

BEFORE THE WHANGAREI DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the submission points made by Ara Poutama Aotearoa (the Department of Corrections) on Proposed Plan Changes 82 A&B, 88, 88 A–J, 109, 115, 136, 143–145, 147 and 148 to the Whangarei District Plan (Submitter No. 168 and Further Submitter No. 347)

STATEMENT OF EVIDENCE OF SEAN MORELL GRACE

PLANNER

ON BEHALF OF ARA POUTAMA AOTEAROA (THE DEPARTMENT OF CORRECTIONS)

7 November 2019

1.0 QUALIFICATIONS AND EXPERTISE

- 1.1 My name is Sean Grace and I am a Principal and Planner at Boffa Miskell Limited, a national firm of consulting planners, ecologists and landscape architects. I hold the qualifications of Bachelor of Science (Physical Geography). I am a Full Member of the New Zealand Planning Institute. I have been a planner in local government or as a planning consultant based in Tauranga, Auckland and Wellington for over 14 years. As a consultant planner I have provided consultancy services for a wide range of clients around New Zealand, including central and local government authorities, land developers, and the social and network utility infrastructure sectors.
- 1.2 My experience as a consultant includes planning policy preparation and advice, expert evidence at Council hearings, Environment Court mediation, Notices of Requirement for designations, resource consenting and non-statutory planning work. As a local government planner my experience was in resource consent processing and planning monitoring and enforcement.
- 1.3 In this matter, I was engaged by the Ara Poutama Aotearoa (the Department of Corrections (“the Department”)). I have worked in a planning consultant capacity for the Department over the course of the past 10 years.
- 1.4 I have extensive experience in District Plan policy work, and have appeared on behalf of the Department in hearings and mediation for the Proposed Auckland Unitary Plan, Proposed Invercargill District Plan and the Proposed Ōpōtiki District Plan. I have reviewed and prepared submissions on behalf of the Department for numerous other Proposed District Plans and Plan Changes.

2.0 CODE OF CONDUCT

- 2.1 I have read the Code of Conduct for Expert Witnesses issued as part of the Environment Court Practice Notes. I agree to comply

with the code and am satisfied the matters I address in my evidence are within my expertise. I am not aware of any material facts that I have omitted that might alter or detract from the opinions I express in my evidence.

3.0 SCOPE OF EVIDENCE

3.1 The scope of my evidence relates to the primary submission and further submission points that the Department made on Proposed Plan Changes 82 A&B, 88, 88 A–J, 109, 115, 136, 143–145, 147 and 148 to the Whangarei District Plan; known as the “Urban and Services Plan Changes”. I can confirm that I prepared the primary and further submissions on behalf of the Department. The submission points were made in relation to the definitions of “Community Corrections Activity”, “Residential Activity”, “Residential Unit” and “Household”; as well as the activity status applicable to Community Corrections Activities in the following proposed zones:

- City Centre, Mixed Use, Waterfront, Commercial, Local Commercial, Light Industrial (permitted activity status sought in these zones)
- Neighbourhood Commercial, Shopping Centre, Heavy Industrial, Low Density Residential, Medium Density Residential, High Density Residential, Residential, Open Space, Conservation, Sport and Active Recreation, Airport, Port, Hospital (discretionary activity status sought in these zones)

3.2 I outline the submission points further below in the context of the Council Planners’ recommendations.

4.0 BACKGROUND

4.1 The Department is responsible under the Corrections Act 2004 for enforcing sentences and orders of the criminal court and the New Zealand parole board. In meeting this responsibility, the Department

establishes and operates custodial (i.e. prisons) and non-custodial corrections facilities.

- 4.2 Non-custodial community corrections sites include service centres and community work facilities, and are essential social infrastructure. Non-custodial services and their associated infrastructure play a valuable role in reducing reoffending. Community work helps offenders learn vital skills and give back to their community, and in return the community benefits from improved facilities. The Department considers that its services enable people and communities to provide for their social and cultural well-being and for their health and safety, and therefore those activities and services contribute to the sustainable management purpose of the RMA.
- 4.3 The service centres provide for probation, rehabilitation and reintegration services. Offenders report to probation officers as required by the courts or as conditions of parole. Department staff also use service centres to undertake assessments and compile reports for the courts, police and probation officers. Service centres may also be used as administrative bases for staff involved in community based activities. The overall activity is effectively one of an office where the generic activities involved are meetings and workshop type sessions, activities which are common in other office environments.
- 4.4 In addition to these service centres, the Department operates community work facilities. Community work is a sentence where offenders are required to undertake unpaid work for non-profit organisations and community projects. Offenders will report to a community work facility where they subsequently travel to their community work project under the supervision of a Community Work Supervisor. Service centres and community work facilities may also be co-located on the same site.
- 4.5 Community corrections sites support offenders living in that community. The Department therefore looks to locate its sites in areas accessible to offenders, and near other supporting

government agencies. Commonly, sites are therefore located in commercial or business areas, but may also be located in industrial areas, where large lots and accessibility suit the yard-based nature of some operations.

- 4.6 In the Whangarei District, the Department currently operates one non-custodial community corrections site, being the *Whangarei Service Centre and Taitokerau District Office*, located at 26-30 Walton Street, Whangarei. The site operates as a service centre, community work facility and district office, and is located within the proposed Commercial Zone as per the Plan Changes.
- 4.7 The Department has a non-operational non-custodial community corrections facility at 3 Poto Street, Whangarei. However, this site has been transferred to LINZ for disposal. The site is designated under the operative District Plan and the designation will be withdrawn upon completion of this process.
- 4.8 The Department does not operate any custodial facilities (prisons) within the Whangarei District.
- 4.9 The Department also provides supported accommodation services within the community. This involves housing and other support for some people following their release from custody, to assist with their transition and integration back into the community. 'Live-in' or visiting support and supervision is provided to residents on a day to day basis.
- 4.10 Supported accommodation units provide necessary facilities, such as sleeping, cooking, bathing and toilet facilities, which encompass a typical household living scenario; and a typical residential unit is utilised for such purposes.

5.0 THE DEPARTMENT'S SUBMISSION POINTS AND COUNCIL PLANNERS' RECOMMENDATIONS

- 5.1 A summary of all relief sought is contained in Appendix 1 to my evidence.

5.2 Definitions: “Community Corrections Activity” and “Place of Assembly”

5.3 The Department made a primary submission point on the Definitions section, requesting the addition of a definition of Community Corrections Activity to the District Plan (sub. point 168.1). The definition sought is consistent with that contained in the National Planning Standards.

5.4 The definition sought was as follows:

Community Corrections Activity

means the use of land and buildings for non-custodial services for safety, welfare and community purposes, including probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes, administration, and a meeting point for community works groups.

5.5 Adopting this approach means that community corrections activities can be considered explicitly where necessary throughout the District Plan. It also brings the terminology up to date with current justice sector usage and the National Planning Standards. Given the unique nature of community corrections sites, it is necessary to refer to them independently, particularly in terms of their activity status, within various zones.

5.6 I note that the inclusion of a stand-alone definition for community corrections activities has been an outcome accepted following recent hearings on the Proposed Auckland Unitary Plan¹, the Proposed Replacement Christchurch District Plan², the Proposed Invercargill City District Plan³ and the Proposed Ōpōtiki District Plan⁴.

¹ Auckland Unitary Plan Operative in part, Chapter J1 Definitions, “Community correction facility”

² Christchurch District Plan, Chapter 2 Abbreviations and Definitions, “Community correction facility”

³ Proposed Invercargill City District Plan Appeals Version, Section Four Definitions, “Community Corrections Facility”

⁴ Proposed Ōpōtiki District Plan Appeals Version May 2018, Chapter 20 Definitions, “Community corrections activity”

- 5.7 The Council's Section 42A report has not recommended the inclusion of a stand-alone definition for community corrections activities. The reason for this is outlined as follows⁵:

"I disagree that a Community Correction Activity definition should be inserted. Definitions are provided for "community activities", "commercial services" and "place of assembly". Community Corrections could be captured as a 'place of assembly' particularly as a Justice facility. In my opinion the 'place of assembly' definition incorporates Community Correction Activities, and it is therefore unnecessary to include a new definition or rule as it will contradict 'place of assembly' and create confusion."

- 5.8 I agree with this assessment insofar as community corrections activities *could* be classified under the recommended definition of "Place of Assembly", which is grouped under the definition of "Community Activities"⁶. Community corrections activities could not however be classified under the recommended definition of "Commercial Activity"⁷ as there is no "trading" element to the activity as referenced in that definition; and 'justice facilities' are not defined.
- 5.9 I note however that it is not plainly apparent under the definition of "Place of Assembly" that community corrections activities could be interpreted as such, and that this lack of explicit reference could lead to interpretation issues.
- 5.10 I have been party to a recent resource consent scoping process with the Tauranga City Council for the proposed development of a new community corrections facility for the Department, whereby the definition of "community facility" was identified by the applicant's planner as being the most applicable to the proposed activity⁸.

⁵ Section 42A Hearing Report, Part 1 – Urban and Services Plan Changes: Overview, General Topics and Definitions, para 139

⁶ Section 42A Hearing Report, Part 1 – Urban and Services Plan Changes: Overview, General Topics and Definitions, Attachment 1, Sections 4.2 and 4.3, pages 19, 26 and 48

⁷ Section 42A Hearing Report, Part 1 – Urban and Services Plan Changes: Overview, General Topics and Definitions, Attachment 1, Sections 4.3, pages 26

⁸ Tauranga City Plan, Chapter 3 Definitions, "community facilities" includes references to "land, buildings and structures ... utilised for activities such as community use ... undertaken for purposes

Despite several pre-application meetings, Council were not able to decide on whether the classification of a community corrections facility would be applicable under that definition or not.

- 5.11 I raise this example merely to identify the difficulties that can arise where an explicit definition for a community corrections activity is not provided for in a District Plan. This leads to uncertainty for the Department, Council staff and the community.
- 5.12 Having an explicit definition means that community corrections activities can be referred to independently in the District Plan, which avoids unintended outcomes through the zone provisions, as I will outline later in my evidence.
- 5.13 This approach has been accepted as best practice by the Ministry for the Environment by way of its inclusion in the National Planning Standards definitions.
- 5.14 As such, I propose the inclusion of a stand-alone definition for “Community Corrections Activity”, as set out in paragraph 5.4 of my evidence.
- 5.15 I also propose an amendment to the recommended definition of “Place of Assembly”, to allow its explicit classification under that definition, and thus reference, where appropriate, under that broader set of activities throughout the District Plan. The change sought to the definition is as follows:

Place of Assembly

means facilities for the wellbeing of the community, generally on a not for profit basis. Includes:

- a) Arts and cultural centres (including art galleries and museums);*
- b) Places of worship;*
- c) Community centres;*
- d) Halls;*
- e) Libraries;*

other than principally for commercial gain” and includes “community services ... and community support centres”

- f) *Marae;*
- g) *Citizens advice bureaux;*
- h) *Justice facilities (including community corrections activities);*
and
- i) *Visitor information centres.*

Excludes:

- a) *Entertainment facilities; and*
- b) *Care centres.*

This definition is included within the Community Activities definition grouping.

5.16 Definitions: “Residential Activity”, “Residential Unit” and “Household”

5.17 The Department made a primary submission point and a further submission point on the Definitions section, requesting:

- a. Retention of the definition of “Residential Activity” as notified (further sub. point 347.1, supporting Whangarei District Council’s sub. point 236.54). N.B. this further submission point withdrew part of a primary submission point made by the Department (sub. point 168.2) seeking an alternative definition of “Residential Activity”.
- b. Retention of the definition of “Residential Unit” as notified (sub. point 168.2).
- c. Addition of a definition of “Household” to the District Plan (sub. point 168.2).

5.18 The definitions sought were as follows:

Residential Activity

means the use of land and building(s) for people's living accommodation.

Residential Unit

means a building or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.

Household

Means a person or group of people who live together as a unit whether or not:

a) any or all of them are members of the same family; or

b) one or more members of the group (whether or not they are paid) provides day-to-day care, support and supervision to any other member(s) of the group.

- 5.19 The Council Planners' recommendations are to retain the definitions of "Residential Activity"⁹ and "Residential Unit"¹⁰ as notified, which I thereby support.
- 5.20 With regard to the proposed inclusion of a definition of "Household", as outlined above, the recommended definition of "Residential Unit" refers to "household", but no definition is subsequently provided for such in the District Plan.
- 5.21 The definition sought captures modern living arrangements, including those that are provided within supported accommodation facilities provided by the Department and other agencies (such as the Salvation Army). In other words, the definition clarifies that a household is not necessarily limited to a family unit or a flatting arrangement, which are more typical household situations.
- 5.22 The Council's Section 42A report has not recommended the inclusion of a definition for a household. The reason for this is outlined as follows¹¹:

"I do not support the definition of 'household' sought by Corrections. In my opinion the requested definition would create further uncertainty of what constitutes a residential unit and overlaps with the definitions of 'visitor accommodation' and 'supported residential care'."

⁹ Section 42A Hearing Report, Part 1 – Urban and Services Plan Changes: Overview, General Topics and Definitions, para 191 point i

¹⁰ Section 42A Hearing Report, Part 1 – Urban and Services Plan Changes: Overview, General Topics and Definitions, para 191 point j

¹¹ Section 42A Hearing Report, Part 1 – Urban and Services Plan Changes: Overview, General Topics and Definitions, para 184

- 5.23 I disagree with this assessment in that the recommended “visitor accommodation” definition refers to “*accommodating visitors, subject to a tariff being paid*”¹². This is clearly different to a household, where the primary activity is for permanent residence, which is not subject to a tariff.
- 5.24 Likewise, I disagree that the overlap with the definition of “supported residential care” is such that a “household” definition is unwarranted. This definition explicitly refers to “*fulltime care*” and support services “*certified under the Health and Disability Services (Safety) Act 2001 and comply with the Health and Disability Sector Standards 2001*”, whereas the proposed definition of household does not necessarily anticipate such a high level of support or regulation, referring instead to “*day-to-day care, support and supervision*”.
- 5.25 This is an important nuance, as supported accommodation facilities, such as those provided by the Department, may only involve a supervisor going around to the facility to check on residents on an irregular basis, with residents having a relatively high level of independence. At the other end of the scale, a ‘live-in’ supervisor may be present on-site.
- 5.26 As such, there is clear gap in the District Plan with regards to the classification of supported accommodation facilities. It is my opinion that this is best managed by including the proposed definition of “Household”, as set out in paragraph 5.18 of my evidence.
- 5.27 Zone Provisions: Activity Status of Community Corrections Activities**
- 5.28 The Department made two primary submissions requesting:
- a. Permitted activity status for Community Corrections Activities within the proposed City Centre, Mixed Use,

¹² Section 42A Hearing Report, Part 1 – Urban and Services Plan Changes: Overview, General Topics and Definitions, Attachment 1, Section 4.3, pages 59-60

Waterfront, Commercial, Local Commercial and Light Industrial zones (sub. point 168.3).

- b. Discretionary activity status for Community Corrections Activities within the proposed Neighbourhood Commercial, Shopping Centre, Heavy Industrial, Low Density Residential, Medium Density Residential, High Density Residential, Residential, Open Space, Conservation, Sport and Active Recreation, Airport, Port and Hospital zones (sub. point 168.4).

- 5.29 Permitted activity status for Community Corrections Activities was sought within zones that provide for business and commercial activities, as above. Community corrections facilities are appropriately suited to these areas on the basis that they are easily accessible to the communities they serve.
- 5.30 Further, locating community corrections facilities in business and commercial areas mean that they have good accessibility to other social government agencies, such as the courts, Police and Work & Income. This applies in particular to the administrative tasks carried out at community correction facilities, whereby the probation, rehabilitation and reintegration services undertaken are akin to office activities.
- 5.31 By way of an existing example, the Department operates a facility in the proposed Commercial Zone at 26-30 Walton Street, Whangarei.
- 5.32 Community corrections activities are also a compatible and appropriate activity in the Light Industrial Zone. Light industrial areas provide suitable sites for community corrections activities, in particular the community work components, where large sites with yard-based activities such as job training, and large equipment and/or vehicle storage, are often required.
- 5.33 Conversely, it is appropriate that any community corrections activity proposed in other, non-business / commercial, zones (i.e. those other than where a permitted status is sought, as above) be subject

to a resource consent application process to allow the Council to assess the actual and potential effects on the environment.

5.34 The Council’s Section 42A report has not recommended amending the zone provisions to accommodate the activity status for Community Corrections Activities across the subject zones, as sought by the Department. The reason for this is outlined as follows¹³:

“The place of assembly rule is proposed within the applicable notified chapters. The activity status is applied accordingly to each proposed zone. I do not recommend that there is any change to the notified activity status.”

5.35 As outlined earlier in my evidence, I consider it necessary, for clarity of interpretation, that Community Corrections Activities be subject to a stand-alone definition. Additionally, I have proposed an amendment to the definition of “Place of Assembly” to reference Community Corrections Activities, such that they are clearly classified under that definition as is seen appropriate by the Section 42A report author.

5.36 This sub-classification under Place of Assembly, which is grouped under the Community Activities definition, would result in the following activity status for Community Corrections Activities in the proposed zones of the District Plan¹⁴:

Activity Status	Zone
Permitted	City Centre Mixed Use Waterfront Local Centre Open Space Rural Village Centre Strategic Rural Industries

¹³ Section 42A Hearing Report, Part 1 – Urban and Services Plan Changes: Overview, General Topics and Definitions, para 139

¹⁴ N.B. the zone names outlined are those recommended throughout the Section 42A reports, and the activity status also considers whether compliance would be likely to be achieved with relevant activity standards

Activity Status	Zone
	Marsden Primary Centre – Industry
Discretionary	Commercial Neighbourhood Centre Large Lot Residential Low Density Residential Natural Open Space Sport and Active Recreation Rural Village Residential Rural Living Rural Production Marsden Primary Centre – Town Centre
Non-complying	Light Industrial Heavy Industrial General Residential Medium Density Residential Airport Port Hospital Ruakaka Equine
Prohibited	Shopping Centre

5.37 For the most part, these activity statuses are appropriate. However, there are several instances where, as I have referred to earlier, unintended consequences result by not providing for Community Corrections Activities independently. These instances include:

- a. **Permitted activity status applying in the Open Space and Rural Village Centre zones.** These are zones where a place of assembly, such as an art gallery, would be appropriate as a permitted activity, but where a community corrections facility would not due to the level of effects on the zone associated with traffic and amenity. A specific reference to “Community Corrections Activity” as discretionary activities in these two zones is considered appropriate, as this would allow those effects to be

considered through a resource consent process (should consent ever be sought).

b. **Discretionary and non-complying activity status applying in the Commercial and Light Industrial zones.**

These are zones where it is appropriate that a place of assembly, such as a library, requires resource consent so that matters such as reverse sensitivity could be considered. However, a community corrections facility, which is a less-sensitive land-use activity relative to the likes of a library, would be appropriate to be classified as a permitted activity (as it would be in other zones such as the City Centre). A specific reference to “Community Corrections Activity” as permitted in these two zones is therefore appropriate.

5.38 Proposed amendments to the recommended District Plan provisions (as per the Section 42A reporting), to achieve the outcomes sought in (a) and (b) above, are outlined in Appendix 1 of my evidence.

6.0 CONCLUSION

6.1 The relief the Department seeks relates to three key matters:

- a. To ensure that “Community Corrections Activities” are appropriately provided for in the District Plan, the addition of a definition for such is sought. This definition is consistent with that gazetted in the National Planning Standards, as well as accepted in a number of recent proposed District Plan decisions. Additionally, a minor addition to the definition of “Place of Assembly” is sought to accommodate the appropriate reference of Community Corrections Activities collectively with these in the District Plan.
- b. Specific references to Community Corrections Activities are proposed within several zones where these are required to identify them independently from a Place of Assembly, in

instances where either they should be permitted or require resource consent.

- c. A definition of “Household” is sought to clarify the reference that is contained under the definition of “Residential Unit”. This will ensure that supported accommodation services, like those provided by the Department, are appropriately provided for in the District Plan.

6.2 Overall, the relief sought as set out in Appendix 1 to my evidence, will ensure that the District Plan appropriately references and provides for the Department’s activities and services in the Whangarei District. The amendments sought are minor, but will result in avoiding any interpretation issues around those activities in the future.



Sean Grace

Principal / Planner

Boffa Miskell Limited

7 November 2019

APPENDIX 1: PROPOSED DISTRICT PLAN AMENDMENTS SOUGHT

Note: The relief sought, as specified below, is based on the recommended wording of the relevant provisions in the Section 42A reporting.

Section 4.3 Definitions

Add a new definition of "Community Corrections Activity":

Community Corrections Activity

means the use of land and buildings for non-custodial services for safety, welfare and community purposes, including probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes, administration, and a meeting point for community works groups.

Add a new definition of "Household":

Household

Means a person or group of people who live together as a unit whether or not:

- a) any or all of them are members of the same family; or
- b) one or more members of the group (whether or not they are paid) provides day-to-day care, support and supervision to any other member(s) of the group.

Amend the definition of Place of Assembly:

Place of Assembly

means facilities for the wellbeing of the community, generally on a not for profit basis. Includes:

- a) Arts and cultural centres (including art galleries and museums);
- b) Places of worship;
- c) Community centres;
- d) Halls;
- e) Libraries;
- f) Marae;
- g) Citizens advice bureaux;
- h) Justice facilities (including community corrections activities); and
- i) Visitor information centres.

Excludes:

- a) Entertainment facilities; and

b) Care centres.

This definition is included within the Community Activities definition grouping.

Retain the definition of “Residential Activity”:

Residential Activity

means the use of land and building(s) for people's living accommodation.

Retain the definition of “Residential Unit”:

Residential Unit

means a building or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.

Commercial Zone (COMZ) Section

Add “Community Corrections Activity” to the list of permitted rules for the Commercial Zone:

<i>COMZ-R25</i>	<i>Grocery Store</i>	
<i>COMZ-R26</i>	<i>Recreational Facilities</i>	
<i>COMZ-R27</i>	<i>Emergency Services</i>	
<i>COMZ-R28</i>	<i>Educational Facilities</i>	
<i>COMZ-R29</i>	<i>Community Corrections Activity</i>	
	<i>Activity Status: Permitted</i>	<i>Activity Status when compliance not achieved: Discretionary</i>
	<i>Where:</i>	
	<i>1. The activity is a primary activity or ancillary activity.</i>	
	<i>2. All site boundaries which are adjoining a Residential or Green Open Space and Recreation Zone are planted with trees or shrubs to a minimum height of 1.8m above ground level and a minimum depth of 1m, except within 5m of a road boundary where the</i>	

*maximum height is 1.2m
above ground level.*

Light Industrial Zone (LIZ) Section

Add “Community Corrections Activity” to the list of permitted rules for the Light Commercial Zone:

<i>LIZ-R12</i>	<i>Farming</i>	
<i>LIZ-R13</i>	<i>Seasonal Activity</i>	
<i>LIZ-R20</i>	<i>Service Stations</i>	
<i>LIZ-R21</i>	<i>Emergency Services</i>	
<i><u>LIZ-R22</u></i>	<i><u>Community Corrections Activity</u></i>	
	<i>Activity Status: Permitted</i>	<i>Activity Status when compliance not achieved: Restricted</i>
	<i>Where:</i>	<i>Discretionary</i>
	<i>1. The activity is a primary activity or ancillary activity.</i>	<i>Matters of discretion:</i>
	<i>2. All site boundaries which are adjoining a Rural Production, Residential or Green Open Space and Recreation Zone are planted with trees or shrubs to a minimum height of 1.8m above ground level and a minimum depth of 2m, except within 5m of a road boundary where the maximum height is 1m above ground level.</i>	<i>2.</i>
		<i>3. Mitigation measures to manage adverse effects on adjacent Rural Production, Residential or Open Space and Recreation Zones.</i>
		<i>4. Mitigation measures to manage reverse sensitivity effects.</i>

Open Space Zone (OSZ) Section

Add “Community Corrections Activity” to the list of discretionary rules for the Open Space Zone:

<i>OSZ-R12</i>	<i>Plantation Forestry</i>
<i>OSZ-R13</i>	<i><u>Community Corrections Activity</u></i>
	<i>Activity Status: Discretionary</i>
	<i>Where:</i>
	<i>1. The activity is a primary activity or ancillary activity.</i>

RVZ Rural Village Zone Section

Add “Community Corrections Activity” to the list of discretionary rules for the Rural Village Centre Sub-zone:

RVZ.2.3 Discretionary Activities

1. *Within the Rural Village Centre Sub-Zone:*
 - a. *Any residential unit:*
 - i. *Resulting in more than 1 residential unit on a site.*
 - ii. *That does not provide an outdoor living court of at least 20m² and at least 4m depth.*
 - iii. *Within 2m of a railway line designation boundary.*
 - b. *Any commercial or rural centre service activity, whether a primary activity or ancillary activity, that:*
 - i. *Exceeds 300m² gross floor area.*
 - ii. *Provides for 3 or more individual commercial or rural centre service activities on a site.*
 - iii. *Operates outside the hours of 0600 – 2200 if the activity is located within 50m of an existing residential unit on a separate site.*
 - c. *Any activity generating more than 200 traffic movements per site, per day.*
 - d. *(Deleted – refer to Signs Chapter)*
 - e. *Any building or major structure:*
 - i. *That exceeds a maximum height of 8m above ground level.*
 - ii. *Within 2m of a road boundary.*
 - iii. *Within 27m of Mean High Water Springs (excluding bridges, culverts and fences).*
 - iv. *Within 27m of the top of the bank of any river that has a width exceeding 3m (excluding bridges, culverts and fences).*
 - v. *That exceeds a height equal to 3m above ground level plus the shortest horizontal distance between that part of the building or major structure and any boundary of a separate site which contains an existing residential unit.*
 - vi. *Not set back at least 3m from any boundary of a separate site which contains an existing residential unit*
 - f. *Any community corrections activity.*