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## MINUTE 9 OF THE EXPERT PANEL

Invitations to comment: sections 70 and 72 of the Fast-track Approvals Act  
2024

Draft Decision and Conditions

Auckland Prison Capacity Increase Expert Panel

[FTAA-2603-1179]

21 September 2026

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[1] The purpose of this Minute is to inform parties of the draft decision and draft conditions and to direct the Environmental Protection Authority (**EPA**) to invite:

- (a) Comments on the draft conditions of consent from specified parties under section 70 of the Fast-track Approvals Act 2024 (FTAA); and
- (b) Comments on the draft decision and draft conditions from specified Ministers under section 72 of the FTAA.

[2] The draft decision is attached as **Attachment 1**. The draft decision includes as Appendices 2 – 5, draft conditions for the various approvals sought.

[3] **Attachments 2 – 5** to this Minute comprise clean Word versions of the draft conditions.

### Draft conditions

[4] Two versions of the draft conditions are attached to this Minute.

- (a) **Attachment 1** includes PDF versions of the conditions (as

Appendices 2 - 5) which show tracked changes recording the amendments made by the Panel to the Applicant's proposed conditions (filed on 15 September 2026); and

- (b) **Attachments 2 - 5** are clean versions of the draft conditions in Word form.

[5] The Panel directs that any proposed amendments to the draft conditions be recorded as tracked changes using the Word document versions, and submitted together with any comments made.

[6] Auckland Council's attention is drawn to [696] of the draft decision.

[7] The Applicant and Auckland Council are also encouraged to actively engage with a view to either reaching agreement (at least as between themselves) or narrowing issues in contention as between themselves in relation to the draft conditions.

### **Comments from specified parties**

[8] Section 70 of the Act requires the Panel to direct the EPA to provide a copy of the draft conditions to

- (a) The Applicant;
- (b) Every person or group that provided comments under section 53 of the FTAA; and
- (c) any local authority or other body with a statutory responsibility to enforce or monitor compliance with the conditions.

We direct accordingly.

[9] We must also specify the date by which comments on the draft conditions must be received by the EPA. We fix 28 September as the date by which comments must be received by the EPA.

[10] As detailed in clause 4 of s 70, the Applicant must file any response to the comments received within 5 working days of comments close. The Applicant's response to the comments received under s 70 is therefore due by 5 October 2026.

### **Comments from relevant Ministers**

[11] Under this section, the Panel must direct the EPA to invite comments from the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development on the draft decision and any draft conditions. We direct accordingly.

[12] In accordance with section 72(2), we allow the Ministers 10 working days to comment on the draft decision, including as to the assessments made by the Panel in relation to relevant Treaty settlements and any draft conditions related to that assessment. Comments from the Ministers are therefore due on 5 October 2026.

[13] Any responses can be filed with the EPA via email to [Substantive@fasttrack.govt.nz](mailto:Substantive@fasttrack.govt.nz)



Philip Maw

Auckland Prison Capacity Increase Expert Panel Chair