

IN THE MATTER of the Fast-track Approvals Act 2024 (“**FTAA**”)

AND

IN THE MATTER of an application for approvals (Notice of Requirement to Alter Designation 3900: Auckland Prison in the Auckland Unitary Plan, Resource Consent and Outline Plan Waiver) by Department of Corrections on behalf of the Minister of Corrections - Project FTAA-2603-1179 (Auckland Prison Capacity Increase)

MEMORANDUM OF PLANNING MATTERS FOR AUCKLAND COUNCIL

Dated: 28 July 2026

SECTION A: INTRODUCTION

Overview

1. This Planning Memorandum (**Memorandum**) sets out Auckland Council's Planning led regulatory comments on the substantive application for the Auckland Prison Capacity Increase Listed project (**Application**) lodged by Department of Corrections / Ara Poutama Aotearoa on behalf of the Minister for Corrections (**Requiring Authority**¹) under the FTAA. This Memorandum is provided in response to the invitation to comment issued by the Expert Panel (**Panel**) under s53(2) of the FTAA.
2. This Memorandum presents Auckland Council's response in its capacity as the relevant local authority and reflects the regulatory planning assessment of the Council officers responsible for administering the resource management functions of the Council. It is intended to assist the Panel in its consideration of the Application and should not be interpreted as representing the views of Auckland Council's governing body or other non-regulatory parts of the organisation. FTAA projects (listed or referral) are allocated to a specific Principal Project Lead within the Premium Unit - Planning and Resource Consents Department and a qualified Planner who coordinate and lead this regulatory response on behalf of Auckland Council.
3. The **memorandum** has been principally prepared by Mr Joe Wilson, Principal Project Lead with the involvement and peer review of Jo Hart, Senior Policy Planner for

¹ Department of Corrections is the Requiring Authority for the Notice of Requirement aspect of the substantive application and the applicant for the proposed watercourse works seeking resource consent.

Auckland Council who has been involved from the beginning of pre-application discussions on this project.

4. The assessment in this report considers the reviews and advice from the following technical specialists and Council Controlled Organisations engaged by the Council including accompanying annexures, which are referred to throughout this memorandum:
 - a. Healthy Waters - Hillary Johnston (**Annexure 4**)
 - b. Landscape and Visual – Simon Button (**Annexure 5**)
 - c. Lighting – Jared Osman (**Annexure 6**)
 - d. Parks and Community Facilities – Douglas Sadler (**Annexure 7**)
 - e. Noise and Vibration – Andrew Gordon (**Annexure 8**)
 - f. Economist – James Stewart (**Annexure 9**)
 - g. Freshwater Ecologist – Antoniette Bootsma (**Annexure 10**)
 - h. Terrestrial Ecologist – Luke Stanley (**Annexure 11**)
 - i. Archaeologist – Mica Plowman (**Annexure 12**)
 - j. Regional Earthworks – Matthew Bryce (**Annexure 13**)
 - k. Groundwater – Richard Simond (**Annexure 14**)
 - l. Contamination – Fiona Rudsits (**Annexure 15**)
 - m. Environmental Monitoring – Cheryl Pai (**Annexure 16**)
5. Council Controlled Organisations as subject matter experts that been directly invited for comments under s53(2) of the FTAA as follows:
 - a. Watercare – Amber Taylor (**Annexure 1**)
 - b. Auckland Transport – Siva Jegadeeswaran (**Annexure 2**)

Elected Officials and Representatives

6. As part of the council's established process, certain elected officials and representatives (namely ward councillors, local board members, Houkura, and committee chairs) were made aware of the request for comment and provided with material to make comment or seek further clarification. Other than the Local Board discussed below no comment has been received from these persons by the AC planners.
7. We are aware that the Panel have also directly invited comments under s53(2) of the FTAA from the following:
 - a. Upper Harbour Local Board and Pāremoremo Residents and Ratepayers Presentation (**Annexure 3**)
8. In regard to the Upper Harbour Local Board's comments, each local board has the responsibility to communicate the interests and preferences of people in its area on Auckland Council strategies, policies, plans and bylaws (in accordance with the Local Government Act 2002, section 48K(1)(b)). This includes notices of requirement as when these are confirmed as designations, an update to the AUP is required i.e. a change to Auckland Council's District Plan. AC Planners include the local board's comments verbatim in any statutorily required report that relates to a change in a strategy, policy or plan.

9. Annexure 3 contains the resolution of the Upper Harbour Local Board from the meeting of the 25.06.26 as well as the Pāremoremo Residents and Ratepayers presentation to the Upper Harbour Local Board meeting on 4 December 2025 (deputation referred to in the minutes). The Upper Harbour Local Board chair has confirmed that this is provided in response to the invitation to comment from the Panel. and for the consideration of the Panel.
10. A summary of key themes across these views is provided in the table below, with the full resolution and referenced presentation and letter included in Annexure 3.

Upper Harbour Local Board Resolution number UH/2026/88	
Theme	Resolution
Support/opposition of proposal	Does not support the proposed alteration to Designation 3900 to enable expansion of Auckland Prison from 681 to 1,220 prisoners on the basis that the scale and intensity of development is inappropriate for the Pāremoremo location and exceeds the capacity of existing or planned infrastructure
Regional and National benefits	Does not believe that any regional or national benefits would outweigh the significant and localised negative impacts and community wellbeing of Pāremoremo residents. We consider there are other parts of Auckland that are more suitable and closer to where residents come from
Fast Track Approvals Process	Raises concern that the proposal is being progressed under the Fast Track Approvals Act process, which limits public participation, compresses assessment timeframes, and constrains robust consideration of long-term environmental, infrastructure, and community impacts. Considers that a full publicly notified Resource Management Act Process is the better process to go through
Transport/traffic	Note that the existing road network is not adequate to accommodate increased traffic volumes, including: • Congestion and safety issues at the Dairy Flat Highway/The Avenue intersection • Constrained and hazardous access via Brookdale Road, including blind corners and slip risk Consider that the proposed trigger-based infrastructure upgrades will not sufficiently offset the extra traffic this prison will cause, especially through the Albany Village.
Amenity, character, safety	Note that Pāremoremo is a small semi-rural community with a distinct character, and further expansion of the prison will adversely affect local amenity, perceptions of safety, traffic volumes, and overall community wellbeing The importance of protecting the character and liveability of Pāremoremo for existing residents

Environmental effects	Concern about the cumulative effects of the proposal including large-scale earthworks, vegetation clearance, watercourse modification, and staged construction over an extended period
Rationale	Note that rationale of housing prisoners close to their home communities does not apply in this location. Other parts of Auckland are far closer to home communities than Pāremoremo which does not even have public transport
Auckland Prison Village	Express concern about changes to the Prison Village and impacts this could have on existing residents, including long term tenants of housing in the village and also residents in the wider community. Currently tenancies at the village are strictly monitored for behaviour, there is an expectation that this will continue
Previous government assurances	Express concern that the proposal is inconsistent with previous government assurances that the prison would not be further expanded, and that progressing the proposal may undermine public trust in the New Zealand Government
Residents and Ratepayers feedback (including tabled deputation)	Share the feedback from the Pāremoremo Residents and Ratepayers showing that 95 percent of people did not support the expansion of the prison.
Matters requested to be addressed if NoR confirmed, notwithstanding concerns identified	Upgrades/safety enhancements to roading infrastructure: • Intersection of The Avenue and Dairy Flat Highway • Lucas Creek Bridge on Dairy Flat Highway • Gills Road/Dairy Flat Highway • Brookdale Road. Alternatively, if the above does not occur, request is for regular monitoring of the effects of the prison network on the wider roading network
	Continuation of the ongoing operations of the village that are in line with current expectations of the residents.
	That the Hall (505 Pāremoremo Road) should be bookable and usable by residents of Pāremoremo including as a community emergency hub
	Supports the proposed perimeter planting and requests that this be completed regardless of changing the designation.

Qualifications and Relevant Experience

Joe Wilson

11. Joe Wilson is a Principal Project Lead at Auckland Council within the Premium Unit of Resource Consents. Joe holds qualifications from the United Kingdom of Bachelor Arts in Urban Studies and Planning and post graduate Diploma in Town and Regional Planning and has nineteen years of planning experience across the United Kingdom and New Zealand having relocated in early 2022. Joe has prepared planning evidence and technical assessments for planning applications and appeals within the UK planning system.

12. Joe's experience that is relevant to this application includes determining resource consent applications throughout the Auckland region area. Joe has been involved in providing Planning memorandum and comments on recent substantive applications under the FTAA (FTAA-2504-1055 and FTAA-2508-1096). Of these substantive applications FTAA-2508-1096 related to a substantive application seeking approval via a Notice of Requirement to designate land for judicial purposes within the Auckland Region, working with Jo Hart on that application.

Jo Hart

13. Jo Hart is a Senior Policy Planner at Auckland Council within the Planning – Regional, North, West, and Islands Unit (Planning and Resource Consents). Jo holds the qualifications of Bachelor of Science and Masters of Planning Practice (Auckland University) and has nineteen years of planning experience. Jo is an Associate member of the NZPI and has prepared expert evidence and technical assessments for notices of requirement and plan changes, including the Board of Inquiry process for the Northern Corridor Improvements Project, the Proposed Auckland Unitary Plan, and Plan Change 78 (PC78) (Intensification Plan Change, and Plan Change 120 (Auckland Council's replacement plan change for PC78), and was one of the reporting planners for the nineteen notices of requirement for the Supporting Growth (NZTA/AT) roading projects for growth in the north-west).
14. Jo's experience that is relevant to this application includes processing notices of requirement for designations and other Part 8 processes, including alterations, uplifts, and extensions to lapse dates, to existing designations, across the Auckland region. Jo has been involved in providing Planning memorandum and comments on recent substantive applications under the FTAA (FTAA-2508-1096 and FTAA-2511-1146). Of these substantive applications FTAA-2508-1096 related to a substantive application seeking approval via a Notice of Requirement to designate land for judicial purposes. FTAA-2511-1146 (currently under assessment) includes amongst other approval matters a Notice of Requirement to designate land/state highway roading for rapid bus transit, both within the Auckland Region.

Code of Conduct

15. Joe Wilson and Jo Hart confirm that they have read the Environment Court Practice Note 2023 – Code of Conduct for Expert Witnesses (Code) and have complied with it in the preparation of this assessment. They also agree to follow the Code when participating in any subsequent processes, such as expert conferencing, directed by the Panel. They confirm that the opinions they have expressed are within their area of expertise and are their own, except where they have stated that they are relying on the work or evidence of others, which they have specified.

SECTION B: BACKGROUND AND UNDERSTOOD PROPOSAL

Pre-Application Overview

16. Under and in fulfilment of the requirements of S29 of the FTAA the Applicant and Requiring Authority have undertaken meaningful and constructive engagement with Auckland Council in their development of the substantive application.
17. The engagement has been focused on specific topic areas and matters driven by the site and key potential effects to consider relating to the proposals. A proportional approach to the involvement of specialists in the pre-application engagement was informed by an identification the availability and detail on aspects of the proposal and technical reports and plans as the scheme developed. The following matters have been the key topics of the engagement undertaken prior to substantive lodgement relating to potential effects of the proposed project:
 - Transportation, including engagement with Auckland Transport
 - Stormwater and Flood Hazard Management, including engagement with Healthy Waters
 - Ecological Effects, including engagement with Terrestrial and Hydrological/Freshwater Ecologists related to the designation amendment and the watercourse works
 - Lighting, including engagement with the Council lighting specialist
 - Noise, including engagement with the Council noise specialist
 - Water Supply and Wastewater Management and Capacity, including engagement with Watercare
 - Landscape, Natural Character and Visual Assessment, including engagement with the Council appointed specialist.
 - Economic Assessment, including peer review from Council economist.
18. The engagement with the Requiring Authority was undertaken on the basis of developed documents at that time as would be expected for a pre-application status where proposed are being developed and with a recognition that final comments and review would be undertaken once the application was fully formed and holistic in detail and assessment.
19. As part of pre-application discussions with particular relevance to the role of conditions in a notice of requirement application, draft conditions for the Notice of Requirement (proposed designation amendments) have been provided and shared for comment with Council, commensurate to the level and stage of information available at that point in the project's development. This was a constructive process with the Requiring Authority responding and making updates to conditions in response to comments provided and/or explaining their position/drafting.
20. The Council response includes a version of the draft designation conditions (appendix A) with tracked edits for the assistance of the Panel. Where tracked changes and matters have been discussed between the Requiring Authority and Auckland Council regulatory team and there is a residual difference of opinion in respect to condition wording this is identified for the Panel's benefit.

21. Conditions have also been drafted and shared in respect of the Resource Consent application for the works to watercourses who are now proposed within Volume 6, Appendix 6B). As part of the pre-application discussions Council regulatory team did not provide detailed comments on these draft conditions with discussions primarily relating to the need case, and the potential stormwater and ecological effects on these aspects. This was a consequence of capacity, and the wider condition set requiring input of specialists not involved in the pre-application discussions.
22. The Council response includes within appendix B a document with tracked edits and comments on the amended proposed resource consent conditions (Volume 6, Appendix 6B) for the assistance of the Panel.
23. Key residual matters identified as ongoing at the culmination of the pre-application process included (non-exhaustive):
- a. Wastewater staging where further engagement on matters, and comment on conditions was identified.
 - b. Clarifications in respect to the functional need for the watercourse works.
 - c. Project objectives and scheme's contribution to the purpose of the FTAA
 - d. Further information in respect to Schedule 5, part 12(1)(g) and (h) of the FTAA in respect to necessity of the works to achieve the objectives of the requiring authority and consideration of alternatives.
 - e. Social Impact Assessment review.

Other specialists which now form part of the Council response were not included in this pre-application process due to proportionality considerations and/or limited information to review. For completeness this includes

- a. Parks and Community Facilities – Douglas Sadlier (**Annexure 6**)
- b. Archaeologist – Mica Plowman (**Annexure 11**)
- c. Contamination – Fiona Rudsits (**Annexure 15**)
- d. Environmental Monitoring – Cheryl Pai (**Annexure 16**)

The Proposal

The Notice of Requirement

24. Pursuant to section 42(4)(d) (designation) of the FTAA, the Requiring Authority has lodged as part of, and the principal element of this substantive application, a Notice of Requirement to amend existing Designation 3900: Auckland Prison.
25. Auckland Prison is located at 530 Pāremoremo Road, Pāremoremo and includes the former Auckland Prison Village to the north at 540 Pāremoremo Road, Pāremoremo. Figure 1 below shows the operative designation in the AUP maps (notated and outlined in brown). The area of Designation 3900 currently includes the former Auckland Prison Village to the north of Pāremoremo Road and the main Auckland Prison facilities to the south of Pāremoremo Road.

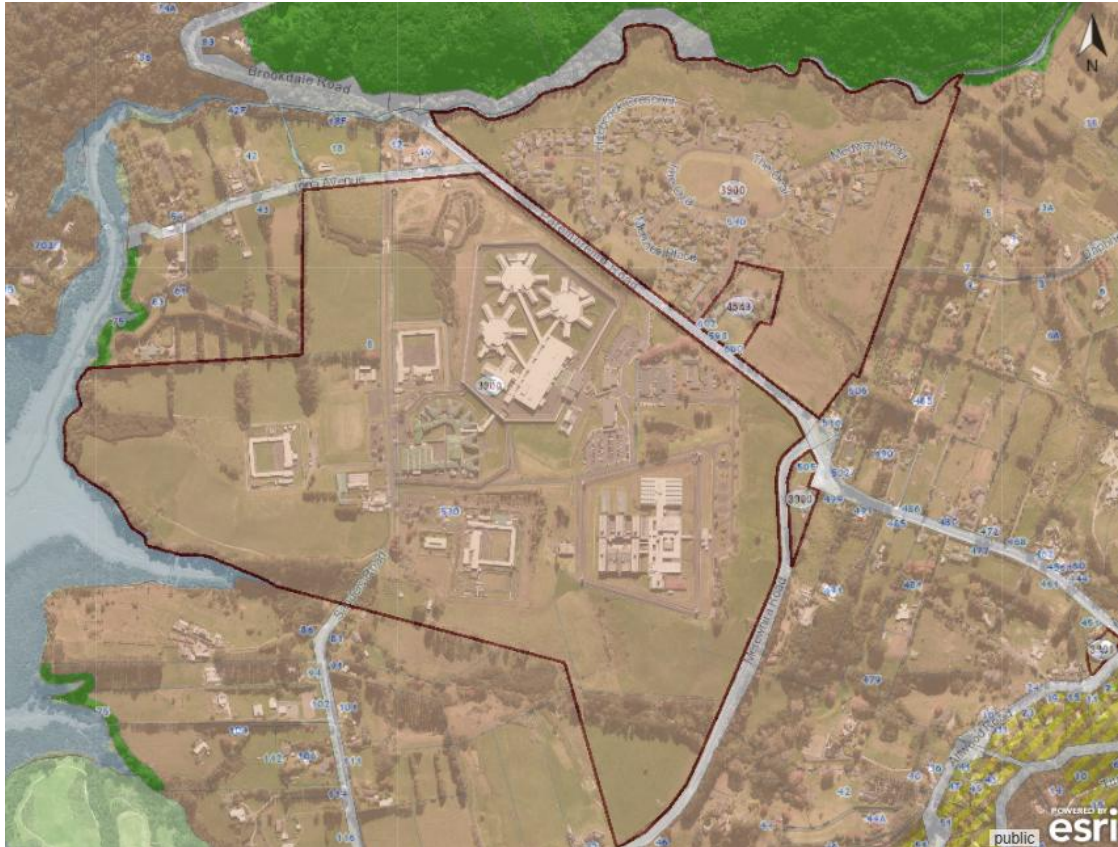


Figure 1: Designation 3900: Auckland Prison designation boundary in the AUP (Source: Geomaps 15 May 2026)

26. The NoR alteration to Designation 3900 includes a number of aspects including but not limited to the following:
- a. Increase the current designation limit of 681 prisoners (Condition 1.a of Designation 3900:Auckland Prison) to 1,220 prisoners, with specific and staged roading and wastewater infrastructure upgrades linked to these capacity increases.
 - b. Amend the purpose of Designation 3900 from “Auckland Prison” to a more specific purpose of “Construction, operation and maintenance of Prison and ancillary facilities”
 - c. Remove the existing conditions and replace with a comprehensive new suite of conditions to Designation 3900 to manage the actual and potential effects associated with the increase in prisoner capacity.
 - d. Remove the designation boundary from the Prison Village Site (540 Pāremoremo Road, Pāremoremo).
 - e. Within the remaining designation Prison site, the amendments propose establishing 4 defined areas. Of these, area A is the location where secure facilities of the Prison are limited in the proposed conditions. Area C relates generally to the perimeter of the residual Prison site and is where activities and development is limited and landscape retention and planting focused.

Resource Consent Application details and consent status

27. The proposal includes resource applications for proposed watercourse works to allow sections of two watercourses to be piped (primarily within Area A). These works are

proposed as enabling and necessary to provide for the development anticipated by the designation amendment. Associated works to provide for these watercourse works will involve the following activities:

- a. Removal of riparian vegetation surrounding a permanent stream (Watercourse 1) and vegetation surrounding an intermittent stream (Watercourse 2)
- b. Extending the existing pipe networks (including relocating the existing discharge points) which involves the piping and reclamation for sections of Watercourse 1 and Watercourse 2, plus an additional length of riprap pipe outlet
- c. Earthworks over an area of approximately 2,000m² and volume of approximately 2,500m³ for Watercourse 1, and an area of approximately 2,500m² and volume of approximately 2,180m³ for Watercourse 2 to fill over the extended pipeline.

28. The resource consents for watercourse works are sought with regard to:

- a. Chapter E3 Lakes, rivers, streams and wetlands (AUP), relating to piping and reclamation of the watercourse.
- b. Chapter E7 Taking, using, damming and diversion of water and drilling (AUP), relating to temporary diversion of surface water and take and use of groundwater.
- c. Chapter E8 Stormwater – Discharge and diversion (AUP), relating to the relocation of the discharge points for both watercourses.
- d. Chapter E11 Land Disturbance – Regional (AUP), relation to regional earthworks
- e. Chapter E15 Vegetation management and biodiversity (AUP), relating to the native and riparian vegetation removal around the watercourse works.
- a. Chapter E30 Contaminated land (AUP), relating to soil disturbance of contaminated land
- b. National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (NES:CS) for the volume of earthworks on the basis of the contamination review/presence on the land subject to works.
- c. National Environmental Standards for Freshwater Regulations 2020 (NES-F) for the reclamation of the watercourses and effects on passage of fish.

29. The resource consent activity has an overall status of non-complying, as a result of the proposed works in respect the rules of Chapter E3 of the AUP and regulation 71 of the NES-F.

30. The Council has assigned the following internal references to the constituent parts of the application and types of consent with reference to S87 of the RMA.

- BUN60464166: Bundled reference number relating for administrative purposes relating to proposed resource consents, OPW waiver and NoR amendment to the designation.
- LUC60464167: Land Use Consent.
- LUS60464168: Stream Works and Reclamation.

- DIS60464169: Stormwater diversion and discharge.
- DIS – TBC: discharge related to contaminated soils.
- WAT60464230: Water Permit.

31. Please also note that on the 24.07.26 Council planners have been advised that all remaining matters in respect to appeals on the Auckland Unitary Plan have been resolved and therefore the plan has become fully operative. This means any previous references such as Auckland Unitary Plan (operative in part) of AUP(OP) are replaced by the documents status as the Auckland Unitary Plan (AUP). This change is not considered to require any updated or further assessment from the applicant.
32. The watercourse works are proposed on the dependency and basis that they will only occur once, and subject to the alteration to the designation being confirmed, it is therefore understood and comments are provided on the basis that the Panel would not issue approval for these Resource Consents unless approval was to be issued for the Notice of Requirement to amend the existing Auckland Prison designation.
33. Section 4.0 of Volume 3 provides the greatest detail on the types of resource consent sought (land use, coastal consents, water permits and discharges permits sought).

SECTION C: PLANNING COMMENTS

34. The expert matter memorandums and other relevant forms of advice listed in **Section A** above inform this planning assessment. These have been provided in annexures in their complete form for the benefit of the Panel and their assessment on specialist matters.
35. Working within the timeframes of the FTAA this planning assessment does not seek to review and provide comment necessarily on all potential effects of the proposed development, not provide an exhaustive written assessment against provisions, rather focusing on the matters of key consideration. The Council memos have been provided in full and are available to Panel should they wish to consider views on any matters not discussed in the below. In certain instances, for instance Social Impact and Public Safety effects where the applicant has provided and relies on assessment from expertise this is outlined but are not matters within the AC planner's expertise to comment on, without peer review. In addition, the authors of this report are available should the Panel wish to ask any specific further questions on matters not covered in the below from their review of the application.

Notices of requirement to Amend the Designation 3900

36. In preparing the following comments on the NoR, we acknowledge the applicant has sought, as part of this application, a waiver of the requirement for an Outline Plan for the watercourse works for which a resource consent application is sought. This is understood as proposed by the applicant with respect to the decision of the Expert Panel under Schedule 5, Clause 29 of the FTAA to waive the requirement for an outline plan as required by S176A of the RMA for a designation. S176A(2)(a) of the RMA outlines that an outline plan need not be submitted to the territorial authority if the proposed works, has otherwise been approved under the Act (RMA).

37. Whilst the decision on the watercourse works would be under a different Act (FTAA) AC planners consider the principle of this legislation (S176A)(2)(a)) that an outline plan is not required as the works have resource consent to be relevant and would be subject to the Panel's decision on the amendment to the designation and resource consent approvals have no concern with the issue of an outline plan waiver for the watercourse works if considered necessary by the Panel.
38. In providing these comments the Council have also recognised that in the event of any future works being taken forward under any confirmed designation any requirements triggering the need for regional consents would not be provided for under such a designation.
39. The following assessment focused on environmental effects draws on the various inputs provided by experts who have reviewed the application documents for the proposed alteration to Designation 3900. To provide context, a summary of the assessment provided by the applicant is also included. The Panel is also advised of the detailed analysis provided by the various technical experts at the various attachments to this document. The assessment provided is focused on what Council consider, relative to its role in being invited to comment but not the decision maker, key topics of consideration. It is acknowledged that the comprehensive application does contain assessment on other topics based on potential effects and matters.

Archaeology

Application

40. Effects on archaeology are addressed in Volume 5 – Appendix 5B of the substantive application in relation to the Archaeological Authority required under the Heritage New Zealand Pouhere Act 2014 (HNZPTA)².
41. The Archaeological Assessment makes a series of recommendations, including that an Authority is sought from Heritage New Zealand Pouhere Taonga (HNZPT). This is one of the approvals sought as part of the lodged substantive application. Section 22 Recommendations also states:

Once an Authority is obtained, preliminary earthworks and planting in the areas highlighted in Figure 56 should be monitored by an archaeologist, in accordance with the Archaeological Management Plan, in case any archaeological remains are present. In other areas earthworks and planting can occur without archaeological supervision.

Specialist review

42. The council's archaeology specialist, Ms Mica Plowman has reviewed the substantive application information. Ms Plowman's review is included in annexure 12. A summary of Ms Plowman's review states that she:

² Auckland Prison Capacity Increase. Volume 5 – Appendix 5B Archaeological Assessment for Authority Final. 26 March 2026.

- agrees with and supports the Clough and Associates assessment of the potential risk to previously unidentified archaeological/historic heritage features within the project area;
- agrees that it is appropriate to secure an Authority under section 43 of the FTAA; and
- agrees with the proposed mitigation and supports the proposed conditions in Appendix 6A: Proposed NoR Designation Conditions DES21 and DES22.

43. In conclusion, Ms Plowman considers that ‘the proposed conditions DES21 and DES22 to protect site R10/831 nominated by the applicant in conjunction with the HNZPT authority conditions and Archaeological Management Plan are sufficient to mitigate the potential risk of archaeological/historic heritage discovery and give effect to s6(f) of the RMA’.

Planning Comment

44. The AC Planners rely on the expertise of Ms Mica Plowman as the Council’s specialist for archaeology and agree that the potential adverse effects of the Project on archaeological interest and significance can be managed through:

- a. the proposed conditions DES21 and DES22 to protect site R10/831
- b. the HNZPT Authority conditions and Archaeological Management Plan.

45. The AC Planners do not consider that any amendments or additions to the proposed notice of requirement conditions relative to this matter are necessary.

Contaminated land

Application

46. Section 7.16 of Volume 2 sets out an assessment of contaminated land associated with the proposed alteration to the designation. The assessment is supported by the technical report in Appendix 2M³ of the substantive application, which in relation to contaminated land considers the following:

- a. A summary of the historical investigations and reports on contaminated at the Site.
- b. Identifies actual or potential previous hazardous activities undertaken at the Site.
- c. A conclusion about the potential for contaminants to be present at the Site.
- d. Any measures necessary to manage such contamination.

47. The Site Suitability and Infrastructure Assessment identifies that:

- a. There is the potential for future development of the Site to disturb and mobilise contaminants.
- b. There are likely to be low level contaminants generally present across the Site.
- c. That the effects can appropriately be managed through best practice contamination management.

³ Auckland Prison Capacity Increase. Volume 2 – Appendix 2M Site Suitability and Infrastructure Assessment. 26 March 2026.

48. The requiring authority considers that 'given the need for future development to be undertaken in accordance with the regional rules of Chapter E30 (or any replacement provisions); and the requirements of the NESCS, no designation conditions relating directly to contamination are necessary'.

Specialist Comment

49. Ms Fiona Rudsits, Council's Contamination Specialist (annexure 15) have reviewed relevant aspects of the Proposal in regard to contamination matters and effects. Ms Rudsits provides a detailed memorandum and assessment regarding the proposal structured around the alteration to the designation and for the purposes of this assessment the watercourse work resource consent. Ms Rudsits notes in respect to the NoR component:

'Overall, no significant contamination constraints have been identified that would preclude the designation alteration.'

Planning comments

50. The AC Planners note that contaminated land has also been assessed as part of the resource consents sought through the substantive application. In summary, the AC specialist considers that for the designation alteration that:
- a. The actual or potential contaminated land risks can be managed effectively through the resource consent process and compliance with Chapter E30 of the AUP and the NESCS.
 - b. The implementation of appropriate management measures, and the adoption of best practice to avoid, remedy or mitigate potential adverse effects on human health and the environment during future land disturbance activities are supported.

Cultural values

Application

51. Volume 1 – Appendix 1F⁴ of the substantive application sets out the consultation undertaken with Māori and Mana Whenua for the Auckland Prison Capacity Increase Project.
52. Consultation was undertaken with relevant Iwi/Mana Whenua Tāmaki Makaurau Auckland between July 2025 and March 2026 including providing an opportunity for relevant Iwi to prepare a Cultural Values (CVA) or Cultural Impact Assessment (CIA) for the Project. Ngaati Whanaunga prepared a CVA (Appendix C of the substantive application), with a draft CVA prepared by Te Rūnanga o Ngāti Whātua (and viewed as part of the Consultation Assessment report in Volume 1 – Appendix 1F).
53. The Prison site is located in area with overlapping iwi interests including:
- Treaty of Waitangi Settlements by Te Kawerau ā Maki and Te Runanga o Ngāti Whātua that apply to the Auckland Prison Site and the Prison Village

⁴ Volume 1 – Appendix 1F. Māori Consultation and Cultural Values Assessment.

- Statutory Acknowledgement Areas over the Pāremoremo Creek west of the Prison Site, held by Ngāi Tai ki Tāmaki and Te Kawerau ā Maki
- other Treaty Settlements in close proximity but do not apply directly to the Prison Site. These include Ngāti Whātua Ōrākei Claims Settlement Act 2012, Ngāi Tai ki Tāmaki Claims Settlement Act 2018, Ngāti Tamaoho Claims Settlement Act 2018, Te Ākitai Waiohua - Signed Deed of Settlement 2021.

Planning Comment

54. The AC Planners also acknowledge that invitation for comments from Iwi/Mana Whenua on the substantive application are determined by the Expert Panel and the statutory requirements of the FTAA and iwi/hapu can in response speak to the potential effects on cultural values that may arise from the works provided for by the alteration to the designation.
55. The AC Planners note that there are no scheduled Sites of Significance to Māori identified in the AUP located within the land subject to the proposed alteration to Designation 3900. However, an assessment of the objectives and Policies of Chapters E11: Land Disturbance – Regional and E12: Land disturbance – District of the AUP is still required.
56. Chapters E11 and E12 of the AUP relate to the management of the adverse effects of land disturbance, such as the amount of sediment generated through erosion and discharged into water bodies during earthworks. The management of land disturbance during earthworks extends to the effects on historic heritage, special character and Mana Whenua cultural heritage. Policies 11.2(a) and 12.3(2)(b) require the avoidance, remediation or mitigation of adverse effects on accidentally discovered sensitive material. Policies 11.3(3) and 12.3(4) require the management of earthworks on Mana Whenua cultural heritage that is discovered during land disturbance.
57. The AC Planners acknowledge that the proposed definition of ‘sensitive material’ includes a reference to ‘A Māori cultural artefact/taonga tuturu’. The procedures required by Archaeology condition DES22 set out the steps required to be undertaken in the event of sensitive material being accidentally uncovered during the course of any land disturbance and also requires that tāngata whenua are informed immediately.
58. Earthworks, beyond that provided for by the NoRs, are subject to the regional consent provisions of the AUP, including Chapter E11 Land Disturbance – Regional, and will be assessed by Auckland Council at the time the regional consent is sought.
59. The AC Planners acknowledge that the substantive application also includes a request for an Archaeological Authority under the HNZPTA, and that this approval is separate to the designation process under the FTAA and Part 8 of the RMA.
60. The AC Planners also note that Condition DES45(i) Landscape and Ecology Implementation and Management Plan (LEIMP) also requires ‘an explanation of how cultural input and advice has been incorporated (including opportunity for tāngata whenua to provide feedback on plant species and details’.

Ecological

Application

61. Section 7 of Volume 2 Designation Alteration Report provides a summary of the considerations and recommendations from the supporting technical report in Volume 2 – Appendix 2I (Ecological Assessment).⁵
62. The Ecological Assessment considers the ecological effects associated with the proposed alteration to the designation and provides an overview of the ecological context and values of the Site focussing on:
- a. Terrestrial ecology (vegetation, herpetofauna, avifauna and bats)
 - b. Wetlands
 - c. Freshwater ecology
 - d. Marine ecology.
63. The Ecological Assessment then sets out the effects on these ecological values that could arise from the alteration to the designation and proposes a series of recommended conditions. These conditions mostly relate to the matters addressed in the Ecological Management Plan (EcMP⁶), the Landscape Mitigation and Ecology Enhancement Plan (LMEEP) and the Landscape and Ecology Implementation and Management Plan (LEIMP⁷).
64. Section 7.7.2 of Volume 2 sets out the methodologies used in the Ecological Assessment while Section 7.7.3 discusses how the parameters have been informed by the ecological values on the Site. In summary:
- a. The extent of Area A was defined to avoid the location of wetlands and watercourses as far as practicable, and to incorporate areas already highly modified with a low number of trees. Watercourses 1, 2 and 4 are located in Area A but other watercourses are avoided.
 - b. The parameter for Area A ensures 10m setbacks from wetlands to meet the National Environmental Standards for Freshwater (NES-F) regulations
 - c. Clearly defining Area A allows for areas for targeted mitigation, including ecological planting in Area C
 - d. The extent of Area B was defined based on an existing modified area to protect existing Watercourse 1 and the riparian vegetation as far as practicable
 - e. Road access points have been proposed near the primary development areas (A and B) to contain vehicle activity within the more developed portions of the Site, thereby avoiding unnecessary potential intrusion into the rest of the Site and potential disturbance of ecological features.
65. The requiring authority has proposed the following designation conditions to manage the ecological effects of the alteration to Designation 3900:
- a. Condition DES43A Ecological Management Plan which includes the following measures:
 - i. Management protocols for the avoidance of bird nesting season, or methods to confirm there are no nesting threatened indigenous birds

⁵ Auckland Prison Capacity Increase. Volume 2 – Appendix 2I. Ecological Effects Assessment

⁶ Volume 2 – Appendix 2O. Ecological Management Plan.

⁷ Volume 3 – Appendix 3L. Landscape and Ecology Implementation Plan

- nesting within the tree lines in accordance with the Native Bird Management Plan
 - ii. Management and tree felling protocols for the detection and avoidance of bat usage at the time of tree felling, in accordance with the Bat Management Plan
 - iii. Methods for the salvage and relocation of native fish from the length of intermittent or permanent Watercourses reclaimed as part of the proposal in accordance with the Native Fish Capture and Relocation Plan.
 - b. Condition DES43B Lizard Management Plan which has also been prepared as part of the Wildlife Approval Application (Volume 4, Appendix 4B) and proposes:
 - i. The establishment and enhancement of a Lizard Release Site (**LRS**) at an alternative location within the wider Auckland Prison site
 - ii. If lizards are found, they will be salvaged and relocated to the LRS
 - c. Condition DES44 Landscape and Ecological Planting
 - d. Condition DES45 Landscape and Ecology Implementation Plan.
66. In addition, the requiring authority proposed comprehensive planting across an area of 28 hectares in Area C in accordance with the LMEEP and LEIMP, inclusive of weed and pest animal management across the proposed new planting area (with a Pest Animal Management Plan (PAMP) being appended to the LEIMP).
67. Stormwater management on-site will be in accordance with the stormwater management principles outlined in Condition DES23, and consistent with Auckland Council GD01, and retained, to the extent practicable, in its tributary catchments, to provide sustenance flows to remaining watercourses and existing wetlands. The requiring authority considers that these measures will assist to mitigate the potential adverse effects on freshwater ecology values at the Site and the downstream environment of the Pāremoremo Creek and estuary.
68. Section 7.7.5 sets out an assessment of the actual and potential effects and considers the following:
- a. Coastal environment
 - b. Vegetation
 - c. Herpetofauna
 - d. Avifauna
 - e. Bats
 - f. Effects of lighting on nocturnal fauna
 - g. Wetlands
 - h. Freshwater values.
69. Table 23 in Section 7.7.6 of Volume 2 provides a summary and the proposed conditions which manage the ecological effects of the proposed alteration to the designation.
70. The requiring authority's conclusions in relation to the potential ecological effects are set out in Section 7.7.7 of Volume 2. In summary, the requiring authority considers that:
- a. The site is highly modified with buildings, roads, highly managed gardens and vegetation, and extensive stormwater infrastructure
 - b. Ecological features across the site are limited, and all features are of low ecological value
 - c. The habitat available for indigenous fauna is also limited and the presence of threatened indigenous fauna is highly unlikely
 - d. The site is proximate to the Coastal Marine Area (CMA), and the SEA-M2-57b

- e. Erosion and sediment management is recommended to prevent excessive sediment entering the estuary
- f. Construction, demolition or removal works will be undertaken in accordance with EcMP and LMP to minimise disturbance to bats, birds, lizards and native fish
- g. The proposal will implement best-practice stormwater management principles in accordance with Designation Condition DES23
- h. The proposed offset and compensation will provide substantial positive ecological benefits to the Site much greater than those being removed
- i. The planting of largely native plants over an extended and connected area over Area C also provides potential linkages with natural environments in the landscape
- j. The planting in combination provides habitat for indigenous fauna and pest management will ensure the viability for populations that colonise and use the Site
- k. Stream environments and wetlands will be enhanced and the removal of fish barriers will extend the range of migratory fish.

71. Overall, the requiring authority considers that subject to the implementation of the designation conditions, the ecological effects associated with the proposed designation alteration will be less than minor.

AC specialist review

Terrestrial ecology

72. Mr Luke Stanley, Ecology Specialist, Auckland Council, has undertaken a review of the relevant sections of the substantive application and the supporting technical documents (refer to Annexure 11). In summary, Mr Stanley's assessment states that:

- a. Mr Stanley is generally in agreement with the description of the Site and its surrounding area as provided in Section 5 of Volume 1
- b. That fauna management is adequately and robustly assessed and managed under the fauna management and pest management plans
- c. Mr Stanley recommends that the reporting of the results to be provided to the Department of Conservation also be sent to Auckland Council to assist with lizard information, and to assist with compliance monitoring of conditions
- d. He considers that the proposed planting schedule in the LEIMP is appropriate for the planting areas, with appropriate species, management, maintenance and monitoring proposed
- e. Mr Stanley recommends that the requiring authority reports back to council once planting is completed in keeping with the standard practice for land use consents to allow for appropriate compliance monitoring.

73. Mr Stanley supports the proposal on ecological grounds with appropriate and robust management of effects on fauna, pest management and suitable planting and maintenance in planting areas provided for, in keeping with the objectives, policies and assessment criteria of E15 of the AUP.

74. Mr Stanley agrees with the proposed designation conditions DES43A, DES43B, DES45.

Freshwater ecology

75. Ms. Antoinette Bootsma, Senior Freshwater Specialist, Auckland Council has undertaken a review of the relevant sections of the substantive application and the supporting technical documents (refer to Attachment 10). In summary, Ms. Bootsma assessment states that she:

- a. Is in general agreement with the applicant assessment with the requiring authority's assessment of the designation alteration in respect to:
 - i. The review and classification of hydrological features.
 - ii. The consideration given in establishing the parameters and location of future development and ecological enhancement on the Site
 - iii. The proposed designation conditions.
 - iv. The consideration given to avoid freshwater features and the alternatives and measures to ensure that the effects to freshwater habitats are minimised.
- v. Is in general agreement with the management plans but notes specifically that the proposed mediation of culverts in Watercourse 6 must be detailed in the LEIMP and must comply with the New Zealand Fish Passage Guidelines.
- vi. That the proposal to use rock piles and spat ropes for culvert upgrades in watercourse 6 are not supported as rock piles and spat ropes are not stable, long-term solutions to remediating fish passages.

76. Further discussion on the above points can be found in Section 6 of Ms. Bootsma's memo (refer to annexure 11).

77. In conclusion, Ms Bootsma's memo states that she:

- a. Supports the proposed designation alteration since it largely avoids effect 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.
- b. Generally agrees, in regard to the proposed streamworks, with the management of potential effects on freshwater ecology.
- c. Considers that the proposed implementation of best practice management during the construction phase as well as the aquatic offset and compensation will ensure good outcomes in terms of aquatic ecology.
- d. Notes that the design of the proposed remediation of the eastern culvert in Watercourse 6 requires review to ensure that fish passage in accordance with the New Zealand Fish Passage guidelines will be achieved.
- e. Does not support the current proposal to stack rock at the culvert outlet or to use spat ropes.

Planning Comment

78. The AC Planners rely on the expertise of Mr Stanley and Ms Bootsma in that the ecological effects of the proposed alteration to the designation will be avoided, remedied or mitigated, subject to the recommended amendments to the proposed conditions.

79. The AC Planners concur with the statement in Section 7.7.1, paragraph 498 of Volume 2 of the substantive application, that there are no terrestrial Significant Ecological Areas (SEA) identified within the designation boundary, and that there is a terrestrial SEA (SEA_T_8330 in the AUP) and marine SEA (SEA-M2-57b in the AUP) which occurs over

the Pāremoremo Creek in close proximity to the Site and within the designation to the west at the coastal edge of the Site.

80. The AC Planners consider that the proposed amendments to LUC13 and LUC14 do not need to be duplicated in the designation conditions. However, an additional advice note to Condition DES43B as worded below (or similar wording) may be appropriate:

...

Advice Note:

- *Department of Conservation, as the administering agency for the Wildlife Authority, has the authority to certify any updated LMP*
- *A copy of the report provided to the Department of Conservation in relation to lizard management is also required to be provided to Auckland Council (as required by Condition LUC13 of LUC604).*

81. The AC Planners also consider that Ms. Bootsma's proposed amendment for LUC16 is not required to be duplicated in DES45, if taken forward in the Watercourse works resource consent condition as the culvert upgrade is proposed as direct mitigation to those works.

Landscape and visual effects

Application

82. Landscape, Natural Character and Visual arising from the proposed amendment to the designation are suitably addressed in the application documentation. Boffa Miskell have been involved in the development of the proposal in respect to these matters and provide within Volume 2, Appendix 2H an Assessment of Landscape, Natural Character and Visual Assessment (LVA).
83. In terms of the existing surrounding rural character, and landscape features at the site and in the surrounding environment the application has identified and acknowledged this in the development of the parameters and assessment. The southwestern boundary of part of the application site bounds the Pāremoremo Creek, part of the Waitematā Harbour. The Pāremoremo Creek Esplanade Reserve is located alongside the creek adjoining a small section of the sites southerly boundary, relative to Area C within the designation plans. The Pāremoremo Scenic Reserve is separated and located to the north and generally elevated of the Prison. The Pāremoremo Scenic Reserve and creek is identified as an Outstanding Natural Landscape (ONL) in the AUP. The ONL extends into the site along its western boundary with the coastal environment. The application documentation also considers and identifies the composition, use and character of other properties in the vicinity of the site including generally lower density residential dwellings and blocks. The existing arrangement and visual appearance of the Auckland Prison site (the area of the site proposed to remain in the designation by the amendment) which is subject to the existing designation is also considered. The AUP underlying zoning of the application site is zoned Rural - Countryside Living (H19) where objectives and policies seek rural character and amenity values to be maintained and enhanced by development.
84. Based on the above the application has developed a series of parameters and

associated proposed designation conditions to provide, inform and control development and use at the Auckland Prison site and to manage landscape and visual effects. These are not repeated here but are clearly understood.

Specialist review

85. The council's consultant landscape architect, Simon Button, has been involved in pre-application discussions and comments provided by Mr Button have been considered by the applicant in finalising their proposals and designation conditions. Mr Button has reviewed the relevant application documents to his expert matter and provided a memorandum which is included in Annexure 5. The following non exhaustive summary is provided from his memorandum.

- a. Mr Button considers the methodology of the applicant's LVA to be appropriate, considering the matters relevant to the context and project nature and extent. Mr Button is also in agreement with the broader description of the landscape context of the site and generally in agreement with the site description of the Auckland Prison.
- b. Mr Button acknowledges and understands that the proposal is supported by development parameters most notably in respect to development and use within the four areas of the site proposed provided for by the Proposed Designation Conditions including on matters such as bulk, height, coverage, lighting, access.
- c. Mr Button's Assessment discusses the key matter of how the four Designation areas, sub areas within Areas within Area A when considered alongside other designation conditions provide for a level and height of theoretical development. Key matters discussed is the theoretical overall height of the development in different locations from existing ground level provided for when taking into account the proposed methodology of the proposed height control conditions (height above finished ground level and/or a maximum Reduced Level) and the possibility for fill earthworks to be theoretically undertaken. Paragraph 12-13 of Mr Button's memorandum (annexure 6) discuss this in detail and paragraph 46 includes a series of recommendations regarding these conditions which have been considered in below under planning comments.
- d. Mr Button's assessment acknowledges that these are theoretical and worst case, Mr Button's assessment also notes the existence of proposed condition DES28 which will require for any finalised proposals to provide a design report for approval through an Outline Plan of Works. This ensures within parts (a) and (c) in particular that the finalised design in addition to addressing compliance with height, setback, colour and building coverage conditions will require consideration of broader design criteria with the outcome of integrating within landscape character. Part (c) of this condition in respect to the requirement of the finalised design to avoid consolidated building mass was an outcome of discussions between the Council and applicant on this matter.
- e. Natural Character – Mr Button notes that in respect to natural character the

assessment focuses on the coastal environment which the site abounds. Mr Button memorandum considers and understands the effect of the proposed designation conditions and development parameters in respect to the development is provides for under the designation. Notably in respect to the Coastal environment Mr Button is aware of the retained and proposed vegetation planting (set out in the LMEEP) and limitations on uses and development (via 5% building coverage standard) within Area C. Mr Button also considers and recognises proposed condition DES25 in regard to the restriction of new buildings within a 40m Coastal protection yard.

- f. Mr Button's assessment refers to discussions between the applicant and the Council regarding lighting within Area C and basis his assessment on these matters being satisfactorily addressed. For the Panel's assistance the outcome of these discussions from Councils perspective was agreed amendment to the proposed conditions as follows in order to define and control lighting provided in Area C for more specific purposes, with consideration of the natural character and site perimeter location of this area.

- Amendment (underlined) to the definition of subpoint iii of the definition of Balance land activities which is applied to Area C within proposed condition DES04:

Surveillance equipment and lighting associated with lighting the secure perimeter and key access roads;

- Amendment (underlined) to condition DES25 as follows:
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.

- g. Mr Button's assessment considers the overall effect on the natural character values of the coastal environment on a short term basis and longer term basis following the establishment of planning. Mr Button considers *that the proposal will have low adverse (short term) effects on the natural character values primarily due to the following factors:*

- *The scale (height) of theoretical development enabled within Designation sub area A1.*
- *The timing of mitigation planting, with development theoretically able to be implemented prior to screen planting and framework planting being established.*

- h. Mr Button's assessment then notes in assessment and taking into account the proposed parameters that in his opinion, *potential effect on natural character values of the coastal environment be positive once mitigation planting matures.*

- i. Landscape Character – Mr Button considers landscape effects in his assessment

is in broad agreement with the findings of the LVA. Mr Button considers that *the Project will alter the existing rural landscape character values of the site, in my opinion, the area is characterised by an existing prison facility and its associated activities / uses.*

- j. Mr Button considers the proposed designation conditions and parameters most notably the location, size and controls of development in Area A and the planting (retained and proposed) before reaching the following conclusions:

'I agree that whilst the Project will alter the existing rural landscape character values of the site, in my opinion, the area is characterised by an existing prison facility and its associated activities / uses.'

'Overall, the Designation Assessment (LVA) finds that the designation alteration will result in short term Moderate effects on the landscape character values of the site, reducing to Low Moderate once mitigation planting has matured. I broadly agree with these findings, however in my opinion, effects will reduce to Low once mitigation planting has fully established and integrates the development into the broader landscape setting.'

'I agree that the proposed designation alteration will not generate adverse effects on the identified Outstanding Natural Landscape (ONL#52), with the values and characteristics remaining unchanged.'

- k. Visual Amenity – Mr Button notes that in respect to visual effects the LVA is supported by a Zone of Theoretical Visibility Analysis providing a level of illustration based on maximum development parameters and before considering the application of for instance building coverage or the design requirements of DES28.
- l. Mr Button's memorandum within the table under paragraph 41 provides an analysis of the level of effect⁸ from agreed surrounding points and is largely in agreement with the levels identified, with the table highlighting where his review and that of the applicant LVA assessor depart. Notably the applicant's assessment considers that medium to longer term effects once mitigation of the planting delivered under the LMEEP is established at all identified receivers to be either low or very low (equating up to minor using level of effect comparison

⁸ For reference the level of effect as described in Mr Buttons memorandum and reporting is based on that categorised in the LVA, a comparison between level of effect and typical RMA terminology is provided below.

						SIGNIFICANT	
LESS THAN MINOR		MINOR		MORE THAN MINOR			
VERY LOW	LOW	LOW-MOD	MODERATE	MOD-HIGH	HIGH	VERY HIGH	

within outlined in Mr Button's memorandum). This is agreed by Mr Button.

- m. Mr Button's assessment does in respect to the level of visual effect does have some differences on the level of effect during and post theoretical construction if the event that this is prior to landscape mitigation establishing. Mr Button but does not identify a moderate or greater effect in respect to this analysis for the scenario of established mitigation.
- n. Mr Button's assessment identifies from specific locations and properties low moderate and moderate effects in the possible scenario and period of development coming forward before planting is established.
- o. Mr Button provides the following conclusions on these matters:

'Broadly agree with the findings of the Designation Assessment of visual amenity effects (from those properties and locations provided), with any difference in professional opinion generally being non-material (except for potential effects from 10/12 Iona Avenue). I agree that once mitigation planting has established (notably the Visual Screen Planting establishing to a height of 8m at circa 10 years), effects will likely reduce to no more than low .

It is important to note, that whilst Moderate effects have been identified during construction and immediately post construction, these effects represent a worst-case scenario (both in terms of development parameters and with reference to the timing of development). It is acknowledged that screen planting is to be implemented within the first two planting seasons from the date the designation is confirmed. Should construction occur once mitigation planting has been established, in my opinion, potential effects during construction and immediately post construction will reduce.

- p. Designation Conditions – Mr Button has given the relationship and reliance on the designation conditions to achieve and manage the outcomes anticipate and assessment based upon provided comment on proposed designation conditions of relevance. Most notably those relating to the parameters, location and design approval of future buildings and structures (DES05-10 and DES25-28) and those key to the detail, implementation and timings of the landscape and ecological planting.
- q. Mr Button is supportive of all these proposed conditions (on basis of amendments relating to lighting in Area C outlined above), with the exception of a recommendation for condition DES05 that in Areas C and D either a supplementary Reduced Level control for the maximum building height is provided (as is the case in Areas A and B) or if a singular control this should be from existing ground level rather than finished floor level. The reasoning for this is that theoretically earthworks could be established resulting in a structure of a combined maximum height and fill earthworks taller than anticipated in terms of from the existing ground level. This recommendation is discussed below under planning comments.

- r. Mr Button in his overall conclusions on the NoR amendment to the existing designation, with cumulative assessment of the watercourse works states the following:

‘Overall, I agree that the proposed designation alteration and resource consent works can be integrated into the Pāremoremo landscape without generating significant residual adverse effects on natural character, landscape (rural) character or visual amenity values.’

86. The Council’s Senior Parks Planner, Parks & Community Facilities (PCF), Douglas Sadlier, has provided comments on the application (annexure 7) with particular consideration of the effects on visual amenity and character of adjacent open space and reserves recognising the site part abounds Pāremoremo Creek Esplanade Reserve; and is in proximity to Pāremoremo Reserve, elevated to the north, and Esplanade Reserve running east along a watercourse from the Prison village.

87. In terms of visual amenity effects Mr Sadlier’s comments first focus on the elevated Pāremoremo Reserve and visibility provided from this area. With consideration of the LVA and other aspects of the proposal and potential effects Mr Sadlier notes in his expert opinion that there is no *potential for minor adverse effects on the Pāremoremo Reserve and the Esplanade Reserve*. This is stated in respect to a consideration of potential effects beyond just visual and character in respect to these reserves.

88. With consideration of the importance of the reliance on the visual and ecological outcome of the proposed landscaping and ecological planting it is highlighted that the proposed LEEMP, which outlines the locations of retained and proposed planting, the LEIMP, regarding the implementation and management of this and the relevant designation conditions have been subject to review by Council ecologists. Mr Luke Stanley, Council Ecology Specialist (annexure 11) provides assessment and commentary across the NoR aspect of the proposals and the watercourse works resource consent which provides assurance in respect to these aspects for the basis of this landscape assessment noting:

.....the proposed planting schedule in the LEIMP is considered appropriate for the planting areas, with appropriate species, management , maintenance and monitoring proposed . Reporting back to council once planting is completed is recommended in keeping with standard practice for land use consents to allow for appropriate compliance monitoring..

Planning Comment

89. A key proposed amendment to the designation to enable development to provide for the additional capacity is the introduction and location of the four areas and the uses and built form provided in these areas. The proposal enables and provides for an additional level of development to provide for the new maximum occupancy capacity sought under condition DES01. Notably and in considering the effects of the development in this location including the coastal environment, reserves and rural environment the existing Prison forms part of the receiving environment and character of this area. The proposal

seeks to amend an existing designation to enable an increased level of Prison development and other controls and features (landscaping and ecological planting/access for instance) rather than establish the Prison designation at the site.

90. Area A of these is the location for the most significant built form will be provided/anticipated, and then to a lesser extent but with proximity to the sites northern boundary with Iona Avenue, Area B. The selection considerations for Area A which we consider include the presence of onsite constraints, landscape and coastal features, topography and the existing arrangement of the Prison under the designation are well reasoned. The location and implementation of an effective perimeter Area C in the parameters, limiting use and development in this area and the implementation of landscaping and ecological planting provides setbacks and visual mitigation to the areas of the most significant built form. This varies across the site with the more significant setbacks provided along the sites coastal edge and southerly boundaries, to the relative reduced extent along the sites Pāremoremo Road and Iona Avenue frontages, as well as the boundaries with properties on Iona Avenue.
91. The AC planners have a thorough understanding of the interplay, development enabled and management of visual and character effects that the proposed parameters and conditions provide for.
92. The applicant's planning assessment provides within Volume 2 a detailed review of potential for adverse effects in respect to natural character, landscape and visual effects, and an acknowledgment that moderate adverse landscape and visual effects are experienced at a number of receptors during the construction period, post construction on the basis of this occurring prior to landscape mitigation being well established. Levels of adverse effects generally reduce and are mitigated by the planting and establishment of landscape planting. The applicant's commitment within DES44(a) to implement the visual screen planting within the first two planting seasons from the date of designation alteration is therefore important as this provides more certainty regarding the timeframe for landscape establishment noting that the decision and timing to proceed with construction works would be the Requiring Authority's.
93. With consideration of the applicant's assessment, and relying on the expertise of Mr Button as Council's consultant Landscape Architect the proposal to amend the existing designation is considered to manage and mitigate natural character effects. In respect to landscape and visual effects there are residual adverse effects of low moderate and moderate as set out in Mr Button's memorandum to consider when deciding the substantive application. These relate to the interim period before and in the scenario that constructions works are undertaken/completed prior to landscape mitigation being established. These are from the immediate road network, and described from specified Sanders Road, Merewhira Road, Leveloff Road, Attwood Road, Lloyd Road, Ridge Road, Edward Jonkers Drive and Iona Avenue.
94. Height Control (DES05, DES06 and DES07) – the benchmark methodology for the application of measuring heights of building and structures departs from that of the AUP. The AUP generally utilises for the application of height standards the rolling height where the height standard plane/threshold mimics the existing level of the site. The application

has based on our understanding of the topography and establishing reasoned platform levels for building heights in Area A proposed an alternative approach for the application of DES05 which for Area A and B provides for the threshold to be set by the lower of either a certain height above finished floor level or a set reduced level.

95. Paragraph 12-13 of Mr Button's memorandum (annexure 5) set out the theoretical 'worst' case scenario this could provide in Area and B from existing ground level as a combination of fully extruded earthworks, to establish a finished ground level and then building/structure height on top of this. This matter has been discussed in detail and in response to comments of Council the applicant provided responses including the following:
- a. Section drawings to demonstrate the application of this standard to the existing topography.
 - b. Reliance and amendments to condition DES28 which requires for New Prison Facilities a LADR via a OPW and provide wider design criteria considered to manage or provide assessment for this outcome if presented
96. In evaluation on this matter Council consider that whilst the utilisation of the Council's typical height standard methodology would be preferred, the approach is based upon the parameters, the project objectives and sites varied topography and scale. The potential for the worst case scenario set out in Mr Button's memorandum is significantly diminished by the variety of controls that are provided in respect to most notably building coverage and the process and criteria of condition DES28 regarding clustering of buildings. The following recommendations are provided:
- a. Either consider a secondary height control as recommended by Mr Button, or
 - b. if a secondary height control is not to be provided for Area C and D (DES05); and the secure perimeter (DES06) and lighting (DES07) an amendment as follows is made to condition DES28 limb a(v), *shaping finished earthworks within Area C, D and for the Secure Perimeter (DES06) and Lighting (DES07), where practicable, to integrate with the surrounding landform.*
97. In respect to the coastal environment and ONL that extends into the site coastal boundary it is considered that potential visual, character and amenity effects have been managed by most notably area C (use and development limitations), the set back of Area A from this boundary, and condition DES25 requiring no new buildings within 40m of the MHWS. The amendments outlined above in respect to lighting within area C and outside of the coastal protection yard.
98. A comment was made at the project briefing held on the 25.06.26 regarding the consideration of the transition of building heights at the sub area boundaries within sub area A whilst providing for the flexibility needed in the design of these buildings. In response and for discussion/assisting the process Council have drafted the below potential addition to condition DES28 for the applicant and Panels consideration which follows the example set and agreed in sub point c of this condition to manage consolidation of building coverage.

(d) Ensure that within Area A reasonable consideration to a graduated transition in building heights for buildings situated in proximity and across the boundaries of the Area A sub-areas.

99. The AC Planners consider that minor amendments to the proposed notice of requirement conditions should be considered by the Panel as described and found within appendix A.

Lighting effects

Application

100. Section 7.9 of Volume 2 – Designation Alteration provides an assessment of the external lighting effects associated with the proposed alteration to the designation. This is supported by technical report⁹. The following effects have been considered:
- a. Construction lighting.
 - b. Carpark lighting.
 - c. Perimeter lighting.
 - d. Yard lighting.
101. Table 26 of Volume 2 sets out a summary of the lighting effects and the proposed conditions (pages 142 – 144). The effect of artificial lighting can be characterised by effects arising from spill light, glare and sky glow. These effects can be experienced by surrounding residents, road users, aircraft, and nocturnal wildlife.
102. The proposed conditions are as follows:
- DES 30: requires the preparation of a Lighting Design Report (LDR) to confirm that works are identified in future OPW will comply with the relevant conditions of the designation
 - DES 07: limits the height of new support structures for lighting or lighting poles
 - DES09: requires a minimum setback for new support structures for lighting or lighting poles from the boundary of the Site
 - DES14: requires new external lighting to comply with specified standards
 - DES31: requires the provision of a Lighting Design Completion Report (LDCR) to confirm that lighting has been installed in accordance with the LDR and it achieves compliance with the exterior lighting standards in DES14.
103. The Requiring Authority concludes that:
- a. The proposed designation conditions for the management of light and glare are consistent with the lighting standards set out in Unitary Plan Chapter E24 and the lighting design techniques outlined in AS/NZS4282:2023.

⁹ Auckland Prison Capacity Increase. Volume 3 – Appendix 3D Lighting Assessment. 26 March 2026. Prepared by Kern Consultants for the Department of Corrections.

- b. The lighting assessment concludes that the proposed conditions, including the limitations on maximum heights of light poles and minimum setbacks from boundaries, will ensure that any new lighting to be installed on the Site is designed and installed to minimise adverse effects on nearby residents and road users.
- c. The lighting assessment confirms that external lighting on the Site can be designed to achieve compliance with the proposed designation conditions, while also meeting the security and operating requirements of a prison.
- d. External lighting designed in accordance with the proposed conditions will not cause obtrusive glare and excessive spill light for neighbouring residential buildings, motorists or cyclists using the nearby roading network, or for aircraft within the airspace above the site.
- e. Based on the conclusions of the lighting assessment, any adverse effects arising from the use of artificial lighting at the Site in accordance with the proposed designation conditions will be less than minor.

Specialist review

104. Mr Jared Osman, Team Leader – Contamination, Air and Noise, Auckland Council undertook a review of the substantive application including the requiring authority's technical specialist report and proposed conditions (Annexure 6). In summary, his review concludes that:
- a. The information submitted in the lighting assessment as well as the 'parameters approach' undertaken is sufficiently comprehensive and suitable for the assessment of the lighting effects in relation to the provisions of the AUP
 - b. Overall, the approach proposed by the application for lighting is reasonable with the proposed conditions ensuring that lighting is designed and installed that would comply with the relevant permitted activity levels set out in the AUP.
 - c. Lighting effects associated with construction is also required to comply with the lighting levels set out in the designation conditions. Compliance with the proposed designation conditions, including through adherence to a construction lighting management plan (DES41) will ensure that lighting effects will be suitably controlled.
 - d. Mr Osman agrees with the requiring authority that with the required management plan in place, any residual effects arising from construction-related lighting will be negligible.
 - e. Mr Osman agrees with the requiring authority that the lighting designed in accordance with the designation conditions will not cause glare or light spill effects for neighbouring residents, road users or aircraft.
 - f. Mr Osman considers that no additional conditions beyond those proposed are required and that the proposed conditions are suitable for the purpose of

minimising effects arising from lighting and for achieving compliance with the permitted activity standards in E24.6.1 of the AUP.¹⁰

Planning Comment

105. The AC Planners rely on the expertise of Mr Osman as Council's specialist on lighting effects and consider based on this advice, that the proposed conditions as lodged with the substantive application will ensure that the effects of lighting during construction and operation provided for by the alteration to the designation will be managed and mitigated in respect to adjacent amenities. Mr Osman does not provide comment on potential nocturnal wildlife effects and this for clarity of the Panel is not commented on in this assessment.

106. The AC planners have noted that the lodged lighting report states:

34. Exterior lighting will be controlled to automatically turn on at early dusk and off at late dawn each day of the year. Lighting located outside of the secure perimeter would likely be programmed to dim to 50% output during hours of darkness and revert to 100% if there is an emergency that requires full lighting. Proposed designation lighting conditions would apply to both scenarios.

107. It is noted that condition DES30 in the current lighting design principles that the finalise lighted will need to achieve does not provide for confirmation of these dusk to dawn controls as part of this list. A recent clarification has been provided to the Council on this and is under consideration with the matter highlighted in appendix A.

108. The AC Planners do not consider that any additional conditions or amendments to the conditions are required in respect to lighting with the exception of the amendments outlined and explained previously in respect to the definition of balance land activities relative to Area C and condition DES25 in respect to lighting within the coastal protection yard.

Noise and Vibration

Application

109. The assessment of construction noise and vibration effects is addressed in Volume 2 – Appendix 2J¹¹ of the substantive application. The assessment report considers the following:

- a. existing noise related designation standards applying to the Site and surrounding land
- b. the operational noise from prison facilities and noise measurements at Auckland Prison

¹⁰ Chapter E24 Lighting – Auckland Unitary Plan.

¹¹ Volume 2 – Appendix 2J Noise and Vibration Assessment. 26 March 2026. Prepared by Styles Group.

- c. Assessment of noise effects from the designation alteration
- d. Noise and vibration effects from construction work and demolition activities
- e. Proposed designation conditions
- f. Noise for emergencies and warnings.

Existing noise standards applying to the site and surrounding land

110. Section 4, at paragraph 40, of the noise and vibration assessment states:

The existing designation conditions refer to outdated noise level descriptors (L₁₀) and superseded acoustical standards. The alteration presents the opportunity to update the designation conditions in accordance with the contemporary noise level descriptors and acoustical standards adopted by the Noise and Vibration Metrics Standard of the National Planning Standards.

111. The noise and vibration assessment also notes that the existing conditions prescribe separate noise limits for activities undertaken in the main designation area and separate noise limits for activities undertaken on Lot 3 DP 64525. The assessment goes on to state:

The approach of allocating individual noise limits to manage noise generated from different areas of the Site essentially provides two noise 'budgets' for the designation. This enables noise levels from activities on different parts of the Site to be managed as if they were separate activities on separate sites with separate noise limits, rather than requiring the noise levels from across the Site to be managed as-one (cumulatively).

Overall, this enables a cumulative noise effect that is higher than the individual noise limits set for each area. This assessment therefore recommends and proposes a single set of noise limits to control operational noise levels from the Site.

Operational noise from prison activities

112. Section 5 of the Noise and Vibration assessment discusses the operational noise that is typically generated from activities within prison facilities. The overall findings from the Auckland Prison measurements demonstrate that the regular activities associated with the secure facilities at Auckland Prison are generally/mostly inaudible when observed outside the secure perimeter.

Assessment of noise effects from the designation alteration

113. Section 6 of the Noise and Vibration assessment discusses an assessment of noise effects from the proposed alteration. The noise assessment has been informed by the 'parameters approach' which has resulted in defined designation areas within which certain activities will be located. The parameters have allowed the noise assessment to allocate different types of activities to the discrete areas identified within the designation. The requiring authority's specialist considers that this approach 'has enabled a robust assessment of the effects for each area'.

114. The requiring authority's specialist has considered each of the specific areas of the Site (including Area A – secure facilities, Area B – non-secure facilities, Area C and Area D and vehicle noise from carparks and access in Area A).

115. The key recommendations are shown below:

- a. Area A – locate, design and manage activities in Area A to comply with the noise limits recommended for the designation using a variety of methods, including:
 - i. Allowing adequate separation distances to receivers
 - ii. Use of acoustically effective walls/barriers (if required)
 - iii. Ensuring that building and facilities are designed and constructed to effectively contain noise emissions.
- b. Area B – careful attention to the location, design and operation of facilities and activities within Area B to ensure that compliance with the proposed noise limits is achieved.
- c. Area C – activities are likely to be sparse and very low intensity e.g. landscape revegetation/tree planting in accordance with LMEEP, surveillance equipment and lighting, access roads, infrastructure and services, stormwater ponds and stormwater management devices, infrastructure and services, cultural buildings, offender employment activity and energy generation and storage facilities. The noise generation of all these activities can be managed by a variety of methods such as engineering design, location and/or management.
- d. Area D – will continue to be used for non-secure facilities such as staff training, community facilities, associated carparking, infrastructure and services. The ADR approach adequately ensures that noise generating activities within Area D are designed, located and operated and operated in a way that complies with the proposed noise limits.

Noise and Vibration effects from construction work and demolition activities

116. Section 7 of the Noise and Vibration assessment states that the highest construction noise levels associated with the New Prison Facilities are likely to be generated from the following activities:

- a. Demolition activities
- b. Enabling earthworks to prepare future development platforms and establish access roads
- c. Construction of the new prison wall
- d. Construction of new buildings.

117. The requiring authority's specialist considers that the majority of construction work associated with new prison facilities are expected to comply with the permitted

construction noise levels prescribed by Standard E25.6.27¹² due to the separation distances between areas of construction works and occupied buildings on adjacent sites. The only exceptions may arise from short-term construction activities undertaken within 50m of the Site boundaries and these may involve very short-term exceedances to the permitted construction noise standards.

118. The requiring authority's specialist has made the following recommendations:
- a. That the designation conditions require that noise generated by construction work is managed in accordance with an approved Construction Noise Management Plan (CNVMP) prepared in accordance with NZS6803.1999 Acoustics – Construction Noise
 - b. That a schedule to the CNVMP is prepared for construction works that are likely to generate short-term exceedances. The objective of this schedule is to determine the Best Practicable Option for minimising the noise effects of an activity that cannot practicably comply with the permitted noise standards, in consultation with the owners and occupiers of sites that are predicted to receive noise levels higher than the permitted standards.

Construction Vibration

119. The noise and vibration assessment, at paragraph 132, states that the vibration levels generated by demolition and construction work are expected to readily comply with the vibration limits in Standard E25.6.30(1)(a) and Standard E25.6.30(1)(b) due to the ample separation distances between areas of potential construction and demolition work and buildings on adjacent sites. A designation condition is recommended that requires compliance with the same limits set out in the forementioned AUP standards.

Noise for emergencies and warning purposes

120. The noise and vibration assessment, at paragraph 148 notes that the existing noise limits in designation condition 1(3) do not apply to noise for emergency and warning purposes from Auckland Prison. The recommendation is that the new designation conditions 'continue to recognise and provide for any noise associated with emergency and warning system noise that may be associated with Prison operations'.

Specialist review

121. Mr Andrew Gordon – Senior Specialist (Noise) Specialist Unit, Auckland Council, has reviewed the substantive documents as they relate to construction and operational noise and vibration (refer to Annexure 8). Mr Gordon's recommendation (Section 6 of his review) states:
- That in his opinion, the assessment adequately assesses potential noise effects from the proposed alteration to the designation, based on the parameters approach.

¹² Chapter E25 Noise and Vibration – Auckland Unitary Plan

- As existing designation conditions are outdated, he concurs that new and proposed designation conditions are appropriate and relevant.
- Noise effects from the proposed designation alteration will generally be consistent with the existing designation conditions and are consistent with the relevant E25 standards of the AUP.
- He confirms that it will be practicable to design and manage activities within the proposed designation to comply with proposed designation conditions without any practical difficulties.
- That compliance with the proposed designation conditions will ensure that a good level of acoustic amenity is maintained for the closest neighbouring residents and effects on rural character will also be maintained.
- given the reasons above, he supports the application and the proposed conditions (DES11, DES12, DES13, DES27, DES29, DES32, DES33, DES34, DES35, DES26, DES39, DES 40, DES46-49).
- No new conditions are recommended.

Planning Comment

122. The AC Planners rely on the expertise of Mr Gordon as Council's noise and vibration specialist, and consider that the proposed conditions as lodged with the substantive application will ensure that the potential noise and vibration effects of the works provided for by the alteration to the designation will be mitigated and managed.
123. The proposed conditions set limits that activities on the Site need to meet and the process by which it must be demonstrated how the activities will meet these requirements. In the case of construction noise, the proposed conditions also set out a process by which activities that are predicted to result in short-term exceedances of construction noise limits should be managed.
124. The AC Planners do not consider that any additional conditions or amendments to the conditions are required.

Stormwater and Flooding Natural Hazard Risk/Resilience

Application

125. In relation to effects and matters relating to stormwater effects and risk, resilience and management of natural hazards on the site from the proposed alteration to the designation Aurecon have provided a Site Suitability and Infrastructure Assessment (Volume 2, Appendix 2M). In addition, Volume 2 – Designation Alteration provides the applicants planning assessment of these matters.
126. The assessment includes a thorough identification of the existing stormwater watercourses, and attenuation features at the site including existing stormwater ponds. The assessment also includes an identification and assessment of the presence of natural hazards on the site and in respect to both matters how parameter and designation conditions have been applied to inform and manage these effects.

127. In respect to stormwater management potential effects are focused on built form in Area A and to a lesser extent Area B, mitigated by the building coverage controls for those and other areas and managed by proposed designation condition DES23 developed in consultation with Healthy Waters which sets out assessment principles and requirements for future works. The assessment also identifies that regional consent may be required for discharge of stormwater associated with future facilities, where triggering such rules in addition to assessment under DES23.
128. The assessment has utilised the currently definitions of Plan Change 120 to the Unitary Plan (Housing Intensification and Resilience) was notified by Auckland Council in November 2025 (PC120) in respect to flooding natural hazards (overland flow paths, floodplain and flood prone area) with the site. Condition DES23 incorporates in its requirements the requirement of a flood hazard assessment for specific buildings and landform modifications within these Flood Hazard areas.
129. The application has stated they have used Land topography and Auckland Council's Geomaps portal to determine tsunami and coastal inundation risk. The principal methods to manage these risks principal methods to manage these risks have been the delineation of Areas A and B where development is most enabled and anticipated including all prisoner accommodation (Area A only) to avoid the coastal edge and condition DES25 which prevents the establishment of new buildings within 40m of mean high water springs.

Specialist review

130. Ms Hillary Johnston, is the council's specialist on behalf of Healthy Waters Flood Resilience (HWFR) and Stormwater, Wastewater, & Industrial Trade Activities (SWWWITA) Team. Considering matters and effects relevant to Stormwater and Flooding Natural Hazard Risk and provides her memorandum in annexure 4 following review of application documentation relevant to her area of expertise.
131. The following is summarised from this assessment:
- a. Stormwater management principles which will guide future development within the designation are outlined within Volume 2 – Appendix 2M, Site Suitability and Infrastructure Assessment (Revision 6) dated 26 March 2026. The stormwater management principles have been discussed in detail during preliminary engagement with the Applicant's Team. The principles outlined within Table 5 of Site Suitability and Infrastructure Assessment are in general accordance with best practice stormwater management.
 - b. The conditions relating to the management of stormwater are supported (planner comment: speaking to DES23 which incorporates the stormwater management principles). The memorandum also acknowledges that in addition to DES23 future works will still be subject to the regional stormwater (discharge and diversion) provisions of Chapter E8 of the AUP or require regional consent.
 - c. The memorandum acknowledges the existing stormwater management ponds and discharge consents for the site. The assessment considers that any works to these

attenuation features would demonstrate either compliance with existing consents or require an amendment application.

- d. The conditions put forward have been subject to extensive discussion as part of preapplication engagement with the Applicant and their agents, in particular designation condition DES23. It has also been clarified that any future development within the site will still be subject to the regional rules and requirements of Chapter E8 in addition to the designation conditions.
- e. In respect to natural flooding hazards and potential downstream effects the assessment notes key locations of interest for both the NoR to amend the existing designation and the watercourse resource consent works. In respect to the NoR amendment to the designation the conditions, Ms Johnson states the following:
- f.*The proposed designation condition DES23, associated developed definitions of natural flood related hazards responding to PC120 provisions, and the requirements of the general standard E8.6.1(3)¹³ of the AUP (separate regional consent review of future proposals) collectively provide a robust framework for the assessment and management of flood risk within the site and in the surrounding environment. These provisions will ensure that future development is appropriately designed and managed to address any potential flood effects on people, property, and the surrounding environment.*
- g. The requirement for an upgrade of the Iona Avenue culvert is assessed in detail in respect to the effects of the proposed watercourse resource consent as acknowledged in Ms Johnsons memorandum. Ms Johnson notes that future development brought forward under the designation may require culvert (Iona Avenue and wider) upgrades to manage effects and acknowledges the signposting to this likely requirement in respect to the Iona Avenue culvert within the drafted advice note to condition DES23.

Council Comment

- 132. The AC Planners rely on the expertise of Ms Johnston as the council's HWFR and SWWWITA specialist in respect to Stormwater and Flooding Natural Hazards. Proposed designation condition DES23 has been developed in consultation with Ms Johnston and the Council planners and based on the flood risk level present at the Prison site is considered a suitable method to manage and assess future confirmed plans.
- 133. The condition provides in its criteria and requirements for the assessment and management of effects from future development under the amended designation on the stormwater network including flow and water quality. The condition also provides from the management of flood risk and effects both downstream and within the site from future confirmed works and provides for the consideration of the safety of persons as future

¹³ General Standard E8.6.1 for all permitted, controlled and restricted discretionary activities listed in table E8.4.1

(3) The diversion and discharge must not result in or increase the following: (a) flooding of other properties in rainfall events up to the 10 per cent annual exceedance probability (AEP); or (b) inundation of buildings on other properties in events up to the 1 per cent annual exceedance probability (AEP).

occupiers of the new facilities provided under the designation.

134. The incorporation of the definitions of Flood related Natural Hazards in accordance with PC120 is welcomed although it is noted that the definitions in appendix 6A contain an inconsistency in providing for a specific definition of flood prone and overland flow paths, which fall and are alongside the overall definition of Flood Hazard Areas but does not include the definition of a floodplain which is advised.
135. The AC Planners recommend minor amendments as explained within appendix A in regard to the exclusions of types of works from a flood hazard assessment. The recommendation being that it is necessary for an exclusion to be based on an overall depth of cut or fill earthworks and a maximum volume of these earthworks rather than provide for a depth of fill or cut over an undefined area as currently provided as an exclusion.
136. It is also noted that in mapping the existing flood hazard area the assessment relies on the indicative flood hazard areas as mapped on Council GeoMaps. The PC120 definitions chapter of the AUP identifies in respect to the flood hazard features of OLFP, Flood Prone Areas and Floodplains that these locations are indicative only and that a party may provide a site specific assessment to confirm this. The applicant's assessment consider that the nature of the hazards used for assessment does not represent and overstates the true site hazard.
137. In consultation with Ms Johnston the utilisation of Council mapping is not based on understanding of this hazard considered to undermine conclusions stated. There is though noted a potential practical issue in respect to the implementation of condition DES23, most notably limb e where a flood hazard assessment is required relevant to a building of landform modification is positioned in a flood hazard area. The undertaking of a site specific hazard classification assessment to confirm these locations, unless GeoMaps has been updated at the time would assist all, in ensuring that the requirements of these conditions are more targeted. An advice note has been drafted and is included in appendix A.

Transport Effects

Application

141. An Integrated Transport Assessment (ITA)¹⁴ from Don McKenzie Consulting assessing the transportation related effects associated with the proposed alteration to the designation for the Auckland Prison has been provided. Key conclusions of this assessment are listed as follows:
142. In relation to the proposed three operational accesses all located on Pāremoremo Road for operational traffic of the Prison as shown in the Designations Areas Plan, Boffa Miskell. The proposal proposes specific roading upgrades particular to these accesses and seeks the flexibility of the use of one of, or any other combination of these

¹⁴ Volume 2 – Appendix 2L, Integrated Transport Assessment

operational accesses.

143. *'It is appropriate for one or a combination of the proposed access locations (Operational Accesses 1, 2 or 3) to be used for the operational traffic associated with the prison capacity increase. Traffic modelling has demonstrated that these access locations can safely accommodate the vehicle movements proposed (subject to being designed, constructed and formed in accordance with proposed designation condition DES17 (for Operational Access 1) and DES18 (for Operational Access 3). No changes to the formation or capacity of Operational Access 2 (or one of the other access points providing the same or similar traffic carrying capacity as that tested for Operational Access 2) are necessary from a traffic capacity point of view to accommodate the full traffic demands of the increased vehicle movements and will continue to provide safe and effective vehicle ingress and egress to the Site.'*

144. In respect to traffic movements, trip generation and potential effects on the operation of the network and key aspect of mitigation proposed in respect to the 921 capacity linked Avenue/Dairy Flats Highway Intersection, the assessment concludes as follows:

'Assessment of the predicted scale and nature of additional traffic movements associated with the alteration of designation has shown that any effects generated by the increase in prisoner capacity will be generally modest at a local scale and along the key transport routes serving the site, with capacity to accommodate the traffic at the levels proposed, and the traffic effects can be addressed by the Conditions of Designation as proposed;

The additional traffic movements expected as a result of the prisoner accommodation facilities enabled by the alteration of designation will contribute a modest level of additional traffic volume through the intersection of The Avenue/DFH which is currently operating close to or at the limits of its current operating capacity. Operational and capacity upgrades by way of signalisation are currently being planned by AT and are expected to be constructed in 2027 (subject to funding confirmation and the outcomes of consultation). The Avenue/DFH signalisation upgrades are proposed to accommodate the current and expected increase in land-use and transport changes within the areas surrounding the Site, as well as the modest scale of additional traffic associated with the alteration of designation. A maximum of 921 prisoners will be accommodated at Auckland Prison site until such time as The Avenue / Dairy Flat Highway intersection signalisation is completed (as proposed in designation condition DES20). In addition, as a mitigation measure, Corrections has committed to making a contribution toward the intersection signalisation to enable the efficient delivery of the intersection improvements'

145. The ITA also provides assessment and concludes in respect to construction and parking effects inclusive of the proposed designation conditions as follows:

Assessment of the likely parking demands associated with the additional prisoner accommodation facilities required to serve 960¹⁵ low to high security prisoners can be

¹⁵ The designation uplift proposes a total of 1220 capacity in terms of prisoners not 960. This conclusion and section 9 of the ITA is based upon the existing maximum security facilities being

provided for with Area A and/or Area B for a total of at least 487 visitor and staff parking spaces and will be wholly contained within the Auckland Prison site (as required by designation condition DES15);

Construction traffic effects will effectively be managed through the CTMP and certification process (Designation condition DES38).

146. Notable matters, modelling assumptions and assessment within the ITA in reaching the above conclusions includes:

A proposed condition of designation (DES19) proposes that the Iona Avenue access will be closed within two years of the date the designation alteration is confirmed, with the road carriageway removed and landscaping/screening installed. The access into the Site via Iona Avenue and Sanders Road will only be used temporarily for the movement of construction traffic (if necessary), and in accordance with any certified CTMP.

'added considerations to the designation conditions for any future construction traffic to avoid school pick up/drop off time in consultation with Ridgeview School. Designation condition DES38 requires the Construction Traffic Management Plan to provide 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). The Ministry of Education is supportive of this proposed change from a traffic safety perspective.'

The timing of construction of new prison facilities is subject to central government funding decisions and is currently unknown. The adoption of the 2036 future year scenario for traffic modelling has been framed around Corrections' current expectation that while there may be some additional prisoner accommodation delivered over the next eight to ten years, the maximum capacity (up to 1,220 prisoners) would not occur until approximately 2036. It is at this point that the greatest traffic generation and network performance effect would be expected, hence the adoption of the approximate 10-year horizon. Should the maximum prison capacity be reached earlier than 2036, the findings and conclusions of this assessment remain appropriate because background levels of traffic (at any earlier year) would be no greater than those expected in 2036.

147. In overall conclusion the ITA states the following:

'Overall, it is concluded that the additional traffic generated by the alteration to designation is expected to have acceptable transport effects on Pāremoremo Road and the surrounding parts of local road network and the projected on-site parking demands are expected to be readily accommodated with the area of the designation.

As such, the proposal will provide for safe, efficient and effective operation of the

retained with existing parking facilities being retained for the 260 maximum security prisoners cap. Whilst this appears a reasoned conclusion this is not explicitly required in the designation conditions.

transport network. There are no traffic engineering or transportation reasons preventing the alteration of designation from being confirmed subject to the matters identified and discussed in this report, and by the proposed conditions of the designation.'

Specialist review

148. Mr Siva Jegadeeswaran (Senior Development Planner for Auckland Transport (AT)) has reviewed the transport related documents, effects and mitigation of the alteration to the designation (refer to Annexure 1). Mr Jegadeeswaran acknowledges in his memorandum the extensive engagement undertaken with AT as part of the pre-application process and considers the proposed broadly consistent with the matters discussed and reflecting advice provided by AT. Mr Jegadeeswaran's overall findings are as follows (respectfully summarised for ease):
- a. The transport modelling frameworks of the ITA for projection and assessment of traffic related effects of the designation amendment is a robust and agreed analytical basis.
 - b. Access arrangements have been revised with the Iona Avenue/Sanders Road access removed from operational use. The formal closure of the Iona Avenue/Sanders Road access (not currently in use) via proposed condition DES19 addresses AT issues with that being used as a potential access.
 - c. Inclusive of the roading upgrades relative to each of the proposed operational access, any one, or a combination, of the three operational access points onto Pāremoremo Road (Access 1, 2, or 3) may be utilised with the resulting transport effects and network performance of these different scenarios acceptable.
 - d. Transport-related designation conditions (including DES15, DES16, DES19, DES20 and CTMP requirements), which reflect AT's pre-application feedback regarding parking, access design, access closure, and staging of development.
 - e. In respect to DES19 and the reinstatement to the closed Iona/Sanders Road access, amendment to the condition wording is proposed. This follows discussions with AC planners and the applicant representatives regarding the current drafting not capturing the reinstatement of the redundant part of the Iona Avenue roading.
 - f. In response to previous AT concerns the assessment incorporates updated modelling based on observed traffic data and agreed assumptions and confirms that the intersection is projected to operate at or beyond capacity in future baseline conditions, irrespective of the proposal. The ITA is noted as aligning with AT's planned upgrade of the DFH/Avenue intersection by:
 - i. Assessing a future signalised scenario, and

- ii. Including a proposed staging condition (DES20) limiting capacity up to 921 prisoners until the upgrade is in place.
- g. The memorandum recommends a condition (condition 1, section 7.0) is included in the alteration of the designation to provide for a requirement for engineering plan approval of roading works connected to condition DES17 and DES19.
- h. In overall conclusion AT considers that the transport network effects arising from the substantive Fast-Track application are able to be effectively managed through the proposed designation conditions, consistent with the outcomes of the pre-application process. This is understood to be stated from the structure of the memorandum inclusive and on the expectation of the suggested minor amendment to condition DES19 being agreed.

Planning comment:

- 149. The AC Planners rely on the traffic expertise of Mr Jegadeeswaran and generally agree with his conclusion that the conditions will ensure that the potential traffic effects of the works and traffic generation provided for by the designations on the operation of the network will be managed. The following additional points are made:
- 150. Regarding condition DES19 whilst this will be confirmed by the applicant there is broad agreement between AT, AC Planners and the applicant on the principle of an amendment to this condition to capture the reinstatement of the redundant intersection immediately outside the Prion boundary. A current indicative plan has been shared with AT and whilst not subject to engineering plan detail or approval the reinstatement shown is considered suitable. Council in the proposed amendments to condition DES19 have sought to capture a wording that provides for this but also provides flexibility to reflect any detailed design changes to this roading reinstatement arising from more detailed design without requiring further amendment.
- 151. The AT request for a proposed condition regarding a prior to commencement engineering plan approval process is not taken forward as a designation condition request within appendix A. A similar advice note is included within the condition set outlining and signposting the need for this separate regulatory approval which this substantive FTAA decision cannot provide approval for. We understand that the applicant is aware of these separate approval requirements for public roading works. The approach of this being taken forward as a similar advice note rather than suggested condition of the designation is not considered in this context to undermine or change Mr Jegadeeswaran assessment of the proposed alteration to the designation.
- 152. In respect to construction related effects and activities, the applicant has provided for in proposed condition DES38 a robust process in terms of considerations and certification for the management of construction effects on the network. This condition provides for the confirmation of construction site access and potential effects of this in respect to the road network and other adjacencies and amenities. There is however considered a point of note in respect to this matter and the potential use of Iona Avenue / Sanders Road for

construction activities. Condition DES19 notes that the access, which is currently not in use, must be closed within two years of this designation and during this interim period shall not be used for operational prison traffic for new Prison Facilities. The condition proposes under limb c that the access shall be utilised temporarily for construction traffic (if certified under DES38) but then states in part d that upon completion of the construction activities for New Prison facilities, shall be closed and replanted. Clarity is sought and proposed in the drafting that the temporary construction use of this entrance is limited to the two year window for the closure of the access.

153. Condition DES19 identifies for the two year period that it should not be used for operational prison traffic for New Prison Facilities. New Prison facilities are defined as facilities constructed after the proposed alteration to the designation is confirmed. Therefore, this appears to not capture operational traffic relative to the existing facilities, contrary and providing ambiguity when read alongside condition DES16 which identifies only three locations for operational traffic into the Auckland Prison site (which would include existing and new facilities) on Pāremoremo Road. An amendment is proposed to address this.
154. In respect to the use and importance of operational traffic and noting the exclusions provides in condition DES16 for types of activities where access can be provided elsewhere it is considered that the designation alteration would benefit from a definition of operational traffic. Other more minor or consistent amendments with the above points are proposed and explained with appendix A.
155. Regarding to the effects on the network and DFT/Avenue intersection upgrade (signalisation) Mr Jegadeeswaran has provided commentary on the status of the current project as follows:

‘AT advised that a business case for signalisation of this intersection is currently underway, with a decision and potential funding confirmation anticipated by mid-2026, and construction potentially commencing in 2027/2028 subject to approvals. The applicant’s intention to contribute financially towards this upgrade was acknowledged and an Infrastructure Funding Agreement (IFA) has now been signed. AT Traffic Engineer has advised that the project was presented to the Local Board in June to initiate the consultation process, with community consultation expected to commence on the first week of August.’
156. This update is helpful in respect to evidencing that a project is clearly being considered and also setting out the processes and undertakings of the applicant has taken to support and assist AT in delivering this, outside of the alteration to designation proposal have been substantial and clear. It is also noted that the outlined potential construction date for the intersection upgrade would, given the current date of this FTAA substantive application and practical timings with delivering new Prison facilities for capacity, likely to mean if the works were completed in this timescale the effects outlined in the ITA would be mitigated sooner than anticipated.
157. Looking precisely at these matters, the situation is one where the intersection upgrade project is identified, progressing, certainly not fanciful, but is not fully confirmed. The

proposed designation condition DES20 allows for a capacity of 921 prisoners at the Prison whether the upgrade goes ahead or not, notwithstanding the undertakings and endeavours outside of this process between the applicant and AT to assist its delivery. The control of the condition is that capacity cannot exceed 921 until the finalised upgrade is provided.

158. The ITA models various scenarios relative and to assess the performance of the DFT/Avenue intersection assessing the current performance, projected performance on a 10-year horizon incorporating per annum traffic network growth with the variables of prisoner increase occurring or not, and a modelled signalisation. The ITA also provides commentary on the trip generation effects of an increase to 921 prisoners prior to signalisation, which condition DES20 provides for.
159. Mr Jegadeeswaran, provides ATs update on the current progress of the intersection project/upgrade at DFT/Avenue, and has confirmed that conditions including DES20 reflects AT feedback on the staging of development before reaching the conclusion that AC planners rely on that transport network effects are effectively managed by the proposed designation conditions.

Wastewater and Water Supply

160. In developing the proposals, consideration to these aspects and potential effects of the proposal the applicant has engaged with Watercare Limited Services both in respect to understanding of current capacity and performance, and the development of mitigation/condition to manage effects of the proposed increase in capacity. As detailed in the below assessment and confirmed at the Overview Conference held on the 25.06.26 these discussions are ongoing and further dialogue in respect to the matters to be undertaken outside of the immediate timeframe of providing this response to invitation to comment on 28.07.26.

Application

161. The Site Suitability and Infrastructure Assessment¹⁶ and specific Wastewater Assessment¹⁷ provided with the application includes an assessment in respect to water supply and wastewater capacity associated with the proposed alteration to the Prison capacity.

Water supply

162. Auckland Prison water supply is by the network from two above-ground reservoirs located adjacent to the junction of Attwood Road and Pāremoremo Road.
163. The assessment in respect to firefighting water supply notes that the site currently contains four water tanks for firefighting, three of which are provided from the network, one from rainwater. The application notes that based on understood capacity from the reservoir and the estimated projected demand increase there will 2 days of supply, in comparison to a recommended 3 days for firefighting requirements. It is identified that

¹⁶ Volume 2 – Appendix 2M Infrastructure and Site Suitability Assessment produced by Aurecon

¹⁷ Volume 2 – Appendix 2N Wastewater Capacity Assessment, produced by SMEC

this will be addressed in terms of demonstrating capacity outside of the designation conditions and process by:

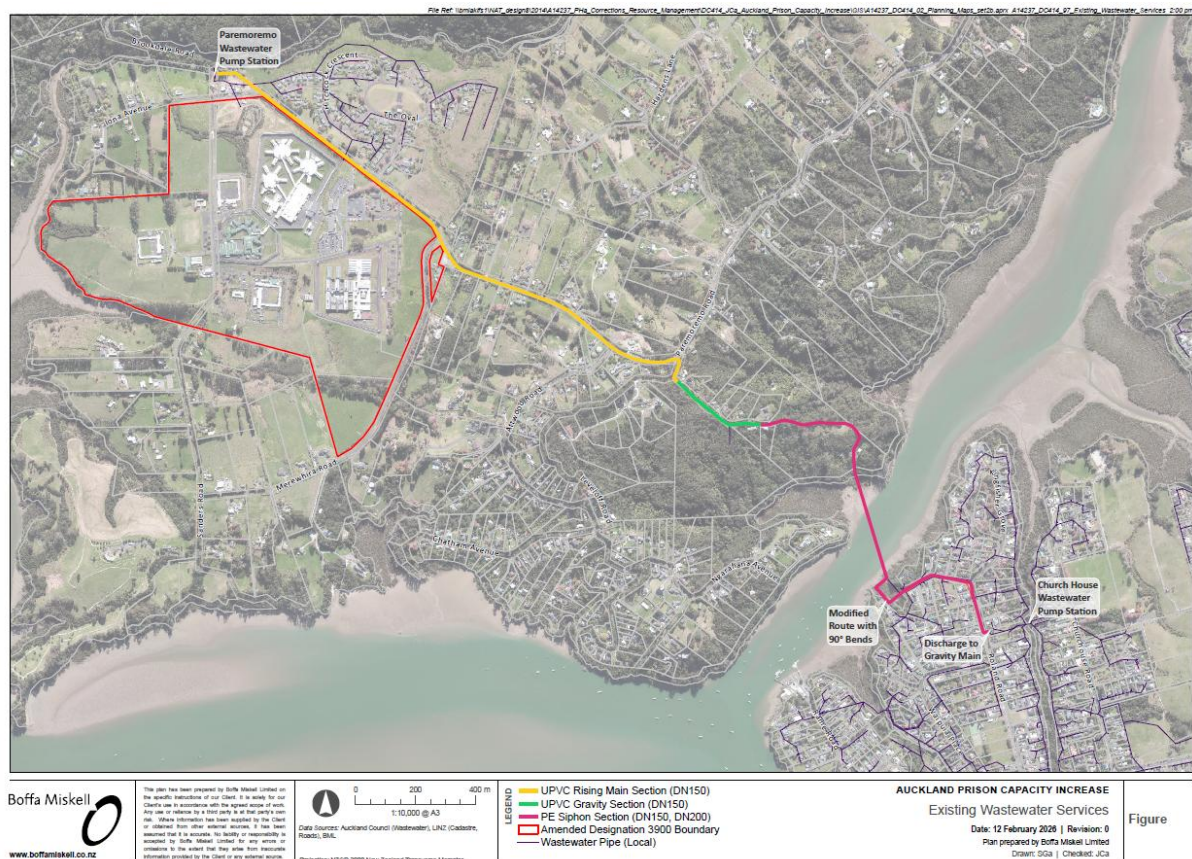
Corrections will be required to provide on-site storage to meet the firefighting water supply requirements (expected to be a duration of water storage for 3.0 days) under NZ PAS 4509:2008 – New Zealand Fire Service Firefighting Water Supplies Code of Practice.

164. The assessment acknowledges that the location of the additional water storage will form part of the future development plans under any OPW.
165. In respect to water supply for potable uses the application concludes that there is sufficient capacity in the network to accommodate the proposed increase in capacity and propose that future regulatory approvals outside the FTAA and designation conditions can within this context provide for this.

Specifically, Watercare approval is required before any individual building is connected to the public water supply network (typically sought at the same time as an application to Auckland Council for building consent).

Wastewater

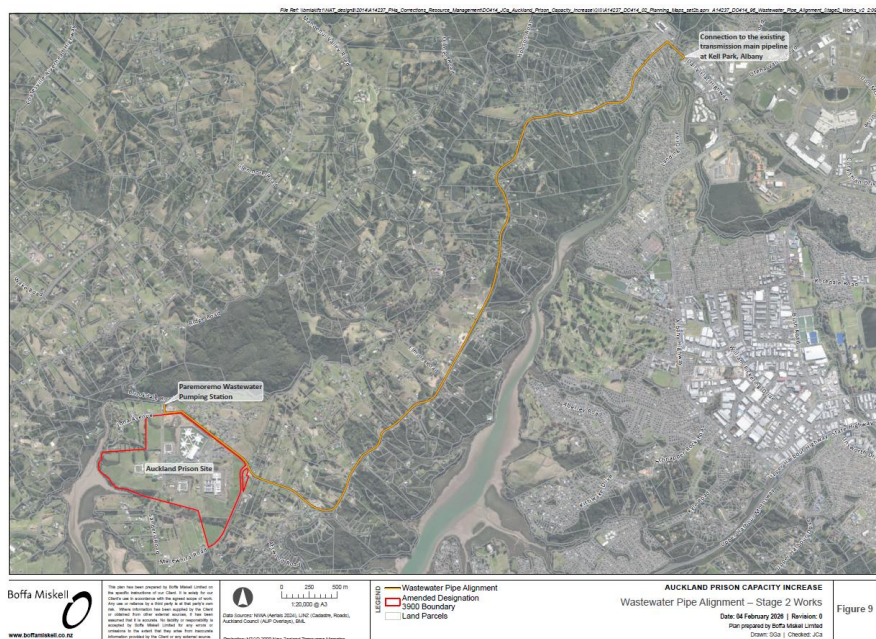
166. The application provides a detailed overview of the existing system and process for the disposal of Wastewater from the Prison site including:
- a. Wastewater first travels via and through a screening plant located on the Prison site near Iona Avenue.
 - b. Screened wastewater then discharges to the Pāremoremo wastewater pump station located on Iona Avenue and serving the Prison, the 'Prison Village (properties at 540 Pāremoremo Road) and Ridgeview School.
 - c. Wastewater then travels from this pump station via rising and gravity main, and syphon under Lucas Creek to connect to the Greenhithe wastewater catchment at the Church House Transmission Pump Station. The assessment identifies the previous Corrections ownership of the network connecting to this the catchment before transfer to Watercare.
167. The following plan shows the arrangement for understanding:



168. Technical assessment has been undertaken on the basis of the increase in discharge from the Prison if capacity is increased. The application proposes a two-stage process via proposed designation condition DES24 in respect to managing the additional discharge of wastewater from the Prison connected with the proposed increase and manage potential effects summarised as follows:
169. Stage 1 – Before any increase in prisoner capacity beyond the current limit of 681 utilise the existing pump station and rising main and syphon to the Greenhithe catchment but undertake stage 1 capacity upgrades at the Pāremoremo Wastewater Pumping Station.
170. Condition DES23 in regard to stage 1 also has the following notable parts:
- a) The cap on of 921 prisoners provided in stage 2 of condition DES23 means that stage 1 would serve an increase of up to 240 prisoners from the current 681 prisoner capacity.
 - b) An exemption if the stage 2 infrastructure is delivered prior to any increase beyond 681 prisoners.
 - c) A notable inclusion of a clause that the stage 1 infrastructure upgrades which would enable a capacity increase beyond 681 and up to 921 would be time limited and not extend beyond 2031 in response to Watercare comments to the applicant of March 2026.
171. Stage 2 refers to a new pipeline to transfer wastewater to the nearby Albany catchment, instead of the Greenhithe catchment, proposed to manage discharge outside of the

scope and infrastructure which stage 1 relies on. Based on the proposed drafting of condition DES23 Stage 2 would need to be in place before 2031, if any increase beyond 681 prisoner capacity has occurred. No increase beyond 921 prisoners during this time limited period can also occur unless stage 2 has occurred (on the basis that the stage 1 upgrades have been undertaken).

172. The below plans shows the location and extent of this pipeline. The applicant has proposed within condition DES24 a reliance on this infrastructure. Whilst the feasibility of this pipe has been explored to support its reliance it is noted that it (the pipe design and associated works) does not form part of the FTAA approvals sought in this application, with a future finalised design to confirm any RMA or other approvals required. The identification of the need for this stage 2 upgrade has formed part of the previous engagement.



Notable context/current discussion points.

173. For required context in reading the following assessment it is important that the following key proactive current discussion points initially driven by the interim nature and effect of the following clause inserted into DES24(a) are understood.

If Stage 1 wastewater upgrades are completed in advance of Stage 2, the reliance on the Stage 1 wastewater infrastructure (for a capacity of up to 921 prisoners) must not extend beyond the year 2031.

174. This clause, which creates an interim/time limited period to stage 1 was inserted into previous draft to address advice of Watercare March 2026. It is acknowledged that both Watercare and the applicant have had further opportunity to consider the implications and requirements of this clause and DES23 since lodged. These parties may provide comment and clarifications on these matters and the below is outlined in good faith and at a summary level, it is considered that this understanding is necessary to then

understand the context of these discussions informing the Watercare memorandum in addition to the proposed condition as lodged in April 2026.

- a) The effect of the above clause would require if stage 2 works are not completed in 2031 and capacity has increased beyond 681 prisoners, a reduction in prisoner capacity back to 681 at that point. This provides apparent enforceability and practicality issues in its implementation with both the expenditure allocated and invested in providing new facilities, before considering the function and operation of the Prison of seeking a reduction in capacity at that point.
- b) Further discussion between Watercare and the applicant regarding the stage 2 works, with Watercare confirming their advice that a reliance on stage 1 must be time limited and stage 2 the permanent solution for capacity increase.
- c) Consideration and discussion on the following matters:
 - i. Temporary period of stage 1 being linked to not a specific date but an equivalent timeframe.
 - ii. Suitability of stage 1 upgrades as a long term solution for capacity up to 921 (position of proposed conditions before March 2026 update).
 - iii. Stage 2 subject to a future funding decision.

Specialist Assessment

175. Ms Amber Taylor on behalf of Watercare, has provided comments relevant to these matters and the substantive application to increase prisoner capacity (refer to annexure 1). In summary, the memorandum notes the following:

'Watercare wishes to acknowledge that Corrections has undertaken extensive pre-application engagement with Watercare in relation to this Project, and that engagement is ongoing.'

'Watercare and Corrections have entered into a Memorandum of Understanding (MoU) which provides a framework for engagement during the designation, design, and construction of the proposed upgrade works.'

176. Water Supply

'Watercare confirms that as of today's date (27.07.26) the water network has sufficient capacity to support the proposed increase in prisoner numbers. The two existing reservoirs provide two days of potable water storage and are considered to be sufficient to provide for the increased demand from the prison. However, Watercare notes that the fire-fighting flows and associated storage would be required as part of the fire strategy during the detailed design for the prison extension. As set out in the Application, supplementary on-site storage can be provided by Corrections if required.'

Wastewater

177. Stage 1 Watercare comments (non-exhaustive and summarised by AC planners).

- a. Based on 2025 modelling undertaken, to support the additional flows equivalent to 240 prisoners the stage 1 upgrades at the Pāremoremo wastewater pump station are required for a time limited period (5 years).
- b. The existing pumping station, rising main and siphon have significant existing operating challenges which would be exacerbated by the increase in flows. A key issue is the existing siphon across Lucas Creen due to lack of reliance and difficulties in repairing it in the event of a blockage or failure.
- c. Watercare has agreed to take the increase in risk associated with allowing the stage 1 upgrades and additional 240 prisoners to proceed on the basis the stage 2 full diversion to the Albany catchment would be progressed and the increase in risk would be for a limited period, as provided for in the drafting of the current condition DES23 referring to 2031.
- d. Watercare have updated modelling and analysis on the network in May 2026 identifying further network capacity and performance issues at the Church House Transmission pumping station in Greenhithe. This further supports the need for stage 1 and any increase up to 921 prisoners on the basis of upgrades at the Pāremoremo Pumping station to be interim (5 years).

178. Stage 2 Watercare Comments – (non-exhaustive and summarised by AC planners).

- a) Watercare considers stage 2 solution is required to support the proposed capacity increase sought in the designation to a capacity of 1220 prisoners.
- b) This should be operational no later than 5 years from the Stage 1 upgrades and the capacity exceeding 681 prisoners.
- c) The design, construction and commissioning of the Stage 2 upgrade will need to be undertaken at Corrections cost. Stage 2 assets will be vested to Watercare, and as such, will need to be designed to Water and Wastewater Code of Practice and Standards.

179. As described above discussions are ongoing between parties regarding this matter and the proposed conditions driven by the practicality/enforcement considerations raised regarding an interim period within condition DES24 and separate further clarifications regarding stage 1 and stage 2. Two matters arise from this in the Watercare memorandum:

- I. DES24 draft amendments tabled for discussion – in consultation and in response to the interim enforceability/practicality concerns of Auckland Council planners; and with consideration linking of the 5 year timeframe of the interim period to capacity increase rather than date of designation an amendment to DES24 has been drafted.

- II. If Corrections are seeking to rely on stage 1 beyond the interim period currently proposed, then further assessment is required to confirm the appropriate long term solution.

Planning comments

180. In respect to Water supply, and the resilience of this and capacity in the network to provide for the consequential increase in demand, with reference to the expertise of the Watercare specialist(s) no concerns are raised.
181. In respect to wastewater and the potential effects (noting other suppliers who rely on the existing network) with consideration of the above the following is advised:
- a) There is agreement that the infrastructure upgrades proposed and listed under stage 2 (connecting to the Albany catchment) would manage the potential effects of the proposed Prison increase beyond 681 to 1220. This is an important point to acknowledge and clearly a singular amendment to the proposal and condition to link increased Prisoner capacity above the current limit to stage 2 would resolve matters.
 - b) The matter outstanding is contained to any increase (interim or permanent) in prisoner capacity up to 921 relying on local upgrades. AC planners therefore consider in respect to this matter that further discussions, and assessment are required before it can be confirmed that the potential environmental, other user residential amenity and operational effects signalled within the existing described network (before stage 2 is delivered) in regard to increased wastewater discharge can be confirmed to have been managed from the proposed designation conditions.
182. However, both Council, Watercare and Corrections continue to be in ongoing discussions on these outstanding matters.
183. We acknowledge that Panel would benefit from an understanding of a timeframe for these discussions, in the context of the required timeframes and effect of the FTAA in regard to the assessment and decision on any FTAA application. Auckland Council planners will liaise with the applicant and Watercare on this, with the intention of providing a further update to the Panel.

Social Impact Effects

184. The substantive application includes a Social Impact Assessment (SIA) which provides an assessment of the potential social impacts of the proposal beyond the Auckland Prison site, with a focus on the community impacts.
185. The SIA states in the Executive Summary that the assessment confirmed that the proposal represents significant social benefits at a local, regional and national level. In summary, the most significant positive social impact of the proposal was identified as:

Social upliftment and improved quality of life as a result of employment generation,

benefits for businesses and the economy, most significantly in the construction phase and a meaningful impact associated with the operational phase of the proposal.

186. The SIA, in the Executive Summary, also states that the negative effects of the proposal post mitigation were assessed to be low, with the exception of the following local impacts which were of moderate significance:

Reduced accessibility due to increase traffic volumes including heavy vehicles during the construction phase, which may cause delays and congestion and impact on individuals' daily movements and behaviours

Change in sense of place and character of a local area during construction phase activities.

187. As identified in Auckland Council's memo dated 20 May 2026 (Response to Minute 1 (Schedule 1 and 2) of the Panel Convenor), Auckland Council has not undertaken a specialist review of the SIA. However, the council planners noted that the application has considered in the 'parameters' proposed and designation matters raised in the SIA, supported through the technical specialist assessments. The table below shows the potential adverse effects identified in the SIA and the mitigation proposed in the substantive application.

Potential adverse effect	Mitigation	Designation condition
transport effects – access, safety, traffic and parking (construction and operational)	- Construction Traffic Management Plan - Corrections to continue to engage with Auckland Transport regarding the traffic calming measures required to facilitate safer pedestrian movement on Pāremoremo Road, in the vicinity of the Ridgeview School prior to commencement of construction of the proposal - Provision of construction phase traffic related information to residents in the area and Ridgeview School including what construction activities are proposed to place and the likely implications - Provision of a mechanism for complaints registration and feedback during the construction phase.	Traffic and Parking (Condition DES 15) Vehicle Accessways and Manoeuvring (Condition DES16) Operative access 1 (western access) (Condition DES17) Operational access 3 (eastern access) (Condition DES18) Closure of Iona Avenue/Sanders Road Access (Condition DES19) Dairy Flat Highway/The Avenue Intersection signalisation (Condition DES20) Construction Traffic Management Plan (Condition DES38)

		Community Liaison Group (Conditions DES46 and DES47) Complaints Procedure (Conditions DES48 and 49)
Reduced community safety and security	Mitigation proposed by Corrections during design and operation: • Building of modern prison facilities (and replacement of older facilities) • Closing Iona Ave entrance, and location of the proposed new entrance on Pāremoremo Road • Prison emergency management planning and preparation • Prison security and technology, training and incident response procedures. Mitigation identified by Corrections for social impacts: • Maintain a community notification system • Provision of a mechanism for complaints registration and feedback during both the construction and operational phase • Community reporting of prison visitor related incidents, and increased police response as required.	Community Liaison Group (Conditions DES46 and DES47) Complaints Procedure (Conditions DES48 and 49)
Reduced Community Cohesion and stability	• Recommendation that a Community Liaison Group (CLG) be formed with representatives of Auckland Prison and the local community. Regulatory authorities, law enforcement and emergency services, and the local school will also be invited to participate in the forum. The purpose of the CLG is to open lines of communication between the community and the prison and to provide a forum to discuss issues and interests relating to the proposal and prison operations. • Provision of a mechanism for complaints registration and feedback during both planning, construction and operational phase. • Establish clear lines of communication between the prison and the local community.	Community Liaison Group (Conditions DES46 and DES47) Complaints Procedure (Conditions DES48 and 49)

natural hazards – stormwater and flooding		Stormwater and Flood Hazard Management (Condition DES23)
Change in the quality of the environment - noise and vibration effects (construction and operational)	Sharing of information by Corrections relating to proposed construction and operational phase environmental impacts, including the mitigation proposed to reduce the impacts, to local residents on request	Construction Noise (Condition DES11) Construction Vibration (DES12) Operational Noise (Condition DES13) Acoustic Design Report (DES29) Construction Noise and Vibration Management Plan (Condition DES39) CNVMP Schedule (Condition DES40)
landscape and visual effects lighting effects		Landscape and Architectural Design Report (DES28) Lighting Design Report and Lighting Design Completion Report (Conditions DES31 and DES32) Construction Lighting Management Plan (DES41) Landscape and Ecological Planting (Condition DES44)
infrastructure effects including wastewater and water supply		Wastewater Infrastructure (Condition DES24)
ecological effects		Earthworks Management Plan (Condition DES42) Ecological Management Plan (DES43A) Lizard Management Plan (DES43B) Landscape and Ecological Planting (Condition DES44)

		Landscape and Ecological Implementation and Management Plan (Condition DES45)
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188. It is acknowledged that there may be other matters than those listed above raised through feedback sought from directly adjacent persons which cannot be easily translated into a designation condition, other than through the Community Liaison Group and information/complaints procedure conditions. Table 6.6 of the SIA contains an identification of effects during the construction and operational phases provided in the alteration to the designation including positive and negative effects before and after mitigation is provided via recommended conditions.
189. In response to query given the specialist nature of this matter, the Panel advised AC planners via the EPA Application Lead on 17 June 2026, that Auckland Council was not required to commission a peer review and that if a review is needed, the Panel would appoint a technical advisor to assist.

Public Safety Effects

190. The AC Planners also note that in Volume 2 Designation Alteration Report, in Section 7.1.1, public safety is addressed along with the perceived benefits that will derive from meeting the identified shortfall in prisoner capacity at the Site.
191. As stated in paragraph 211, under the Corrections Act, the purpose of the Corrections system is to improve public safety and contribute to the maintenance of a just society through:
- 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
 - c) Assisting in the rehabilitation of offenders and their reintegration into the community
192. As noted at paragraphs 215 to 219 of Volume 2 Designation Alteration report, there is an existing capacity shortfall in the wider Auckland Region of more than 500 prisoner places, which will be met by the additional capacity of Auckland Prison. There is also currently a national deficit in high-security and low-minimum security capacity resulting in prisoners being held in accommodation that is not always aligned to their security classification. The current demand for prisoner places within the three men's prisons in Auckland means that over 15% of the Auckland region's prison population are accommodated in prison outside of the region. This in turn places additional pressure on the wider prison network to accommodate the overflow from Auckland. In addition to the operational and economic impacts for Corrections, it also has a high social cost when placing people in prisons away from their whanau and support networks.
193. Section 7.1.3 Conclusion, in paragraphs 223 to 228, states:
- 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. 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.
Auckland Prison Capacity Increase.*

Enabling the development of quality and modern fit-for-purpose prison facilities as will be able [stet] to be developed on the Site allows Corrections to reduce reoffending through effective rehabilitation.

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

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.

Overall, these are significant positive public safety and wellbeing benefits that will derive from the increase in capacity in the manner sought with the proposed alteration to the designation.

Reason why the Designation is Necessary

194. Volume 1 Overview Report (Section 7.3 The Proposal Objectives) sets out the project objectives and an assessment of whether the proposal is reasonably necessary in response to clause 12(1)(g) of Schedule 5 of the FTAA.

195. The Requiring Authority states in Section 7.3 that the objectives for the Proposal are:

- A. *Provide sufficient prisoner places with the appropriate security classification in the geographical area of need to meet demand*
- B. *Enable 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*
- C. *Ensure 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.*
- D. *Enable the efficient use and development of land held for prison purposes and associated assets*
- E. *Locate the Prison capacity sufficiently close and connected to:*
 - a. *The culture, community and whanau of prisoners;*
 - b. *A workforce of prison staff to support a safe, secure and effective prison operation; and*
 - c. *Health services and service providers to rehabilitate and reintegrate prisoners.*

F. Significant adverse effects of the development of the Site are appropriately avoided, remedied or mitigated.

196. Section 7.3, then sets out the reasons why the proposal meets each of the above objectives, and that the alteration to the designation is reasonably necessary for achieving the objectives of the requiring authority. In summary, the following is stated in paragraphs 216 to 226:

- The uplift in capacity from 680 to 1,220 prisoners places at Auckland Prison is required to address the current shortfall in custodial accommodation in the Auckland Region, to respond to projected growing prison population and enable appropriate operational resilience of the Prison network (Objective A)
- The proposal enables the future delivery of quality and modern fit-for-purpose prison (Objective B)
- The proposed additional capacity sought will provide for operational resilience capacity to manage operational requirements, demand uncertainty and disaster recovery/unexpected events in the Prison network (Objective C)
- The proposal will enable the efficient use and development of the Site and its associated assets, which are well-established and already owned and designated for prison purposes (Objective D)
- The proposal through the proximity of where the need is required reduces logistical challenges and costs for transporting individuals for court appearances; lowers travel expenses for both justice system and families; enables better access to local rehabilitation and reintegration services; and maintain close ties with whanau and community (Objective E)
- Significant adverse environmental effects of the development of the Site will be avoided, remedied or mitigated (Objective F).

197. The AC Planners have no substantial concerns in relation to the requiring authority's assessment of its own objectives for the Auckland Prison Increase Capacity Project.

Alteration of the designation boundary

198. As stated in Volume 2 Section 3.1 Designation Alternation Report, at paragraphs 68 to 71, the current designation for the Auckland Prison Site includes the Prison Village on the northern side of Pāremoremo Road, as well as the Pāremoremo Community Hall located at 505 Pāremoremo Road. The proposed alteration to Designation 3900 seeks to remove the designation from the Prison Village, while retaining the boundary over 505 Pāremoremo Road and the Auckland Prison Site (530 Pāremoremo Road).

199. The Designation Alteration report, at paragraph 70, states that the reason for removing the Prison Village from the designation is that the land is not required for prison

purposes. The Designation Alteration report goes on to state:

As such, retaining the designation over the Prison Village is not 'reasonably necessary' to achieve the objectives of the Minister of Corrections. Removing the Prison Village land from the designation provides certainty that the Prison Village will not be used for prison purposes into the future.

If Corrections determines that the Prison Village land is surplus to requirements in future, the land will be placed into the Public Works Act 1981 (PWA) disposal process...

200. The land on which Auckland Prison is situated, and the Prison Village, is subject to two Treaty of Waitangi Settlements¹⁸. Section 4.2 of Appendix 1F Māori Consultation and Cultural Values Assessment Final, states that the two settlements give a non-exclusive right of first refusal 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).
201. Details on the PWA process is provided in Section 5.2 of the Consultation Report (Volume 1, Appendix 1G). However, in summary the PWA process, as described by Corrections in that document, is that it requires the following steps:
- determination of whether any other government agencies requires the land for a public work
 - if no other government agencies require the land, then the land must be offered back to the former owners (or their successors)
 - if the land is still available after the offer-back process, and is subject to a Treaty Settlement, it must be offered to the relevant iwi under the Right of First Refusal (RFR) process
 - Te Kawerau ā Maki and Ngāti Whātua o Kaipara have RFR over the land. These rights are legally binding and must be honoured before the land is sold or leased. Te Kawerau ā Maki and Ngāti Whātua o Kaipara have a joint right to purchase the Prison Village land should the purchase option arise.
202. In respect to the proposal to remove or alter the designation through the notice of requirement, attention is drawn to S181 or S182 of Part 8 of the RMA in respect of the process this outlines which is required between the Requiring Authority and the Territorial Authority before either a part removal or alteration to the designation is undertaken.
203. S181 or S182 (dependent on the categorisation of whether the change to this Prison village constitutes an alteration or the RA no longer wanting part of the designation) is established in the RMA not the FTAA. The FTAA identifies in Schedule 5, Criteria 24 that the provisions of Part 8 of the RMA, that direct decision making on an application

¹⁸ Ngāti Whātua o Kaipara Claims Settlement Act 2013 and a Deed of Settlement between the Crown and Te Kawerau ā Maki.

for a designation should be taken account by (S170 excluded). AC Planners do not have the legal experience to determine whether section 181 and/or section 182 has the same legal effect and requirements, with specific regard to their relevance to the requirement to take Part 8 into account, and whether this forms relevant sections of Part 8 that direct decision making. This matter is noted for attention and consideration.

204. AC planners have noted the direction provided by Schedule 5, Clause 30 and 31 in respect to the inclusion of any designation in a district plan and status of a modified designation under a FTAA decision.
205. AC Planners acknowledge that the removal of the land for the Prison Village can only be undertaken through an alteration to the designation and that the requiring authority has requested this as part of the substantive application under the FTAA for which the appointed Panel are the decision maker rather than the territorial authority.
206. The AC Planners also recognise that there may be feedback from other parties, including the Upper Harbour Local Board, that raise concerns about the removal of the designation boundary from the Prison Village land. This includes concerns about the effect that the removal of the Prison Village could have on existing residents in the village and also residents in the wider community.
207. Following the removal of the designation from this land, the Prison village land would no longer be subject to a designation and therefore the district rule provisions of the AUP would apply in addition to any regional consent matters. The underlying zoning of the site is Rural – Countryside Living, and relevant AUP provisions, would apply to any new uses and activities. In respect to the planning status/rights of the existing buildings and activities of the parts of Prison Village following the designation removal, AC planners within their role as providing comments on the application have not undertaken a detailed review of this, the activities and relevant planning history required to comment in detail on this matter, as well as the approvals not necessarily seeking a certificate of compliance. This would be a significant workstream with related cost and therefore is something that is considered direction should be provided on if sought.

Consideration of Alternatives

208. Schedule 5 cl. 12(1)(h) of the FTAA requires consideration of alternative sites, routes or methods of undertaking the project or work as part of the information required in a notice of requirement.
209. There is a similar requirement in Part 8 of the RMA (which is cross-referenced in Schedule 5, cl.24(a)(ii) of the FTAA) which requires that adequate consideration is given to any alternative sites, routes or methods of undertaking the works if the requiring authority does not have an interest in the land sufficient for undertaking the works (Section 168(3B)(b)(i)).
210. If the requiring authority has an interest in the land sufficient for undertaking the works, and the works are likely to result in significant adverse effects on the environment, a

description of the possible alternative locations or methods for undertaking the activity is required (Section 168(3B)(c)).

211. While the Minister of Corrections owns the land and considers that there are no significant adverse effects, subject to the conditions lodged with the substantive application, an assessment of alternatives has been provided¹⁹.
212. As stated in paragraph 13 of the assessment of alternatives, Corrections undertook an assessment of alternative options to provide for the forecast additional capacity across the prison network. The assessment was based on the Project objectives, and a set of assessment criteria which resulted in firstly a long-list of possible alternative locations across the prison network; and secondly a shortlist of six potential prison sites (other Auckland region Prison sites not shortlisted on key written basis of not having space for development of additional capacity) that were identified for further analysis.
213. The Assessment of Alternatives conclusion (Section 9) states the following:

Overall, considering the six shortlisted options and current information available, subject to the caveats listed above, any of the shortlisted sites could achieve assessment criterion A that the option shall appropriately avoid, remedy or mitigate significant adverse environmental effects of the activity. However, only Auckland Prison achieves Criterion B, that the option shall be located in the geographical area of need and can provide sufficient prisoners places with the appropriate security classification to meet demand across the network. In particular, with significant existing and forecast demand being from Auckland, increasing capacity at Auckland Prison enables prisoners to remain near to whanau and their support networks, and has good proximity to services and workforce. The site is also located relatively near existing Court facilities, which contributes to improved efficiency in terms of reduced transport logistics.

214. The AC Planners understand that the issue in relation to the assessment of alternatives is whether the Requiring Authority has adequately considered alternatives, and not whether the 'best' option has been chosen, or that all possible alternatives have been considered. Therefore, the option chosen by the Requiring Authority is the one that it considers meets the objectives of the requiring authority and the Project. However, the Requiring Authority does need to ensure that it has considered all reasonable options and has not 'acted arbitrarily or given cursory consideration to the alternatives'.²⁰
215. The AC Planners acknowledge that there are prison sites that were assessed, other than Auckland Prison, which contain sufficient developable land area and that the level of effects are not dissimilar at the level of assessment of the Alternatives Assessment. However as identified in Section 8 of the Assessment of Alternatives, Corrections identifies that Auckland Prison is the feasible option which provides sufficient prisoner places with the appropriate security classification necessary to give effect to the Department of Corrections Long-Term Network Configuration Plan 2025-2045 in the 'geographical area of need' with reference to criterion B.

¹⁹ Auckland Prison Capacity Increase. Volume 2 – Appendix 2C. Alternatives Assessment. 17 December 2025.

²⁰ Waimairi District Council v Christchurch City Council C30/1982

216. The AC Planners understands that the 'option' chosen by the Minister of Corrections, is based on operational and statutory requirements which obligates the Minister of Corrections 'to deliver and maintain a Corrections system that improves public safety, and contributes to the maintenance of a just society'.

Other matters

217. Whilst it is clearly anticipated that the proposed designation conditions do not explicitly provide for the requirement that additional prisoner capacity is provided in new facilities. Such an approach may be overly restrictive to the operation and management of a Corrections facility and they are clearly best placed position to determine this. However, the application does present that aspects and potential effects, related to more Prisoner capacity (for instance water supply approvals being linked to building consent stage which would be triggered and rely on the additional capacity being provided in a new facility) so therefore it is considered that consideration and a response on this specific matter and why it is not required for completeness.

Resource consents under the FTAA

218. The following section outlines the planning assessment on the watercourse works resource consent aspects of the substantive application, drawing on the various inputs provided by experts who have reviewed the application documents. To provide context, a brief summary of the assessment provided by the applicant is also included. The Panel is also advised of the detailed analysis provided by the various technical experts in the various attachments to this document. The assessment provided is focused on what Council consider, relative to its role in being invited to comment but not the decision maker and available expertise, key topics of consideration and potential effect from the proposed watercourse resource consent works. It is acknowledged that the comprehensive application does contains assessment on topic based potential effects and matters which are not discussed below.

Ecology - Freshwater and Riparian

Application

219. The ecological value of, and the effects of the proposed works associated with the proposed works and reclamation of the two sections of watercourses and the associated riparian vegetation removal are reviewed in the Volume 3, Appendix 3B Ecological Assessment²¹ and subject to planning assessment provided within Volume 3²² document.
220. The proposed works are brought forward on their being a functional need to extend the pipe network at watercourse 1 and 2 to enable the increase in capacity sought in the amendment to the designation. The functional need and test, is assessed in section

²¹ Volume3, Appendix 3B Ecological Assessment prepared by Boffa Miskell.

²² Volume 3 – Resource Consent Applications and Request for Outline Plan Waiver for Watercourse Works, prepared by Boffa Miskell.

6.3.4.2 of Volume 3 document²³ and includes with reference to other application documents the key factors:

- 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 or secure facilities on other parts of the Auckland Prison Site.
- c) There is a functional need for watercourse reclamation in the locations proposed because open watercourses cannot be reasonably accommodated within secure areas of prisons nor below secure perimeters.

221. Following methodological assessment of the watercourses subject to the reclamation, watercourse 1 (permanent watercourse) is identified overall of being of low ecological value, and watercourse 2 (intermittent watercourse) is identified overall of very low ecological value. The assessment also considered the ecological value of watercourses 3 and 6 in respect to suitability for ecological offset and compensation and considered these overall of very low (watercourse 3) and low to moderate ecological value.
222. That subject to the recommended 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.
223. Effects management and Offset/Compensation Measures include the following in summary with planting mitigation incorporated into the LMEEP:
- a) Timing of works, and implementation of fauna management plans and measures.
 - b) Watercourse compensation planting around watercourse 3, and upper reaches of watercourses 1 and 6 (northern tributary).
 - c) Wetland compensation planting, around wetlands B and D.
 - d) culvert improvement and upgrade works at Watercourse 6 to provide for fish passage.
 - e) Comprehensive weed and pest animal management programme for the new planted areas.
224. The proposed works include a scale of earthworks associated with the proposed reclamation which regarding regional land use consent under rule A9 of Chapter E11 of the AUP. The application includes a draft Erosion and Sediment Control Plan²⁴ and

²³ Volume 3 – Resource Consent Applications and Request for Outline Plan Waiver for Watercourse Works, prepared by Boffa Miskell.

²⁴ Volume 3 – Appendix 3G, Engineering Design Report, Part 7, Erosion and Sediment Control Plan & Sequencing, un-dated, by Aurecon New Zealand Limited

Earthworks and Contamination Management Plan²⁵ prepared by Aurecon. The application proposes a methodology and staged sequencing of these earthworks relative to the two watercourses.

225. AC Specialist review

226. Ms Antoniette Bootsma, Council's Freshwater Ecology Specialist (annexure 10) and Mr Luke Stanley, Council's Terrestrial Ecology Specialist (annexure 11) have reviewed relevant aspect of the Proposal, considering the Ecological Assessment provided, ecological management plans, along with the proposed conditions of consent to implement management measures and provide for proposed improvement, offset and compensation works/planting. These memorandum has assessed the substantive application holistically but with an understanding of the specific watercourse and related works that form part of the resource consent approval sought. In summary, the following is noted:

227. Ms Bootsma, Council's Freshwater Ecology Specialist

'My memo also includes an assessment of the substantive application for resource consent under the Auckland Unitary Plan and National Environmental Standards for Freshwater. I consider that the applicant has demonstrated how, subject to the implementation of pipe design and construction in accordance with recommendations and the Landscape Mitigation and Ecology Enhancement Plan (LMEEP) and Landscape and Ecological Implementation Management Plan (LEIMP), it is considered that adverse ecological effects and effects on freshwater natural character are adequately managed I note that management of effects includes a native fish capture and relocation plan; riparian planting around watercourses and wetlands within the site; upgrades to existing culverts at watercourse 6 to significantly improve fish passage'.

'I am in general agreement with the management plans, however, I note specifically that proposed remediation of culverts in Watercourse 6 must be detailed in the LEIMP and must comply with the New Zealand Fish Passage Guidelines. The proposal to use rock piles and spat ropes are not supported since rock piles and spat ropes are not stable, long-term solutions to remediating fish passages. I recommend that Conditions DES45 and LUC16 be amended to include reference to culvert works and a requirement that plans are certified by Council prior to remediation works to ensure that reinstatement of fish passage in this stream and therefore realizing the aquatic offset/compensation outcomes on which this assessment is based, are able to be achieved'.

228. Mr Luke Stanley, Council's Terrestrial Ecologist

'Compensation and Offset planting management is covered in the LEIMP and LMEEP. This includes existing vegetation to be retained and enriched (4.71ha)²⁶, watercourse compensation planting (1.6ha), watercourse offset planting (1.05ha) and wetland

²⁵ Volume 3 – Appendix 3H, Earthworks and Contamination Management Plan, Revision D, dated 2026-03-26, by Aurecon New Zealand Limited.

²⁶ Mr Stanley refers to the wider vegetation an element of the scheme proposed in the substantive application and forming part of the LMEEP but not proposed as direct offset and compensation for the watercourse work resource consent itself.

compensation planting (0.28ha). The offset and compensation planting is to manage the loss of watercourses on site proposed to enable the development. I understand that the amount of offsetting and compensation is determined through an offset/compensation calculation, for which I defer to the appropriate specialist- Antoinette Bootsma. With that said, the proposed planting schedule in the LEIMP is considered appropriate for the planting areas, with appropriate species, management, maintenance and monitoring proposed. Reporting back to council once planting is completed is recommended in keeping with standard practice for land use consents to allow for appropriate compliance monitoring’.

‘Fauna management is adequately and robustly assessed and managed under the fauna management plans and pest management plan. Native fish management is also covered in the EcMP²⁷ plan, but I defer to Antoinette Bootsma of Earth Streams and Trees for that assessment. The only issue around fauna management identified is within the LMP, where reporting is provided for to the Department of Conservation (Section 10.1), but not to Council. Results are recommended to also be sent to Auckland Council to assist with lizard information, and to assist with compliance monitoring of conditions, such as the maintenance requirements proposed in the PAMP²⁸’

229. Mr Matthew Bryce, Erosion and Sediment Control Consultant acting on behalf of Council has undertaken a detailed assessment of the proposals (annexure 13) in respect to the potential effects and control measures for earthworks proposed as part of the watercourse works.
230. Overall, Mr Bryce supports the applicant’s proposal subject to the acceptance of three additional conditions that relate to how construction water from excavations is managed, and to allow for review of the permit over its proposed 15-year duration. Relevant comments on the need for these additional conditions are identified below:

‘Two additional earthworks conditions relate to how sediment laden water accumulated within the Sites’ earthworks excavations is managed. I have recommended a condition that requires the provision of a Pumping & Dewatering Management Plan (PDMP) ahead of earthworks commencing and that this plan be implemented throughout the duration of earthworks at the Site, and a second condition that requires provision of a Chemical Treatment Management Plan (ChTMP) that must also be provided ahead of earthworks commencing and adhered to throughout the duration of earthworks at the Site. I consider that adherence to these two conditions will help ensure that any sediment laden water generated during earthworks is managed in accordance with best practice and the guidance contained in GD05’.

‘The applicant has requested a 15-year duration for the earthworks permit as the timing of earthworks has not yet been confirmed. A lapsing period of 10-years has been sought.

I consider the applicant’s proposed duration and lapsing date timeframes to be appropriate; however, given that a 15-year term is three times longer than the standard 5-year term for an Auckland Council earthworks permit, I have recommended an

²⁷ Volume 3 – Appendix 3K Ecological Management Plan prepared by Boffa Miskell, dated 26/03/2026.

²⁸ Volume 4 – Appendix 4C Pest Animal Management Plan, prepared by Boffa Miskell, dated 26/03/2026.

additional Review Condition to help ensure that the potential effects associated with the proposed earthworks are sufficiently addressed throughout the 15-year duration.

Erosion and sediment control are dynamic in nature and significant improvements have been made in this field over the past 15-years. A condition to this effect will allow the Council to review the permit should it become apparent that the ESC measures proposed in this application, no longer represent best practice.'

Planning Comment

231. The proposed works to the watercourses are brought forward on the basis of their being a functional need for these works. The application provides within section 6.3.4.2 of Volume 3²⁹ an identification of relevant provisions to the separate required functional need test/demonstration required for the works, to considering the ecological effects of the activity.
232. The assessment relies in part on the assessment of alternatives³⁰ which Council have considered elsewhere with Council broadly satisfied of this reports conclusions with consideration of the projective objectives and in particular assessment criterion B³¹. The justification sets out a reasoned and methodical analysis of the proposed watercourse works against the functional need test. Two points are raised by Council in our comments which we consider further context. reasoning should be provided on this matter.
- a) It is noted that the extent of reclamation, piping (and associated works) for watercourse 2 extends outside of area A to the site boundary crossing area B. It is referenced within the assessment that this is to the connect the proposed pipe extension to the existing stormwater outlet. Further analysis in respect to the practicality and need of this further section of connection is sought.
 - b) The functional need case is based on the proposed development anticipated by the designation increase occurring on Area A. Whilst the amendment to the designation has been sought on the basis of objectives and need for additional capacity and creates an expectation that this will occur, it is recognised however the decision to proceed with development in Area A will still sit with the Requiring Authority. The understood current structure of the conditions and sought watercourse works consent would enable the consent holder to take forward these works irrespective of any development plans in Area A. Further information from the applicant in regard to the practical issues that mean these works should occur or opportunities to link the undertaking of works to a commitment to require the developable area A is advised.
233. Subject to the above being addressed, it is considered with the implementation of the amendments and additions proposed to the conditions arising from specialist comment

²⁹ Volume 3 – Resource Consent Applications and Request for Outline Plan Waiver for Watercourse Works, prepared by Boffa Miskell.

³⁰ Volume 2 – Appendix 2C. Alternatives Assessment. 17 December 2025.

³¹ *located in the geographical area of need and can provide sufficient prisoner places with the appropriate security classification to meet long-term demand across the network*

(included within appendix 13) the proposed works have adequately mitigated potential adverse ecological effects. This is stated with consideration of matter including the proposed reclamation, effects on fish passage, implementation on fauna and landscape management plans, the management of earthworks and the proposed offset and compensation culvert upgrades for fish passage and landscaping.

Landscape and Visual effects

Application

234. Landscape, Natural Character and Visual assessment and effects arising from the proposed watercourse works are suitably addressed in the application documentation. Boffa Miskell have been involved in the development of the proposal in respect to these matters and provide assessment within the Assessment of Landscape and Natural Character³².

Specialist review

235. The council's consultant landscape architect, Mr Simon Button has reviewed the has reviewed the relevant application documents to his expert matter and provided a memorandum which is included in **Annexure 4**. The following non exhaustive parts of this review is provided.
- a. *'I agree with the description of the Existing Environment, which is consistent with the description within the Designation Assessment. I agree that both watercourses and the broader site area are highly modified, however in my opinion and as observed during the site walkover, the parts of Watercourse 1 which are within the area or works includes dense native planting, which provides positive natural qualities.'*
 - b. *'I agree that on balance, Watercourse 1 has a Low level of natural character due to its overall degree of modification. This is also reflected in the Ecological Assessment which identifies Low ecological value'.*
 - c. *'Overall, I agree that effects on the natural character of Watercourse 1 will be Low.'*
 - d. *'I agree that the proposed works will result in Very Low adverse effects on the natural character values of Watercourse 2.'*
 - e. In respect to proposed offset and compensation planting Mr Button notes.. *'I agree that once established, the project is anticipated to result in a positive effect on natural character by enhancing the currently low baseline levels present at the site'.*
 - f. *'I agree that effects on landscape character values will be minimal and set within the broader designation context, and in my opinion will be no more than Low for the reasons outlined within the Resource Consent Assessment.'*
 - g. *'From the immediate and surrounding road network, I agree that the increase in*

³² Volume 3 – Appendix 3C Landscape and Natural Character Assessment, prepared by Boffa Miskell

vehicular and machinery movements will result short term Low – Very Low effects on visual amenity values, resulting to Nil once works are completed.'

- h. Commenting on the effects of the undertaking and completion of proposed works in respect to adjacent properties visual effects Mr Button states: '*I agree that overall, effects on visual amenity values from residences will be no more than Very Low.*'
- i. '*Mr Button notes in paragraph 64 his support for the proposed conditions relevant to the implementation and management of planting outlined in LUC14-15 and LUS03-04.*'

Planning Comment

236. On review of the assessment provided in the application documentation and the specialist advice of Mr Button it is considered inclusive of the proposed conditions of the consent that adverse landscape, character and visual effects of the proposed waterworks in will be limited and mitigated by the proposal.

Contamination

Application

237. A Detailed Site Investigation (DSI)³³ report has been prepared by Aurecon. With areas of the site in the vicinity of the proposed watercourse works identified as having previously been used for a number of activities identified on the Hazardous Activities and Industries List (HAIL).
238. Based on the DSI and the proposed works Resource consents are sought as a restricted discretionary activity under Regulation 10 of the NES-CS (due to asbestos) and as a controlled activity discharge consent under E30.6.2.4 of the AUP(OP) (due to lead) for Watercourse 1 only.
239. The ECMP³⁴ outlines procedures and controls for managing contaminated soils during the Watercourse Works to minimise risks to human health and the environment which is provided for in its implementation in proposed conditions LUC11 and DIS14.

Specialist review

240. Ms Fiona Rudsits, Council's Contamination Specialist (annexure X) have reviewed relevant aspects of the Proposal to contamination matters and effects. Mr Rudsits provides a detailed memorandum and assessment regarding the proposal structured around the alteration to the designation and for the purposes of this assessment the watercourse work resource consent. Ms Rudsits notes the following:

'I confirm that the SSIA, DSI, and ECMP have been prepared by a suitably qualified and experienced practitioner (SQEP), Aurecon, and collectively provide a robust and comprehensive assessment of contaminated land conditions across the site.'

³³ Appendix 3M – Detailed Site Investigation Report (DSI), Aurecon, 26 March 2026

³⁴ Appendix 3H – Earthworks and Contamination Management Plan (ECMP), Aurecon, 26 March 2026

'Overall, the information provided is sufficient to understand the scale and significance of potential effects on human health and the environment for the purposes of this assessment. The proposed Watercourse Works are assessed as presenting a low risk, provided they are undertaken in accordance with the ECMP.'

'While the resource consents sought are conservative given the limited extent and level of contamination identified within the Watercourse Works project area, I support the SQEP's recommendation to proceed with these consents to ensure appropriate management of contaminated soils during the works.'

241. Mr Rudsits in her memorandum has recommended minor amendments and an additional condition to be added to the land use (LUC) and discharge consent (DIS) relevant to contaminated land.

Planning Comments

242. Relying and with regard to the assessment and recommendations of Ms Rudsits additional conditions (LUC and DIS) and minor amendments to the conditions are required in respect LUC11 and DIS14.
243. Subject to that, potential contaminated land risks and effects can be effectively managed through the proposed management and control measures.

Stormwater Management and Flooding Effects

Application

244. The Engineering Design Report³⁵ prepared by Aurecon assesses potential flood risks, downstream and upstream as a result of the piping of sections of watercourses 1 and 2 proposed.
245. In respect to watercourse 1 the assessment identifies that there are two pre-existing culverts downstream of the proposed works at Watercourse1, one where the watercourse intersects with Sanders Road and one where the watercourse intersects with Iona Avenue at the Iona Avenue public roading network.
246. The assessment has undertaken modelling of the effects of the piping focused on the Iona Avenue culvert and potential overtopping flooding effects as a result at this location. Volume 3³⁶ identifies:

'Modelling demonstrates that the proposed piping of the watercourse has a negligible impact on peak flow discharges and estimated water levels downstream during the modelled flood events (with an approximate 20mm increase in flood levels at the Iona Avenue Culvert). The modelling also demonstrates that there is an existing low hazard risk to pedestrians and vehicles from flood waters at Iona Avenue and that there will be no

³⁵ Volume 3 – Appendix 3G, Engineering Design Report

³⁶ Volume 3 – Resource Consent Applications and Request for Outline Plan Waiver for Watercourse Works

significant change to that hazard risk as a result of the proposed watercourse works’.

247. The application position is therefore that the effect of the proposed watercourse works in piping watercourse 1 do not require an upgrade to the existing culverts identified. As context it is noted that the applicant has in respect to condition DES23 included an advice note that identifies that the effect of future development brought forward under the designation and to meet the requirements and criteria of DES23 is likely to require the upgrade of the Iona Avenue culvert.
248. In respect to the piping of intermittent watercourse 2 the application considers that these effects downstream will be negligible based on the modelled velocity and depth changes. In respect to the discharge points for watercourses 1 and 2 proposed as part of the works the application all existing stormwater discharges at the Auckland Prison Site enter tributaries of Pāremoremo Creek, which flows into the Upper Waitematā Harbour. While the proposal results in a change of location to outlet structures, it does not increase impervious areas and does not change the quality of stormwater being discharged.

Specialist Input

249. Ms Hillary Johnston, is the council's specialist on behalf of Healthy Waters Flood Resilience (**HWFR**) and Stormwater, Wastewater, & Industrial Trade Activities (SWWWITA) Team matters and effects relevant to Stormwater Management and Flooding Natural Hazard Risk and provides her memorandum in annexure 3 following review of application documentation relevant to her area of expertise. Ms Johnston in respect to these works provides the following advice:

‘The Iona Road Culvert and Sanders Road Culvert (downstream of Pond 1) specifically have been the subject of detailed discussion and assessment as part of the pre-application engagement with the Applicant’s Engineers, in relation to the potential impacts of the proposed piping of sections of Watercourse 1 and Watercourse 2’

‘The assessments provided within Volume 3 – Appendix 3G, Engineering Design Report, Part 1 dated 26 March 2026 (which were also discussed as part of pre-application engagement) confirm that while the existing Iona Avenue culvert is undersized and known to overtop during significant rainfall events, this is a pre-existing constraint. Modelling undertaken by the Applicants Engineer demonstrates that the proposed watercourse works upstream of the Sanders Road and Iona Avenue culverts will have a negligible effect on downstream flood levels, flows, and associated hazard (with differences in peak flood levels of less than approximately 20 mm across assessed events).’

‘On this basis, it is agreed with the Applicant’s Engineers that an upgrade of the Iona Avenue culvert is not considered necessary as part of the current resource consent sought.....’

250. Auckland Transport in respect to the potential downstream effects on the Iona Avenue culvert, and operation and safety of Iona Avenue have provided comment on the

potential stormwater effects of the watercourse works within the memorandum of Mr Siva Jegadeeswaran, Senior Development Planner (annexure X) provided through the review and comment of Mr Sean Pearce, Stormwater Engineer acting on behalf of AT..

251. In summary Mr Jegadeeswaran memorandum notes and takes forward the following advice from Mr Pearce:

- a. The modelled assessment of downstream effects relies on estimations rather than surveyed data.
- b. It is considered therefore that the assessment is insufficient in its accuracy to rely on for the assessment of effects on the culvert and effects of any overtopping of flood waters
- c. The assessment should be updated to verify its assessment and conclusions by survey including culvert invert levels and gradient, road elevation and channel cross sections.
- d. Mr Pearce's comments identify two options in response to his comments:
 - I. A survey be undertaken at this point, and the culvert assessment be updated to verify the assessment. This is Auckland Transport's preferred option.
 - II. Alternatively, the survey and updated assessment is required via condition as outlined in Section 7.0 of the memorandum.

Planning Comment

252. Auckland Transport has identified a methodological concern with the assumptions underpinning and to verify the modelling of potential flooding effects. It is considered that this underlying assumption should be addressed, given the context that in the current 1% AEP flood event the culvert overtops as existing and therefore the lack of surplus within the culvert to manage effect. With regard to the FTAA process timeframes a proposed condition has been included in appendix A to provide for this, if not addressed by updated assessment under S67.

253. Further information has been received on the 28.07.26 from Corrections on this matter to provide assurance on the modelling undertaken and will be shared with AT as part of review.

254. Subject to the matter being satisfactory addressed and with regard to Ms Johnston and Mr Jegadeeswaran (with the proviso of the results being verified) assessment of these effects. the applicants conclusion that the adverse effects of the proposed piping of the watercourses on upstream and downstream environment will be less than minor in effect is agreed.

255. Other Matters

256. The proposed dewatering and groundwater diversion, seeking discretionary consents under rules A13 and A26 of Chapter E7 of the AUP. These consents and the related application material has undertaken specialist review from Ms. Antoinette Bootsma,

Senior Freshwater Specialist, Auckland Council (annexure 10) and Mr Richard Simonds, Principal Engineering Geologist – Geotechnical Engineering, consultant acting for Council (annexure 14)

257. Mr Simonds within his memorandum has advised that he considers that the proposal does not require consent under rule A26 for the reasons stated. Based on this advice and interpretation, which has been confirmed with the Council Team Leader of the Water Allocation Team, no Water Permit is required as proposed and conditions WAT01 and WAT02 can be deleted. We suggest that the applicant confirm in any s55 response agreement to this approach.
258. Cheryl Pai, Senior Environmental Monitoring Officer, has provided comments on the proposed resource consent conditions within annexure 16. The Environmental Monitoring team have an important role in the management, certification and compliance of proposed resource consent conditions and therefore their input into the conditions proposed is beneficial for all parties and in the event of consent being approved and works undertaken likely to benefit any monitoring process.
259. Ms Pai identifies a number of amendments. Not all matters that have been taken forward by the within appendix 2, where for instance a formatting or heading preference, with the focus being on key matters of substance and materiality in their effect.

Project benefits / Purpose of the Act

Applicant

260. The substantive application for the Auckland Prison Capacity Increase has addressed the project benefits and the purpose of the FTAA, principally in the following documents with reference to other material and supporting statement.:
- a. Volume 1 – Overview
 - i. Section 1.1 Overview of the proposal.
 - ii. Section 7 Fast-track Approvals Act.
 - b. Volume 2 – Designation Alteration Report.
 - c. Volume 2: Appendix 2E Economic Assessment.
261. In summary, the applicant considers that:
- a. That there are no adverse impacts sufficiently significant to be out of proportion to the proposal's regional or national benefits (s85(3)(b) of the FTAA)
 - b. The proposed increase in capacity at Auckland Prison is included in Schedule 2 of the FTAA as a project with significant regional or national benefits and as such a substantive application can be made under section 42 of the FTAA
 - c. The proposal to increase prisoner capacity on the Site responds to an identified need for additional prisoner places in the region of highest demand (Auckland) and aligns with the purpose of the FTAA, which is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.
262. In regard to the benefits of the Project, these have been addressed within Volume 2 Designation Alteration Report, in Section 7.2, for each specific environmental effect that

has been addressed in that section. Volume 1 Overview Section 7.0 Fast-track approvals Act, at paragraph 212, provides the following summary:

The assessment of effects undertaken for the proposal has confirmed that its effects will be significantly positive in respect to public safety by enabling the provision of modern fit for purpose prison facilities in the region of highest demand. Significant economic benefits will derive also from capital and operational expenditure given the scale of the infrastructure enabled by the proposed alteration to the designation. These benefits include employment generation, benefits for businesses and the economy. Natural character and ecological benefits will also derive from the large extent of the Site proposed to be planted (28 hectares) and secured by conditions on the applicable approvals.

Economic assessment

263. Section 7.4 of Volume 2 Designation Alteration Report and the supporting technical report (Economic Assessment) addresses the economic effects associated with the proposed alteration to the designation.
264. As stated at paragraph 2 of the Economic Assessment, the assessment assesses the economic impacts of the proposed project and adopts an approach which is necessarily high level in parts as the proposal is to amend the designation to enable the additional capacity sought, and detailed plans are not yet available, The Economic Assessment is based on potential scenarios rather than a finalised project plans. Where necessary, assumptions have been used to define certain characteristics and operations for future facilities, enabling an evaluation of the proposal in line with these parameters.
265. The Executive Summary, on page iii, states the following:

This economic assessment evaluates the expected regional and national impacts of the proposed construction and operation of the new facilities. Using a Multi-Region Input-Output (MRIO) model, the analysis quantifies the gross economic effects associated with \$1.76bn of capital expenditure. The facilities are anticipated to be delivered through a phased approach, with completion expected in approximately 2036. Multiple scenarios are used to show the cost structures and impact of planning costs over a thirty-year horizon. The report also 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. It is 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, local community effects and other economic considerations are discussed in qualitative terms.

The construction phase is estimated to generate approximately \$938 million – \$1.07 billion in value added, in real present value terms and 2024 prices. This will sustain employment equivalent to around 13,900 – 15,600 job years, primarily within Auckland. Operational expenditure related to the project will also provide a small economic stimulus due to the need for facilities maintenance, operational servicing, Corrections project teams and operationalising the site. Some of these costs will continue beyond the construction phase and are estimated to contribute \$94m in value added and 2,800 job years. Other operational costs, such as staffing the prison and costs for contractors, will generate downstream economic stimuli in the service economy and sectors that support the prison's various functions.

Many of the effects are likely to occur in Auckland, where 83% of the prison's staff currently live. The increase in capacity will reinforce the site's institutional role and secure employment in the area, as well as giving the construction sector a significant boost during the build phases. The removal of the designation over the former Prison Village also allows for potential development on site, unlocking latent land value.

266. The Economic Assessment concludes, in paragraph 90, that:

In summary, the proposed capacity increase is expected to deliver measurable and significant regional and national level economic benefits through both the construction and operational phases. It supports network resilience in the corrections system and provides a long-term institutional asset in the region of highest demand.

Specialist Review

267. Mr James Stewart, Economist, Chief Economist Unit, Auckland Council has undertaken a review of the relevant documents lodged with substantive application (annexure 9).

268. Mr Stewart's memo addresses what he considers in his opinion to be issues with the Economic Assessment (refer to Section 2 of Mr Stewart's memo) lodged with substantive application. The issues identified include that the Economic Assessment:

- a. Does not identify a counterfactual.
- b. Inadequately outlines the value (benefit) of prison capacity and does not demonstrate what the constraints in capacity is worth to society or whether it is worth addressing.
- c. Adopts an Economic Impact Analysis methodology which is a methodology that Mr Stewart considers has recognised and significant limitations.

269. In respect to matter c Mr Stewart, at paragraph 8, of his memo summarises, what he considers in his opinion, are the issues of utilising the EIA methodology approach before concluding in his view, 'there is a material risk that reliance on the EIA results could lead to an incomplete or potentially inaccurate interpretation by the panel'.

270. Mr Stewart, at paragraph 14 of his memo considers that the 'preferred alternative is cost-benefit analysis (CBA) closely following the Treasury Guidance'. Mr Stewart's memo states:

To contrast with an EIA, a CBA is an economic welfare based framework used to assess whether a proposal delivers a net improvement in societal wellbeing. It does this by identifying and, where feasible, monetising all relevant benefits and costs so they can be compared on a consistent basis. Costs reflect the opportunity cost of scarce resources, while benefits reflect the value or utility generated, which could include market impacts and non market impacts e.g., environmental and social outcomes. While I acknowledge that there is no explicit requirement to undertake a CBA within legislation, from an economic perspective, robust analysis is necessarily incremental and counterfactual. It requires that benefits be defined relative to the without project scenario, and that all inputs and resource uses are valued according to their opportunity cost – these are key elements missing from the report.

271. Mr Stewart has also considered the Social Impact Assessment report lodged with the substantive application. He notes that the 'WSP Impact Assessment identifies potential negative externalities associated with the proximity of the prison to surrounding residents and businesses. While the Proposed Prison Expansion may offer some

benefit to society, it also gives rise to disamenity effects that represent a cost to nearby land holders'. Mr Stewart's memo, at paragraph 16, further states:

Although the WSP report states that civil and property rights are not affected (at page 5), it also acknowledges community concerns regarding property values – this is potentially conflicting advice. While property values are not typically considered directly, they can be indicative of disamenity effects and changes in willingness to pay. It is reasonable to expect that an increase in prison capacity could amplify disamenity effects relative to the existing facility i.e., there is an economic resource being traded off and this should be acknowledged in an economic analysis.

272. Mr Stewart's memo, at paragraphs 17 to 22, provides the following summary:

- a. The proposed prison capacity increase 'is plausibly welfare improving (i.e., net beneficial. Society derives value or utility from prisons through the punishment and rehabilitation of offenders, and through maintaining the safety of offenders, staff, and the wider public
- b. There is some evidence that New Zealand's prison network is under capacity pressure: there is a potential shortfall in future prison capacity with existing capacity constraints and anticipated growing demand.
- c. At face value, this suggest that some frictions exist that could be alleviated through the increased capacity and improvement to facilities at Auckland Prison. This would be beneficial to society when assessed through a welfare network
- d. The costs associated with expanding, improving and operating an expanded prison must also be con
- e. The methodology used in the Economic Assessment focuses on 'economic activity' generated through construction and operation – this is not a measure of economic benefit
- f. The results of the Economic Assessment, and conclusions drawn from them, 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.

273. Mr Stewart, at paragraphs 23 to 24 of his memo, considers that there are the following information gaps in his opinion:

- a. A robust economic assessment must identify an appropriate counterfactual scenario to compare the Proposed Prison Expansion against i.e., in the absence of the Proposed Prison Expansion.
- b. A robust economic assessment must identify all incremental resource trade-offs arising from the Proposed Prison Expansion relative to the identified counterfactual.

AC Planner comments

274. The AC Planners acknowledge the importance and expertise of Economic specialists relevant to the consideration of a projects assessed regional or national benefits. Mr Stewart the Council assessor on Economic assessments has outlined the deficiencies and information gaps which he considers need to be addressed in order to determine firstly whether, and secondly, the level of the project's significance at a regional or/and national level.

275. Mr Stewart is not able to conclude in his opinion on this question, based on the information provided, and outlines in his memorandum further information that he considers would be required in order to provide this. A key matter in relation to this is

the assessment methodology utilised, with the distance and difference on this matter not something contained to this FTAA application. We are aware that the Panel will want to consider the difference in position between the applicant and Council Economist's. It is our expectation based on discussions that that the methodological difference is significant and unlikely to be reconciled.

276. AC Planners have considered the benefits of the Project, as stated by the requiring authority, and it is noted that this forms a decision making matter for the Panel under S85(3).
277. The Auckland Prison Capacity Increase along with 149 other projects was a listed project on the commencement of the FTAA, which means that the project can proceed to a substantive lodgement without requiring a referral application. The decision made by delegated Ministers is stated on the then MFE release as (in respect to the projects listed and not listed) taking into account the proposed projects' size, scale, location, estimated job creation, and economic benefits.
278. Whilst not needing to be reviewed as a referral application the criteria of s22(2)(a) of the FTAA on topics/matters to consider in regard to a project are considered an appropriate benchmark to consider. Section S22(2) is introduced as the matters the Minister may consider in respect to a project being infrastructure or development that would have significant regional or national benefits.
279. The following criteria limbs are relevant to the proposal:
- (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:*
280. In respect to the identification to these limbs the application has not based on current review appeared to identify a specific example of the project forming part of a general policy statement or strategy. What has been identified in the application material is the project responding to the additional need for Prisoner place in the Region in accordance with the Department of Corrections Long Term Network Configuration Plan forwarded by then Chief Executive Jeremy Lightfoot.
281. The application also includes two separate statements from the then Department of Corrections Chief Executive Jeremy Lightfoot regarding the role of Corrections and in particular Prison capacity within that. Separate statement is provided from Ruth Turner, Manager Network Configuration Department of Corrections focused on demand/need for Prison capacity.
282. The application documentation within Section 6.0 Volume 1 Substantive Application Overview brings together and sets out the Role of Corrections including detail on the outcomes and priorities of the organisation in the context of the purpose of the Corrections Act. Detail is provided in respect to the existing Prison Network, before considering capacity planning and the need for facilities, relevant and responded to by the proposed increase in capacity.

283. In our review and based on the application documentation provided AC planners see that the proposed increase in capacity forms significant and important infrastructure as part of Corrections operation/prison network and is underpinned by a reasoned and well explained series of objectives and reasons for providing for this within the Auckland Region. A final conclusion on the scale of the benefits from this infrastructure project from Council is restricted by the relevant expertise and current position of Mr Stewart that he cannot confirm that the project would or would not have benefits of regional or national significance and the level of any such benefits, based on the application documentation.

SECTION C: Concluding Comments

Further Information and Outstanding Matters

284. The above memorandum has identified matters which it is considered that further information should be provided, or matters that are outstanding for reasons explained in detail, this includes:

- a. Wastewater (Designation): discussions are ongoing between the applicant, Watercare and AC planners in respect to the management of wastewater and the operation of the public network at a capacity upto 921 prisoners. The overall solution of a stage 2 connection/infrastructure to the Albany catchment is supported to provide for the overall 1220 capacity proposed.

The matter outstanding relates the resilience and practicalities related to the stage 1 upgrades as a temporary or permanent solution to support a capacity of upto 921

This is an ongoing matter of discussion between parties and it is suggested that further update can be provided to the Panel on this subsequent to this memorandum.

- b. Lighting (Designation): clarification in respect to the designation providing for dusk till dawn lighting controls. Response has been received and is under consideration.
- c. Consideration and relevance of S181 or S182 of the RMA for the decision maker in respect to FTAA Schedule 5, Clause 24(1)(a)(ii).
- d. Watercourse works RC:
 - i. Analysis and explanation of the reasons for reclamation and piping of section of watercourse 2 within area B.
 - ii. Reasoning and considerations that watercourse works can occur irrespective of OPW/future development plans occurring on Area A.
 - iii. Further information to support the effects assessment on the Iona Culvert (information has been provided on the 28.07.26 and is currently under consideration)

Conditions

285. Within appendix A and B, AC planners have provided for the assistance of parties track changes and comments which correspond to matters raised in this memorandum. These are provided to benefit the process in the event of the substantive application progressing, subject to the Panels assessment.

286. These have been provided in good faith, in the time allowing, Council notes that subject to the Panel consideration, S70 of the FTAA would provide an opportunity for the Council to provide comments on any draft conditions, inclusive of any further information and matters between this date and then; and any matters unintentionally not reconciled at this point.

- Appendix A – Draft Proposed Designation 3900 Conditions

- Appendix B – Draft Proposed Watercourse Works Resource Consent Conditions.

Summary Comments

- a) The alteration to the designation will provide certainty to the requiring authority that the land within the designation boundary can be used for the purpose of the designation, while specifying the boundaries of the land within which the proposed works will be undertaken and to where the proposed designation conditions apply.
- b) The proposed designation conditions and the 'parameter approach' provides certainty that the future works will need to be in compliance with these conditions, and subsequent Outline Plan of Work process also allows flexibility into the future by allowing final design details of the Project to be confirmed at a further known stage within the scope and requirements of the drafted conditions.
- c) AC Planners have identified matters that it is considered further information or response would assist Council and the Panel in respect to the assessment of the application. This a modest number of matters, reflecting the comprehensive application material; and benefits of the engagement undertaken by the Requiring Authority in development of their substantive Application proposals.
- d) In respect to Infrastructure effects, the project inclusive of the conditions of consent, most DES20 regarding the Dairy Flat Highway and The Avenue intersection upgrade linked to a prisoner capacity limitation, is considered to manage effects on the operation and efficiency of the network.
- e) In respect to wastewater, the outstanding matter in respect to stage 1 'existing network' upgrades to support a capacity of up to 921 (temporarily or longer term) has been well explained and it is considered by Council needs to be resolved. This does not relate to an overall solution of a stage 2 infrastructure to the Albany catchment. Discussions are ongoing on these matters.
- f) In respect to the Social Impacts of the proposal and the assessment and findings of the lodged Social Impact Assessment inclusive of mitigation provided in the designation conditions it has been identified that the Panel will if required undertake a peer review of this assessment to assist with their decision making.
- g) In respect to effects and matters within the expertise of AC planners and specialists available to assist them, it is generally agreed that the proposed designation conditions, with the AC recommended minor amendments are effective in scope, requirement, detail and future process. Collectively, the conditions have responded and been developed to manage; avoid; or mitigate potential and actual effects (to different levels).
- h) Notable examples of this include, the landscaping and ecological planning upgrades as outlined and implemented through the LMEEP and related management and maintenance plans/requirements. This have been developed in response and attributed to the effects of the watercourse

resource consent and mitigating the effects of the development anticipated to enable to increased Prison capacity.

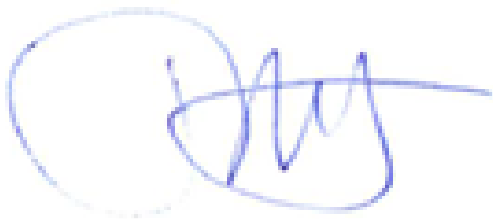
- i) The designation conditions also include a series of conditions to control the type and scale of development and use across the Prison site. This includes the identification and extent of area A, the establishment of development parameters, and the process and consideration of a future OPW process. Area C, where development and uses are limited, and landscape and ecological planting focused is located (to differing extents) around the perimeter of the majority of the residual Prison site. The commitment for visual screen planting to be established in the first two planting seasons from any designation amendment; and the location and role of this area in providing a buffer to adjacent properties and the coastal environment is significant. There are notably a level of residual visual and landscape adverse effects as generally agreed by the applicant and Council landscape and visual experts at specific location to consider in any decision. These are for a duration of time, during the scenario of construction being undertaken/completed prior to the full establishment of the landscape planting to manage and mitigate longer term effects.
- j) Acknowledging the potential concerns of current occupants of the Prison Village in respect to what may arise in the future at the village, AC planners have not identified any material planning effects in respect to the aspect of the proposal to remove the Prison Village from the designation noting the rationale that this is no longer required for the purpose of the designation. This does not constitute a Certificate of Compliance/Existing Use Certificate review/confirmation for the planning rights and status of activities within this part of the site if the designation is removed.

DATED the 28th day of July 2026

A handwritten signature in blue ink, appearing to be 'JW', with a long horizontal stroke extending to the right.

Joe Wilson

Principal Project Lead, Planning and Resource Consents, Auckland Council

A handwritten signature in blue ink, appearing to be 'JH', with a large circular flourish on the left and a horizontal stroke extending to the right.

Jo Hart

Senior Policy Planner, Planning and Resource Consents, Auckland Council