

# **TOWN OF HAWKES BAY**

## **MUNICIPAL PLAN**

**IMPORTANT:** To see if there were any changes to this plan since it came into effect, please refer to:

**List of Municipal Plan Amendments**

**URBAN AND RURAL PLANNING ACT**  
**HAWKES BAY MUNICIPAL PLAN 1994-2004**

**NOTICE of APPROVAL**

*I, Arthur D. Reid, Minister of Municipal and Provincial Affairs, under and by virtue of the power conferred by the Urban and Rural Planning Act, hereby approve the Hawke's Bay Municipal Plan 1994-2004, adopted by the Town Council of Hawke's Bay on the 16th day of November, 1994.*

*Dated at St. John's this 14<sup>th</sup> day of March, 1995.*



**Arthur D. Reid, M.H.A**  
Carbonear District  
*Minister of Municipal and Provincial Affairs*

## LEGEND

The highlighting in this document indicates changes to the text by deleting or adding as follows:

~~deletion~~ of text

addition to text

Following the Public Hearing, all changes will be incorporated into a consolidated document.

**NOTICE of ADOPTION**

*Resolved, pursuant to section 15 of the Urban and Rural Planning Act, that the Council of the Town of Hawke's Bay adopt the Municipal Plan which is attached hereto and is impressed with the Seal of the Council, signed by the Mayor, and certified by the Clerk.*

*Resolved further, pursuant to section 17 of the Urban and Rural Planning Act, that the Council apply to the Minister of Municipal and Provincial Affairs for the setting of the time and place of a Public Hearing to consider objections or representations to the Municipal Plan.*

Proposed by: Councillor Ken Kelly

Seconded by: Councillor Helen Horne

**SEAL and SIGNATURE**

*Signed and sealed pursuant to section 15 of the Urban and Rural Planning Act this  
day of Nov. 16<sup>th</sup>, 1994.*

*Sam Hoddinot*  
Mayor

SEAL

**CLERK'S CERTIFICATE**

*Certified that the attached Municipal Plan is a correct copy of the Municipal Plan  
adopted by the Town of Hawke's Bay on the 16<sup>th</sup> day of November, 1994.*

*[Signature]*  
Clerk

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# 1 INTRODUCTION

## 1.1 Foreword

### a) Municipal Planning in Newfoundland and Labrador

The following is a brief summary of municipal planning legislation and procedures. It is intended to assist Council in understanding and using its Municipal Plan. Details are contained in the Urban and Rural Planning Act.

#### *Municipal Plan*

This Municipal Plan has been prepared in accordance with the requirements of section 14 of the Urban and Rural Planning Act, following surveys and studies of land use, population growth, the local economy, present and future transportation needs, public services, social services and other relevant factors.

The Plan contains goals, objectives and policies of Council regarding development of the Municipal Planning Area for the next ten years. Its aim is to coordinate Council policies and undertakings in order to promote the well-being of the entire community and to efficiently utilize available financial and material resources, especially land. The Hawke's Bay Municipal Plan, consists of written text in which the goals, objectives and policies are set out, and Future Land Use Maps indicating the allocation of land into various land use categories.

### *Ministerial Approval*

When the Municipal Plan is formally adopted by resolution of Council under section 15 (1) of the Act, two copies must be impressed with the Seal of Council and signed by the Mayor. Council must then give notice of a public hearing on the Municipal Plan, and its intention to seek approval of the Minister of Municipal and Provincial Affairs by publishing a notice to that effect in the Newfoundland Gazette, and in a newspaper circulating in the community. At a Public Hearing the Commissioner appointed by the Minister will hear objections and representations, and subsequently forward to the Minister a written report together with copies of all the evidence taken at the Hearing.

After the Commissioner's Report has been submitted, Council must apply to the Minister for approval of the Municipal Plan. On receipt of two copies of the Municipal Plan, a copy of the adopting resolution and all written objections and representations considered at the Public Hearing, the Minister may approve the Municipal Plan, with or without modification, or may withhold approval and order that a new Municipal Plan be prepared. Upon approval, the Minister will endorse a copy of the Plan and return it to Council. Council must publish a notice of approval in the Newfoundland Gazette and in a local newspaper.

### *The Effect and Variation of the Municipal Plan*

When the Municipal Plan comes into effect it is binding upon Council and upon all other persons, corporations and organizations. The Plan must be reviewed by Council at the end of every five years from the date on which it comes into effect and, if necessary, revised to take account of developments which can be foreseen during the next ten-year period.

### *Municipal Plan Implementation*

When a Municipal Plan comes into effect, Council is required to develop regulations for the control of the use of land, in strict conformity with the Municipal Plan, in the form of *Land*



*Use Zoning, Subdivision and Advertisement Regulations.* These are also known as the Development Regulations. Normally, these are prepared at the same time as the Municipal Plan, and like the Plan, may be amended at any time to include new land uses and specific regulations.

Development Regulations must comply with the requirements of the Urban and Rural Planning Act and the standardized format that has been established for all towns and communities in the Province.

The day-to-day administration of the Municipal Plan, and implementing regulations, is in the hands of staff members authorized by Council. Council staff have the duty of issuing all necessary permits approved by Council, making recommendations to Council in accordance with the Municipal Plan policies, and implementing regulations regarding all development in the Municipal Planning Area. The Urban and Rural Planning Division of the Department of Municipal and Provincial Affairs may be consulted on any development matters.

#### *Other Plans for Development*

At any time after the adoption of the Municipal Plan, Council can prepare and adopt Development Schemes under section 30 of the Urban and Rural Planning Act for the purpose of carrying out specific proposals of the Municipal Plan.

Council may also prepare a development scheme for the acquisition, assembly, consolidation, subdivision, and sale or lease by the municipality, of land and buildings which are necessary to carry out provisions of the Plan.

Council may reserve land for future acquisition as the site of any public roadway, service or building, or for a school, park or other open space, and may make such agreement with owners of the land as will permit its acquisition and use for the purposes. Council may also

specify the manner in which any particular area of land is to be used, subdivided or developed, and may regulate the construction of buildings which would interfere with the carrying out of any development project.

Development Schemes are prepared and approved in exactly the same way as the Municipal Plan and, when approved, form part of that Plan.

## **1.2 Interpretation**

The Municipal Plan contains proposals of the general development of the Municipal Planning Area and in compliance with legislation includes a proposed network of streets and the division of land into areas of permitted land use classes, as well as public infrastructure proposals, a public works program showing associated expenses and the method of financing, and a development program.

The following sections and Future Land Use Maps constitute the legally effective parts of the Municipal Plan.

The general terms referred to hereinafter are defined as follows:

- "Council" shall mean the Council of the Town of Hawke's Bay.
- "Development Regulations" shall mean the Hawke's Bay Land Use Zoning, Subdivision and Advertisement Regulations.
- "Municipal Planning Area" shall mean the Hawke's Bay Municipal Planning Area.
- "Town" shall mean the Town of Hawke's Bay.

The boundaries between the different land uses designated in the Municipal Plan are meant to be general, except in the case of roads or other prominent physical features where they are intended to define the exact limits of each category.

Nothing in the Plan shall affect the continuance of land uses which are lawfully established on the date that this Plan comes into effect.

### **1.3 Municipal Planning Area**

The Hawke's Bay Municipal Planning Area was designated on October 1, 1984, pursuant to the powers conferred on the Minister by the **Urban and Rural Planning Act**. With the formal approval of its Municipal Plan, Council was able to better control future growth and development according to the expressed will of community residents.

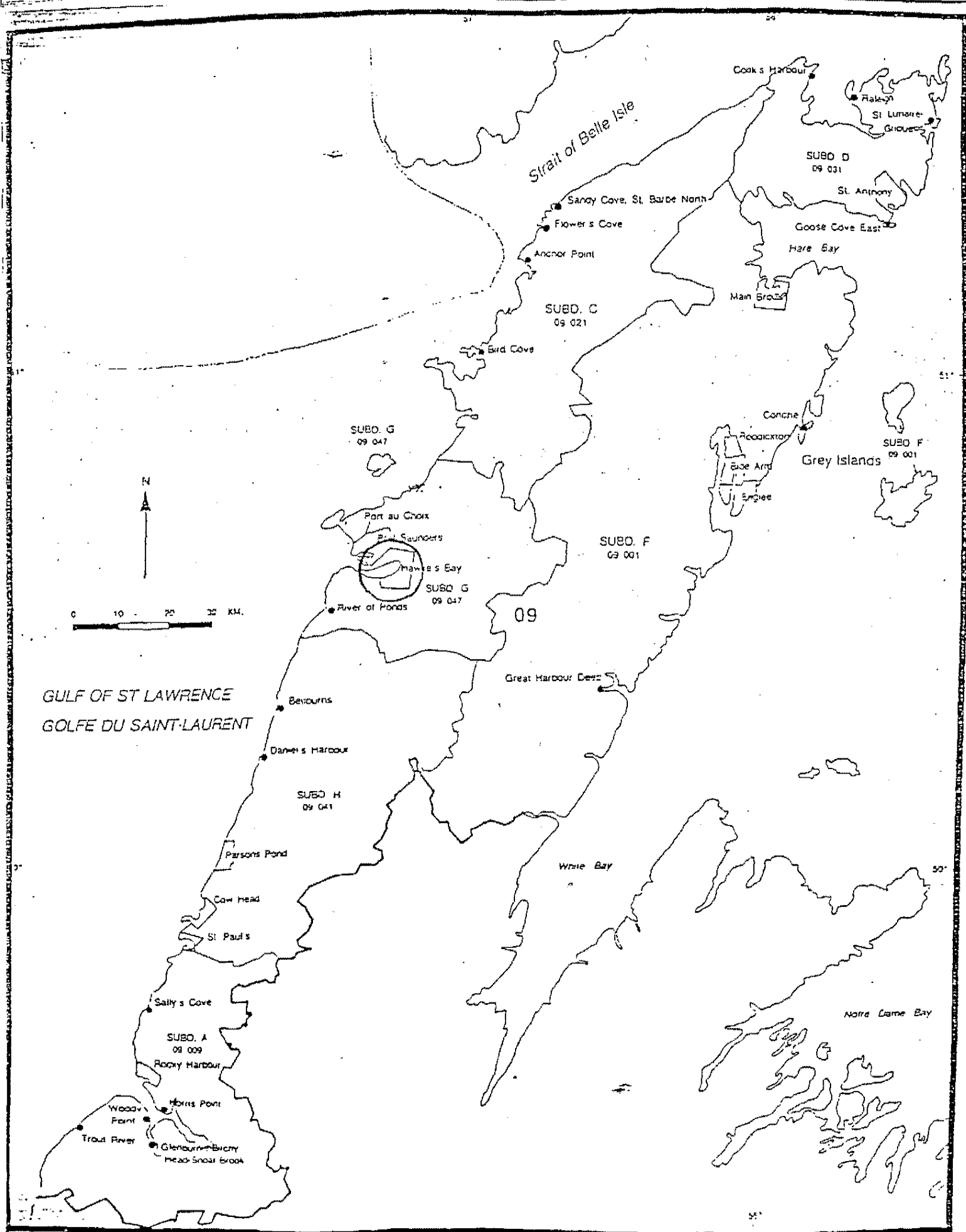
The area is located on the west coast of the Northern Peninsula and roughly midpoint between Deer Lake, 230 kilometres to the south and St. Anthony, 200 kilometres to the north. (See Maps A and B). The Town itself is located on the Viking Trail, the major communication route running through the Town and the peninsula. It is the smallest of three communities in the region; the others are Port Saunders and Port au Choix to the north.

The Planning Area boundaries include the peninsula where Keppel Point is located, running along the southern boundary of Port Saunders and extending inland approximately 3 kilometres from the shoreline of Hawkes Bay. Future Land Use Map 2 illustrates the Planning Area boundaries.

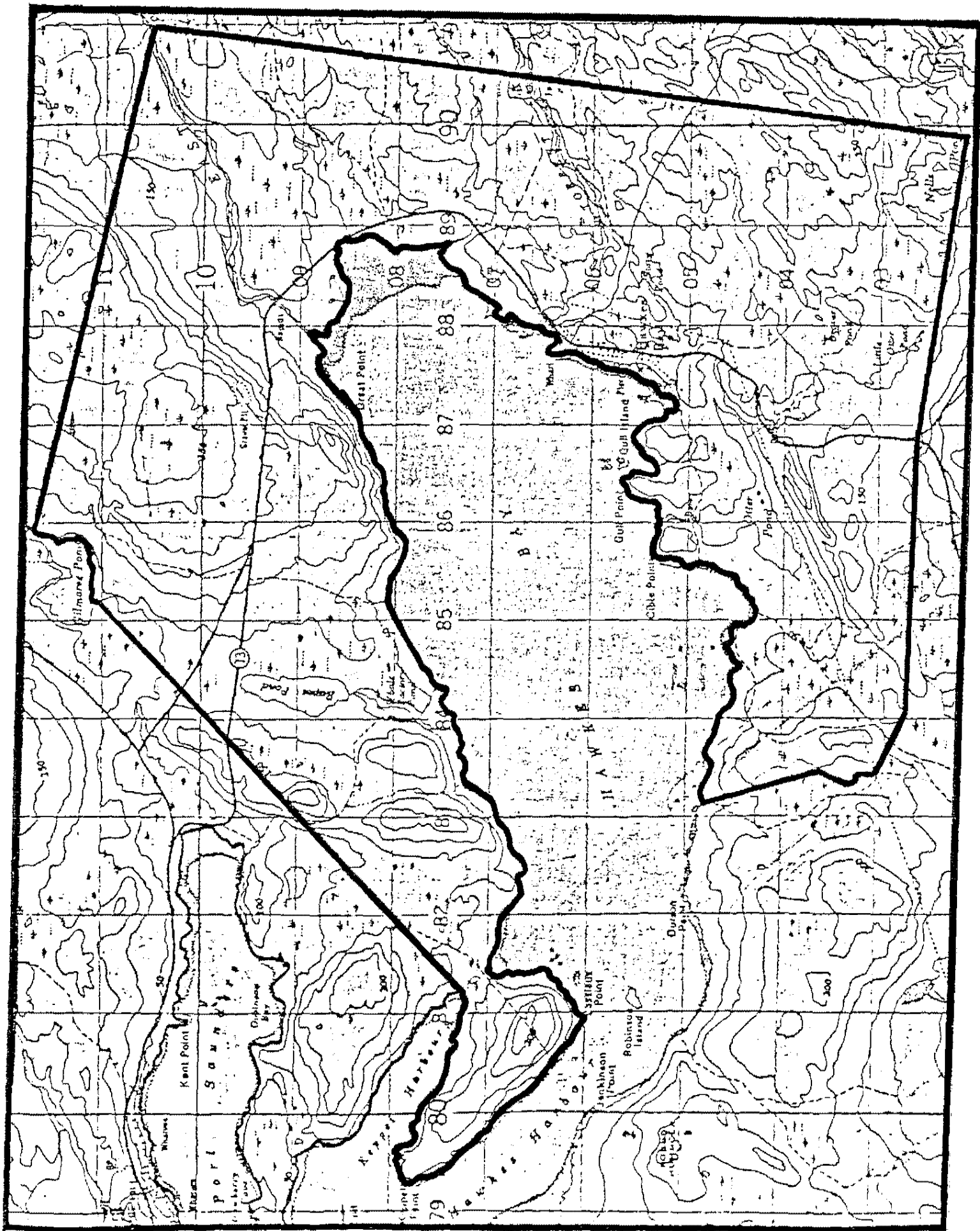
Hawke's Bay was first incorporated as a Local Improvement District in 1969, followed by its changed status to a town in June, 1974. A Concept Plan was completed in 1967, at the time when Bowater's pulpwood operations still contributed to its stability as a one-industry

town. A second plan was designed in 1970 by the same consultants, Newfoundland Design Associates Ltd. The Town anticipated growth in association with the replacement industry, Newfoundland Forest Products Limited which operated a wood chip and lumber mill.

Periods of stability and instability in the forest industry have largely affected the rate of growth in previous years. However, this growth was not guided by the Municipal Plan proposals of 1970, nor had the town ever formally resolved to adopt a Municipal Plan, until 1987.



MAP A REGIONAL SETTING



MAP B PLANNING AREA BOUNDARY

## 2 BACKGROUND FINDINGS

This section summarizes the planning considerations to be addressed in the Hawke's Bay Municipal Plan.

### 2.1 Population, Housing and Employment

Background information on Hawke's Bay, Port Saunders and Port au Choix and the surrounding area will be found in the Background Report prepared for the original Municipal Plans. This information was updated in the studies carried out for the 1992 review of the Plans.

While the area has continued to increase in population, the rate of increase has fallen quite sharply for the three subject towns in the study area as it has for the Province and the Great Northern Peninsula.

The economy of the area continues to be affected by the fishery and the fish processing industry, although there are signs of some considerable diversification into service employment, including tourism. The closure of the Northern Cod Fishery is expected to decrease the vitality of the regional economy until the fishery re-opens.

The Background Report contains a very comprehensive review of the forestry industry in the area, most of which is still applicable today. However, it should be noted that in the fall of 1991, the Corner Brook Pulp and Paper Company announced that its Hawke's Bay Woods operations would be shut down in 1992 and 1993. This is reported to have affected some 110 people, not all of whom live in the study area.

Employment in the community's business and public service sector, which would include hotel and restaurant services, has increased. This increase is probably related to the growth

in the tourist industry. This activity holds some promise of increased employment for the whole Northern Peninsula area. With recent attention to the Gros Morne Park, L'Anse aux Meadows and the Grenfell centenary, the area has had some considerable exposure and it is likely that this can be used to draw tourists to the area.

The area is undergoing severe economic difficulties in common with the rest of the Province, and indeed the whole North American economy. It is likely, however, that any one or all three of the economic mainstays of the area—the fishery, forestry, and tourism—will recover in the future and that some modest growth will occur. The area's position and role as a service centre half way up the Great Northern Peninsula, midway between Deer Lake and St. Anthony, is well established. It is therefore concluded that the population projections calculated for the original Plans should stand and no new ones need to be produced. Population for Hawke's Bay for 1991 was reported by the 1991 Census as 564. Population projections for the purposes of this Municipal Plan anticipate little population growth during the next 5 years and modest increases in the range of 10-15% by 2004, if the economy recovers.

Based on these projections this Plan projects a requirement of 1.36 hectares of new housing land by 1999, and 2.35 hectares by 2004 (based on fully serviced development).

## **2.2 Problems, Opportunities and Needs**

Hawke's Bay is a well established compact community in which services supplied by the community generally meet local needs, although as part of a larger region it is dependent on services such as police protection, hospital services, government offices and some commercial services from neighbouring communities. The Town has a healthy and abundant water supply and is serviced in most areas by sewers. Currently, efforts are being made to upgrade and complete the sewerage system.



Commercial, industrial and residential areas are well established and clearly separated from one another.

Hawke's Bay's major problem is the lack of employment and job creating development opportunities. The Town has a number of physical development problems, namely a cramped site between the sea and the water supply watershed, an exposed site and the presence of a number of areas of poor drainage. The Town has opportunities mainly related to tourist development. The Great Northern Peninsula has perhaps one of the brightest tourist futures of any area in the Province and the Town's location on the Viking Trail gives access and exposure to passing tourist traffic. The existence of a substantial frontage of commercial land on the highway presents the opportunity for suitable development. Also the Town's location at a midway point between St. Anthony and Deer Lake and close to the junction of the Viking Trail with the road to Port Saunders and Port au Choix presents an opportunity to establish a trucking and storage development on the industrial land north of the Town.

### **3 THE MUNICIPAL PLAN**

#### **3.1 The Future Community**

Based on a comprehensive study and evaluation of land use, population, commercial and social services and other such relevant factors, the Municipal Plan is intended as an interpretation of future physical structure and growth in the next ten years.

Over the next ten years, it can be expected that Hawke's Bay will fully develop its recreational requirements which include a baseball diamond at the "point" south of the Torrent River and a large nature park straddling the same river further inland.

Future industrial development will locate at the north end of the community where current industrial activity is concentrated. Infilling of vacant properties will be encouraged before extending north along the highway.

Commercial activity will likely take the form of highway commercial servicing the needs of local residents and the travelling public. Mixed development, excluding residential use, will be accommodated east of the highway with a commercial focus just south of the Torrent River.

Development of residential uses will be through infilling, where possible, to maximize the use of existing municipal services. Two new areas to open land for residential development will be in Comprehensive Development Areas to the southwest of the community and behind Maynards Hotel.

The future physical growth of Hawke's Bay will depend on its success in attracting business development and its financial ability to best utilize the vacant land that is not marsh or peat bog. It is the intention of this Municipal Plan that the boundaries between the various Land Use Areas and Use Zones are meant to be general, except where they border roads or other prominent

geographical features. Similarly, there may be minor overlaps of compatible uses between land Use Areas and Use Zones.

### 3.2 Goals of The Municipal Plan

The followings goals are expressions of Council's intention, generally, with respect to matters under its jurisdiction. The objectives, in the following section, are specific measures of that intention and serve to highlight the purpose of policies to be adopted by Council.

- ▶ ~~To establish a land use pattern (administered through the text of the Plan, the Future Land Use Map, and Development Regulations) that will encourage attractive and orderly development and thereby ensure the common well-being of the Town's residents.~~

~~Goals for an effective land use pattern would include:~~

- ▶ To facilitate and encourage economic growth including tourism and industrial expansion.
- ▶ To improve the quality and safety of roads, neighbourhoods, and commercial and industrial areas.
- ▶ To protect rural resources and the natural environment from urban-type encroachment.
- ▶ To conserve precious developable land by ensuring efficient and effective extensions of roads, and municipal water and sewer systems.

### 3.3 Objectives and Policies of the Municipal Plan

#### 3.3.1 Community Structure

##### Background

The existing land use pattern is linear in structure and nestled into a protected waterfront area of the greater Hawke's Bay. Large tracts of land are effectively segregated by land use type, which may be attributed to initial settlement and design by International Pulp and Power Co., predecessor of Bowater Newfoundland Ltd., in 1927. Latter day subdivision of residential areas has been ad hoc, especially in the Muddy Cove Area. This has resulted in ineffective road systems, haphazard development, and a waste of developable land which is precious to the Town. An emphasis on design within similar land use areas is more a priority than concerns over conflicting land uses.

##### Objective:

*Encourage compact development within each designated land use area and within each new land space opened for residential development.*

##### Policies:

*Council will require all new residential, commercial, industrial, and community development to be carried out in a compact manner to avoid wasting land and to make the most economical use of public services.*

*Promote infilling in areas serviced with municipal water and sewers.*

*Prevent low density, residential ribbon development on Highway 430 by designating rural areas where sprawl is likely to continue.*

*Designate two Comprehensive Development Areas so that gradual expansion to meet residential needs will follow a planned layout.*

### **3.3.2 Housing**

#### **Background**

There are three major areas of residential development in Hawke's Bay. The first area is the original settlement in which houses front on the local road and highway in an orderly fashion. In this area, major capital works projects began in the summer of 1984 to upgrade water and sewer systems. In the Muddy Cove area residential growth has been erratic, resulting in unattractive and disorganized development. ~~The condition of the houses and the roads are of a lower standard which further depreciates the area.~~ The third area consists of newer homes located along a P-loop which extends inland along the Torrent River.

Many dwellings have heavy equipment and other machinery stored on the lot, which detracts from its residential character. Previous development standards which discouraged the building of garages, especially along the highway should be relaxed in order for residents to safely store and, consequently, "screen" industrial-related equipment.

Much of the land is marsh or peat bog which past experience indicates is generally unsuitable for sewage disposal. The need to install sewer systems for expanding residential areas has proven to be a costly proposition for a small town and one which successive councils have hesitated to pursue.

~~An application for an apartment building is just one of the most recent pressures for opening new residential areas.~~ Presently, residential growth can only be directed away from the highway, east of Bayview Drive and further inland behind Maynards Hotel. The sites selected

in this Municipal Plan for future residential subdivision development show less evidence of wetness, but require professional advice on water and sewer installations.

**Objectives:**

*Provide a minimum of 2.35 hectares of land suitable for new housing sites.*

*Improve the aesthetics of residential areas that are currently deteriorating.*

**Residential Area Policies:**

*Due to a shortage of good land, a maximum number of lots will be obtained in each subdivision development. Full water and sewer services shall be provided in newly developed areas.*

*Preference shall be given for single-detached dwellings. The need for other housing types such as apartments may be located only in residential areas where parking and play areas may be provided and congestion of Highway 430, a Protected Road, avoided.*

*All development in Residential areas shall have direct frontage onto a publicly maintained road. No backlot development shall be permitted.*

*Other uses may be permitted in Residential Areas provided they are complementary and compatible to the basic residential character. Examples of these uses ~~discretionary or non-residential uses would be garages (for minor repairs and storage of forest related machinery), home occupations (medical and professional uses), personal services and convenience stores, antennae, churches and child care uses.~~ are convenience stores, antennae, schools, churches, and home occupations such as the provision of personal services, the production and sale of speciality products, bed and breakfast accommodations, or minor repair services for appliances or small engines. A home occupation must be contained on a developed residential lot.*

~~Council shall adopt Occupancy and Maintenance Regulations for necessary enforcement of unscreened onsite storage of any materials or equipment.~~

~~The waterfront property south of the Torrent River shall be residential upon the sale of individual lots from the Bowater's land grant. Council shall adopt specific regulations for this area allowing flexibility of the permitted land uses. Such discretionary uses would be light forestry-related industry or marina and boat landing facilities (if proposed in the future).~~

## **Comprehensive Development Areas Background and Policies**

### **Background:**

Two new areas for directing residential development are designated CDA 1 and CDA 2 on the Future Land Use Map 1. If these areas are efficiently subdivided, the land will suffice to meet projected residential growth over the ten-year plan period. Good land for development is scarce if one considers the closeness of forest resources, the wetness of land and the locational factors encouraging social cohesion within the community.

The area named CDA 1 is the logical extension of existing development. The surrounding area is boggy, low-lying and borders the watershed area of the Torrent River. If residential subdivision development occurs here, sewer services must be installed. Only a narrow access point for road extension has been left at the right-hand corner of the P-loop. No further development permits will be allowed until Council has designated a future access and road extension.

Development in CDA 2 is preferable to CDA 1 since there are fewer constraints to development. Once again, the absence of planned development has allowed two houses to be built at an angle inappropriate to future road extension. An improved alignment would have optimized land available. However, given the large assembly of land beyond, the potential for sound design may still be realized. A final note of compromise that needs to be addressed rests with the

presence of productive forest immediately southeast of the proposed residential area. In Hawke's Bay, the opportunities for alternative residential site location is very limited. The following policies apply:

**Policies:**

*Comprehensive development serviced by municipal water and sewer systems shall occur under a development plan that is prepared according to the provisions of the Development Regulations, together with appropriate conditions and agreements set by Council. Upon preparation of a development plan acceptable to Council, the Development Regulations may be amended to permit residential development in a CDA.*

*Development approval shall not be given in a CDA ~~(as designated on Map 1)~~ until such time that Council has prepared and approved a development plan ~~and an amendment to the Development Regulations Municipal Plan to change the designation of the area to Residential. has been adopted and approved.~~*

*A comprehensive plan in a CDA would require, where applicable:*

- *conformity to goals, objectives and policies of this Municipal Plan;*
- *a description of subject lands;*
- *the location of proposed buildings;*
- *access and parking spaces;*
- *landscaping and buffering;*
- *land dedications for roads, parks, or other purposes;*
- *description of impact on adjacent land uses; and*
- *any other improvements, infrastructure (water and sewer systems) and facilities as required by the Council.*



### 3.3.3 Employment

#### Background

An overriding concern to the residents and businesses of Hawke's Bay is to secure long-term prospects for economic stability. The decline in the forestry sector, the major contributor to the economic base, and the subsequent efforts to convert remaining infrastructure for fish processing operations, has produced a climate of frustration for local residents and a void in the Town's economy. In terms of economic planning, the designation of land for industrial uses is necessary to accommodate developers.

Employment opportunities through commercial activity are expected to largely remain local in nature. The beginnings of a local commercial area centre around development of Maynard's gas service, grocery store, and hotel accommodations. Remaining commercial activity is intermittent along the west east of the highway. Considerable room exists for future infilling of commercial activity, however, due consideration will be given to the proper functioning of Highway 430 as a major transportation route and thoroughfare.

The Council recognizes that there is a need to support and encourage the initiation of home-based businesses, especially those related to the crafts industry and tourism. The Council will use its powers under the Development Regulations to enable such operations to be established but will not allow them to threaten residential amenity.

It is also the policy of the Municipal Plan to encourage the expansion of the local tourism industry by promoting the development of services and facilities for the use of local residents and the travelling public. The Town's location on the Viking Trail provides easy access to the highway and creates an opportunity to develop services to cater to passing traffic, particularly during the peak summer tourism season.

**Objectives:**

*Protect public safety and encourage a desirable visual appearance to those employment centres that attract pedestrian and vehicular activity.*

*Coordinate economic and land use planning to promote the expansion and development of industrial-commercial areas.*

**Industrial Area Policies:**

The uses permitted in designated Industrial areas shall be those of a general industrial nature. Other compatible commercial, office or ancillary uses may also be permitted.

The amenity of surrounding non-industrial areas shall be protected from hazards or nuisances that may result from industrial activity. Development standards for location, access, outdoor storage, parking, fencing, and screening shall apply to all industrial uses.

~~It is the policy of this Municipal Plan to permit the creation of specific use zones within the Industrial land use designation if the uses are similar in nature and compatible with other permitted uses in that Industrial Land Use Area.~~

All development in Industrial Areas shall have suitable and adequate provisions for its water supply, sewer system and the disposal of industrial wastes and storm water to the satisfaction of Council.

No industrial use shall be permitted where an adverse impact to the natural environment will occur. Council shall discourage the further location of hazardous industry ~~west~~ east of the highway where potential pollution in the drainage areas may adversely affect the water quality in the Torrent River, especially where drainage is above the community's water intake area.

To this effect, Council shall adopt Development Regulations to zone types of industrial uses permitted in appropriate areas.

**Commercial Area Policies:**

*Areas designated for Commercial use on Map 1 shall be reserved primarily for commercial activities such as restaurants, retail shops, offices, and other service facilities. It is the policy of this Municipal Plan to permit the creation of specific use zones within the Commercial land use designation, if the uses are similar in nature and compatible with other permitted uses in the area.*

*Uses in the Commercial Area shall be connected to available municipal water and sewer services.*

*Council will establish parking and loading standards and other necessary standards or conditions relating to vehicular access, fencing and screening. The development of shared vehicular access will be encouraged for more than one commercial use in order to facilitate free traffic movement on Highway 430.*

*New commercial development shall not contribute to ad hoc and ribbon development and shall be confined within the limits of existing development.*

*Community service uses and residential uses may be permitted at the discretion of Council. This would include apartments over commercial premises, caretaker's quarters, or residential development on lots too small for effective commercial use.*

## ~~Mixed Development Background and Policies:~~

### ~~Background~~

~~A variety of mixed uses exist along the east side of Highway 430 in the main part of Town. The entire west side is residential, with little space for infilling. Planning efforts to reduce safety hazards along the highway will restrict residential development and other uses in mixed areas that will further compromise the safety of pedestrians and vehicles. Industrial activity will be discouraged east of the highway and directed north of the Torrent River. Given the relative small size of the community in planning terms, the assignment of mixed areas will accommodate commercial uses, offices, general assembly uses and civic or cultural uses.~~

~~Mixed Areas will permit commercial and public uses, and will not permit residential uses. Industrial activity associated with highway commercial activity may be permitted only at the discretion of Council.~~

~~All development in Mixed Areas shall connect to available municipal services and shall have shared vehicular access, where applicable. Non-residential uses in Mixed Areas that would cause a nuisance and are not compatible with adjacent land uses shall not be permitted.~~

### 3.3.4 Highway Commercial

#### **Policies:**

*Areas designated for Highway Commercial use on Map 2 shall be reserved for highway commercial activity, catering to the travelling public such as vehicle service facilities, restaurants and tourist industries. Tourist industries may include motels, tourist chalet, lodge or cabins, ~~or commercial-recreational facilities and other similar services.~~*

*Lounges, snack bars, retail stores and residences must be subsidiary to the main use of the properties and form an integral part of the development.*

*Council will establish parking and loading standards and other necessary standards or conditions relating to vehicular access, fencing and screening. The development of shared vehicular access will be encouraged for more than one commercial use in order to facilitate free traffic movement on Highway 430.*

*It is the policy of this Municipal Plan to permit the creation of specific use zones within the Highway Commercial land use designation if the uses are similar in nature and compatible with other permitted uses in the area.*

### **3.3.5 Environment and Natural Resources**

#### **Background**

Original settlement of Hawke's Bay was connected to the harvesting of rich forest resources for timber production and commercial operations. Much of the rural area, populated with balsam fir - black spruce forests, is Crown land under licence to Corner Brook Pulp and Paper.

Forest management strategies operated by the Department of Forestry and Agriculture include designations for Domestic Cutting Areas east of Rapes Pond, Forest Improvement Areas west of Otter Pond and Productive Forest Areas intermittently located throughout the Municipal Planning Area. ~~The 1985 harvesting season has been a record year for local forestry units and Council, thereby encouraging reforestation to replenish the resources.~~

The Torrent River is a major geographic feature of the municipality. It serves as the Town's water supply and is abundant in quality and quantity. Well known for its salmon run and scenic beauty, the river is a focal point for proposed park development.

There is no agricultural development in the area and much of the land is composed of sphagnum bog. The wetness of the land has proven to be a constraint to community growth. ~~as water and sewer servicing is expensive and suitable land is rare.~~ Several areas within the built-up area of Town are also subject to wet conditions.

### **Objectives:**

*To prevent the encroachment of community development on valuable resource areas.*

*To protect the watercourses from any development that would adversely affect the quality and quantity of the domestic water supply and fish habitats.*

*To prohibit development within urban areas where poor drainage and flood susceptibility occur, unless preventative provisions are made to the satisfaction of Council.*

### **Environmental Protection Area Policies:**

#### *a) Watershed Protection*

*The area to be protected for domestic supply is shown as the Watershed Protection Area on Map 2, and is encircled by the Watershed boundary line on Map 1.*

*Within the Watershed Protection Area existing uses may continue provided that they do not adversely affect the quality of the water. Rural resource land uses such as forestry, aggregate extraction, conservation, and recreational open space will be permitted, provided that they will not have a detrimental effect on the quality or quantity of the water. Such activities will be prohibited close to a water intake. When evaluating the impact of a proposed development on water quality, the Council will consult the Department of Environment and Lands.*

~~*Rural Resource land uses such as forestry, aggregate extraction, conservation and recreational open space are permitted within the Watershed area. Council shall adopt conditions in*~~

~~Development Regulations prohibiting other types of development which is considers threatening to the watershed, or permitting such development where such threats may be adequately remedied, (by installation of sewers or landfilling) to the satisfaction of Council.~~

b) *Vegetation Buffer Zones*

~~Vegetation buffer zones designated as Conservation shall remain along all watercourses to protect fish habitats from impacts of erosion or contamination and to protect the amenities of the natural environment. Where public access is required to streams, rivers, and ponds, Council will ensure that the buffer will be sufficient to safely compromise the natural environment and public view.~~ Consultation with Fisheries and Oceans Canada will be made regarding buffer protection for development within 50 metres of the Torrent River and Stave Pond.

c) *Conservation Areas*

~~Development may not be permitted in areas designated as Conservation on Future Land Use Maps unless actions are taken to make them suitable for development shall be strictly avoided for development purposes unless otherwise remedied for suitable development. No development other than conservation uses shall take place until a Municipal Plan Amendment has been adopted and approved.~~ These include site specific areas within and outside the watershed area that are particularly sensitive, yet under potential pressure for development. Characterized by marsh and excessive slope, the conservation areas should be left in their natural state.

**Rural and Resource Area Policies:**

~~Protection of resources in non-urban areas~~ ~~outside the built-up area of the Town~~ will be ensured by:

- 1) *prohibiting development that is not in character with the qualities or amenities of the rural and resource area;*
- 2) *by restricting development that produces an unnecessary demand for municipal water and sewer services; and*
- 3) *contributes to low-density ribbon development.*

*Land use areas designated as Rural and Resources Areas on the Future Land use Maps shall permit ~~non-urban uses such as~~ open space uses, conservation, resource development and recreational uses and industrial uses. ~~agriculture, forestry, summer cabins, and mineral workings.~~ Cemeteries shall be encouraged to locate in Rural Areas. Certain industries, such as scrapyards, outdoor storage, ~~and mineral extraction related industries such as asphalt plants in gravel pits,~~ not requiring municipal services may be permitted at Council's discretion. ~~Commercial tourism activities and any activity requiring separation from the developed areas of the Town may also be located in the Rural Resource area.~~*

*~~It is the policy of this Municipal Plan to permit the creation of specific use zones within the Rural and Resource land use designation if the uses are similar in nature and compatible with other permitted uses in the area.~~*

*Where development affects the following resources consultation will be made with the appropriate agencies:*

<i>Forest Areas:</i>	<i>Department of Natural Resources</i>
<i>Aggregate and Mineral Occurrence:</i>	<i>Department of Mines and Energy</i>
<i>Rivers and Ponds (including Watershed Protection Area):</i>	<i>Department of Environment and Lands Fisheries and Oceans Canada</i>
<i>Rapes Pond Recreation:</i>	<i>Town of Port Saunders</i>
<i>Protected Road:</i>	<i>Department of Municipal and Provincial Affairs (Development Control Unit) and Department of Works, Services and Transportation</i>

*Council may impose conditions on mineral activities in rural areas which it deems necessary to protect community residents from unacceptable nuisances, and to prevent damage to the natural environment. This action may include development standards for adequate buffering, setbacks,*



*fencing, erosion and sedimentation control, site maintenance, proper access and site rehabilitation as specified in the Development Regulations for Hawke's Bay.*

*No forest covered areas under forest management will be disturbed without prior approval and consultation from the Department of Forestry and Agriculture.*

### **3.3.6 Recreation**

#### **Background**

Much of the recreational activity in the municipality of Hawke's Bay is in the planning and development stages. A summer recreation park has been developed at Rapes Pond. However, different types of recreational activity are being considered closer to the existing community. If soil conditions are suitable in summer, a baseball diamond could be located on the point south of the Torrent River, to provide easy access. An alternative option would be to locate the baseball field near schools, to complement existing facilities.

The second recreational development is a 120-hectare Nature Park straddling the Torrent River that can accommodate local and regional needs. Park planning and the provision of proper waste disposal facilities are required to protect the quality of the river's watershed. Contamination of the municipal water supply could result in ~~poorer water quality~~ and a possible health hazard to the community. Other Open Space areas include buffer strips for Highway 430 and scenic waterfront property that is unsuitable for development.

The area northwest of Torrent River has been proposed as a large-scale recreation and tourism site. The stadium is located in this area and it is intended to develop a recreational park to serve the needs of the tourism industry and the those of the municipality.

**Objective:**

*To provide sufficient recreational and open space areas for local and regional needs and to ensure such development is compatible with the surrounding natural environment.*

**Recreational Open Space Policies:**

*Council will limit development within Recreational Open Space and highway buffer areas to protect their open space value ~~(in highway buffer areas)~~ and to promote recreational activity that will not adversely affect the natural environment.*

*In the long-term event of possible highway realignment, park development shall be avoided at the narrow neck of the Torrent River east of Stave Pond.*

*All proposals for park development shall be studied for potential adverse effects on the watershed, especially above the point of the community's water intake. ~~and may have conditions applied to remedy the situation.~~*

*Open space uses and conservation are permitted in Rural and Resource Areas where ~~no other resource will be in conflict~~ they are compatible with adjacent uses.*

*Recreational Open Space may include parks, playing fields, and other similar facilities; recreational areas further removed from the developed area of the community will encourage ~~more nature oriented activities. Council will adopt Regulations specifying types of recreational activity permitted be oriented towards passive, non-building recreational activities.~~*

### 3.3.7 Health and Community Services

#### Background

By virtue of the Town's location within a regional area, services unavailable locally may be obtained in adjoining municipalities of Port Saunders and Port aux Choix. Examples of these services include medical care, police protection and banking.

Services such as water and sewer require considerable engineering work and upgrading. The Department of Health has recommended the extension of piped services to unserved areas and the avoidance of onsite sewage disposal. While municipal service systems are being improved upon, there has been no commitment to service the new residential areas. The scarcity of good land near the community requires sewer services to accommodate a higher density of development and reduce potential health hazards.

#### Objectives:

*Preserve the quality of remaining developable land by requiring full servicing before development occurs.*

*Seek funding for the extension of water and sewer services to those areas unserved.*

#### Public Works and Utilities Policies:

*New public works and utilities shall follow the programme for development set out in this Municipal Plan in order ~~that land is conserved and its full potential may be realized at the time of development~~ to conserve land and maximize its development potential.*

~~New residential development in Comprehensive Development Areas (CDAs) shall not be open for development until the feasibility of a sewer system is studied undertaken until a water and sewer servicing plan is prepared for those areas and the services are installed.~~

~~Municipal services shall be constructed as financial resources permit to the specifications of Council in the case of the private developer.~~

**~~Public and Community Use Policy:~~**

~~Development associated with public and community use, such as cultural and civic, general assembly, offices, and personal services, shall be permitted in Mixed Development Areas and shall be discretionary in the Commercial Areas. The siting of a municipal garage to house the Town's vehicles shall be away from the Town Hall in an Industrial area.~~

### 3.3.8 Transportation

#### Background

The road classification of Hawke's Bay transportation system is twofold, consisting of the main highway and local roads. Highway 430, a Protected Road under Protected Road Zoning Regulations, 1979, bisects the community and is used to capacity. The highway currently presents hazards to motorists and pedestrians by servicing a dual function to: 1) local pedestrian and vehicular traffic, and 2) to the highway users. Children are often playing near the highway and there is little separation from the sideline of the highway and pedestrians.

A second road runs parallel to the highway along the waterfront. Much of the land west of this road is held in grant to Bowaters and is either undeveloped or unoccupied. Unless development is permitted on the waterfront, the local road will remain under utilized. ~~All roads, other than~~

~~the highway, are local in nature, connecting with it, or accessing rural, resource areas. All other local roads either connect with the highway or access rural areas.~~

It is important that access points are preserved to permit future development of backlands. These access points are located in CDAs. The road accessing the planer mill should be upgraded accommodate industrial development. ~~to allow for development to follow an "industrial park" fashion.~~

**Objective:**

*To control development standards such as the frontage requirements and the access to proposed developments for improved safety, reduced maintenance costs and effective transportation systems.*

**Policies:**

*All new roads ~~and new road development~~ shall conform to minimum standards adopted by Council.*

*Future access points as designated on Map 1, shall be kept free of development in order to provide access for future backland development. ~~When a future plan of subdivision is designed,~~ Access points may be altered to best suit proposed development ~~if a plan for future residential subdivisions is prepared.~~*

*The main thoroughfare, Highway 430, functions as an arterial road. The number of accesses to a development shall be minimized in order to facilitate free traffic flow. Where practical, access to the development shall be shared with adjacent development ~~or via means other than the highway.~~ Until provisions are made for a possible bypass, Council will seek to improve street lighting and install sidewalks along the west side of the highway in the heart of the Town.*

*Council will also adopt Regulations specifying larger setbacks on the east side of the road where there is little existing development and an opportunity for a future turning lane.*

*Applications for development within the Building Control Lines of Highway 430, which extend 100 metres from the centreline of the roadway shall be referred to the Development Control Unit of the Department of Municipal and Provincial Affairs and is subject to the Protected Road Zoning Regulations, 1979.*

*Full access is permitted on local roads which have low traffic volumes. All roads other than Highway 430 are local roads.*

*Dead-end roads shall be discouraged unless provision is made for a cul de sac or turnaround.*  
*The interconnection of new and existing streets is encouraged.*

*Local roads shall be upgraded as financing permits.*

### **3.3.9 Municipal Finance**

#### **Objective:**

*To optimize the use of existing municipal services and infrastructure by directing infill development to areas with existing services.*

#### **Policies:**

*Extensions of municipal servicing, such as water and sewer systems and roads, will only be made when there is a need for such servicing.*

*The financing of new water and sewer services to existing or proposed development will be borne by the developer or property owner and the services shall be installed in accordance with standards established by the Council.*

*The Capital Works Programme set out in the Municipal Plan will be used as a guideline by Council.*

## 4. IMPLEMENTATION

~~This Plan will be implemented through Regulations (as described in section 4.3), capital works as required, and local decision-making regarding planning and development issues.~~

### 4.1 Program of Development

There are no specific dates or time schedules for particular features of the Municipal Plan. However, within the ten-year plan period, no development should require location beyond the limits of the built-up community except for rural activities that normally remain isolated ~~and those areas suggested for residential expansion.~~

In areas designated for comprehensive residential development, all subdivision designs shall be ~~prepared in sufficient detail to allow development to follow the plan~~ **conform to the requirements of the Municipal Plan.** This will avoid piecemeal construction of public works and permit orderly and phased development. The outcome of feasibility studies for water and sewer extensions in CDA 1 and CDA 2 and their associated costs will determine the order of priority for development in CDAs.

### 4.2 Public Works

The following Table 2, Capital Works Forecast, reflects public works required in the Planning Area. It may form the basis for a 5-year capital works program and budgets as required under the Municipal Grants Act.



TABLE 2: CAPITAL WORKS FORECAST

Project	Financing	Estimated Costs
1. Phases II and III of the sewerage scheme	Department of Municipal and Provincial Affairs & Town Council	N/A
<del>1) Upgrading Sewers in central residential area</del>	<del>Department of Municipal Affairs, and Town Council</del>	<del>\$300,000</del>
2. a) Extending water service to industrial area east of highway	Department of Municipal & Provincial Affairs, and Town Council	\$ 75,000
b) Replacement of Freezing Water services - south subdivision		\$ 15,245
<del>3) Completion of baseball diamond</del>	<del>Town Council</del>	
3.4) Completion of Nature Park facilities	Hawke's Bay Development Committee	
<del>5) Feasibility studies for water and sewer services in CDA's</del>		
<del>4.6) Construction of Municipal Garage</del>	<del>Town Council</del>	
<del>5.7) Clean-up project for industrial property west of highway</del>	<del>Town Council, and Job Development Program of the Canadian Job Strategies</del>	
6. Municipal Services and roads for CDA 2	Department of Municipal and Provincial Affairs & Town Council	N/A
7. Construction of road to connect CDA 1 with the main highway	Department of Municipal and Provincial Affairs & Town Council	N/A
8) Reforestation — Natural Regeneration	Department of Forest, Resources and Lands	subject to Provincial priorities and annual Federal contributions

### 4.3 Administration

The Urban and Rural Planning Act requires every council which has an approved Municipal Plan to follow a scheme or administrative practice for the control of the use of land in strict conformity with the Plan. Development control and the processing of a permit is a vital part of the planning process to ensure maximum use of the Plan in effect and the subsequent orderly growth of the community.

#### *Development Control*

No person shall carry out any development in, on, over or under land, or change the use of land within the Municipal Planning Area without a development permit as well as a Building or Occupancy Permit from the Council. Every application for new development and redevelopment must contain all the information necessary for Council to give proper consideration to the application and to make a fair and correct decision. A typical application may hence require site inspection, referrals to government agencies, and the preparation of a report for Council by its staff.

Councils have the power to approve an application for development or subdivision, approve it with conditions, or refuse it. Council may also grant outline permission or approval in principle on applications requiring substantial costs to prepare detailed plans. An outline application will require a brief description of the proposal in order that Council may still make proper assessment.

Any decision made by Council respecting a development application can be appealed to an Appeal Board established under the Urban and Rural Planning Act. Concerning the enforcement of the Municipal Plan, Council may order any person who is carrying out development or building without or contrary to a permit, to stop work. Concerns regarding appeals, purchase notices and enforcement may be addressed to the Department of Municipal and Provincial

Affairs, Urban and Rural Planning Division, if necessary, should details in the Regulations be insufficient.

### *Conformity with the Municipal Plan and Regulations*

Planning permission may be granted if the proposed development is fully in accordance with the Development Regulations and the Municipal Plan and policies adopted by Council. No amendment is required to permit minor adjustments to boundaries between different land uses in the Plan. The exception would be where boundaries are meant to coincide with roads or prominent physical features.

Zoning maps show the Land Use or Occupancy permitted in each part of the Municipal Planning Area. The Regulations, a necessary requirement to complement the Plan, consist of the following components.

*Part I - General Regulations.* Sets out the powers of the Council under the Regulations and establishes the rules which govern Council's consideration of and decisions on planning applications.

*Part II - General Development Standards.* These development standards, alphabetically arranged, are applicable to all zones.

*Part III - Advertisements.* With the exception of conventional name plates and small notices, a permit is required for advertisements to ensure minimum specifications are met.

*Part IV - Subdivision of Land.* These regulations mainly govern the relationship between developers and Council and sets standards for subdivision design. Since Council does not have an engineer on staff, it will retain one on a consulting basis to supervise, design, construct and test the subdivision streets and services.

*Part V - Use Zones.* Authorizes the Planning Area to be divided into Use Zones. Where a variance is required, the Council must ensure that public notice is given and that the general public has the opportunity to comment on the application.

*Schedule A - Definitions.* Supplied for proper interpretation of Regulations.

*Schedule B - Classification of Uses of Land and Buildings.* Assists councils to determine which specific uses may be permitted in each use zone.

*Schedule C - Use Zone Tables.* Tailored specifically to meet the needs of Hawke's Bay, each table lists the Permitted Uses which must be permitted in that zone, and the Discretionary Uses that may be permitted at the discretion of Council. Notice of a proposed development which is a discretionary use must be advertised in a local newspaper in order to include citizen participation in the planning process. Standards and conditions for development in each zone are also tabled.