Watercare and Auckland Council during the FTAA process. That engagement and the comments received has resulted in Corrections removing the stage 1 component to DES24 meaning there will be no increase in prisoners until such time as there is a new or upgraded pump station and wastewater connection to the Albany catchment.

Panel Findings

[337] There is no disputed technical evidence in front of the Panel that requires evaluation as to a preferred position. The response from Corrections confirms that the wastewater upgrades will need to occur prior to increasing the capacity at the Prison.

[338] The Panel finds that any potential effects associated with additional wastewater generated by the expansion of Auckland Prison have been appropriately mitigated by the Applicant, noting the specific conditions now offered by the Applicant.

E11: STORMWATER AND NATURAL HAZARDS

[339] Clause 7(g) of Schedule 5 of the FTAA requires the assessment of any risk to the neighbourhood, the wider community, or the environment through natural hazards.

[340] The Engineering Design Report prepared by Aurecon and provided in Appendix 3G assesses potential flood risks as a result of piping Watercourses 1 and 2.

[341] The Site is subject to some identified flood plain areas and flood hazard areas. Additionally, at Watercourse 1, Proposed Plan Change 120: Housing Intensification and Resilience (**PC120**) to the AUP identifies the proposed area of vegetation removal as Low Hazard risk area, with the watercourse channel and bank being Very High and High Hazard risk areas respectively.[86]

[342] The road crossings at Iona Avenue and Sanders Road are identified as Low Hazard risk areas.

[343] The Engineering Design Report notes that historical flood risks are associated with water overflow during significant rainfall events and water becoming backed up at the Watercourse 1 channel and the Sanders Road culvert.

[344] There are no other known natural hazards that apply to the area surrounding the proposed watercourse works.

[345] Corrections undertook an assessment of stormwater and flooding as part of the Substantive Application.[87] The Assessment set out the stormwater features of the Site, noting that there was a substantial upgrade during the development of the maximum security wing. The current stormwater management system is based around three ponds, a diversion drain and the piped network. All stormwater discharges to the tributaries of Pāremoremo Creek. The stormwater is generated from the hard surfaces including roof areas and carparking.

[346] The Assessment set out a series of principles for managing stormwater in Table 5 and these principles are reflected in the conditions of designation. The overall conclusion of the assessment was that the increase in built form as a result of the increased prisoner numbers will result in more paved surfaces and associated stormwater flows.

[347] The proposed condition of designation requiring a Stormwater Management Plan would address the potential effects of the increased stormwater flows. It is further noted that there will be a need for regional resource consents for stormwater

86 Substantive Application, Volume 3, dated 1 April 2026 at Appendix 3A, Figure 6.

87 Substantive Application, Volume 2, dated 1 April 2026 at Appendix 8.3.

discharge and diversion which are not part of the Substantive Application and will be sought as the Site develops.

[348] The watercourse works resource consent application includes consent for a diversion and discharge of stormwater. The stormwater and flooding effects are assessed in the Engineering Design Report (Substantive Application, Volume 3 Appendix 3G). The watercourse works do not alter the quality of the discharge. The proximity of the site to Pāremoremo Creek has the advantage of allowing flows with less attenuation generated from the Prison to reach the Creek before the flows from the upper catchment arrives. The assessment concludes that 'Overall, it is considered that there will be less than minor effects on flooding and stormwater management as a result of the proposed reclamations at watercourses 1 and 2'.[88]

Comments Received

[349] Comments received from one local resident identified concerns regarding flood protection. The Pāremoremo Residents and Ratepayers Association sought independent verification of stormwater plans.

[350] Te Kawerau ā Maki identified concerns for sediment and stormwater pollution during construction.

[351] Ngāti Whātua o Kaipara's Cultural Statement identified that stormwater infrastructure should not be designed without meaningful mana whenua input and that stormwater remains within the existing tributary catchments to maintain flows to streams and wetlands.

[352] Auckland Council comments acknowledged engagement with Corrections and extensive discussion regarding proposed designation condition DES23. Auckland Council noted that there may be a requirement for a future upgrade of the culvert under Iona Avenue, and that this was outside of the purview of this Panel. The Auckland Council comments included recommended minor amendments to the proposed conditions.

Applicant Response to Comments Received

[353] Corrections responded to comments received at 5.6.3 of the Section 55 Report.

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[88] Substantive Application, Volume 3, dated 1 April 2026 at Appendix 3G at [107].

Corrections noted that proposed designation condition DES23 would require stormwater to be retained within the tributary catchments, that stormwater management devices would be designed in line with best practice, that development would not significantly increase flood hazard effects, and that flood hazard risks would be managed. No changes to proposed conditions were proposed and a minor amendment to an advice note is recommended.

[354] Corrections noted that they expect to share stormwater quality monitoring results with Ngāti Whātua o Kaipara as part of resource consents for stormwater discharge which will be sought in the future.[89]

Panel Findings

[355] There is no disputed technical evidence in front of the Panel that requires evaluation as to a preferred position.

[356] The proposed pipes and associated works have been designed to minimise potential adverse flooding effects through ensuring sufficient capacity to accommodate the 100- year and 10-year Annual Recurrence Interval events and in the case of Watercourse 2, to also provide secondary conveyance for the 100-year event.

[357] The Panel finds that the potential effects of the watercourse works consent have been adequately assessed in the Engineering Design Report (Volume 3 Appendix 3G). The stormwater and flooding assessment in the Site Suitability and Infrastructure Assessment (Substantive Application, Volume 2 Appendix 2M) confirmed that any effects could be adequately addressed in the proposed designation condition DES23. It is further noted that stormwater management from increased hard surfaces will be subject to future resource consent applications.

[358] The Panel finds that any natural hazard risk to the neighbourhood, the wider community, or the environment, arising from the expansion of the Auckland Prison has been appropriately mitigated through the imposition of conditions, and the design of the Proposal.

[89] Section 55 Report, at Table 89.

E12: WATER SUPPLY

[359] Corrections undertook an assessment of water supply as part of the Substantive Application (Substantive Application, Volume 2 Appendix 2M – Site Suitability and Infrastructure Assessment). Based on this assessment which relied on two different models of potable water usage (one from Corrections and one from Watercare), and relying on Watercare confirmation, there is adequate potable water supply to service the Prison redevelopment. Firefighting storage capacity may be required, and Corrections would be able to accommodate this on site, if required.

Comments Received

[360] Pāremoremo Residents and Ratepayers Association noted that the capacity of the water supply system (among other services) must be verified and, where necessary, upgraded prior to prisoner numbers increasing. The comment sought that the Panel impose requirements for system capacity, redundancy, peak demand assumptions, failure scenarios, maintenance arrangements and independently verified upgrade plans.

[361] Auckland Council comments confirmed the Watercare position, that there was sufficient capacity to support the proposed increase in prisoner numbers.

Applicant Response to Comments Received

[362] Corrections did not make a substantive response to the comments and reconfirmed its original assessment as being sufficient.

Panel Findings

[363] There is no disputed technical evidence in front of the Panel that requires evaluation as to a preferred position. The response from Corrections reaffirms that the water supply that exists now is adequate to accommodate the growth of prison numbers as planned. Accordingly, the Panel finds that there is sufficient water supply available to service the expanded Prison.

E13: ENERGY AND COMMUNICATIONS INFRASTRUCTURE

[364] Corrections undertook an assessment of energy and communications services supply as part of the Substantive Application (Volume 2 Appendix 2M – Site Suitability and Infrastructure Assessment). This Assessment noted that any electrical infrastructure upgrades that might be required to service an increase in prison numbers can be arranged with Vector, that no new gas supplies will be required and that there is an existing ultra-fast broadband network in the area, and any upgrades required would be arranged with Chorus. No infrastructure issues were identified that would prevent an increase in prisoner numbers.

Comments Received

[365] The Pāremoremo Residents and Ratepayers Association sought confirmation that there was redundancy during outages and that upgrades would not shift cost or service risk to the community.

Applicant Response to Comments Received

[366] Corrections did not provide a response to this point.

Panel Findings

[367] There is no disputed technical evidence in front of the Panel that requires evaluation as to a preferred position. The assessment provided by Corrections does not raise any concerns about the ability to service the new facilities. The matters raised by the Residents and Ratepayers Association regarding redundancy and costs were not substantiated in evidence, and are not matters for the Panel to determine.

[368] The Panel finds that the assessment provided by the Applicant demonstrates that there will be no adverse effects associated with energy or communications infrastructure.

E14: CONTAMINATED LAND

[369] Corrections addressed contaminated land as it relates to the watercourse works, as set out in Volume 3 of the Substantive Application. An ECMP was submitted to support that consent requirement.[90] The Substantive Application as it relates to the watercourses works seeks approval of that management plan as part of this Panel's decision.

[370] The scope of the resource consents sought is set out as:[91]

> Corrections is applying for resource consents for proposed watercourse works as part of the Substantive Application to allow for two watercourses to be piped (both being an extension of existing stormwater pipes).

[371] The Detailed Site Investigation identified that contaminants will likely be present as a result of historic horticultural activities, a closed landfill leaching into the watercourses and unauthorised fill placed during previous construction development. There may also be contaminants present from untreated road runoff.

[372] Soil testing confirmed that heavy metals were identified that exceeded the Auckland background soil concentration and/or AUP permitted activity standards. Asbestos was detected in one sample.

[373] The recommended mitigation for managing contaminants during the watercourse works is addressed via an ECMP provided with the Substantive Application.

Comments Received

[374] Te Kawerau ā Maki identified the removal of contaminated soils as a minor adverse effect on cultural values. It sought that any soil removed was disposed within the 'northern part of the rohe' and that Te Kawerau ā Maki be involved in cultural monitoring during topsoil stripping.

[375] Auckland Council noted that subject to minor amendments to the proposed conditions, the potential effects can be 'effectively managed through the proposed management and control measures'.[92]

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90 Substantive Application, Volume 3, dated 1 April 2026 at Appendix 3H.

91 At [1.1.2.].

92 Auckland Council Response to Invitation to comment dated 28 July 2026 at [243].

[376] Ngā Maunga Whakahii o Kaipara commented that there were risks during construction associated with the disturbance of contaminated soils (among other matters). Notwithstanding the immediate request to decline the Application, Ngā Maunga Whakahii o Kaipara sought a proposed Earthworks Management Plan for each stage of works, that identifies controls for contaminated soils (among other things).

Applicant Response to Comments Received

[377] Corrections commented, in response to Te Kawerau ā Maki, that contaminated soils would be disposed of to a licenced waste disposal facility as provided for in condition LUC11. Further, Corrections confirmed that the Iwi Forum provides an opportunity for iwi input into the disposal location as provided by condition DES50.

[378] Corrections noted, in response to Ngā Maunga Whakahii o Kaipara that Designation Condition DES42 requires the preparation of an Earthworks Management Plan.

Panel Findings

[379] The Panel finds that the potential effects resulting from the disturbance of contaminated land during the watercourse works will be minor, and appropriately managed through the ECMP as proposed by Corrections.

[380] The Panel makes this finding based on the evidence provided by Corrections which was not contested through the comments process by any party. For completeness, the Panel records that the request from Ngā Maunga Whakahii o Kaipara will in part be addressed through proposed conditions of designation, and future resource consents that do not form part of the Substantive Application.

E15: CONSTRUCTION EFFECTS

[381] This section addresses construction matters and comments made in relation to construction effects as they relate to noise and vibration, traffic and other construction related matters raised.

[382] Corrections has set out in the Substantive Application, its approach to construction of new facilities at the prison. It is proposed to stage development as funding

allows, so that over a period of 10 years.[93] This time period would enable the development for facilities for up to an additional 960 prisoner places. Over time Corrections anticipate that most of the existing facilities and buildings on the Site, other than the Maximum Security Facility, will be demolished and replaced with new prison facilities to accommodate a maximum of 1,220 prisoners.

[383] The Substantive Application included assessment reports that addressed construction activities including the Noise and Vibration Assessment that included construction noise and vibration (Volume 2 Appendix 2J), a Lighting Assessment (Volume 2, Appendix 2K), and ITA (Volume 2 Appendix 2L).

[384] The Substantive Application also included specific assessments associated with the watercourse works consent application and OPW Waiver in Volume 3.

[385] Corrections offered a suite of conditions to manage construction activities including:

(i) construction noise and vibration limits;

(ii) construction dust and air quality;

(iii) construction traffic management approach;

(iv) construction lighting;

(v) earthworks management; and

(vi) communications.

[386] The approach taken by Corrections is generally consistent with construction management through management plans which Corrections propose to submit for certification (conditions DES38 – 42).

Conditions Offered by Corrections

Construction Noise and vibration

[387] The Noise and Vibration Assessment (Volume 2 Appendix 2J) identified the key activities that would generate the highest level of noise during construction, being demolition, earthworks, construction of the new wall and buildings. This Assessment acknowledged that the proposed mitigation through specified standards and a Construction Noise and Vibration Management Plan were 'very common for a

[93] Substantive Application, Volume 1, dated 1 April 2026 at [21].

wide range of construction project across New Zealand'.[94] This report further noted that the vibration levels associated with demolition and construction work 'are expected to readily comply with the vibration limits' of the AUP.

Comments Received

[388] Comments from Ling Dong and Frank Tang, Lynn and Martin Roberts and Pāremoremo Residents and Ratepayers raised issues in relation to construction noise, or the construction period being so long and therefore disruptive.

Applicant Response to Comments Received

[389] Corrections responded to these comments at section 5.11.4 of the Section 55 Report. Corrections responded that construction noise and vibration will be managed through specified limits and a construction noise and vibration management plan required by conditions. Corrections commented that with these in place construction noise and vibration would be appropriately managed.

Construction dust and air quality

Comments received

[390] Ling Dong and Frank Tang, Lynn and Martin Roberts and Margaret and Wayne Miles raised issues regarding dust, including the impact on roof tank water supply that is depended on for potable water.

Applicant response to comments received

[391] Corrections addressed this matter at section 5.11.5 of the "Response to Comments Section 5 Report". Corrections considered that the Earthworks Management Plan (DES 42) would address dust appropriately and that no further conditions were considered necessary.

Construction Traffic

[392] Construction traffic in relation to the watercourse works was addressed in Volume 3 Appendix 3F Traffic Assessment, and in relation to the longer term construction programme in the ITA in Volume 2 Appendix 2L.

[393] The Traffic Assessment relating to the watercourse works provided a more granular understanding of how construction traffic would be managed. It also set out a

[94] Substantive Application, Volume 2, dated 1 April 2026 at Appendix 2J at [131].

'framework' construction traffic management plan to 'direct and guide' the yet to be appointed contractor responsible for the works. The report concluded that "…there would be negligible impacts on the public roads…" during the works, subject to the implementation of "proposed mitigation/measures and appropriate temporary traffic management".[95]

[394] The ITA recommended a Construction Traffic Management Plan, as set out in DES 38.

Comments Received

[395] Comments from Ling Dong and Frank Tang, Lynn and Martin Roberts and Pāremoremo Residents and Ratepayers raised issues in relation to construction traffic, including seeking controls around routes, school period restrictions and public reporting.

Applicant Response to Comments Received

[396] Corrections responded to comments on construction traffic at section 5.11.6 of the Section 55 Report. Corrections consider that the use of the construction traffic management plan as recommended in condition DES38 was appropriate to manage effects from construction traffic. Additionally, Corrections noted that there was a complaints procedure and register in the event that issues arise (DES38 and DES48).

Construction Lighting

[397] Construction lighting effects were considered in the Substantive Application in Volume 2, Appendix 2K at 6.11, and the water works application in Volume 3 Appendix 3D. That assessment acknowledged that lighting may be required for security purposes during the construction of any stage of the new prison facilities, and for access and parking areas. The assessment confirmed that the effects would be negligible.

Comments received

[398] The Pāremoremo Residents and Ratepayers Association sought specific controls to manage the long-term construction programme, including construction lighting.

[399] Auckland Council confirmed that it did not seek any modifications to proposed conditions and considered these would be appropriate to minimise any effects from

[95] Substantive Application, Volume 3, dated 1 April 2026 at Appendix 3F at [77].

lighting.

Applicant response to comments received

[400] Corrections responded to the Pāremoremo Residents and Ratepayers Association, confirming that the Construction Lighting Management Plan as proposed by Designation condition DES41 would ensure that construction lighting would be appropriately managed.

Earthworks Management

[401] The extent of earthworks is limited to the watercourse works resource consent application. An assessment of earthworks was undertaken as part of the Substantive Application, and is contained within the Engineering Design Report in Volume 3 Appendix 3G. This assessment indicated that there would be approximately 4,500m^2 and 4,680m^3 of earthworks across the two watercourses to be filled.[96]

[402] The earthworks proposed as part of the watercourse works is limited to excavating unsuitable materials out of the beds of the streams, importing appropriate bedding material for the new pipes and backfilling the area once the pipes are installed. The assessment noted that the works would be undertaken in accordance with the Auckland Council GD05 Erosion and Sediment Control Guide for Land Disturbing Activities 2016. Appendix F to the Engineering Design Report (Volume 3 Appendix 3G) sets out the staging for undertaking the works, including the proposed diversion channels and erosion and sediment control measures.

[403] Corrections has proposed conditions of designation including DES42 Earthworks Management Plan. The purpose of the Earthworks Management Plan is to appropriately manage earthworks to minimise sediment entering watercourses and manage dust throughout the entire construction period.

Comments received

[404] Ling Dong and Frank Tang raised concerns in their comments about stream and erosion protection, stabilisation measures to minimise erosion and protection of neighbouring properties from construction.

[405] Ngā Maunga Whakahii o Kaipara Development Trust requested there be stage-specific earthworks management plans. Te Kawerau ā Maki commented that there

[96] Substantive Application, Volume 3, dated 1 April 2026 at Appendix 3G at [6].

were direct impacts on the cultural landscape from earthworks.

Applicant response to comments received

[406] Corrections responded to Ling Dong and Frank Tang by noting that any new development will be undertaken on the 'flatter land and areas not affected by geotechnical hazards' and that the commenters' property is 'well separated from … where construction will take place'. Land immediately adjacent to the commenters' property will be planted in accordance with the conditions of designation.

[407] Corrections addressed concerns raised about earthworks and other matters, by offering a new condition to appoint an "Environmental Compliance Officer", as addressed below.

Panel findings

[408] The Panel finds the approach to managing construction activities as set out by Corrections is quite typical and appropriate. We come to this finding based both on the material as set out above provided with the Substantive Application, and the lack of any evidence to the contrary. The Panel notes that Auckland Council comments generally concur with the findings of the technical reports addressing construction.

[409] In coming to this finding, we are satisfied that the conditions of designation as proposed, with minor amendments discussed below, will appropriately manage the potential effects associated with construction.

[410] With respect to the watercourse works consent application (Volume 3), the Panel finds that the Application has been appropriately assessed, and there are no contested live matters for the Panel to determine.

[411] We acknowledge the concerns of persons who made comments in relation to the disruption that they may experience through what may be several tranches of construction activity. However, the Panel is comfortable with what is proposed and that with the proposed designation and resource consent conditions, the effects of that construction will be appropriately managed.

PART F: REGIONAL AND NATIONAL BENEFITS

[412] Section 3 of the FTAA states that the purpose of the Act is to facilitate the delivery of infrastructure and development projects with *significant regional or national benefits*.

[413] As recorded above in Part C, section 81(4) FTAA specifically requires the Panel to consider the extent of the project's regional or national benefits.[97]

[414] The assessment of adverse impacts in relation to an approval sought is particularly relevant in the context of a decision to decline an approval. An approval can only be declined if the adverse impacts are out of proportion to regional or national benefits.[98]

[415] Because the Panel has found that the Proposal will not cause any adverse impacts, a proportionality assessment is not required as between those impacts and the claimed regional or national benefits of the Proposal.

[416] The phrase "significant regional or national benefits" is not defined in the FTAA. Some guidance as to its meaning can be taken from section 22 of the FTAA, which relates to the criteria for assessing a referral application, provides the following:

> (1) For the purposes of subsection (1)(a), the Minister may consider—
>
> (a) whether the project—
>
> (i) has been identified as a priority project in a central government, local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy), or a central government infrastructure priority list:
>
> (ii) will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure:

97 If the application was a referral application – the panel must treat the stage of the project to which the application relates as constituting the project; but may consider the regional or national benefits of the whole project, having regard to the likelihood that any later stages of the project will be completed (section 81(5) FTAA).

98 Section 85(3) FTAA.

(iii) will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment (within the meaning of policy 1 of the National Policy Statement on Urban Development 2020):

(iv) will deliver significant economic benefits:

(v) will support primary industries, including aquaculture:

(vi) will support development of natural resources, including minerals and petroleum: will support climate change mitigation, including the reduction or removal of greenhouse gas emissions:

(vii) will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards:

(viii) will address significant environmental issues:

(ix) is consistent with local or regional planning documents, including spatial strategies:

[417] Section 22 may be considered to provide useful guidance as to the meaning of the phrase. However, in a previous decision under the FTAA, an expert panel has stated:[99]

> for a panel deciding whether a particular project is a project with significant regional or national benefits, s 22(2) can only provide a flavour of, or guide to, what is required. The question of whether a project is indeed one with significant regional or national benefits remains an intensely factual determination turning on the particular circumstances of the Application.

[418] The Panel cites the approach adopted by the expert panel in the Waihi North Project:

> [842] "Significant" is a word of indeterminate meaning. It can, for instance, be used in in [*sic*] the sense of "game-changing". But it can also have meanings along the lines of "worthy of note".

[99] Decision Report of the Expert Consenting Panel for Maitahi Village dated 18 September 2025 at [515].

> [843] In the context of "deliver significant economic benefits" and "development of natural resources including mining", it is not particularly likely that any one mining project will produce game-changing effects, certainly across the country as a whole. The same can be said of any one project to "increase the supply of housing". Indeed, in a large city, even a substantial housing project is unlikely to make a material change to the supply of housing. All of this supports the view that "significance" is not to be determined by reference to whether implementation of the project will appreciably change national or regional gross domestic product or the annual tax revenue of the Government. Rather it is an indication of scale.

[419] The Panel considers that the Proposal is a large project of scale, and it is worthy of note.

[420] The Panel must examine the *extent* of the Proposal's regional or national benefits.

[421] The Applicant has advanced its case on the basis that the Proposal will result in significant public infrastructure investment and will deliver measurable and significant regional and national economic benefits through both the construction and operational phases. The Applicant estimates that the construction phase alone is expected to generate approximately $938m - $1.07bn in value added, in real present value terms and 2024 prices. The Applicant also says that through operational expenditure, the Prison at the higher capacity will generate sustained economic benefits.

[422] The Proposal is not advanced solely on the basis of regional and national economic benefits. The Applicant asserts that there are regional and national benefits associated with:

(a) Providing sufficient prisoner places with the appropriate security classification in the geographical area of need to meet demand. This increases the capacity of the national prison network, and enables Corrections to provide for the projected increase in prisoner numbers. This also ensures the Prison has the capacity to respond to unexpected events and changing conditions, including operational resilience and disaster reserves and flexibility for future design, operational efficiencies and innovation;

(b) Enabling the development of quality and modern fit-for-purpose prison facilities to support the safety of staff and prisoners and enable better delivery of rehabilitation and reintegration programmes. This allows Corrections to reduce reoffending through effective rehabilitation in modern fit for purpose facilities;

(c) Enabling the efficient use and development of land held for prison purposes and associated assets. This avoids the significant cost, time and risk associated with securing and obtaining the necessary approvals for a new site; and

(d) Locating the prison capacity sufficiently close and connected to:

(i) the culture, community, support networks and whānau of prisoners;

(ii) workforce of prison staff to support a safe, secure and effective prison operation; and

(iii) health services and service providers to rehabilitate and reintegrate prisoners.

[423] The Applicant says that these benefits will allow for more effective rehabilitation of prisoners where they are close to whānau and support networks, better and more efficient access for health and service providers and the ability to attract and sustain sufficient staff to support a safe, secure and effective prison operation.

F1: ECONOMIC BENEFITS

Substantive Application

[424] Corrections filed an economic assessment prepared by Mr Greg Akehurst and Mr Tom Harris of Market Economics Limited as part of the Substantive Application (Volume 2, Appendix 2E) (the **Economic Assessment**).

[425] The Economic Assessment included an economic impact analysis (**EIA**) based on a multi-regional input-output (**MRIO**) model which captures the direct, indirect and induced effects of increased expenditure associated with the project. Under this model, effects are measured in gross terms.[100] An MRIO Model can trace the transmission of an increase in spending or investment through interconnected industries and regions. [101]

[426] As some of the costs of the Proposal are intended to be borne in more than 10 years from now, the Applicant's approach assumed that the structure of the economy reflected the national accounts tables published by Stats NZ for 2019-20. [102] The Economic Assessment notes that the outputs of the model are best viewed as a way to understand potential changes rather than a forecast of what we expect to eventuate.

[427] While the model discounted costs, impacts and benefits at 8% and accounted for the hypothetical return on the next best alternative investment, no comparative investment options were presented.[103]

[428] The Economic Assessment includes three scenarios of capital expenditure and employment opportunities (covering the construction phase).

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100 Meaning effects do not reflect displacement of existing activity or changes in market equilibrium.

101 Economic Assessment, at [32].

102 At [34].

103 At [35].

[429] It then analyses the effects of the project and ongoing operational expenditure associated with the build, in addition to distributional effects of future operational spending in Auckland. The report acknowledged that these effects cannot be modelled as net additions akin to the capital investment. Instead, the analysis uses both quantitative and qualitative analysis methods to illustrate potential effects. Finally, the report discusses local community effects and other economic considerations in qualitative terms.

[430] The Economic Assessment acknowledges a number of limitations of the approach:[104]

(a) Indicative cost base assumptions;

(b) Modelling constraints;

(c) Excluded impacts (environmental externalities, displacement effects, and social costs and benefits);

(d) Lack of counterfactual (outputs are not net position, given the modelling is based on a parameters approach, it does not consider alternatives); and

(e) Long investment horizon (the assessment assumes uninterrupted project delivery, where in actual fact, delivery could be subject to political change).

[431] The Economic Assessment states that an EIA is appropriate for assessing the scale of economic change driven by the Proposal. It is noted that section 85(3) of the FTAA does not require a Cost Benefit Analysis (**CBA**), citing the Waihi North Mine decision.[105]

Capital expenditure

[432] The Economic Assessment estimates a Total Capital Expenditure of $1.76 billion ($1.2 billion in 2024 prices), over approximately 10 years (to approximately 2036), to be delivered in three phases. The Economic Assessment modelled three scenarios, each reflecting different assumptions about the allocation of capital expenditure inputs. The key findings of the MRIO modelling are as follows:

104 At section 4.4.

105 At section 4.1.1.

(a) *Under Scenario 1 - raw baseline, $1.20 billion real capital expenditure*: total value added is estimated at $937.5 million, comprising $310.5 million in direct effects, $319.5 million in indirect effects, and $307.5 million in induced effects. Employment of approximately 13,896 job years;

(b) *Under Scenario 2 - $1.20 billion with different cost split*: total value added of $936.2 million, lower direct value added ($271.5 million) but higher indirect ($355.2 million) and comparable induced effects ($309.5 million). Employment of approximately 13,816 job years;

(c) *Under Scenario 3 - including procurement costs, $1.32 billion real capital expenditure*: total value added of $1.07 billion, comprising $358.5 million in direct effects, $356.3 million in indirect effects and $356.0 million in induced effects. Employment of approximately 15,552 job years;

(d) Under all scenarios, the Auckland Region captures the overwhelming majority of direct value added. Indirect and induced effects extend modestly into the rest of the North Island and the rest of New Zealand; and

(e) The ratio of value added to discounted costs exceeds 1.0 across all scenarios (1.24 for Scenarios 1 and 2; 1.26 for Scenario 3).

The results for each scenario were helpfully summarised in Tables 5-1 (value added), 5-2 (employment equivalents) and 5-3 (net effects) shown below:

Table 5-1: Value Added Estimates ($NZ million$_{2024}$)(PV$_{8\%}$)

Scenario	Region	Direct	Indirect	Induced	Total
1	Auckland Region	$310.5	$275.3	$238.5	$824.3
	Rest of North Island	$0.0	$32.0	$49.2	$81.2
	Rest of NZ	$0.0	$12.2	$19.8	$32.0
	Total	$310.5	$319.5	$307.5	$937.5
2	Auckland Region	$271.5	$307.4	$239.3	$818.2
	Rest of North Island	$0.0	$34.9	$50.2	$85.1
	Rest of NZ	$0.0	$12.9	$20.0	$32.9
	Total	$271.5	$355.2	$309.5	$936.2
3	Auckland Region	$334.5	$294.6	$264.3	$893.4
	Rest of North Island	$24.0	$48.1	$68.1	$140.2
	Rest of NZ	$0.0	$13.6	$23.6	$37.2
	Total	$358.5	$356.3	$356.0	$1,070.8

Table 5-2: Employment Equivalent Years Estimates (MECs)

Scenario	Region	Direct	Indirect	Induced	Total
1	Auckland Region	5,588	3,989	2,812	12,389
	Rest of North Island	0	385	656	1,041
	Rest of NZ	0	166	301	467
	Total	5,588	4,539	3,769	13,896
2	Auckland Region	4,883	4,539	2,821	12,243
	Rest of North Island	0	424	668	1,092
	Rest of NZ	0	175	305	480
	Total	4,883	5,139	3,794	13,816
3	Auckland Region	5,948	4,214	3,062	13,224
	Rest of North Island	360	578	857	1,795
	Rest of NZ	0	184	349	533
	Total	6,309	4,976	4,268	15,552

Table 5-3: Net Effects Summary ($NZ million$_{2024}$)(PV$_{8\%}$)

Item	Scenario 1	Scenario 2	Scenario 3
PV Value Added	$938	$936	$1,071
PV Discounted Costs	$756	$756	$849
Value Added less Costs	$181	$180	$222
Ratio	1.24	1.24	1.26

Operational expenditure

[433] In addition to the construction-phase effects, the Economic Assessment models operational expenditure over a 30-year horizon, encompassing facilities maintenance, operational servicing, programme team costs and operationalising costs. Operational expenditure is estimated to generate $94.7 million in value added and approximately 2,792 Modified Employee Count (**MEC)** years of employment (approximately 100 per year), concentrated in the Auckland Region.[106]

Table 5-5: Opex Effects ($NZ million$_{2024}$) and MEC years

Scenario	Region	Direct	Indirect	Induced	Total
Value Added ($NZ million)	Auckland Region	$36.1	$23.2	$24.7	$84.0
	Rest of North Island	$0.0	$2.7	$4.9	$7.6
	Rest of NZ	$0.0	$1.1	$2.0	$3.1
	Total	$36.1	$27.0	$31.6	$94.7
Employment (MEC years)	Auckland Region	1,185	706	600	2,491
	Rest of North Island	0	70	137	207
	Rest of NZ	0	32	63	94
	Total	1,185	807	800	2,792

[434] In addition, it was estimated that there would be an increase of total staff of 292 Full Time Equivalent (**FTE**) associated with the operational phase, with an additional $17.5m to $19.2m annual wage increase (in 2024 prices).

106 Economic Assessment, at [63]-[65].

Overall conclusions

[435] Overall, the Economic Assessment concludes that the Proposal is expected to deliver significant economic benefits at both regional and national levels. The capital investment represents a large-scale public infrastructure commitment with measurable gross domestic product and employment effects. The operational expenditure, meanwhile, will have material distributive impacts for Auckland's economy.[107]

Comments

[436] The Panel received comments from a number of section 53 parties that address, directly or indirectly, the regional and national economic benefits of the Proposal. The Panel summarises the principal positions below.

Auckland Council

[437] Mr James Stewart, Economist with the Chief Economist Unit at Auckland Council, reviewed the Economic Assessment and provided specialist commentary. Mr Stewart identifies three principal issues with the Economic Assessment:

(a) the absence of a counterfactual scenario, which he considers fundamental to credible economic analysis;[108]

(b) the failure to demonstrate the value of additional prison capacity or whether it is worth addressing; [109] and

(c) the adoption of an EIA methodology (including the use of capital expenditure and operational expenditure streams), which he considers has recognised and significant limitations that risk the results being interpreted beyond what the approach can validly support. In particular, that greater costs for construction or operation, due to the methodology, will appear to correspond to greater benefits.[110]

107 Economic Assessment, executive summary.

108 Memorandum of Planning Matters for the Auckland Council dated 28 July 2026, Annexure 9 at [5].

109 At [6] and [7].

110 At [9].

[438] Mr Stewart considers that no weight should be placed on the EIA results in understanding the scale of economic benefits, in meeting the purpose of the FTAA or informing the section 85(3) proportionality assessment. His preferred approach is CBA following Treasury guidance.[111] He considers that the EIA results and conclusions are "not meaningful in understanding whether the project is net beneficial or whether the proposed prison expansion represents a significant regional or national benefit once the relevant costs have been considered".[112]

[439] Notwithstanding his criticisms, Mr Stewart accepts that the prison capacity increase is "plausibly welfare improving (i.e., net beneficial)", on the basis that society derives value from prisons through punishment, rehabilitation and maintaining safety. He acknowledges evidence that New Zealand's prison network is under capacity pressure, with a potential future shortfall, and that frictions exist which could be alleviated through increased capacity at Auckland Prison.[113]

[440] Auckland Council's planners noted that Mr Stewart was unable to conclude on the question of regional or national significance based on the information provided.[114] The planners nonetheless consider that the proposed capacity increase forms "significant and important infrastructure" for the Corrections network, underpinned by "a reasoned and well explained series of objectives". However, their final conclusion on the scale of economic benefits was restricted by Mr Stewart's position on the adequacy of the economic evidence. [115]

Ministerial correspondence

[441] The Panel received correspondence from the Minister for Infrastructure, the Hon Chris Bishop, expressing "broad support" for the Auckland Prison Capacity Increase project. The Minister stated that "[i]nfrastructure is important for growth and prosperity" and asked the Panel to "take this letter of support as a reflection of the Government's economic growth and infrastructure priorities".[116]

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111 At [12] and [14].

112 At [21].

113 At [17]-[18].

114 At [275].

115 At [283].

116 At [12] and [14].

[442] The Minister for Building, Minister Penk, noted that the project "represents a substantial infrastructure investment with the potential to deliver significant economic and industry benefits". He referred to the estimated $938 million to $1.07 billion in value-added economic activity over the life of the programme and the 10-year delivery programme, which he considered would make "a meaningful contribution to employment and workforce development within the construction sector". Minister Penk also observed that the project has "the potential to provide a sustained pipeline of construction activity, supporting broader sector resilience and helping retain skills and expertise within the industry".

Ngā Maunga Whakahii o Kaipara Development Trust

[443] Ngā Maunga Whakahii o Kaipara Development Trust (representing Ngāti Whātua o Kaipara) raises significant concerns about the completeness of the Economic Assessment, identifying the following deficiencies:[117]

(a) No counterfactual or alternative investment scenario has been assessed;

(b) Displacement of workers and resources from other projects has not been included;

(c) The wider fiscal and societal costs of incarceration have not been evaluated;

(d) The opportunity cost of investing in prison capacity rather than preventative, rehabilitative or community-based initiatives has not been assessed;

(e) Environmental, social and cultural effects (and Ngāti Whātua o Kaipara cultural values) have been excluded from the quantified Economic Analysis; and

(f) The Economic Analysis does not establish that economic benefits would accrue to Ngāti Whātua o Kaipara or Te Taoū. Without targeted measures, benefits may principally accrue to established regional contractors.

117 Ngā Maunga Whakahii o Kaipara Development Trust section 53 comment dated 28 July 2026, at 19.

[444] The Trust considers that the Economic Assessment "overstates the completeness of the project's economic case".[118] It suggests that, if the Proposal proceeds, opportunities exist for an enduring economic partnership, including targeted employment and apprenticeships for iwi members, procurement targets for Ngāti Whātua o Kaipara-owned businesses, cultural monitoring contracts, and governance arrangements.[119]

Applicant's Response to Comments

[445] On 4 August 2026, Corrections provided its Section 55 Report responding to comments received. Sections 5.3.1 and 5.3.2 of the Section 55 Report addressed comments relating to economic benefits and methodology.

[446] In relation to economic benefits, the report reiterated that Ministerial support for the Proposal and comments provided are acknowledged, and reinforce the regional and national benefits of the Proposal, consistent with the purpose of the FTAA.

[447] In relation to comments regarding economics methodology, Corrections responded with three key points:

(a) No credible counterfactual exists: A "do nothing" scenario is not a feasible alternative, as it would fail to achieve the Minister's stated objectives and would not address the underlying need that the project seeks to respond to. Not providing additional prisoner capacity at Auckland Prison would mean Corrections would be failing to meet its statutory obligations.

(b) Cost benefit analysis is the role of business case, not a designation process: Conducting a CBA and assessment of counterfactual scenario(s) is the role of a business case through central Government funding decisions (e.g. do nothing, policy response, other locations) in accordance with Treasury's 'Better Business Case Framework', rather than as part of a notice of requirement for a Designation Alteration under the RMA or FTAA.

118 Ngā Maunga Whakahii o Kaipara Development Trust section 53 comment dated 28 July 2026 at 20.

119 At 20.

(c) Economic benefits are secondary to broader national and regional benefits: Corrections is a Government entity providing a core statutory function, and therefore the economic benefits of the Proposal are secondary to the national and regional benefits, as explained in Volume 1 of the Substantive Application. It was also acknowledged that section 85 of the FTAA (where approval may be declined if adverse impacts are out of proportion to regional or national benefits) is not specific to economic benefits alone.

[448] Corrections further noted that there are several examples where the EIA approach has been accepted by Expert Panels under the FTAA framework, citing the Pound Road Industrial Development, Waihi Gold Mine, Taranaki Iron Sands, Drury Quarry, and Waitakere Court House applications and decisions. Additionally, the Section 55 Report notes that, despite Mr Stewart's position, Auckland Council planners were of the view that the proposed increase in capacity forms significant and important infrastructure.

Evaluation

[449] The Panel turns to its own evaluation of the regional and national economic benefits of the Proposal. The starting point is the scale of the proposed investment. With nominal capital expenditure of $1.76 billion (approximately $1.2 billion in real 2024 prices), phased over approximately 10 years, this is a project of scale. Volume 1 of the Substantive Application, the Overview Report, confirms that the Proposal would be one of only 10 planned or ongoing infrastructure projects in Auckland listed as larger in spend by the Infrastructure Commission.[120]

[450] The MRIO modelling undertaken by Market Economics estimates that the construction phase of the Proposal will generate between $937.5 million and $1.07 billion in value added, and between approximately 13,800 and 15,600 MEC years of employment, in present value terms and 2024 prices. Operational expenditure is estimated to generate a further $94.7 million in value added and approximately 2,792 MEC years. The overwhelming majority of these effects are concentrated in the Auckland Region.

120 Substantive Application, Volume 1, dated 1 April 2026 at [207].

[451] The Panel has carefully considered the methodological debate between Market Economics and Mr Stewart. Market Economics contends that EIA using input-output modelling provides a strong fit with the purpose of the FTAA, estimating gross domestic product, household incomes and employment effects. Mr Stewart considers that the EIA results measure "economic activity" rather than net economic benefit, and that a CBA following Treasury guidance is the appropriate framework.

[452] The Panel notes that the FTAA does not prescribe any particular economic assessment methodology. Consistent with the *Waihi North* decision, there is no explicit requirement for benefits or adverse impacts to be quantified in monetary terms. The Panel accepts that input-output modelling is a recognised and widely used technique for estimating the gross economic effects of infrastructure investment, particularly at the preliminary planning stage when detailed cost plans are not yet available.

[453] As suggested by the Application, the Panel treats the MRIO results as indicative of the scale and direction of the economic effects of the Proposal, rather than as a precise measure of net economic benefit. Even allowing for the limitations identified by Mr Stewart and the Trust, the results are strongly suggestive of a substantial injection of economic activity into the Auckland Region and, to a lesser extent, the wider New Zealand economy.

[454] The Panel considers it significant that Mr Stewart, notwithstanding his criticisms of the EIA methodology, accepts that the prison capacity increase is "plausibly welfare improving" — that is, net beneficial to society. His acceptance that New Zealand's prison network is under capacity pressure and that frictions exist which could be alleviated through increased capacity at Auckland Prison provides a measure of independent support for the proposition that the Proposal would deliver genuine economic and social benefit.

[455] The Panel considers that, as suggested by the Applicant in the Section 55 Report, the Economic Assessment must be viewed in the context of the broader benefits of the Proposal. The Proposal is not a private commercial development; it is public infrastructure designed to meet a statutory obligation to safely and humanely accommodate persons in custody.

[456] The Proposal's listing in Schedule 2 of the FTAA and the support expressed by the Minister for Infrastructure and the Minister for Building and Construction are further indicators of the Proposal's alignment with the Government's economic growth and infrastructure priorities. The Panel does not treat ministerial support as determinative, but it provides relevant contextual support for the proposition that the Proposal delivers benefits of regional and national significance.

[457] The Panel has also considered the concerns raised by Ngāti Whātua o Kaipara regarding the distribution of economic benefits and the absence of targeted measures to ensure benefits accrue to mana whenua. These matters are beyond the scope of the Panel's jurisdiction under the FTAA, and are not considered further.

[458] Overall, we find that the Proposal will result in significant regional and national economic benefits, consistent with the estimates provided by the Applicant. In making this finding we note, for completeness, that the numbers expressed in the Economic Assessment, on which we have relied, give the appearance of a level of precision. However, that is simply a consequence of the calculations used to generate them. The Panel has viewed the numbers as indicative estimates as to the magnitude of economic benefits that may occur.

F2: OTHER BENEFITS

[459] As noted above, the Applicant is not advancing its case based solely on economic benefits. It also relies on the following regional and national benefits:

(a) Providing sufficient prisoner places with the appropriate security classification in the geographical area of need to meet demand. This increases the capacity of the whole prison network, and enables Corrections to provide for the projected increase in prisoner numbers. This also ensures the Prison has the capacity to respond to unexpected events and changing conditions, including operational resilience and disaster reserves and flexibility for future design, operational efficiencies and innovation.

(b) Enabling the development of quality and modern fit-for-purpose prison facilities to support the safety of staff and prisoners and enable better delivery of rehabilitation and reintegration programmes. This allows Corrections to reduce reoffending through effective rehabilitation in modern fit for purpose facilities.

(c) Enabling the efficient use and development of land held for prison purposes and associated assets. This avoids the significant cost, time and risk associated with securing and obtaining the necessary approvals for a new site.

(d) Locating the prison capacity sufficiently close and connected to:

(i) The culture, community, support networks and whānau of prisoners;

(ii) Workforce of prison staff to support a safe, secure and effective prison operation; and

(iii) Health services and service providers to rehabilitate and reintegrate prisoners.

[460] No evidence was given challenging the existence or significance of those benefits.

[461] Accordingly, the Panel finds that the Proposal will result in significant regional and national benefits of the type described by the Applicant.

F3: OVERALL FINDING ON REGIONAL AND NATIONAL BENEFITS

[462] Having considered the evidence before it, the Panel finds that the Proposal will result in significant regional and national benefits. In particular, the Panel finds that the Proposal will result in the following regional and national benefits:

(a) $938m - $1.07bn in value added as a result of the construction phase, in real present value terms and in 2024 prices;

(b) Sustaining an employment equivalent of around 14,000 FTE job years, primarily within Auckland;

(c) Operational expenditure generated by the Proposal associated with operating the Prison at a higher capacity, in the order of $95m;

(d) Additional staff of approximately 292 FTEs, equating to an increase in wages of approximately $17.5m - $19.2m, annually;

(e) The provision of fit-for-purpose facilities for prisoner rehabilitation allowing for Corrections to reduce reoffending;

(f) Enabling the efficient use and development of land held for prison purposes and associated assets; and

(g) The location of prison capacity sufficiently close to community, whānau, and other support networks.

[463] The Panel finds that these benefits are, collectively, regionally and nationally significant. This finding is underpinned by the scale of this Proposal, which clearly puts it into the category of being “worthy of note”.

PART G: APPROVALS RELATING TO THE RESOURCE MANAGEMENT ACT 1991

[464] In this part of our decision, we address the:

(a) the statutory documents;

(b) the regional and district planning framework;

(c) the OPW Waiver; and

(d) part 2 of the RMA; and

(e) decisions as to approvals under the RMA.

G1: STATUTORY DOCUMENTS

[465] The Application listed what it considered to be the relevant statutory instruments and provided an assessment of each of those instruments.

[466] The Panel has carefully reviewed the assessments provided by the Applicant. While we generally concur with them, we provide our own assessments, as follows.

Government Policy Statements

[467] The Panel considers that no Government Policy Statements issued under section 10A of the Act are relevant to this Application.

National Policy Statements

[468] The relevant National Policy Statements that we must take into account under clause 17 of the FTAA were addressed in Volume 2 Appendix 2F Statutory Assessment. The instruments include:

(a) New Zealand Coastal Policy Statement 2010 (Amended 2025) (**NZCPS**);

(b) National Policy Statement for Infrastructure 2025 (**NPSI**);

(c) National Policy Statement for Urban Development 2020 (**NPSUD**);

(d) National Policy Statement for Freshwater Management 2020 (Amended 2025) (**NPSFM**);

(e) National Policy Statement for Indigenous Biodiversity 2023 (Amended 2025) (**NPSIB**);

(f) National Policy Statement for Natural Hazards 2025 (**NPSNH**); and

(g) National Policy Statement for Highly Productive Land 2022 (Amended 2025) (**NPSHPL**).

New Zealand Coastal Policy Statement 2010 (Amended 2025)

[469] The NZCPS provides policy direction on the management of the coastal environment under the RMA.

[470] The NZCPS is relevant to the Designation Alteration because the western boundary of the Site abuts the Coastal Marine Area (**CMA**), being a tidal inlet of the Waitematā Harbour where it meets the mouth of Pāremoremo Creek. Although the coastal environment is not formally mapped in the AUP, the characteristics of the Site generally align with the description of "coastal environment" in Policy 1 of the NZCPS.

NZCPS: Designation alteration

[471] The Applicant assessed the Proposal against NZCPS Objectives 1–6 and Policies 3, 6, 11, 13, 14, 15, and 22, concluding that the Designation Alteration is consistent with each.

Application

[472] The key conclusions of the Applicant's assessment are:

(a) *Objective 1 - Safeguarding the coastal environment*: The Proposal will safeguard the integrity, form, functioning and resilience of the coastal environment. The development areas (Areas A and B) are set back from the coastal edge. The existing vegetation within the Significant Ecological Area (**SEA)** (SEA-M2-57b) along the Pāremoremo Creek will be retained and augmented, and stormwater management will be maintained via designation condition DES23.

(b) *Objective 2 - Preserving natural character*: The Site is not identified as having high or outstanding natural character. The small area of ONL present within the Site falls outside both Area A and Area B, and restoration will be provided through indigenous revegetation planting within the ONL. The approximately 28 hectares of proposed revegetation planting will improve the natural character of the Site and its wider context, including coastal edges.

(c) *Objective 3 - Treaty of Waitangi principles*: Tāngata whenua have been consulted throughout the formation of the Proposal. The Pāremoremo Creek is significant to Ngāi Tai ki Tāmaki, Ngāti Whātua o Kaipara and Te Kawerau ā Maki, and the recorded archaeological Site within the Site (R10/831) will be protected by proposed designation condition DES21.

(d) *Objective 5 - Coastal hazard risks*: Areas A and B are located above the adjacent Pāremoremo Creek and associated tsunami and coastal inundation areas identified on the coastal edges of the Site. Proposed designation condition DES25 requires that no new buildings (except minor structures) must be located within 40 metres of Mean High Water Springs.

(e) *Objective 6 - Social, economic, and cultural wellbeing*: The Designation Alteration will enable communities to provide for their wellbeing, recognising that protection of coastal values does not preclude use and development in appropriate places. Development will be set back from the coastal environment, and the Proposal will not compromise activities of national or regional importance with a functional need to locate in the coastal environment. The recorded archaeological site will be avoided and addressed by condition DES21.

(f) *Policy 2 – The Treaty of Waitangi, tāngata whenua and Māori heritage:* Corrections has actively considered the values, interests and recommendations identified in the CVA reports and where appropriate and relevant, has sought to provide for them in the Proposal.[121]

(g) *Policy 6 - Activities in the coastal environment*: Increasing the capacity at Auckland Prison, which is public infrastructure, enables efficient use and development of existing land and assets. Area A is set back approximately 100 metres from the closest point of the CMA. The SEA (SEA-M2-57b) along the Pāremoremo Creek acts as a buffer between the CMA and Areas A and B, and the proposed planting will also contribute towards providing a buffer.

[121] As set out in Section 9.3 of Volume 1 including, Table 5.

(h) *Policy 11 - Indigenous biological diversity*: Two significant ecological areas (SEA-M2-57b and SEA_T_8330) are present on the coastal edge of the Site. The Proposal will avoid these SEAs and no vegetation removal is proposed within them.

(i) *Policy 13 - Preservation of natural character and Policy 14 – Restoration of natural character*: No part of the Site is identified as having high or outstanding natural character. Once established, the 28 hectares of proposed revegetation planting will improve existing natural character.

(j) *Policy 15 - Natural features and natural landscapes*: The values of the ONL (Pāremoremo Escarpment ONL #52) along the western (coastal) edge of the Site, but outside of Area A and B, will not be compromised. The ONL area will remain vegetated, and no new buildings will be constructed within it.

(k) *Policy 17 - Historic heritage*: The recorded archaeological site (R10/831) along the coastal edge of Pāremoremo Creek is identified in the LMEEP, and a designation condition (DES21) prevents land disturbance (other than planting by hand) within 20 metres of the archaeological site (as amended in the Section 55 Report).

Council's position

[473] The Council's landscape specialist, Mr Simon Button, assessed natural character effects in the coastal environment. He concluded that the Proposal would have "low adverse (short term) effects" on natural character, reducing to a positive effect once mitigation planting matures. He confirmed that the assessed levels of effect meet the "avoiding significant adverse effects" threshold under Policy 13, and that the designation is consistent with Policy 15, with adverse effects on the ONL avoided. However, he raised concerns about the experiential aspects of natural character due to the scale of development in sub-area A1 (theoretically allowing buildings up to 19 metres above existing ground level).

[474] The Council planners, relying on Mr Button's expertise, considered that natural character effects are managed and mitigated through Area C limitations, the set-back of Area A from the coastal boundary, condition DES25 (no new buildings within 40 metres of MHWS), and amendments restricting lighting within Area C and the coastal protection yard.

Panel findings

[475] The Panel finds that the NZCPS is relevant to the designation alteration by reason of the Site's proximity to the CMA at the mouth of Pāremoremo Creek, and the extent of the coastal environment across the western portion of the Site including the Pāremoremo Escarpment ONL (#52).

[476] In respect of Objective 6, the Panel accepts that the Designation Alteration enables communities to provide for their social, economic and cultural wellbeing, and that the protection of coastal values does not preclude appropriate use and development. The location of new prison development within the existing designated prison site, set back from the CMA, is an appropriate form of development in this context.

[477] In respect of Policy 6**,** the Panel accepts that any development enabled by the Designation Alteration will be appropriately set back from the coastal environment, and that the Proposal will not compromise activities with a functional need to locate in the coastal marine area.

[478] In respect of Policy 11, the Panel notes that the Proposal avoids the identified SEAs on the coastal margins of the Site, and that the ecological enhancement measures will contribute to protecting indigenous biological diversity in the coastal environment.

[479] In respect of Policy 13, the Panel accepts that no part of the Site altered by the designation is identified as having outstanding or high natural character. The Panel notes Mr Button's assessment that short-term effects on natural character will be low, reducing to a positive effect once mitigation / revegetation planting matures. In the Panel’s view, the proposed development parameters will ensure that significant adverse effects on natural character are avoided. The Panel is satisfied that other adverse effects on natural character in the coastal environment will be appropriately remedied and mitigated, consistent with Policy 13(1)(b).

[480] In respect of Policy 15, the Panel accepts that the values of the ONL along the coastal edge of the Site will not be adversely affected. No new buildings are proposed within the ONL, and the area will remain vegetated and enhanced through proposed planting. The Panel is satisfied that adverse effects on the ONL will be avoided.

[481] In respect of Policy 17, the Panel is satisfied that the recorded archaeological site (R10/831) will be adequately protected by the 20 metre buffer secured under amended condition DES21, and that the accidental discovery protocol provides an appropriate mechanism for managing any unidentified heritage.

NZCPS: Resource consents

[482] The NZCPS is relevant to the resource consent for the proposed watercourse works because all existing stormwater discharges at the Site enter tributaries of Pāremoremo Creek, which flows into the Upper Waitematā Harbour. Watercourse 2 is approximately 500 metres from the coast and is the closest watercourse to the CMA that is the subject of the resource consent application.

Application

[483] The Applicant assessed the watercourse works against the NZCPS, specifically Objectives 1–6 and Policies 6, 11, 13, 14, and 22. Much of the Applicant's assessment mirrors that summarised in relation to the designation above. The key conclusions specific to the watercourse works are:

(a) *Policy 3 – Coastal hazards*: The proposed works are not located within a coastal hazard risk area and the effects of climate change have been accounted for in pipe design and sizing.

(b) *Policy 22 – Sediment*: The Proposal does not increase impervious areas or change stormwater discharge quality. Erosion and sediment control measures designed in accordance with GD05 will result in less than minor adverse effects from sediment-laden water.

[484] In the Section 55 Report, the Applicant confirmed that the Proposal does not include any amendments to stormwater discharges (quality or quantity) from the Site. Resource consents for new impervious areas and stormwater discharge associated with new prison facilities will be applied for at a later date when design information is available. Management of sediment and contaminants will be required in accordance with best practice and the AUP requirements to protect downstream ecological values.

Council's position

[485] Mr Button's assessment of the watercourse works is consistent with his designation findings. He agreed that effects on natural character will be low (Watercourse 1) and very low (Watercourse 2), and positive once revegetation planting is established.

[486] Ms Bootsma (Council's Freshwater Ecology Specialist) considered that adverse ecological effects and effects on freshwater natural character are adequately managed, subject to implementation of the management plans. The Council planners concluded that adverse effects will be limited and mitigated.

Ngāti Whātua o Kaipara

[487] Raised specific concerns regarding the permanent loss of 238 metres of open watercourses, impacts on tuna habitat, and potential downstream effects on the mauri and cultural health of Pāremoremo Creek and the wider Upper Waitematā environment. They sought that remaining waterways, wetlands and riparian margins be protected from further development and that tāngata whenua have input into stormwater planning and monitoring, with a focus on protecting the mauri of receiving waters.

Panel findings

[488] The Panel's findings in respect of the designation provide relevant context, and the Panel adopts its reasoning on Policies 6, 11, 15 and Objective 6 as equally applicable here, to the extent relevant. The following findings address those NZCPS provisions that are of particular significance to the watercourse works.

[489] The Panel accepts that the NZCPS is relevant to the watercourse works by reason of their hydraulic connection to Pāremoremo Creek and the CMA, notwithstanding that the works are located outside the CMA itself and some 500 metres from the coast at their closest point.

[490] The Panel generally adopts the analysis of the Applicant, with the exception of the following comment.

[491] The Panel has given careful consideration to the concerns raised by Ngāti Whātua o Kaipara regarding the mauri of Pāremoremo Creek and the wider Upper Waitematā environment. The Panel acknowledges the cultural significance of these waterways and accepts that the proposed ecological offset and compensation package — including 1.6 hectares of watercourse compensation planting, 1.05 hectares of offset planting, 0.28 hectares of wetland planting, native fish capture and relocation, and culvert upgrades at Watercourse 6 — will contribute to enhancing the ecological and natural character values of the receiving environment. The Panel also notes the commitment to establishing an Iwi Forum (condition DES50) which provides opportunities for tāngata whenua involvement in implementation of management plans.

[492] The Panel finds that the proposed watercourse works are consistent with the relevant objectives and policies of the NZCPS, subject to the imposition of the proposed resource conditions.

National Policy Statement for Infrastructure 2025

[493] The National Policy Statement for Infrastructure 2025 (NPSI) requires decision-makers to recognise infrastructure as nationally significant under the RMA and provides national direction to support its development, maintenance and upgrades while still addressing adverse impacts.

[494] The NPSI applies to all decisions under the RMA affecting the operation, maintenance, renewal, and upgrade of existing infrastructure, as well as new infrastructure development.

[495] Infrastructure is defined in the NPSI as including "all infrastructure as defined by the Act and additional infrastructure as defined in this National Policy Statement". Additional infrastructure is defined as including, among other things, at limb (e) "correction facilities operated by the Department of Corrections to meet its obligations under the Corrections Act 2004".[122] As Auckland Prison is operated by the Department of Corrections to meet its obligations under the Corrections Act 2004 it is clearly contemplated by this definition.

[122] NPSI, definition of "additional infrastructure" at 4.

[496] The NPSI defines "infrastructure activities" as meaning:[123]

> the construction, operation, maintenance, upgrade and removal of infrastructure and all ancillary infrastructure activities, unless otherwise specified, and include all physical components and assets associated with the infrastructure activity.

[497] The proposed expansion of Auckland Prison under the designation constitutes the construction and upgrade of infrastructure, and accordingly amounts to an infrastructure activity for the purposes of the NPSI. The objectives and policies of the NPSI therefore apply to the assessment of the Proposal.

Application

[498] The Applicant has stated that the Proposal will give effect to the NPSI and considers the NPSI in its Statutory Assessment. A summary of the Applicant's assessment is as follows:

(a) *Objective 1*: The capacity increase will give rise to significant national and regional benefits to the corrections system.

(b) *Policy 1*: The Proposal, by providing for capacity and resilience in the wider prison network, seeks to ensure that the prison network as an infrastructure service is not compromised therefore avoiding any significant risks to public safety from under-provision of prison capacity, and replaces outdated infrastructure with safer, more modern, fit-for-purpose and efficient designed infrastructure.

(c) *Policy 2*: The Applicant argues that expanding the existing Auckland Prison is a practical and cost-effective solution because it utilises the existing 80-hectare site and infrastructure, and it is in the region with the highest demand for prison accommodation. It submits on the basis of its Alternatives Assessment carried out that there are no other practicable alternative options for locating Area A or secure facilities on other parts of the Site.

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123 NPSI, definition of "infrastructure activities" at 5.

(d) *Policy 4*: Alteration to the designation and designation conditions intend to enable the efficient and timely delivery of additional capacity at the prison, provide flexibility for future design and operations, make more effective use of the existing Site and its infrastructure and enable upgrading of the Site to meet increasing demand.

(e) *Policy 6*: The Proposal has sought to provide for the recommendations in the CVA reports.

(f) *Policy 7*: The technical and operational requirements and constraints of a prison operation (need for a secure perimeter, lighting, certain height limits, staffing, etc) have informed the parameters and technical assessments undertaken and are a relevant consideration under this policy. The extent to which the effects of the proposed capacity increase are different in scale, intensity, duration and frequency from the effects of existing activities on the Site is addressed in the technical assessment.[124]

(g) *Policy 9*: The Proposal is an upgrade to an existing Prison Site. The adverse effects where practicable have been avoided, remedied, or mitigated. The Proposal has been assessed against all relevant national direction, regional policy statements and the AUP.

(h) *Policy 10*: The Prison is an existing Prison and has been operational as such since 1969. It is as compatible as practicable with the surrounding activities.

Council's position

[499] Auckland Council did not raise specific objections to the Proposal's consistency with the NPSI.

Panel findings

[500] The Panel adopts the Applicant's assessment that the underlying principle and design philosophy of upgrading existing prison infrastructure by altering the designation and designation conditions through the Application is in accordance with the direction and intent of the NPSI. The Panel accepts that the Proposal will enable infrastructure that supports the social, economic, and cultural wellbeing of people and communities, including their health and safety, and that supports the development and change of urban and rural environments to meet the diverse and changing needs of present and

[124] Substantive Application, Volume 2, dated 1 April 2026 at section 7.

future generations.

[501] The Panel is satisfied that the efficiencies and strategic benefits associated with locating the expansion on the existing Site, demonstrate that the infrastructure will be well-functioning, resilient, and compatible, as far as practicable, with other activities – including the existing prison.

National Policy Statement for Urban Development 2020

[502] The NPSUD aims to ensure New Zealand's towns and cities are well-functioning urban environments that meet the changing needs of our diverse communities. The Site is outside the rural-urban boundary therefore the NPSUD is not directly relevant.

[503] PC120 is not relevant to intensification considerations under the NPS-UD because the Site is used in accordance with Designation 3900 (Auckland Prison), and zoning changes introduced by PC120 do not apply to designated land when used for its designated purpose.

Application

[504] The Site is located outside the "urban environment" because it is beyond the rural-urban boundary and located within the Rural - Countryside Living Zone.

Council's position

[505] The Council's Planning Memorandum did not engage with or take a position on the NPSUD.

Panel findings

[506] The Panel considers the NPS-UD to have limited relevance because the Site lies outside the rural–urban boundary in the Rural – Countryside Living zone and therefore accords it little weight.

National Policy Statement for Freshwater Management 2020 (Amended 2025)

[507] The NPSFM sets out a framework under which local authorities are to manage freshwater (including groundwater). The NPSFM seeks to ensure that natural and physical resources are managed in a way that prioritises:[125]

(a) First, the health and well-being of water bodies and freshwater ecosystems;

[125] NPSFM, cl 2.1.

(b) Second, the health needs of people (such as drinking water); and

(c) Third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

[5 0 8] These objectives reflect the hierarchy of obligations in Te Mana o te Wai.[126]

[509] The NPSFM is engaged by both the resource consent and designation decisions. The designation provides the overarching freshwater management framework (through spatial controls, setbacks, and stormwater principles), while the resource consent addresses the specific physical impacts on watercourses including the functional need (to expand the designation) and effects management hierarchy requirements under the NPSFM. The two analyses are dealt with in turn.

NPSFM: Designation alteration

Application

[510] Areas A and B were selected to avoid known freshwater constraints and to maintain or enhance water quality through stormwater management, with Mana Whenua engagement emphasising restoration of mauri, aligning with Objective 1 and Policies 1–6.

Council

[511] The key concern raised by Council in relation to the NPSFM was for the reclamation of watercourses 1 and 2 to extend existing pipes to beyond the edge of proposed Area A.[127] However, the Council expert concluded that they were largely in support of the proposed Designation Alteration since it largely avoids effects on freshwater habitats and where effects on Streams 1 and 2 are shown to be unavoidable, management plans are provided which adequately manage this effect.

Te Kawerau Iwi Settlement Trust

[512] In its comment Te Kawerau Iwi Settlement Trust discussed the concept of Te Mana o Te Wai and its principles, including mana whakahaere, kaitiakitanga, and manākitanga as they relate to tāngata whenua and freshwater management. They also reference Policy 2.2(2) regarding tāngata whenua being actively involved in freshwater management, and Policy 2.2(3) requiring integrated management of freshwater on a

126 NPSFM, cl 1.3.

127 Antoniette Bootsma "Annexure 10" in *Regulatory Annexures – Memorandum of Planning Matters for Auckland Council* (28 July 2026) at 71.

whole-of-catchment basis.

Panel findings

[513] While the NPSFM has limited relevance in relation to the alteration to the designation, the Panel finds that there is a functional need for the loss of Watercourses 1 and 2 (clause 3.24, NPSFM), that the effects management hierarchy has been appropriately applied through a comprehensive offset and compensation package, and that tāngata whenua have been actively involved in the Proposal consistent with Policy 2. Future development under the altered designation will be subject to stormwater management conditions designed to maintain or enhance water quality in receiving environments.

ii) On this basis the Panel finds that the proposed alteration to the designation is consistent with the objectives and policies of the NPSFM.

NPSFM: Resource consents

Application

[514] The Applicant states the NPSFM is engaged because the Proposal includes reclamation and piping of two onsite watercourses, with a full freshwater policy assessment provided in the Applicant materials.

[515] For the reclamations, the Applicant asserts that there is a functional need for the activity in that location and that effects will be managed through the NPSFM effects-management hierarchy.[128]

[516] The phrase *functional need* is defined in the NPSFM as:

> the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.

[517] The Applicant considered the analysis of this phrase in *Te Rūnanga o Ngāti Whātua v Auckland Council* where the Court found that it requires an analysis of whether the activity is 'demonstrably needed' based on a "realistic appraisal of need and the available alternatives having regard to the proposed scale of the activity and the corresponding function performed by it."[129]

[518] The Applicant considers that there is a functional need for the reclamation as:

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128 Assessed in the Ecology Assessment provided in Substantive Application, Volume 3, dated 1 April 2026 at Appendix 3B.

129 *Te Rūnanga o Ngāti Whātua v Auckland Council* [2024] NZHC 3794 at [286].

(a) There are no other practicable alternatives to provide the required prisoner places elsewhere within the Auckland region;

(b) There are no other practicable alternative options for locating Area A on secure facilities on other parts of the Site; and

(c) Open watercourses cannot be reasonably accommodated within secure areas of prisoners nor below secure perimeters.

[519] Overall, the Applicant's position is that the Proposal is consistent with the relevant NPSFM objectives and policies because adverse effects on water bodies will be avoided, remedied and/or mitigated.

Council's position

[520] The Council's position in its comments on the Application is that the Applicant has correctly identified and assessed the NPSFM within the consents package for the watercourse works, but that outcomes could be improved by refinements through conditions.

[521] Fish passage is a key issue with the reclamations, and Ms Bootsma seeks confirmation that fish-passage outcomes will meet the New Zealand Fish Passage Guidelines at culvert locations, noting that the current concept for the eastern culvert requires design review and that stacked rock and spat rope treatments are not supported unless they can be demonstrated to achieve compliant passage performance. The Council recommends a condition to require a fish-passage design certified as meeting the Guidelines as part of detailed design.

[522] These matters were raised to ensure that any stream reclamation is confined to what is functionally required,[130] and that proportional effects management is applied, consistent with the Applicant's own reliance on functional need and effects-management principles under the NPSFM.

130 NPSFM, cl 3.24(1)(a).

Department of Conservation

[523] DOC's freshwater technical advisor, Dr Amber McEwan, refers to NPSFM Section 3.26, which directs councils to ensure that "[t]he passage of fish is maintained, or is improved, by instream structures, except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages, or their habitats."

[524] DOC references this section in relation to the risk of Gambusia (a pest fish species classified as an unwanted organism under the Biosecurity Act 1993) spreading into the upstream catchment as a result of the proposed culvert remediation works on Watercourse 6.

[525] DOC comments that the Applicant should consider the risk that remediating the culvert on WC6 could inadvertently enable Gambusia (recorded below the culvert during eDNA surveys, to spread upstream) which would have a negative effect on existing biodiversity in WC6 and may reduce the predicted ecological value of the watercourse

Panel findings

[526] The Panel finds that:

(a) There is a functional need for the reclamation and piping of the two onsite watercourses. That includes the need for reclamation and piping beyond Area A to the Site boundary.

(b) The Applicant has appropriately applied the effects management hierarchy; and

(c) That the proposed culvert solution is capable of meeting the New Zealand Fish Passage Guidelines, noting that the conditions of consent have been updated to require detailed design plans to be approved by the Council prior to the commencement of the reclamation of watercourse 1.

[527] Having regard to the above matters, the Panel finds that the Application is consistent with the NPSFM. The Panel is satisfied that the functional need for the watercourse works has been demonstrated, that the effects management hierarchy has been applied, and that, subject to the imposition of appropriate conditions, the residual adverse effects on freshwater values will be appropriately managed.

National Policy Statement for Indigenous Biodiversity 2023 (Amended 2025)

[528] The NPSIB provides a nationally consistent framework for the protection, maintenance, and enhancement of indigenous biodiversity across New Zealand.

[529] The objective of the NPSIB is:[131]

> (a) to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and
>
> (b) to achieve this:
>
> (i) through recognising the mana of tāngata whenua as kaitiaki of indigenous biodiversity; and
>
> (ii) by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and
>
> (iii) by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and
>
> (iv) while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.

[530] The NPSIB requires local authorities to identify and manage significant natural areas, apply the effects management hierarchy (avoid, remedy, mitigate, and offset) and recognise the role of tāngata whenua as kaitiaki. The NPSIB promotes integrated, evidence-based decision-making that balances biodiversity protection with land use and development needs.

NPSIB: Designation Alteration

Application

[531] The Applicant's statutory assessment concludes that the proposed Designation Alteration is consistent with the NPSIB. The assessment addresses the NPSIB's central objective of maintaining indigenous biodiversity with at least no overall loss. The Applicant notes that while the Proposal will result in the removal of approximately 1.28 hectares of mostly exotic vegetation, no vegetation within the SEAs along the boundary of the Site adjacent to Pāremoremo Creek will be removed.

131 NPSIB, cl 2.1.

Council

[532] Auckland Council's comments did not specifically address the NPSIB. However, the Council's terrestrial ecology specialist, Mr Luke Stanley, was generally in agreement with the description of the Site and considered that fauna management is adequately and robustly assessed and managed under the fauna management and pest management plans.

Panel findings

[533] The Panel notes that the Site is highly modified with generally low existing terrestrial ecological values and that there are no Significant Natural Area (**SNAs**) within the development areas. The Panel is satisfied that the designation conditions are necessary and appropriate to ensure that indigenous biodiversity is maintained and enhanced across the Site, consistent with the objective of the NPSIB.

NPSIB: Resource Consent

Application

[534] The Applicant says the NPSIB is engaged and concludes the Proposal will achieve at least "no overall loss" of indigenous biodiversity, relying on a package of mitigation, offset and compensation including 28 ha of planting under the LMEEP/LEIMP, pest and weed control, and species-specific management plans (Ecological Management Plan (**EcMP**), Lizard, Bat, Native Bird, Fish salvage) secured by conditions DES43A, DES43B, DES44 and DES45.

[535] The Statutory assessment records that the Site contains two SEAs along the boundary of the Site adjacent to Pāremoremo Creek. It goes on to record that the Site is largely modified and it is unlikely for SNA to be present on the Site, apart from the area where the SEAs are present.

[536] No vegetation within the SEAs will be removed as part of the Proposal. Enrichment planting will be provided for within parts of the SEA to enhance the indigenous biodiversity. The Proposal will avoid adverse effects from the Proposal on the SEAs.

[537] Overall, the Applicant says that effects are managed through the effects-management hierarchy in a way that is consistent with Objective 1 and relevant policies (including Policies 3, 7, 8, 10, 13–15).

Council's position

[538] The Auckland Council did not provide comment on the NPSIB.

Panel findings

[539] The Panel finds the NPSIB is engaged and that the Site's indigenous biodiversity can be maintained with no overall loss, noting the highly modified receiving environment, the absence of mapped SNAs on the Site, and the Applicant's avoidance of SEA vegetation with enrichment planting at the coastal edge.

[540] The Panel is satisfied that the Application is not inconsistent with the NPSIB.

National Policy Statement for Natural Hazards 2025

[541] The National Policy Statement for Natural Hazards 2025 (NPSNH) introduces national direction for the management of natural hazard risk. It applies to flooding, landslips, coastal erosion, coastal inundation, active faults, liquefaction and tsunami. The objective of the NPSNH, as outlined in clause 2.1, states that natural hazard risk to people and property associated with subdivision, use and development is managed using a risk-based proportionate approach.

NPSNH: Designation alteration

[542] The NPSNH is relevant to the Designation Alteration because the Site contains areas identified as flood prone, flood sensitive and within overland flow paths under PC120, and the proposed alteration would enable new development within parts of the Site subject to those hazard overlays.

<u>Application</u>

[543] The Applicant's Statutory Assessment concluded that the NPSNH is relevant to the Proposal and identified the following objectives and policies as relevant to the Proposal:

(a) *Objective 1:* Natural hazard risk to people and property associated with subdivision use and development is managed using a risk-based proportionate approach.

(b) *Policy 1*: When considering natural hazard risk associated with subdivision, use or development, the risk level must be assessed using the risk matrix.

(c) *Policy 2*: Natural hazard risk associated with subdivision, use and development must be managed using an approach that is proportionate to the level of natural hazard risk.

(d) *Policy 3*: Where subdivision, use or development is assessed as having very high natural hazard risk, that risk must be avoided.

(e) *Policy 4*: Where subdivision, use or development, including any associated mitigation measures, will create or increase significant natural hazard risk on other sites, that risk must be avoided or mitigated using an approach that is proportionate to the level of natural hazard risk.

(f) *Policy 5*: Natural hazard risk assessment and decisions must be based on the best available information and must be made even when that information is uncertain or incomplete.

(g) *Policy 6*: The potential impacts of climate change to at least 100 years into the future must be considered.

Conditions

[544] The existence of natural hazards has informed the location of Areas A and B within the Site and sought to locate these areas away from steep coastal edges which are at risk of coastal inundation, coastal erosion, tsunami, and steep slopes.

[545] The Applicant submitted that natural hazard risk will be managed and assessed appropriately through proposed designation condition DES23, which requires stormwater to be managed so that overland flow paths convey stormwater runoff safely, stormwater is retained to the extent practicable, development does not significantly increase adverse effects from flood hazards, and a Flood Hazard Assessment is prepared for buildings or landform modifications located within an overland flow path or flood hazard area.

[546] The Applicant's Site Suitability and Infrastructure Assessment concluded that there are no significant natural hazards that would prevent development within Areas A or B, and that various design solutions exist for managing the potential flood risk across the Site such that future development will not increase the natural hazard risk to neighbouring properties or infrastructure or create a risk to human life.

[547] The assessment further confirmed that from an engineering perspective, the new

hazard mapping associated with PC120 does not change the findings, conclusions or recommendations of that report.

Council's position

[548] Auckland Council, in its comments, did not raise any specific objection to the Applicant's assessment of the NPSNH as it relates to the designation alteration. Auckland Council's Healthy Waters specialist peer reviewed the Infrastructure and Site Suitability Assessment and confirmed support for the proposed designation condition DES23 and the stormwater management principles. The Council was satisfied that the stormwater management proposed for future development in the designation will ensure that potential effects will be adequately avoided and suitably mitigated.

Other comments

[549] Several commenters raised concerns relating to natural hazard risk, although none directly challenged the Applicant's NPSNH risk matrix assessment or disputed the classification of landslide or flood risk on the Site itself. The concerns were of a practical and operational nature, focused on construction-phase effects on neighbouring properties and the adequacy of the conditions framework to manage risks over the extended development programme.

[550] A resident of a property directly adjacent to the prison on Merewhira Road expressed concern about slope stability and geotechnical risk given the scale of the proposed earthworks and the Site's topography, and sought conditions requiring independent geotechnical monitoring, baseline assessments, and immediate cessation of works in the event of land movement or instability. That resident also sought assurance that stormwater discharge, erosion and flooding risks would not increase for neighbouring properties.

[551] No commenter disputed the Applicant's or the Council's assessment that landslip risks within Areas A and B are very low to low, or that those risks can be appropriately managed through geotechnical design at the outline plan stage.

Panel findings

[552] The Panel notes that the NPSNH does not, by its terms, preclude development on land subject to flood hazard overlays; rather, it requires that natural hazard risk be assessed and managed using a proportionate approach. In the context of a designation alteration

where no specific built form is proposed at this stage, the Panel is satisfied that the framework established by proposed designation condition DES23 appropriately gives effect to the NPSNH. The assessment and management of specific natural hazard risk will occur through that process and through subsequent resource consent applications as detailed design progresses.

NPSNH: Resource consents

[553] In relation to the resource consent application for the watercourse works, the NPSNH is also relevant. The Site is identified as flood prone, flood sensitive and within the 1% AEP floodplain. The Applicant's Engineering Design Report confirms that piping Watercourses 1 and 2 will have a negligible effect on downstream flood levels and hazard risk.

Panel findings

[554] The Panel is satisfied that the proposed watercourse works are consistent with the outcomes sought by the NPSNH. Specifically, the proposed works do not involve very high natural hazard risk (Policy 3), will not create or increase significant natural hazard risk on other Sites (Policy 4), have been based on the best available information (Policy 5), and have considered the potential impacts of climate change (Policy 6).

National Policy Statement for Highly Productive Land 2022 (Amended 2025)

[555] The starting point for our analysis of this instrument is whether the Site contains any highly productive land (**HPL**).

[556] The Site is mapped as LUC Class 2 and 3 land on the Auckland Council Geomaps. LUC Class 2 and 3 soils meet both the AUP definition of 'land containing prime soil' and the NPSHPL definition of HPL. However, the NPSHPL restrictions on use and development of HPL do not apply where, as here, the activity is by a requiring authority in relation to a designation or notice of requirement.[132] The Applicant relies on that exception for both the Designation Alteration and the resource consent application.

[557] Council's planning memorandum and annexures do not provide an assessment of the NPSHPL for this project and do not contest the Applicant's position.

132 NPSHPL, clause 3.9.

Panel findings

[558] The Panel finds the Proposal is not inconsistent with the NPSHPL. The clause 3.9 exception applies because the Proposal is for an activity by a requiring authority in relation to a designation or notice of requirement.

[559] This finding applies equally to the resource consent applications. The watercourse works are enabling works carried out on behalf of a requiring authority, in furtherance of and in relation to a designation. They are not a freestanding development Proposal on HPL, but a necessary precursor to the realisation of the activities authorised by the designation, with no independent utility outside that context. The Panel is satisfied that the Clause 3.9(2)(h) exception applies to the resource consent application on the same basis as for the Designation Alteration. The resource consent application is not inconsistent with the NPSHPL.

National Environmental Standard for Freshwater Regulations 2020

[560] The NES-F provides a national set of requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems.

[561] The Applicant identifies that discretionary activity consent is required under:

(a) *Regulation 57*: reclamation of the bed of any river; and

(b) *Regulation 71:* placement of culverts that do not comply with permitted activity conditions.

[562] The proposed piping of Watercourses 1 and 2 does not comply with Regulation 57, as it will result in a loss of river extent through reclamation.

[563] The proposed piping of Watercourses 1 and 2 will not comply with Regulation 70(2)(a) as it is proposed to permanently impede fish passage at both watercourses.

[564] The Applicant considers that there is a "functional need" for the watercourse reclamation, as required by the NES-F, because Watercourses 1 and 2 are situated within Area A, which is proposed for secure prison facilities, and open watercourses cannot reasonably be accommodated within secure perimeters.

[565] The Applicant considers that the effects management hierarchy has been applied through avoidance, minimisation, remediation, and offset/compensation of riparian planting, culvert upgrades at Watercourse 6, wetland restoration.

[566] Regarding compensation, the Applicant maintains that the proposed culvert upgrades at Watercourse 6 satisfy the additionality test because section 42 of the Freshwater Fisheries Regulations 1983 does not apply to culverts installed prior to 1983 that were constructed in a position that did not allow free passage of fish. The Panel agrees with the Applicant that the Freshwater Fisheries Regulations 1983 do not apply to culverts installed prior to 1983, and finds so accordingly.

[567] The Applicant classifies the Proposal as a "standard freshwater fisheries activity" (rather than "complex") under the FTAA on the basis that the stream piping does not divert or alter water flow and the pipes will impede but not permanently block fish passage.

[568] The Panel observes that DOC disagrees with this classification, considering the piping of Watercourse 1 to constitute a permanent diversion falling within the definition of a "complex freshwater fisheries activity".

[569] In response to DOC's comment, the Applicant maintained its initial position that it does not constitute a complex freshwater fisheries activity.[133]

[570] The Council was in general agreement with the Applicant's assessment under the NES-F and considers that adverse ecological effects on freshwater natural character are adequately managed.

[571] The Council does not support the Applicant's proposed use of rock piles and spat ropes for culvert remediation at Watercourse 6, on the basis that these are not stable, long-term solutions to remediating fish passage barriers. Instead, it suggests culvert remediation that complies with the New Zealand Fish Passage Guidelines and that final culvert designs must be certified by the Council prior to offset/compensation works.

Panel findings

[572] The Panel finds that approval should be given for the piping of Watercourses 1 and 2. For the reasons outlined above in Part E6 of this decision, the Panel considers that there is a functional need for the piping.

133 Section 55 Report, at [129].

[573] With respect to the upgrades to the Watercourse 6 culvert, the Panel acknowledges that the Applicant has updated the conditions of consent to ensure that the Council is able to certify the detailed culvert design.

[574] The Panel is satisfied that appropriate offsetting and compensation has been provided, and that any residual effects are acceptable.

[575] For the reasons given in Part E6 of this decision, the Panel also finds that the activity is a standard freshwater fisheries activity, and the conditions to be imposed are such that an approval under the Freshwater Fisheries Regulations 1983 is not required, by virtue of the operation of clause 19 of Schedule 1 of the FTAA.

[576] The Panel finds that there are several positive freshwater ecology outcomes that will be delivered by the Proposal, which provide a degree of consistency with the NES-F. Overall, we consider that the Proposal has been designed to meet the intent of the NES-F within the FTAA framework.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

[577] The Proposal does not comply with the permitted activity standards under regulation 8(3) due to the volume of earthworks, soil removal requirements, and duration of works. Accordingly, resource consent is required as a restricted discretionary activity under Regulation 10 of the NES-CS for Watercourse 1.

[578] As noted in Part E, an ECMP has been prepared to manage contaminated soils during the works. Proposed conditions LUC11 and DIS14 require all works to be undertaken in accordance with the ECMP.

[579] The Council's Contamination Specialist, confirmed the DSI and ECMP are robust, that the Watercourse Works present a low risk provided they are undertaken in accordance with the ECMP, and that no additional contaminated land consents are required. The Council supports the Proposal from a contamination perspective.

[580] Te Kawerau ā Maki requested that contaminated soil be disposed at a Site within the northern part of their rohe. The Applicant responded that disposal must be to a licensed waste disposal facility in accordance with the ECMP, and did not commit to a specific disposal location within the rohe.

Panel findings

[581] The Panel is satisfied that the Proposal has been appropriately assessed against the NES-CS. Resource consent is required as a restricted discretionary activity under Regulation 10 for Watercourse 1. The ECMP, implemented through conditions LUC11 and DIS14 (as amended), provides an appropriate framework for managing risks to human health and the environment. For the wider designation area, contamination matters can be managed through future resource consent processes under the NES-CS and Chapter E30 of the AUP.

Accordingly, the Panel finds that the Proposal is acceptable with respect to the NES-CS, subject to the conditions imposed,

G2: REGIONAL AND DISTRICT PLANNING FRAMEWORK

[582] An assessment of the relevant statutory plans has been included within the Application as is required by Schedule 5, clause 5(1)(h).

[583] The Panel has reviewed and considered the assessment provided by the Applicant and the comments provided by persons invited to comment. We outline the key matters in the following sections (as well as adding further considerations and assessment).

Auckland Unitary Plan

[584] The AUP is the Auckland Council's single, comprehensive plan managing the use of resources and development across the region.

[585] The Applicant framed the Proposal as being non-complying overall under the AUP.[134]

Auckland Unitary Plan: Regional Policy Statement

[586] Chapter B of the AUP: Regional Policy Statement (**RPS**) sets out resource management issues for the Auckland region and associated objectives, policies and methods relating to those issues. The RPS identifies the following nine issues of regional significance for resource management in Auckland:

(a) Issue 1 – Urban growth and form;

(b) Issue 2 – Infrastructure, transport and energy;

(c) Issue 3 – Built heritage and character;

[134] Substantive Application, Volume 3, dated 1 April 2026 at [431].

(d) Issue 4 – Natural heritage (landscapes, natural features, volcanic viewshafts and trees);

(e) Issue 5 – Issues of significance to Mana Whenua;

(f) Issue 6 – Natural resources;

(g) Issue 7 – The coastal environment;

(h) Issue 8 – The rural environment; and

(i) Issue 9 – Environmental risk.

Applicant's position

[587] The Applicant undertook a comprehensive assessment of the relevant provisions of the RPS chapter in Tables 8.1-8.13 of the Statutory Assessment.[135]

[588] The Applicant considered that the Proposal is in general accordance with the high-level policy matters set out in the RPS.

Auckland Council's position

[589] While the Council identifies a small number of matters where further information or clarification would assist its assessment, the Council does not appear to hold any significant reservations regarding the Applicant's compliance with the RPS.

Panel findings

[590] The Panel finds that the Application is generally consistent with the RPS.

Auckland Unitary Plan: Regional and District Plan

Applicant's Position

[591] Tables 8.14 to 8.25 of the Applicant's Statutory Assessment,[136] assesses the Proposal against the objectives and policies of the relevant Regional and District Plan Chapters of the AUP. The Applicant considered the Proposal generally consistent with the relevant objectives and policies relating to effects on the environment – largely due to mitigations achieved through conditions, design and enhancement measures (notably, the 28-hectare planting programme across Area C).

135 Substantive Application, Volume 2, dated 1 April 2026 at Appendix 2F.

136 At Appendix 2F.

[592] The Applicant assessed the Proposal as being consistent with the objectives and policies contained in the twelve chapters addressed. The Applicant assessed the Proposal against with the relevant chapters as follows:

(a) *SEAs Overlay*: The Applicant assessed the Proposal as consistent with the objectives and policies of the D9 SEAs Overlay. As the Pāremoremo Creek SEA extends into a small portion of the Site along the coastal edge, no existing vegetation within the SEA would be removed, and the SEA would be protected and enhanced through enrichment planting across Area C (28 hectares), supported by ecological management plans and designation conditions.

(b) *Outstanding Natural Features Overlay and ONL Overlay*:

(i) The Applicant considered that the Proposal is consistent with the objectives and policies regarding these overlays. The Pāremoremo Creek ONL extends into a small portion of the Site along the coastal edge; Areas A and B are located outside the ONL

(ii) The Applicant also considers that the values of the ONL will be protected from any inappropriate subdivision, use and development because of condition DES25 and the 12-metre height limit and recessive colour scheme requirements in accordance with the designation conditions.

(c) *Water Quality and Integrated Management*: The Applicant assessed the Proposal as consistent with the objectives and policies of Chapter E1 Water Quality and Integrated Management. Building coverage would be limited by conditions and stormwater and flood hazard management principles would ensure water quality in receiving environments is maintained or improved.

(d) *Lakes, Rivers, Streams, and Wetlands*: The Applicant assessed the Proposal as consistent with the objectives and policies of Chapter E3 Lakes, Rivers, Streams and Wetlands. Area A was defined to avoid wetlands and watercourses as far as practicable and set back 10 metres from identified wetlands. Extensive planting across Area C includes watercourse compensation, offset and wetland compensation planting to enhance freshwater values.

(e) *Land Disturbance – Regional*: The Applicant assessed the Proposal as consistent with the objectives and policies as disturbance would be managed through the ECMP with no disturbance (other than hand digging for planting) proposed within the ONL or SEAs. The recorded archaeological Site would be avoided, and Mana Whenua values and recommendations have been provided for in the proposed conditions.

(f) *Vegetation Management and Biodiversity*: The Applicant assessed the Proposal as consistent with the objectives and policies of Chapter E15 as no vegetation would be removed within the ONL or SEA. Outside those areas, 1.29 hectares of mostly exotic vegetation would be removed, offset by 28 hectares of revegetation planting across Area C in accordance with the LMEEP. The Applicant considered that the proposed offset and compensation would provide substantial positive ecological benefits, and that the Proposal would not result in more than minor adverse effects on the coastal environment.

(g) *Lighting*: The Applicant assessed the Proposal as consistent with the objectives and policies as artificial lighting would comply with glare and light spill requirements, with designation conditions managing construction lighting, avoiding significant effects on adjoining sites, and maintaining safety for road users and aircraft.

(h) *Noise and Vibration*: The Applicant assessed the operational noise limits and construction noise and vibration standards as generally consistent with equivalent AUP rules.

(i) *Transport*: The Applicant assessed the Proposal as consistent with objectives and policies of Chapter E27 as designation conditions would ensure safe and efficient parking and access with prisoner capacity limited to 921 until the Dairy Flat Highway/The Avenue intersection is upgraded.

(j) *Contaminated Land*: The Applicant assessed the Proposal as consistent with the objectives and policies of Chapter E30, noting that while low-level contaminants are likely to be present across the Site, soil disturbance would be managed through resource consents under the NES-CS and targeted supplementary testing, project-specific site investigations, and best practice contamination management.

(k) *Natural Hazards and Flooding*: The Applicant assessed the Proposal as consistent with the objectives and policies of Chapter E36 as identified natural hazards informed the siting of Areas A and B away from the steep coastal edges and on gentle slopes. PC120 hazard mapping does not change earlier findings.

(l) *Rural Zones*: The Applicant assessed the Proposal as consistent with the objectives and policies of the Rural Zone as the underlying zoning, to the extent applicable. The Applicant considered that ongoing use and development of the already-designated Site is an efficient use of land and would not compromise the zone's function. Adverse effects would be mitigated through 28 hectares of planting in Area C, and conditions have been developed in accordance with the Rural – Countryside Living zone standards.

Auckland Council's position

[593] The Council does not expressly state whether the Proposal is consistent or inconsistent with the objectives and policies of the Rural – Countryside Living Zone (Chapter H19) of the AUP. This is presumably because the Site is subject to Designation 3900 (Auckland Prison), which effectively overrides the underlying zone provisions. The Council's assessment instead focuses on the proposed designation conditions — including controls on bulk, height, coverage, lighting, and access — as the primary framework for managing the effects of the Proposal within the rural environment.

[594] Across the key topic areas assessed (landscape and visual effects, ecology, noise and vibration, lighting, transport, contaminated land, and stormwater/flooding), the Council's specialists and planners generally agree that the proposed designation and resource consent conditions, with recommended minor amendments, are effective in managing, avoiding or mitigating the actual and potential effects of the Proposal. The Council's suggested changes are largely focused on improving clarity, consistency and administrative processes rather than identifying new substantive environmental effects or fundamental inconsistencies with the AUP framework.

Panel findings

[595] Overall, the Panel finds that the Proposal is consistent with the objectives and policies of the AUP. The Site has been designated for prison purposes since 1973 and has operated as a prison since 1968. The proposed alteration to the designation is a continuation and intensification of an existing, long-established use, and the designation effectively authorises that use notwithstanding the underlying Rural – Countryside Living zoning.

[596] Insofar as the Proposal may not be fully consistent with the objectives and policies of the Rural – Countryside Living Zone, the Panel considers that any such inconsistency is a consequence of the long-established designated use of the Site for prison purposes and is appropriately managed through the proposed designation conditions. For these reasons, it is unsurprising that there is not express policy support in the AUP for a long-standing activity that has been undertaken in reliance on a designation.

Proposed Plan Change 120

[597] PC120 was notified by Auckland Council on 3 November 2025. PC120 introduces amendments to Chapter E36 (Natural Hazards) and Chapter E15 (Vegetation Management and Biodiversity) of the AUP, including a new flood hazard overlay with both regional and district rules that have immediate legal effect under section 86B(3)(f) of the RMA. The new flood hazard overlay areas cover some areas of the Site.

Applicant's position

[598] The Applicant's position is that PC120 does not trigger additional consenting requirements for the proposed watercourse works. The relevant regional rules under Chapter E36 manage the rebuilding of materially damaged or destroyed buildings within the flood hazard area overlay, and the proposed works do not involve rebuilding of that nature. The relevant district rules do not apply to designated land when used for activities consistent with the scope of the designation, and the proposed watercourse works are consistent with the prison designation purpose.

[599] In respect of the Designation Alteration, the Applicant has aligned proposed designation condition DES23 with PC120 definitions and intent, incorporating the requirement for a Flood Hazard Assessment for building or landform modifications located within an Overland Flow Path or Flood Hazard Area, and adopting defined terms consistent with PC120.

[600] The Applicant's engineering assessment confirms that the new hazard mapping associated with PC120 does not change the findings, conclusions, or recommendations of the Site Suitability and Infrastructure Assessment.

Auckland Council's position

[601] Auckland Council, in its comments dated 28 July 2026, welcomes the incorporation of PC120 flood-related natural hazard definitions into the proposed designation conditions. The Council did recognise inconsistencies of definitions in its analysis and has recommended that the PC120 definition of floodplain be added for consistency.

[602] The Council also recommends minor amendments to the exclusions in condition DES23, noting that the exemption from a flood hazard assessment for earthworks should be based on both a maximum depth of cut or fill and a maximum volume, rather than providing for a depth of fill or cut over an undefined area.

[603] The Council's Healthy Waters specialist confirms that condition DES23, together with the PC120-responsive definitions and the general standard E8.6.1(3) of the AUP, collectively provides a robust framework for managing flood risk within the Site and surrounding environment.[137]

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137 *Regulatory Annexures – Memorandum of Planning Matters for Auckland Council* (28 July 2026) at 26.

Panel findings

[604] As noted by the Applicant, and agreed by the Council, the proposed changes in PC120 do not change the zoning of the Site or the activity status but do introduce new hazard classifications with immediate legal effect which have been incorporated into amendments to the proposed conditions.

[605] We find that an appropriate level of assessment has been provided, supported by conditions, to ensure that the Application is consistent with the purpose of the objectives and policies of PC120, including the proposed objectives of Chapters E15 and E36.

Auckland Plan and Future Development Strategy 2023-2053

[606] The Auckland Plan is the Council's spatial plan, containing the Future Development Strategy (**FDS**) for the region (which is a requirement of the NPSUD). The FDS is largely based on a quality compact approach to accommodating growth.

[607] The Panel has considered the FDS, and considers it is of limited assistance to the matters on which it needs to make decisions.

Planning documents recognised by a relevant iwi authority and lodged with the Council

[608] An application for a resource consent must include an assessment of the activity against any relevant provisions of a planning document recognised by a relevant iwi authority and lodged with a local authority.[138]

[609] The following relevant iwi authorities have lodged Iwi Management Plans with the Council:

(a) Te Kawerau ā Maki;

(b) Hauraki Māori Trust Board;

(c) Ngāti Whātua Ōrakei – Te Pou o Kāhu Pōkere Iwi Management Plan 2018;

(d) Ngaati Whanaunga – Environmental Management Plan 2019; and

(e) Ngāi Tai ki Tāmaki – Take Taiaomaurikura 2022.

[138] FTAA, Schedule 5, cls 5(1)(h) and 5(2)(g).

[610] The Panel has considered the assessment of these planning documents set out in Appendix I of Appendix 1F to the Application. We accept the conclusion that the Proposal is generally consistent with the outcomes sought by the Iwi Management Plans.

G3: OUTLINE PLAN OF WORKS WAIVER

[611] The Applicant is seeking an OPW Waiver (for the watercourse works). The reasons for making this request are to enable the watercourse works to proceed ahead of the balance of the Prison capacity works, should Corrections elect to do so.

[612] Clause 29 of Schedule 5 to the FTAA enables a Panel to waive the requirement for an outline plan of works, as follows:

> Panel may waive requirement for outline plan for designation If a Panel grants a designation, —
>
> (a) it may waive the requirement for an outline plan as required by section 176A of the Resource Management Act 1991; but
>
> (b) if it does not waive the requirement under that section, the outline plan must be submitted to the territorial authority in accordance with that section.

[613] Section 176A (3) of the RMA lists the matters that an outline plan of works must show, in the following terms:

(a) the height, shape, and bulk of the public work, project, or work; and

(b) the location on the Site of the public work, project, or work; and

(c) the likely finished contour of the Site; and

(d) the vehicular access, circulation, and the provision for parking; and

(e) the landscaping proposed; and

(f) any other matters to avoid, remedy, or mitigate any adverse effects on the environment.

[614] The Applicant has assessed each of these matters in section 7, Volume 3 Resource Consent Applications and OPW Waiver. The watercourse works and their method of implementation are thoroughly assessed in the Application, and the nature of the activity is such that all actual and potential effects are known and can be managed by conditions. As such, there is no need for an outline plan of works to be lodged for the

works at a later stage.

[615] For these reasons the Panel grants the OPW waiver on the terms sought by the Applicant.

G4: PART 2 OF THE RMA

[616] Clause 5 (1)(g) of Schedule 5 of the Act requires an assessment of the Proposal against sections 5, 6 and 7 of the RMA. The Applicant addressed Part 2 of the RMA in the Substantive Application.[139]

[617] The purpose of the RMA set out in section 5 is to promote the sustainable management of natural and physical resources. In the light of the preceding Parts of this Decision, we are satisfied that the Auckland Prison expansion will generally promote the sustainable management of natural and physical resources.

[618] The Panel is satisfied that most potential adverse effects of the Proposal are adequately addressed through the imposition of conditions. We consider these conditions will adequately avoid, remedy or mitigate the potential adverse effects.

[619] Section 6 of the RMA lists matters of national importance that must be recognised and provided for. The Applicant has assessed the Proposal against each of those matters. We agree with the Applicant's assessment of the matters of national importance.

[620] Section 7 of the RMA sets out other matters to which we must have particular regard. Again, the Applicant has assessed the Proposal against each of those matters. We agree with the Applicant's assessment of other matters.

[621] Overall, the Panel finds that the Application is consistent with the purpose and principles set out in Part 2 of the RMA.

[139] Substantive Application, Volume 2, dated 1 April 2026 at 202-206; and Substantive Application, Volume 3, dated 1 April 2026 at 284-296.

G5: DECISIONS AS TO APPROVALS UNDER RMA

[622] In the light of our assessment of the potential adverse effects of the Proposal that we set out in Part E and our preceding assessment of the relevant statutory instruments that guide our decision-making, we are satisfied that subject to the imposition of clear and certain conditions, the resource consents sought from the Auckland Council can be granted. As set out in Part E6 of this decision, we also find that the conditions imposed on the resource consents address all of the matters required for a standard freshwater fisheries activity, and no further approval is required under the Freshwater Fisheries Regulations 1983.

[623] For the same reasons, we are also satisfied that the alterations to the designation, should be granted, subject to the conditions imposed.

[624] We also waive the requirement for an OPW Waiver for the watercourse works for the reasons set out in Part G3 above.

PART H: APPROVALS RELATING TO WILDLIFE ACT 1953

[625] As noted in Part C of this decision, Schedule 7, clause 5 sets out the criteria for assessment of an application for a Wildlife Approval.

[626] We address the criteria below.

Purpose of the FTAA

[627] The purpose of the FTAA has been referred to and considered throughout this decision. The Applicant concludes, in relation to the Wildlife Approval that the Proposal is consistent with the purpose of the FTAA.[140]

[628] The Panel agrees and is satisfied that the granting of the Wildlife Approval is consistent with the purpose of the FTAA.

[629] As determined in Part F of this decision, the Panel has concluded that the project will have regionally and nationally significant benefits, as such, granting of the Wildlife Approval will facilitate the delivery of infrastructure and development with significant regional or national benefits.

Purpose of the Wildlife Act 1953

[630] The long title of the Wildlife Act describes its purpose as follows:

> An Act to consolidate and amend the law relating to the protection and control of wild animals and birds, the regulation of game shooting seasons, and the constitution and powers of acclimatisation societies

[631] The scheme of the Act was set out by the Supreme Court in *Shark Experience Ltd v PauaMAC5 Inc*:[141]

> The Act performs several tasks, including the regulation of game hunting, and protection of wildlife. The Act defines "wildlife" as "any animal that is living in a wild state". An "animal" is further defined.
>
> The Act creates a tiered system of protection with different levels of protection for different categories of wildlife. All wildlife is declared to be "absolutely protected", but then, through a series of provisions and schedules, levels of

140 Substantive Application, Volume 4, dated 1 April 2026, at [82].

141 *Shark Experience Ltd v PauaMAC5 Inc* [2019] NZSC 111, at [8] and [9].

protection are removed.

[632] Corrections describe the purpose of the Wildlife Act as follows "The purpose of the Wildlife Act is to protect animals classed as wildlife and manage game bird hunting in New Zealand."[142]

[633] The Panel finds that the Proposal will have a net future benefit to wildlife in light of mitigation measures (including pest management) proposed and secured through conditions. As such, the Panel finds that the Proposal aligns with the purposes of the Wildlife Act.[143]

Effects on protected wildlife

[634] The Panel has considered the effects of the Proposal on protected wildlife in Part E of this decision. As concluded in Part E, the effects on protected wildlife, specifically copper skink (Oligosoma aeneum) and ornate skink (Oligosoma ornatum), have been assessed to be less than minor with mitigation measures in place.[144]

Protected wildlife information and requirements

[635] In making its findings, the Panel records that it has considered the information and requirements relating to protected wildlife, including the New Zealand Threat Classification System or any relevant international conservation agreement noting that both the ornate skink and copper skink are classified as "At Risk – Declining" under the New Zealand Threat Classification System.

Conclusion as to Wildlife Approval

[636] In the light of our assessment of the criteria in Schedule 7, clause 5 of the FTAA, our analysis in other parts of this decision and our review of the documentation relating to the Application (including comments), we are satisfied that, subject to the imposition of clear and certain conditions of consent as set out in Appendix 4, the Wildlife Approval can be granted.

[637] We discuss conditions of the wildlife approval in Part K of this Decision.

142 Substantive Application, Volume 4, dated 1 April 2026, at [42].

143 At [82].

144 The Applicant concludes this in the Substantive Application, Volume 4, dated 1 April 2026, at [43].

PART I: APPROVAL RELATING TO THE HERITAGE NEW ZEALAND POUHERE TAONGA ACT 2014

[638] As noted in Part C of this decision, Schedule 8, clause 4 sets out the criteria for assessment of an application for an archaeological authority. The criteria are addressed below.

Purpose of the FTAA

[639] The purpose of the FTAA has been referred to and considered throughout this decision. In Volume 5 of the Substantive Application, which relates to the Archaeological Authority, the Applicant records that Volume 1 establishes that the Proposal is consistent with the purpose of the FTAA.[145]

[640] The Panel agrees and is satisfied that the granting of the Archaeological Authority is consistent with the purpose of the FTAA.

[641] As determined in Part F of this decision, the Panel has concluded that the Proposal will have regionally and nationally significant benefits, as such, granting of the Archaeological Authority will facilitate the delivery of infrastructure and development with significant regional or national benefits.

Matters set out in Section 59(1)(a) of the HNZPT Act

[642] The reference to section 59(1)(a) in Schedule 8, clause 4, imports matters the Environment Court must have regard to when considering an appeal under the HNZPT Act, into the Panel's consideration. The Applicant provided a detailed assessment against each limb of section 59(1)(a) of the HNZPT Act in Table 3 of Volume 5 of the Substantive Application.

Section 59(1)(a)(i) – Historical and cultural heritage value

[643] The Application states that the recorded archaeological site R10/831 (a shell midden) is assessed as having limited to moderate archaeological value. The site will not be modified or destroyed; the Archaeological Authority is sought as a precaution to cover disturbance across the remainder of the Prison Site.

145 Substantive Application, Volume 5, dated 1 April 2026, at [51].

Section 59(1)(a)(ii) – Purpose and principles of the HNZPT Act

[644] The purpose of the HNZPT Act is "to promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand."

[645] The Proposal includes a 20m setback[146] that to protect and preserve the recorded site R10/831. Conditions will govern appropriate procedures if additional archaeological sites are encountered during works. The Archaeological Assessment by Clough Associates considers it unlikely that any complex sites are located on the Site, and that any adverse effects on archaeological values are likely to be minor.

Section 59(1)(a)(iii) – Reasonable future use of the Site

[646] A 20m buffer prevents land disturbance (other than hand planting) around R10/831. The Applicant includes that protection of any unidentified sensitive material, particularly in Areas A and B, would prevent Corrections from using the relevant area and providing for increasing demand for prisoner spaces.

Section 59(1)(a)(iv) – Interests of directly affected persons

[647] No interest groups or persons have been identified as directly affected by a decision on this Archaeological Authority.

Section 59(1)(a)(v) – Statutory acknowledgements

[648] Ngāi Tai ki Tāmaki have a statutory acknowledgement over the coastal marine area adjacent to R10/831. The Archaeological Authority does not propose any modification or destruction of that recorded feature.

Section 59(1)(a)(vi) – Relationship of Māori with ancestral lands and taonga

[649] A shared Mana Whenua value is the protection of archaeological/cultural sites, and the recorded archaeological site will be avoided.

Comments

[650] The comments relating to the Archaeological Authority were largely supportive, with HNZPT recommending the authority be granted and Auckland Council endorsing the approach.

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146 As noted in other Parts of the decision, this was originally a 10m setback but was extended following feedback from commenters.

[651] Ngā Maunga Whakahii o Kaipara Development Trust (Ngāti Whātua o Kaipara) raised the most detailed concerns regarding the Archaeological Authority. The Trust sought stronger iwi involvement and protections across the Archaeological Authority, including: doubling the buffer around R10/831 to 20m (with on-ground confirmation by the archaeologist in consultation with iwi); requiring iwi input into, and consultation on amendments to, the Archaeological Management Plan; providing for iwi-nominated cultural monitoring alongside the project archaeologist; reviewing monitoring areas at each development stage rather than fixing them for 25 years; increasing the works-cessation buffer upon discovery of sensitive material from 5m to 20m; strengthening accidental-discovery procedures with a direct iwi role in assessing cultural significance; and requiring periodic review of the Archaeological Management Plan over its full term to incorporate new information and mātauranga.

[652] In response to the Trust's suggestions, Corrections accepted HNZPT's agreed condition amendments, doubled the buffer around R10/831 from 10m to 20m, confirmed cultural monitoring opportunities, and established the Iwi Forum mechanism through new conditions.

Matters Set out in Section 47(1)(a)(ii) and (5) of the HNZPT Act

[653] Section 47(1)(a)(ii) and (5) refer to the effects of the proposed activity while having regard to the significance of the R10/831 and the extent to which the proposed activity will modify or destroy the R10/831. The Applicant provided a detailed assessment against s 47(1)(a)(ii) and (5) of the HNZPT Act in Table 4 of Volume 5 of the Substantive Application.

Section 47(1)(a)(ii) – Whether effects are no more than minor

[654] The Applicant's assessment concludes that the potential adverse effects on archaeological values will be minor and overall acceptable. This accords with the Panel's assessment in Part E of this decision.

Section 47(5) – Historical and cultural significance and extent of modification or destruction

[655] Site R10/831 is assessed as having limited to moderate archaeological value, but it will not be modified or destroyed during construction works and a 20m setback (as amended) is provided under proposed designation condition DES21.

[656] The Archaeological Authority is applied for as a precaution, with a low to moderate likelihood of encountering unidentified sensitive material.

[657] The area most likely to contain sensitive material (along Pāremoremo Creek in Area C) is not proposed to be disturbed, as the majority of development will be concentrated in Areas A and B where the likelihood of discovering sensitive material is low.

Relevant Statement of General Policy Confirmed or Adopted Under the HNZPT Act

[658] The relevant policy is "The Administration of the Archaeological Provisions under the Heritage New Zealand Pouhere Taonga Act 2014". The Applicant considers that the Clough Assessment accords with this general policy, and that appropriate consultation with relevant iwi authorities and HNZPT has been undertaken. HNZPT reviewed the draft archaeological information and confirmed it was fit for purpose in the fast-track process.[147]

Conclusion as to Archaeological Authority

[659] In the light of our assessment of the criteria in Schedule 8, clause 4 of the FTAA, our analysis in other parts of this decision and our review of the documentation relating to the Application (including comments and the Applicant's response to comments) we are satisfied that subject to the imposition of clear and certain conditions of consent, the Archaeological Authority can be granted.

[660] We discuss conditions of the Archaeological Authority in Part K of this Decision.

147 Substantive Application, Volume 5, dated 1 April 2026 at [56].

PART J: OVERALL APPROACH

[661] As noted in Part C, the Panel may decline an approval if, in complying with section 81(2), the Panel forms the view that:

(a) there are one or more adverse impacts in relation to the approval sought; and

(b) those adverse impacts are sufficiently significant to be out of proportion to the project's regional or national benefits that the Panel has considered under section 81(4), even after taking into account—

(c) any conditions that the Panel may set in relation to those adverse impacts; and

(d) any conditions or modifications that the Applicant may agree to or propose to avoid, remedy, mitigate, offset, or compensate for those adverse impacts

[662] This test is different from the test developed over the years under the RMA which culminated in the decision of *King Salmon*. The King Salmon case was clear – the approach historically taken by the Courts and local authorities of adopting an overall broad judgement approach to environmental decision making under the RMA was incorrect.

[663] In contrast, the FTAA clearly envisages an overall judgment or weighing approach to decision making. The Panel must weigh the adverse impacts against the regional or national benefits of the Proposal when coming to its final decision.

[664] We have found that there are no adverse impacts in relation to the approvals sought that are sufficiently significant to be out of proportion to the project's regional or national benefits. Any residual adverse impacts have been satisfactorily avoided, remedied, mitigated, offset or compensated through the controls on the design of the Proposal, and secured through the imposition of conditions on the approvals sought.

[665] The Panel has considered the Application and all advice, reports, comments, legal submissions, and other information received by the Panel. We have applied clauses 17-25 of Schedule 5 of the FTAA and ensured that we have given appropriate weight to the relevant provisions of the RMA and given the greatest weight to the purpose of the FTAA when making our decision.

[666] The Panel has not given greater weight to the RMA considerations than to the overall purpose of the FTAA as required by clause 17. However, the Panel observes that its consideration of the relevant RMA provisions also supports its overall decision to grant the RMA approvals and therefore it was not placed in a position of having to weigh competing considerations under clause 17.

[667] We have addressed section 82 relating to Treaty settlements but have not considered it necessary to impose conditions relating to Treaty settlements under section 84. However, we have imposed conditions, where appropriate and relevant, that provide for the values, interests, and matters identified in the CVA reports.

[668] The obligations relating to Treaty settlements and recognised customary rights are met, consistent with section 7 of the FTAA.

[669] We have imposed conditions relating to other matters and complied with the requirements of section 83 when setting those conditions.

Overall Findings

[670] Overall, the Panel is satisfied that the matters set out in section 81 of the FTAA have been addressed appropriately and that the purposes of the FTAA are achieved by this decision.

[671] In reaching that view, the Panel has had regard to the actual and potential effects on the environment of allowing the activity as considered above. The Panel has also had regard, as required by the FTAA, to the relevant planning documents.

[672] The Panel finds that the Proposal will deliver infrastructure and development with significant regional and national benefits.

PART K: APPROACH TO CONDITIONS

FTAA general requirements for conditions

[673] Section 81 of the FTAA provides that the Panel must set out any conditions to be imposed on the approvals. The statutory requirements on what conditions are set are determined by what approvals are being sought.

[674] Section 83 of the FTAA must be complied with and provides:

> **83 Conditions must be no more onerous than necessary**
>
> When exercising a discretion to set a condition under this Act, the panel must not set a condition that is more onerous than necessary to address the reason for which it is set in accordance with the provision of this Act that confers the discretion.

[675] The Panel has carefully turned its mind to this requirement when assessing the appropriateness of the conditions to be imposed. Our reasons given in relation to changes we have made to the proposed draft conditions provided by the Applicant are reflective of this requirement.

Conditions relating to infrastructure

[676] Section 84A, introduced by section 41 of the FTAA, is also relevant to the imposition of conditions relating to infrastructure. It provides:

> **84A Conditions relating to infrastructure**
>
> (1) The panel may set conditions to ensure that the infrastructure in the project area or other infrastructure the project will rely on is or can be made adequate to support—
>
> (a) the project; or
>
> (b) the stage of the project to which the application relates.
>
> (2) This section applies in addition to, and does not limit, any other powers to set conditions under this Act.
>
> (3) To avoid doubt, a condition set under this section may impose an obligation on the applicant only.

[677] If a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 is relevant to an approval then section 82 applies. This section provides:

> **82 Effect of Treaty settlements and other obligations on decision making**
>
> (1) This section applies if a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 is relevant to an approval.
>
> (2) If the settlement or Act provides for the consideration of any document, the panel must give the document the same or equivalent effect through the panel's decision making as it would have under any relevant specified Act.
>
> (3) The panel must also consider whether granting the approval would comply with section 7.
>
> (4) In this section, document—
>
> (a) means any document, arrangement, or other matter; and
>
> (b) includes any statutory planning document amended as a result of the
>
> settlement or Act referred to in subsection (1).

Requirements for resource consent conditions

[678] For a resource consent the following clauses of Schedule 5 apply:

> **18 Conditions on resource consent**
>
> When setting conditions on a consent, the provisions of Parts 6, 9, and 10 of the Resource Management Act 1991 that are relevant to setting conditions on a resource consent apply to the panel, subject to all necessary modifications, including the following:
>
> (a) a reference to a consent authority must be read as a reference to a panel; and

(b) a reference to services or works must be read as a reference to any activities that are the subject of the consent application.

[679] Generally speaking, a resource consent condition must:[148]

(a) be for a resource management purpose, not an ulterior one;

(b) fairly and reasonably relate to the development authorised by the resource consent or designation; and

(c) not be so unreasonable that a reasonable planning authority, duly appreciating its statutory duties could not have approved it.

[680] The underlying purpose of the conditions of a resource consent is to manage environmental effects by setting outcomes, requirements or limits to that activity, and how they are to be achieved.[149]

[681] Conditions must also be certain and enforceable.[150] Changes we have made to some conditions are reflective of the legal obligation to ensure that conditions are certain and enforceable.

[682] A condition must also not delegate the making of any consenting or other arbitrary decision to any person, but may authorise a person to certify that a condition of consent has been met or complied with or otherwise settle a detail of that condition.[151] Such authorisation is subject to the following:

(a) The basis for any exercise of a power of certification must be clearly set out with the parameters for certification expressly stated in the relevant conditions.

(b) This power of certification does not authorise the making of any waiver or sufferance or departure from a policy statement or plan except as expressly authorised under the Act (s 84 of the RMA).

148 *Newbury District Council v Secretary of State for the Environment* [1980] 1 All ER 731 (HL), at 739.

149 *Summerset Village (Lower Hutt) Ltd v Hutt City Council* [2020] NZEnvC 31, at [156].

150 *Bitumix Ltd v Mt Wellington Borough Council* [1979] 2 NZLR 57.

151 *Turner v Allison* (1970) 4 NZTPA 104.

(c) This power of certification does not authorise any change or cancellation of a condition except as expressly authorised under the Act (s 127 of the RMA).

[683] Clause 19 relates to consent applications for standard freshwater fisheries activities:

> **19 Conditions on resource consent may deal with standard freshwater fisheries activity**
>
> (1) A panel may set conditions on a consent in respect of a standard freshwater fisheries activity for which approval, dispensation, or authorisation is required, or for which a requirement may be imposed, under the following provisions:
>
> (a) regulation 42 of the Freshwater Fisheries Regulations 1983 (culvert or dam):
>
> (b) regulation 43 of the Freshwater Fisheries Regulations 1983 (dam or diversion structure):
>
> (c) regulation 65(2) of the Freshwater Fisheries Regulations 1983 (noxious fish):
>
> (d) section 26ZM(2)(a) or (3)(b) of the Conservation Act 1987 (transfer or release of live aquatic life).
>
> (2) If the panel sets conditions under subclause (1), they must be the conditions the panel considers necessary to manage the effects of the activity on freshwater fish species, taking into account—
>
> (a) best practice standards; and
>
> (b) the New Zealand Fish Passage Guidelines.
>
> (3) The provisions referred to in subclause (1)(a) to (d) do not apply to the holder of a resource consent issued under this Act who complies with the relevant conditions imposed under this clause.
>
> **Guidance note**
>
> The New Zealand Fish Passage Guidelines are available at niwa.co.nz/freshwater/new-zealand-fish-passage-guidelines

Requirements for Designation conditions

[684] For a designation the following clauses of Schedule 5 apply:

> **25 Conditions on designation**
>
> When setting conditions on a designation, the provisions of Part 8 of the Resource Management Act 1991 relevant to setting conditions on a designation apply to the panel, subject to all necessary modifications, as if references to a consent authority were references to a panel.
>
> …
>
> **29 Panel may waive requirement for outline plan for designation**
>
> If a panel grants a designation,—
>
> (a) it may waive the requirement for an outline plan as required by section 176A of the Resource Management Act 1991; but
>
> (b) if it does not waive the requirement under that section, the outline plan must be submitted to the territorial authority in accordance with that section.

Requirements for Wildlife Approval

[685] For the grant of a Wildlife Approval the following clause of Schedule 7 applies:

> **6 Conditions**
>
> (1) A panel may set any conditions on a wildlife approval that the panel considers necessary to manage the effects of the activity on protected wildlife.
>
> (2) In setting any condition under subclause (1), the panel must—
>
> (a) consider whether the condition would avoid, minimise, or remedy any impacts on protected wildlife that is to be covered by the approval; and
>
> (b) where more than minor residual impacts on protected wildlife cannot be avoided, minimised, or remedied, ensure that they are offset or compensated for where possible and appropriate; and

(c) take into account, as the case may be, the New Zealand Threat Classification System or any relevant international conservation agreement that may apply in respect of the protected wildlife that is to be covered by the approval.

Requirements for Archaeological Authority

[686] For the grant of an Archaeological Authority the following clause in Schedule 8 applies:

5 Imposition of conditions on archaeological authorities

(1) In relation to an archaeological authority, a panel may impose any conditions, including conditions that—

(a) the consent of the land owner and the holder of any specified registered interest must be obtained before the holder of an archaeological authority may enter the relevant site or undertake any activity under that authority; and

(b) the site must be returned as nearly as possible to its former state (unless otherwise agreed between the owner of the land on which the site is located and the panel); and

(c) any activity undertaken at the site under the archaeological authority must conform to accepted archaeological practice; and

(d) Heritage New Zealand Pouhere Taonga, or the person approved under this schedule to carry out an activity, must provide a report to—

(i) the holder of the authority; and

(ii) the owner of the archaeological site concerned, if different from the holder of the authority; and

(iii) Heritage New Zealand Pouhere Taonga, unless Heritage New Zealand Pouhere Taonga prepared the report.

(2) The panel may impose a condition requiring an investigation under the HNZPT Act, but only if the panel is satisfied on reasonable grounds that the investigation is likely to provide significant information in relation to the historical and cultural heritage of New Zealand.

Proposed Conditions – Draft Decision

[687] In this part of the Decision we set out the process followed with respect to conditions leading up to the issue of our draft Decision. The findings set out in this Part should be read subject to any alternative findings made in the next part of the Decision where we consider proposed conditions following the receipt of comments from parties on the Draft Decision.

[688] The Applicant provided a comprehensive set of proposed draft conditions when the Application was lodged.

[689] Those proposed draft conditions have been refined in response to comments, evidence, and questions of clarification from the Panel, with the most recent version of these conditions having been provided by the Applicant on 15 September 2026.

[690] Some of the draft conditions are proposed on an *Augier* basis. That is, they have been volunteered by the Applicant in circumstances where they would otherwise be *ultra vires* our power to impose them. We have clearly identified the conditions put forward on an *Augier* basis in advice notes, as appropriate.

[691] For the most part, the Panel accepts the draft proposed conditions put forward by the Applicant on 15 September 2026. Those conditions were filed following a Conference on Conditions held on 14 September, where the Panel asked questions of clarification of the Applicant in relation to the version of draft proposed conditions put forward as part of the Applicant's Section 55 Report.

[692] Unless otherwise stated below, the Panel accepts the reasons given by the Applicant for the changes made in the 15 September 2026 version of conditions. Those reasons are given:

(a) in comments boxes as shown in the Word document version of conditions; or

(b) in the Memorandum of Counsel for the Applicant dated 15 September 2026.

[693] The Panel has, however, made some further changes to the conditions. Those changes are shown in tracked form in the Appendices to this decision, as follows:

(a) Appendix 2 – Designation Conditions;

(b) Appendix 3 – Resource Consent Conditions;

(c) Appendix 4 – Wildlife Approval Conditions;

(d) Appendix 5 – Archaeological Authority Conditions.

[694] The base document used for this purpose is the version of draft conditions provided by the Applicant on the 15th of September (with respect to Appendices 2 and 3). The base version for Appendices 4 and 5 is the version of draft conditions provided by the Applicant as part of its section 55 report.

[695] Set out in the table below, are the reasons why the Panel has made further changes to some of the conditions.

Proposed Designation conditions – Draft Decision

Condition Number	**Reasons for change**
DES12	The Panel has corrected the numbering within the condition.
DES15	Deleted the word "all".
DES23	Condition (a)(iv) amended by deleting the word "significantly". The Panel finds that it is not appropriate to allow, through conditions, risks from flood hazards, including risks to human health, that are approaching the threshold of "significant". The Panel has also corrected the numbering within the condition.
DES28	The draft condition simply requires a report to be prepared for the Applicant's own benefit, confirming that other conditions of consent have been met, and some vague, subjective requirements about other design principles. There is no obligation to provide a copy of the report to the Council, nor to have it certified. The Panel considers condition DES28 is more onerous than is necessary, and has deleted it.
DES29	The draft condition simply requires a report to be prepared for the Applicant's own benefit, confirming that other conditions of consent have been met. There is no obligation to provide a copy of the report to the Council, nor to have it certified. The Panel considers condition DES29 is more onerous than is necessary, and has deleted it.
DES30	The draft condition requires a report to be prepared for the

	Applicant's own benefit, confirming that lighting design complies with exterior lighting standards in condition DES14, and confirmation that the lighting design accords with "good lighting design principles". There is no obligation to provide a copy of the report to the Council, nor to have it certified. The phrase "good lighting design principles" is vague and uncertain. Demonstration of compliance with conditions DES14 (exterior lighting) is achieved through the Lighting Design Completion Report required by condition DES31. The Panel considers condition DES30 is more onerous than is necessary, and has deleted it.
DES36	This condition serves no purpose and has been deleted.
DES38	Amendments have been made to ensure that the complaints procedure is communicated to residents in accordance with the communication plan.
DES41	The draft condition simply requires a report to be prepared for the Applicant's own benefit, confirming that condition DES14 has been met. The additional matters addressed in the condition impose unreasonable restrictions on an activity that otherwise meets the standards set in Condition DES14. The Panel considers condition DES41 is more onerous than is necessary, and has deleted it.
DES44	The Panel has removed reference to the objectives of the LMEEP from within the condition. The LMEEP includes those objectives, and so it is unnecessary to include them in the conditions. The word "limited" has also been deleted. It is uncertain, and not required to achieve the purpose of the condition. The phrase "unless explicitly stated above" has been removed from the final part of the condition. It is unclear to the Panel what, precisely, it was referring to.
DES45	The Panel has removed reference to the objectives of the LEIMP from within the condition. The LEIMP includes those objectives, and so it is unnecessary to include them in the conditions.
DES51	The phrase "named groups" has been replaced by "representatives" because it is the representatives who attend such meetings, not the group that they represent.

[696] The Panel records that condition DES24 (Wastewater Infrastructure) was still the subject of discussion between the Council and the Applicant. The Panel encourages the Council to confirm (or otherwise) its agreement to revised condition DES24.

[697] The Panel also records that alteration to the designation will remove the Prison designation from the 'Prison Village' land. The Applicant has confirmed that that land is no longer required for prison purposes. It is not for the Panel to decide whether that land is, in fact, still required for prison purposes. It is sufficient that the Applicant has recorded that it is no longer required, and the designation can now be removed.

[698] The removal of that area of land is reflected in Figure A: Designation Areas Plan, as set out in the Designation Alteration conditions.

Proposed Resource Consent conditions – Draft Decision

Condition Number	**Reasons for change**
BUN02	The word "includes" has been replaced with the word "invites". The consent holder cannot compel a person to attend a meeting, but they can extend an invitation to attend.
LUC04	The word "satisfactorily" has been deleted. It introduces a subjective judgment element that is not necessary in this context.
LUC11A	The word "satisfactorily" has been deleted. It introduces a subjective judgment element that is not necessary in this context.
LUC11B	The word "satisfactorily" has been deleted. It introduces a subjective judgment element that is not necessary in this context.
LUC12	The Panel has removed reference to the objectives of the EcMP from within the condition. The EcMP includes those objectives, and so it is unnecessary to include them in the conditions.
LUC16	The word "significantly" has been deleted. The Panel finds that it is not appropriate to allow, through conditions, risks from flood hazards, including risks to human health, that are approaching the threshold of "significant". The word "satisfactorily" has been deleted. It introduces a subjective judgment element that is not necessary in this context.
LUS01	The word "satisfactorily" has been deleted. It introduces a subjective judgment element that is not necessary in this context.
LUS02	There is no need to replicate matters from the Native Fish Capture and Relocation Plan in the conditions of consent. That Plan has been approved.
DIS12	The word "general" has been inserted into the condition to provide the consent holder with some flexibility with respect to the ECMP. The matters to be addressed in the ECMP have been deleted from the conditions because the plan that we are approving includes those matters.

[699] The Panel has replaced references to "shall" with "must" throughout both sets of conditions, as appropriate.

[700] The Panel also records that it has not updated the numbering of conditions at this stage in the process. The Panel encourages the Applicant to update the numbering and cross-referencing as part of its response to the draft conditions.

Wildlife Approval conditions – Draft Decision

[701] Clause 6 of Schedule 7 empowers the Panel to set any conditions on the Wildlife Approval that the Panel considers necessary to manage the effects of the activity on protected wildlife. Clause 6(2) sets out the matters that the Panel must consider when doing so.

[702] The Applicant has proposed draft conditions for the Wildlife Approval. The Panel has not made any changes to those conditions.

[703] The Panel considers that the conditions proposed by the Applicant are necessary to manage the effects of the activity on protected wildlife. In particular, the conditions requiring the activity to be undertaken in accordance with the Lizard Management Plan and the Pest Animal Management Plan are necessary to manage such effects.

[704] The Panel confirms that it has considered the matters set out in clause 6(2) when setting these conditions.

Archaeological Authority conditions – Draft Decision

[705] Clause 5 of Schedule 8 empowers the Panel to impose conditions on an Archaeological Authority, relating to matters set out in Clause 5(1) and (2).

[706] The Applicant has proposed draft conditions for the Archaeological Authority. The Panel has not made any changes to the conditions proposed.

[707] The Panel considers that the conditions proposed by the Applicant meet the requirements of Clause 5 of Schedule 8, including in particular because the works need to be undertaken in accordance with the Archaeological Management Plan, and in accordance with Tikanga.

Approval of Management Plans

[708] A number of the conditions refer to specific management plans that were provided with the Application. Those plans are as follows:

Approval	Management Plan	Condition Reference
Designation	Ecological Management Plan	DES38
	Landscape and Ecology Implementation and Management Plan	DES40
Resource Consents	Earthworks and Contamination Management Plan	32
	Ecological Management Plan	16
	Landscape Mitigation and Ecology Enhancement Plan	17 22
Wildlife Approval	Lizard Management Plan	WAA01
	Pest Animal Management Plan	WAA08
Archaeological Authority	Archaeological Management Plan	AA02

[709] The Panel approves each of those Management Plans set out above, and finds that they are appropriate for inclusion of the conditions within which they are referred to.

Conditions Relating to Treaty Settlements and Recognised Customary Rights

[710] The Panel has considered the information provided by the Applicant and the comments received from iwi/mana whenua when considering the draft conditions.

[711] Condition DES50, which has been offered by the Applicant on an *Augier* basis is of particular relevance in this regard. It relates to the establishment of an Iwi Forum.

[712] 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 monitoring results, reporting and project updates with mana whenua.

[713] The composition of the Iwi Forum comprises:

(a) A representative(s) from Auckland Prison and other Corrections representatives;

(b) A representative from each of the following:

(i) Te Rūnanga o Ngāti Whātua;

(ii) Ngāti Whātua o Kaipara;

(iii) Te Kawerau ā Maki; and

(iv) Ngaati Whanaunga.

[714] The Iwi Forum may include a representative from each of the following, should they wish to participate:

(a) Ngāti Whātua Ōrākei (represented by the Ngāti Whātua o Ōrakei Trust Board);

(b) Ngāi Tai ki Tāmaki (represented by the Ngāi Tai ki Tāmaki Trust);

(c) Ngāti Pāoa (represented by the Ngāti Pāoa Iwi Trust);

(d) Ngāti Tamaterā (represented by the Ngāti Tamaterā Treaty Settlement Trust); and/or

(e) Ngāti Maru (represented by the Ngāti Maru Rūnanga Trust).

[715] The Panel finds that this condition is an appropriate way to acknowledge Iwi in the context of this Proposal. The Panel notes the concern raised by Te Kawerau ā Maki regarding membership of the Iwi Forum; however, the Panel agrees with the Applicant's Proposal and reasoning to include all those Iwi that have expressed an interest in being part of the group. This is because these Iwi have indicated that they have a connection to Pāremoremo and it is not for the Panel to determine who holds mana whenua or is tāngata whenua in relation to the designated site.

Panel's Draft Conditions

[716] As required by section 70 of the FTAA, on 21 September 2026 we directed the EPA to provide our draft conditions to:

(a) the parties listed in s 70(1); and

(b) the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development, as required by section 72(1).

[717] Those draft conditions were accompanied by the Panel's Draft Decision document.

Conditions - Final

[718] In this part of the Decision, we set out our final findings in relation to conditions. These findings follow receipt of comments made on the draft conditions following the issuing of our Draft Decision.

Comments from Parties

[719] In Minute 9 we invited comments on the draft conditions from specified parties.

[720] We endeavoured to make it clear in our Minute that we were only seeking comments on draft conditions from specified parties under section 70 of the FTAA. We did so by underlining the phrase "draft conditions" at paragraph [1](a) of the Minute.

[721] In contrast, we indicated that comments by specified Minister under section 72 of the FTAA could be made on the draft decision and the draft conditions. We emphasised this by underlining the phrase "draft decision and draft conditions" at paragraph [1](b) of our Minute.

[722] We also directed parties invited to make comments who proposed amendments to the draft conditions, to record those amendments a tracked changes using the Word document versions of the draft conditions issued together with the Draft Decision.

[723] We received comments following release of our Draft Decision from the following parties:

(a) Department of Conservation;

(b) Ngā Maunga Whakahii o Kaipara Development Trust on behalf of Ngāti Whātua ki Kaipara and Te Taoū;

(c) Pāremoremo Residents and Ratepayers Association;

(d) Paul Denny;

(e) Upper Harbour Local Board;

(f) Auckland Council; and

(g) Department of Corrections.

[724] We also received a response to comments on draft conditions from the Applicant, pursuant to section 70(4) of the FTAA.

[725] Despite its best endeavours to make it clear that the Panel was not inviting comments on its substantive Draft Decision from specified parties, the Department of Conservation proceeded to make comments on the substantive Draft Decision. Such comments are beyond the scope of section 70 of the FTAA, and have been disregarded by the Panel.

[726] Some other parties who made comments on conditions did not record the amendments sought to draft conditions in the Word version of the draft conditions, as directed. Nevertheless, the Panel has considered those comments when turning its mind to the final conditions.

Comments from the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development

[727] As set out at [51] above, by letter dated 5 October 2026, the Hon Tama Potaka, Minister for Māori Crown Relations: Te Arawhiti and Māori Development responded to the Panel's invitation to make comments on the draft decision and conditions. Minister Potaka, recorded his support for the decision of the Expert Panel and the conditions, but recommended that the consent conditions were clarified so that:

(a) The relationship between Sub-Clause DES 50 (2) and DES 50 (5) is rephased to read to ensure the Panel can achieve the purpose for the Forum as outlined at DES (2).

(b) The applicant ensures their representatives on the forum enable early engagement with the Forum on relevant matters, that ensure that cultural advice provided by the Forum is considered and appropriately incorporated into the final decisions.

[728] Condition DES50 (now DES46) was offered by the Applicant on an *Augier* basis, and so the Panel does not have jurisdiction to make any changes to it. If we had jurisdiction, we would have addressed the issue recorded at [727(a)] by adding the words "In the fulfilment of the purpose of the Iwi Forum" to what was previously numbered condition DES50(2). We draw the Applicant's attention to this matter noting that the Applicant can request the Panel to make minor corrections pursuant to section 89 of the FTAA.

[729] We also record that we would not have made any changes to condition DES50 to address the issue recorded at [727(b)]. We are satisfied that the structure of the condition, together with other conditions that invite input from the Iwi Forum, will ensure early engagement, noting the likely duration of the Project.

Panel's approach to comments on draft conditions

[730] The Panel has carefully reviewed the comments received on the draft conditions, and the Applicant's response to those comments.

[731] The Applicant has helpfully addressed many of the comments made. They did so by making substantive comments in the Eleventh Memorandum on behalf of the Department of Corrections – response to comments on draft conditions dated 30 September 2026, and in the two attachments to that Memorandum, as follows:

(a) Attachment 1 – Applicant Section 70(4) Final Comments Summary Table;

(b) Attachment 2 – Draft Wildlife Approval Conditions – Section 70(4).

[732] Unless we say otherwise below, we adopt the Conditions advanced by the Applicant, for the reasons set out in its response to the draft conditions, and its response to other parties' comments on draft conditions.

Final changes made to conditions by Panel

[733] In this Part of the Decision we set out the final changes made by the Panel to the draft conditions provided by the Applicant in response to comments on those draft conditions. The changes made to the Panel relate to:

(a) the Designation Alteration conditions; and

(b) the Wildlife Approval.

[734] Apart from minor typographical or cross-referencing corrections, no further changes have been made to the Resource Consent Approvals or the Archaeological Authority Approval.

[735] The Panel notes that the condition numbers referred to below reflect the condition numbers in the final set of conditions.

Condition	Change made by Panel
DES05	The point at which the 7 metre building height for Area C is to be measured has been changed to the existing ground level, noting that Area C relates to balance land activities only.
DES14A	Reference to the Lighting Design Report (DES30) has been removed from this condition to reflect that the conditions requiring that report has been deleted. This is a consequential change.
DES23	Adjustments have been made to the wording to improve the readability, and to reduce ambiguity. The advice note recording the date at which existing flood levels are to be measured has been moved into the body of the condition to provide greater legal certainty.
DES30	Additional wording has been added to provide a pathway for the Council to record, in writing, that it will respond to the substantive request but may need additional time to do so.
DES41	Ridgeview School has been placed back into the list of parties who *may* be included in the Community Liaison Group, rather than the list of parties who *must* be included. Ridgeview School did not provide comments, and so the Panel is reluctant to make the change sought by other commenters.

Wildlife Approval

[736] The Panel records that is has added the standard terms and conditions to the Wildlife Approval, as sought by the Department of Conservation. This appears now as Schedule 4 to that Approval.

Correction of Minor Errors

[737] To the extent the final sets of conditions contain minor errors, the Panel notes it has powers under section 89 of the FTAA to make minor corrections.

PART L: FINAL DECISION

[738] The Panel has considered the Application and supporting information as well as the comments received on it and on the draft conditions, the further information and legal submissions provided by the Applicant, as well as the responses to comments made by the Applicant.

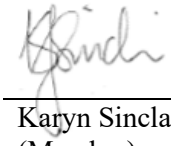
[739] We thank all those persons who have participated in this process, for the contributions that they have made. We appreciate that those contributions have often been made at short notice given the time constraints that exist within the FTAA.

[740] We grant each of the approvals sought and impose the conditions set out in in Appendix 2-5. We also waive the requirement for the outline plan of works as required by section 176A of the RMA for the watercourse works.

[741] As required by section 99 of the FTAA the persons listed in that section are entitled to appeal and must commence any appeals within the 20-working day period from the day this Decision is published under section 88(3).



Philip Maw
(Chair)



Karyn Sinclair
(Member)



Peter Kensington
(Member)

APPENDIX 1 – RESOURCE CONSENTS GRANTED

RESOURCE CONSENTS UNDER NATIONAL ENVIRONMENTAL STANDARDS		
Activity	**Relevant Rules**	**Activity Status**
National Environmental Standard for Freshwater (NES-F)		
Reclamation of the bed of a river – regulation 57	Regulation 57	Discretionary
Placement of culverts in the bed of Watercourses – regulation 71	Regulation 71	Discretionary

Activity	**Relevant Rules**	**Activity Status**
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-CS)		
Soil disturbance on HAIL land, asbestos at Watercourse 1	Regulation 10	Restricted discretionary (Watercourse 1)

RESOURCE CONSENTS UNDER THE AUCKLAND UNITARY PLAN		
Activity	**Relevant Rules**	**Activity Status**
Lakes, Rivers, Streams and Wetlands (Chapter E3)		
Activity not complying with E3.6.1.1 or E3.6.1.14–E3.6.1.23 as piping exceeds 30m at both watercourses, riprap outlet exceeds permitted 5m, and fish passage impeded.	E3.4.1(A44)	Discretionary
New reclamation or drainage, including filling over a piped stream.	E3.4.1(A49)	Non-complying

Activity	**Relevant Rules**	**Activity Status**
Taking, Using, Damming and Diversion of Water (Chapter E7)		
Diverting surface water – temporary diversion at Watercourses 1 and 2 during construction	E7.4.1(A13)	Discretionary

Activity	**Relevant Rules**	**Activity Status**
Stormwater – Discharge and Diversion (Chapter E8)		
Diversion and discharge of stormwater runoff from impervious areas not otherwise provided for. Resulting from relocation of the existing discharge points for both Watercourses 1 and 2.	E8.4.1(A10)	Discretionary

Activity	**Relevant Rules**	**Activity Status**
Land Disturbance – Regional (Chapter E11)		
Earthworks >2,500m² within Sediment Control Protection Area	E11.4.1(A9)	Restricted discretionary

Activity	Relevant Rules	Activity Status
Vegetation Management and Biodiversity (Chapter E15)		
Vegetation removal >250m² indigenous vegetation outside Rural Urban Boundary. Involves removal of approximately 2,179m^2 of vegetation surrounding Watercourse 2 and removal of 3,945m^2 of riparian vegetation surrounding Watercourse 1.	E15.4.1(A10)	Restricted discretionary
Vegetation removal within 20m of rural streams – Watercourse 1 and Watercourse 2.	E15.4.1(A16)	Restricted discretionary

Activity	Relevant Rules	Activity Status
Contaminated Land (Chapter E30)		
Discharges from disturbing contaminated soil. Lead exceedance at Watercourse 1.	E30.4.1(A6)	Controlled (Watercourse 1)

APPENDIX 2 – DESIGNATION CONDITIONS

Designation Number	3900
Requiring Authority	Minister of Corrections
Location	530 Pāremoremo Road and 505 Pāremoremo Road, Pāremoremo
Rollover Designation	Yes
Legacy Reference	Designation 120 Auckland Council District Plan (North Shore Section) 2002
Lapse Date	Given effect to (i.e. no lapse date)
Purpose	Construction, operation and maintenance of Prison and ancillary facilities.

For avoidance of doubt, the existing designation purpose of 'Auckland Prison' is to be deleted and replaced with the new designation purpose outlined above. The existing conditions on Designation 3900 (1(a)-(d) and 2(a)-(g)) and supporting attachments are also to be deleted and replaced with the conditions DES01 to DES49 set out below.

DESIGNATION CONDITIONS

Definition
Activity Sensitive to Noise – means any dwelling, visitor accommodation, boarding house, marae, papakāinga, integrated residential development, retirement village, supported residential care, care centres, lecture theatres in tertiary education facilities, classrooms in education facilities and healthcare facilities with an overnight stay facility.
Area A – The area of the Auckland Prison Site identified as Area A on Figure A Designation Areas Plan, comprising some 44.93 hectares.
Area B – The area of the Auckland Prison Site identified as Area B on Figure A Designation Areas Plan comprising some 3.30 hectares.
Area C – The area of the Auckland Prison Site identified as Area C on Figure A Designation Areas Plan comprising some 31.81 hectares.
Area D – The area of the Auckland Prison identified as Area D on Figure A Designation Areas Plan comprising some 0.64 hectares.
Auckland Prison Site – the designation area described as Section 1 SO 476557, Section 2 SO 476557, Section 3 SO 476557, LOT 4 DP 24508, Section 1 SO 66967, Sec 1 SO 66966 and Lot 3 DP 64525.

Definition
Balance land activities – for the purposes of Condition DES04 of this designation includes the following Non-Secure facilities: (a) Landscape revegetation and tree planting; (b) Farming; (c) Surveillance equipment; (d) Lighting; (e) Vehicle accessways; (f) Infrastructure and services (including water, wastewater and stormwater facilities) (g) Cultural buildings; (h) Offender employment activity; and (i) Energy generation and storage facilities.
Building coverage – **T**he area (combined) covered by buildings. Included in the term 'buildings' for the purpose of this definition are accessory buildings, and those parts of the site covered by overhanging buildings, but not fences or walls, underground structures, connecting covered walkways, eaves, pergolas, slatted open decks, or similar structures of a substantially open nature.
Construction works – Includes the laying of foundations, installation of infrastructure and all other activities associated with building the facilities, including earthworks, up to the point of all Code Compliance Certificates being issued under the Building Act 2004 by the Auckland Council. For the avoidance of doubt this term excludes internal fitouts, demolition and/or removal works.
Demolition and/or removal works – means the demolition or removal of buildings but does not include removal of internal walls or structures to a building.
Flood hazard area – Includes floodplains, flood prone areas and overland flow paths. Flood hazard areas are categorised based on the depth and velocity of floodwaters into four classifications: (a) Very high flood hazard areas – (i) for floodplains and overland flow paths, where floodwaters have a: a. depth equal or greater than 1200mm; or b. depth x velocity product greater than or equal to 0.8m2 /s in a 1% AEP event. (ii) for flood prone areas, where floodwaters have a depth equal or greater than 1200mm with 50mm of rainfall (approximately a 20% AEP event), assuming the primary stormwater network is 100% blocked. (b) High flood hazard areas – (i) for floodplains and overland flow paths, where floodwaters have a depth between 500mm and 1200mm or depth x velocity product between 0.4m2 /s and 0.8m2 /s in a 1% AEP event. (ii) for flood prone areas, where floodwaters have a depth between 500mm and 1200mm with 50mm of rainfall (approximately a 20% AEP event), assuming the primary stormwater network is 100% blocked. (c) Medium flood hazard area –

Definition
(i) for floodplains and overland flow paths, where floodwaters have a depth between 500mm and 300mm or depth x velocity product between 0.4m2 /s and 0.24m2 /s in a 1% AEP event. (ii) for flood prone areas, where floodwaters have a depth between 500mm and 300mm with 50mm of rainfall (approximately a 20% AEP event), assuming the primary stormwater network is 100 % blocked. (d) Low flood hazard area (i) for floodplains and overland flow paths, where floodwaters have depth equal to or less than 300mm or depth x velocity product less than or equal to 0.24m2 /s in a 1% AEP event. (ii) for flood prone areas, all other flood prone areas not meeting the definition for very high, high and medium flood hazard areas.
Flood prone area - An area of land within a topographical depression where water will pond in a 1% AEP rainfall event if soakage is restricted or the primary drainage outlet is blocked. *Notes:* • *The Council holds publicly available information showing the modelled extent of Flood Prone Areas in its GIS viewer (Flood Prone map). The Flood Prone map is indicative only and excludes topographical depressions that are less than 300mm deep, have a water surface area of less than 500m^2 or a water volume less than 50m^3.* • *The flood prone map depicts either the area that the depression will fill to in the 1% AEP event or if the depression fills to overflowing, then to the level it starts to spill. Flood Prone Areas may be susceptible to hazardous flooding during a range of storm events, including frequent events. The Requiring Authority may provide the Council with a site-specific technical report prepared by a suitably qualified and experienced person to establish the frequency, extent and characteristics of the Flood Prone Area specific to the Auckland Prison Site and proposed development.*
Floodplain - The area of land that is inundated by runoff from a specified rainfall event, with an upstream catchment generating 2m^3/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 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. (b) the effects of climate change over a 100-year timeframe in respect of the frequency and duration of rain fall events and a 1m sea level rise; and (c) assuming that primary drainage is not blocked. *Note:* • *The Council holds publicly available information showing the modelled extent of floodplains affecting specific properties in its GIS viewer for the 1 % annual exceedance probability (AEP) rainfall event (the floodplain maps). The floodplain map is indicative only although Council accepts its accuracy with regard to land shown on the floodplain map as being outside the floodplain.* ***The Requiring Authority may provide the Council with a site specific technical report prepared by a suitably qualified and experienced person to establish the extent, depth and flow characteristics of the floodplain specific to the Auckland Prison Site and proposed development.***
New prison facilities – are Secure facilities and Non-secure facilities constructed after the 6th of October 2026. This includes additions or extensions to existing facilities.

Definition
Non-secure facilities – for the purposes of the conditions of this designation, include but are not limited to the following: (a) Staff and Visitor Carparking; (b) Surveillance equipment and lighting; (c) Prison management, security and operations support; (d) Prison access control points (including boom gates); (e) Visitors' reception centres; (f) External deliveries stores; (g) Roading; (h) Administration and staff amenities; (i) Facilities management and trade parking; (j) Energy generation and storage facilities; (k) Cultural buildings; (l) Community facilities; and (m) Infrastructure and services (including water, wastewater and stormwater facilities)
Overland flow path – A low point in terrain (excluding permanent streams) where surface runoff will flow during rainfall events *Note:* • *The Council holds publicly available information showing the modelled Overland Flow Paths in its GIS viewer (the Overland Flow Path map). The Overland Flow Path map is indicative only and shows only the thalweg, not the full extent of the Overland Flow Path. The thalweg is the line of the lowest elevation on a cross-section of the overland flow path) and further technical assessment by a suitably qualified and experienced person is required to establish the extent, depth and flow characteristics. The actual extent of any particular Overland Flow Path may extend beyond the site on which the thalweg is depicted. The Requiring Authority may provide the Council with a site specific technical report prepared by a suitably qualified and experienced person to establish the location, depth or flow characteristics of the Overland Flow Path.*
Secure facilities – for the purposes of the conditions of this designation includes prisoner accommodation and associated facilities, including but not limited to the following: (a) Secure perimeter; (b) Gatehouses; (c) Prisoner receiving centres; (d) Specialist units including special treatment, at-risk and drug treatment unit; (e) Prisoner visits areas; (f) Health centres; (g) Workshops/industries facilities; (h) Kitchens/laundries;

Definition
(i) Sports halls/gymnasiums and sports fields, exercise yards; and (j) Programme facilities such as classrooms, meeting rooms and staff offices.
Secure perimeter – a physical barrier or barriers with the purpose of containing prisoners within secure facilities.
Sensitive Material – for the purposes of the conditions of this designation means: (a) Human remains and kōiwi. (b) An archaeological site. (c) A Māori cultural artefact/taonga tūturu. (d) A protected New Zealand object as defined in the Protected Objects Act 1975 (including any fossil or sub-fossil).
Requiring Authority—the Minister of Corrections
RL - Reduced Level; a vertical height referenced to a mean sea level datum**.**

Advice Note:

Conditions DES15, DES20, DES24, DES42, DES43, DES46, DES47, DES48, and those parts of DES40 and DES41 that relate to 12.27 hectares of landscape framework planting (referred to in the LMEEP and LEIMP) are *Augier* conditions.

<table>
<tr><th>Condition No.</th><th>Condition</th></tr>
<tr><td></td><td>Prison Operations</td></tr>
<tr><td>DES01</td><td>The total number of prisoners on the Auckland Prison Site at any one time must not exceed 1,220.</td></tr>
<tr><td>DES02</td><td>Of the 1,220 prisoners provided for in Condition DES01, the total number of maximum security prisoners on the Auckland Prison Site at any one time must not exceed 260.</td></tr>
<tr><td>DES03</td><td>All buildings on the Auckland Prison Site which are designed to hold prisoners overnight must be contained within a secure perimeter.</td></tr>
<tr><td></td><td>Activity and Development Controls</td></tr>
<tr><td>DES04</td><td>All activities listed in Table 1 must be located in the identified areas shown in Figure A: Designation Areas Plan

Table 1: Designation Areas and Activities
<table>
<tr><th>Area</th><th>Authorised activities</th></tr>
<tr><td>Area A</td><td>Secure facilities
Non-secure facilities</td></tr>
<tr><td>Area B</td><td>Non-secure facilities only</td></tr>
<tr><td>Area C</td><td>Balance land activities only</td></tr>
</table>
</td></tr>
</table>

	Area D	Staff training facilities Community facilities Infrastructure and Services Carparking Lighting

DES05

Maximum height limits

The maximum height of buildings and structures for New Prison Facilities (excluding lift shafts, building cleaning gantries, fall arrest systems, safety barriers, solar panels, and temporary buildings or structures associated with construction works and/or demolition and/or removal works) must not exceed the limits set out in Table 2 below.

Table 2: Maximum Height Limits

Area	**Maximum building height**		**Maximum Reduced Level (RL) building height**
Area A (Sub-area A1)	12 metres	Above finished ground level	RL 32 metres
Area A (Sub-area A2)	12 metres		RL 37 metres
Area A (Sub-area A3)	12 metres		RL 47 metres
Area B	7 metres		RL 27 metres
Area C	7 metres	Above existing ground level	Not applicable
Area D	7 metres		Not applicable

Advice Note:

- Sub-*areas for Area A are shown in Figure B: Maximum Building Heights Plan.*
- *Both the maximum building height and maximum reduced level heights apply to all new buildings, and of these limits, the building must comply with the lesser of the maximum height limits.*

DES06

The maximum height of the secure perimeter for New Prison Facilities must not exceed 6 metres above the finished ground level.

DES07

The maximum height for support structures for lighting or lighting poles for New Prison Facilities at the Auckland Prison Site must not exceed:

(a) 7 metres above finished ground level in Area B; ~~or~~

(b) 10.5 metres above finished ground level in all other areas.

DES08

Maximum Building Coverage

<table>
<tr><td></td><td>Building Coverage for all buildings must be no more than:

Table 3: Maximum Building Coverage
<table><tr><th>Area</th><th>Maximum Building Coverage</th></tr><tr><td>Area A</td><td>30% of Area A</td></tr><tr><td>Area B</td><td>10% of Area B</td></tr><tr><td>Area C</td><td>5% of Area C</td></tr><tr><td>Area D</td><td>20% of Area D</td></tr></table></td></tr>
<tr><td>DES09</td><td>Boundary setbacks

The following activities for New Prison Facilities must be set back a minimum of 20 metres from the boundary of the Auckland Prison Site:

(a) Buildings;

(b) Support structures for lighting; and

(c) Lighting poles.

Except that this condition does not apply to:

(d) Lighting poles within Area B along the Iona Avenue boundary, where a setback of 5 metres from the road boundary must be provided.

(e) Infrastructure and services; and

(f) Temporary buildings or structures associated with construction works and/or demolition and/or removal works.</td></tr>
<tr><td>DES10</td><td>Colours and Materials

Buildings and structures for New Prison Facilities must be finished with a recessive colour scheme, in accordance with the following standards:

(a) the exterior walls of buildings (excluding architraves and trims) must be restricted to the following hue and greyness values contained in Groups A and B of the BS 5252: 1977 colour chart – 00 neutral, 06 yellow-red, 08 yellow-red, 10 yellow, and 12 yellow green with a maximum (colour) weight value of 29, and the following hue and greyness values contained in Group C of the BS 5252: 1977 colour chart – 08 yellow-red, 10 yellow, and 12 green-yellow with a maximum (colour) weight value of 39. The maximum light reflectivity value (LRV) for greyness groups A or B must be 60%. The maximum LRV for greyness group C must be 40%;

(b) the roofs of buildings must be constructed with non-reflective materials and have a colour with a reflectivity value of no more than 40% for groups A, B or C; and

(c) non-reflective glass must be used in glazing.</td></tr>
<tr><td></td><td>Noise and Vibration Standards</td></tr>
<tr><td>DES11</td><td>Construction Noise

Unless provided for under Condition DES37 (CNVMP Schedule), the following noise limits during construction works, demolition and/or removal works must not be exceeded when measured 1m from</td></tr>
</table>

	the façade of any building beyond the Auckland Prison Site that contains an Activity Sensitive to Noise that is occupied during the works: *Table 4: Construction Noise Limits* **Time of week** / **Time period** / **Maximum noise level (dBA)**: L_{eq}, L_{max} Weekdays: 6:30am – 7:30am: 55, 75 7:30am – 6:00pm: 70, 85 6:00pm - 8:00pm: 65, 80 8:00pm - 6:30am: 45, 75 Saturdays: 6:30am – 7:30am: 45, 75 7:30am – 6:00pm: 70, 85 6:00pm - 8:00pm: 45, 75 8:00pm - 6:30am: 45, 75 Sundays and public holidays: 6:30am – 7:30am: 45, 75 7:30am – 6:00pm: 55, 85 6:00pm - 8:00pm: 45, 75 8:00pm - 6:30am: 45, 75 ***Advice Notes:*** • *Construction noise must be measured and assessed in accordance with NZS6803:1999 Acoustics – Construction Noise.* • *These limits have been taken from NZS6803:1999 Acoustics - Construction Noise Table 2: Recommended upper limits for construction noise received in residential zones and dwellings in rural areas, with the long-term duration limits applying due to the proposed length of construction works, demolition and/or removal works.* • *For the purpose of this condition, 'occupied' means that there is a person in the building when the noise generating activity is occurring.*
DES12	**Construction Vibration** (a) Construction works and demolition and/or removal works must be controlled to ensure any resulting vibration beyond the Auckland Prison Site does not exceed: (i) the limits set out in German Industrial Standard DIN 4150-3 (1999): Structural vibration – Part 3 Effects of vibration on structures when measured in accordance with that Standard on any structure; and

(ii) the limits in Table 5 Construction Vibration Limits in Buildings in any axis when measured in the corner of the floor of the storey of interest for multi-storey buildings or within 500mm of ground level at the foundation of a single storey building.

Table 5: Construction Vibration Limits in Buildings

Receiver	**Period**	**Peak Particle Velocity Limit (mm/s)**
Occupied activity sensitive to noise	Night time 10pm to 7am	0.3 mm/s
	Daytime 7am to 10pm	2 mm/s
Other occupied buildings	At all times	2 mm/s

(b) Works generating vibration for three days or less between the hours of 7am to 6pm may exceed the limits in Table 5 Construction Vibration limits in buildings above, but must comply with a limit of 5mm/s peak particle velocity in any axis when measured in the corner of the floor of the storey of interest for multi-storey buildings, or within 500mm of ground level at the foundation of a single storey building, where:

(i) all occupied buildings beyond the Auckland Prison site within 50m of the extent of the works generating vibration are advised in writing no less than three days prior to the vibration-generating works commencing; and

(ii) the written advice must include details of the location of the works, the duration of the works, a phone number for complaints and the name of the site manager.

Advice Note:

- *For the purpose of this condition, 'occupied' means that there is a person in the building when the vibration generating activity is occurring.*

DES13

Operational Noise

The noise rating level from the operation of the Auckland Prison (except for emergency sirens) must comply with the following noise limits when measured and assessed at the notional boundary of any Activity Sensitive to Noise on any other site:

Time	**Noise limit**
Monday to Saturday 7am-10pm	52 dB L_{Aeq}
Sunday 9am-6pm	
All other times	40 dB L_{Aeq} 75 dB L_{AFmax}

Advice Note:

- *Sound levels must be measured in accordance with the provisions of NZS 6801:2008 Acoustics – Measurement of Environmental Sound and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.*

Lighting Standards

<table>
<tr><td>DES14</td><td>Exterior lighting

All new lighting (including operational exterior and construction lighting, excluding replacement of existing lamps) must comply with the following standards:

<table><tr><th>Sky Glow</th><th>Light Spillage</th><th>Glare Source Intensity</th><th>Building Luminance</th></tr><tr><td>UWLR (Max %)</td><td>Ev (Lux)</td><td>I(cd)</td><td>L(cd/m2)</td></tr><tr><td>5</td><td>10</td><td>500</td><td>5</td></tr></table>
Advice Notes:

• UWLR (Upward Waste Light Ratio) = Maximum permitted percentage of luminaire flux that goes directly into the sky.

• Ev = Maximum vertical illuminance measured at the boundary of the Auckland Prison Site in Lux, measured up to 10 metres (vertically) from the finished ground level.

• 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.

• Building Luminance – This should be limited to avoid overlighting, in relation to the general district brightness.

• Lighting design to be consistent with AS / NZS 4282: 2023 Control of the obtrusive effects of outdoor lighting.</td></tr>
<tr><td>DES15</td><td>Within five years of the designation alteration being confirmed, the Requiring Authority must deactivate or replace streetlights and floodlight fittings existing as at the 6th of October 2026, identified as ‘lighting to be deactivated or replaced’ on Lighting Replacement / Deactivation Plan prepared by Boffa Miskell, dated 4 August 2026. To reduce glare effects, replacement light fittings must be downward facing LED light fittings with forward throw area light optics or streetlight optics that are applicable to the light fitting location.

Advice Note:

• For the avoidance of doubt, the progressive replacement or deactivation of existing lights required by Condition DES15 is not subject to the Lighting Design Completion Report (DES29) condition, which applies to new lighting at the Auckland Prison site.</td></tr>
<tr><td></td><td>Traffic and Parking</td></tr>
<tr><td>DES16</td><td>On-site carparking

The Requiring Authority must ensure that there is full provision for parking of all vehicles (including during operation and construction (including construction worker parking) within the Auckland Prison Site. No parking associated with the operation of the prison shall occur outside of the Auckland Prison Site.</td></tr>
<tr><td>DES17</td><td>Vehicle Accessways and Manoeuvring</td></tr>
</table>

	Vehicle access for operational traffic into the Auckland Prison Site must be located at one or a combination of the access locations marked as "Primary Access Points" as shown on Figure A: Designation Areas Plan. This condition does not apply to access for: (a) Emergency service vehicles. (b) Farming. (c) Site maintenance. (d) Landscape revegetation and tree planting. (e) Security purposes. (f) Utility service vehicle access. The site layout must be designed to avoid the requirement for any reverse manoeuvring to or from public roads.
DES18	**Operational access 1 (western access)** Any new operational access at the location marked as operational access 1 (western access) in Figure A: Designation Areas Plan must be designed, constructed and formed to include: (a) A continuous 3.5m wide traffic lane in each direction, and minimum of 0.75m sealed shoulders, extending into the site up to any gatehouse/security point and parking access features. (b) Marked edgelines, central median strip and centreline in accordance with standard Manual of Traffic Signs and Markings Manual guidance. (c) A sealed Give Way intersection at the primary access point. (d) A central median strip, flush median and central right turn vehicle bay for vehicles travelling from west and turning into the Auckland Prison Site. (e) 2.5m wide shoulder widening for a length of 62.5 metres either side of the access intersection to accommodate turning movements.
DES19	**Operational Access 3 (eastern access)** Prior to being used for operational traffic for New Prison Facilities, operational access 3 (as shown in Figure A: Designation Areas Plan) must be improved with sealed carriageway and line markings consistent with operational access 2 (central access) and in accordance with Auckland Transport's Transport Design Manual and Auckland Code of Practice for Land Development and Subdivision (or equivalent subsequent code or specification).
DES20	**Closure of Iona Avenue / Sanders Road access** The Iona Avenue / Sanders Road access: (a) Must be closed within two years of the 6th of October 2026. The road carriageway at the access point (including the portion within legal road reserve) Must be removed, reinstated with soil and planted; (b) The land within Auckland Prison site along the Iona Avenue boundary must be planted with visual screen planting in accordance with Figure C: LMEEP; (c) Must not be used for operational prison traffic for New Prison facilities; (d) Must only be used temporarily for construction traffic, if necessary, in accordance with any certified CTMP; and

	(e) Upon completion of construction activities for New Prison facilities, must be closed permanently and replanted.
DES21	**Dairy Flat Highway / The Avenue Intersection upgrade** There must be a maximum capacity of 921 prisoners accommodated within the Auckland Prison Site until such time as the Dairy Flat Highway / The Avenue Intersection is upgraded to either traffic signal control or other such form of control determined by the Road Controlling Authority.
	Archaeology
DES22	No land disturbance (other than planting by hand) must occur within 20 metres of archaeological feature R10/831 identified on Figure C: Landscape Mitigation and Ecology Enhancement Plan.
DES23	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 must 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 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 must 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 Requiring Authority), and based on the expert cultural advice of tangata whenua, the archaeologist must determine the area within which work must cease. **(d) Recommencement of work** Work within the area determined by the archaeologist in (c)(iii) above and in consultation with tangata whenua must not recommence until all of the following requirements, so far as relevant to the discovery, have been met: (i) Heritage New Zealand Pouhere Taonga has confirmed that an archaeological authority has been granted for the work or that none is required; (ii) Any required notification under the Protected Objects Act 1975 has been made to the Ministry for Culture and Heritage; (iii) 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; and (iv) Any kōiwi have either been retained where discovered as appropriate or removed (where appropriate) in accordance with the appropriate tikanga of tangata whenua.
	Stormwater and Flood Hazard Management
DES24	(a) Unless otherwise approved by resource consent, stormwater must be managed for New Prison Facilities so that: (i) Stormwater is retained to the extent practicable in its tributary catchments existing as the 6th of October 2026, to provide sustenance flows to remaining watercourses and existing wetlands; (ii) 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; (iii) The function of Overland Flow Paths to convey stormwater runoff safely from the site to the receiving environment is maintained. (iv) Development of the Auckland Prison Site must not result in: (A) increased flood levels of more than 200mm on properties beyond the Auckland Prison Site and public roads (or 300mm in Watercourse 1 north of Iona Avenue), in rainfall events up to and including the 10 % annual exceedance probability (AEP) and the 1 percent annual exceedance probability (AEP); and (B) increased inundation of buildings on properties beyond the Auckland Prison Site in rainfall events up to and including the 1 % annual exceedance probability (AEP). (b) For buildings or landform modifications located within an Overland Flow Path or Flood Hazard Area on the Auckland Prison Site, a Flood Hazard Assessment is undertaken with an assessment of the potential flood hazard risks and the implementation of appropriate mitigation measures, to demonstrate: (i) that development of New Prison Facilities, with mitigation measures, does not expose people or property to unacceptable levels of flood hazard risk; and (ii) how compliance with DES24(a)(iv) is achieved (unless flood hazard risk and downstream flood flows are otherwise authorised by resource consent). (c) A Flood Hazard Assessment under DES24(b) is not required for the following activities: (i) Activities that are not within a Flood Hazard Area (including where a site specific technical report determines that the area where activities proposed is not considered a Flood Hazard Area). (ii) The following activities within a Flood Hazard Area or Overland Flow Path: (A) Landform modifications that raise or reduce ground levels by no more than 300mm; (B) Earthworks that do not exceed $10m^3$ in volume; (C) Temporary land disturbance and stockpiling of soil and other materials for up to a maximum of 28 days in any calendar year as part of construction or maintenance activities;

	(D) Infrastructure and services (including maintaining or upgrading existing infrastructure and services); (E) Fences or walls that do not obstruct an overland flow path or are designed to allow for the passage of flood waters where those flood waters exceed 300mm in depth; (F) Surface parking areas and vehicle entry and exit points where the depth of flood waters in a 1 % annual exceedance probability (AEP) event does not exceed 200mm above ground level; and (G) New structures or buildings (and external alterations to existing buildings) with a gross floor area of up to $10m^2$ where the structure or building is located where the depth of flood waters in a 1 % AEP event does not exceed 300mm above ground level. (iii) Where Auckland Council otherwise waives the requirement for a Flood Hazard Assessment. (d) The increase in flood levels in DES24(a)(iv) shall be measured from the flood levels that existed as at the 6th of October 2026. ***Advice Note:*** • *Where development of the Auckland Prison Site increases downstream flood flows to the culvert at Iona Avenue, consultation shall be carried out with Auckland Council, Healthy Waters and the Road Controlling Authority to ensure any upgrades provide sufficient capacity for conveyance of stormwater up to and including the 100 year ARI event.*
	Wastewater Infrastructure
DES25	There must be a maximum capacity of 681 prisoners accommodated within the Auckland Prison Site until such time as the following wastewater infrastructure is implemented and operational: (a) A new or upgraded pumping station including: (i) Positive displacement pumps with 38 L/s pumping capacity or of sufficient size confirmed as part of detailed design; (ii) Wet well sized to Watercare Standards; (b) Additional screw screen at the wastewater screening facility; (c) A new wastewater pipeline (rising and gravity main) along Pāremoremo Road, from Pāremoremo Wastewater Pumping Station to Albany catchment. The new pipeline must: (i) Be designed and constructed to the Wastewater Code of Practice and standards in dimension and material to support the increase in wastewater flows associated with prison capacity increase; (ii) Connect to the existing transmission main pipeline at Kell Park, Albany via a new gravity main. (d) Associated realignment of pipework from the screening facility to the pumping station so that it runs along Iona Avenue before entering the new pump station inlet.
	Coastal Protection Yard
DES26	No new buildings or lighting poles (except for minor structures such as fences and stormwater facilities) shall be located within 40 metres of Mean High Water Springs.

	Odour
DES27	No activity undertaken on the Auckland Prison Site shall create any intrusive odour that is, or is likely to be, either objectionable or offensive in the opinion of an Auckland Council compliance officer, (as determined by an assessment using the FIDOL factors (Frequency, Intensity, Duration, Offensiveness, and Location) and is able to be detected beyond the boundary of the Auckland Prison Site. ***Advice Note:*** • *Odour assessment must be undertaken in accordance with Ministry for the Environment. Good Practice Guide for Assessing and Managing Odour (November 2016).*
	Outline Plan of Works
DES28	Other than minor works, demolition and/or removal works, and internal alterations or fit out, prior to construction commencing for any New Prison Facilities authorised by this designation, the Requiring Authority must submit an Outline Plan of Works to the Auckland Council, prepared and finalised in accordance with section 176A of the Resource Management Act 1991 ("RMA") (unless the requirement for an outline plan is waived by Auckland Council) in accordance with the process set out in section 176A of the RMA (or subsequent legislation). An Outline Plan must be accompanied by a Flood Hazard Assessment (FHA) (if required by condition DES24). ***Advice Notes:*** • *Outline Plans of Works may be submitted in stages for New Prison Facilities.*
DES29	**Lighting Design Completion Report** Within 30 working days of the completion of new exterior lighting the Requiring Authority must submit to Auckland Council a report from a lighting engineer confirming that the lighting achieves compliance with the requirements of Condition DES14 (Exterior Lighting).
	Management and Implementation Plans – Certification
DES30	In accordance with the process set out in Conditions DES31 to DES34, the following Management Plans must be prepared: (a) Prior to commencement of construction works or demolition and/or removal works for New Prison Facilities**:** (i) Construction Traffic Management Plan (Condition DES35) (ii) Construction Noise and Vibration Management Plan (Condition DES36) (b) Prior to commencement of construction works: (i) Earthworks Management Plan (required by Condition DES38) Except that the Management Plan requirements do not apply: (c) to minor works; (d) to construction works (including additions to existing facilities) or demolition and/or removal works, involving building or structure with a gross floor area or footprint of less than $10m^2$; (e) to temporary buildings or structures associated with construction works or demolition and/or removal works; or

	(f) where Council has waived the requirement for a Management Plan and the associated certification process. ***Advice Notes:*** • *The Ecological Management Plan (EcMP) (Condition DES39) and Landscape and Ecology Implementation and Management Plan (LEIMP) (Condition DES41) may be amended and re-certified in accordance with the process set out in Conditions DES31 to DES34.* • *Management Plans may be submitted with an Outline Plan of Works where directly related to construction works associated with New Prison Facilities.*
DES31	Unless otherwise required by another condition of this designation, all Management Plans must be certified through the following process: (a) The Management Plan must be provided to Auckland Council for certification no less than 40 working days before the works that are the subject of the Management Plan commence; (b) The certification process must be confined to confirming that the relevant Management Plan is consistent with the designation and adequately addresses the requirements of the relevant condition(s); (c) Auckland Council will endeavour to provide certification within 20 working days of receipt of any Management Plan or otherwise provide a written response to the Requiring Authority explaining why certification is unable to be provided in that time; (d) If Auckland Council's response is that they are unable to certify the Management Plan or if the Requiring Authority does not receive a response from Auckland Council within 20 working days of providing the Management Plan under (a) the Requiring Authority may request that the Council provides reasons and recommendations for changes to the Management Plan in writing. The Requiring Authority must consider any reasons and recommendations of the Council and resubmit an amended Management Plan for certification; (e) If the Requiring Authority does not receive any written response from Council, including a written response indicating by when a substantive response will be given, within 20 working days of the Management Plan(s) being submitted for certification, the Management Plan(s) will be deemed to be certified, and the Requiring Authority can commence the related works; and (f) Management Plans may be submitted in parts or stages to address particular activities and/or project phases – if submitted in part, the relevant Management Plan must clearly define the area/topic subject to the certification request, and any linkage with areas/topics for previous or subsequent certification.
DES32	Any Management Plan may be amended at any time by the Requiring Authority, to reflect any minor changes in design, construction materials, methods or management of effects to align with the conditions of designation. Any minor amendments to a Management Plan must be agreed to in writing by Council prior to implementation of any changes. Re-certification is not required in accordance with Condition DES30 if Council confirms those minor amendments are within scope of the approved or certified Management Plan and any changes to the Management Plan are clearly identified.
DES33	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 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.
DES34	All works and activities on the Auckland Prison Site must be carried out in general accordance with any relevant certified Management Plan.
	Management and Implementation Plans – Purpose and Contents
DES35	**Construction Traffic Management Plan (CTMP)** The objective of the CTMP is to manage construction traffic to ensure ongoing safe and efficient movement of traffic on public roads surrounding the Auckland Prison Site. The CTMP must be prepared by a suitably qualified and experienced traffic engineer and must: (a) Be consistent with the New Zealand Guide to Temporary Traffic Management. (b) Provide details of: (i) the nominated Traffic Management Coordinator for the construction works, demolition and/or removal works; (ii) the proposed construction programme identifying the sequence and timing of construction phases; (iii) the traffic generating activities and vehicle types expected during the construction programme; (iv) construction transport routes; (v) daily and peak hour traffic volumes for each construction phase; (vi) driver and tradesperson inductions; (vii) construction site access (with appropriate visibility) and parking arrangements; (viii) potential effects on other road users and residents of the construction routes identified including information regarding private property access during periods of traffic disruption on the construction routes adopted, dust, noise and safety; (ix) The Temporary Traffic Management Plans (TTMP) to be employed for each construction phase or stage of construction until construction of the New Prison Facilities is complete; (x) a communication plan for notifying residents of the construction traffic routes adopted and other members of the community who may be potentially affected by construction traffic of the nature, timing and duration of the different construction phases; (xi) Details of consultation with the Ridgeview School and Ministry of Education, and any resulting limitations on heavy vehicle movements past Ridgeview School (along Pāremoremo Road) between school pick up and drop off hours (for example 8.30 – 9.15am, 2.30 – 3.15pm); (xii) evidence of how the requirements of the relevant road controlling authorities have been met; (xiii) a complaints procedure for community members to report construction traffic issues. The complaints procedure must be communicated to residents in accordance with the communication plan, and must include: (A) the process for members of the community to report issues;

	(B) the process to be followed by the Requiring Authority to investigate and then take action to address issues identified; (C) the process used to report to the Council and the complainant regarding the outcome of the investigation and the actions taken to address the issue identified; and (D) process for review of the CTMP.
DES36	**Construction Noise and Vibration Management Plan (CNVMP)** The objective of the CNVMP is to manage construction noise and vibration from the Auckland Prison Site to ensure that the relevant limits set out in these conditions are complied with. The CNVMP must be prepared by a suitably qualified and experienced acoustician and must: (a) Define the methods and procedures for each construction phase or stage of the construction period to achieve compliance with Condition DES11 (Construction Noise) and Condition DES12 (Construction Vibration), unless otherwise provided for under Condition DES37. (b) Be consistent with Annex E of NZS6803:1999 *Acoustics – Construction.*
DES37	**CNVMP Schedule** If construction noise is predicted or measured to result in an exceedance of the noise criteria in Condition DES11 (Construction Noise) a suitably qualified and experienced acoustician must prepare a Schedule to the CNVMP (Schedule), in consultation with the owners and occupiers of sites where noise is predicted or measured to result in an exceedance. The Schedule must set out the Best Practicable Option for minimising the noise effects of works that cannot practicably comply with the criteria in Condition DES11 (Construction Noise). A Schedule must include the following details: (a) the activity start and finish dates, equipment and methodology; (b) a plan showing the location of the activity and the receivers to be affected by a measured or predicted exceedance; (c) for each identified receiver, the predicted noise levels and durations of the exceedance; (d) the proposed site-specific noise-mitigation measures that are proposed to be adopted and any mitigation options that have been discounted as being impracticable, and the reasons why; (e) a summary of the consultation undertaken with each identified receiver, and how consultation has been considered; and (f) the locations, times and types of any monitoring. Each Schedule must be submitted to Council for information at least 5 days, except in unforeseen circumstances, prior to the start of the activity to which the Schedule applies. The Schedule must be implemented and complied with for the duration of that activity.
DES38	**Earthworks Management Plan (EMP)** 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 must 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;* (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 must 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; (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.
DES39	**Ecological Management Plan (EcMP)** The Requiring Authority must undertake construction works, demolition and/or removal works in accordance with the Ecological Management Plan (EcMP) prepared by Boffa Miskell, dated 26 March 2026 (or any subsequent updated management plan(s) prepared by a suitably qualified and experienced ecologist(s)), and certified by Auckland Council in accordance with the process set out in conditions DES31 to DES34.
DES40	**Landscape and Ecological Planting** The Requiring Authority must implement and maintain landscape and ecological planting in accordance with Figure C: Landscape Mitigation and Ecology Enhancement Plan (LMEEP). The landscape and ecological planting must be implemented in accordance with the following timeframes: (a) Visual screen planting (as identified on the LMEEP) must be implemented within the first two planting seasons from the 6th of October 2026, except for the 10 metre-wide 'future planting strip' in the north-western corner of the LMEEP which must be implemented as soon as practicable and within the first planting season, following completion of earthworks within and adjacent to the future planting strip.

	(b) Watercourse offset planting, Watercourse compensation planting and Wetland compensation planting (as identified on the LMEEP) must be implemented prior to the loss of any intermittent or permanent watercourse. (c) The balance of the planting (required under the LMEEP) must be implemented progressively and must be completed no later than ten years after the 6th October 2026. (d) Existing planting within 3 metres of site boundaries as at the 6th October 2026 must be maintained until such time as the new planting is completed. Except that: (e) Area C can include balance land activities as set out in Condition DES04. Within Area C, those areas occupied by cultural buildings, infrastructure and services, energy generation and storage facilities need not be planted. (f) Within planting areas: (i) access tracks can be provided, including existing access tracks along watercourse 6 to provide for planting implementation, maintenance, weed and pest control and security. (ii) stormwater management devices can be provided (and need not be planted). (iii) the visual screen planting over the carriageway of Iona Avenue access point can be removed and reinstated as necessary for construction traffic access. In visual screen planting areas, these activities must not compromise the purpose of the visual screen planting. (g) Existing planting may be removed to facilitate construction of operational access 1 (western access) where necessary. (h) Where planting is required to be removed for construction works or earthworks it must be replanted within the next planting season following the completion of the work. (i) Planting species mix may be refined in detailed planting plans to maintain integrity of existing services on-site, including gas pipelines and electricity lines, in consultation with relevant utility service providers. Unless explicitly stated above, the exceptions in clause (e) to (h) above do not apply to Watercourse offset planting, Watercourse compensation planting and wetland compensation areas identified on Figure C: LMEEP.
DES41	**Landscape and Ecology Implementation and Management Plan (LEIMP)** The Requiring Authority must undertake planting and maintenance of planted areas in general accordance with the Landscape and Ecology Implementation and Management Plan (LEIMP) prepared by Boffa Miskell, dated 26 March 2026 (or any subsequent **updated** LEIMP prepared by a suitably qualified and experienced landscape or ecology professional(s), and certified by Auckland Council in accordance with the process set out in conditions DES31 to DES34).
	Community Liaison Group
DES42	The Requiring Authority must establish a Community Liaison Group (CLG) within 12 months from the 6th of October 2026. The purpose of the CLG is to: (a) facilitate a relationship between Auckland Prison and the local community; (b) share information about Construction works and demolition and/or removal works; and

	(c) provide a forum for discussion of issues that may affect the community during Construction works and demolition and/or removal works and during the operation of activities on the Auckland Prison Site. 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. In addition to the representatives identified above, the CLG may include representatives from: (f) Auckland Council; (g) New Zealand Police; (h) Fire and Emergency New Zealand; and (i) Ridgeview School. 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. (k) Provide reasonable administrative support to facilitate the functioning of the CLG, including venue, meeting coordination, and distribution of materials. (l) Prepare a record of the actions agreed at each meeting. (m) Review the effectiveness and relevance of the CLG annually, with feedback from members.
DES43	The Requiring Authority must not be in breach of condition DES42 if any one or more of the representatives specified in Condition DES42 either do not wish to attend particular meetings or be members of the CLG.
DES44	The Requiring Authority must establish and maintain a complaints register for any complaints received from the community. As a minimum, the register must record, where this information is available, the following: (a) The date, time, and details of the incidents that resulted in a complaint. (b) The location of the complainant when the incident was detected. (c) The possible cause of the incident. (d) Any corrective action taken by Requiring Authority in response to the complaint, including timing of the corrective action. (e) Communication with the complainant in response to the complaint. Feedback on the number and nature of complaints received and resolved is to be provided at the CLG meetings.
DES45	The Requiring Authority must maintain a community notification system, which clearly outlines what the community needs to be notified of and how the community will be informed, including in the event of emergencies, incidents or escapes. Contact information for community representatives must be kept up to date in consultation with the CLG.
DES46	The Requiring Authority must appoint an appropriately qualified Environmental Compliance Officer to have oversight of and be responsible for the implementation of the conditions of designation during significant construction phases associated with New Prison Facilities.

	Iwi Forum
DES47	The Requiring Authority must establish an Iwi Forum within six months of the 6th of October 2026. 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. The Iwi Forum must include: (d) A representative(s) from Auckland Prison and other Corrections representatives; (e) A representative from each of the following: (i) Te Rūnanga o Ngāti Whātua; (ii) Ngāti Whātua o Kaipara; (iii) Te Kawerau ā Maki; and (iv) Ngaati Whanaunga. The Iwi Forum may include a representative from each of the following, should they wish to participate: (f) Ngāti Whātua Ōrākei (represented by the Ngāti Whātua o Ōrakei Trust Board) (g) Ngāi Tai ki Tāmaki (represented by the Ngāi Tai ki Tāmaki Trust) (h) Ngāti Pāoa (represented by the Ngāti Pāoa Iwi Trust) (i) Ngāti Tamaterā (represented by the Ngāti Tamaterā Treaty Settlement Trust). (j) Ngāti Maru (represented by the Ngāti Maru Rūnanga Trust). In the fulfilment of the purpose of the Iwi Forum, the Iwi Forum will: (k) Facilitate cultural input into the implementation of: (i) Protection of archaeological feature R10/831 referred to in condition DES22; (ii) Accidental discovery procedures referred to in condition DES23; (iii) Implementation and monitoring of the Ecological Management Plan (EcMP) referred to in conditions DES39; (iv) Implementation and monitoring of the Landscape and Ecology Implementation and Management Plan (LEIMP) referred to in condition DES41; and (v) Cultural monitoring during key project construction milestones in accordance with condition DES49. (l) Operate for a period of 10 years from the 6th of October 2026, or until relevant conditions listed in DES47(k) are implemented. (m) Confirm a joint management agreement and/or operational terms of reference and elect the chairperson within six months from the 6th of October 2026, which will reflect the designation conditions and include:

	(i) a purpose to reflect the matters in DES47(a) to (c) and (k); (ii) the members and composition in accordance with DES47(d) to (j) requirements; (iii) roles and responsibilities including a rotating chair arrangement responsible for facilitation; (iv) record of the ability of members to replace its representatives, and for the members representatives to seek input and direction from their constituent group; (v) frequency of meetings; (vi) administrative support including secretariat provided by the requiring authority; (vii) decision-making processes; (viii) remuneration; (ix) process for reviewing or amending the joint management agreement and/or operational terms of reference to improve the effectiveness of the iwi forum; and (x) naming of the group. The Requiring Authority must: (n) be responsible for preparing the joint management agreement and/or operational terms of reference with input from the members. (o) facilitate a meeting of the Iwi Forum at least every six months, or more or less frequently if requested by the majority of members. (p) provide reasonable administrative support to facilitate the functioning of the Iwi Forum, including venue, meeting coordination, and distribution of materials. (q) prepare a record of the actions agreed at each meeting. (r) review the effectiveness and relevance of the Iwi Forum annually, with feedback from members; and (s) as necessary, review and update the terms of reference, with input from members. ***Advice Notes:*** • *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.* • *The name of the Iwi Forum will be determined by the group as part of the Terms of Reference.*
DES48	The Requiring Authority must not be in breach of condition DES47 if any one or more of the representatives specified in Condition DES47 either do not wish to attend meetings or be members of the Iwi Forum.
	Cultural monitoring
DES49	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. 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. The Requiring Authority must notify the Iwi Forum in writing at least 10 working days prior to each milestone listed above, unless otherwise agreed in writing. Notification must include: (a) The proposed date and time of the activity. (b) A description of the works to be undertaken. (c) Site plans or locations for monitoring access. (d) Health and safety requirements for site access.

	General Advice Notes: • *The Requiring Authority is obliged to obtain all other necessary regional resource consents, and any other approvals (including but not limited to Engineering Plan approvals, Certificate of Acceptance, road traffic resolutions), that may be required to undertake any proposed works provided for by the designation.* • *The submission of an Outline Plan of Works (OPW) to Auckland Council is a requirement of s176A of the Resource Management Act 1991 unless the Requiring Authority requests an OPW waiver, and Auckland Council agrees to the waiver.*

Figure A: Designation Areas Plan

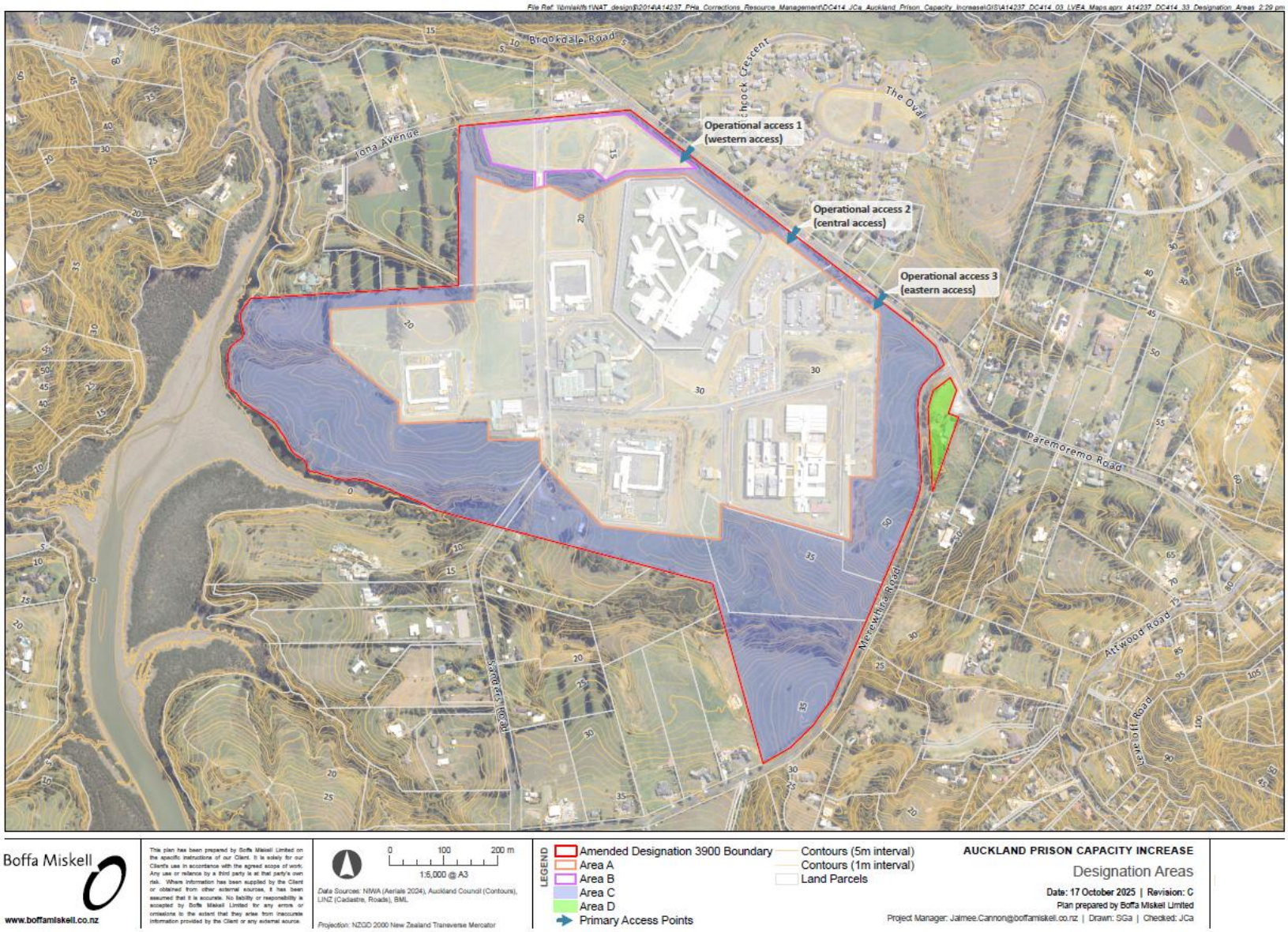


Figure B: Maximum Heights Plan

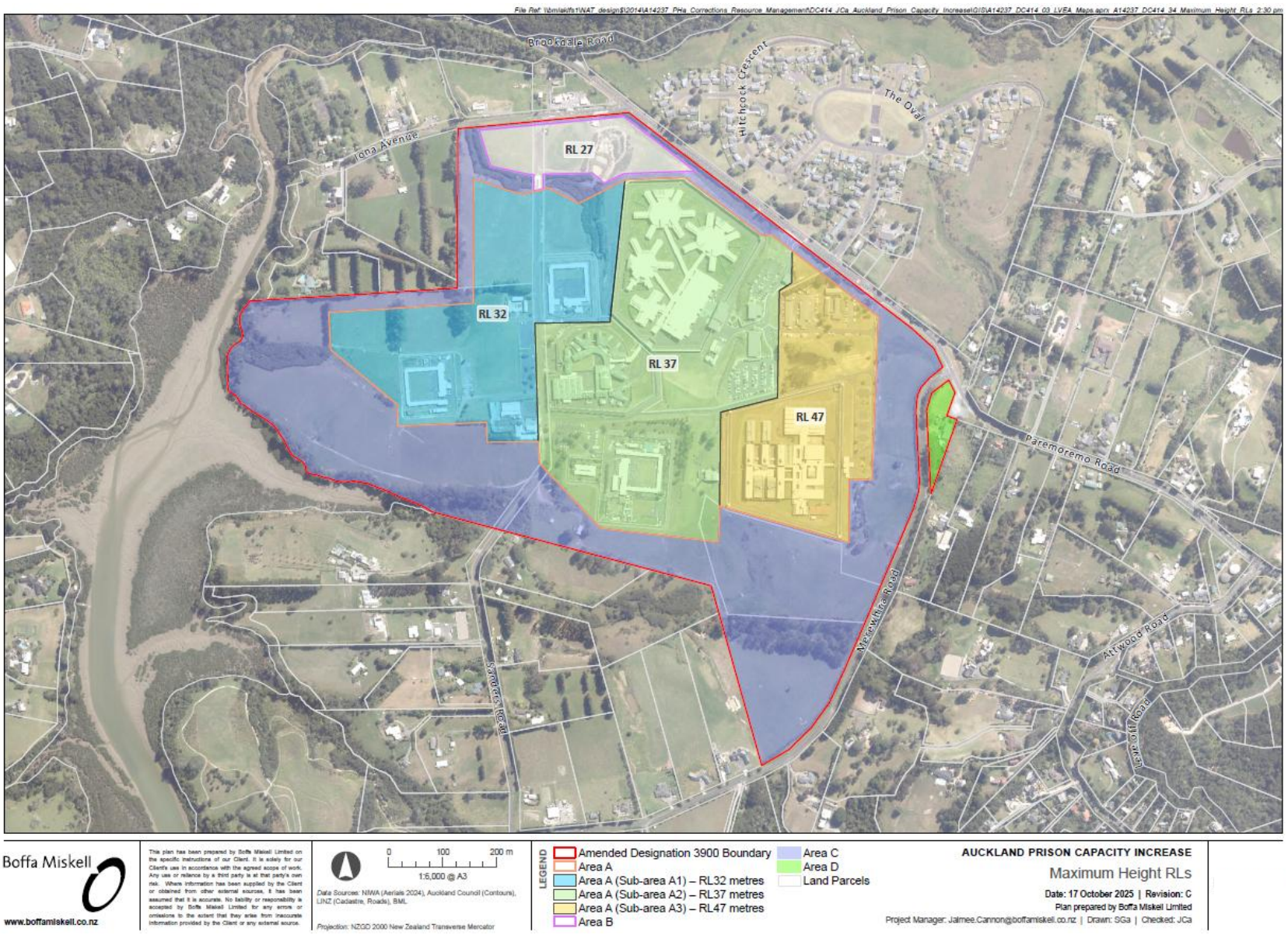
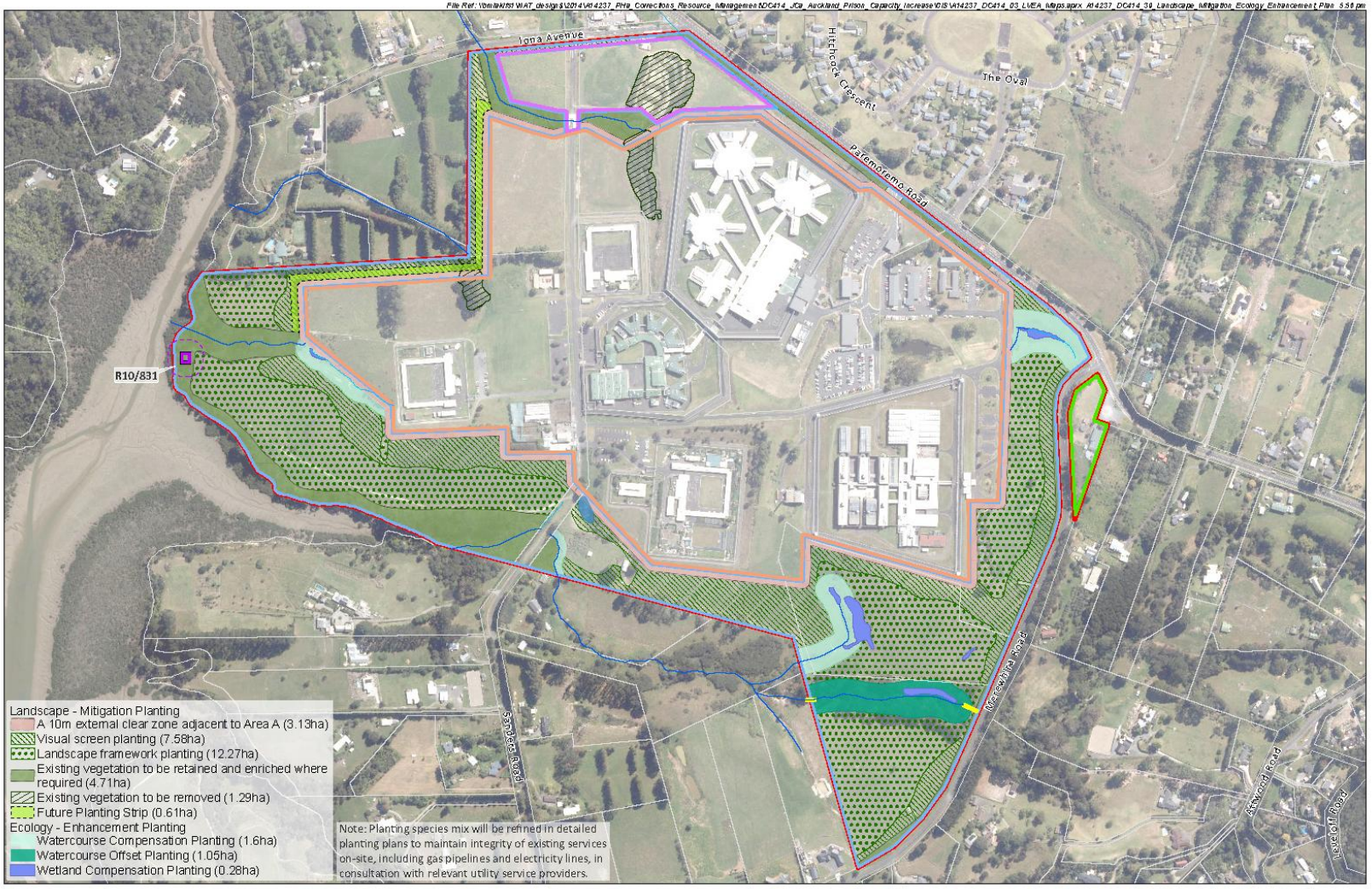


Figure C: Landscape Mitigation and Ecology Enhancement Plan (LMEEP)



APPENDIX 3 – RESOURCE CONSENT CONDITIONS

Auckland Council Reference	BUN60464166 – council administrative reference for the bundled consents listed below. LUC60464167 – earthworks and vegetation clearance land use activities (section 9(2); and earthworks on contaminated land (NES-CS and section 9(1)) LUS60464168 – watercourse works (NES-FW and sections 13 and 14) DIS60464169 – stormwater diversion and discharge (section 15) DIS60469034 – discharge of contaminants to land (section 15)
Applicant:	Department of Corrections
Determination Date:	6 October 2026
Lapse Date	10 years from determination date (under Schedule 5, clause 26 of the Fast-track Approvals Act 2024)
Duration and Expiry Date	For riparian vegetation clearance and earthworks activities, pursuant to Section 9(2) of the Resource Management Act 1991 (LUC60464167): 6 October 2041 For disturbance to contaminated land pursuant to section 9(1) of the Resource Management Act 1991 (LUC60464167): 6 October 2041 For works within a stream involving stream reclamation and associated disturbance pursuant to Sections 13 and 14 of the Resource Management Act 1991 (LUS60464168): 6 October 2041 For discharge of contaminants during disturbance-pursuant to Section 15 of the Resource Management Act 1991 (DIS60469034): 6 October 2041 For stormwater diversion and discharge pursuant to sections 9(2), 14 and 15 of the Resource Management Act 1991 (DIS60464169): 6 October 2061
Proposal	To extend the piping of watercourses (watercourses 1 and 2) and associated works to enable new facilities associated with capacity increase at Auckland Prison, Pāremoremo.
Location	530 Pāremoremo Road, Pāremoremo (Lot 4 DP 24508, Sect 1 SO 476557, Sect 3 SO 476557, Sect 2 SO 476557).

Definitions
Watercourse 1 – Permanent stream as shown on the Ecology Map prepared by Boffa Miskell (**Volume 3, Appendix 3A, Figure 3**).
Watercourse 2 – Intermittent stream and modified natural channel as shown on the Ecology Map prepared by Boffa Miskell (**Volume 3, Appendix 3A, Figure 3**)

<table>
<tr><th>Condition No.</th><th>Condition</th></tr>
<tr><td></td><td>BUN60464166
Conditions applying to all consents
General conditions that apply to all activities including general earthworks, riparian vegetation clearance, watercourse works (including stream diversion and reclamation and associated works within a stream), stormwater diversion and discharge, earthworks on contaminated land and discharge of contaminants from contaminated land.</td></tr>
<tr><td>01</td><td>Activity in general accordance with plans
(a) The proposed watercourse works (stream diversion and reclamation, and associated vegetation clearance, general earthworks, earthworks on contaminated land, discharge of contaminants, stormwater diversion and discharge and groundwater activities) must be carried out in general accordance with the plans and all information submitted with the application, detailed below, and all referenced as consent numbers BUN60464166, LUC60464167, LUS60464168, DIS60469034, and DIS60464169.
(b) Notwithstanding clause (a) where there is a conflict between the documentation listed below, and the specific requirements of a subsequent consent condition listed below, the subsequent consent condition prevails.
<table>
<tr><th>Title of Plan</th><th>Drawing Reference</th><th>Prepared by</th><th>Revision</th><th>Date</th></tr>
<tr><td>Location of Watercourse Works</td><td>N/A</td><td>Boffa Miskell Limited</td><td>A</td><td>11.03.26</td></tr>
<tr><td>Indicative Extent of Earthworks for Watercourse Works</td><td>N/A</td><td>Boffa Miskell Limited</td><td>A</td><td>09.03.26</td></tr>
<tr><td>Watercourse 1 and Watercourse 2 – Existing Layout</td><td>528563-W100-DRG-CC-0100</td><td>Aurecon</td><td>A</td><td>21.01.26</td></tr>
<tr><td>Civil Design – Overall Cut Fill Plan</td><td>528563-W100-DRG-CC-0300</td><td>Aurecon</td><td>A</td><td>21.01.26</td></tr>
<tr><td>Civil Design – Cut Fill Plan Watercourse 1</td><td>528563-W100-DRG-CC-0301</td><td>Aurecon</td><td>A</td><td>21.01.26</td></tr>
<tr><td>Civil Design – Cut Fill Plan Watercourse 2</td><td>W100-DRG-CC-0302</td><td>Aurecon</td><td>A</td><td>21.01.26</td></tr>
</table></td></tr>
</table>

Civil Watercourse 1 and 2 Stormwater Section View	528563-W100-DRG-CC-0370	Aurecon	A	21.01.26
Overall Watercourse 1 and 2 Stormwater Plan	528563-W100-DRG-CC-0700	Aurecon	A	21.01.26
Civil Watercourse 1 Stormwater Plan	528563-W100-DRG-CC-0701	Aurecon	A	02.10.2025
Civil Watercourse 2 Stormwater Plan	528563-W100-DRG-CC-0702	Aurecon	A	21.01.26
Civil Watercourse 1 and 2 Stormwater Section View	528563-W100-DRG-CC-703	Aurecon	A	21.01.2026
Watercourse 1 Long section	528563-W100-DRG-CC-0771	Aurecon	A	21.01.26
Watercourse 2 Long section	528563-W100-DRG-CC-0772	Aurecon	A	21.01.26
Standard Details Stormwater Manhole	528563-W100-DRG-CC-0773	Aurecon	A	21.01.26
Pipe Embedments – Standard Embedment for Concrete Pipes	528563-W100-DRG-CC-0774	Aurecon	A	21.01.26

Title of Report	**Prepared by**	**Revision**	**Date**
Assessment of Ecological Effects: Reclamation of Watercourses and riparian vegetation clearance	Boffa Miskell Limited	Final	26.03.26
Auckland Prison Capacity Increase Extension of Pipes at Watercourses –	Aurecon	2	26.03.2026

	Engineering Design Report				
	Ecological Management Plan (EcMP)	Boffa Miskell	Final	26.03.2026	
	Landscape Enhancement and Ecological Implementation and Management Plan (LEIMP)	Boffa Miskell	Final	26.03.2026	
	Earthworks and Contamination Management Plan (ECMP)	Aurecon	Final	26.03.2026	

02

Pre-start meeting:

Prior to the commencement of works that are the subject of these resource consents, the consent holder must hold a pre-start meeting that:

(a) is located on the subject site;

(b) is scheduled **not less than five working days** before the anticipated commencement of watercourse works;

(c) invites Auckland Council Compliance Monitoring staff; and

(d) includes representatives from the contractors who will undertake the works.

The meeting must discuss the methodologies for each activity (works within a stream, stream reclamation, construction of stormwater discharge and diversion, riparian vegetation clearance or earthworks) and must ensure all relevant parties are aware of and familiar with the necessary conditions of these consents.

The following information must be made available at the pre-start meeting:

(e) Resource consent conditions (for each relevant resource consent).

(f) Timeframes for key stages of the works authorised under relevant consents.

(g) Earthworks and Contamination Management Plan.

(h) Erosion and Sediment Control Plan.

(i) Construction Traffic Management Plan.

(j) Contact details of the site contractor and site stormwater engineer.

(k) Finalised Watercourse Works Methodology.

(l) Landscape Enhancement and Ecological Implementation and Management Plan (LEIMP).

(m) Ecological Management Plan including Native Fish Capture and Relocation Plan, Native Bird Management Plan and Bat Management Plan.

A pre-start meeting must be held prior to the commencement of any works authorised under these consents.

Advice Note:

To arrange the pre-start meeting required please contact the Council on monitoring@aucklandcouncil.govt.nz, or 09 301 01 01. The conditions of consent should be discussed at

	this meeting. All additional information required by the Council should be provided 2 days prior to the meeting.
03	**Monitoring Deposit** The consent holder must pay the Council an initial consent compliance monitoring charge of $3000 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to this consent. ***Advice Note:*** *The initial monitoring deposit is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consent(s). In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, must be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge. Only after all conditions of the resource consent have been met, will the council issue a letter confirming compliance on request of the consent holder.*
	LUC60464167 **For activities including general earthworks and riparian vegetation clearance pursuant to Section 9(2) of the Resource Management Act 1991**
	General earthworks
04	**Restrict earthworks to the earthworks season:** No earthworks on the subject site must be undertaken between 1 May and 30 September in any year, without the submission of a '*Request for winter works'* for approval to Council. No works must occur until written approval has been received from Council. All winter works will be re-assessed monthly or as required to ensure that adverse effects are not occurring in the receiving environment and approval may be revoked by Council upon written notice to the consent holder. ***Advice Note:*** *Any 'Request for winter works' submitted in accordance with condition 04 will be assessed on the level of risk, the propensity to manage that risk with contingency planning and a 'track record' of good compliance with consent requirements. Each 'Request for winter works' submitted, should include the following:* • *Description of works proposed to be undertaken between 01 May and 30 September and the duration of those works.* • *Details of proposed measures to prevent sediment discharge from these specific works, particularly during periods of heavy rainfall.* • *Details of area(s) already stabilised.* • *Revised erosion and sediment control plan detailing stabilisation to date and time line/staging boundaries showing proposed progression of stabilisation.* • *Location of treatment devices, sequencing/staging of works, monitoring of Erosion and Sediment Controls, long term and short term Erosion and Sediment Controls and stabilisation measures.* • *Contact details for contractor who will undertake stabilisation of the site including date(s) expected on site.* • *Alternatives/contingencies proposed if the contractor referred to above becomes unavailable.* • *Details of site responsibilities, specifically who is responsible for erosion and sediment controls and stabilisation processes over the specified period.*
05	**Advanced notification that earthworks will be beginning on site**

	The Council must be notified at least five (5) working days prior to earthwork activities commencing on the subject site.
06	**Ensure dust does not cause adverse effects** There must be no airborne or deposited dust beyond the subject site as a result of the earthworks activity, that is noxious, offensive or objectionable. ***Advice Note:*** *In accordance with this condition in order to manage dust on the site, consideration should be given to adopting the following management techniques:* • *stopping of works during high winds* • *watering of access tracks, stockpiles and manoeuvring areas during dry periods* • *grassing or covering of stockpiles* • *positioning of access tracks, manoeuvring areas and stockpiles or the staging of works (in relation to sensitive receptors such as dwellings)* *In assessing whether the effects are noxious, offensive or objectionable, the following factors will form important considerations:* • *The frequency of dust nuisance events* • *The intensity of events, as indicated by dust quantity and the degree of nuisance* • *The duration of each dust nuisance event* • *The offensiveness of the discharge, having regard to the nature of the dust* • *The location of the dust nuisance, having regard to the sensitivity of the receiving environment.* *It is recommended that potential measures are discussed with the Council's monitoring officer who will guide you on the most appropriate approach. Please contact the Council on [monitoring@aucklandcouncil.govt.nz and/or or 09 301 01 01] for more details. Alternatively, please refer to the Ministry for the Environment publication "Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions"*
07	**Sediment/erosion control in accordance with a certified plan** Prior to the commencement of earthworks activity on the subject site, a finalised Erosion and Sediment Control Management Plan (ESCP) must be prepared in general accordance with: (a) Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region – GD05; (b) the ESCP outlined within Section 5.6 and Appendix F of the Report titled "Extension of Pipes at Watercourses – Engineering Design Report" prepared by Aurecon, dated 26 March 2026. The ESCP must address the following matters: (c) specific erosion and sediment control works (location, dimensions, capacity); (d) supporting calculations and design drawings; (e) catchment boundaries and contour information; (f) details of construction methods; (g) timing and duration of construction and operation of control works (in relation to the staging and sequencing of earthworks); (h) details relating to the management of exposed areas (e.g. grassing, mulching);

	(i) location of stockpiles, ensuring that sediment or material excavated from the bed of the stream is stockpiled outside the very high or high flood hazard areas; and (j) monitoring and maintenance requirements. The finalised ESCP must be submitted to Council for certification confirming that it addresses the requirements of this condition, prior to commencement of earthworks activity. The ESCP may be amended at any time. Any minor amendments must be agreed to in writing by Council prior to implementation of any changes. Re-certification is not required if Council confirms those minor amendments are within scope of the certified ESCP.
08	**Ensure the quality of fill used on the site is acceptable** All imported fill used must: (a) comply with the definition for 'cleanfill material' in the Auckland Unitary Plan (Operative in Part) – (Chapter J1 Definitions) as it is defined at the commencement of consent. (b) be solid material of a stable, inert nature; and (c) not contain hazardous substances or contaminants above recorded natural background levels of the site.
09	**Ensure controls are in place until approved to be removed** Notice must be provided to the Council at least two (2) working days prior to the removal of any erosion and sediment control works specifically required by the Erosion and Sediment Control Plan required by Condition 07.
10	**Staging of earthworks – site management and erosion** The site must be progressively stabilised against erosion at all stages of the earthwork activity, and must be sequenced to minimise the discharge of contaminants to groundwater or surface water in accordance with Erosion and Sediment Control Plan required by Condition 07.
11	The operational effectiveness and efficiency of any erosion and sediment control measures must be maintained throughout the duration of the earthworks activity, or until the site is permanently stabilised against erosion. A record of any maintenance work must be kept and be supplied to Auckland Council upon request in accordance with the certified Erosion and Sediment Control Plan required by Condition 07.
12	**Manage erosion if work stopped/completed** Immediately upon completion or abandonment of earthworks on the subject site authorised by this consent, all areas of bare earth must be permanently stabilised against erosion. ***Advice Note:*** *In accordance with " GD05 Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland region" , measures to stabilise against erosion may include:* • *the use of mulching* • *top-soiling and grassing of otherwise bare areas of earth* • *aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward* • *natural fibre for a stream channel.*
13	**Prevent sediment-laden water in stormwater/ waterways from roads** Earthworks must be managed to avoid deposition of earth, mud, dirt or other debris on any public road or footpath resulting from earthworks activity on the subject site. In the event that such deposition does occur,

	it must immediately be removed. In no instance must roads or footpaths be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters. ***Advice Note:*** *In order to prevent sediment laden water entering waterways from the road, the following methods may be adopted to prevent or address discharges should they occur:* • *provision of a stabilised entry and exit(s) point for vehicles* • *provision of wheel wash facilities* • *ceasing of vehicle movement until materials are removed* • *cleaning of road surfaces using street-sweepers* • *silt and sediment traps* • *catchpits or enviropods* *In no circumstances should the washing of deposited materials into drains be advised or otherwise condoned.* *Please refer to " GD05 Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland region".*
14	**Pumping & Dewatering Management Plan (PDMP)** Prior to the commencement of earthworks activity on the subject site, a Pumping & Dewatering Management Plan (PDMP) must be submitted to Council. The PDMP must include as a minimum: (a) Dewatering management procedures for any dewatering of sediment laden water accumulated within excavations at the site; (b) Details to confirm how a clarity of 100mm or greater (GD05 dewatering standards) will be achieved for any accumulated sediment laden runoff that is pumped and dewatered from the site's excavation, prior to its discharge off site; and (c) Monitoring & maintenance requirements. The finalised PDMP must be submitted to Council for certification confirming that it addresses the requirements of this condition. All dewatering activities undertaken throughout the duration of earthworks at the Site, must be undertaken in accordance with the certified Pumping & Dewatering Management Plan. ***Advice Note:*** *In the event that minor amendments to the PDMP are required, any such amendments must be limited to the scope of this consent. Any minor amendments should be provided to the Council prior to implementation to confirm that they are within the scope of this consent.*
15	**Chemical Treatment Management Plan (ChTMP)** Prior to the commencement of earthworks activity at the site, if a chemical treatment system is proposed to be used, a Chemical Treatment Management Plan (ChTMP) must be submitted to the Council. The plan must include as a minimum: (a) Specific design details of a chemical treatment system based on a pumped and/or batch dosing methodology for any secondary sediment treatment devices utilised throughout the duration of earthworks at the Site; (b) Monitoring, maintenance (including post storm) and contingency programme (including a record sheet);

	(c) Details of optimum dosage (including assumptions); (d) Results of initial chemical treatment trial; (e) A spill contingency plan; and (f) Details of the person or bodies that will hold responsibility for long term operation and maintenance of the chemical treatment system and the organisational structure which will support this system. The finalised ChTMP must be submitted to Council for certification confirming that it addresses the requirements of this condition. All secondary treatment devices utilised throughout the duration of earthworks at the site, must be chemically treated in accordance with the certified Chemical Treatment Management Plan.
	Riparian vegetation clearance
16	**Ecological Management Plan** Vegetation clearance at watercourses 1 and 2, and as identified as "vegetation to be removed" on the Location of Watercourse works Plan, prepared by Boffa Miskell dated 11 March 2026, must be undertaken in accordance with the Ecological Management Plan (EcMP) prepared by Boffa Miskell and dated 26 March 2026. The EcMP may be amended at any time by a suitably qualified and experienced ecologist. Any minor amendments must be agreed to in writing by Council prior to implementation of any changes. Re-certification is not required if Council confirms those minor amendments are within scope of the approved or certified EcMP.
17	**Ecological offsetting and compensation planting (for loss of Watercourses 1 and 2 and riparian vegetation)** The consent holder must implement the following in accordance with the Landscape Mitigation and Ecology Enhancement Plan (LMEEP), prepared by Boffa Miskell, dated 30 July 2026: (a) Plant the following areas: (i) Watercourse compensation planting (1.66 ha) (ii) Watercourse offset planting (1.05 ha) (iii) Wetland compensation planting (0.28 ha) (b) Provide fish passage by replacing the western culvert and introducing fish passage structures at the eastern culvert outlet, at Watercourse 6 within the Auckland Prison site, in accordance with Condition 19. The above planting must be implemented and maintained (including pest and weed management and control) in general accordance with the Landscape and Ecological Implementation and Management Plan (LEIMP) prepared by Boffa Miskell, dated 26 March 2026 (or any subsequent updated LEIMP prepared by a suitably qualified and experienced ecologist or landscape architect, and certified by Auckland Council). Re-certification is not required if Council confirms minor amendments are within scope of the approved LEIMP and any changes to the LEIMP are clearly identified.
18	All ecological offset and ecological compensation planting must be completed prior to the removal of vegetation surrounding Watercourses 1 and 2. The replacement plants must be eco-sourced.
19	**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) must be upgraded and designed 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: (i) materially increasing flood levels up stream or downstream of the structure; and (ii) increasing inundation of buildings on other properties in rainfall events up to and including the 1 per cent annual exceedance probability (AEP). (c) the structure must not prevent the passage of fish upstream and downstream, except that temporary restrictions to fish passage may occur 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. The outlet of the eastern culvert abutting Merewhira Road (shown on the LMEEP) must be improved 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 confirming that the design addresses the requirements of this condition 19 prior to commencement of the reclamation works within Watercourse 1. ***Advice Note:*** • *Culvert improvements should be aligned with New Zealand Fish Passage Guidelines (NIWA 2024).* • *Hydraulic modelling for culvert design is to be based on the assumption that the culverts are functioning as designed and are free of blockage, consistent with accepted engineering practice.*
	LUS60464168 **For Watercourse works - including stream diversion and reclamation and associated works within a stream under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 and pursuant to Sections 13 and 14 of the Resource Management Act 1991.**
20	Prior to the commencement of watercourse works activity on the subject site, a finalised watercourse works methodology must be submitted to Council. The finalised watercourse works methodology must be prepared in general accordance with the application documents (including Section 5 of the Report titled "Extension of Pipes at Watercourses - Engineering Design Report" prepared by Aurecon, dated 26 March 2026), and in accordance with Auckland Council's Guideline Document 2016/005 *Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region* (GD05) and must include, but is not limited to: (a) specific erosion and sediment control works for the watercourse works; (b) management of contaminants to water (e.g. hydrocarbons, construction materials); (c) methodology for diverting upstream flows during the watercourse works, including how sufficient flow will be maintained at all times below the site of the works to maintain in-stream biota; (d) details of construction methods; (e) supporting calculations and design drawings; (f) monitoring and maintenance requirements; (g) details relating to the management of exposed areas (e.g. grassing, mulching, geotextile); (h) details of final streambed remediation or stabilisation upon completion of stream works.

	The finalised watercourse works methodology must be submitted to Council for certification confirming that it addresses the requirements of this condition. The watercourse works methodology may be amended at any time. Any minor amendments must be agreed to in writing by Council prior to implementation of any changes. Re-certification is not required if Council confirms those minor amendments are within scope of the certified watercourse works methodology. ***Advice Note:*** *The finalised Watercourse Works Methodology may be included and incorporated into the site's Erosion and Sediment Control Plan. In the event that minor amendments to either the Watercourse Works Methodology or the Erosion and Sediment Control Plan are required, any such amendments should be limited to the scope of this consent. Any minor amendments should be provided to Auckland Council prior to implementation to confirm that they are within the scope of this consent.*
21	**Native Fish Capture and Relocation Plan** The works that are the subject of the consent application must be undertaken in accordance with the Native Fish Capture and Relocation Plan, prepared by Boffa Miskell, dated 26 March 2026 and contained within the EcMP. The Native Fish Capture and Relocation Plan may be amended at any time by a suitably qualified and experienced ecologist. Any minor amendments must be agreed to in writing by Council prior to implementation of any changes. Re-certification is not required if Council confirms those minor amendments are within scope of the approved Native Fish Capture and Relocation Plan.
22	**Ecological offsetting and compensation planting (for loss of Watercourses 1 and 2 and riparian vegetation):** The consent holder must implement the following in accordance with the Landscape Mitigation and Ecology Enhancement Plan (LMEEP), prepared by Boffa Miskell, dated 30 July 2026: (a) Plant the following areas: (i) Watercourse compensation planting (1.6 ha) (ii) Watercourse offset planting (1.05 ha) (iii) Wetland compensation planting (0.28 ha) (b) Provide fish passage by replacing the western culvert and introducing fish passage structures at the eastern culvert outlet, at Watercourse 6 within the Auckland Prison site, in accordance with Condition 19. The above planting must be implemented and maintained (including pest and weed management and control) in general accordance with the Landscape and Ecological Implementation and Management Plan (LEIMP) prepared by Boffa Miskell, dated 26 March 2026 (or any subsequent updated LEIMP prepared by a suitably qualified and experienced ecologist or landscape architect, and certified by Auckland Council). Re-certification is not required if Council confirms minor amendments are within scope of the approved LEIMP and any changes to the LEIMP are clearly identified.
23	All ecological offset and ecological compensation planting must be completed prior to the removal of vegetation surrounding Watercourses 1 and 2. The replacement plants must be eco-sourced.
24	During any periods of flow greater than the capacity of the diversion, up to the 100 year flood event, a stabilised flow path, in accordance with Auckland Council's Guidance Document: *Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland region* (GD05) must be provided. Any stabilised flow path must be designed and implemented to ensure: (a) no scour or erosion occurs; (b) no sediment is generated or discharged to water; and

	(c) flows pass safely around or through the area of works, with minimum nuisance and damage to infrastructure and properties from obstruction of flows or flood debris.
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. Refuelling and lubrication activities must be carried out 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. The use of grouts and concrete products must also be limited adjacent to the watercourse with all mixing of products carried out outside the very high or high flood hazard areas such that any spillage can be contained so it does not enter the watercourses associated with these consents.
26	The consent holder must ensure that all machinery operates from the stream banks at all times. No machinery may enter the wetted cross section of a watercourse at any time.
27	The works within watercourse channels must only occur during periods when all flows, normal for the time of year the works are undertaken can be diverted around the area of works (and managed in accordance with Condition 24).
28	**Seasonal restrictions and monitoring** Notwithstanding condition 27 above, watercourse works on the subject site must not be undertaken between the following time periods without a 'winter works' approval from Council: (a) 1 May and 30 September in any year as it relates to Watercourse 1; (b) 1 May and 30 October in any year, as it relates to Watercourse 2, ***Advice Note:*** *Any 'Request for winter works' will be assessed against criteria in line with the information required to assess a comprehensive application. Principally that will focus on the level of risk, the propensity to manage that risk with contingency planning and a 'track record' of good compliance with consent conditions. Each 'Request for winter works' submitted, should include the following:* • *Description of works proposed to be undertaken between 30 April and 1 October and the duration of those works;* • *Details of proposed measures to prevent sediment discharge from these specific works, particularly during periods of heavy rainfall;* • *Details of area(s) already stabilised;* • *Revised erosion and sediment control plan detailing stabilisation to date and timeline/staging boundaries showing proposed progression of stabilisation;* • *Contact details for contractor who will undertake stabilisation of the site including date(s) expected on site;* • *Alternatives/contingencies proposed if the contractor referred to above becomes unavailable; and* • *Details of site responsibilities, specifically who is responsible for erosion and sediment controls and stabilisation processes over the specified period.*
	DIS60464169 **To authorise stormwater diversion and discharge from new outfall structures at Watercourses 1 and 2 pursuant to Sections 14 and 15 of the Resource Management Act 1991**
29	**<u>Duration of consent</u>**

	Stormwater diversion and discharge permit DIS60464169 shall expire in 35 years, on 6 October 2061, unless it has lapsed, been surrendered or been cancelled at an earlier date.
30	**Certification of stormwater management works (As-built plans)** As-Built plans of the new outfall structures, which are certified (signed) by a suitably qualified registered surveyor as a true record of the stormwater management system, must be provided to the Council upon completion of the works. The As-Built plans must display the new outfall structures, and must include: (a) the surveyed location (to the nearest 0.1m) and level (to the nearest 0.01m) of the discharge structure, with co-ordinates expressed in terms of NZTM and LINZ datum; (b) documentation of any discrepancies between the design plans and the As-Built plans.
31	**Operation and Maintenance** The stormwater outfalls authorised by this consent must be operated and maintained to ensure that: (a) the outfall structures remain free of blockages and excessive debris, (b) the outfall structures continue to function as designed, and do not cause erosion, scour, sediment accumulation, or other adverse environmental effects; and (c) Watercourses 1 and 2 are clear from obstructions, erosion or hazards to safety.
	DIS60469034 **For discharge of contaminants from contaminated land pursuant to Section 15 of the Resource Management Act 1991.** **LUC60464167** **For activities including earthworks on contaminated land under the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, pursuant to Section 9(1) of the Resource Management Act 1991.**
32	**Earthworks and Contamination Management Plan** Works must be undertaken in general accordance with the Earthworks and Contamination Management Plan (ECMP) prepared by Aurecon dated 26 March 2026 (or any subsequent updated ECMP prepared by a suitably qualified and experienced practitioner, and certified by Auckland Council). The ECMP may be amended at any time by a suitably qualified and experienced professional. Any minor amendments must be agreed to in writing by Council prior to implementation of any changes. Re-certification is not required if Council confirms those minor amendments are within scope of the certified ECMP.
33	**Works Completion Report** Within three months of the completion of the Works, a Works Completion Report (WCR) must be submitted to the Council for review and certification. The WCR must contain sufficient detail to address the information in Table 9 of the ECMP and include the following matters: (a) A summary of the works undertaken, including the location and dimensions of the excavations carried out and the volume of soil excavated; (b) Conditions of the final site contamination profile, including details and results of any validation testing undertaken (with a map of sampling locations and tabulated sampling results) and interpretation of the results in the context of the NES-CS and the AUP; (c) Records/evidence of the appropriate disposal for any material removed from the site; (d) Records of any unexpected contamination encountered during the works and response actions, if applicable;

	(e) Any on-going monitoring and/or management measures required to minimise risks to human health or the environment as a result of the final site contamination profile. (f) Reports of any complaints, health and safety incidents related to contamination, and/or contingency events during the remedial works; and (g) A statement certifying that all works have been carried out in accordance with the requirements of the consent, otherwise providing details of relevant breaches, if applicable.

APPENDIX 4 – WILDLIFE APPROVAL CONDITIONS

Schedule 1	
Wildlife Approval Reference:	127201-FAU
Fast Track Approvals reference:	FTAA-2603-1179
Approval Holder:	Department of Corrections
Determination Date:	6th October 2026
Lapse date	6th October 2051
Term **(Schedule 1, clause 1)**	25-year period, commencing on 6th October 2026
Authorised Personnel **(Schedule 1, clause 2)**	Katherine Muchna, Boffa Miskell (Project Herpetologist) and/or Matt Turner, Boffa Miskell (Project Herpetologist).
Authorised Activity **(Schedule 1, clause 3)**	1. To catch alive, handle and liberate wildlife (lizards) listed below. 2. To incidentally kill the protected wildlife listed below provided all reasonable steps are taken in accordance with the Lizard Management Plan to avoid killing wildlife.
Species **(Schedule 1, clause 4)**	Copper skink (*Oligosoma aeneum*) Ornate skink (*Oligosoma ornatum*)
Location **(Schedule 1, clause 5)**	530 Pāremoremo Road, Pāremoremo (Lot 4 DP 24508, Sect 1 SO 476557, Sect 3 SO 476557, Sect 2 SO 476557) and 505 Pāremoremo Road (Sec 1 SO 66966).

Schedule 2: Definitions	
Term	**Definition**
Lizard Habitat Area	The areas on the Auckland Prison site (within Areas A and B) that contain suitable lizard habitat and are indicated on the plans Appendix 4A to Volume 4 - Wildlife Approval Application for Auckland Prison Capacity Increase Proposal.
Lizard Release Site	The area shown as “Lizard Release Site” in Figure 3, of the Lizard Management Plan, prepared by Boffa Miskell, dated 26 March 2026 provided in Appendix 4B to Volume 4 - Wildlife Approval Application for Auckland Prison Capacity Increase Proposal.

Schedule 3: Special conditions	
Condition No.	**Condition**
	General
WAA01	The Approval Holder is only authorised to salvage, release and incidentally kill wildlife that are listed in the Wildlife Approval Application (*Application*) using methods described in the application including the Lizard Management Plan (LMP) for Auckland Prison Capacity Increase, prepared by Boffa Miskell and dated 26 March 2026 or subsequent updated and certified Lizard Management Plan in accordance with condition WAA02. This includes: (a) Lizard capture, handling and release must be undertaken between 1 October and 30 April when lizards are most active. (b) Pre-construction lizard survey to ascertain the absence/presence of lizard species through a thorough lizard survey of suitable lizard habitat immediately prior to commencement of earthworks that may disturb lizards, or lizard habitat removal. (c) If lizards are detected, prior to disturbance to lizard habitat, the lizards shall be salvaged and released into the lizard release site. (d) Land use practice continuation after lizard salvage (section 6.2.3 of the LMP) (e) Lizard fencing is installed and maintained where required (section 6.2.4 of the LMP). (f) Lizard capture and handling must involve only techniques that minimise the risk of infection or injury to the animal including: (i) Lizards must only be handled by Authorised Personnel [being person named as the approved herpetologist], or under the direct supervision of the Authorised Personnel. (ii) Best practice methods and hygiene protocols as detailed in the Department of Conservation's herpetofauna inventory and monitoring methods toolbox https://www.doc.govt.nz/our-work/biodiversity-inventory-and-monitoring/herpetofauna/. (iii) Prior to release, lizards are temporarily held individually in a suitable container (e.g. breathable cloth bag), with one lizard per container / holding bag, and held out of direct sunlight to minimise the risk of overheating, stress and death. (iv) Covering live lizard capture traps to protect lizards from exposure and minimise stress. (v) Checking all live lizard capture traps (e.g. pitfall traps and G-minnow traps), at least every 24 hours. Advice Note: 1. Section 3.0 of the LMP notes that if earthworks are undertaken in areas outside of (but near to) identified areas of lizard habitat prior to the pre-construction lizard survey, a lizard proof fence must be installed between the earthworks areas and lizard habitat prior to works commencing (refer Condition WAA12).
WAA02	The Authority Holder may propose to vary the LMP at any time. Any proposed variation must be prepared by a Suitably Qualified Person and must be submitted to the Department of Conservation via permissions@doc.govt.nz for certification to ensure the LMP remains appropriate for achieving the purpose of LMP and that any proposed changes remain appropriate pursuant to the Wildlife Act.
WAA03	No proposed variation(s) to the LMP are valid unless certified by the Director- General of Conservation.

WAA04	At least one week prior to the pre-construction lizard salvage and release event, the Approval Holder will notify the Department of Conservation of: (a) The date when the lizard salvage and release activity will be undertaken. (b) The name(s) of the Authorised Personnel. (c) Confirmation from the Authorised Personnel that the Lizard Release Site is ready for the intake of lizards.
WAA05	The Approval Holder must perform actions as set out in the contingencies/adaptive management sections of the certified Lizard Management Plan for Auckland Prison Capacity Increase to ensure adequate mitigation of effects has been achieved.
	Lizard Release Site Design Plan Certification and Implementation
WAA06	At least 6 months prior to the pre-construction salvage and release of lizards, the Approval Holder shall submit for certification, by the Department of Conservation, a design plan for the lizard release site. The design plan shall be prepared in consultation with authorised personnel.
WAA07	The lizard release site design plan certified under Condition WAA06, shall be implemented at least 6 months prior to the pre-construction salvage and release of lizards commencing.
WAA08	At least 6 months prior to the pre-construction salvage and release of lizards, the lizard release site shall be subject to predator control measures, in accordance with the Pest Animal Management Plan (PAMP) prepared by Boffa Miskell, dated 26 March 2026, and if lizards are salvaged and released to the lizard release site, shall receive ongoing predator control for three years after the final lizard transfer. If lizards are not salvaged and released into the Lizard Release Site then predator management may cease as per the PAMP.
	Death of wildlife associated with salvage activities
WAA09	If any lizards should die during the authorised activities of catch, transfer or liberate, the Approval Holder must: (a) inform the Auckland Operations Manager as soon as possible; (b) chill the body if it can be delivered within 72 hours, or freeze the body if delivery will take longer than 72 hours; (c) send the body to the Auckland DOC office if requested by the Operations Manager; (d) pay for any costs incurred in investigation of the death of any lizard; and (e) if required by the Auckland Operations Manager, cease the Authorised Activity for a period determined by the Director-General.
	Euthanasia
WAA10	If any lizards are found injured as part of the Authorised Activity, the Approval Holder shall contact Authorised Personnel to get advice on management of the lizard. The Approval Holder is authorised to euthanise injured lizard(s) on recommendation of the Authorised Personnel or a veterinarian.
	Lizard Salvage Reporting
WAA11	By 30 June each year following a lizard salvage and release activity, a report is to be submitted in writing to the Operations Manager for Auckland (auckland@doc.govt.nz and permissionshamilton@doc.govt.nz), summarising outcomes in accordance with the certified Lizard Management Plan. Each report must include: (a) the Project name; and

	(b) the species and number of any lizards salvaged and released; and (c) the GPS location (or a detailed map) of the collection point(s) and release point(s); and (d) results of all surveys, monitoring or research; and (e) a description of how the Lizard Management Plan was implemented including any difficulties encountered with capture and handling, how release sites were assessed, post release monitoring and what contingency actions were required. Completed Amphibian and Reptile Distribution System (ARDS) cards for all herpetofauna sightings and captures (http://www.doc.govt.nz/conservation/native-animals/reptiles-and-frogs/species-information/herpetofauna-data-collection/ards-card/) must be sent to Herpetofauna, Department of Conservation, National Office, PO Box 10420 Wellington 6143 or herpetofauna@doc.govt.nz. Advice note: 1. If the pre-construction lizard survey detects no lizards, and/or no salvage and release activities occur the preceding year(s), the reporting requirements do not apply.
	Construction works outside of potential lizard habitat areas
WAA12	Prior to any physical construction works occurring in areas near but outside of lizard habitat area, lizard habitat areas shall be identified and a temporary fence set back 5 metres from lizard habitat areas shall be installed to clearly demarcate and protect lizard habitat areas. The fence will be made from sheer polythene fencing material and shall be erected following details in section 6.2.4 of the LMP and under advice or supervision from the Authorised Personnel.
	Review and Certification of Lizard Management Plan
WAA13	The Approval Holder shall review the LMP and resubmit it to the Director-General for certification on or before each date that is 10 years from the Approval date, unless the pre-construction lizard survey and all salvage activities authorised by this WAA are completed before the 10-year review period, in which case the LMP review and resubmission is not necessary. The purpose of the review is to reassess habitat conditions, habitat extent and characteristics and update the LMP to reflect current species knowledge, best practice lizard management and mitigation techniques. Any proposed amendment to the LMP must: (a) be prepared by a suitably qualified and experienced person with expertise in lizards; (b) be for the purpose set out above; (c) meet the objectives of the LMP and the requirements set out in condition WAA14; and (d) be submitted to the local Operations Manager (auckland@doc.govt.nz) of the Department of Conservation, on behalf of the Director-General of Conservation, for certification that conditions WAA13 and WAA14 have been satisfied.
WAA14	The Director-General will certify an amendment to the LMP if it includes processes for the following, in a manner that will achieve the LMP objective and the purpose of the review: (a) Credentials and contact details of the suitably qualified and experienced ecologist/herpetologist who will implement the plan; (b) Timing of the implementation of the LMP; (c) A description of methodology for survey, trapping and relocation of lizards rescued including but not limited to: (i) salvage protocols; (ii) relocation protocols (including method used to identify suitable relocation site(s));

	(i) nocturnal and diurnal capture protocols; (ii) supervised habitat clearance/transfer protocols; (iii) artificial cover object protocols; and. (iv) opportunistic relocation protocols. (b) A description of the lizard release site(s); including: (i) provision for additional refugia, if required e.g. depositing salvaged logs, wood or debris for newly released native skinks that have been rescued; (ii) any protection mechanisms (if required) to ensure the relocation site is maintained (e.g.) covenants, consent notices etc; and (iii) any weed and pest management to ensure the relocation site is maintained as appropriate habitat.
	Procedural Advice Notes
	Compliance with Legislation and Director-General's Notices and Directions The Approval Holder must comply with all statutes, bylaws, and regulations, and all notices, directions, and requisitions of the Director-General and any competent authority relating to the exercise of the Approval.
	Department of Conservation Operations Manager(s) for Auckland [auckland@doc.govt.nz] are to be contacted immediately for further advice if wildlife other than lizards are located within the footprint of the development or within the lizard release site. A separate application to kill non-authorised species will be required.

Schedule 4: Standard terms and conditions

Condition No.	Condition
	Interpretation
WAA15	The Approval Holder is responsible for the acts and omissions of its employees, contractors or agents. The Approval Holder is liable under this Authority for any breach of the terms of the Authority by its employees, contractors or agents as if the breach had been committed by the Approval Holder.
WAA16	Where obligations bind more than one person, those obligations bind those persons jointly and separately
	What is being authorised?
WAA17	The Approval Holder is only allowed to carry out the Authorised Activity in the Land described in Schedule 1, clause 5.
WAA18	Any arrangements necessary for access over land that is controlled, owned, or managed by someone other than the Department of Conservation are the responsibility of the Approval Holder. In granting this authorisation the Grantor does not warrant that such access can be obtained.

WAA19	The Approval Holder must immediately notify the Department of Conservation of any taxa found which are new to science. In addition, the Approval Holder must lodge holotype specimens and a voucher specimen of any new taxa with a recognised national collection.
	Who is authorised?
WAA20	Only the Authorised Personnel described in Schedule 1, clause 2 are authorised to carry out the Authorised Activity, unless otherwise agreed in writing by the Director-General for Conservation.
	What are the liabilities?
WAA21	The Approval Holder agrees to exercise the Authority at the Approval Holder's own risk and releases to the full extent permitted by law the Department of Conservation employees and agents from all claims and demands of any kind and from all liability which may arise in respect of any accident, damage or injury occurring to any person or property arising from the Approval Holder's exercise of the Authorised Activity.
WAA22	The Approval Holder must indemnify the Director-General of Conservation against all claims, actions, losses and expenses of any nature which the Director-General of Conservation may suffer or incur or for which the Director-General of Conservation may become liable arising from the Approval Holder's exercise of the Authorised Activity.
WAA23	This indemnity is to continue after the expiry or termination of this Authority in respect of any acts or omissions occurring or arising before its expiry or termination.
	What about compliance with legislation and Director-General of Conservation's notices and directions?
WAA24	The Approval Holder must comply with all statutes, bylaws and regulations, and all notices, directions and requisitions of the Director-General of Conservation and any competent Authority relating to the exercise of this Approval.
	Revocation
WAA25	The Director-General of Conservation may revoke this Authority (pursuant to clause 7(4) of Schedule 7 of the Fast-track Approvals Act 2024) at any time in respect of the whole or any part of Authorised Activity if: a. the Approval Holder breaches any of the conditions of this Approval; or b. in the Director-General's opinion, the carrying out of the Authorised Activity causes or is likely to cause any unforeseen or unacceptable effects.
WAA26	If the Director-General of Conservation intends to revoke this Approval in whole or in part, the Director-General must give the Approval Holder such prior notice as appears reasonable and necessary in the circumstances.
	What about the payment of costs?
WAA27	The Approval Holder must pay the standard Department of Conservation charge-out rates for any staff time and mileage required to monitor compliance with this Approval and to investigate any alleged breaches of the terms and conditions of it.
	What about Progress or final reports?
WAA28	If the Director-General of Conservation so requests, the Approval Holder must keep the Director-General of Conservation and relevant Treaty partners informed on the progress of the Authorised Activities. Upon completion of the Activities and in accordance with any reasonable request from the

	Director-General, the Authority Holder must forward a copy of the research findings, reports and publications to the Director-General of Conservation. The Approval Holder acknowledges that the Director-General may provide copies of these findings to relevant Treaty partners.
	Are there any special conditions?
WAA29	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.
	Can the Authority be varied?
WAA30	The Approval Holder may apply to the Director-General of Conservation for variations to this Approval in accordance with clause 7(2) of Schedule 7 of the Fast-track Approvals Act 2024.

APPENDIX 5 – ARCHAEOLOGICAL AUTHORITY CONDITIONS

ARCHAEOLOGICAL AUTHORITY

AUTHORITY DETAILS

Authority Number: Heritage New Zealand reference: 2026/769

Fast Track Approvals reference: FTAA-2603-1179

Determination Date: 6 October 2026 **Expiry Date:** 25 years

Authority Holder: Department of Corrections

Archaeological Sites: Potential subsurface archaeological sites

Location: Lot 4 DP 24508, Lot 3 DP 64525, Section 1 SO 476557, Section 3 SO 476557, Section 2 SO 476557 and Section 1 SO 66966

Section 45 Approved Person: Ellen Cameron

Landowner Consent: Landowner consent has been provided to Heritage New Zealand Pouhere Taonga to satisfy clause 6(1) of Schedule 8 of the Fast-track Approvals Act 2024**.**

DETERMINATION

The FTAA Expert Consenting Panel grants an archaeological authority pursuant to section 81 of the Fast-track Approvals Act 2024 and section 48 of the Heritage New Zealand Pouhere Taonga Act 2014 in respect of the archaeological sites described above, within the areas specified in the location above, to the Department of Corrections for earthworks to enable the increase in capacity at Auckland Prison, 530 Pāremoremo Road, Pāremoremo, Auckland (archaeological works), subject to the following conditions:

CONDITIONS OF AUTHORITY

No.	Condition
Before Works	
AA01	**Start Work Notification** The Authority Holder must advise Heritage New Zealand Pouhere Taonga (HNZPT) of the date when archaeological works will begin at least two working days before archaeological works start.
AA02	**Archaeological Management Plan** All works must be undertaken in accordance with the Archaeological Management Plan prepared by Ellen Cameron titled "*Archaeological Management Plan for Auckland Prison Capacity Increase, Site Wide Authority Application prepared for Department of Corrections - Ara Poutama Aotearoa*" dated March 2026 (AMP).

	The Authority Holder may update the AMP by submitting the amended AMP in writing to HNZPT for its written approval.
AA03	**Site Briefing** The Authority Holder must ensure that all contractors working on the project are briefed on site by the section 45 approved person (who may appoint a person to carry out the briefing on their behalf) prior to any archaeological works commencing. The briefing must include the possibility of encountering archaeological evidence, how to identify possible archaeological sites, the archaeological work required by the conditions of this authority, and contractors' responsibilities with regard to discovering archaeological evidence.
During Works	
AA04	**Tikanga** Archaeological work must be undertaken in conformity with any tikanga Māori protocols agreed between the Authority Holder and Te Kawerau ā Maki, Ngāti Whātua o Kaipara, Ngaati Whanaunga and Te Rūnanga o Ngāti Whātua (relevant iwi). In addition: a. Relevant iwi must be advised when archaeological works will begin at least two working days prior. b. The Authority Holder shall enable access for relevant iwi to any archaeological site encountered in order to undertake tikanga subject to any health and safety requirements. c. If any possible taonga or Māori artefacts are encountered, relevant iwi shall be informed to enable appropriate tikanga to be undertaken, so long as all statutory requirements under the Heritage New Zealand Pouhere Taonga Act 2014 and the Protected Objects Act 1975 are met. d. If any archaeological site is encountered and works modifying or destroying the archaeological site are undertaken, relevant iwi shall be provided with a copy of any reports completed under Condition AA11 and be given an opportunity to discuss it with the section 45 Approved Person if required. e. Relevant iwi must be advised of the completion of archaeological works within two working days of completion.
AA05	**Kōiwi Discovery** If any kōiwi (human remains) are encountered, all works must cease within 10 metres of the discovery. HNZPT, New Zealand Police, and relevant iwi must be advised immediately. Any steps following must be undertaken in accordance with Guidelines for Kōiwi Tangata/Human Remains (AGS8 2014) and no further work in the area may take place until future actions have been agreed by all parties.
AA06	**Monitoring** Any earthworks within the archaeological monitoring areas identified in the AMP must be monitored by the section 45 Approved Person who may appoint a person to carry out the monitoring on their behalf.
AA07	**Investigation** Any archaeological evidence encountered during the exercise of this Authority must be investigated, recorded, and analysed in accordance with accepted archaeological practice.
AA08	**Annual Reporting**

	Annually from the date of archaeological works commencing until the report required under Condition AA11 is submitted to HNZPT, the Authority Holder must submit to HNZPT a written report containing a summary of the progress of any archaeological works and any archaeological findings. Advice Note: If no archaeological works are undertaken within the preceding 12 months, no Annual Report is required.
After Works	
AA09	**Work Completion Notification** The Authority Holder must advise HNZPT of the completion of archaeological works within two working days of completion.
AA10	**Completion of all Archaeological Siteworks** Within 20 working days of the completion of all on-site archaeological work associated with this authority, the Authority Holder shall ensure that: (a) An interim report, to the satisfaction of HNZPT, following the Archaeological Report Guideline (AGS12 2023) is submitted to HNZPT for inclusion in the HNZPT Archaeological Reports Digital Library. (b) Site Record Forms are updated or submitted to the NZAA Site Recording Scheme.
AA11	**Archaeological Records** Within 12 months of the completion of the on-site archaeological work, the Authority Holder shall ensure that a final report, completed following the Archaeological Report Guideline (AGS12 2023), is emailed to HNZPT for inclusion in HNZPT's Archaeological Reports Digital Library, and to relevant iwi. A copy must also be provided to the NZAA Central Filekeeper.

APPENDIX 6 – SUMMARY OF SECTION 53 COMMENTS RECEIVED

Note: This document is a summary only to provide an overview of comments received in relation to the Auckland Prison Capacity Increase application under the FTAA 2024. Please refer to the submitted documents from invited parties for the full text of each comment. The panel has read and considered all comments received in full.

COMMENTS RECEIVED ON APPLICATION			
No.	**Party/ Agency**	**Summary of Comments/ Key Issues Raised**	**Relief Sought**
1.	Ling Dong and Frank Tang	The submitters support the project and acknowledge the importance of providing adequate correctional facilities, but request conditions to protect neighbouring properties, the environment, and the community. Key concerns include: *Slope Stability and Geotechnical Protection from Large-Scale Earthworks* - Not increasing stormwater, drainage and flood protection - Stream and erosion protection, with stabilisation measures to minimise future erosion - Protection of neighbouring properties from adverse effects resulting from construction or operation of the project *Communication with the Community* – residents to be given advance notification of significant construction activities and heavy vehicle movements *Future accountability of the Department of Corrections for adverse effects during construction and operation*	Include the following conditions: - Geotechnical monitoring by an independent Chartered Professional Engineer - Baseline and post-construction property condition surveys - No increase in stormwater discharge to adjoining land with properly designed detention and treatment systems - Erosion and sediment controls with permanent stabilisation of disturbed areas - Department of Corrections to remain responsible for all adverse effects on neighbouring properties with independent investigation and repair at applicant's expense - Construction management conditions (noise, dust, vibration, working hours, traffic management) - Independent environmental monitoring with results available to neighbouring residents - Advance notification of significant construction activities with community liaison officer and 24-hour contact - Opportunity to review and comment on draft conditions
2	Lynn and Martin Roberts	The submitters have significant concerns regarding the effect of the proposed expansion on their property and quality of life. *Construction Impacts of Concern Include:* - Increased construction noise over an extended period - Vibration from heavy machinery - Dust and air-quality impacts - Increased heavy vehicle movements on Pāremoremo Road - Disruption to access and enjoyment of property - Loss of peace and quiet *Long-Term Operational Impacts:* - Increased operational noise - Additional lighting and light spill - Reduced residential amenity	*Conditions requiring* - Independent acoustic assessments of neighbouring properties closest to the prison - Funding and installation of double-glazed windows where acoustic assessments identify adverse effects - Additional insulation and noise attenuation measures - Landscaping, screening, or other measures to reduce visual impacts - Restrictions on construction hours (early mornings, evenings, weekends, public holidays) - Dust suppression and traffic management plans - Direct community liaison process for affected residents during construction - Mitigation programme for the most affected neighbouring homes including double glazing and noise-

COMMENTS RECEIVED ON APPLICATION			
No.	**Party/ Agency**	**Summary of Comments/ Key Issues Raised**	**Relief Sought**
		- Visual and psychological impact of an expanded prison complex - Potential adverse effects on property values	reduction measures at the Department's cost
3	Mitchel Beckett	Unable to support substantive application without a condition for planting and fencing on the submitter's western boundary (or compensation to do so). Substantive concerns include: - Lighting impacts and visibility from neighbouring property - Screening planting on the prison site unlikely to be effective without additional planting and fencing on the submitter's property - Inconsistency between the prison expansion and existing RMA restrictions preventing further subdivision of adjacent land - Impacts on property values - Agreement with Corrections for boundary planting was not feasible due to maintenance uncertainties	Condition requiring either: 1. Department of Corrections to construct and maintain a 1.8m boundary fence along the western boundary of the submitter's property with screening planting on the road-facing side before commencement of operations; or 2. Adequate compensation for the submitter to construct and maintain such a fence and planting.
4	Paul Denny	Rejects the proposed amendment to lighting Condition DES14A regarding "redundant" lighting. Submitter's property experiences direct line-of-sight glare and light pollution from the facility. Concerns include: - The proposed wording is highly subjective and imposes no obligation to upgrade the existing high-glare legacy infrastructure and remove the existing non-compliant lighting. - Failure to minimise cumulative lighting effects while seeking a massive capacity increase - Light pollution and glare from the facility directly affecting nearby residential properties across open rural land.	Requests the panel reject the Department's proposed text for Condition DES14A and instead adopt a revised condition requiring: - A comprehensive independent lighting audit of all existing legacy exterior lighting across the entire Auckland Prison site within twelve months of designation alteration being confirmed - Assessment of compliance against Auckland Unitary Plan Chapter E24 Lighting Standards for Rural Coastal zones - Physical retrofit, baffling, or replacement with modern fully-shielded, down-facing LED fixtures (<3000K) of any legacy infrastructure exceeding permissible luminous intensity (500 candelas) or obtrusive light spill thresholds at the boundary of any residential property within a one-kilometre radius - Delivery as part of a phased site-wide Lighting Management Plan to be fully completed within five years of confirmation
5	Rebecca Steele	The submitter opposes the expansion. Concerns include: - Previous planting offered little effective screening - Increased light pollution affecting nearby properties	Requests: - Clear evidence of improved landscaping plans including specific plant species, expected heights, maintenance commitments and independent verification

COMMENTS RECEIVED ON APPLICATION			
No.	**Party/ Agency**	**Summary of Comments/ Key Issues Raised**	**Relief Sought**
		- Social and community impacts of placing a larger prison in this location including traffic, noise, and environmental change - Questions whether expansion is the most effective use of public funds given high construction costs in Auckland - Lack of community engagement and broken assurances about no further prison expansion - Uncertainty regarding enforcement of the existing rules for the prison village	- Consideration of alternative regional options transparently assessed as part of decision-making - Information regarding the plan for the village and rules around occupancy
6	R P van Bremen and G van Bremen	The submitter questions the need to proceed under the fast-track process given the application suggests ongoing development over the next 10–15 years.	Requests that a more normal (non-fast-track) process be followed allowing for more in-depth vetting of the issues involved.
7	Sandy Howard-Whitty	The submitters accept the need for increased prison capacity but raise the following concerns: - The justification for doubling the population based on proximity to the offenders' families is not an honest or reliable basis. - The expansion is pre-emptive and overly future-proofing, with road infrastructure improvements not triggered until prisoner numbers reach 900+ - Existing dangerous intersection at The Avenue and Dairy Flat Highway already has a long-standing unresolved safety issue - Previous construction was poorly managed with construction workers intimidating residents - Disruption from construction - Wastewater, sewerage and environmental infrastructure concerns not confirmed - Pāremoremo is an important part of wider environmental conservation initiatives - Lack of communication regarding the Corrections Village being de-designated and impact on residents	Requests: - Road infrastructure improvements at The Avenue/Dairy Flat Highway and Coatesville Riverhead Highway/Highway 16 intersections before (not after) capacity triggers - Confirmation of wastewater, sewerage and infrastructure plans before construction starts - Improved construction management and behaviour standards - Heightened mitigations for impacts on wider environmental conservation initiatives - Communication with village residents about the status and future of the Corrections Village
8	Department of Conservation	DOC has some concerns in relation to effects on freshwater matters. Key issues include: - The piping of approximately 124m of Watercourse 1 constitutes a permanent diversion and should be classified as a complex freshwater fisheries activity (not standard as applied for)	Recommends - Fish trapped in Pond 2 be rescued and suitably relocated - Downstream outlet of new piping on WC1 be designed to block upstream fish passage to prevent further entrapment in pond 2 - Alternative ecological compensation identified (e.g. off-site stream restoration or research benefiting

COMMENTS RECEIVED ON APPLICATION			
No.	**Party/ Agency**	**Summary of Comments/ Key Issues Raised**	**Relief Sought**
		- Fish passage impediments. Pipe network appears to currently impede upstream passage of shortfin eels and likely blocks passage of other native fishes - Fish trapped in Pond 2 are unable to migrate downstream to complete their lifecycle - The worsened threat status of redfin bullies and banded kōkopu may necessitate reworking of the stream ecological valuation informing ecological compensation ratios - The proposed culvert remediation on WC6 does not meet the additionality test as Corrections has an existing responsibility under s42 of the Freshwater Fisheries Regulations to remediate culverts - Biosecurity risk of Gambusia (unwanted organism) spreading into the upstream catchment as a result of culvert remediation Overall considers that effects could be appropriately managed subject to the applicant addressing concerns and appropriate conditions being imposed.	native fish) as proposed culvert remediation fails the additionality test - Applicant to consider biosecurity risk of Gambusia spread in relation to culvert remediation on WC6 - Appropriate resource consent conditions to be imposed - Reserves right to provide specific comments on conditions under s70 of the FTAA - Amendments to draft management plans
9	Ngā Maunga Whakahii o Kaipara Development Trust	Ngāti Whātua o Kaipara opposes the application and recommends that it be declined. The primary concern is the permanent reclamation and piping of Watercourses 1 and 2 within an important ancestral and cultural landscape. The Trust's Cultural Statement identifies significant and enduring adverse effects on cultural values across multiple domains: - *Ecology* — permanent loss of 238m of freshwater habitat, diminished mauri of waterways, destruction of tuna habitat, severing of ecological relationships with Pāremoremo Creek - *Archaeology* — 25-year archaeological authority without adequate mana whenua participation, risks to unidentified sites associated with Te Marae o Hinekakea - *Landscape and visual effects* — intensification of Crown institutional presence within ancestral whenua - *Social effects* — further displacement of mana whenua identity, inadequate Social	If the application is approved despite opposition, the Trust lists a comprehensive suite of recommendations including: - Redesign to retain Watercourses 1 and 2 in open form - Enduring and appropriately resourced relationship agreement with Tangata Whenua - Engagement before each material development stage with input into Outline Plans, design, management plans and monitoring - Protection of R10/831 with 20m buffer - Tangata Whenua input into Archaeological Management Plan with cultural monitoring of sensitive ground disturbance - Accidental-discovery procedures with immediate notification and Tangata Whenua role in determining tikanga - Cultural monitoring of culturally sensitive ground disturbance - Tangata Whenua input into landscape, building design, lighting and stormwater planning - Secure the establishment, maintenance and replacement of proposed screening, riparian and restoration planting

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		Impact Assessment that does not recognise Ngāti Whātua o Kaipara as an affected cultural community - *Economic effects* — assessment overstates benefits without accounting for cultural costs or demonstrating benefits to mana whenua - *Infrastructure effects* — stormwater, wastewater and transport solutions developed without meaningful mana whenua input - *Construction effects* — prolonged programme with uncertain cumulative impacts Consultation was insufficient in that it was not early, meaningful or sustained.	- Measurable employment, apprenticeship, training and procurement outcomes for iwi members and businesses - Partnerships for cultural, environmental, rehabilitation and reintegration services - Infrastructure capacity limits retained until upgrades completed - Wastewater redundancy, emergency storage, alarms and immediate notification of overflows - Ensure stormwater remains within existing tributary catchments and does not reduce flows to remaining streams or wetlands - Tangata Whenua input into stormwater planning and monitoring, with a focus on protecting the mauri of receiving waters. - Stage-specific Earthworks Management Plans - Cultural inductions and monitoring by persons nominated by Ngāti Whātua o Kaipara and Te Taoū
10	Te Kawerau Iwi Tiaki Trust (Te Kawerau Iwi Settlement Trust)	Te Kawerau ā Maki prepared a Cultural Impact Assessment identifying potentially significant impacts on cultural values associated with landform, freshwater, ecology, cultural heritage and cultural landscapes. The proposal sits within a significant cultural landscape associated with the upper harbour coastline, Pāremoremo awa, ancestral pathways and cultural sites associated with Poataniwha and other descendants of Maki. Direct impacts include: - Loss of vegetation, stream reclamation, earthworks to flatten the expansion area, increased impervious surfaces, light pollution and population-related stress to the awa - Effects on freshwater values and taonga species from extending piped watercourses - Potential for sediment and stormwater pollution during construction Notes beneficial impacts from the proposed native restoration programme in Area C which reinforces the North-West Wildlink corridor.	Supports the proposed mitigation, restoration planting and designation conditions. - Supports participation in the Iwi Forum for the duration of its existence - Requests amendment to Iwi Forum membership to exclude Ngāti Whanaunga (whose connections do not extend to this area) - Requests a copy of the decision to monitor the uptake of advice and track implementation
11	Auckland Council	The Council's assessment covers: - *Ecology*: proposed planting schedule considered appropriate	Overall the Council's planners consider that the proposed designation conditions, with recommended minor amendments, are effective in managing effects.

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		- *Archaeology*: proposed conditions adequate to manage effects - *Contaminated land*: no significant constraints identified - *Landscape and visual effects*: moderate adverse effects during construction reducing over time as planting matures, with residual effects at specific locations - *Noise and vibration*: proposed single set of noise limits appropriate, operational noise generally inaudible outside secure perimeter - *Lighting*: proposed conditions consistent with AUP Chapter E24 - *Transport*: effects managed by proposed conditions including DES20 capacity limit of 921 prisoners until intersection upgrade completed, Infrastructure Funding Agreement signed with Auckland Transport - *Wastewater*: stage 2 connection to Albany catchment supported for full 1,220 capacity but further assessment required regarding stage 1 interim upgrades for up to 921 prisoners - *Social impacts*: SIA not peer-reviewed by Council - *Economics*: Council economist identifies methodological limitations in the Economic Assessment	Outstanding matters requiring resolution include: - *Wastewater* further discussions needed regarding interim stage 1 upgrades to support capacity up to 921 prisoners (stage 2 Albany catchment solution supported for full capacity) - *Lighting* clarification of dusk-till-dawn lighting controls. - Consideration of RMA ss181/182 relevance - *Watercourse works resource consent* – further information required. Recommended amendments to proposed conditions are set out in Appendix A (designation conditions) and Appendix B (resource consent conditions).
12	Minister for Building and Construction (Hon Chris Penk)	Acknowledges the importance of ensuring New Zealand's critical public infrastructure can meet future service demands. Notes that the project represents a substantial infrastructure investment expected to generate approximately $938 million to $1.07 billion in value-added economic activity over the life of the programme. The estimated 10-year delivery programme is expected to make a meaningful contribution to employment and workforce development within the construction sector, providing a sustained pipeline of construction activity supporting broader sector resilience and retaining skills and expertise within the industry.	No specific relief sought. General expression of support from a construction and infrastructure perspective.
13	Minister for Infrastructure	Supports projects which deliver growth and prosperity.	No specific relief sought.

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	(Hon Chris Bishop)		
14	Minister for Māori Crown Relations - Te Arawhiti (Hon Tama Potaka)	Supports the application subject to any comments received from relevant Māori rōpū identified in the Expert Panel's Minute. Notes that Te Kawerau a Maki and Ngāti Whātua ki Kaipara have Treaty settlement commercial redress interests connected to the prison site, including a shared right of first refusal over the prison grounds and shared deferred selection property interests over the prison housing land (village).	Requests that Treaty settlement commercial redress interests of Te Kawerau a Maki and Ngāti Whātua ki Kaipara be taken into account by the Expert Panel.
15	Pāremoremo Residents and Ratepayers Association (PRRA) in association with Sustainable Pāremoremo	PRRA opposes the application in its current form. The submission identifies cumulative effects that the community cannot absorb, including: *Transport* — Pāremoremo Road and the wider network are already vulnerable with repeated slips and constrained intersections; The Avenue/Dairy Flat Highway intersection at capacity *Infrastructure* — wastewater, water, stormwater, power and emergency systems not verified as sufficient *Construction effects* — prolonged programme (up to 10 years) cannot be dismissed as temporary *Prison Village* — future of the Village is uncertain and connected to expansion decisions. Should include community consultation on proposed replacement regime. *Community safety* — strong resident concerns about safety, emergency access, gang presence and prison visitor behaviour *Landscape and lighting* — previous planting has not achieved expected screening, ongoing light pollution *Loss of public confidence* due to broken historical government assurances (1988, 1993, 1996) regarding a 650-prisoner cap *Community survey* (183 respondents, 84% within 3km) shows 95% oppose the expansion, 97% oppose use of the fast-track process, 91% have no confidence in infrastructure capacity, and 90% have safety concerns.	Decline the application in its current form. Alternatively, the Panel should require further evidence and impose a staged, enforceable approval framework under which no increase in operational capacity can occur until independent certification confirms that transport, infrastructure, emergency, environmental and community protection measures have been completed and are functioning. Approval framework would include: 1. No additional prisoner accommodation occupied until all transport and infrastructure works for that stage are complete, commissioned and independently certified 2. Network resilience plan addressing all roads, emergency routes and future growth 3. Enforceable construction traffic plan with truck routes, hours, school-period restrictions and public reporting 4. Independent certification of wastewater, water, stormwater, power, telecommunications and firefighting capacity including redundancy and failure scenarios 5. Multi-agency emergency management plan exercised before commissioning 6. Formal Community Liaison Group with independent chairing 7. 24-hour complaints service with response standards and independent review 8. Enforceable construction limits with monitoring and stop-work triggers 9. Landscape mitigation supported by verified visual simulations and measurable screening outcomes 10. Operational lighting shielded and tested at neighbouring properties

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			11. Ecological protection programme with independent review 12. Prison Village occupancy protections documented before any transfer 13. Annual public reporting 14. Independent five-yearly review of all conditions 15. Management plans provided to Community Liaison Group in draft before activity commences
16	Upper Harbour Local Board	The Local Board does not support the proposed alteration to Designation 3900. Key concerns include: - The scale and intensity of development is inappropriate for the Pāremoremo location and exceeds the capacity of existing or planned infrastructure - Regional or national benefits do not outweigh significant localised negative impacts on community wellbeing - The fast-track process limits public participation and compresses assessment timeframes - Existing road network inadequate (The Avenue/Dairy Flat Highway congestion, Brookdale Road slips and blind corners) - Wastewater infrastructure constraints - Concerns about changes to the Prison Village designation and loss of controlled occupancy protections - The "near whānau" justification does not apply as no inmates have Pāremoremo as their home community - Inconsistency with previous government assurances that the prison would not be further expanded - Cumulative environmental and infrastructure impacts not carefully assessed - 95% community survey opposition	Does not support expansion. If the designation is nevertheless confirmed notwithstanding concerns: - Upgrades/safety enhancements to roading infrastructure (The Avenue/Dairy Flat Highway intersection, Lucas Creek Bridge, Gills Road/Dairy Flat Highway, Brookdale Road) - Alternatively, regular monitoring of prison network effects on the wider roading network - Continuation of village operations in line with current resident expectations - The Hall (505 Pāremoremo Road) be bookable and usable by residents including as a community emergency hub - Completion of proposed perimeter planting regardless of changing the designation If expansion is considered, must be processed through full publicly notified RMA process.
17	Auckland Conservation Board	The Board has reviewed conservation aspects and concludes that the proposal has adequately addressed all major environmental impacts with management plans to minimise impacts on wildlife. Primary potential conservation impacts: - *Watercourses* — two small watercourses will be removed	Concludes impacts will be minimal assuming: - Proposed impact mitigation measures (avoid, minimise, remedy, offset and compensate) are fully adopted - Auckland Council and DOC monitor the project development to ensure all proposed measures are taken

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		(offset by extending other watercourses) - *Vegetation* — small amount of vegetation lost (offset by riparian planting) - *Lizards* — only two relatively common species likely present with adequate Lizard Management Plan - *Freshwater fishes* — several species of threatened native fish may be present in low numbers but existing watercourses have relatively low habitat quality Notes the differing positions between Corrections and DOC regarding freshwater fisheries activity classification (standard vs complex) which should be resolved before the application is finalised.	- Enforcement action is taken if mitigation measures are not being implemented Resolution of the freshwater fisheries activity classification between Corrections and DOC is required