



KAIPARA

Auckland Prison Capacity Increase

Department of Corrections

530 Pāremoremo Road, Pāremoremo

Section 53(2) Comments to Substantive Application

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1.0 Introduction

This Cultural Statement has been prepared by Ngā Maunga Whakahii o Kaipara Development Trust ('the Trust') on behalf of Ngāti Whātua o Kaipara Iwi. It responds to the substantive application made by the Department of Corrections – Ara Poutama Aotearoa ('Corrections') under the Fast-track Approvals Act 2024 ('FTAA') for the Auckland Prison Capacity Increase project at 530 Pāremoremo Road, Pāremoremo.

The purposes of this Cultural Statement are to:

- record the cultural position of Ngāti Whātua o Kaipara in relation to Pāremoremo and the proposal;
- outline the whakapapa, historical, spiritual and cultural relationships of Ngāti Whātua o Kaipara that give rise to tangata whenua, ahi kā, rangatiratanga and kaitiakitanga responsibilities in this landscape;
- assess whether the application adequately recognises those relationships and addresses the proposal's cultural effects;
- identify the matters that require further engagement, assessment, avoidance, remediation, restoration or mitigation; and
- set out the outcomes and conditions sought by the Trust in relation to the proposal.

2.0 Proposal

The application seeks approvals to increase the maximum capacity of Auckland Prison from the current designation limit of 681 prisoners to 1,220 prisoners. This is an increase of 539 places, bringing the authorised prison population close to twice its current limit.

The proposal seeks to alter Designation 3900 in the Auckland Unitary Plan ('AUP') by reducing its spatial extent, removing the 'Prison Village' and updating the associated conditions. As summarised in section 4.1 of the Volume 1 Overview Report prepared by Boffa Miskell, the proposal would retain 260 maximum-security places and enable extensive redevelopment of the prison, including new facilities, the progressive demolition and replacement of most existing buildings, and associated works. Corrections indicates that development may be staged over approximately ten years, subject to future funding decisions.

2.1 Designation Alteration

The application proposes design parameters that establish a development 'envelope' while retaining flexibility for Corrections to develop the site under the amended designation. The parameters include:

- maps showing location of facilities, including secure and non-secure facilities;
- height, bulk and massing strategy; and
- landscaped areas.

A suite of designation conditions is proposed to manage construction and operational activities.

2.2 Resource Consent Approvals

The application also seeks approvals under the AUP and National Environmental Standard for Freshwater (‘NES-F’) to undertake streamworks, including reclamation, to enable construction of prison facilities to provide for increased prison capacity.

Resource consents are required as **non-complying activity** under the AUP, a **discretionary activity** under the NES-F, and **restricted discretionary activity** under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (‘NES-CS’).

2.3 Other Approvals

A wildlife approval is sought under the Wildlife Act 1953. An archaeological authority is sought under the Heritage New Zealand Pouhere Taonga Act 2014.

3.0 Ngāti Whātua o Kaipara and Te Taoū – Relationship to Pāremoremo

3.1 Te Taoū and Te Marae o Hinekakea – Ancestral History

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

Within this landscape, Te Marae o Hinekakea occupies a place of particular significance. Historical evidence records it as an important Ngāti Whātua settlement at the head of Pāremoremo Creek, associated with occupation, cultivation, freshwater resources and the exercise of customary authority into the nineteenth century.

These communities are connected across the wider Ngāti Whātua whakapapa network. Their relationships, histories and responsibilities collectively uphold the mana of Ngāti Whātua across Kaipara and Tāmaki Makaurau.

Ngā Maunga Whakahii o Kaipara Development Trust is the Post-Settlement Governance Entity (‘PSGE’) for Ngāti Whātua o Kaipara. It manages settlement assets and represents and advances the collective interests of the iwi, including responsibilities associated with mana whenua, rangatiratanga and kaitiakitanga. Those responsibilities are not confined to land in iwi ownership. They arise through whakapapa and the enduring relationship between Ngāti Whātua o Kaipara, its hapū and the ancestral landscapes within its rohe – refer to Figure 1.

The Ngāti Whātua o Kaipara Claims Settlement Act 2013 records the Crown’s acknowledgements and apology for historical breaches of Te Tiriti o Waitangi and provides cultural and commercial redress. The settlement does not represent a final or historical endpoint to the relationship between the Crown and the iwi. It provides the foundation for an ongoing relationship in which Crown agencies are expected to recognise the mana, associations and contemporary aspirations of Ngāti Whātua o Kaipara. Finally, Ngāti Whātua o Kaipara hold a right of first refusal (‘RFR’) over

Pāremoremo prison, granted for the duration of 170 years under the Ngāti Whātua o Kaipara Claims Settlement Act 2013.

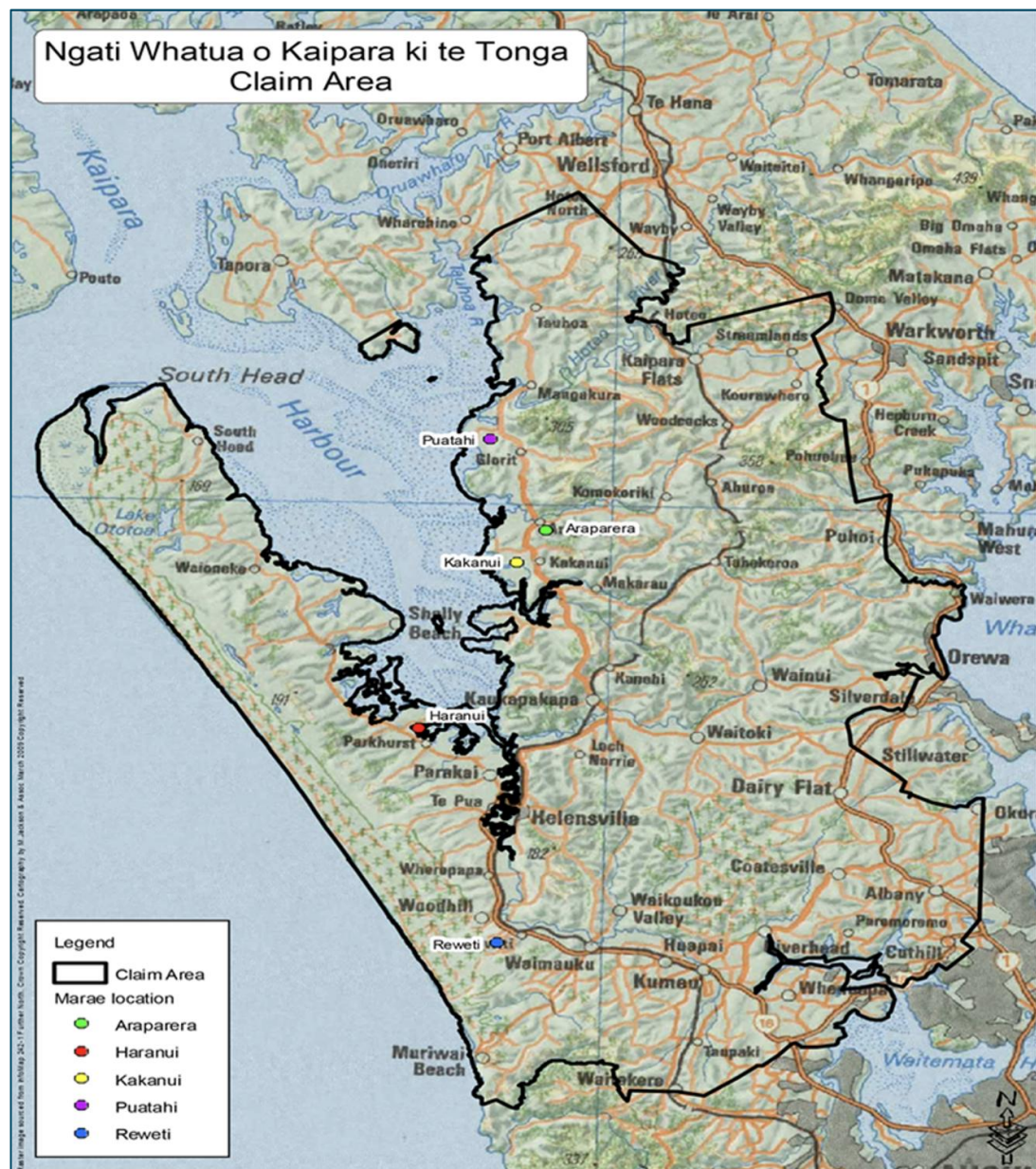


Figure 1: Ngāti Whātua o Kaipara Rohe.

3.2 Te Taoū in the Upper Waitematā

The Upper Waitematā Harbour has long been central to the identity and wellbeing of Te Taoū. The harbour connected communities throughout Tāmaki Makaurau and provided access to abundant fisheries, fertile soils, freshwater systems and extensive ngahere. Seasonal movement between coastal and inland settlements enabled sustainable use of resources while reinforcing kinship networks and customary responsibilities.

The headwaters of Pāremoremo Creek formed part of this wider network. Sheltered waterways, freshwater springs and forest resources supported permanent and seasonal occupation. The area also linked traditional travel routes between the Waitematā Harbour and inland settlements, making it strategically important for both subsistence and communication.

For Te Taoū, the landscape cannot be understood by examining individual archaeological sites in isolation. Te Marae o Hinekakea, Te Puna Tuna o Hinekakea, surrounding wetlands, traditional pathways and nearby ridgelines form one integrated cultural landscape whose significance derives from the relationships between these places.

3.3 Te Marae o Hinekakea

Historical evidence identifies Te Marae o Hinekakea as an established Māori settlement situated on the eastern side of the headwaters of Pāremoremo Creek. Although the precise origins of the settlement are not recorded in surviving written sources, George Graham described it as an “old settlement”, indicating occupation extending well before European arrival.

The surrounding landscape provided exceptional natural resources. Historical accounts describe the area as an important place for harvesting tuna, birds and forest products, including kiekie for both food and weaving materials. Freshwater pools associated with Te Puna Tuna o Hinekakea were recognised as important eel fisheries, where customary practices governed harvesting, including taking tuna only during particular phases of the moon.

Archaeological evidence, including stone adzes, midden deposits and a mauri stone recovered from the locality, supports continuous Māori occupation extending from the pre-European period into the nineteenth century.

For Te Taoū, Te Marae o Hinekakea represents far more than an archaeological site. It is an ancestral settlement where generations exercised mana whenua through occupation, cultivation, resource management and the maintenance of cultural practices.

3.4 Tautari Whanganui and the Continuity of Mana Whenua

One of the most significant historical figures associated with Te Marae o Hinekakea is Tautari Whanganui, the Ngāti Whātua rangatira who executed the 1844 transaction relating to the land.

The historical report records that Tautari Whanganui was residing at Ōrākei when the transaction occurred, reflecting the temporary relocation of many Ngāti Whātua communities during the period of conflict associated with Ngāpuhi incursions. Importantly, the report notes that by the late 1830s the military situation had changed, allowing Ngāti Whātua to return to many of their ancestral settlements, including Te Marae o Hinekakea.

The report further observes that Lot 7 appears to have been deliberately separated from larger land blocks in order to retain the settlement at Te Marae o Hinekakea. This strongly suggests the continuing importance of the settlement to Ngāti Whātua during the early colonial period.

From the perspective of Te Taoū, Tautari Whanganui’s involvement demonstrates continuity of customary authority rather than abandonment of the landscape. Although many Ngāti Whātua people had temporarily relocated during the Musket Wars, their ancestral relationships with Pāremoremo endured through whakapapa, customary use and the subsequent reoccupation of the settlement.

3.5 Paora Tūhaere and the Re-establishment of Occupation

Following the return of Ngāti Whātua to the Upper Waitematā, Te Marae o Hinekakea again became an occupied settlement.



George Graham recorded that “Tūhaere’s people” continued living at Te Marae o Hinekakea and maintained cultivations there until approximately 1850. Although the date is recognised in the report as approximate, this account provides important historical evidence that the settlement remained actively occupied by the people of Paora Tūhaere during the nineteenth century.

For Te Taoū, this occupation represents the continuation of ahi kā—the ongoing exercise of customary authority through residence, cultivation and care for the land. The maintenance of gardens, freshwater resources and traditional food gathering areas demonstrates that Te Marae o Hinekakea remained a living community rather than simply a remembered place.

Paora Tūhaere would later emerge as one of the most influential Ngāti Whātua leaders of the nineteenth century. While the uploaded historical report does not discuss his wider political leadership, it does record the continued occupation of Te Marae o Hinekakea by his people, reinforcing the settlement’s importance within the Ngāti Whātua cultural landscape.

3.6 George Graham and the Preservation of Te Marae o Hinekakea

The survival of much of the recorded history of Te Marae o Hinekakea owes much to George Samuel Graham, who lived at the settlement during the early twentieth century with his wife Mary Graham (Takurangi Kahupeka Hapi). Graham developed close relationships with Māori communities and devoted considerable effort to recording Māori history, place names and oral traditions.

In 1909, the carved meeting house Whatu-o-Tamainupō was constructed at Te Marae o Hinekakea. The opening brought together approximately 150 people, including leading rangatira from Ngāti Whātua, Waikato, Maniapoto, Whanganui, Hauraki and Te Rarawa. During the gathering, Graham recorded tribal histories and whakapapa that later became an important historical resource.

The gathering also considered issues relating to Māori land retention, with attendees resolving that remaining Māori land should be retained as an enduring source of wellbeing for future generations.

These events demonstrate that Te Marae o Hinekakea remained an important centre for cultural, political and community life well into the twentieth century

3.7 Relationships with Neighbouring Iwi

The wider Pāremoremo landscape reflects a long history of interaction between neighbouring iwi and hapū. The historical report records several traditional place names associated with the ancestor Poataniwha and notes these associations with Te Kawerau ā Maki within the broader landscape.

Te Taoū acknowledges these historical relationships as part of the interconnected history of the Upper Waitematā. At the same time, the historical evidence contained within the report identifies Te Marae o Hinekakea as a Ngāti Whātua settlement, records its reoccupation by Ngāti Whātua following the Musket Wars, and refers to continued occupation by the people of Paora Tūhaere during the nineteenth century.

For Te Taoū, Te Marae o Hinekakea remains an ancestral settlement within the wider Ngāti Whātua cultural landscape, carrying enduring responsibilities of mana whenua, ahi kā and kaitiakitanga. Recognition of neighbouring iwi relationships within the wider district does not diminish the significance of Te Marae o Hinekakea as a place of profound importance to Te Taoū.

3.8 Contemporary Relationship to Pāremoremo

Te Marae o Hinekakea stands as one of the most significant ancestral places within the Upper Waitematā. Historical records, archaeological evidence and recorded oral traditions demonstrate a long history of Māori occupation, resource use and cultural practice centred on this settlement. The nineteenth-century evidence relating to Tautari Whanganui and the occupation of the settlement by the people of Paora Tūhaere confirms the continuing presence of Ngāti Whātua within this landscape following the return from the Musket Wars.

Today, Te Taoū continues to regard Te Marae o Hinekakea not as an isolated archaeological site but as a living cultural landscape. Its significance derives from the enduring relationship between people and place—a relationship that continues to shape Te Taoū's responsibilities as kaitiaki and provides the cultural foundation for engagement with the Department of Corrections regarding the future stewardship of Pāremoremo.

4.0 Assessment of Cultural Effects

4.1 Ecology Effects

The proposed redevelopment would include new accommodation and support buildings, demolition and replacement of existing facilities, and associated earthworks, infrastructure, access, security and landscape works.

The principal development area is identified as Area A. Corrections considers that this area must be free of open watercourses to provide a sufficiently large and secure development platform. To enable that outcome, the proposal includes the permanent piping and reclamation of:

- approximately 124m of Watercourse 1, a permanent stream located west of the existing maximum-security facility; and
- approximately 114m of Watercourse 2, an intermittent stream located north of Te Wairere Hut Unit.

In total, the proposal would permanently remove approximately 238m of open watercourse. The works include extending the existing stormwater network through approximately 1.5m and 750mm diameter pipes, constructing riprap-protected outlets, removing riparian vegetation, temporarily diverting stream flows, dewatering excavations and undertaking substantial filling and earthworks over the reclaimed stream corridors.

Approximately 6,124 m² of riparian vegetation would be removed, comprising approximately 3,945m² adjoining Watercourse 1 and 2,179m² adjoining Watercourse 2. The Aurecon Engineering Design Report (Volume 3, Appendix 3G of the Substantive Application) also identifies indicative earthworks over approximately 4,500 m² and the placement of approximately 4,680 m³ of fill over the new pipework.

Once completed, the affected reaches would no longer function as open streams. They would instead become permanent components of the prison's stormwater network, conveying water beneath the expanded prison development before discharging downstream toward Pāremoremo Creek. The new outlets are also designed in a manner that will impede fish passage.

Existing ecological values

The Ecological Effects Assessment prepared by Boffa Miskell and included as Appendix 3B describes much of the prison site as modified by buildings, roads, grazed land, mown areas, exotic vegetation and stormwater infrastructure. However, the site remains part of an interconnected ecological system extending from the surrounding whenua and riparian margins, through its freshwater systems, to Pāremoremo Creek and the Upper Waitematā Harbour.

Watercourse 1 has been assessed as having low overall ecological value and Watercourse 2 has been assessed as having very low ecological value, reflecting its modified catchment, poor water quality and limited riparian functioning. Despite this classification, surveys recorded 15 shortfin tuna within the affected reaches.

The presence of tuna in both waterways confirms that they continue to support indigenous freshwater life. Tuna are a taonga species and traditional food source for Māori. The degraded condition of these waterways does not mean that they have ceased to be living waterways or that their permanent loss is culturally insignificant.

The site also contains six identified natural inland wetlands and other permanent, intermittent and ephemeral waterways. These features form part of the wider catchment draining to Pāremoremo Creek.

Pāremoremo Creek is a tidal arm of the Upper Waitematā Harbour and forms part of a scheduled Significant Ecological Area (AUP reference SEA-M2-57b). It contains mangrove, saltmarsh and intertidal habitats, supports fish and bird life, and provides a migration pathway between freshwater and marine environments. The relationship between the prison site, its waterways and Pāremoremo Creek must therefore be assessed on a 'ki uta ki tai' basis (i.e., from the mountains to the sea).

Ecological effects

The most significant and certain ecological effect is the permanent loss of 238m of freshwater habitat. Fish salvage and relocation may reduce the immediate risk of injury or mortality during construction, but it will not retain the affected habitat or remedy the permanent conversion of the waterways into pipes.

The works will also remove established riparian vegetation, disturb habitat and create risks of sediment and contaminant discharges during vegetation clearance, diversion, dewatering, excavation and filling. These effects are proposed to be managed through management plans, erosion and sediment controls, fish salvage, ecological supervision and future planting.

Ecological offsetting and compensation are proposed to address the residual effects. The principal aquatic offset is the enhancement of Watercourse 6, including riparian planting and improving or replacing culverts to restore fish passage.

However, the ecological assessment calculates that the proposed aquatic offset would address only approximately 61.9% of the effects on Watercourse 1 and none of the effects on Watercourse 2. It expressly acknowledges that the effects cannot be wholly offset, the relevant offset principle is not achieved, and no net loss through offsetting is achieved only in part.

The remaining effects are addressed through a broader compensation package, including wetland planting, riparian enhancement and improved access to habitat elsewhere on the site. While these



measures may improve ecological values in those locations, these works cannot and do not replace the streams that will be reclaimed.

The assessment of effects on Pāremoremo Creek is also limited. No site-specific marine sampling was undertaken to establish existing water quality, sediment quality, benthic ecology, shellfish values or cultural health. The conclusion that coastal effects will be minimal relies principally on there being no works within the coastal marine area and on sediment and stormwater controls meeting relevant engineering standards.

That approach does not adequately recognise that all affected waterways drain toward Pāremoremo Creek. The enlarged prison, extended stormwater system and prolonged construction programme create potential cumulative effects through sediment, contaminants, altered flows and changes to freshwater and marine connectivity. Compliance with engineering standards does not, by itself, establish that effects on the mauri or cultural health of Pāremoremo Creek will be acceptable.

Effects on Ngāti Whātua o Kaipara

The ecological assessments evaluate the waterways according to their present biophysical condition and assign them low or very low ecological values, despite existing activities contributing to their degraded and modified condition. That framework does not adequately assess their cultural value to Ngāti Whātua o Kaipara as living and interconnected parts of the ancestral landscape.

From the perspective of Ngāti Whātua o Kaipara, the permanent piping and reclamation of Watercourses 1 and 2 would:

- permanently extinguish their open form and functioning as living waterways;
- diminish their mauri by converting them into enclosed components of a stormwater system;
- destroy habitat supporting tuna and other freshwater life;
- sever the physical and ecological relationship between the waterways, their riparian margins and the surrounding whenua;
- further modify the connection between the site and Pāremoremo Creek;
- adversely affect the relationship of Ngāti Whātua o Kaipara with ancestral whenua, wai and indigenous species; and
- prevent the ability of Ngāti Whātua o Kaipara to exercise kaitiakitanga and rangatiratanga in relation to those resources.

The proposed restoration, offset and compensation measures were not developed through consultation with Ngāti Whātua o Kaipara. There has been no Ngāti Whātua o Kaipara cultural assessment of the affected waterways, tuna, wetlands or Pāremoremo Creek, and no assessment using its mātauranga or cultural-health indicators. The applicant's conclusion that tangata whenua participation and mātauranga Māori requirements have been satisfied is therefore not supported in relation to Ngāti Whātua o Kaipara, as outlined in the Whetū Cultural Values Report and Boffa Miskell planning reports. This is also evident in the proposed conditions, which do not provide for tangata whenua input as kaitiaki.



While the proposed planting and restoration may have ecological merit, they would not restore the particular waterways permanently lost or their mauri. Ecological enhancement elsewhere cannot be assumed to compensate for the cultural effect of destroying these place-specific features within the ancestral landscape.

Ngāti Whātua o Kaipara therefore considers that the proposal will result in significant and enduring adverse effects on its cultural values, including mauri, whakapapa, mana whenua, kaitiakitanga, rangatiratanga and ahi kā.

The permanent destruction of the waterways is a central reason for Ngāti Whātua o Kaipara's opposition to the proposal. The application has not demonstrated that reclamation is the only practicable means of accommodating the development, or that alternative layouts capable of retaining the waterways have been sufficiently investigated. Nor has it demonstrated that the permanent cultural effects can be appropriately avoided, remedied, mitigated, offset or compensated.

4.2 Archaeology

Corrections seeks an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014, through the Fast-track Approvals Act 2024, to authorise the modification or destruction of any presently unidentified archaeological sites encountered during future development of Auckland Prison.

The authority is sought across the entire approximately 80-hectare prison site for a period of 25 years. It would apply to land disturbance associated with future prison buildings, earthworks, infrastructure, roads, services, watercourse works and planting. The detailed location and extent of much of that disturbance are not yet known because the application adopts a development-parameters approach and does not include detailed designs for the future prison facilities.

Corrections describes the authority as precautionary. Its purpose is to ensure that statutory approval is already in place if archaeological material is exposed, thereby avoiding delay to future works. The authority is not sought to modify or destroy the one recorded archaeological site within the prison site, R10/831.

R10/831 is a shell midden located near the north-western coastal boundary adjoining Pāremoremo Creek. The application proposes to protect the site through a 10-metre buffer within which no land disturbance may occur, other than the hand planting of shallow-rooted species. The site is also identified on the Landscape Mitigation and Ecological Enhancement Plan.

Avoidance of R10/831 is appropriate and should be retained as an express condition of both the designation and archaeological authority. Before any nearby works or planting occur, its mapped extent and the 10-metre buffer should be confirmed on the ground by the project archaeologist in consultation with Ngāti Whātua o Kaipara and Te Taoū.

Archaeological and cultural values

The Archaeological Assessment prepared by Clough and Associates enclosed as Appendix 5B identifies 20 recorded archaeological sites within approximately 700 metres of the prison site, predominantly along Pāremoremo Creek. These are mostly shell middens and include Te Marae o Hineakea, recorded as R10/163, approximately 370 metres north-west of the site.



This concentration of sites reflects the longstanding Māori occupation and use of Pāremoremo Creek and its margins. For Te Taoū, those sites are not isolated remnants. They form part of a wider ancestral landscape encompassing Te Marae o Hinekakea, Te Puna Tuna o Hinekakea, the creek, tributaries, wetlands, ridgelines, cultivation areas and customary travel routes.

The application assesses the likelihood of finding unidentified archaeology as low across the more heavily modified parts of Areas A, B and D. However, it identifies a moderate likelihood within Area C, particularly along Pāremoremo Creek and the streams passing through that area.

Proposed management and conditions

The application includes several appropriate safeguards. The proposed conditions and Archaeological Management Plan provide for:

- protection of R10/831 and its 10-metre buffer;
- briefing contractors on the possibility of encountering archaeological material and the requirements of the authority;
- archaeological monitoring within mapped monitoring areas;
- investigation, recording and analysis of archaeological material in accordance with accepted professional standards;
- stopping work and securing the discovery area where sensitive material is encountered;
- immediate notification and tikanga processes if kōiwi tangata, possible taonga or Māori artefacts are discovered;
- access for identified iwi to undertake tikanga, including karakia;
- notification to iwi at the commencement and completion of archaeological work; and
- provision of archaeological reports to identified iwi.

Condition AA06 expressly identifies Ngāti Whātua o Kaipara among the iwi to be notified if kōiwi tangata, possible taonga or Māori artefacts are encountered. The Archaeological Assessment and Management Plan states that no work within five metres of such a discovery may recommence until future actions have been agreed by the relevant parties. These provisions are supported in principle. However, the buffer should be increased to 20m, consistent with the general standards in Chapter E12 of the AUP.

However, archaeological monitoring is not required throughout the area covered by the authority. It is limited to mapped areas comprising two western parts of Area A, the western side of Area B and areas associated with the creek and streams in Area C. No archaeological monitoring is proposed in Area D. Works elsewhere would principally rely on workers recognising and responding to material after it has been exposed.

Given the authority is sought for 25 years, the monitoring areas cannot reasonably be treated as fixed for the entire development period. They should be reviewed for each stage of works as designs, earthworks depths and new archaeological or cultural information become available.

The conditions also allow Corrections to amend the Archaeological Management Plan with the written agreement of Heritage New Zealand Pouhere Taonga. They do not appear to require the



agreement of, or even consultation with, Ngāti Whātua o Kaipara or Te Taoū before changes affecting cultural monitoring, tikanga or the treatment of discoveries are made.

Recording archaeological material before its modification or destruction is important, but it does not avoid or remedy the loss of the place or its cultural values. The applicant's minor-effects conclusion places substantial weight on having an authority, monitoring and recording procedures in place. Those measures provide regulatory and procedural preparedness; they do not establish that destruction of unidentified Māori archaeology would have only minor cultural effects.

Effects on Ngāti Whātua o Kaipara

The cultural effects of disturbing Māori archaeology extend beyond the loss of archaeological information. Any unidentified site, taonga or kōiwi tangata encountered within the prison site may provide physical evidence of Te Taoū occupation, customary use and relationships with Pāremoremo Creek and the wider Upper Waitematā landscape.

Modification or destruction of that material without meaningful participation by Ngāti Whātua o Kaipara and Te Taoū would adversely affect whakapapa, mana whenua, ahi kā, mauri, rangatiratanga and kaitiakitanga. It could also permanently remove information and cultural relationships that cannot be recreated through recording, analysis or relocation.

The breadth and 25-year duration of the authority increase these concerns. It would authorise disturbance before much of the development has been designed and on the basis of a cultural assessment to which Ngāti Whātua o Kaipara and Te Taoū did not substantively contribute. The authority should not enable future works to proceed without renewed assessment and engagement at each material stage.

Ngāti Whātua o Kaipara therefore considers that the application does not yet establish that effects on archaeological and cultural values will be appropriately managed. The existing conditions provide a useful starting point, but they must be strengthened to secure mana whenua participation and tikanga-led responses throughout the authority's duration.

Conditions required

If the archaeological authority is granted, the conditions should, at a minimum:

- (a) expressly exclude any modification or destruction of R10/831 and establish a 20m protected buffer;
- (b) require consultation with Ngāti Whātua o Kaipara and Te Taoū before each material stage of ground disturbance;
- (c) require stage-specific review of proposed earthworks, archaeological potential and monitoring areas before works commence;
- (d) provide for cultural monitoring by a person nominated or approved by Ngāti Whātua o Kaipara, alongside the project archaeologist, in areas of Māori archaeological or cultural potential;
- (e) require Ngāti Whātua o Kaipara and Te Taoū input into the Archaeological Management Plan and their prior consultation on any subsequent amendments;



- (f) establish clear accidental-discovery procedures applying across the whole site, including immediate cessation of works, an appropriately sized exclusion area, site security and prompt notification;
- (g) ensure that discoveries are assessed for cultural significance by Ngāti Whātua o Kaipara and Te Taoū before decisions are made about preservation, investigation, removal or recommencement of works;
- (h) provide that tikanga concerning kōiwi tangata and taonga is determined by mana whenua and that works do not recommence until the relevant statutory and cultural processes are completed;
- (i) require archaeological and cultural monitoring records and completion reports to be provided directly to Ngāti Whātua o Kaipara; and
- (j) require periodic review of the Archaeological Management Plan and monitoring requirements over the 25-year term to reflect new information, mātauranga Māori and current best practice.

4.3 Landscape, Visual and Natural Character Effects

New facilities accommodating up to 960 prisoners would be constructed alongside the existing Maximum-Security Facility.

All new secure facilities would be located within Area A, which comprises approximately 44.93ha. This area may contain prisoner accommodation, secure perimeters, health, education, programme and cultural facilities, workshops, kitchens, exercise areas and other supporting buildings and infrastructure. Buildings may occupy up to 30% of Area A, compared with existing building coverage of approximately 15%.

Further built form and development would be enabled within Area B, a 3.30ha area at the northern end of the site. Area B may accommodate staff and visitor parking, a prisoner control point, visitor reception centre, staff facilities and other associated non-secure buildings and infrastructure. Together, Areas A and B comprise approximately 48.23ha in which the proposal provides for new prison-related development.

The proposal adopts a parameters-based approach, as the location, design and arrangement of the future facilities have not yet been determined. Within Area A, buildings may reach 12m in height, while secure perimeter structures may be up to 6m high and lighting and security structures may reach approximately 10.5–12m. The proposal would therefore enable a substantial increase in the scale, extent and intensity of institutional built form across both the secure and non-secure parts of the site.

The site forms part of the wider Pāremoremo landscape, which is characterised by undulating landform, gullies, waterways, wetlands, vegetation, rural-residential development and Pāremoremo Creek. A small part of the western site lies within the Pāremoremo Escarpment Outstanding Natural Landscape (AUP reference ID #1) and the wider coastal environment.

For Ngāti Whātua o Kaipara and Te Taoū, this is also an ancestral cultural landscape. Its values arise from the relationship between the whenua, Pāremoremo Creek, Te Marae o Hinekakea, Te Puna Tuna o Hinekakea, associated waterways and wetlands, and the history of occupation and

customary use. Those values are not confined to the scheduled Outstanding Natural Landscape or to places from which the prison is publicly visible.

Landscape, visual and natural character effects

The Landscape, Natural Character and Visual Effects Assessment ('LVA') prepared by Boffa Miskell and provided as Appendix 2H acknowledges that the principal landscape change would arise from the introduction of additional buildings, roofs, secure perimeter structures, lighting and associated infrastructure. It describes this as a shift from an open landscape to one with a more developed and built appearance. It also recognises that the increased scale of the prison could, without mitigation, become a dominant feature and reduce the site's rural character.

The LVA concludes that the completed development would initially result in moderate adverse effects on landscape character. It considers that these effects would reduce to low-moderate as mitigation planting matures over approximately 8–10 years. Visual effects from the closest residential properties are also assessed as moderate during construction and immediately following completion, reducing over time as planting becomes established.

The principal mitigation measures comprise building height and coverage limits, setbacks, separation between buildings, recessive colours and non-reflective materials, together with approximately 28ha of retained or proposed vegetation.

These measures would soften or screen views of the development, but they would not avoid the underlying change in land-use intensity or the prison's increased physical presence. Screening may make buildings less visible from particular viewpoints, but it does not reverse the transformation of the whenua or address the cultural meaning of substantially increasing prison capacity within this landscape.

The LVA also concludes that natural character would be enhanced through planting and restoration. It relies on the future success of planting and does not adequately account for the permanent reclamation of 238m of open watercourse, removal of riparian vegetation, additional earthworks and infrastructure, or the conversion of those waterways into enclosed parts of the prison stormwater system. These changes would further modify the natural patterns and processes connecting the site with Pāremoremo Creek.

The proposal's final form also remains uncertain. The assessment has tested a maximum development envelope rather than a specific layout. Detailed decisions concerning building location, massing, architectural expression, lighting and the relationship between development and culturally significant features would be deferred to future Outline Plans. The proposed conditions do not provide for tangata whenua involvement in those post-approval processes.

Effects on Ngāti Whātua o Kaipara

The landscape assessment primarily evaluates physical landscape character and visibility from public roads, reserves and neighbouring properties. It does not independently assess the proposal from the perspective of Ngāti Whātua o Kaipara or Te Taoū.

The proposal would intensify an already substantial Crown institutional presence within the ancestral landscape. Increasing prisoner capacity and potentially doubling building coverage within Area A would reinforce the prison as a dominant and enduring use of the whenua. This effect exists irrespective of whether the new buildings can be screened from surrounding roads or properties.

For Ngāti Whātua o Kaipara, the adverse effects include:

- further displacement of the landscape’s ancestral and cultural identity by prison buildings, secure perimeters, lighting and infrastructure;
- further modification and enclosure of the relationships between the whenua, waterways and Pāremoremo Creek;
- reinforcement of a land use that limits mana whenua access, connection and the practical exercise of ahi kā;
- effects on mana whenua, whakapapa, mauri, rangatiratanga and kaitiakitanga; and
- the absence of a meaningful Ngāti Whātua o Kaipara and Te Taoū role in shaping the development and determining appropriate landscape outcomes.

Proposed planting may provide ecological and visual benefits and should be undertaken if the proposal proceeds. However, planting cannot be treated as compensation for the cultural effect of further intensifying the prison within this place-specific ancestral landscape. Nor can the absence of widespread public visibility be equated with an absence of cultural landscape effects.

Ngāti Whātua o Kaipara therefore considers that the proposal would result in significant and enduring adverse effects on the cultural landscape. Those effects arise from the increased scale, capacity and permanence of the prison itself and would not be adequately avoided or mitigated through screening, recessive colours or future landscape planting.

4.4 Social Effects

Corrections commissioned WSP to undertake a Social Impact Assessment (‘SIA’). The assessment focuses primarily on residents living near Auckland Prison and the wider Pāremoremo community. Its engagement included an online residents’ questionnaire and interviews with selected stakeholders.

The SIA identifies potential adverse effects relating to:

- increased traffic, congestion and travel times;
- reduced road safety, particularly for pedestrians and children near Ridgeview School;
- community safety and security;
- reduced community cohesion and stability;
- population growth and demand for housing and community facilities;
- changes to amenity, quality of life and sense of place; and
- construction-related noise, traffic, dust and disruption.

Traffic and road safety were significant concerns for respondents. Sixty-four percent anticipated adverse effects on traffic and travel times during construction, increasing to 66% during operation. Seventy-six percent anticipated adverse road-safety effects.

Without mitigation, the SIA assesses some traffic and road-safety effects as high or very high. It relies on transport upgrades, construction traffic management and other mitigation to reduce these effects. Some construction effects remain moderate after mitigation, while most operational effects are assessed as low.



The SIA also identifies potential positive effects from construction and operational employment, expenditure and benefits to businesses. These are characterised as extremely positive during construction and highly positive during operation. Corrections further considers that modern facilities and additional capacity would support rehabilitation, improve prisoner safety and reduce the need to transfer prisoners away from their whānau and support networks.

These potential benefits are acknowledged. The application does not clearly establish the extent to which employment, procurement or other social benefits would accrue to Ngāti Whātua o Kaipara, Te Taoū or the local Pāremoremo community. Nor do the proposed conditions appear to secure mana whenua employment, procurement, training or rehabilitative partnerships.

Assessment gaps

The SIA's focus on nearby residents does not adequately capture Ngāti Whātua o Kaipara as an affected cultural community. Ngāti Whātua o Kaipara's relationship with Pāremoremo does not depend on present residential proximity to the prison. It arises through whakapapa, mana whenua, ahi kā, Treaty settlement interests and Te Taoū's enduring relationship with the ancestral landscape.

The application does not demonstrate that Ngāti Whātua o Kaipara or Te Taoū participated in preparing the SIA, defining the affected social environment or identifying relevant social outcomes. The Cultural Values Report records only limited engagement with Ngāti Whātua o Kaipara and does not demonstrate that the SIA was provided for review or informed by an appropriate cultural representative.

As a result, the assessment does not adequately consider:

- the social and cultural consequences of further entrenching and intensifying a Crown prison within the ancestral landscape;
- the relationship between the proposal and the disproportionate representation of Māori within the corrections system;
- effects on mana whenua identity, collective wellbeing and relationships with the whenua;
- whether the proposal would strengthen or further constrain ahi kā and mana whenua presence at Pāremoremo;
- the role of Ngāti Whātua o Kaipara and Te Taoū in rehabilitation, reintegration and maintaining prisoners' cultural and whānau connections; or
- whether claimed employment and social-uplift benefits would be accessible to mana whenua.

The conclusion that the operational change in sense of place would be of low significance because the prison has existed for almost 60 years is particularly narrow. The existing prison does not make the social and cultural effects of a substantial increase in capacity insignificant. Increasing prisoner numbers and intensifying built development would reinforce the scale, permanence and dominance of the institution within the cultural landscape.

The assessment also relies on the conclusions of other technical reports to discount community concern about environmental effects. That approach does not recognise that perceptions of environmental degradation, cultural loss and exclusion from decision-making are themselves relevant social effects. For Ngāti Whātua o Kaipara, the reclamation of waterways, further



modification of ancestral whenua and effects on Pāremoremo Creek cannot be separated from collective wellbeing and cultural identity.

Proposed management

The proposed conditions require a Community Liaison Group, complaints register and community notification system. These measures may improve communication with nearby residents and provide a mechanism for responding to construction and operational concerns.

However, the Community Liaison Group is directed toward the “local community”. The conditions do not appear to expressly require representation of Ngāti Whātua o Kaipara or Te Taoū or establish a separate mana whenua relationship mechanism. Participation in a general community forum would not adequately recognise their status as mana whenua or provide for rangatiratanga and kaitiakitanga.

If the proposal proceeds, the conditions should require:

- an enduring relationship agreement or mana whenua forum with Ngāti Whātua o Kaipara and Te Taoū;
- direct mana whenua input into staged design, construction management and monitoring;
- opportunities for Ngāti Whātua o Kaipara to participate in cultural, rehabilitative and reintegration programmes;
- measurable mana whenua employment, training and procurement outcomes;
- regular reporting on social and cultural outcomes; and
- review of mitigation where monitoring identifies unanticipated effects.

Effects on Ngāti Whātua o Kaipara

The proposal would do more than increase activity at an established prison. It would almost double the authorised prisoner population and further consolidate a major Crown institution within ancestral whenua associated with Te Taoū and Ngāti Whātua o Kaipara.

For Ngāti Whātua o Kaipara, the resulting social effects include further displacement of mana whenua identity and presence, reinforcement of barriers to ahi kā, and effects on whakapapa, rangatiratanga, kaitiakitanga and collective wellbeing. These effects are connected to the proposal’s physical and cultural landscape effects and cannot be addressed solely through traffic mitigation, community notifications or a complaints process.

The potential benefits of modern facilities, rehabilitation and maintaining connections between prisoners and their whānau are recognised. However, those benefits do not establish that expanding this particular prison is culturally appropriate. Nor do they offset the enduring effect of further intensifying the prison without meaningful participation by Ngāti Whātua o Kaipara and Te Taoū.

Ngāti Whātua o Kaipara therefore considers that the SIA does not provide an adequate basis for concluding that the proposal’s social effects will be acceptable. Its assessment framework is principally directed toward nearby residents and does not properly assess the proposal’s distinct and enduring effects on mana whenua.

4.5 Economic Effects

The Economic Assessment prepared by Market Economics estimates capital expenditure of approximately \$1.2–\$1.32 billion over the ten-year construction period. It estimates that this expenditure could generate:

- approximately \$938 million–\$1.07 billion in value added, primarily within Auckland; and
- approximately 13,800–15,600 employment-equivalent years during construction.

Once operational, the expanded prison is expected to require approximately 292 additional staff, of whom an estimated 278 may live within Auckland. Additional annual wages are estimated at approximately \$17.5–\$19.2 million. Maintenance, servicing and other project-related operational expenditure is estimated to generate a further \$94.7 million in value added and approximately 2,800 employment-equivalent years over the assessment period.

These effects would support construction, professional services, maintenance, health, education, rehabilitation and other supplier sectors. However, the employment figures represent a combination of new and sustained employment over time and should not be interpreted as the number of permanent new jobs created.

Limitations of the assessment

The assessment measures the gross economic activity generated by spending on the project. It does not establish the net economic benefit of expanding Auckland Prison because:

- no counterfactual or alternative investment scenario has been assessed;
- displacement of workers and resources from other projects is not included;
- the wider fiscal and societal costs of incarceration have not been evaluated;
- the opportunity cost of investing public funds in prison capacity rather than preventative, rehabilitative or community-based initiatives has not been assessed; and
- environmental, social and cultural effects are largely excluded from the quantified analysis.

The assessment expressly acknowledges that its outputs are not an assessment of net social effects and that cultural effects have not been monetised. More importantly, Ngāti Whātua o Kaipara's cultural values were not identified or incorporated into the economic framework. The assessment therefore attributes economic benefits to construction and operation without accounting for the cultural cost of further entrenching the prison within ancestral whenua, permanently reclaiming waterways and adversely affecting mana whenua, mauri, ahi kā, rangatiratanga and kaitiakitanga.

The assessment does not establish that economic benefits would accrue to Ngāti Whātua o Kaipara or Te Taoū. No iwi-specific employment, procurement, training or enterprise outcomes have been quantified or secured. Without targeted measures, the benefits may principally accrue to established regional contractors and service providers, while the cultural costs are borne disproportionately by mana whenua.

Partnership opportunities

If the proposal proceeds, its scale and duration provide opportunities for Corrections to establish an enduring economic partnership with Ngāti Whātua o Kaipara. This could include:

- targeted employment, apprenticeships and training pathways for iwi members;
- procurement targets and support for Ngāti Whātua o Kaipara-owned businesses;
- contracts for cultural monitoring, landscape restoration, native planting, pest control and environmental monitoring;
- partnerships to deliver tikanga-based health, education, rehabilitation and reintegration services;
- support for iwi-led initiatives that strengthen connections between Māori prisoners, their whānau and communities; and
- governance and reporting arrangements through which Ngāti Whātua o Kaipara can help determine and monitor economic and social outcomes.

These opportunities are consistent with the Economic Assessment's recognition that services may be delivered through local providers and partnerships. However, they are not presently secured through the proposal or conditions and cannot be treated as project benefits unless supported by clear commitments, measurable outcomes and appropriate resourcing.

Ngāti Whātua o Kaipara therefore considers that the Economic Assessment overstates the completeness of the project's economic case. Although the proposal would generate substantial expenditure and regional activity, the assessment neither accounts for its cultural costs nor demonstrates that meaningful benefits would be received by mana whenua. Economic partnership with Ngāti Whātua o Kaipara could provide some direct benefits if the project proceeds, but it would not offset or compensate for the proposal's significant and enduring cultural effects.

4.6 Infrastructure Effects

The proposal would substantially increase demand on the infrastructure serving Auckland Prison. Increasing the authorised capacity from 681 to 1,220 prisoners would require additional wastewater conveyance and treatment capacity, potable and firefighting water, stormwater infrastructure, electricity, communications, parking and transport capacity.

The application concludes that the site can be serviced, subject to staged upgrades and detailed design. However, several important infrastructure solutions remain dependent on future works, management plans and approvals.

Wastewater

Wastewater from Auckland Prison, the Prison Village and Ridgeview School currently flows to the Pāremoremo Wastewater Pump Station at Iona Avenue. It is then pumped through a rising main along Pāremoremo Road and ultimately conveyed beneath Lucas Creek to the Greenhithe wastewater catchment.

The Wastewater Capacity Assessment identifies existing limitations in this system:

- the pump station currently operates at 16 litres per second, below existing theoretical peak wet-weather inflows;
- Watercare reports daily reliance on buffer storage to manage the pumping shortfall;
- the prison screening facility has only one screen and no backup;



- existing monitoring data indicate potentially significant inflow and infiltration within the network;
- the condition of the siphon beneath Lucas Creek is unknown; and
- the downstream Greenhithe system can receive no more than 20 litres per second from Pāremoremo.

The assessment expressly concludes that additional wastewater flows should not be introduced without upgrades.

A two-stage solution is proposed. Before capacity increases above 681 prisoners, Stage 1 would increase pumping capacity to 20 litres per second and provide at least 220 kilolitres of additional storage. This interim solution would enable capacity to increase to 921 prisoners but could not be relied upon beyond 2031 because of the uncertainty and increasing risks associated with the existing siphon.

Before capacity increases above 921 prisoners, Stage 2 would require a new pump station with capacity of 38 litres per second, an additional wastewater screen and a new pipeline of approximately 8.9km to the Albany wastewater catchment. The pipeline would extend along Iona Avenue, Pāremoremo Road, The Avenue and Dairy Flat Highway, crossing Lucas Creek on the existing road bridge before connecting at Kell Park.

These upgrades are secured through a condition preventing the relevant increase in prisoner capacity until the necessary infrastructure is operational. This staging is appropriate and should be retained. However, the application assesses the pipeline principally as an engineering and network-capacity solution. Its detailed design, construction effects, earthworks, effects on road users and potential effects at waterway crossings remain to be addressed through later processes.

There is also no clear requirement for monitoring and reporting to Ngāti Whātua o Kaipara on wastewater performance, overflows or failures. Given the receiving environment and the cultural significance of Pāremoremo Creek and Lucas Creek, any infrastructure failure that releases untreated wastewater could have serious cultural effects. Conditions should require adequate emergency storage, redundancy, alarms, incident-response procedures and immediate notification to Ngāti Whātua o Kaipara where an overflow or discharge could affect culturally significant waters.

Stormwater

The proposed development would substantially increase the site's impervious area and stormwater runoff. Potential contaminant-generating areas include roads, parking, loading and waste-storage areas, together with the wider roofs and paved surfaces associated with the expanded prison.

The site drains through tributaries and stormwater infrastructure to Pāremoremo Creek. Existing infrastructure includes three stormwater ponds, pipes, retention areas and open drainage channels. The assessment acknowledges that:

- limited information is available about the original design and treatment performance of the existing ponds;
- the culvert beneath Sanders Road has been damaged by previous flood events and remains unrepaired;

- existing flooding occurs around the Energy Centre;
- the quality of some surface water, groundwater and sediment is unknown; and
- future development will require network upgrades and additional water-quality treatment.

The proposed stormwater condition requires runoff to be retained within existing tributary catchments to the extent practicable, water-sensitive design, treatment of contaminant-generating areas, retention of overland-flow paths and management of downstream flood effects. These are appropriate principles.

However, the actual stormwater system has not been designed. The location, scale and performance of ponds, wetlands, treatment devices, attenuation measures and discharge points would be determined as individual facilities are developed. The Stormwater Management Plan would similarly be prepared later when more design information is available.

This deferral is significant because the proposal seeks approval for a broad development envelope rather than a defined layout. It is not presently possible to determine the resulting impervious area, contaminant loads, changes in catchment flows or cumulative effects of stormwater discharges over the approximately ten-year development programme.

The condition requiring retention of stormwater within existing tributary catchments only “to the extent practicable” also provides considerable discretion. This is particularly relevant where the proposal would reclaim Watercourses 1 and 2 and convert them into part of the stormwater network. Future stormwater design must not further reduce flows to remaining streams or wetlands or transfer adverse effects between catchments.

From the perspective of Ngāti Whātua o Kaipara, stormwater management must be directed toward protecting and restoring the mauri and cultural health of receiving waters, not simply complying with technical treatment standards. Conditions should therefore require Ngāti Whātua o Kaipara input into the Stormwater Management Plan, establishment of baseline water-quality information, monitoring of contaminants and receiving-environment health, and adaptive responses where adverse effects are detected.

Transport and access

The proposal would generate additional staff, visitor, service and construction traffic. At full capacity, the prison is expected to accommodate up to 538 staff at any one time. The principal access route would remain Pāremoremo Road, which connects to the wider arterial network through The Avenue and Dairy Flat Highway.

The surrounding transport environment has material constraints. Pāremoremo Road has few pedestrian facilities, there are no dedicated cycle facilities and no scheduled public transport service currently reaches the prison. The Avenue/Dairy Flat Highway intersection has limited spare capacity and requires upgrading irrespective of the proposal.

The application proposes to limit the prison to 921 prisoners until that intersection has been upgraded to traffic signals or another approved form of control. Corrections has also committed to contributing financially to the upgrade. This capacity limit is an important safeguard and should remain an enforceable precondition to further expansion.

Construction traffic would be managed through a Construction Traffic Management Plan, including consultation with Ridgeview School and restrictions on heavy-vehicle movements during school

arrival and departure periods. Operational access would principally be provided from Pāremoremo Road, and the disused Iona Avenue access would not be used for operational prison traffic.

These measures respond to identified safety and capacity issues. However, the effects of construction traffic over a potentially ten-year programme should not be understated. Heavy vehicles, workforce travel and infrastructure construction would contribute to congestion, noise, road-safety risks and disruption for the Pāremoremo community. The absence of public transport also means that additional travel demand is likely to remain heavily dependent on private vehicles.

Effects on Ngāti Whātua o Kaipara

The infrastructure assessments have been developed primarily through consultation with Watercare, Healthy Waters and Auckland Transport. There is no evidence that Ngāti Whātua o Kaipara or Te Taoū had meaningful input into the wastewater, stormwater or transport solutions, or into the conditions and management outcomes intended to govern them.

For Ngāti Whātua o Kaipara, infrastructure effects are not limited to whether sufficient network capacity can technically be provided. They include:

- increased stormwater and contaminant loads draining through ancestral waterways to Pāremoremo Creek;
- risks to the mauri and cultural health of freshwater and coastal receiving environments;
- the consequences of wastewater failures, overflows or emergency discharges;
- further modification and enclosure of the relationships between whenua and wai;
- disruption from extensive off-site pipeline and transport works; and
- exclusion of mana whenua from decisions about the management and monitoring of culturally significant waters.

The proposed infrastructure upgrades may make the expanded prison technically serviceable. They do not establish that the resulting effects on cultural values will be acceptable. If the proposal proceeds, the conditions should secure meaningful Ngāti Whātua o Kaipara participation in stormwater and wastewater planning, cultural-health monitoring, incident notification, performance reporting and adaptive management throughout the development and operation of the expanded prison.

4.7 Construction Effects

The proposal would be constructed progressively over approximately ten years. Works would include demolition, vegetation clearance, watercourse diversion and reclamation, bulk earthworks, formation of building platforms, installation of services and stormwater infrastructure, construction of new prison facilities, roads, parking and landscaping.

The final scale, location and sequencing of much of this work are not yet known because the application adopts a development-parameters approach. Apart from the Watercourses 1 and 2 works, detailed earthworks designs and construction methodologies would be developed through future Outline Plans and regional resource consent processes.

The known watercourse works would involve earthworks over approximately 4,500m², including approximately 4,680m³ of fill and 830m³ of cut. These works would occur directly within and

adjoining Watercourses 1 and 2 and require vegetation clearance, temporary flow diversions, excavation, dewatering, pipe installation, filling and stabilisation.

Earthworks across the wider development area are likely to be considerably more extensive. The application does not quantify their total area or volume. This limits the ability to assess the cumulative sediment yield, duration of exposed soils, interaction between construction stages or effects on the site's interconnected waterways and Pāremoremo Creek.

The principal risks during construction include:

- erosion and the discharge of sediment-laden water;
- disturbance of stream beds and riparian margins;
- increased turbidity and sediment deposition downstream;
- accidental releases of fuel, concrete, chemicals or other contaminants;
- altered or interrupted stream flows during diversion and dewatering;
- erosion or scour at temporary and permanent outlets;
- adverse effects on tuna and other freshwater fauna;
- disturbance of contaminated soils;
- dust, noise, vibration, construction lighting and heavy-vehicle movements; and
- disturbance of archaeological material or other culturally significant features.

These effects are particularly important because the site's waterways ultimately drain toward Pāremoremo Creek. Even where individual earthworks stages are temporary, repeated disturbance over a prolonged construction programme could result in cumulative effects on freshwater and coastal water quality, habitat and mauri.

Erosion and sediment controls

For the proposed Watercourses 1 and 2 works, an Erosion and Sediment Control Plan has been prepared in accordance with Auckland Council Guideline Document GD05. Proposed measures include:

- diverting clean water around stockpiles and disturbed areas;
- installing super silt fences on the downslope side of stockpiles;
- treating water pumped from excavations through settlement tanks or silt-retention devices before discharge;
- using riprap at diversion outlets to dissipate energy and reduce scour;
- staging and progressively stabilising earthworks;
- mulching or hydroseeding exposed areas when works are completed;
- undertaking watercourse works during normal flows and fine weather;
- providing a stabilised flow path where flows exceed the capacity of a temporary diversion;
- keeping machinery out of watercourses and undertaking maintenance and refuelling away from waterbodies; and



- restricting watercourse and earthworks during winter unless specifically approved by Auckland Council.

These are appropriate conventional measures and should be retained through enforceable conditions. The conditions also appropriately require certification of erosion and sediment controls before works commence, regular inspection and maintenance, progressive stabilisation and prevention of sediment-laden runoff entering roads, stormwater systems or waterways.

However, compliance with GD05 does not ensure that no sediment will leave the works area or that effects on cultural values will be acceptable. The effectiveness of the controls will depend on site-specific design, installation, monitoring, maintenance and timely responses to rainfall or control failures. The proximity of the works to waterways and the downstream relationship with Pāremoremo Creek warrant a higher level of care than reliance on minimum engineering standards alone.

The conditions should require controls to be designed for each stage before soil disturbance begins, installed before vegetation clearance or earthworks, inspected before and after significant rainfall, and maintained until all exposed areas are fully stabilised. Works should cease where controls fail or discharges cause conspicuous changes in downstream water clarity, sediment deposition or other adverse effects.

Management of future construction stages

The broader prison development would be managed through an Earthworks Management Plan prepared at least 40 working days before construction. Future regional earthworks and stormwater consents would also require more detailed Erosion and Sediment Control Plans once the design and construction methodology are known.

The proposed Earthworks Management Plan would require controls consistent with GD05, progressive stabilisation, monitoring until vegetation is established and management of dust. This provides an appropriate framework, but the substantive plans have not been provided with the application. The conclusion that earthworks effects will be no more than minor therefore depends on future documents that cannot presently be assessed.

Each stage-specific plan should identify:

- the location, area and volume of proposed earthworks;
- the receiving catchment and proximity to waterways, wetlands and Pāremoremo Creek;
- erosion and sediment control devices and their design capacity;
- clean-water and dirty-water diversions;
- dewatering and discharge methods;
- construction sequencing and exposed-area limits;
- weather forecasting and rainfall-response procedures;
- controls for fuels, concrete, chemicals and contaminated soils;
- freshwater and cultural-health monitoring;
- incident, stop-work and notification procedures; and



- progressive stabilisation and completion criteria.

The conditions should also require construction effects to be assessed cumulatively across concurrent and successive stages. Dividing the development into separate work packages should not result in the overall sediment risk or effects on receiving waters being overlooked.

Cultural induction and monitoring

The proposed cultural induction and cultural monitoring conditions are supported. They recognise that construction personnel need to understand the cultural significance of the whenua, waterways, Pāremoremo Creek, Te Marae o Hinekakea and the wider ancestral landscape before works begin.

Cultural induction should be delivered by a person nominated or approved by Ngāti Whātua o Kaipara and Te Taoū. It should apply to contractors and site personnel involved in vegetation clearance, earthworks, watercourse works, dewatering and other ground disturbance. The induction should address relevant cultural values, appropriate conduct, protection of waterways, identification of sensitive material, accidental-discovery requirements and the authority of cultural monitors to raise concerns and initiate agreed stop-work procedures.

Cultural monitoring should be required for works directly affecting Watercourses 1 and 2 and for other stages involving earthworks near waterways, wetlands, archaeological sites or areas identified by Ngāti Whātua o Kaipara and Te Taoū as culturally sensitive. The cultural monitor should be able to:

- observe works and the condition of erosion and sediment controls;
- inspect receiving waters and identify effects on cultural values;
- advise on tikanga and appropriate responses to discoveries or incidents;
- access relevant monitoring information and construction records;
- require concerns to be escalated promptly to the site manager and Corrections; and
- recommend that works cease where there is an imminent risk to cultural heritage or receiving waters.

These roles should be expressly provided for in the conditions and relevant management plans. Generic references to “iwi”, opportunities to attend or the later provision of compliance reports would not provide Ngāti Whātua o Kaipara and Te Taoū with an effective role in managing effects as they arise.

Ngāti Whātua o Kaipara and Te Taoū should also be consulted before the Earthworks Management Plan and stage-specific Erosion and Sediment Control Plans are certified, and before any material amendments are made. Monitoring results, complaints and environmental incidents affecting waterways should be reported directly and promptly to their nominated representatives.

Effects on Ngāti Whātua o Kaipara

From the perspective of Ngāti Whātua o Kaipara, sediment or contaminants entering the site’s waterways or Pāremoremo Creek would affect more than water quality. Such discharges may diminish mauri, adversely affect tuna and other freshwater life, disrupt the relationship between whenua and wai, and impair the exercise of kaitiakitanga and rangatiratanga.



The proposed controls, cultural inductions and cultural monitoring could reduce construction risks if properly secured and implemented. They do not address the permanent cultural effects of reclaiming Watercourses 1 and 2, nor do they establish that the broader ten-year construction programme will have only minor effects when its scale and staging remain uncertain.

If the proposal proceeds, the conditions must ensure that Ngāti Whātua o Kaipara and Te Taoū are involved before and throughout each material construction stage. This should include input into management plans, delivery of cultural inductions, cultural monitoring of sensitive works, direct access to monitoring information, immediate incident notification and a meaningful role in determining corrective and adaptive responses.

5.0 Consultation

Overall, the consultation undertaken by Corrections does not demonstrate early, meaningful or sustained engagement with Ngāti Whātua o Kaipara and Te Taoū. Although Ngā Maunga Whakahii o Kaipara Development Trust was contacted and participated in an online hui, Corrections was expressly advised that the representative present could not speak to the specific cultural and environmental effects of the proposal. There is no evidence that appropriate follow-up engagement occurred or that Ngāti Whātua o Kaipara and Te Taoū were given a meaningful opportunity to review and influence the proposal, technical assessments, mitigation measures or proposed conditions.

The Cultural Values Report prepared for the application does not remedy this deficiency or constitute an assessment of Ngāti Whātua o Kaipara's cultural values. As a result, the application has been developed without an adequate understanding of the relationship of Ngāti Whātua o Kaipara and Te Taoū with Pāremoremo or the effects of substantially expanding the prison within this ancestral landscape. Consultation at this late stage cannot retrospectively resolve that omission, particularly where fundamental decisions concerning the location, scale and capacity of the proposal have already been made.

6.0 Recommendations

Ngāti Whātua o Kaipara **opposes** the application and recommends that it be **declined**.

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

If the proposal is nevertheless approved, Ngāti Whātua o Kaipara recommends that the following measures be incorporated into the proposal, conditions and subsequent approvals:

Definitions

For the purposes of these recommendations, 'Tangata Whenua' means Ngāti Whātua o Kaipara and Te Taoū, who hold mana whenua over this rohe.



Tangata whenua relationship

- Establish an enduring and appropriately resourced relationship agreement with Tangata Whenua.
- Require engagement before each material development stage and provide for Tangata Whenua input into Outline Plans, detailed design, management plans, monitoring and material amendments.

Watercourses and cultural health

- Redesign the proposal to retain Watercourses 1 and 2 in their open form.
- If reclamation proceeds, involve Tangata Whenua in determining the ecological mitigation, offset and compensation package.
- Protect remaining waterways, wetlands and riparian margins from further development or reductions in flow.
- Establish baseline and ongoing water-quality, ecological and cultural-health monitoring using indicators developed with Tangata Whenua.
- Provide monitoring results directly to Tangata Whenua and require mitigation to be identified and implemented where adverse effects are identified.

Archaeology and cultural heritage

- Protect archaeological site R10/831 from modification and establish a consistent 20m protected buffer.
- Require Tangata Whenua input into the Archaeological Management Plan and archaeological requirements for each development stage.
- Provide for cultural monitoring of culturally sensitive ground disturbance.
- Apply accidental-discovery procedures across the entire site, with immediate notification and a Tangata Whenua role in determining tikanga and appropriate responses.

Landscape and design

- Require Tangata Whenua input into the location, scale, massing, materials, lighting and landscape treatment of future development.
- Secure the establishment, maintenance and replacement of proposed screening, riparian and restoration planting.
- Prior to certifying landscape and building designs, consult with Tangata Whenua and demonstrate how their feedback has been incorporated or not.

Social and economic partnership

- Establish measurable employment, apprenticeship, training and procurement outcomes for iwi members and iwi-owned businesses.
- Provide opportunities for Ngāti Whātua o Kaipara and Te Taoū to deliver cultural, environmental, rehabilitation and reintegration services.



- Support iwi-led initiatives that strengthen connections between Māori prisoners, their whānau and communities.
- Secure these outcomes through clear commitments, resourcing, reporting and governance arrangements.

Infrastructure

- Retain prisoner-capacity limits until the required wastewater and transport upgrades are completed and operational.
- Require wastewater redundancy, emergency storage, alarms and immediate mana whenua notification of overflows or failures affecting culturally significant waters.
- Require Tangata Whenua input into stormwater planning and monitoring, with a focus on protecting the mauri of receiving waters.
- Ensure stormwater remains within existing tributary catchments and does not reduce flows to remaining streams or wetlands.
- Consult Tangata Whenua where wastewater pipelines, transport works or construction routes may affect waterways or culturally significant places.

Construction management

- Require stage-specific Earthworks Management Plans and Erosion and Sediment Control Plans before works begin.
- Install and certify controls before vegetation clearance or soil disturbance and maintain them until the site is fully stabilised.
- Require rainfall inspections, progressive stabilisation, exposed-area limits, receiving-water monitoring and stop-work procedures where controls fail.
- Assess construction effects cumulatively across the approximately ten-year development programme.
- Consult Tangata Whenua before management plans are certified or materially amended.

Cultural induction and monitoring

- Require cultural inductions to be delivered by a person nominated or approved by Ngāti Whātua o Kaipara and Te Taoū.
- Require cultural monitoring of watercourse works, earthworks near waterways and other culturally sensitive activities.
- Provide cultural monitors with access to work areas, monitoring information and incident records.
- Require immediate notification of discoveries, contaminant releases and erosion or sediment-control failures, with mana whenua involved in determining corrective responses.
- These measures would not remove or compensate for the fundamental cultural effects of reclaiming the watercourses and expanding the prison. They represent minimum requirements if the application is approved despite the opposition of Ngāti Whātua o Kaipara.