ARA POUTAMA AOTEAROA
DEPARTMENT OF CORRECTIONS

5 October 2026

Rotorua District Council
Private Bag 3029
Rotorua Mail Centre
Rotorua 3046

Attn: Council Hearings Administrator

Dear Sir/Madam,

ROTORUA DISTRICT PLAN CHANGE 10 – LETTER TO THE HEARINGS PANEL FROM ARA POUTAMA AOTEAROA, THE DEPARTMENT OF CORRECTIONS (SUMBITTER S24)

The Department of Corrections, Ara Poutama Aotearoa, (**Corrections**) lodged a submission on Plan Change 10 to the Rotorua District Plan (**PC10**).

Corrections has opted to not prepare expert evidence or attend the hearing scheduled for the 12th of October 2026, and requests in lieu of attendance, this letter is tabled for the Hearings Panel's consideration.

Corrections submission (see **Attachment 1**) sought the following outcomes for PC10:

1. Deletion of the proposed references to *"public safety"* in objectives RESZ-O7, RESZ-O14, and RESZ-O17. Corrections considered that these policy references could be used to support a discriminatory housing outcome based on the circumstances of the residents rather than identifiable adverse effects in line with the RMA.

2. Amendment of the definition of *"community housing"* to remove the exclusion for *"facilities where residents are subject to legal orders that restrict their freedom of movement, such as specialised care, home detention, or probation related accommodation."* Corrections considered retaining the exclusion would compromise the ability of it to provide accommodation with support for people serving sentences within the community, and as above result in a housing outcome that inappropriately discriminates based on the legal status of individuals in the justice system rather than as a result of identifiable adverse effects.

3. Amendment of rules RESZ-R9(3), COMZ-R24(3), CCZ-R17(3), and RURZ-R17(3) to change the activity status for *"community housing"* containing more than 8 residents in the relevant residential, commercial, central city, and rural zones from a discretionary activity to a restricted discretionary activity. Corrections considered restricted discretionary status with appropriate assessment criteria would be more efficient while ensuing any adverse effects resulting from the exceedance in persons on site can be assessed and managed.

4. Deletion of rules RESZ-R8A, COMZ-R33A, CCZ-R17A, and CCZ-R38B that would result in "*other residential activities"* being classified as discretionary activities in the relevant residential, commercial, and central city zones. Corrections considered the discretionary activity status would not support the delivery of different housing types to meet the diverse needs of communities and was not justified by reference to any material environmental effects.

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As noted in the s42A report, Council offices and reporting planners met with representatives from Corrections (and other government agencies) following the close of submissions to discuss the practical implications of the PC10 provisions and explore whether areas of disagreement could be narrowed. A without-prejudice discussion paper was subsequently provided to Corrections to test possible alternative drafting approaches.

The s42A report recommends making the following changs to PC10 in response to Corrections (and others) submissions:

1. Deletion of the references to *"public safety"* in objectives RESZ-O7, O14, and O17, as requested by Corrections.

2. Amendment of the definition of *"community housing"* to read: *"Means a single place of residence on a site where the primary purpose of the activity is the specialised care or support services to meet the social or physical needs of residents, and where residential accommodation is secondary to that care or support purpose. This definition excludes any type of prison as defined under the Corrections Act 2004."*

3. Amendment of rules RESZ-R9(3), COMZ-R24(3), CCZ-R17(3), and RURZ-R17(3) to change the activity status for *"community housing"* containing more than 8 residents from a discretionary activity to a restricted discretionary activity, as requested by Corrections.

4. Replacement of rules making *"other residential activities"* discretionary activities, with a new definition of *"shared residential accommodation"* and rules RESZ-R8A, COMZ-R33A, and CCZ-R16B making shared residential accommodation containing up to 8 residents a permitted activity, and over 8 residents a restricted discretionary activity in the relevant residential, commercial, and central city zones.

Corrections generally supports the above changes recommended by the s42A report, although has some reservations regarding the recommended definition of *"shared residential accommodation"* and associated rules, as discussed below.

Corrections considers the recommended deletion of the references to *"public safety"* from the residential objectives will avoid the situation where those references are used to support a discriminatory housing outcome through the implementation of the PC10 rules based on the circumstances of the residents rather than identifiable adverse effects. Public safety concerns arising from the legal status of individuals residing in the community are not matters appropriately addressed though the RMA or District Plan.

Corrections considers the recommended amended definition of *"community housing"* appropriately makes it clear that it is the provision of specialised care or support services that distinguishes the activity, rather than the legal status of individuals in the justice system, thereby also avoiding a housing outcome that discriminates against such persons. Corrections considers that the exclusion for *"any type of prison as defined under the Corrections Act 2004"* is appropriate, given the nature, scale, and environmental effects of a prison are distinct and different from those associated with community housing.

Corrections considers the recommendation to change the activity status of *"community housing"* containing more than 8 residents from a discretionary activity to a restricted discretionary activity will better enable such housing while avoiding unnecessary regulatory barriers. Restricted discretionary activity status together with appropriate assessment criteria will efficiently ensure any adverse environmental effects arising from the scale of the activity are managed. Corrections understands Kāinga Ora's evidence seeks deletion of the proposed assessment criteria and reliance of the existing assessment criteria within RESZ-AC1 and RESZ-MDB. Corrections supports that position.

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Corrections considers the recommended new definition of *"shared residential accommodation"* together with rules making such accommodation containing up to 8 residents a permitted activity will better enable different housing types to meet the diverse needs of communities than the previously proposed provisions for *"other residential activities"*. While generally supportive, we are of the view that there remains no effects-based justification for distinguishing *"shared residential accommodation"* from any other type of *"residential activity"*. The environmental effects of shared residential accommodation as defined (including typical flatting arrangements) are unlikely materially different from any other forms of *"residential activity"*, including traffic, noise, built form, or residential amenity.

Corrections considers that creating separate residential categories for forms of residential accommodation that are otherwise residential in character and effects risks reinforcing perceptions that the people who occupy that accommodation are different from other residents, despite there being little practical distinction in how the activity is experienced within the surrounding community. Despite that reservation, we are satisfied, the changes will enable the residential housing (with support) activities provided by Corrections and/or its contracted service providers in the community.

Corrections appreciates the opportunity to be involved in the PC10 process. Should the Hearings Panel have any queries regarding the matters set out in this letter, please contact me via the contact details below.

Yours faithfully



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Manager, Resource Management & Land Management (Acting)

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