



Section 51(2)(d) Fast-track Approvals Act 2014 Report

Auckland Prison Capacity Increase, FTAA-2603-1179

Heritage New Zealand Pouhere Taonga (HNZPT) recommends:

- That the archaeological authority is **granted**, subject to conditions, under the Fast-track Approvals Act 2024 (FTA Act).
- That, if the authority is granted, Ellen Cameron is **approved** as the approved person to carry out the archaeological work under the authority.

Introduction

1. On 1 April 2026, Department of Corrections (the Applicant) lodged a substantive application for Auckland Prison Capacity Increase (the Project) with the Environmental Protection Agency (EPA). On 24 April 2026 the substantive application was deemed complete and complied with section 46(2) of the FTA Act. It was deemed to not have any competing applications or existing resource consents under section 47 of the FTA Act on 7 May 2026.
2. As a part of the application, the Applicant has applied for an archaeological authority. HNZPT is the administering agency for the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT Act) under the FTA Act.
3. On 14 April 2026 the Panel Convener issued a Minute directing the EPA to obtain a report prepared by Heritage New Zealand Pouhere Taonga and the Māori Heritage Council, in accordance with section 51(2)(d) of the Act (April Minute).
4. This report is due 14 July 2026.

Purpose of the Report

5. The specific directions of the Panel Convener in the April Minute were:
 - i. *How the weighting of matters set out in the relevant schedules should be approached, having regard to applicable statutory provisions and relevant senior court decisions (s51(1)).*
 - ii. *If HNZPT and MHC do not agree with, or wish to amplify, the expert and planning assessments lodged in support of the application, they must file a report in accordance with the relevant schedule (s51(2)(c) or s51(2)(d)).*
 - iii. *HNZPT and MHC may confirm and append advice, including legal advice, previously given in response to directions under section 51 on another project.*
 - iv. *HNZPT and MHC are to respond to the draft conditions, including any management plans attached to the application, recommending tracked changes (if any).*
6. This Report addresses these matters and makes a recommendation to the Panel regarding the archaeological authority application as part of the Project.

The Project

7. The applicant proposes to construct new facilities to grow prisoner capacity at Auckland Prison (also known as Pāremoremo Prison), located on Auckland's North Shore. The project involves earthworks for new buildings, infrastructure, and planting.

Documentation received and reviewed

8. This recommendation is based on HNZPT's review of the following documents:
 - Volume 1 Overview Report Final
 - Volume 2 Designation Alteration Report Final
 - Volume 5 Archaeological Authority Report Final
 - Auckland Prison Capacity Increase project site plans
 - Vol1 Appendix 1A Records of Title Final
 - Vol1 Appendix 1F Māori Consultation and Cultural Values Assessment Final
 - Vol5 Appendix 5B Archaeological Assessment Final
 - Vol5 Appendix 5C Archaeological Management Plan Final
 - Vol6 Appendix 6D Proposed Archaeological Conditions Final

Heritage New Zealand Pouhere Taonga Assessment

Matters in clause 3, Schedule 8

9. HNZPT recommends that an archaeological authority be granted with conditions, attached as Appendix A.

Weighting of clause 4, Schedule 8 matters

10. HNZPT has provided advice on this to the Panel in the Delmore application, a copy of that advice is appended to this Report as **Appendix B**. In short, the greatest weight is given to (a) the purpose of the FTA Act; in respect of the matters set out in section 59(1)(a) of the HNZPTA, it is an overall assessment, rather than a hierarchy of matters for consideration.

Review of Technical Reports

11. HNZPT agrees with the archaeological assessment prepared by Ellen Cameron and Jen Low for the project, in particular:
12. There is one recorded archaeological site (shell midden R10/831) within the project area;
13. There is potential for additional archaeological sites and material to be encountered during the proposed works;
14. The proposed works have been designed to avoid modifying or destroying the recorded archaeological site.

15. Mitigation for the modification or destruction of any archaeological features or sites can be achieved through archaeological monitoring and recording.

The Draft Archaeological Management Plan (AMP)

16. A management plan is essential to manage the activities pursuant to an archaeological authority, as it outlines procedures for identifying, protecting, managing, and recording archaeological sites during the course of the authority. The information and protocols set out in the management plan assist with ensuring that the modification or destruction of any archaeological sites is carried out in a way that ensures the sites are respected and the information that they contain is recorded in an appropriate manner. As such, every authority must have an appropriate management plan that sets out all of this information, and that plan must be certified by HNZPT prior to any works commencing.
17. The Applicant has provided an AMP as part of the application and this has been reviewed by HNZPT, being “Archaeological Management Plan for Auckland Prison Capacity Increase, Site Wide Authority Application prepared for Department of Corrections - Ara Poutama Aotearoa” dated March 2026.
18. HNZPT considers this AMP to be appropriate to achieve the objectives set out above and has certified the AMP. This is reflected in condition AA02, noting that any amendments to this AMP must be provided to HNZPT for certification prior to any archaeological works commencing.

Recommendation

19. HNZPT has considered the application against the criteria set out in clause 4, Schedule 8, summarised as follows:

Section 59(1)(a) HNZPTA

20. The granting of an archaeological authority for this application would be consistent with the matters set out in section 59(1)(a) of the HNZPTA:
21. The project includes the avoidance of the recorded archaeological site located within the project boundary, thus resulting in the on-going protection of the site.
22. There is no evidence to suggest that the historical and cultural heritage value of any potential subsurface archaeological sites justifies their protection. The application states this area does not fall under any Statutory Acknowledgement Area and the Applicant has undertaken consultation with iwi/hapū, who have not expressed opposition to the authority application proposal.
23. HNZPT considers that the conditions for the authority will work effectively manage the identification and recovery of archaeological information within the application site.

Section 47(1)(a)(ii) and (5) HNZPTA

24. Section 47(1)(a)(ii) and (5) only apply for an authority application made pursuant to section 44(b) of the HNZPTA – a minor effects authority. This is not a minor effects application, and therefore these sections are not relevant.

Relevant Statement of General Policy

25. The relevant Statement of General Policy is the Tauākī Mātai Whaipara Archaeology Statement included in He Tauākī Kaupapahere Whānui Statements of General Policy dated October 2025.
26. The proposal is consistent with the objectives and policies of the Statement of General Policy. Policy 2.7 sets out the expectation for applicants to consider ways of avoiding or minimising the modification or destruction of archaeological sites, and we appreciate that efforts have been made to avoid modification of site R10/831.

Conditions

27. The Applicant provided a set of draft conditions with its application. Following this, HNZPT and the Applicant have worked together to achieve an agreed set of conditions. HNZPT considers this set of conditions will ensure that the archaeological works:
- are undertaken in a culturally appropriate way; and
 - mitigate any adverse effects on the adversely affected archaeological values; and
 - will allow for any information collected to be recorded in a report and accessible to other archaeologists and interested persons; and
 - can be monitored and measured to ensure compliance.
28. HNZPT appreciates the time and effort of the Applicant to discuss and develop this agreed set of conditions, which is attached as Appendix A.

Section 45 HNZPTA Approved person

29. HNZPT considers that Ellen Cameron has the appropriate qualifications and sufficient skill and competency to undertake the work required if the authorities are granted and has access to appropriate institutional and professional support.

Signed for and on behalf of Heritage New Zealand Pouhere Taonga,



Dean Whiting

Chief Executive

Heritage New Zealand Pouhere Taonga

PO Box 2629

WELLINGTON 6140

Date: 14 July 2026

Appendix A: Agreed archaeological conditions

Archaeological Authority

Authority details

Authority Number:

Determination Date: 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 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 “<i>Archaeological Management Plan for Auckland Prison Capacity Increase, Site Wide Authority Application prepared for Department of Corrections - Ara Poutama Aotearoa</i>” 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: - Relevant iwi must be advised when archaeological works will begin at least two working days prior. - 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. - 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. - 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. - 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 B: Weighting of matters set out in Schedule 8, Clause 4 of the FTA Act

Re: Delmore [FTAA-2502-1015] Request for advice dated 11 April 2025

1. You have asked Heritage New Zealand Pouhere Taonga (Heritage New Zealand) for advice regarding the following:
 2. the weighting of matters outlined in Schedule 8, clause 4 of the Fast Track Approvals Act 2024 (FTA Act), having regard to senior court decisions; and
 3. agreement or otherwise in respect of the statutory summary provided by Barker & Associates Ltd (Barker Report).

Weighting of matters outlined in Schedule 8, Clause 4 of the FTA Act

4. Schedule 8, clause 4 states:

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 Act¹; 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.

5. The wording of the clause itself makes it clear that the Panel gives the greatest weight is given to (a) the purpose of the FTA Act. Of the other matters:

Section 59 matters

6. There is no hierarchy between the matters set out in section 59(1)(a), rather it is an overall assessment. This is evident in the assessment carried out by Heritage New Zealand that will be provided to the Panel with a recommendation.

Section 47(1)(a)(ii) and (5)

7. These sections only apply for an authority application made pursuant to section 44(b) of the HNZPTA – a minor effects authority.
8. The Delmore application is not for an authority pursuant to section 44(b), so the matters in Schedule 8, clause 4(c) are not relevant considerations for this application.

¹ Heritage New Zealand Pouhere Taonga Act 2014

Statement of General Policy

9. The relevant Statement of General Policy is *The Administration of the Archaeological Provisions under the Heritage New Zealand Pouhere Taonga Act 2014*, dated 29 October 2015.
10. Note, this is currently under review and we anticipate a new Statement of General Policy will be in place from October 2025.

Statutory Summary in Barker Report

11. We have reviewed section 13.3² and section 14.5³ of the Barker Report that set out the statutory requirements in relation to an approval under the HNZPT Act.
12. Section 13.3 sets out relevant information in relation to obtaining an approval pursuant to the HNZPT Act. We agree with the description of clauses 3, 4, and 5 of the FTA Act.
13. Section 14.5 uses subheadings to assess the matters set out in Schedule 8, clause 4 of the FTA Act that the Panel is to have regard to.
14. We agree that the matters listed are those contained in Schedule 8, clause 4. Of these, sections 47(a)(ii) and (5) HNZPT Act are not relevant considerations for this matter, as this is not an application made pursuant to section 44(b) HNZPT Act – minor works authority.
15. The s51 Report prepared by Heritage New Zealand will comment on each of these sections and give an assessment of same before reaching an overall recommendation for the authority application.

² Titled “Approvals Relating to HNZPT 2014 – Schedule 8”

³ Titled “Heritage Authority Approval Sought: Sections 59(1)(a) and 47(1)(a)(ii) and (5) of the HNZPT and Relevant Statement of General Policy”