
MINUTE 6 OF THE EXPERT PANEL
Invitation to give legal submissions and
Request for further information
Auckland Prison Capacity Increase Expert Panel
FTAA-2603-1179
18 August 2026

[1] The purpose of this Minute is to invite the Applicant to provide legal submissions in relation to a specific issue, and to request the provision of further information.

[2] Other parties will also be afforded the opportunity to provide legal submissions in relation to the issues raised in this Minute.

Sections 7, 82, and 84 of the FTAA

[3] Upon reviewing the comments provided under section 53 of the FTAA from Ngā Maunga Whakahii o Kaipara Development Trust (**Trust**) on behalf of Ngāti Whātua o Kaipara Iwi, the Panel invites the Applicant to file legal submissions which addresses how the Trust's comments might influence our decision-making under sections 7, 82 and 84 of the FTAA.

[4] Section 7 of the FTAA requires that the Panel must act in a manner that is consistent with obligations arising under existing Treaty Settlements. Relevant to this application and the Trust's comments, the Panel understands that the Ngāti Whātua o Kaipara Claims Settlement Act 2013 was enacted on 12 June 2013 and formalises the Deed of Settlement between the Crown and Ngāti Whātua o Kaipara. It is understood that the Settlement Act gives Ngāti Whātua o Kaipara 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).

[5] The Trust's comments on this application raise a number of issues relating to adverse effects on identified cultural values, including adverse effects relating to: ecology; archaeology; social impacts; economic considerations; and infrastructure. The Trust also consider that significant and enduring adverse effects on the cultural landscape would result from the Proposal, including as a result of permanent reclamation of watercourses.

[6] The Panel apprehends that further evidence may be required to inform any such submissions. As such, the Panel requests that the Applicant provides further information from Mr Whetu (or another suitably qualified expert), responding to the Trust's section 53 comments, from a Te Ao Māori, Mātauranga Māori and Tikanga Māori perspective

[7] Finally, the Panel understands and acknowledges that the Applicant has an existing Tākai Hono agreement with Ngāti Whātua. However, the Panel apprehends that such an agreement is outside the scope of matters that can inform decision making under the FTAA. The Applicant is directed to address in legal submissions, whether the Panels understanding in this regard is correct.

Request

[8] There are two elements to this request:

- (a) An invitation to give legal submissions; and
- (b) A request for further information.

Legal Submissions

[9] Should the Applicant wish to file legal submissions on the issues raised in this Minute, they must do so within 3 working days.

[10] Should any other party wish to file legal submissions on the issues raised in this Minute, they must do so within 6 working days.

Request for information

[11] The Panel makes the request for further information pursuant to section 67(2) of the FTAA. In accordance with section 67(2) of the Act the Applicant must:

- (a) Provide electronic copies of the information or report requested; or
- (b) Advise the EPA, with reasons that you decline to provide the information or report requested.

[12] Please provide the further information to the EPA at info@fasttrack.govt.nz within 3 working days.

[13] If the information requested is not received, the Panel must proceed as if the request for further information has been declined.

[14] Please note, the information will be provided to the Panel and every person who provided comments on the application.

[15] The information will also be made available on the Fast-track website.



Philip Maw

Auckland Prison Capacity Increase Expert Panel Chair