

## NEWFOUNDLAND AND LABRADOR PROVINCIAL LAND USE POLICY FLOOD RISK AREAS

Floods can cause substantial damage to property and threaten human life. After a flood, Government is often faced with providing emergency assistance, clean-up, remediation and, in some cases, compensation to affected residents and businesses. Government has also financially assisted towns in constructing engineered flood defences to protect areas exposed to flooding. The Province of Newfoundland and Labrador, through this provincial land use policy, is working to reduce damage to property caused by flooding, to protect public safety, and to reduce the requirements for flood defences and flood damage remediation.

Newfoundland and Labrador, in conjunction with the federal government, has formally identified and mapped areas across the province that are subject to flooding. These flood risk areas affect portions of 32 municipalities; 4 local service districts; 6 unincorporated communities; and an uninhabited area on the Trans Canada Highway. Other places across the province have also experienced localized flooding but the affected areas have not been formally mapped.

This provincial land use policy directs new buildings and land uses to areas that are not at a high risk of flooding. In lower risk areas, development needs to be of a design and with an appropriate level of protection to ensure that the risk of damage from flooding is minimized. Any development within a flood risk area should not impede water flows or exacerbate flood risk elsewhere.

<b>GOAL:</b> To protect public safety and property from the risk of flooding and to reduce the requirement for flood defences and flood damage remediation.
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1. The Province of Newfoundland and Labrador discourages the construction of new buildings and structures in areas at risk of flooding. All development in Newfoundland and Labrador must conform to the provisions of this Provincial Land Use Policy. It is the prime responsibility of the property owner to avoid development in areas of flood risk and, in instances where development already exists or is permitted, to undertake appropriate flood proofing. Municipal Councils and all other agencies with development control authority are responsible for strictly controlling development in line with this Provincial Land Use Policy and for ensuring that all owners and users of property are aware of the risks of developing in an area that is subject to flooding.
2. In this Provincial Land Use Policy,
  - (a) flood proofing means structural and/or non-structural measures incorporated in the design of a building or structure which reduce or eliminate the risk of flood damage by ensuring that the ground floor elevation is higher than the projected flood level and that the building can be exited without hindrance in the event of a flood.
  - (b) floodway means the inner portion of a flood risk area where the risk of flood is

- greatest, on average once in twenty years, and where the flood depths and water velocities are greatest.
- (c) floodway fringe means the outer portion of a flood risk area, between the floodway and the outer boundary of the flood risk area, where the risk of flooding is lower, on average once in one hundred years, and flood waters are shallower and slower.
  - (d) plan means a municipal plan, regional plan, protected road zoning plan, local area plan or protected area plan prepared under the Urban and Rural Planning Act.
  - (e) regulations means regulations made under the Urban and Rural Planning Act.
3. The flood risk areas mapped under the Canada-Newfoundland Flood Damage Reduction Program are listed in Schedule A.
- (a) Within a floodway,
    - (i) new development is restricted to non-building uses such as roads and associated structures, agriculture, open space and recreation, service corridors and to minor structures related to utilities and marine activities;
    - (ii) the placement of imported fill is prohibited unless it is specifically required as a flood proofing measure or for public infrastructure provided that appropriate studies are carried out and show that these structures will not be damaged by flooding, impede water flows or contribute to an increase in flood risk.
  - (b) Within a floodway fringe:
    - (i) new buildings and structures, provided they are floodproofed, may be permitted, except for
      - (1) residential institutions such as hospitals, senior citizen homes, homes for special care and any other use where flooding could pose a significant threat to the safety of residents if evacuation becomes necessary,
      - (2) police stations, fire stations and other facilities that may provide emergency services during a flood including government offices,
      - (3) schools, and
      - (4) uses associated with the storage, warehousing or the production of hazardous materials including gas stations.
    - (ii) the placement of imported fill shall be limited to that required for floodproofing, flood risk management or for public infrastructure provided that appropriate studies are carried out and show that these structures will not be damaged by flooding, impede water flows or contribute to an increase in flood risk.
4. Crown Land shall not be released for any development involving building in either the flood way or floodway fringe.
5. Within the floodway, existing buildings or structures damaged beyond economic repair shall not be replaced unless:
- (a) the replacement building or structure has no greater floor area than the original building or structure at or below the defined flood proofing elevation;

- (b) the replacement building or structure is flood proofed; and
  - (c) the replacement building or structure does not impede water flows or contribute to an increase in flood risk.
6. Within the floodway, existing uses, such as residential, commercial, industrial and institutional buildings, are encouraged to undertake flood proofing measures to reduce the risk of flood damage or relocate.
  7. Any expansion of existing buildings and structures must be balanced against the risks to human safety and property and the possibility of exacerbating upstream and downstream flooding. Any expansion of existing buildings and structures in the floodway must not increase the area of the structure at or below the defined flood proof elevation.
  8. Plans and regulations must identify flood risk areas mapped under the Canada-Newfoundland Flood Damage Reduction Program, as listed in Schedule A, and contain policy statements and regulations consistent with this Provincial Land Use Policy.
  9. There are areas in Newfoundland and Labrador that are known to be subject to localized flooding but have not been mapped under the Canada-Newfoundland Flood Damage Reduction Program. Development vulnerable to flood damage, such as houses, businesses and institutions, is discouraged in these areas. Plans and regulations must identify any locally known flood risk areas and contain policy statements and regulations consistent with this Provincial Land Use Policy.
  10. For those areas without a plan and/or regulations in which flood risk areas have been mapped under the Canada-Newfoundland Flood Damage Reduction Program, all applications for development within the floodway and floodway fringe shall be referred to the Minister of Municipal and Provincial Affairs in accordance with section 47 of the Urban and Rural Planning Act, 2000. The Minister shall determine the outcome of the application after evaluating it against this Provincial Land Use Policy and the risks to public safety and property. Any such development must not contribute to upstream or downstream flooding or result in a change to flood water flow patterns.
  11. Development in the floodway, floodway fringe and in a 15 metre buffer around these zones as well as any area known to be subject to flooding must obtain prior written approval of the Minister of Environment and Conservation in accordance with section 48 of the Water Resources Act.