

Response ID ANON-URZ4-5FNU-K

Submitted to Fast-track approval applications
Submitted on 2024-05-03 21:50:44

Submitter details

Is this application for section 2a or 2b?

2A

1 Submitter name

Individual or organisation name:
Ara Poutama Aotearoa the Department of Corrections ('Corrections')

2 Contact person

Contact person name:
Andrea Millar

3 What is your job title

Job title:
Manager – Resource Management, Land Management and Statutory Compliance

4 What is your contact email address?

Email:
s 9(2)(a)

5 What is your phone number?

Phone number:
s 9(2)(a)

6 What is your postal address?

Postal address:

Private Bag 1206, Wellington 6140

7 Is your address for service different from your postal address?

No

Organisation:

Contact person:

Phone number:

Email address:

Job title:

Please enter your service address:

Section 1: Project location

Site address or location

Add the address or describe the location:

Auckland Prison, 530 Paremoremo Road, Paremoremo, Auckland

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Do you have a current copy of the relevant Record(s) of Title?

Yes

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Who are the registered legal land owner(s)?

Please write your answer here:

His Majesty the King (N.B. shown on the Records of Title as Her Majesty the Queen).

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur

Please write your answer here:

Ara Poutama Aotearoa the Department of Corrections, as a Central Government agency, operates the site as the Auckland Prison.

The site is designated under the Auckland Unitary Plan Operative in Part ('Auckland Unitary Plan') with the requiring authority being the Minister of Corrections and the purpose identified as "Auckland Prison".

Section 2: Project details

What is the project name?

Please write your answer here:

Auckland Prison Capacity Increase

What is the project summary?

Please write your answer here:

The proposal is to alter Auckland Prison's designation conditions under the Auckland Unitary Plan via a Notice of Requirement to enable the current limit on prisoner numbers to increase from 681 to 1,200. Development of new buildings within the designated site to accommodate this increase would be enabled through an Outline Plan of Works, resource consents and/or an archaeological authority.

What are the project details?

Please write your answer here:

The purpose of this project is to expand the Auckland Prison facility to ensure sufficient prison capacity proportional to the increasing population, particularly within the Auckland region. The project will also support the long-term resilience of our prison network. This application is therefore to alter the Auckland Prison's designation and obtain the necessary resource consents and other authorisations.

Auckland Prison is located in the area of highest demand for capacity, and it contains New Zealand's only maximum-security prison facility. There is 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 (e.g. low security prisoners being held in maximum security). Holding prisoners in accommodation that is not aligned to their security classifications results in constrained, not fit-for-purpose environments where we are managing multiple cohorts. These constraints impact the ability to effectively deliver rehabilitation and reintegration programmes. The current shortfall of beds within the three men's prisons in Auckland means that approximately 15% of the Auckland region's population of prisoners are sent to prisons outside of the region; placing additional pressure on the wider prison network to accommodate the overflow. In addition to the operational and economic impacts for Corrections, it also has a high social cost when removing prisoners from their whanau and support networks. Auckland Prison is the only prison site in the Auckland region with land available and where significant capacity can be added with limited constraints to meet the increasing demand for prisoner accommodation.

Given this context, the objectives of the project include:

- To enable the designation limit on prisoner numbers to increase from the current limit of 681 to 1,200.
- To increase the capacity of the prison network, enabling Corrections to respond quicker to any future increases in demand for prisoner accommodation.
- To enable the efficient use of an existing asset, thereby:
 - o avoiding the potential to acquire new land, with significant time and cost implications, to develop a new facility to accommodate prisoner numbers; and/or
 - o avoiding the issues associated with expanding the other existing custodial facilities in the Auckland region (i.e. Mount Eden Corrections Facility and Auckland South Corrections Facility), both of which are subject to significant constraints pertaining to their expansion potential.
- Locating additional prison capacity sufficiently close to communities large enough to attract and sustain sufficient staff to support a safe, secure and effective prison operation.

The alteration to the designation and other authorisations will enable works to be undertaken on the site that will give effect to the specific project objectives (as outlined above). The altered designation and other authorisations will ensure that any future activities appropriately avoid, remedy or mitigate significant adverse environmental and other effects. No changes are proposed to the spatial extent of the designation (i.e. designation

boundary).

Describe the staging of the project, including the nature and timing of the staging

Please write your answer here:

The proposed alteration to the designation will be achieved through a Notice of Requirement process and therefore does not require staging. Activities including physical works may be subject to staging however, which will be detailed and assessed through the Outline Plan of Works, resource consent and archaeological authority processes.

Physical works may involve a single building constructed at one time, or a number of smaller buildings which could be progressively constructed over a number of years in separate stages.

What are the details of the regime under which approval is being sought?

Please write your answer here:

Notice of Requirement, Outline Plan of Works and resource consents under the RMA. Archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 ('HNZPTA').

If you seeking approval under the Resource Management Act, who are the relevant local authorities?

Please write your answer here:

The Auckland Council.

What applications have you already made for approvals on the same or a similar project?

Please write your answer here:

No applications have been made for this particular project.

By way of background, in 2015, an Outline Plan of Works was confirmed, and resource consents were obtained from the Auckland Council to construct the new maximum security prison facility within the Auckland Prison site to replace the still existing but decommissioned East Division maximum security facility.

The replacement facility was built to provide more fit-for-purpose accommodation and to better support the ongoing delivery of rehabilitation and reintegration programmes to reduce reoffending and support the safety of communities. Prisoners were transferred into the new facility, leaving the East Division facility vacant.

An existing resource consent authorises the ongoing diffuse discharge of contaminants to ground and groundwater from a closed landfill located on-site.

In 2022 an Outline Plan waiver was confirmed by Auckland Council for the demolition of the decommissioned East Division maximum security facility (which has since been partially demolished).

Is approval required for the project by someone other than the applicant?

No

Please explain your answer here:

The applicant is the owner of all land needed for the project, therefore no other approvals are required.

If the approval(s) are granted, when do you anticipate construction activities will begin, and be completed?

Please write your answer here:

An indicative, high-level programme includes the following milestones and timeframes:

- May 2025: Masterplanning and scope design completed, and Detailed Business Case submitted.
- June 2025: Funding approved.
- June 2026: Design and construction contracts awarded.
- September 2027: construction commences.
- 2031: Works completion.

Section 3: Consultation

Who are the persons affected by the project?

Please write your answer here:

The following persons / parties are considered likely to be affected by the project:

- Auckland Council
- Ngāti Whātua o Kaipara
- Te Kawerau ā Maki
- Watercare
- Auckland Transport
- Surrounding residents
- Ridgeview Primary School

Detail all consultation undertaken with the persons referred to above. Include a statement explaining how engagement has informed the project.

Please write your answer here:

No consultation has been undertaken specifically for this project; however Corrections has existing relationships with a number of the listed parties who we will engage with throughout the development and implementation of this project.

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Describe any processes already undertaken under the Public Works Act 1981 in relation to the land or any part of the land on which the project will occur:

Please write your answer here:

None are required given the applicant is the owner of all land needed for the project.

Section 4: Iwi authorities and Treaty settlements

What treaty settlements apply to the geographical location of the project?

Please write your answer here:

- Ngāti Whatua ō Kaipara Claims Settlement Act 2013
- Te Kawerau ā Maki Claims Settlement Act 2015

The land upon which Auckland Prison is located is subject to the above listed settlement acts. The Ngāti Whātua o Kaipara Claims Settlement Act 2013 was enacted on 12 June 2013 while the Te Kawerau ā Maki Claims Settlement Act 2015 was signed on 22 February 2014. Under their respective Settlement Acts, Ngāti Whātua o Kaipara and Te Kawerau ā Maki have a non-exclusive right of first refusal for a period of 170 years over Auckland Prison.

In the context of the project, the subject Auckland Prison land is not proposed to be divested.

Are there any Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 principles or provisions that are relevant to the project?

No

If yes, what are they?:

Are there any identified parcels of Māori land within the project area, marae, and identified wāhi tapu?

No

If yes, what are they?:

Is the project proposed on any land returned under a Treaty settlement or any identified Māori land described in the ineligibility criteria?

No

Has the applicant has secured the relevant landowners' consent?

Yes

Is the project proposed in any customary marine title area, protected customary rights area, or aquaculture settlement area declared under s 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 or identified within an individual iwi settlement?

No

If yes, what are they?:

Has there been an assessment of any effects of the activity on the exercise of a protected customary right?

No

If yes, please explain:

Upload your assessment if necessary:

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Section 5: Adverse effects

What are the anticipated and known adverse effects of the project on the environment?

Please describe:

Corrections have undertaken similar Notice of Requirement and resource consent processes in recent history relating to the expansion of existing prison assets. Most notably this includes the expansion of the Waikeria Prison in the central Waikato area (2016-2018), and the establishment of the Auckland South Corrections Facility (on the Auckland Region Women's Corrections Facility land) in Wiri, South Auckland (2009-2011).

Additionally, Corrections have previously looked at the process for altering Auckland Prison's designation in 2017-18, to temporarily enable an increase in prisoner numbers on the site. While a draft Notice of Requirement was partially prepared, ultimately it was never lodged with Council due to the uncertainty of obtaining the temporary alteration to the designation. The 2017-18 proposed alteration was similar in principle to the proposed project.

Given this, the potential adverse effects on the environment that might result from an increase in the maximum prisoner capacity are well-known and understood; as are the ways in which these potential effects can be avoided, remedied and mitigated through appropriate mitigation measures.

The anticipated and potential adverse effects associated with enabling an increase in prisoner numbers at Auckland Prison are largely dependent on the final built form. However, for completeness they would include:

- Landscape and visual effects relating to the establishment of new built form on the site.
- Traffic effects associated with increase in prison staff numbers, transportation of prisoners and temporary construction traffic.
- Noise effects associated with the operation of additional prison and other facilities on-site.
- Lighting effects associated with new buildings on-site.
- Ecological effects relating to the potential presence of any wetland and/or other ecologically valuable areas on-site.
- Earthworks effects associated with the construction of new buildings on-site.
- Infrastructure and servicing effects associated with the new buildings, including the increased demand for potable water (which is provided from a reticulated network), increased wastewater flows (which are directed to the Council's reticulated network) and management of stormwater (which is treated and discharged on-site).
- Social impact in relation to effects on the surrounding residents and wider community.
- Cultural effects given the site is subject to two treaty settlement acts and is located within the rohe of several iwi and hapu.
- Archaeological effects in relation to any ground-disturbing works such as earthworks (N.B. largely managed through the HNZPT archaeological authority process).

The adverse effects identified will be assessed in their entirety through the Notice of Requirement and resource consent processes. The Auckland Prison land is sufficiently large such that many of the potential effects would be internalised, with necessary management of external effects provided through mitigation (and confirmed via a conditions package that would be applied to the altered designation and resource consents).

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Section 6: National policy statements and national environmental standards

What is the general assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard?

Please write your answer here:

National Policy Statement for Urban Development 2020

The project is consistent with the relevant objectives and policies of the National Policy Statement for Urban Development 2020 ('NPS-UD') in that it will contribute to "...well-functioning urban environments that enable all people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety...", as stated in Objective 1. Altering the designation will enable the community to provide for its social wellbeing, and health and safety, and enable the Minister of Corrections to better achieve its objective of maintaining public safety by protecting the community from those who pose a safety risk.

New Zealand Coastal Policy Statement 2010

The New Zealand Coastal Policy Statement ('NZCPS') is relevant insofar as the eastern boundary of the site abuts the Coastal Marine Area ('CMA'), being a tidal inlet of the Waitemata Harbour where it meets the mouth of Paremoremo Creek. The proposal is generally consistent with the relevant objectives and policies of the NZCPS, specifically objectives 1 and 6 and policies 6, 10 and 22. In respect of objective 6, the project will enable communities to provide for their social, economic, and cultural wellbeing, recognising that protection of the values of the coastal environment does not preclude use and development in appropriate places (being that it is appropriate to increase capacity at Auckland Prison given its existing location near to the CMA). The project is consistent with policy 6 in that activities within the CMA are not proposed, any development on-site enabled by the project will be appropriately set back from the CMA, and the project will not compromise activities of national or regional importance that have a functional need to locate and

operate in the coastal area. The project will not involve reclamation of the CMA as discussed in policy 10, and at the time of any physical works, appropriate measures will be implemented to ensure that the activities will not result in an increase in sedimentation in the CMA as required in policy 22. Any further indirect effects on the CMA will be appropriately avoided, remedied and/or mitigated through the proposed conditions package.

National Policy Statement for Freshwater Management 2020

The site contains several watercourses and potential wetland areas; therefore the National Policy Statement for Freshwater Management 2020 ('NPS-FM') is relevant in this respect. The project is consistent with the relevant objectives and policies insofar as any actual or potential adverse effects on freshwater bodies and wetland areas will be avoided, remedied and/or mitigated through the design of the future facilities and the proposed conditions package.

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

The applicability of the National Environmental Standards for Freshwater ('NES-F') will be determined based on whether works enabled by the designation alteration will occur in or near natural watercourses or inland wetlands. Resource consent/s will be sought under the NES-F as required.

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

The site has been subject to activities listed on the Hazardous Industries and Activities List and contains a closed landfill on-site. Parts of the site are therefore considered a 'piece of land' in accordance with Regulation 5(7) of the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health ('NES-CS') and is subject to the relevant regulations. Resource consent/s will be sought under the NES-CS as required.

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Section 7: Eligibility

Will access to the fast-track process enable the project to be processed in a more timely and cost-efficient way than under normal processes?

Yes

Please explain your answer here:

The proposal addresses the ability to establish additional prisoner beds in the prison network in an expedient manner. The standard Notice of Requirement and resource consent processes allow for appeals to the Environment Court, which can take a considerable length of time and cost to resolve. Corrections has spent considerable time (i.e. in excess of four years, inclusive of pre-application preparation and stakeholder negotiations) and incurred significant costs in obtaining RMA approvals in establishing new prison facilities and expansion of existing prison facilities in recent history.

It is important that Corrections is in a position to be able to respond accordingly to a rapid increase in prisoner population (such as that that was experienced in 2018), through enabling a capacity increase. This authorisation of increasing prisoner capacity at Auckland Prison can be achieved through a fast-track process which would enable the project to proceed in a timely manner, and would ensure that there is certainty from a resource management approval perspective before committing to the necessary procurement and funding processes associated with establishing new and expanded prison facilities.

What is the impact referring this project will have on the efficient operation of the fast-track process?

Please write your answer here:

This project involves a relatively straightforward application in that it is subject to just two pieces of legislation (i.e. RMA and HNZPTA only). Its impact on the fast-track process will depend on how many other projects are listed and/or in progress. This project has the benefit of occurring entirely upon land owned by the applicant, and it will not require any approvals under the Public Works Act or any other legislation.

Further, Corrections has recent experience in altering designations for prison facilities through the Notice of Requirement process, in a similar context and manner to that proposed. Therefore, the information requirements and formal procedures associated with a Notice of Requirement process are well-understood, ensuring that Corrections will be able to meet the statutory requirements through a fast-track Notice of Requirement (and associated authorisations).

Has the project been identified as a priority project in a:

Central government plan or strategy

Please explain your answer here:

The proposal will support the Minister of Corrections' priority of ensuring prison capacity, and will deliver on demand for prison facilities needed to accommodate the projected growth in prisoner population. The proposal will also build resilience in the prison network. The need to ensure sufficient prison capacity and building resilience in the prison network has also been identified in several government statements and strategies, including Hōkai Rangi (Corrections' 2019-2024 strategic document), Corrections' draft Long-Term Network Configuration Plan (subject to current ELT approval), and Corrections' Statement of Intent 2022-2026.

Hōkai Rangi

The project will deliver on the outcomes of the Hōkai Rangi strategy document, in particular Outcome 3 – Whānau, which seeks to maintain connection between prisoners and their whānau. The expansion of Auckland Prison, being located near a major centre, enables prisoners to remain near to whānau

and/or support. The site is also located relatively near existing Court facilities, which contributes to improved efficiency in terms of reduced transport logistics.

Draft Long-Term Network Configuration Plan

The draft Long-Term Network Configuration Plan ('LTNCP'), currently being finalised, establishes the long-term investment requirements to strategically manage Corrections' assets, and also meet the government's expectations for long-term planning. The LTNCP identifies the need for increased capacity across the prison network, and in particular, within Auckland where demand for prison beds is highest.

There are four prisons within the Auckland region (Auckland Prison, Mt Eden Corrections Facility, Auckland Region Women's Corrections Facility and Auckland South Corrections Facility). An assessment of alternative locations has indicated that the potential to respond to increased capacity demand in the region is very limited at all but the Auckland Prison site.

The draft LTNCP identifies Auckland Prison as a 'strategic node' in the prison network based on its location, the prisoner cohorts it manages, and the services it provides. In this context, strategic nodes are:

- located in a high demand area;
- located in an area with sufficient current and potentially future available resources and workforce to operate day to day and specialist requirements;
- located in areas that can host a large-scale operation;
- located in an area close to a number of courts; and
- able to house facilities that service the whole network.

Focusing investment on strategically important nodes will create flexibility and scale to support Corrections to deliver a safe, secure and effective corrections system amidst uncertain demand scenarios.

Statement of Intent for 2022-2026

The proposal aligns with the strategic planning workstreams, as set out in Corrections' Statement of Intent for 2022-2026. Particularly relevant is Workstream 3 – Hōkai Rangi investment framework. The workstream will ensure Hōkai Rangi and other enabling strategies and programmes of work remain connected so that the stated objectives (as set out above) are achieved.

Will the project deliver regionally or nationally significant infrastructure?

National significant infrastructure

Please explain your answer here:

The recent Ministry of Justice forecast prison population projections demonstrate there is an identified need to futureproof the prison network within New Zealand with increased prison capacity to manage demand uncertainty. While all prison facilities play a critical role in the prison network, in a national context Auckland Prison in particular is a 'strategic node' in the prison network, based on its location, prisoner cohort and services. That is, it provides for remand and sentenced prisoners from low security to maximum security classifications, containing New Zealand's only maximum-security prison facility.

There is currently a deficit in high security and low-minimum security capacity at the site, resulting in prisoners being held in units that are not always aligned to their security classification (e.g. low security prisoners being held in maximum security).

Furthermore, the demand for capacity is highest within the Auckland Region. The current shortfall in beds means that approximately 15% of the Auckland region population of prisoners are sent to prisons outside of the region, placing additional pressure on the wider prison network to accommodate additional prisoners. Auckland Prison is the only prison site in the Auckland Region with land available to add significant capacity to meet the increasing demand for beds, with limited constraints.

As such, the project, through increasing capacity at Auckland Prison, will deliver nationally significant infrastructure necessary for supporting the national prison network.

Will the project:

increase the supply of housing, address housing needs, contribute to a well-functioning urban environment

Please explain your answer here:

While not traditionally thought of as 'housing', prisons at their core are a nuanced residential activity, providing full-time accommodation for those who reside there. The project will provide scope for an increase in secure housing typologies on-site; which may be in the form of self-care units, alternative remand prisoner accommodation, or custodial units. This form of residential activity occurs at other New Zealand custodial sites. Further, the project will provide for the expansion of an existing social infrastructure facility that enables the community to provide for its social wellbeing, and health and safety, as set out under Objective 1 of the National Policy Statement on Urban Development 2020 ('NPS-UD'); noting that the NPS-UD refers to these as critical elements that contribute to "well-functioning urban environments".

Will the project deliver significant economic benefits?

Yes

Please explain your answer here:

These economic benefits include:

- The project will avoid the need to acquire and designate a new site to establish a new prison facility elsewhere, which will come with significant financial implications.
- Increasing prisoner capacity and enabling a wider range of corrections-related activities to be undertaken on the site will generate a significant number of employment opportunities, not only in terms of permanent staff on-site (particularly given that maximum security prisons have a high staff to prisoner ratio), but also rehabilitation and support positions, supply chain contractors, as well as temporary construction roles associated with the construction of new facilities.
- A reduction in travel costs by reducing the need to transport Auckland-based prisoners outside of the Auckland region to alternative custodial facilities as a result of prison population pressures. There will also be a corresponding reduction in travel costs for support people and/or whanāu in association with visitations.

Will the project support primary industries, including aquaculture?

No

Please explain your answer here:

Will the project support development of natural resources, including minerals and petroleum?

No

Please explain your answer here:

Will the project support climate change mitigation, including the reduction or removal of greenhouse gas emissions?

Yes

Please explain your answer here:

The project will support climate change mitigation in a range of ways, including:

- Enabling future expansion works to be master-planned, thereby providing for sustainable site design to be implemented through measures such as minimising the need for vehicular movements through the site, allowing for passive heating and cooling of spaces, providing on-site stormwater treatment and attenuation, and minimising impervious surfaces.
- The reduction of greenhouse gas emissions will be achieved through reducing the need to transport Auckland-based prisoners outside of the Auckland region. The Auckland region has been identified as an area of high demand for prison capacity, so increasing prisoner capacity at Auckland Prison will enable prisoners to be situated in Auckland rather than being transported to other prisons across New Zealand.
- New constructions will afford comprehensive sustainable building practices throughout their lifecycle, encompassing demolition waste in contrast to preceding constructions.
- Embodied carbon stemming from construction activities will be addressed through sustainable design principles, guided by the forthcoming Corrections Design Standards (currently in draft).
- Anticipated increments in energy and water usage resulting from the expansion will be managed through early-stage design deliberations, incorporating sustainable materials, energy efficient methodologies, and the exploration of low-emission heating alternatives.

Will the project support adaptation, resilience, and recovery from natural hazards?

Yes

Please explain your answer here:

The proposal involves the adaptation of an existing asset which is not subject to any known natural hazard overlays. It also avoids the need to acquire land for the development of new prison facilities that could otherwise be subject to natural hazards.

The project will consider climate resilience, and how to respond to climate change. This may include temperature increases, impacts to local utility networks and disruption to the distribution of goods and services.

Will the project address significant environmental issues?

Yes

Please explain your answer here:

No significant environmental issues are anticipated. The Notice of Requirement and other authorisations will include a mitigation package confirmed via a set of conditions to manage effects on the environment.

Is the project consistent with local or regional planning documents, including spatial strategies?

Yes

Please explain your answer here:

Auckland Regional Policy Statement

The Auckland Regional Policy Statement ('RPS') sets out the significant resource management issues, objectives and policies for the Auckland region. Below is an assessment of the objectives and policies relevant to this proposal.

B2.2. Urban growth and form

B2.2.1. Objectives

(1A) A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

[...]

(3) Sufficient development capacity and land supply is provided to accommodate residential, commercial, industrial growth and social facilities to support growth.

B2.2.2 Policies

(1) Include sufficient land within the Rural Urban Boundary that is appropriately zoned to accommodate at any one time a minimum of seven years' projected growth in terms of residential, commercial and industrial demand and corresponding requirements for social facilities, after allowing for any constraints on subdivision, use and development of land.

The project is consistent with the above objectives and policies because:

- Altering the designation to allow for an expansion of Auckland Prison will enable Corrections to better achieve its purpose of maintaining public safety by protecting the community from those who pose a safety risk. In turn, this provides for the social, economic and cultural wellbeing and health and safety of people and communities.
- Expanding existing facilities on-site will enable the growth of necessary social facilities, while maintaining sufficient development capacity and land supply by avoiding the need to acquire more land to accommodate additional prison facilities.
- Building modern, fit-for-purpose prison facilities supports the safety of staff and prisoners, and enables better delivery of rehabilitation and reintegration programmes.

B6.2 Recognition of Treaty of Waitangi/Te Tiriti o Waitangi partnerships and participation

B6.2.1 Objectives

- 1) The principles of the Treaty of Waitangi/Te Tiriti o Waitangi are recognised and provided for in the sustainable management of natural and physical resources including ancestral lands, water, air, coastal sites, wahi tapu and other taonga.
- 2) The principles of the Treaty of Waitangi/Te Tiriti o Waitangi are recognised through Mana Whenua participation in resource management processes.
- 3) The relationship of Mana Whenua with Treaty Settlement Land is provided for, recognising all of the following:
 - a) Treaty settlements provide redress for the grievances arising from the breaches of the principles of Te Tiriti o Waitangi by the Crown;
 - b) the historical circumstances associated with the loss of land by Mana Whenua and resulting inability to provide for Mana Whenua well-being;
 - c) the importance of cultural redress lands and interests to Mana Whenua identity, integrity, and rangatiratanga; and
 - d) the limited extent of commercial redress land available to provide for the economic well-being of Mana Whenua
- 4) The development and use of Treaty Settlement Land is enabled in ways that give effect to the outcomes of Treaty settlements recognising that:
 - a) cultural redress is intended to meet the cultural interests of Mana Whenua; and
 - b) commercial redress is intended to contribute to the social and economic development of Mana Whenua.

B6.2.2 Policies

- 1) Provide opportunities for Mana Whenua to actively participate in the sustainable management of natural and physical resources including ancestral lands, water, sites, wāhi tapu and other taonga in a way that does all of the following:
 - a) recognises the role of Mana Whenua as kaitiaki and provides for the practical expression of kaitiakitanga;
 - b) builds and maintains partnerships and relationships with iwi authorities;
 - c) provides for timely, effective and meaningful engagement with Mana Whenua at appropriate stages in the resource management process, including development of resource management policies and plans;
 - d) recognises the role of kaumātua and pūkenga;
 - e) recognises Mana Whenua as specialists in the tikanga of their hapū or iwi and as being best placed to convey their relationship with their ancestral lands, water, sites, wāhi tapu and other taonga;
 - f) acknowledges historical circumstances and impacts on resource needs;
 - g) recognises and provides for mātauranga and tikanga; and
 - h) recognises the role and rights of whānau and hapū to speak and act on matters that affect them.
- 2) Recognise and provide for all of the following matters in resource management processes, where a proposal affects land or resources subject to Treaty settlement legislation:
 - a) the historical association of the claimant group with the area, and any historical, cultural or spiritual values associated with the site or area;
 - b) any relevant memorandum of understanding between the Council and the claimant group;
 - c) any joint management and co-governance arrangements established under Treaty settlement legislation; and
 - d) any other specific requirements of Treaty settlement legislation.

B6.3.2 Policies

- 3) Ensure that any assessment of environmental effects for an activity that may affect Mana Whenua values includes an appropriate assessment of adverse effects on those values.

The proposal is consistent with these objectives and policies as:

- The requiring authority acknowledges the importance of the Treaty and Treaty Settlements to Mana Whenua and recognises the aspirations of Mana Whenua.
- The increase in prisoner capacity at Auckland Prison is not expected to affect the relationship with iwi and their Treaty Settlement Land (i.e. the adjacent Paremoremo Housing Village), or the future development and use of Treaty Settlement Land to meet the interests of Mana Whenua.

B2.8 Social Facilities

B2.8.1 Objectives

- 1) Social facilities that meet the needs of people and communities, including enabling them to provide for their social, economic and cultural wellbeing and their health and safety and which contribute to a well-functioning urban environment.
- 2) Social facilities located where they are accessible by an appropriate range of transport modes
- 3) Reverse sensitivity effects between social facilities and neighbouring land uses are avoided, remedied or mitigated.
- 4) Social facilities are resilient to the effects of climate change.

B2.8.2 Policies

- 1) Enable social facilities that are accessible to people of all ages and abilities to establish in appropriate locations which contribute to a well-functioning urban environment as follows:
 - a) Small-scale social facilities are located within or close to their local communities
 - b) Medium-scale social facilities are located with easy access to city, metropolitan and town centres and on corridors
 - c) Large-scale social facilities are located where the transport network (including public transport and walking and cycling routes) has sufficient existing or proposed capacity.
- 2) Enable the provision of social facilities to meet the diverse demographic and cultural needs of people and communities.
- 3) Enable intensive use and development of existing and new social facility sites.
- ...
- 5) Enable the efficient and flexible use of social facilities by providing on the same site for:
 - a) Activities accessory to the primary function of the site; and
 - b) In appropriate locations, co-location of complementary residential and commercial activities.
- 6) Manage the transport effects of high trip-generating social facilities in an integrated manner.

The RPS states that “social facilities” include public and private facilities which provide for services such as justice and corrections facilities. The RPS recognises that these social facilities contribute to the economy of Auckland and New Zealand in a variety of ways, both supporting other activities and by contributing to a high-value knowledge economy. It should be noted that many prison facilities are located on land where the underlying zoning’s (e.g. rural or industrial) policy framework is not encompassing or supporting of prison activities. Accordingly, Corrections has of late been advocating for a change of the zoning for prison sites to ‘Special Purpose Corrections Zone’ through District Plan review processes, as they occur, which include specific objectives and policies which are enabling and supporting of prison activities. To date, Corrections have been successful in all such advocacy.

The proposal is consistent with these RPS objectives and policies as the designation alteration:

- Represents an efficient use of existing infrastructure and physical resources and reduced adverse environmental effects (compared with alternative options of building new prison facilities elsewhere).
- Meets the needs of people and communities, by enabling Corrections to better achieve its purpose of maintaining public safety by protecting the community from those who pose a safety risk. In turn, this provides for the social, economic and cultural wellbeing and health and safety of people and communities.
- The RPS acknowledges that with growth, new social facilities will be required and that existing social facilities will need to be expanded and upgraded to meet the needs of new residents and the increased level of use.

B9.2 Rural Activities

B9.2.1 Objectives

- 3) Rural production and other activities that support rural communities are enabled while the character, amenity, landscape and biodiversity values of rural areas, including within the coastal environment, are maintained.
- 4) Auckland’s rural areas outside the Rural Urban Boundary and rural and coastal towns and villages are protected from inappropriate, subdivision, urban use and development.

B9.2.2 Policies

- 1) Enable a diverse range of activities while avoiding significant adverse effects on and urbanization of rural areas, including within the coastal environment, and avoiding, remedying or mitigating other adverse effects on rural character, amenity, landscape and biodiversity values.

The proposal is consistent with these objectives and policies as the proposed designation alteration:

- Will not restrict the establishment of rural production or other activities that support rural communities within the surrounding area (which is zoned Rural – Countryside Living Area).
- Is located outside the Rural Urban Boundary, but is appropriate in its location because it represents an efficient use of existing infrastructure and physical resources, and can be managed through appropriate designation conditions to avoid, remedy or mitigate adverse effects on rural character, amenity, landscape and biodiversity values.

Relevant Plan Changes

Plan Change 80 to the RPS is applicable in the context of this project and sought to incorporate the term ‘well-functioning urban environment’ into the relevant objectives and policies of the statement, in line with the NPS-UD.

The decisions version of Plan Change 80 was notified on 14 September 2023, however the Plan Change is subject to one unresolved appeal which applies to Objective B2.2.1(3) and Policy B2.2.2(1) which are relevant to this project as assessed above. Notwithstanding, the policy direction sought via the appeal remains the same in relation to social facilities.

Auckland Unitary Plan (Operative in Part)

The proposed designation alteration and prison expansion is assessed as being generally not consistent with the objectives and policies of the underlying Rural - Countryside Living zoning. However, this is also the case in terms of the presence of the existing prison facility itself. Further, the site is subject to a

designation, which effectively overrides the zone provisions.

H19.2 Objectives and policies – all rural zones

H19.2.1 Objectives – general rural

- (1) Rural areas are where people work, live, and recreate and where a range of activities and services are enabled to support these functions
- (2) Rural production activities are provided for throughout the rural area while containing adverse environmental effects on site
- (3) Elite soil is protected and prime soil is managed, for potential rural production

H19.2.2. Policies – general rural

- (1) Enable activities based on use of the land resource and recognise them as a primary function rural areas
- (2) Enable and maintain the productive potential of land that is not elite or prime soil but which has productive potential for rural production purposes, and avoid its use for other activities including rural lifestyle living except where these are provided for or enabled by Policy 19.2.2.(5)

H19.2.3 Objectives – rural character, amenity and biodiversity values

- (1) The character, amenity values and biodiversity values of rural areas are maintained or enhanced while accommodating the localised character of different parts of these areas and the dynamic nature of rural production activities
- (2) Areas of significant indigenous biodiversity are protected and enhanced.

While the proposal is not entirely consistent with the objectives and policies above, it will still enable rural production activities to be provided for and protect elite soil on surrounding land. The subject land is subject to designation 3900, which enables activities consistent with the designated stated purpose, being Auckland Prison, to be undertaken despite the policy direction within the zone. The alteration to the designation would not change from the current consistency with these objective and policies.

H19.7 Rural – Countryside Living Zone

H19.7.2 Objectives

- 1) Land is used for rural lifestyle living as well as small-scale rural production.
- 2) The rural character, amenity values, water quality, ecological quality, historic heritage values and the efficient provision of infrastructure is maintained and enhanced in subdivision design and development.
- 3) Development in the zone does not compromise the ability of adjacent zones to be effectively and efficiently used for appropriate activities.
- 4) The type and nature of land-use activities provided for are restricted to those appropriate for the typically smaller site sizes.
- 5) Subdivision, use and development is compatible with infrastructure and any existing infrastructure is protected from reverse sensitivity effects.

H19.7.3 Policies

- 1) Locate and design subdivision and development to maintain and enhance rural character and amenity values and avoid an urban form and character by:
 - a) Designing subdivision and development (including accessways, services, utilities and building platforms) to be in keeping with the topography and characteristics of the land
 - b) Minimising earthworks and vegetation clearance for accessways, utilities and building platforms
 - c) Avoiding locating accessways, services, utilities and building platforms where they will result in adverse effects on water quality, wetlands, riparian margins, historic heritage sites or scheduled sites and places of value or significance to Mana Whenua. Where avoidance is not possible, mitigation measures must be proposed so that any adverse effects are minor.
 - d) Identifying opportunities for environmental enhancement of existing areas of native vegetation, wetland areas, riparian margins or the coastal edge
 - e) Encourage landscape planting that reinforces local vegetation patterns, and
 - f) Identifying and where appropriate, requiring, the provision of walkway, cycleway and bridle path networks.
- [...]

- 3) Avoid or mitigate the adverse effects in relation to reverse sensitivity and rural character and amenity by restricting the range of land-use activities in the zone.
- 4) Discourage activities that will result in adverse effects such as noise, dust, traffic volumes, odour, visual effects and effects on health, safety and cultural values and significantly reduce the rural character and amenity values of the zone.
- 5) Acknowledge that the rural character and amenity values associated with this zone reflect its predominant use for rural lifestyle living rather than for rural production activities.

With regard to these objectives and policies, the project:

- Will not restrict the establishment of rural production or other activities that support rural communities within the surrounding area.
- Is located outside the Rural Urban Boundary, but is appropriate in its location because it represents an efficient use of existing infrastructure and physical resources, and avoids adverse effects on rural character, amenity, landscape and biodiversity values.

Anything else?

Please write your answer here:

Corrections Act 2004

The purpose of the Corrections system is set out in Section 5 of the Corrections Act 2004. That purpose is to improve public safety and contribute to the maintenance of a just society and is achieved by:

- Ensuring that the community-based sentences, sentences of home detention, custodial sentences and related orders imposed by the courts and the New Zealand Parole Board are administered in a safe, secure, humane and effective manner;
- Providing for the corrections facilities to be operated in accordance with rules set out in the Act and regulations made under the Act that are based, amongst other matters, on the United Nations' Standard Minimum Rules for the Treatment of Prisoners;

- Assisting in the rehabilitation of offenders and their reintegration into the community, where appropriate, and so as is reasonable and practicable in the circumstances and within the resources available, through the provision of programmes and other interventions; and
- Providing information to the courts and the New Zealand Parole Board to assist them in decision making.

The ability to expand the capacity at Auckland Prison will support Corrections to achieve its statutory purpose with respect of ensuring sufficient prison capacity to support the maintenance of public safety.

Iwi Management Plan for Ngāti Whātua Ōrakei

The resource management plan for Ngāti Whātua Ōrakei is a statement of their interests and values as they apply to resource management matters. The outcomes within the document are intended to apply at both a policy/plan making level and a resource consent level.

The plan sets out several desired outcomes relevant to the proposal, which relate to incorporation of Mātauranga Māori, incorporating native vegetation to design, energy efficient design and green design, managing waterways, allowing relationships to sites of significance to be maintained, and following accidental discovery protocol for all earthworks operations.

Consideration will be given to these outcomes when establishing the cultural effects management conditions that would apply to the altered designation and resource consents.

Te Kawerau ā Maki Iwi Management Plan

The Te Kawerau ā Maki iwi management plan outlines the concerns and goals the Kawerau ā Maki Trust have with regard to the sustainable management of the taonga within the tribal area of Te Kawerau.

Resource management issues are addressed by the Kawerau ā Maki Trust within the context of achieving balance between maintenance of spiritual and cultural values, environmental and heritage protection and enhancement, and social and economic development.

These issues will be addressed when establishing the cultural effects management conditions that would apply to the altered designation and resource consents.

Ngaati Whanaunga Environmental Management Plan

The purpose of the Environmental Management Plan ('EMP') is to provide a robust management framework to promote effective, integrated and sustainable management of resources within the Ngaati Whanaunga rohe.

The plan sets out visions, goals, and outcomes to achieve the purpose of the plan. This includes achieving a 'healthy and prosperous environment', focusing on areas such as land, freshwater, coastal and marine area, biodiversity, air, and culture and heritage.

Consideration of the visions, goals and outcomes of Ngaati Whanaunga EMP will be undertaken when establishing the cultural effects management conditions that would apply to the altered designation and resource consents.

Does the project includes an activity which would make it ineligible?

No

If yes, please explain:

Section 8: Climate change and natural hazards

Will the project be affected by climate change and natural hazards?

No

If yes, please explain:

Section 9: Track record

Please add a summary of all compliance and/or enforcement actions taken against the applicant by any entity with enforcement powers under the Acts referred to in the Bill, and the outcome of those actions.

Please write your answer here:

No compliance or enforcement actions have been taken against Corrections in relation to the Auckland Prison site in at least the past ten years.

Load your file here:

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Declaration

Do you acknowledge your submission will be published on environment.govt.nz if required

Yes

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Please write your name here:

Andrea Millar

Important notes