Dear [Redacted: $40(1)]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [Our File #: MA/44/2016]

On June 1, 2016, the Department of Municipal Affairs received your request for access to the following records/information:

“E-mail dated January 6, 2015 from Martha Drake, Department of Tourism to Geralyn Lynch, Senior Planner, Department of Municipal Affairs regarding Cupids Municipal Plan and Development Regulations.”

I am pleased to inform you that a decision has been made to provide you access to the requested information. Enclosed you will find a copy of the requested records.

Please be advised that you may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the Act. 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.

The address and contact information of the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John’s, NL. A1B 3V8

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.

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 Office of Public Engagement’s 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 729-6528 or by e-mail at scottwinters@gov.nl.ca.

Sincerely,

[Signature]

Scott Winters
Manager of Accountability / ATIPP Coordinator
Hi there,

Ken suggested I send our comments as is. If you find them too confusing, Ken and I would be happy to meet with you to discuss.

Thanks,
Martha

Martha Drake
Provincial Archaeologist
Business, Tourism, Culture and Rural Development
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e-mail: mdrake@gov.nl.ca

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Martha,

Section 2.2.2 Archaeological and Heritage Resources is found on pages 9 of the plan. The 2nd last paragraph of this section states “The area that appears to have the highest degree of archaeological potential is identified as ‘Cupids Cove Heritage area’ under Section 2.4 ..., requires approval by the Provincial Archaeology Office before a permit is issued by the Town (I bet certain folk with have a field day with that)”. The Comprehensive Development Plan areas are also locations of historic resource interest and should be added to this section. The regs., section 36, pages 13 & 14 basically reiterate what is in the Plan. We should add our interest in reviewing development plans for the Comprehensive Development Areas, again the 2nd last paragraph on page 14 seems like the best place to state this. This paragraph also has the following in brackets (see Regulation 44) it should read (see Regulation 45). In the Regs. Comprehensive Development is discussed under Reg. 43, so we should be mentioned in reg 43 and going back to reg. 36 reg. 43 should be added as well as Reg. 45 (Regulation 44 is Coordination of development). Is this all as clear as mud?

Ken

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From: Drake, Martha
Sent: Monday, January 05, 2015 1:29 PM
To: Reynolds, Ken
Subject: FW: Cupids Municipal Plan and Development Regulations
Hi Ken,

I am preparing the comments to send to Geralyn. What do you mean by the sentence highlighted in red below?

Thanks.

1. Pgs. 12-13 under 2.4.

   Cupids Cove Heritage Area Overlay objective b) protect and appropriately develop the archaeological, heritage and community resources of this historic core. It further states that “Development within this area shall be reviewed by the Town to ensure that these objectives are being met regardless of the underlying designations and zones. In doing so it may consult with the Heritage Division and other agencies as needed.

   This goes against what is stated on Pg. 9, 2.2.2 Archaeological and Heritage Resources where it states that the Provincial Archaeology Office will be advised if any major development is proposed (agree with Delph that it should be all referred at least within 2.4 & 2.2.5 – see below). Both sections should state the same requirements.

2. What exactly is the Heritage Division? Again this term is used in a number of instances, does it refer to PAO or Sites or both?

3. Pg. 10 2.2.5 Comprehensive Development – 2nd paragraph

   “The development should provide a higher quantity and quality of open space and environmental protection than is otherwise achievable under the standard requirements and, the Town can use this provision to protect heritage sites and culturally significant landscapes”.

   Under Schedule C – Comprehensive Development Area 1, 2, 3 in their Development Regulations 2014, pg. 77 is the following:

   The Comprehensive Development Area Plan shall be prepared by a competent professional engineer, town planner, landscape architect and/or other such qualified person and shall include at the minimum:

   a) Road and Services
   b) Land Use
   c) Lotting
   d) Historic Resources and Trails
   e) Waterways and Wetlands
   f) Other matters deemed necessary by the Town

   No mention in either of how the Town will protect Historic Resources. Cultural Landscapes should also be added to the list and that the competent individual preparing the Comprehensive Development Area Plan should have to consult with the Provincial Archaeology Office and also that the Town refers all proposals for development within these planning areas to the Provincial Archaeology Office. Also Comprehensive Development Plan areas would be added to Section 2.2.2 of the Plan and Section 36 of the Regulations.

   I noted that the index for the General Development Regulations was missing Section 36 Archaeological and Heritage Resources.

Ken
For the most part I have no concerns with the Plan. I think the protection of archaeological resources is covered adequately, but I want to point out a couple of things.

1. Page 9 – “These sites are protected by buffers where all development entailing excavation except for surface landscaping and fencing, must be reviewed and approved by the PAO before a permit is issued by the Town.” Same information is on page 14 in Regulations. Shouldn’t we review projects that involve landscaping and fencing as well?? They can very easily disturb sites too.

2. Page 9 - Department’s name should be changed to BTCRD.

3. Page 18, Section 45 – “The Town may consult with the Heritage Division and other agencies and groups as needed when reviewing development applications.” Should we require consultation in this area and request it be changed to “The Town will consult with the Heritage Division”? Or is it okay as is?

Delph