Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [Our File #: MAE/212/2019]

On October 21, 2019, the Department of Municipal Affairs and Environment received your request for access to the following records/information:

"Town of St. George's re 2019 Town plan and regulations submitted to you Please provide all correspondence and notes (to and from Both parties) for August, September and first 20 days Oct 2019."

I am pleased to inform you that a decision has been made by the Deputy Minister for the Department of Municipal Affairs and Environment to provide access to some of the requested information.

However, certain text contained within the records has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act, 2015 (the Act):

"40. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy."

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible. In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the Act (a copy of this section of the Act has been enclosed for your reference). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.
The appeal may be addressed to the Information and Privacy Commissioner as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John's, NL. A1B 3Y8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act (a copy of this section of the Act has been enclosed for your reference).

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please feel free to contact me by telephone at 709-729-7183 or by e-mail at atippmae@gov.nl.ca.

Sincerely,

Desirée Newman

DESIREE NEWMAN
ATIPP Coordinator
Municipal Affairs and Environment

Enclosures
Access or correction complaint

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52(1) or 53(1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21;

(b) a decision respecting an extension of time under section 23;

(c) a variation of a procedure under section 24; or

(d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.
Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner’s refusal under subsection 45(2).
Hi Elaine,

FYI submission from Jens Jensen for new St. George's amendment. I'm sure Carol will quickly get TRIM assignment processed upon her return from vacation.

Kim

From: Jens Jensen [s.40(1)]
Sent: Saturday, August 3, 2019 10:36 PM
To: Blanchard, Kimberley <KimberleyBlanchard@gov.nl.ca>
Subject: Fwd: Town of St. George's - proposed amendments 19-01 to Municipal Plan & Development Regulations for s. 15 review

Kim: please carry this forward. Thanks.

Jens
Jens Jensen, P.Eng., MCIP
HMJ Consulting Limited
1701 Hollis Street - Suite 800
Halifax, N.S., Canada
HMJ INK

-------- Forwarded message --------

From: Jens Jensen [s.40(1)]
Date: Sat, 3 Aug 2019 at 18:42
Subject: Town of St. George's - proposed amendments 19-01 to Municipal Plan & Development Regulations for s. 15 review
To: Hanlon, Carol <CarolHanlon@gov.nl.ca>
Cc: <townofstgeorges@nf.aibn.com>

Hello, Carol,

The subject Town Council is proposing a pair of simple amendments to its current MP and DR, as per the attached document. I am submitting it for s. 15 review by way of this email only. If hard copy is needed, please let me know.
Council has been working on a full review of the MP and DR and is very close to submitting proposed documents for review. This is independent of the amendments to the existing documents, for which there is some urgency as a desired development is pending.

At this time, a planner at the Department has not been assigned to either of these projects, so I am sending this to you to see who it shall be. If you can let me know who it is, I will direct the documents for the full review to that person directly.

Thank you for your assistance.

Jens
Jens Jensen, P.Eng., MCIP
HMF Consulting Limited
1701 Hollis Street - Suite 800
Halifax, N.S., Canada
B3J 3M8
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
Hi Carol,

I wrote to you on August 3rd concerning an amendment to St. George's existing MP and DR, and indicated that shortly Council would be sending in documents resulting from a full review to lead to a new MP and DR for 2019-2029. I have them ready for mailing and have asked our technician to send the digital map files to Jonathan for MIMS compliance check. I will attach to this email pdfs of the texts and maps for the MP and DR, including the Planning Background Study.
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atipoffice@gov.nl.ca.
Jonathan and Carol: the hard copies of the texts and maps will be in the mail next week to Carol.

On Fri, 9 Aug 2019 at 16:01, Colin Bury wrote:
Hello Jonathan,

Please find the Municipal Plan and Development Regulations maps attached for the Town of St. George's, for your review.

Kind regards,
Colin

On Wed, 7 Aug 2019 at 15:22, Jens Jensen wrote:
Thanks Colin,

Please submit the digital maps to Jonathan for his MIMS review. I will be mailing the hard copies of texts and maps to Carol Hanlon shortly.

On Tue, 6 Aug 2019 at 13:27, Colin Bury wrote:
Hi Jens,

Here are the updated maps.

Best regards,
Colin

On Sat, 3 Aug 2019 at 17:57, Jens Jensen wrote:

Hi Colin,

Please revise the last round of St. George's maps by adding a new rev "for DMAE review" dated 6 August 2019.

Some urgency on this to have them ready for showing immediately after August 6th, please.

Jens
Jens Jensen, P.Eng., MCIP
HMI Consulting Limited
1701 Hollis Street - Suite 800
Halifax, N.S., Canada
B3J 3M8
Hi Elaine,

Please see the newspaper ads on pages three and four of the attached scan of newspaper ads. The first two pages relate to the notices made for the full review of the existing documents, whereas the notices for the July meeting were in two parts: the full review and the amendments.

The other files show the information posted on the town's website and around town, again for both the full review and the subject amendments.

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On Mon, 12 Aug 2019 at 14:01, Mitchell, Elaine <ElaineMitchell@gov.nl.ca> wrote:

Hi Jens: Can you please provide public consultation information as required under section 14 of the Urban and Rural Planning Act?

- Elaine

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Elaine Mitchell MCIP

Planner III, Local Governance and Land Use Planning

Department of Municipal Affairs and Environment
P.O. Box 8700, St. John's, NL A1B 4J6
---------- Forwarded message ----------
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Date: Sat, 3 Aug 2019 at 18:42  
Subject: Town of St. George's - proposed amendments 19-01 to Municipal Plan & Development Regulations for s. 15 review  
To: Hanlon, Carol <CarolHanlon@gov.nl.ca>  
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Jens

Jens Jensen, P.Eng., MCIP

HMI Consulting Limited