

NAIN INUIT COMMUNITY GOVERNMENT

MUNICIPAL PLAN

2016-2026

**AS APPROVED BY NAIN ICG
23 AUGUST 2016**

Prepared for the Nain Inuit Community Government

by

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HMJ Consulting Limited
Halifax, Nova Scotia

Project 09 017

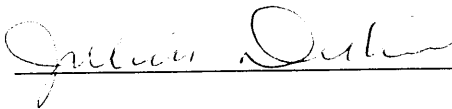
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Resolution to Adopt


Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Council of the Inuit Community Government of Nain adopts the Municipal Plan for 2016 to 2026.

Resolved by the Inuit Community Government of Nain on the 26th day of July, 2016.

Signed and sealed this 25 day of October, 2016.

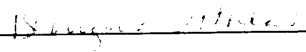
AngajukKak: 

(Council Seal)

Town Manager: 

Town Manager's Certificate:

Certified that the attached Municipal Plan is a correct copy of the Municipal Plan for 2016 to 2026, adopted by the Council of the Inuit Community Government of Nain, on the 26th day of July, 2016.

Town Manager 

Resolution to Approve

Under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Council of the Inuit Community Government of Nain approves the Municipal Plan for 2016 to 2026.

Resolved by the Inuit Community Government of Nain on the 23rd day of August, 2016.

Signed and sealed this 25th day of October, 2016.

AngajukKak: Julius Inuk

(Council Seal)

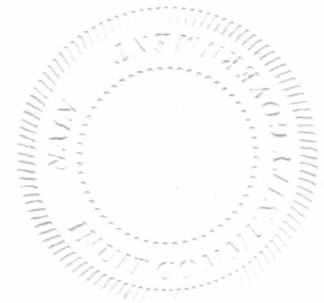
Town Manager: Benigna Ithulak

Town Manager's Certificate:

Certified that the attached Municipal Plan is a correct copy of the Municipal Plan for 2016 to 2026, approved by the Council of the Inuit Community Government of Nain, on the 23rd day of August, 2016.

Town Manager Benigna Ithulak

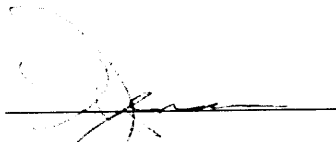
Municipal Plan/Amendment	
REGISTERED	
Number	<u>3390-2018-001</u>
Date	<u>Feb. 22, 2018</u>
Signature	<u>Marilyn Okey</u>



CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached *Municipal Plan* document has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

Member of the Canadian Institute of Planners:


Jens Jensen, P.Eng., MCIP

Seal

Date: 8 November 2016

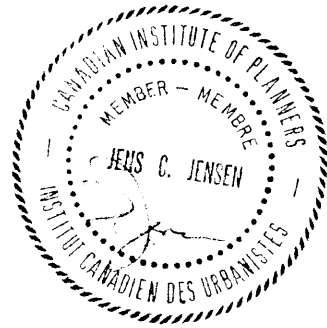


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1.0 Introduction

1.1 Legal Status of Municipal Plan

This document and the maps contained within it form the Municipal Plan for the period 2016 to 2026 for the Nain Inuit Community. Upon completion by the Nain Inuit Community Government (NICG) of the required steps to bring it into legal effect, it repeals and replaces the Nain Municipal Plan for 2003-2013 and any amendments made to it.

The Municipal Plan has effect within the boundary of the Inuit Community of Nain, as defined in the *Land Claims Agreement Between the Inuit of Labrador and Her Majesty the Queen in Right of Newfoundland and Labrador and Her Majesty the Queen in Right of Canada*. Maps in the Municipal Plan describe the boundary for illustrative purposes, but if there is any difference between the Municipal Plan maps' representations and the legal boundary defined in the Agreement, the latter shall prevail. The designations of areas in the Municipal Plan and the Zones in the Development Regulations in areas adjacent to their respective boundaries as shown on their maps shall be deemed to be extended to or contracted from, as the case may be, the legal boundary of the Inuit Community.

The Municipal Plan is a legal document, binding upon Council and any person or group using or proposing to use land anywhere within the Nain Inuit Community, except for any areas within the community which are expressly designated and known in the said *Land Claims Agreement* as "Labrador Inuit Lands" (LIL). Legal descriptions and a map representation of the LIL in the Inuit Community of Nain are given in the said *Land Claims Agreement*. With that exception, all development must conform with the applicable policies of the Municipal Plan and the requirements of the Development Regulations after the date upon which they come into effect.

The Municipal Plan document presents statements regarding the NICG's intentions with respect to the location and manner in which development within its Municipal Planning Area shall take place. The maps show the Nain Inuit Community (also referred to simply as "the community" in this document) divided into various land use designations. Further to the foregoing references to LIL, the land use designations are not effective or applicable to lands designated as LIL.

1.2 Purpose of Municipal Planning

A Municipal Plan guides growth and development within its jurisdiction. It provides a means of preventing problems that could occur if conflicting land uses are developed too close to each other. It directs future growth so that it occurs in a manner whereby municipal services and land resources are used most efficiently, thus preventing unnecessary increases in servicing costs that can result from development becoming needlessly spread out. It also ensures that aspects of land development like safety, aesthetics and environmental protection are given proper consideration.

1.3 Municipal Plan Preparation

The community's first Municipal Plan was prepared in 1983, and its successor Municipal Plan, for 2003 – 2013, will be superseded by this Municipal Plan. The former Town Councils, and now the Nain ICG, have in turn administered the successive Municipal Plans through its own staff, with occasional assistance from the Department of Municipal Affairs and professional planning consultants.

This Municipal Plan was prepared at the initiative of the ICG, as enabled by Part 10.13.1 in the said *Land Claims Agreement*, by which ICGs may establish and amend municipal plans in accordance with the *Urban and Rural Planning Act, 2000*. In doing so, an ICG must consult with the Minister of Municipal Affairs and Nunatsiavut Government.

A process of review of the Municipal Plan for 2003-2013 was carried out initially during 2010, followed by an updating of information and policies during 2016, pursuant to Section 28 of the Act. The process in 2010 included an opportunity for the public to consider planning matters and to make inputs which helped shape the resulting Municipal Plan. The public consultation process is described further in Section 1.5.

The general intention of the Act is that Council may revise the Municipal Plan with a view to the developments which can be foreseen for the next ten years. Consequently, the time frame for this Municipal Plan is the ten year period of 2016 through 2026. However, certain aspects of the planning policies suggest that taking a longer view is appropriate, such as taking note of demographic forecasts which have been developed for a somewhat longer term than ten years.

The process of initiating and executing a Municipal Plan review and revision is essentially the same as it is for the adoption of the Municipal Plan in the first instance. Prior to the

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establishment of the Inuit Community Governments in Nunatsiavut, the process began with the Minister of Municipal Affairs defining the Municipal Planning Area. The establishment of the ICGs made the Municipal Planning Areas obsolete, as the ICG boundaries have become the jurisdictional boundaries for ICG planning.

The NICG boundary is somewhat similar to the former Municipal Planning Area boundary and there are only minor effects on the overall scheme of the planning documents which this Municipal Plan and the accompanying Development Regulations supersede.

A Municipal Plan is prepared by a qualified planner, ie: a person who is a Fellow or full Member of the Canadian Institute of Planners (per Section 13 of the *Act*). When the draft Municipal Plan has been completed and meets with Council's intentions, it is then submitted to the Department of Municipal Affairs for review. The Department determines whether any provincial or other government agency interests are affected by the proposed Municipal Plan, and may recommend changes or amendments to the draft Municipal Plan. When any such matters are resolved, Council proceeds to formally adopt the Municipal Plan by a resolution of Council, in accordance with Section 16 of the *Act*.

For the Municipal Plan to gain full legal effect, the following procedure must be undertaken following the resolution to adopt, pursuant to Sections 17 through 23 of the *Act*. In brief, Council must advertise and provide for a public hearing at which objections or representations are to be heard. The notice must appear twice in a newspaper circulating in the area, in which Council states its intention to seek the approval of the Municipal Plan. The first notice must appear at least fourteen days before the hearing date. The notice must state where and when the Municipal Plan can be inspected and clearly give the time and place for the public hearing.

The hearing is then conducted by a commissioner appointed by the Council. A deadline date for the submission of any written objections or representations is specified in the *Act* (two days before the hearing). If no objections are received by the deadline, Council may cancel the hearing and proceed directly to resolve to approve the Municipal Plan. If the hearing proceeds, the commissioner conducts the meeting and subsequently prepares a report including recommendations. Council then considers the report and either resolves to approve the Municipal Plan (with or without changes which may be recommended by the commissioner) or withdraws the proposed Municipal Plan.

An approved Municipal Plan then is submitted to the Minister for registration. For this, the

Minister requires two copies of the Municipal Plan which have been certified by the Clerk as having been adopted by Council and certified by the planner that it complies with the requirements of the *Act*, the commissioner's report, and all written objections and representations that may have been submitted at the hearing. After reviewing this material and finding all in order, the Municipal Plan is registered in the Minister's planning registry.

The ICG then publishes a notice to that effect in the Newfoundland and Labrador Gazette, upon which date the Municipal Plan comes into effect, and the ICG then gives the same notice in a newspaper circulating in the area. If the Minister chooses to not register the Municipal Plan, the document is returned to the Council with information as to the reason for its unacceptability, and Council may then make changes and resubmit the Municipal Plan in the same manner.

A concurrent, identical process is involved in the review, preparation, and bringing into effect of Development Regulations.

1.4 Municipal Plan Review and Amendment

As indicated above, every five years from the date on which it came into effect, Council must initiate a review of the Municipal Plan. This Municipal Plan will therefore be subject to review no later than 2021, though it continues in effect until officially superseded. The Municipal Plan may be amended at any other time, in whole or in part, for legitimate Municipal Planning reasons that may have been unforeseeable or specifically contemplated at the time it had initially been drafted. Any such amendment will be read together with, and become part of the Municipal Plan and so must not conflict with the general intent of the Municipal Plan.

1.5 Public Consultation for this Municipal Plan

In the first step in the process, the NICG's consulting planner came to the community in early January, 2010. He carried out much of the basic background information gathering and consultation with NICG staff and local public agency representatives as well, to build the initial information needed for the assignment.

In the second step, the NICG coordinated a process of community consultation in which residents were invited to meet with the NICG Manager and the consultant, and an advertised public meeting was held on 4 March, 2010. Much useful information was gathered from that process.

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It became ever more clear from the information so derived that this is a community which has a powerful sense of identity and purpose, and which is determined to move forward in a progressive, well managed fashion. Its people also recognize that local initiative by the NICG as a government entity and by volunteers working in a wide variety of endeavours are the key to success.

The vision of the Nain Inuit Community Government which emerged from that process may well be expressed as:

“The Nain Inuit Community Government seeks to make the community as well managed and equipped for the future as resources permit, by taking the initiative on community improvements and working with and supporting volunteer efforts which have the same objective, all the while with great respect for, and recognition of, the unique culture of the Labrador Inuit.”

2.0 Planning Background Report Summary

2.1 Relationship to the Municipal Plan

The consulting planner prepared a Planning Background Report to compile useful information concerning the Municipal Plan. That information and the Planning Background Report are not a part of this Municipal Plan, as their purpose was solely to provide reference material which may be of interest for a variety of purposes and which is too lengthy or wide reaching to place in a Municipal Plan.

2.2 History of Nain: Its Setting, Its People and Its Governance

It is appropriate to first provide an overview of the deep history of Labrador and its peoples, and then to speak of Nain. A suitable history is to be prepared and provided here in the future.

The community of Nain is the largest and most northerly permanent settlement on the North Coast of Labrador, where it faces Unity Bay and the North Atlantic Ocean. The community is situated at the mouth of a small river valley surrounded by a rugged land area with peaks of up to 264 metres in the vicinity. Its population are largely Inuit, a people who have lived there for thousands of years.

At present, Inuit Community Governments have become established in Nain, Hopedale, Postville, Rigolet and Makkovik under the terms of the Land Claims Agreement. About one third of the Land Claims Agreement beneficiaries live in the five communities, about one third in Happy Valley-Goose Bay, and one third elsewhere. On the North Coast, no beneficiaries live permanently outside the five communities.

2.3 Governance

The community became incorporated as the Town of Nain, as a municipal entity established by the Province of Newfoundland and Labrador, in 1970. In 1983, municipal planning was instituted, and the first planning area over which Council had planning authority was designated. As stated above, the former scheme in which Municipal Planning Areas were established has

been superseded with the establishment of the ICGs. The ICG boundaries are now the geographic jurisdictions for municipal planning.

An extremely important institutional change which profoundly affects community life and governance occurred when the Labrador Inuit *Land Claims Agreement* was signed in 2005. This relates to the substantial devolution of provincial and federal government functions to the Inuit populations on the North Coast of Labrador. A number of key responsibilities, authorities and resources were devolved to the Nunatsiavut Government pursuant to the Labrador Inuit Constitution. Inuit Community Governments are established pursuant to the *Land Claims Agreement*.

2.4 Demographics and Development

The 2011 Census population for Nain was 1,190. This represents an increase of 16.7% since 2006 (1,190 in 2011, up from 1,020). Over the same period, the entire province experienced a population increase of 1.8% since 2006 (514,535 in 2011, up from 505,470).

The median age in Nain was 28 in 2011. The 2011 median age in Newfoundland and Labrador was 44. The population distribution on a gender basis is quite balanced. The total birth rate for 2013 for Nain was 17.9. The total birth rate is the ratio of live births to the population expressed per 1,000. The total birth rate for the province in 2013 was 8.9.

The fertility rate in Economic Zone 01 (a larger area on the North Coast) in 2011 was 2.90. Provincially, the fertility rate was 1.42. Fertility rate is an estimate of the average number of live births a female can be expected to have in her lifetime, based on the age-specific fertility rates of a given year.

The Residual Net Migration for Nain was -1.89% (-20 individuals) in 2013. For the Province, it was 0.17% (880 individuals) in 2013. Net migration using the residual method is calculated by subtracting the current population from the population in the previous year and then removing the effect that births and deaths has on the population. By doing so, the remainder/residual is the number of people who migrated into or out of the area. The out-migration figure for Nain recently has been far less than many other small communities in the province.

It can therefore be said that the population has essentially stayed stable, with a small increase overall, since 1986, when it was slightly over 1,000. Generally, Nain has a young, growing population.

Development trends for non-residential land uses varies considerably from year to year, but it must be said that there have been a large number of projects in the last several years. Residential development has been very active, related in part to the population growth.

According to the 2011 Census, there were 330 dwellings in Nain, compared to 275 in 2006. Dwellings do not include private farm or reserve dwellings. Single family households accounted for 235 dwellings, while there were 35 multiple family households and 55 non-family households. People living in Nain reported in 2011 that:

- 80 dwellings were constructed between 1961 and 1980.
- 40 dwellings were constructed between 1981 and 1990.
- 125 dwellings were constructed between 1991 and 2000.
- 25 dwellings were constructed between 2001 and 2005.
- 55 dwellings were constructed between 2006 and 2011.

Over the above period, a figure of around 10 new dwellings per year would seem to be typical. ICG officials predict that that level of new dwelling development would be expected in the next 10 years, which will need more land to be opened and serviced for development.

2.6 Social Conditions

Social conditions in the community are always a concern, as the well being of residents and the overall quality of life are not to be taken for granted. These concerns suggest that there are groups at risk of distress and adoption of undesirable lifestyles. Health, education, justice, public safety and recreation were topics upon which much attention was bestowed during discussion when the consultant was gathering information in 2010, and those topics continue to be relevant.

Key points raised include the following:

- This is a caring community, in that many in the public sector and volunteers do what they can to alleviate distressing conditions and promote healthy lifestyles through actions such as supporting efforts to enhance the security and well-being of residents and offering recreation programs. The NICG should encourage and support these efforts in any way possible so as to make the quality of life as good as can be.
- Public education is provided at Jens Haven School in Nain. The school staff appear to be proactive and committed to a high quality program and to teaching healthy and productive life skills.
- Alternative housing for seniors, low income persons and others who are in unsuitable housing or require some level of assisted living would make it possible for them to live with dignity, and when infirm to remain as independent and in their own community as is feasible. For those requiring special care up to and including nursing home care, this has long been a negative factor in the life of this community. Much has been done recently to help alleviate the situation: a supportive living unit for four individuals and a number of single bedroom units for homeless adults have been built.
- There is a feeling of unease and insecurity concerning public safety, notwithstanding that there is a well staffed RCMP detachment posted here. Having a culturally sensitive police service will continue to be a concern, as there is an inherent instability induced by the staffing of the service by rotations of “outside” personnel. Fortunately, NICG has secured funding for a community constable, who is able to help in the work of the RCMP and assist in their dealing with cultural factors in police work

2.7 Cultural Matters

The community has a very strong sense of identity and history, and its community leadership is determined to make the community a good place in which to live, work and visit.

The Labrador Inuit culture and history are subjects of much attention by Nunatsiavut Government, who are working on an official plan to record and interpret Inuit culture and history. In the meantime, NICG supports and encourages local initiatives including the

following:

- Efforts by Nunatviasut Government to provide a cultural centre have been successful. The planned opening date is September, 2017.
- There is an active Heritage Committee, and the original Moravian Church has been recognized as a Registered Heritage Structure pursuant to the *Historic Resources Act*, Province of Newfoundland and Labrador.
- The OKalaKatiget Society provides for broadcast in the Inuktitut language, which is and should continue to be supported by NICG.
- Preservation and use of the Inuktitut language, both written and verbal, is being strongly supported by NICG in the form of providing bilingual forms of NICG documents and public notices, and facilitating translation at appropriate events.
- The programs at Jens Haven School include Inuktitut immersion to the Grade 1 level. Nunatsiavut Government are providing leadership and resources to develop culturally appropriate school curricula.
- To sustain the good work already being done by many in the community will largely depend on volunteer effort. The NICG administration plays a key role in supporting and nurturing the volunteer efforts, though sometimes at considerable strain on staff. This relationship should be deliberately recognized and not be taken for granted.
- Archaeological resources exist in the area, and are protected by law under the *Land Claims Agreement* and the *Historic Resources Act*. A recent comment by the Provincial Archaeological Office says that there are 23 known archaeological sites in the community others are likely to be found when ground is disturbed. Applications for development within the community will be referred to the Nunatsiavut Archaeology Office.

2.8 Economic Development

In addition to the efforts to generate market-based employment and investment in the community, public sector employment may increase due to the establishment of the Nunatsiavut Government administration. The general plan is that the legislative arm will be located at quarters in Hopedale, and the administrative arm in Nain. The effect on Nain's population and demand for housing and commercial developments has already been felt. Significant numbers of new households have located in Nain, to take up opportunities in employment and governance related to the new institutions of self-governance.

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As of 2016 the NICG does not have an official economic development plan. The NICG presently does not have an Economic/Community Development Officer. A proposal is being prepared to submit to the Nunatsiavut Government, Education and Economic Development department to enable NICG to prepare an Economic Development Plan for all parties to consider.

In the meantime, NICG will encourage and assist in any way possible initiatives to start or expand businesses, where the proposed activities are seen to be desirable and not contradictory to this Municipal Plan or the best interests of the community.

2.9 Land for Development and Infrastructure

The shortage of land for residential and commercial development has for many years been a major issue, and an impediment to economic development. Fortunately, the NICG had in earlier years been able to pursue the opening of a large additional area for residential development, plus a new area for commercial development, both in the west end of the community. That residential area provided good serviced residential lots for a number of years, as it progressively was serviced and opened for development in phases. However, its capacity has been practically exhausted.

As noted earlier, about 10 new building lots for residential development are expected to be developed each year, and in some years more than that. Those general numbers, 10 to 15 residential lots demanded per year, are forecast for the foreseeable future.

The protected public water supply area related to the currently used reservoir, known as the Nain Brook and Annainak's Pond Protected Public Water Supply Area, is shortly to be made available for residential development in conjunction with development of the Trouser Lake water supply. The areas affected are identified in this Municipal Plan's policies. As a footnote, it must also be said that this will require designation and regulation of the watershed of the new protected public water supply area to ensure proper control of development there.

This Municipal Plan will designate the Nain Brook and Annainak's Pond watershed as Residential on the north side of the brook and Rural on the south, so as to be ready for development as soon as the water supply has been switched to the Trouser Lake supply.

The NICG has a central water and sewer system that services all but a very few houses in the community. There are still a small number of homeowners who have these services at their

street lines and immediately available to be hooked up to their houses, but have not yet hooked up.

Considerable progress has been made in recent years to improve the water and sewer services in the community. Future issues will include provision of sewage treatment, which will necessitate more extensive treatment works than now are operated. Similarly, potable water treatment will continue to be upgraded as standards evolve and as volumetric demand increases in response to the population increases noted earlier.

The community's road network is very limited and consists mostly of gravel roads. Roads have been upgraded to rural standards complete with roadside drainage works. NICG has acquired a road grader and a snow grader to assist in maintaining road surfaces in good condition, both summer and winter. Dust problems associated with gravel roads will need to be addressed by way of surface treatments and potentially paving in the future.

For many years, there has been discussion of the need to relocate the airstrip to another area near the community. This would free up land badly needed for industrial and commercial development. As the timing and locations affected are as yet uncertain, the Municipal Plan would at that time be appropriately amended to suit this objective. This project is important to the sustainability and growth of the community economy.

The new rock quarry has been located and opened; the former quarry by the solid waste area is in the process of being closed. This represents a vital resource important to the sustainability of the community.

In recent years, predictions of the effects of climate change have become clearer and measures are being taken in forward looking communities to prevent or adapt to those which threaten key building sites and infrastructure. On the subject of hazards related to building, the provincial Geological Survey reports as follows:

“ Landslide and Rockfall

Rockfall and landslide are common in Newfoundland. They are commonly triggered by heavy rainfall on steep slopes. Any development at the base of a steep slope should consider rockfall potential. These are slope processes that involve the downslope movement of material (unconsolidated sediment, bedrock and snow) in response to

gravity. The slope angle and sediment characteristics are important factors that influence slope stability. Rockfalls are the downslope movement of boulders, either by free fall, rolling or sliding. These boulders may be dislodged by freeze-thaw activity, erosion beneath the boulder, bedding plane failure or through human activity. Rockfall may also impact a slope below and trigger a landslide. Rockfalls tend to occur repeatedly, forming a talus cone of boulders at the foot of a steep slope. For single-block rock falls, the concept of a 'shadow angle' is well established. The shadow angle is defined by the angle below horizontal formed by the line lying between the apex of the slope subject to rock fall and the extreme position of rock fall debris (boulders). Numerous studies have shown this to be between 22° and 30°.

Landslides involve the downslope movement of unconsolidated material under the influence of gravity, and are capable of producing widespread damage. In Newfoundland and Labrador landslides are commonly triggered by heavy rain or snowmelt, which introduce large quantities of water to the slope. Sediment becomes saturated beyond its shear strength, at which point, movement occurs. This movement may be rapid (e.g., debris flows) or slow (e.g., creep).

Avalanches

Avalanches are another rapid form of slope movement. They generally consist of a combination of snow and ice, but may include sediment, rock, and vegetation. To occur, they require heavy snowfall (either introduced by precipitation or wind), and a steep (30°-50°) slope. The trigger for avalanche is commonly heavy snowfall over a smooth surface, produced from either a rapid fall in temperature in the days preceding the snowfall or from a period of freezing rain or burial of a weak layer in the snow. Alternatively, high winds blowing over a slope may create a cornice which may break off, falling to the slope below and triggering an avalanche.

Flooding

Flooding affects both inland and coastal areas. River flood plains are those areas adjacent to modern rivers that overflow their banks during storm events or as a result of ice jams. Low-lying coastal areas may be inundated by the sea during storm surge events, especially if coastal protection (including beaches) is breached. Areas at river mouths

are particularly vulnerable during river flooding during periods of unusually high tide or storm events.

Coastal erosion

Large parts of the coastline of Newfoundland and Labrador are composed of cliffs of unconsolidated (non-rock) material. These areas are stable if covered by vegetation, but may erode quickly where exposed to waves. Rates of coastal recession up to 1m per year have been recorded in the province. Bedrock cliffs also erode, albeit at a slower rate.

Although there are Provincial regulations regarding development in relation to the high water mark, in areas of unconsolidated material forming coastal cliffs or unconsolidated sediment on bedrock however, set back from the cliff edge is, in our opinion, a more appropriate measure. Based on an average recession rate of 15 cm per year and a 100 year life span for a structure, we recommend a setback of at least 30m (twice the average erosion rate times 100 years) from the cliff top to any planned residential or commercial development. A longer limit should be considered in those areas where more active recession is noted.

Climate Change

Wave magnitude and the frequency of extreme wave events (including storm surge) may be expected to increase if predictions of global climate change and associated global sea level rise occur. In Newfoundland and Labrador, the crust continues to move, albeit slowly, in response to the last glacial period. Most of the Island of Newfoundland is currently experiencing rising sea level, which will exacerbate the sea level rise as a result of climate change. Over the next century sea level is be expected to rise by over 1 metre in eastern Newfoundland, 80-90cm in western and southern Newfoundland, and less than 70 cm in Labrador; sea-level rise will continue beyond 2099.

Rising sea level will increasingly threaten our coastline and thus planning should restrict development in low-lying areas or those adjacent to cliff edges that may experience enhanced erosion. The increased risk of coastal erosion may be accentuated by increasing pressures on the coast for residential development. Based on the potential future impact of sea level rise and storm surge, areas below the present 2 m contour are considered to be highly vulnerable to coastal flooding. Development within this area

should be restricted to ensure that appropriate mitigation measures are employed. These could include coastal protection measures or enhanced engineering standards, although communities may choose to remove these areas from development. Areas above the present 2 m contour may also be at risk from coastal flooding, including storm surge.

The Government of Newfoundland and Labrador (Office of Climate Change and Energy Efficiency) commissioned a study of the projected impacts of climate change in the province for the period 2038-2070. The 2013 report, prepared by Dr. Joel Finnis of Memorial University, incorporated data from 7 regional climate model (RCM) simulations provided by the North American Regional Climate Change Assessment Project (NARCCAP). Model projections were compared against observations collected by Environment Canada (EC) climate stations in the province. With regards to predicted changes in temperature and precipitation the report highlights that the climate will become warmer (especially winter temperatures) and wetter (both intensity and duration) and that an increase in rain-on-snow events is likely. The latter could lead to an increased potential for flooding and landslides/ avalanches."

The urban areas in the community are generally those lands which are relatively free of these hazards, and thus one may say that these are concerns largely relevant to the Rural areas. However, the hazards are relevant to all areas, such as sea level rise and coastal erosion, and thus the policies are given in the section in the Municipal Plan which provides policy guidance for all areas.

There are probably no greater barriers to the sustainability of the built form of this community than that represented by the need for serviceable land, avoidance of areas subject to sea level rise, development of the new water supply, and relocation of the airstrip.

2.10 Environmental Concerns

There are numerous environmental concerns which affect the viability and quality of life in the community. Global issues, especially those related to climate change, affect the community as it does many others. The actions related to those concerns should be of interest to the people of Nain, recognizing that authoritative action and large amounts of resources are involved. In that regard, Nain ICG should become knowledgeable and up to date, and prepared to take part in the efforts of Nunatsiavut and other government and non-government initiatives.

On the other hand, there are pressing local issues falling under the jurisdiction of the NICG. In particular, solid waste management, use of energy and quality of potable water supplies and wastewater discharge are matters of direct concern to the Council of NICG. Water supply and wastewater management are noted above as infrastructure concerns.

The solid waste disposal site which is located north of the airstrip, on Akpiksai Bay, is in need of improvements. The combination of severe winter climate, limited resources, and small volumes of waste have historically frustrated efforts to adequately handle the problems that are created by solid waste disposal. It appears that the waste disposal site will remain for the very long term at its current location, and that the technology will eventually be upgraded to the new standards being promulgated by the Department of Environment and Labour. These assumptions are adopted in this Municipal Plan.

NICG has taken the initiative in making improvements to its situation in other respects, including:

- Taking part in the evolution of the solid waste management system now underway pursuant to the provincial government's solid waste management strategy. Though it appears that it will be years before the Nunatsiavut and provincial governments provide the necessary major resources to deal with the unsatisfactory community disposal site, certain local actions have already been taken and more can be done.
- The NICG is already pressing for progressive and responsible programs that minimize environmental impact and maximize waste diversion and recovery of the resource values in solid waste. In 2016, plans were being made to periodically remove by barge large items such as car bodies and the like, and hopefully this service will be instituted. A collection service is also provided by NICG to pick up beverage containers to assist in local fundraising.
- NICG has already banned the use of plastic grocery bags as of 2009, and encourages home composting, the use of environmentally benign cleaners and the like, and conservation of energy and water.
- The community has organized and supported a "Green Team" in the past and will continue to pursue opportunities to do so in the future.
- Equipping the public works department with equipment which will provide efficient collection and management of source-separated solid waste as well as minimizing the costs and environmental effects of inefficiently hauling residue and recyclables to their facilities.

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Concerning energy efficiency, NICG continues the following:

- Encouraging owners of properties to carry out energy use evaluations related to heating their structures, to lead to structural improvements and better heating equipment and practices to achieve greater energy efficiency.
- Systematically investigating the opportunities to improve energy efficiency in its own buildings, water and sewer system mechanical equipment, street lighting and mobile equipment.
- Encouraging energy efficient motor vehicle use and water consumption by households, businesses and institutions.

3.0 Nain Municipal Plan

3.1 Introduction

The Municipal Plan presents goals, objectives and policies to guide development in the Nain Inuit Community from 2016 to 2026. Goals represent the broad long-term targets the Nain Inuit Community Government (NICG) has set for itself. Objectives are the more specific directions to be followed in order that the NICG will achieve its goals. Policies are specific actions towards development that facilitate the accomplishment of the NICG's objectives and goals.

The intent of this Municipal Plan is to encourage orderly, economic and attractive development. To this end, the Municipal Plan divides the community into land use designations wherein certain combinations of complementary land uses are permitted. These areas include areas which have already been largely developed but where there is some potential for infill development to take place, and, areas which at present are more or less undeveloped. The general land use designations are shown on Future Land Use Maps 1 and 2. These maps are as important as the Municipal Plan text and are to be read along with it.

The Municipal Plan adopts the general planning principles of:

- keeping conflicting land uses apart as much as is feasible, while retaining discretion to allow unobtrusive development related to economic or social improvement to be mixed with other uses
- locating areas for future development so as to link efficiently with the established roadway system and the water and sewer systems
- protecting critically important public water supply areas from contamination
- dedicating sufficient space and access for infrastructure devoted to environmental protection, such as the solid waste management site, taking the long term view of requirements
- maintaining access to local resources, such as sand and gravel pits
- protecting special natural and cultural features

The Municipal Plan will not affect the continuation of a use which was legally established before the Municipal Plan comes into effect. Any building or use which exists and does not comply

with the intent of the Municipal Plan and the designated land use, cannot be substantially expanded. However, minor extensions or alterations may be allowed provided there will be no adverse effects on surrounding properties or the environment, and provided that the use does not change unless the change in use conforms to the intent of the Municipal Plan.

As said in section 1.1 of this Municipal Plan, the Nunatsiavut Government enjoys certain exemptions from the requirements of this Municipal Plan. Specifically, the Labrador Inuit *Land Claims Agreement* established various categories of land and water. Among the categories are the “Labrador Inuit Lands”, some of which lie within the boundaries of the several Inuit Communities, including Nain. Any requirements of this Municipal Plan and the Development Regulations are not effective with respect to Labrador Inuit Lands. In effect, those lands are outside the jurisdiction of NIGG insofar as the exercise of ICG planning authority is concerned. NIGG can only hope that it is consulted by Nunatsiavut Government concerning development on Labrador Inuit Lands, and NIGG will endeavour to assert its moral right to be consulted in that regard.

3.2 Goals and Objectives

The following are goals which describe the intent of the Municipal Plan and provide a rationale for the specific policies which will guide the development of the community over the ten year Municipal Plan period:

A) Growth and Urban Structure

Goals: 1. To provide for orderly growth and development within the community, and safeguarding the social, physical and economic well-being of its residents.

Objectives: a) Council will undertake to use this Municipal Plan to guide its exercise of powers and responsibilities for the provision of services, the allocation of land uses, and the general development of the community

b) Land uses will be allocated recognizing natural constraints and limitations such as hazard of avalanches, landslides and rockfalls, in order to protect life and property and to minimize effects on the

natural environment.

- c) Compact development of the community will be promoted, except where growth dictates that expansion is necessary. Expansion of the street system and services into the present water supply area is now being planned to accommodate future growth, and that this has necessitated development of a new water supply area further upstream from the present reservoir, at Trouser Lake. In anticipation, this Municipal Plan will designate suitable areas in the present watershed for development, understanding that actual development will not happen until the protected water supply area status has been removed.
- d) Infill development will be encouraged, to make efficient use of available land and services, but not so as to cause overcrowding or unacceptable demand on infrastructure.
- e) Anticipating sea level rise and coastal erosion due to climate change, development shall be below an elevation predicted to be sufficiently high to protect buildings and infrastructure will be prohibited, and set back from seashores to provide a buffer against coastal erosion, other than for structures and land uses that require connection to salt water, such as wharves and boatsheds.

B) Housing

Goal: 1. To provide for the long-term housing needs of the community.

- Objectives:
- a) Housing shall be designed, sited and constructed to meet the particular local conditions and needs of residents of the Community and to facilitate the greatest development of available land resources. This will include recognizing the need for small single room homes and multi-unit dwellings.
 - b) New areas of vacant lands will be designated for future residential development and older housing areas will

continue to be upgraded. The layout of lots in new subdivisions will be designed so as to maximize the usefulness of the land to the eventual occupant, in terms of positioning of buildings, driveways, and outdoor storage and activity areas.

C) Employment and Economic Development

Goal: 1. To encourage institutional, commercial and industrial activities that will meet the community's employment needs and provide needed goods and services, and in particular to anticipate that new governing structures related to self-government by the Inuit will likely impact on the economic base and employment opportunities in Nain.

Objectives:

- a) To allocate sufficient lands for institutional, commercial and industrial activity that will provide new employment opportunities and diversify the community's economy, including areas suited to new administrative functions which are expected to locate in Nain.
- b) To pursue the relocation of the airport to provide land for future industrial development.
- c) To ensure that the NICG will provide a preference for hiring Inuit and for contracting with Inuit companies when it hires and in the procurement process.

D) Environment and Natural Resources

Goal: 1. To protect and enhance the environment and natural resources of the community.

Objectives:

- a) To limit development and use of lands outside of the community's built-up area to those of a rural nature and those which cannot be reasonably carried on within the

built-up area.

- b) To provide a safe and sustained drinking water supply by restricting non-compatible development in the water supply watershed.
- c) To control development in order to minimize its detrimental effect on the environment and to preserve the natural resources of the community.
- d) To pursue the development of infrastructure related to treatment of wastewater.
- e) To develop a solid waste management plan which will minimize the detrimental effect of solid waste on the environment.

E) Recreation/Green Space

Goal: To establish, preserve and improve natural spaces and recreational areas to meet local needs.

Objective: To ensure ready access by residents throughout the community to recreational facilities.

F) Community Services and Facilities

Goal: To provide a sufficient range and level of community services and facilities to meet the recreational, social, religious, and educational needs of the community's residents.

Objectives: a) To co-locate future educational facilities with related community services such as recreation and children's day care.

b) To ensure the safe passage of children throughout the

community and to carefully assess all new developments for their impacts on youth play areas and access.

- c) To ensure that existing community facilities be protected from adverse development by regularly assessing the effects of neighbouring uses on their safety and convenience.

G) Transportation

Goal: To provide a safe and efficient transportation network to move people and goods into, out of and throughout the community and the broader region.

- Objective:
- a) To develop a list of priorities for road improvements in the community and pursue them as resources permit.
 - b) To pursue relocation of the airstrip to a location outside the built-up area of the community, and to encourage improvements to the airstrip, whether it be the existing facility or a new one, which would provide night time landings and improve passenger safety.
 - c) To seek improvements in existing port facilities, particularly in the public wharf.

H) Utilities

Goal: To provide Nain with utilities which meet local needs in the least disruptive manner possible.

- Objectives:
- a) To protect the water supply watershed area at Trouser Lake.
 - b) To require the construction of buffers between any existing or proposed development and proposed utility installations.
 - c) To ensure that any utility development does not impact

negatively on the local environment.

I) Municipal Finance and Human Resources

Goal: To effectively manage the financial and human resources and commitments of the NICG.

- Objectives:
- a) To implement municipal improvements which match both the policies and priorities of the Municipal Plan and the financial and human resources and capabilities of the NICG.
 - b) To carefully assess the effect on the work-time capacity of NICG staff when considering the making of commitments to organize special events or programs
 - c) To improve the cost effectiveness of municipal servicing by implementing compact, carefully planned development.

3.3 Land Use Policies for Designated Areas

The following policies apply only to development within the respective land use category under which they appear, unless stated otherwise. The land use categories correspond with those on Future Land Use Maps 1 and 2. Section 3.4 describes policies applicable to all areas in the community.

The permitted and discretionary uses are described in the policies which specifically refer to them by following a classification system in the Development Regulations in which most uses are categorized in a hierarchy of groups, divisions and classes. Where the use is described as a group, division or class in this Municipal Plan, their meanings will as described in the Development Regulations. Some uses are not found in the classification system, in which case their ordinary meanings will be used to interpret the intention of the Municipal Plan and Development Regulations.

3.3.1 Residential

There are three areas designated for Residential purposes, one of which relates to development in an area presently part of the current protected public water supply area, which will become available shortly upon the commissioning of the new Trouser Lake water supply described in Section 3.3.8 in this Municipal Plan. These three areas will be named “South Side”, “Upper Sandbanks Road” and “Nain Brook” Housing Areas, and they are all designated in the Residential land use category in this Municipal Plan and zoned as Residential in the Development Regulations.

First, an area on the south side of the old dam (the “South Side Housing Area”): it was reported in the previous Municipal Plan that this area could accommodate several new lots because of new water and sewer installation in 1996. Since then, that potential has been used up for the most part. Only a very few additional lots could be developed in this area, and as a result this area will not contribute numbers which are significant in the context of the overall building lot development target. Nevertheless, its full potential should be pursued to make efficient use of established infrastructure.

Second, an area named “Upper Sandbanks Road Housing Area” near the former Nain Brook water system reservoir at the upper end of Sandbanks Road: this area has been known locally as the “new subdivision” since it was serviced and opened to accommodate large scale residential development. It is located immediately below the dam at the foot of the former Nain Brook and Annainak’s Pond Protected Public Water Supply Area. All of it has been serviced with roads, water, and sewer services and practically all lots have been built upon. Some of the area was redesignated for urgently needed industrial and commercial development by way of a Municipal Plan amendment in 2007 and that is reflected in this Municipal Plan. Similar to the “South Side Housing Area”, this area will contribute very few lots to accommodate future development.

Third, an area which at the time of preparing this Municipal Plan is in the former Nain Brook and Annainak’s Pond Protected Public Water Supply Area. It is named the “Nain Brook Housing Area”, and it is designated in this Municipal Plan to accommodate long term building lot demand. The previous Municipal Plan recognized that further development beyond the Sandbanks Road Housing Area was possible, but that it would mean relocating the water supply upstream to Trouser Lake. The eventual change in water supply was in the early stages of being planned at the time of preparation of that Municipal Plan.

As this Municipal Plan was being prepared, the commissioning of the Trouser Lake water supply was expected within a few months, so it is appropriate to designate the appropriate area now for future development.

A tentative concept plan for the first phase of its subdivision and servicing has been prepared; it adjoins the Sandbanks Road Housing Area, and street and utility connections would be developed as extensions from its streets and services. The area which can be effectively developed over the long term is large enough to accommodate hundreds of new building lots, as it comprises the entire former Nain Brook and Annainak's Pond Protected Public Water Supply Area, which will be designated as Residential in this Municipal Plan.

For the very long term, it should be recognized that this area is the only readily serviceable and accessible land in large quantity in the Nain area, and that succeeding generations will continue to look to that area for expansion of the community.

The following policies will guide the growth and development in the Residential areas:

- 1) Single dwelling, double dwelling and row dwelling classes will be permitted.
- 2) At Council's discretion, the following uses may be permitted:
 - a. Apartment building, boarding house residential classes
 - b. Place of worship class
 - c. Educational class
 - d. Child care class
 - e. Convenience store class
 - f. Recreational open space class
 - g. Home based business (only in the classes of medical and professional, personal service, general service, office, and light industry)
 - h. Animal class.
- 3) All new development must front on a public road, and have appropriate frontage on that road.
- 4) New development must be connected to the water and sewer services, where available, by the time of occupancy.

- 5) Home based businesses may be permitted at Council's discretion. Home based businesses of the types listed above will only be permitted to operate as an accessory use in conjunction with permanent residences and shall be appropriately regulated to ensure that they are compatible with surrounding uses, in accordance with the following policies:
- i. The use will serve to provide an opportunity for small businesses to be established in the home of the small business owner-operator. These uses may then continue at a small scale, or as they grow, leave the home base and establish in an appropriate business location.
 - ii. Home based businesses are small scale businesses that are operated in or from the home or on the same lot as the home by the home occupant. Approval of their development, and essential to their continued operation, are requirements that they be compatible with the residential character of the home and adjacent land uses, and that they can be conducted without any significant adverse effect on the surrounding neighbourhood.
 - iii. It is not an easy thing to judge an application for a business to be located in an established predominately housing area. The task invariably is to reconcile the legitimate desires of individuals to create and invest in home businesses and new free standing operations with the equally legitimate desire of established residents to prevent threats to the quiet enjoyment of their homes. The impacts of such development on nearby developments will be carefully assessed in the course of considering applications.
 - iv. In considering discretionary approvals of home-based businesses, more favourable consideration will be given to businesses which relate to traditional ways of economic life or traditional lifestyles, than to those which do not.
 - v. The acceptability of a home based business will also depend on the type of dwelling from which it is proposed to operate. A single dwelling will be able to accommodate the widest range of home based businesses while an apartment building or row dwelling will be able to accommodate only a comparatively limited range of home based businesses.

3.3.2 Mixed Development

The majority of development in the community core is housing. A number of large and small commercial and institutional uses have developed over time, scattered among the dwellings. This mixture of land uses has the potential to create significant problems and the regulation of its development is sometimes difficult. The boundary of the area shown on Map 2 is continued from the previous Municipal Plan for 2003-2013, except that it has been expanded to now include an area formerly designated as Rural, located along the shoreline, to the south of and abutting the airport properties.

It is the intention in this Municipal Plan to consider, on a discretionary basis, a broad range of small scale non residential uses in the Mixed Development area, including free standing developments (where the non residential use is the only use on the property) and operation of home based businesses.

Opportunities may arise for larger scale non residential developments to locate in this area, and proposals will be considered on their merits. However, such matters may have substantial implications for nearby residents and for the community as a whole, and will be closely scrutinized.

The following policies will guide the growth and development in the Mixed Development areas:

- 1) Residential dwelling division and conservation class uses will be permitted.
- 2) At Council's discretion, the following uses may be permitted:
 - a. Assembly group
 - b. Institutional group
 - c. General residential division
 - d. Business and personal service group
 - e. Mercantile group
 - f. Industrial group, excluding the class of hazardous industry
 - g. General residential division
 - h. Recreational open space class
 - i. Antenna class
 - j. Transportation class
 - k. Animal class

- 3) Discretionary uses must respect residential amenity, safety and privacy; must not be a hazard or nuisance to residences; and, must be separated an adequate distance from residences. Limited outdoor storage and other business related activity may be permitted provided it is adequately screened from sight.
- 4) The policies concerning subdivision and development of land for residential group purposes stated for the Residential area shall apply in the Mixed Development area.
- 5) Home based businesses may be permitted at Council's discretion, and will be subject to the same policies as apply within the Residential Land Use designation.

3.3.3 Commercial/Light Industrial

Commercial/light industrial uses, which for the purpose of this Municipal Plan includes large scale retail, warehousing and storage, office uses, personal service, medical and professional service, and light industrial uses, are found throughout the community, with no predominant business area featuring these uses being identified.

In order to satisfy the future demands for these larger or more intensive types of commercial and industrial uses, Council had designated three areas in the former Municipal Plan where this type of development may locate, as shown on Map 2. One is located on the road adjacent the airstrip, another is in the south side of community, near the generating plant, and the third is an area above the Sand Banks Road adjacent to the "Nain Brook Housing Area". However, the first two of these areas have been largely used by the intended developments.

The site adjacent to the airstrip is used as a landing site for helicopter traffic and is suitable for a broad range of non-residential development, including commercial and light industrial development. The site near the generating plant has been typically occupied by several industrial uses. This Municipal Plan therefore anticipates that major commercial and light industrial uses in these areas will be developed by way of redevelopment of already built on land or conversion of existing buildings.

The third area, the newly serviced area above Sand Banks Road, was identified and planned in 2006, with the requisite amendments to the Municipal Plan and Development

Regulations being made in 2007. Construction of the first phase of the streets and services has taken place, and several new commercial and light industrial developments have been built. There is still strong demand for servicing and opening of more lots in that area for this purpose.

The following policies apply to development of commercial and light industrial uses:

- 1) All new development shall front on a public road and where possible, new development shall be connected to the NICG's water and sewer system..
- 2) Adequate off-street parking shall be provided for all commercial and industrial uses in order to prevent parking and traffic problems.
- 3) The following uses will be permitted:
 - a) Assembly group excluding amusement class
 - b) Institutional group
 - c) Business and personal service group excluding take-out food service class
 - d) Mercantile group
 - e) Service station class
 - f) Light industry class
 - g) Antenna class.
- 4) At Council's discretion, uses in the following classes may be permitted: take-out food service, amusement, and animal.
- 5) Special care must be taken when developing the site near the airstrip. Since the road and airstrip are located down slope from the commercial-light industrial area, Council must consider the probability of erosion and drainage and the effect this may have on the airstrip and road, as well as any unacceptable intrusions into airspace needed for proper aerial operations.

3.3.4 Industrial

Industrial uses, in this Municipal Plan, are those manufacturing, storage, materials handling, and processing industries involving large buildings or outdoor activity areas, and are often associated with levels of traffic, noise or dust or other emissions or effects which would be clearly

incompatible with residential uses.

The Industrial designation is applied to an area of land on the south side of Nain where the power generating plant, municipal garage, and an oil storage facility site are located. This area has been largely used for the intended purposes.

The following policies shall apply to the Industrial area shown on Future Land Use Map 2:

- 1) Council shall consider the effects of any industry on the surrounding environment, including the emission of noise, pollution, traffic, waste products, and visual amenities.
- 2) Permitted uses comprise the following:
 - a) Industrial group, excluding the class of hazardous industry
 - b) Transportation class
 - c) Antenna class.
- 3) Discretionary uses include the hazardous industry class and property caretaker's residence. Development of a residential use for a caretaker shall be subject to conditions intended to secure the safety and amenity of the residents who would live there; this provision is not intended to enable a proliferation of new residential uses on Industrial lands.

3.3.5 Recreational Open Space

The recreational open space designation shown on Map 2 applies to an area of land south of the bridge, on the road to the Hydro plant. The site has been developed for a municipal sports field.

The following policies shall apply:

- 1) Permitted uses shall be the classes of recreational open space, conservation, outdoor assembly, and antenna.
- 2) Discretionary uses are in the classes of take-out food service, outdoor market, and indoor assembly. The use and its location are to be compatible with the primary use of the site.

3.3.6 Environmental Protection

The harsh climate and the sensitive soils and vegetation in the community have resulted in the physical landscape being very susceptible to damage from human impacts. Certain sensitive areas of land need to be protected to ensure that the physical landscape remains intact and that the negative impacts created by humans are minimized.

The following policies address the protection of environmentally sensitive lands.

- 1) Environmental Protection areas are established as indicated on Future Land Use Map 2.
- 2) The purpose of this designation is primarily to protect the natural environment from development. Uses in the conservation class are the only permitted uses.
- 3) At Council's discretion, uses as follows may be approved:
 - a) Forestry class
 - b) Recreational open space class
 - c) General assembly class
 - d) Antenna class
 - e) Public utility uses, including water distribution and sewage treatment facilities, will only be permitted when there are no alternative and suitable sites, when the development will not disrupt the environment, and provided that all possible measures are taken to protect the environment.
- 4) The Environmental Protection area known as Moravian Park has been identified as an important, sensitive natural feature in the community. This stand of forest shall be protected as a conservation area to encourage its enhancement as a natural scenic and conservation asset within the community. The Development Regulations will include provisions concerning development and use of the site.

3.3.7 Rural

Rural lands that surround the community provide valuable resources and are used extensively by

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the local community for recreational purposes and resource uses, including hunting and trapping. Those lands are also mostly areas which are very uneconomical to build upon, due to their steep slopes, lack of soil cover, and difficulty of access, and also due to the hazards of landslides, rockfalls and avalanches.

The rural lands are used heavily during the winter months for snowmobile trails, which provide access to hunting and trapping areas as well as use for outdoor recreation. The rural lands close to the community also provide the only source of aggregate material used by the NICG for construction, and as well provide the only area in which agricultural operations featuring significant numbers of livestock could be feasibly located. They are also the lands where minerals may be found, and the impacts of exploration and mining may be substantial.

As described fully in Sections 3.3.1 and 3.3.8, the Rural designation will be applied to an area which at the time of preparing this Municipal Plan was part of the Nain Brook and Annainak's Pond Protected Public Water Supply Area, the former water supply area for the community.

The following policies shall guide development in the Rural areas:

- 1) Undeveloped lands outside of the built-up areas in the community and areas not otherwise designated shall be designated Rural as indicated on Future Land Use Maps 1 and 2.
- 2) The only uses permitted within the area designated Rural shall be in the classes of conservation, recreational open space, forestry, agriculture, and cemetery.
- 3) Discretionary uses will comprise uses in the:
 - a) single dwelling class
 - b) Animal class
 - c) Industrial group
 - d) Scrap yard class
 - e) Antenna class
 - f) Transportation class
 - g) Communications class
 - h) Recreational open space class
 - i) Mineral working class including exploration.

Council will evaluate each application for a discretionary approval to determine environmental impacts and set development standards to reduce or eliminate any negative impacts and protect public safety and all amenities.

- 4) Council shall not extend municipal services to any development located in areas designated Rural.
- 5) Council will approve only very small scale mineral workings which are within view of developed areas. The former quarry near the airport is in the process of being closed, and a new quarry has been opened to replace it as a supply of construction aggregates and stone, so further new large scale quarry activity is not expected other than for high value minerals.
- 5) Council, when issuing a permit for any mineral workings or exploration operation, may attach such conditions as are in its opinion necessary to properly regulate the land use. Such conditions in particular may refer to the following subjects and matters:
 1. Environmental protection
 2. Landscaping, screening and fencing;
 3. Noise, dust and pollution control;
 4. Rehabilitation.

3.3.8 Watershed

The Nain Brook and Annainak's Pond Public Water Supply Area was the source of municipally supplied potable water for the community at the time of preparation of this Municipal Plan. The infrastructure required to shift the water supply away from the current water supply watershed is now being developed, to bring water from Trouser Lake. The former water supply area will shortly be phased out and all of it designated as Residential as described in Section 3.3.1.

Concurrently, NICG will request the appropriate authorities to remove the protective designations under the *Water Resources Act* related to the water supply area associated with Nain Brook and Annainak's Pond. In addition, it is appropriate to continue to designate the future water supply watershed related to the Trouser Lake water supply as Watershed and regulate that

area under the *Urban and Rural Planning Act, 2000*.

Consequently, the following policies apply:

- 1) The areas related to the Trouser Lake water supply area as shown on Future Land Use Map 1 shall be designated Watershed. Council will protect the Watershed areas from existing uses and any future development that could adversely affect water quality. Testing and observation will be undertaken to monitor the quality of the water in order to ensure a safe and adequate supply for the community.
- 2) The only permitted use shall be uses related to the waterworks and in the conservation class.
- 3) Forestry class uses may be permitted at the discretion of Council, where they will not endanger or reduce the quantity or quality of water available for the Community's current and future needs.
- 3) No development shall be permitted within 15 metres of the shore except for waterworks purposes.
- 4) Council shall not permit the use of motorized boats, aircraft, and recreational vehicles on the pond and will limit access to the Watershed areas where possible, except that operation of snow machines on the ice for the purpose of accessing inland areas will be permitted. Refuelling of vehicles and cleaning of game on the ice will not be permitted.

As indicated earlier, part of the Trouser Lake watershed lies outside the Nain Inuit Community boundary, as can be seen on Map 1. NICG should press the appropriate authorities to take steps to protect those areas over which NICG has no jurisdiction.

3.3.9 Solid Waste

The community disposal site is located in an area designated Solid Waste on Map 2, and the active area is located about a half kilometre from the urban area. It is expected that the site will continue to support the solid waste management infrastructure for the community for the foreseeable future.

The following policies shall apply:

- 1) The permitted uses comprise the classes of solid waste, scrap yard, antenna, and mineral working (exploration activities only). Council may approve at their discretion, uses in the mineral working class further to exploration activities, the industrial class, the animal class, and energy-from-wind power plants.
- 2) Council shall endeavour to maintain a fence around the site, with a gate, and provide an operator's shelter. Further, Council will consider options for improvement of the operation with a view to minimizing any impacts on the community.

3.3.10 Transportation

The only area designated as Transportation is the airport property. The airport is owned and operated by the Government of Newfoundland and Labrador, and the Government of Canada is responsible for its safe operation. While the NIGG is unable to exert direct control over the activities of the senior governments, it still has the right to bring matters concerning safety and the airstrip's operation to the attention of both levels of government.

Notwithstanding the power of the Federal and Provincial Governments, the Council shall still endeavour to ensure that any development within the Transportation land use designation applied to the airport properties will follow the general intent of the Municipal Plan and be compatible with the type, quality and character of the land on which it is proposed.

The permitted uses will comprise the classes of transportation, communications, and passenger assembly uses. At their discretion, Council may approve developments in the industrial group excluding the hazardous industry class, and the classes of antenna and office uses.

Council's short term development goal for the airstrip and surrounding land owned by the Provincial Government is to maintain the area generally for transportation uses and other uses that may be associated with the normal operations of an airstrip facility. The area so affected is designated Transportation on Map 2.

Any proposals for development in the vicinity of the airstrip, where the height of any proposed

building or structure is higher than those already built nearby, are to be referred to the provincial Department of Works, Services and Transportation and through them to Transport Canada for review and comment. In order to give clarity to this matter, those Departments will also be requested to publish a general guideline to specify acceptable airspace envelopes in the vicinity of the airstrip, so that potential developers will have guidance early in their design processes.

In the long term, the objective of NICG is to see the airstrip and related activity relocated to an area outside the built-up areas of the community. When that is achieved, Council will evaluate the options for development of the area now designated Transportation. This would most likely be in the Commercial/Light Industrial and/or Industrial designations. The implementation of decisions will include Municipal Plan and Development Regulations amendments.

3.4 Land Use Policies Applicable to all Areas

Unless otherwise stated, the following policies apply throughout the entire community.

3.4.1 Hazards to Building

The following policies are intended to prevent or mitigate exposure to those hazards:

- 1) Professional review and advice will be required for Council to evaluate any proposal for the erection of a structure on a site which is potentially subject to natural hazards including flooding, sea level rise, coastal erosion or any other physical hazard near watercourses and the sea;
- 2) The specific requirement concerning sea level rise and coastal erosion is that new development must be above the current 2 metre contour, and set back at least 30 metres from the seashore to provide a buffer against coastal erosion, except development needing direct access to salt water and the following may be approved at Council's discretion:
 - a. public works and utilities, including restoring the closed Bridge Road bridge for vehicle use;
 - b. municipal park;
 - c. mineral exploration.
- 3) Any proposal for development of a site having a slope in excess of 15% must be certified

by a geotechnical professional engineer as having low risk of landslide, avalanche, and rockfall;

The Development Regulations will detail the specific requirements in regard to the policies.

3.4.2 Municipal Services

Some of the costs of financing and operating community infrastructure are in part proportional to the overall length of publicly maintained roads that must be upgraded, maintained, and provided with street lights, water and sewer services, and electric utilities. Generally, the more spread out a community becomes, the more these costs increase. NICG intends to keep these costs from unduly increasing through implementation of the following policies:

1. Vacant land which is suitable for infilling is encouraged to be used. Extensions to community infrastructure which are not part of the NICG's capital works program shall be the developer's financial responsibility.
2. Intersections of roads should where possible be four-way intersections, and dead end streets should be designed with a turning circle at the dead end.
3. An industrial or non-building use presently located in a predominantly residential area or along a serviced road, and which does not require municipal services, shall be encouraged to relocate to an area that is not serviced so that land that is, or will be serviced, can be used for more appropriate urban development.
4. All new dwellings, commercial establishments and other buildings throughout the community (excluding designated Rural lands and with the exception of sheds, barns, accessory buildings or any other buildings not intended for human occupancy for extended periods of time), shall be connected to the municipal water and sewer system where servicing exists, at the developer's cost.
5. With the exception of accessory buildings and non-residential buildings associated with agriculture, forestry, sawmilling, mineral workings or other resource or industrial type of uses for which road frontage would be unnecessary or undesirable, all buildings shall have the appropriate frontage on a publicly owned and maintained road, unless other policies and requirements of this Municipal Plan specify otherwise.

6. Local roads will be continuously maintained in an acceptable condition to maximize the safety and efficiency of vehicular and pedestrian traffic.

3.4.3 Protection of the Natural Environment

Protection of the natural environment is a high priority of the NICG. The quality of air, land, and water in and around the community, and aesthetic considerations, are important to the health, culture, and economy of the area. The role of an Inuit Community Government in this regard is intertwined with roles and authorities of the governments of Canada, the Province and Nunatsiavut.

The provincial government regulates or provides guidelines for numerous activities concerning pollution prevention or environmental impact on topics including but not limited to the following:

- a) Development within 15 metres of a waterbody or watercourse if in a Crown land reservation;
- b) Discharge of any effluent off the subject property;
- c) Work in any body of water;
- d) Infilling of water bodies or diversion of streams (usually not approvable if for residential development);
- e) Construction of wharves, breakwaters, slipways and boathouses as noted earlier;
- f) Infilling or dredging associated with marine structures or other works;
- g) Any development in a protected public water supply area;
- h) Providing waste receptacles in work areas;
- i) Waste diversion actions including recycling, reuse or resale programs;
- j) Open burning of waste;
- k) Pesticide and halocarbons use, purchase and storage;
- l) Petroleum (including used oil) storage and dispensing;
- m) Effects of climate change; and,
- n) Energy efficiency in buildings.

These matters will be identified in the Development Regulations as a reminder that such requirements may apply to proposed developments.

Where NICG is in a position to act or intervene or make submissions on proposed projects or policies of senior governments, the following policies will be observed:

1. A proposed development shall not pollute any part of the community. Permission or consent to develop may be conditional upon measures to prevent pollution. In cases where expert advice is needed to deal with large or special types of projects where environmental protection concerns are complex, the proposals will be carefully studied and as well brought to the attention of Nunatsiavut Government and the appropriate provincial or federal authorities, or both, for review and comment.
2. Garbage, refuse, abandoned vehicles and any other discarded materials of any kind shall be disposed of only at the waste disposal site approved by the Department of Environment. Such material shall not under any circumstances be used as fill for buildings and lots.
3. All development shall be landscaped where possible. The exteriors of buildings, particularly commercial properties, restaurants, shops and stores, or any business catering to tourists, shall be properly finished and maintained to the satisfaction of Council. Owners of dilapidated structures shall be required to repair or remove them if they present a safety hazard.
4. Council will ensure that buildings and property owned by the NICG are well maintained and landscaped, where possible, as a general example to the community.
5. Wrecked or inoperable vehicles, machinery or equipment of any kind shall not be stored or abandoned where it may be in public view.
6. Where a proposed development is of a size or nature that could in any way have negative effects beyond the boundaries of the site upon which it is located (such as the production or creation of noise, smoke, dust, fumes or unsightliness) Council shall hold a public briefing or otherwise consult with surrounding residents to ensure they are aware of the potential effects of the proposal and that their concerns are taken into consideration before any decision is made.
7. Screening through such means as retention of original trees and other plant growth or erection of fences or any other measures to render off-site effects acceptable will be

required.

3.4.4 Public Utilities

Municipal and public utility works (including associated structures) for such purposes as provision of telephone, water treatment, pollution control and electric utility facilities may be allowed at any location throughout the community provided due consideration is given to danger, nuisance and aesthetics, and reasonable alternatives and then subject to such conditions as Council sees fit to secure an acceptable development. Where possible, location of pole lines at the rear of building lots will be encouraged, versus locating poles along streets.

3.4.5 Heritage Structures

Houses and other buildings and structures which were built in a traditional or distinctive architectural style or otherwise, and deemed to have historic or aesthetic value by Council, may be considered heritage structures. It is Council's policy to seek to protect heritage structures for aesthetic and historic reasons and for their economic value as tourist attractions. Council may enact regulations for such purposes.

3.4.6 Advertisements

All signs and advertisements are to be tastefully presented (in terms of lettering and overall design), properly situated and well maintained in order to prevent unwanted visual effects.

3.4.7 Archaeological Heritage

The Nunsiavut Government archaeological sites inventory currently includes records for 23 known archaeological sites in the community of Nain. Many of these are significant and contain intact features and deposits, and the potential for the presence of historic resources that have not yet been documented is very high for much of the land in the community. Archaeological sites and Archaeological Materials are protected by law under the *Land Claims Agreement* and the *Historic Resources Act*, and Archaeological Activity is carefully regulated.

All applications for development within the community must therefore be referred to the Nunatsiavut Government Archaeology Office for review before permits for development are approved. Further, should any artifacts be discovered while approved construction is underway,

work is to stop until the assessment has been conducted. This will be specified in the Development Regulations.

3.4.8 Cemeteries

Any future cemeteries will be located in Rural areas away from lands suitable for other uses. All cemeteries are to be kept neat and tidy in appearance by the organization responsible for them.

3.4.9 Fuel Storage Tanks

All fuel storage tanks located within the community shall be required to provide adequate containment and dyking. Council shall require that all fuel storage tank installations are approved by the Department of Environment and Labour.

3.4.10 Non-conforming Uses

Existing development which does not conform with the requirements of the Municipal Plan and Development Regulations may be continued as non conforming uses. The *Urban and Rural Planning Act, 2000*, provides certain entitlements to property owners regarding the extent of the authority of NICG.

Restrictions shall be designed to limit the potential for replacement and expansion of non-conforming uses (to be specified in the Development Regulations). Where a non-conforming use is causing a nuisance or otherwise infringing on or preventing allowable development, Council will encourage its relocation or discontinuance.

3.4.11 Uses Related to Keeping of Animals

People keep animals for a variety of reasons: as pets for the company and enjoyment of the animals, practically as members of the household, and as economic assets providing food, fur and other materials as well as labour for the benefit of the owner.

Keeping of pets is rarely a matter of concern in a Municipal Plan, as the activity tends to be self-regulating; when there is a concern, it generally arises out of public health and nuisance effects where pets are not properly housed or given appropriate care. In those cases, public health

regulations and other laws enable authorities to deal with the sanitary and nuisance effects, and municipal planning laws such as the Development Regulations are not intended to be used as tools to deal with the situation.

The Development Regulations will therefore consider keeping of pets to be an accessory use where applicable to the main use of a property.

However, when animals are bred, raised or kept for economic gain or in larger numbers than customarily recognized as accessory uses, it is appropriate to regulate this activity in the Development Regulations. The Development Regulations will therefore include requirements related to keeping of animals for agricultural purposes and for pounds, kennels, zoos, veterinary establishments, and sanctuaries. In most cases, keeping of animals for these purposes will be regulated as discretionary uses; the principal case where such a use will be permitted will be that an agricultural use will be permitted in the Rural Use Zone. The Development Regulations will include a requirement that the land area requirements for such developments be based on the *Environmental Farm Practices Guidelines for Livestock and Poultry Producers in Newfoundland and Labrador*.

3.4.12 Removal of Quarry Materials

Quarry materials produced as a by-product of an approved development may be removed from the development site provided that royalties are paid to the province as required by the Quarry Materials Act, 1998. For example, site preparation to construct a building involves removing topsoil, overburden, and possibly rock from the footprint area; these materials may be retained or re-used on the development site (no royalties due) or removed from the site (royalties due). Quarry materials include but are not limited to aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, peat.

In order to ensure that royalties due the province are paid, it is necessary that the Department of Natural Resources be made aware of approved developments where the removal of quarry materials is taking place or may take place. The Development Regulations will contain a statement to the effect that NIGG will notify the Department when such is the case.

4.0 Municipal Plan Implementation

In order to enforce and implement the policies of the Municipal Plan, Development Regulations and a capital works program are required. The Regulations and capital works program must conform to Municipal Plan policies.

4.1 Development Regulations

Development Regulations ensure that development takes place in accordance with the goals and objectives and the framework of the land use policies of the Municipal Plan. The manner in which the Regulations are drafted and their content must comply with the requirements of the *Urban and Rural Planning Act, 2000*. Like the Municipal Plan, these Regulations are binding upon the Council and all other persons and organizations.

The Development Regulations include the standard content required by virtue of regulations made by the Minister of Municipal Affairs to apply to all municipalities, including Inuit Community Governments. Land Use Zoning and other requirements specific to the community comprise the second component of the Development Regulations, and those requirements are a means of ensuring that development conforms with the Municipal Plan, and that it is properly situated and does not conflict with or adversely affect neighbouring uses. It can ensure that new growth is concentrated within or adjacent to developed areas, promoting a compact form to make the most efficient use of public services and utilities.

Land Use Zone tables are presented in the Development Regulations. For each land use zone a list of Permitted and Discretionary uses are presented as well as standards to which development must conform before it may take place.

4.2 Development Control

The Municipal Plan is a legal document which is binding upon all persons, groups, or organizations, including the NICG, unless specifically exempted by superior legislation. The exempt status of Labrador Inuit Lands has been described earlier in this Municipal Plan.

Before any land development can take place, an application must first be made to Council for

Nain Inuit Community Government Municipal Plan for 2016-2026
As Approved by Nain ICG on 23 August 2016

permission. Development may take place only after Council has reviewed the application and granted approval. Anyone who fails to follow the required application process or who otherwise violates the Municipal Plan or Development Regulations can be prosecuted and may be ordered to remove any illegal structure and restore the site and buildings on it to their original state.

Day-to-day administration of both the Municipal Plan and Development Regulations are the responsibility of Council and its authorized staff members. It is the duty of authorized staff members to implement the Municipal Plan through the Development Regulations, refer development applications to Council and outside agencies, and to issue all required permits when approval is granted.

An application to develop must be made on the proper application form prescribed by Council. All applications must show as accurately as possible the location of the site of proposed development and include a plot plan showing the location of existing and proposed buildings and structures on the proposed site.

Council will consider the application to determine whether or not it conforms with the requirements of the Development Regulations and the policies of the Municipal Plan. If it conforms Council will approve the application and inform the applicant and state any conditions that may apply. If the proposed development does not conform to the Municipal Plan or Regulations, the application must be refused. Any applicant who is dissatisfied with the decision of Council may appeal to an Appeal Board as specified in the Urban and Rural Planning Act, 2000. The Appeal Board shall either confirm the decision or require that Council's decision be varied or reversed.

Council has discretionary authority to grant a variance to a proposed development which does not strictly comply with the development standards. However the proposed development must conform to the general intent of the Municipal Plan. A proposed development must not change the permitted land use, or negatively impact on adjoining properties.

Further to observing the role of Council, readers are reminded that permits or approvals may also be required from the Province of Newfoundland and Labrador. This function is administered by Service NL, a provincial government agency which has a regional office in Happy Valley-Goose Bay. Prospective builders are encouraged to inquire there to determine requirements, if any.

4.4 Public Works Capital Works Plan

Council's Capital Works Plan is prepared for five year terms, and updated each year. The current Capital Works Plan is available on request from the NICG office.

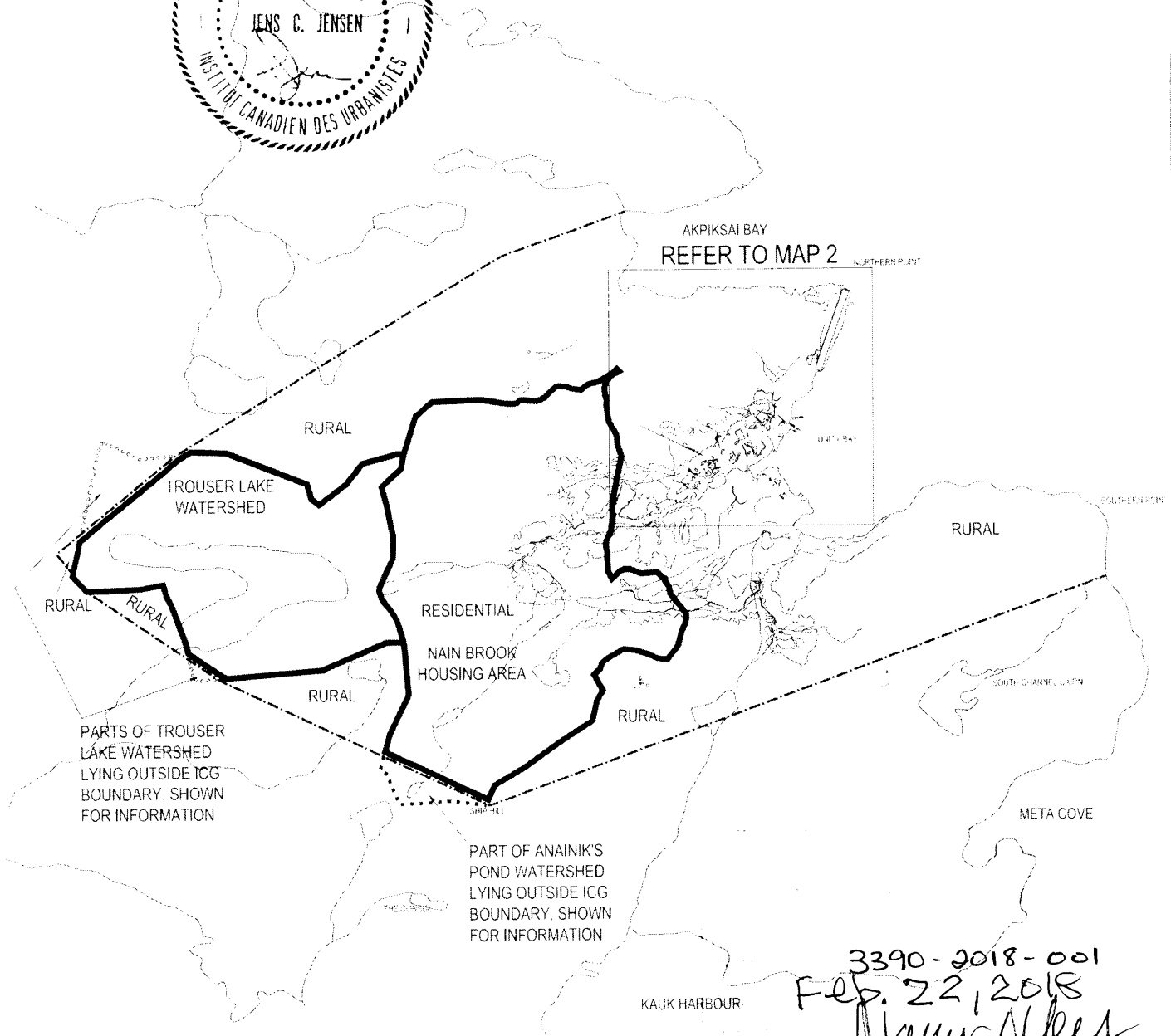
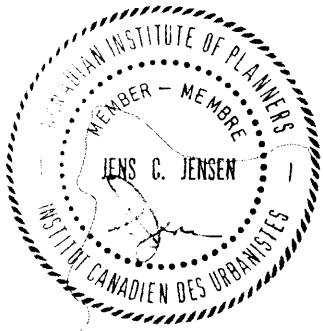
4.5 Development Schemes

Sections 29 and 30 of the Urban and Rural Planning Act, 2000, provide Council with the authority (upon adoption of a Municipal Plan) to prepare and adopt Development Schemes. Development Schemes are detailed localized plans outlining the manner in which a specified part of the community is to be developed.

Through a Development Scheme, land may be reserved for such things as public roadways, residential subdivisions, schools, parks or open space. Development Schemes can also provide for the acquisition, subdivision, sale or lease of land and buildings by NICG. They are prepared and adopted in a manner similar to the process of adopting a Municipal Plan and, when approved, form part of the Municipal Plan.

Maps:

- Future Land Use Map 1 is bound in this document on the next page.
- Future Land Use Map 2 is located in a map pocket.



3390-2018-001
 Feb. 22, 2018
Nancy Olney

Rev 4	As Approved by N.I.C.G.	23 AUG 2016
Rev 3	For Adoption	20 JUL 2016
Rev 2	For DMA Review and Release	23 JUN 2016
Rev 1	For N.I.C.G. Review	6 JUN 2016

LEGEND:

MILES 0 1
 METRES 0 500 1000 1500 2000

I.C.G. BOUNDARY

FUTURE LAND USE DESIGNATIONS AS SHOWN

RURAL

RESIDENTIAL

WATERSHED

SCALE = 1:50 000
 @8.5" x 11"

NAIN I.C.G.
 Dated at Nain this 23th day of October A.D. 2016
AngajukKak Nain I.C.G.
 AngajukKak Nain I.C.G.
Karen Doherty
 Clerk Nain I.C.G.

**NAIN
 INUIT COMMUNITY
 GOVERNMENT**

MUNICIPAL PLAN
 FUTURE LAND USE
 2016 - 2026
 MAP 1