

CONNE RIVER
LOCAL AREA PLAN
1988

Provincial Planning Office

NOTICE OF APPROVAL

I, R. Charles Brett, Minister of Municipal Affairs, under and by virtue of the powers conferred by section 50 of The Urban and Rural Planning Act, Chapter 387, Revised Statutes of Newfoundland, 1970, do hereby approve the Conne River Local Area Plan, 1988, and that further, pursuant to section 55 of the Act aforesaid do hereby appoint the Director of Development Control of the Department of Municipal Affairs, as Authorized Administrator to implement and enforce the said Conne River Local Area Plan.

Dated at St. John's this 10th day of Nov , 1988.



R. CHARLES BRETT
Minister of Municipal Affairs





CONNE RIVER LOCAL PLANNING AREA
DEFINITION OF AREA

COMMENCING at a point, said point being located at ordinary high-water mark, in a northeasterly direction from Reuben Point, and being also one-half mile from the northeasternmost boundary of the Conne River Indian Reserve;

THENCE in a generally southeasterly direction parallel to and one-half mile from the boundary of the said Indian Reserve for a distance of 1.33 miles;

THENCE in a generally southwesterly direction parallel to and one-half mile from the boundary of the said Indian Reserve for a distance of 3.44 miles;

THENCE in a generally westerly direction parallel to and one-half mile from the boundary of said Indian Reserve for a distance of 2.40 miles;

THENCE in a generally northeasterly direction parallel to and one-half mile from the boundary of said Indian Reserve, to a point at ordinary highwater mark on the eastern shoreline of Bay d-Espoir, and being also one-half mile from the northwesternmost boundary of the said Indian Reserve near Vyse Cove;

THENCE in a generally northeasterly direction, following the sinuosities of the shoreline via, Vyse Cove, Black Duck c Cove, Little Looe Cove, Reuben Point, to the point of commencement; but, excluding therefrom all those lands contained within the boundaries of the Conne River Indian Reserve as described in the schedule attached to and forming part of the agreement dated 5 June, 1987, and signed by the Governments of Canada and Newfoundland.

All distances and directions being referred to Grid North on the 1:50,000 National Topographic Series Maps.

TABLE OF CONTENTS

	Page
NOTICE OF APPROVAL	i
DECLARATION OF DESCRIPTION OF AREA	ii
1.0 INTRODUCTION	1
2.0 PRESENT SITUATION	
2.1 Area of Concern	2
2.2 Buildings and Uses	2
2.3 Services	2
2.4 Access	5
3.0 THE LOCAL AREA PLAN	
3.1 Goal	6
3.2 Policy Statements	
3.2.1 General	6
3.2.2 Urban	6
3.2.3 Rural	8
4.0 ADMINISTRATION	
4.1 Implementing Authority	10
4.2 General Procedure	10
4.3 Amendment and Review of Plan	11
5.0 ANNEX "A", REGULATIONS	12

1.0 INTRODUCTION

1.0 INTRODUCTION

On June 5, 1987, the Governments of Canada and Newfoundland and Labrador signed an agreement in relation to the establishment of an Indian Reserve at Conne River, Newfoundland. Part of that agreement called for the preparation and implementation by the Province of a Local Area Plan encompassing all lands within one-half mile of the Reserve; certain "enclaves" or non-indian properties within the Reserve; and lands located within 33 feet of the shoreline of Bay d'Espoir.

This Local Area Plan has been prepared in consultation with various Departments of both the Federal and Provincial Governments, and, when approved, will be a document for the control of development within the Local Planning Area of Conne River. The Plan must be reviewed every five years, or sooner if necessary, and may be amended at any time in the same manner as it was brought into effect.

2.0 PRESENT SITUATION

2.0 PRESENT SITUATION

2.1 AREA OF CONCERN

Conne River is located in Bay d'Espoir, approximately 40 km inland from the sea, midway along the south coast of the Island of Newfoundland. The area consists of the community locally known as Conne River, bounded by the fjord of Bay d'Espoir to the north and an immense hinterland to the south. This hinterland is mainly forested and is drained by small water courses running down the hillside to the Bay.

2.2 BUILDINGS AND USES

There are approximately 5 houses and 1 general store within the Local Planning Area itself. All are located within "enclaves" which, though jurisdictionally outside the Samiajij Miawpukek Indian Reserve, are nevertheless physically surrounded by the Reserve. (See Map 1.) There is no urban development in the hinterland portion of the Local Planning Area. (See Map 2.)

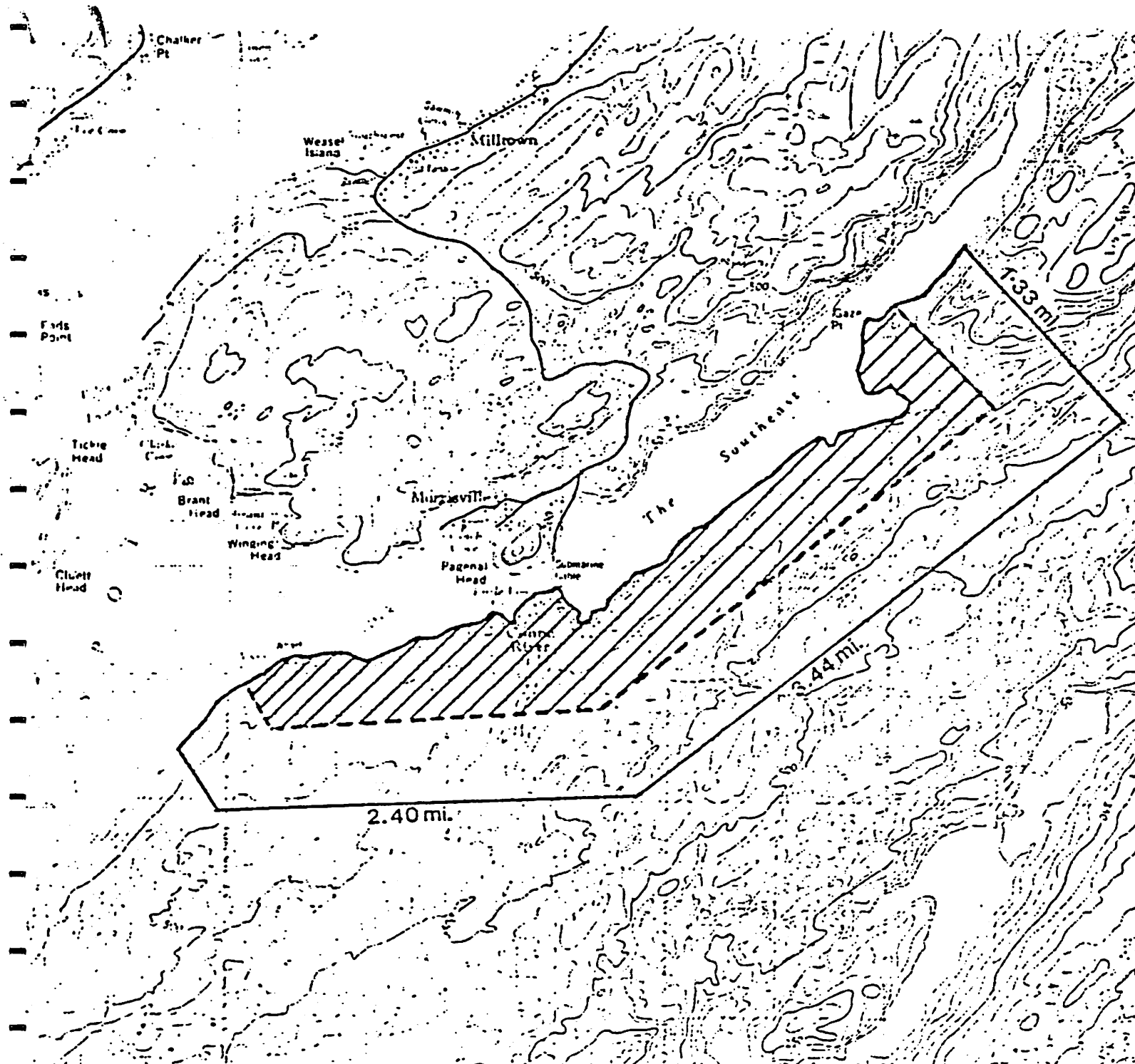
2.3 SERVICES

Municipal and educational services are provided to those living in the "enclaves" by the Band Council of the Reserve.

LOCATION MAP



CONNE RIVER



CONNE RIVER

Local Planning Area



LOCAL PLANNING AREA



INDIAN RESERVE

2.4 ACCESS

Bay d'Espoir and the Connaigre Peninsula are generally well served by road. An all-weather, paved highway (Route 360) connects these areas to the Trans Canada Highway at Bishop's Falls.

The Conne River area is located off Route 360 which leads further south to a number of communities on the Connaigre Peninsula, the largest being Harbour Breton. The access road from Route 360 to Conne River is approximately 16 km long and consists of a gravel road that at one time was a forest access road.

3.0 THE PLAN

3.0 THE LOCAL AREA PLAN

3.1 GOAL

To control and limit the type, amount, and location of development within the Local Planning Area in order to prevent any encroachment upon the Samiajij Reserve, or in the case of the "enclaves", to ensure development compatible with adjacent uses in the Reserve.

3.2 POLICY STATEMENTS

3.2.1 General

Boundaries of the "enclaves" and other areas not included within the Reserve and shown on Map 1, are generalized. The precise boundaries of these areas are described in the relevant schedules attached to, and forming part of, the Canada-Newfoundland Agreement.

Nothing in this Plan shall effect the continuation of an existing use, its maintenance, or reasonable expansion.

3.2.2 Urban (Enclaves)

Within the physical confines of the Reserve, are located a number of properties or "enclaves" which have, by agreement, been excluded from the Reserve.

With the exception of one commercial property, the remaining development is residential in nature.

Policies:

Within the "enclaves", single dwellings and their accessory structures will be permitted.

Limited commercial use such in the form of personal service or home occupation may be permitted on a discretionary basis provided it is limited in size and clearly subsidiary to a residence.

Furthermore, it is the policy of this Plan that special attention will be given to the size and scale of any such use to ensure that it does not adversely affect the character of the area or adjoining uses, and that it provides adequate on-site parking, buffering and landscaping where necessary.

It shall be the policy of this Plan, in connection with personal service and home care uses, that signs advertising the use or practice carried out therein, shall be limited to a name plate not exceeding 0.2 m².

No development will be permitted which does not front onto a provincially-maintained road, or one maintained by the Indian Band Council.

No development will take place unless it is within economic distance of any existing or proposed municipal services provided by the Indian Band Council.

Where no municipal services exist, on-site water and sewer services shall be installed in accordance with the standards and recommendations of the Department of Health, in consultation with the Miawpukek Band Council.

3.2.3 Rural

All lands within the Local Planning area other than those designated for urban use, are designated for rural use, where it is intended that lands be kept free of buildings and structures, except for the maintenance and operation of existing uses, in order to ensure the area's rural character and to preserve the integrity of the Conne River Community.

Policies:

Within rural areas, uses associated with public utilities, and the conservation of soil, water, or wildlife shall be permitted, subject to their compatibility with adjacent uses and adequate steps to protect the natural environment. Domestic and Christmas tree cutting will also be permitted to the extent that this is consistent with the retention of a buffer surrounding the Reserve and along public roadways. Mining and quarrying may also be permitted.

All uses permitted within the rural designation shall be carried out in such a manner as not to adversely affect any waters, and no heavy equipment or machinery may operate within 10 metres of any waterbody, river, or stream.

No development shall take place within any area used as a source of domestic or other water supply, unless it is consistent with the provision of that supply, other policies of this section, and it can be clearly demonstrated that the activity will not negatively impact the quality or quantity of water available.

It shall be the policy of the Plan to protect the lands, rivers, streams, ponds, and shorelines in the Local Planning Area from pollution and to retain existing vegetation wherever possible.

Ecologically sensitive areas such as shorelines and swamps shall be kept free of unrelated development.

4.0 ADMINISTRATION

4.0 ADMINISTRATION

4.1 IMPLEMENTING AUTHORITY

With the approval of this Plan by the Minister, the implementation of the plan and any ensuing regulations will be administered by the Director of Development Control, Department of Municipal Affairs. Any development within the Conne River Local Planning Area will require the approval of the Director.

4.2 GENERAL PROCEDURE

All development applications will be made to the Director of Development Control, Department of Municipal Affairs.

The Director will consult with those government departments, agencies, the Miawpukek Band and/or any other bodies he deems necessary.

The Director will examine development proposals in the light of the plan and regulations and may refuse or approve them with or without conditions.

The decision of the Director will be communicated in writing to the applicant and to the Indian Band Council.

An applicant who is dissatisfied with the decision of the Director may appeal to the appropriate appeal board. Notice of any appeal shall be forwarded to the Miawpukek Band Council.

4.3 AMENDMENT AND REVIEW OF PLAN

Every five (5) years from the date on which the plan comes into effect, the Minister will direct that the the plan be reviewed and that a report on the plan's effectiveness be submitted to him together with recommendations for revision of the plan where necessary. The plan may also be amended at any time in the same manner as it was brought into effect, and any such amendment must henceforth be read together with and form part of the plan, but any amendment or review shall only be made after thorough consultation with, and after consideration of the recommendations of the Government of Canada and the Miawpukek Band Council.

ANNEX "A"
5.0 REGULATIONS

5.0 REGULATIONS

The Conne River Local Area Plan, 1988, will be implemented and enforced by Regulations made by the Lieutenant-Governor in Council and administered by the Director of Development Control. These regulations, made under section 71 of The Urban and Rural Planning Act, will be referred to as the Conne River Local Planning Area Regulations, 1988.

The regulations are as follows:

- 1) These Regulations shall be cited as the Conne River Local Planning Area Regulations, 1988.
- 2) Interpretation: In these Regulations, unless the context otherwise requires:
 - (a) "Appeal Board" means the appropriate Regional Appeal Board established under section 8 of The Urban and Rural Planning Act.
 - (b) "Development" means as defined in The Urban and Rural Planning Act.
 - (c) "Director" means the Director of Development Control of the Department of Municipal Affairs.
 - (d) "Local Area Plan" means the Conne River Local Area Plan, approved by the Minister of Municipal Affairs

under section 50 of The Urban and Rural Planning Act, together with any amendments thereto as may be approved by the Minister of Municipal Affairs from time to time.

- (e) "Local Planning Area" means the area defined as the Conne River Local Planning Area by the Minister of Municipal Affairs on the 29th day of September, 1987, and published in the Newfoundland Gazette on the 9th day of October, 1987.
 - (f) "Reserve" means the Samiajij Miawpukek or Conne River Reserve, and Indian Reserve.
 - (g) "Band Council" shall also mean the Miawpukek or Conne River Indian Band Council.
- 3) No person, corporation, partnership, association, or other organization whatsoever shall carry out any development in the Local Planning Area unless a permit for the development has first been issued in writing by the Director.
 - 4) Any application for a permit to develop shall be made to the Director on such forms as he prescribes, and every applicant shall furnish with his application such plans and specifications as the Director requires.
 - 5) The Director shall, on request, supply to every applicant a copy of the application form referred to in Regulations 4, and a description of the plans specifications and drawings required to be furnished with his application.

6) The Director shall, when considering an application for a permit to develop, be guided in his decision by the Local Area Plan and shall, without limiting the generality of the foregoing, consider:

- (a) the topography, physical condition and natural features of the land;
- (b) the use or the proposed use of the land, and the use of the land in the immediate vicinity;
- (c) the number, location, safety, and convenience of accesses;
- (d) the design, location, and construction of the proposed development;
- (e) the adequacy of the method and the suitability of the land for the type of water and sewage disposal required;
- (f) the adequacy and suitability of the methods proposed for the disposal of waste material; and
- (g) the shape and size of each lot or parcel of land;

and shall consult with the Miawpukek Band Council, all government departments, agencies, officials, and persons deemed necessary with respect to these considerations.

- 7) A permit shall not be issued for development in the Local Planning area unless that development conforms with (1) the policies and objectives for development as described in the Local Area Plan, and (2) the National Building Code of Canada and ancillary codes.
- 8) The Director may attach to a permit such conditions required to ensure the proposed development, or use of land or building, shall be made suitable for the purpose it is intended to serve, and may permit development for a limited time as deemed necessary.
- 9) A permit for a development is valid for a period of one (1) year and may be renewed twice, for a maximum duration of three (3) years, provided construction of the development is initiated prior to expiration of the first permit year.
- 10) Failure by the applicant to initiate construction prior to the expiration of the first permit year shall require re-application to the Director.
- 11) Development shall be carried out in accordance with the plans approved by the Director and all conditions attached thereto, and no person shall erase, alter or modify any drawing or specification for which a permit to develop has been issued, unless the modification has been approved by the Director.
- 12) The Director may, where all conditions imposed under these Regulations have not been fulfilled, order the development to be discontinued and the land in respect of which the conditional or temporary permission was given to be restored to its former state.

- 13) In approving any application to develop the Director shall issue a permit card and this card shall be displayed in a conspicuous place in or upon the development during the entire course of any construction.
- 14) The Director, or any inspector designated by the Director, may enter upon any public or private land, and may at all reasonable times enter any building upon the land, for the purpose of making surveys or inspections or obtaining information relative to the carrying out of any works applicable under these Regulations.
- 15) Nothing in these Regulations shall apply:
 - (a) to prevent the use of any land, building or structure for any purpose prohibited by the Local Area Plan if such land, building or structure was lawfully used for such purpose on the day of passing of these Regulations so long as it continues to be used for that purpose; or
 - (b) to prevent the completion of a structure or the use of land prohibited by the Local Area Plan provided the development was lawfully commenced prior to the passing of these Regulations and provided such development is completed within a reasonable time after commencement; or
 - (c) to prevent the extension of any non-conforming use by an amount not exceeding 50 percent of the existing floor area provided the Director is satisfied that the appropriate yard space will be maintained and that

there will be no adverse effects on adjacent properties; or

- (d) to prevent the rebuilding of a structure prohibited by the Local Area Plan, if that structure for any reason suffers damage to an extent greater than 50 percent of its replacement value, provided the owner of the structure, within one (1) year of such damage taking place, submits an application for a permit to reconstruct for the same purpose as its original use at the date of the coming into effect of these Regulations, and initiates construction of the building within the first year of the permit life.

16) Applications properly submitted in accordance with these Regulations and which have not been determined by the Director and returned to the applicant within three (3) months after receipt thereof by the Director, shall be deemed to be refused unless an extension of time has been requested by the Director and agreed upon in writing by the applicant.

17) (1) The appropriate Regional Appeal Board shall determine any appeal from the decision of the Director with respect to the application of these Regulations.

- (2) Any person intending to appeal to the Appeal Board shall deposit with the Secretary of that Board within thirty (30) days after the date of the decision of the Director a notice of appeal indicating the grounds of the appeal and stating the name and address of the appellant and be accompanied by three copies of a plan of the land or buildings concerned.

- (3) The Appeal Board shall notify the appellant, the Director and the Band Council of the time and place for the hearing of the appeal.
 - (4) The decision of the Appeal Board shall be communicated in writing to the appellant, the Director, and is final and binding upon all parties, subject only to appeal to the Supreme Court of Newfoundland upon a question of jurisdiction or law.
- 18) These Regulations shall come into effect upon the date of their publication in the Newfoundland Gazette.