

June 30, 2021

Mr. Blaine Sullivan
Omni Marine Services Inc.
1315 Topsail Road
St. John's, NL
A1B 3N4



Dear Mr. Sullivan:

Your application **#COM-20-064** dated July 13, 2020 with revisions on August 6, 2020 and June 3, 2021 for development of 2.73ha of harbour infill including a 90m finger pier within Long Pond Harbour at **Terminal Road** was considered by Council at its June 29, 2021 public meeting.

Council passed the following resolution with respect to your application:

Resolution #21-248
Councillor Hillier / Councillor Tilley

Be it so resolved that in accordance with Sections 4.15 and 5.10 of the Town's Development Regulations, the Land Use Impact Assessment Report regarding the proposed harbour infill project at Terminal Road, be accepted as submitted.

AND FURTHER:

Be it so resolved that in accordance with Sections 5(3) and 5(6) of the Interim Development Regulations, 2003, Application No. COM-20-064 submitted on July 13, 2020 with revisions on August 6, 2020 and June 3, 2021 for development of 2.73ha of harbour infill including a 90m finger pier within Long Pond Harbour at Terminal Road be approved subject to receipt of approvals from other regulatory agencies, including any further decision by the Government of Newfoundland and Labrador with respect to Environmental Assessment.

Construction Permit

Please note that this approval letter is not a permit to commence construction. A construction permit will be issued upon compliance with the following conditions.

1. Payment of construction permit fees and deposits in accordance with the Town's Schedule of Rates and Fees, specifically:
 - 1.1. Industrial construction permit fee for the infill and finger pier: \$7.00 per \$1,000.00 of construction value.
 - 1.2. Occupancy permit fee: \$250.00 plus \$50 for each revisit.
 - 1.3. Refundable landscaping deposit: \$1,000.00
 - 1.4. Refundable site works deposit: 1% of estimated site work construction costs.

2. Receipt of any federal or provincial regulatory approvals that might be required, including, but not limited to:
 - 2.1. Approval for alteration of a water body from the provincial Department of Environment and Climate Change, Water Resources Management Division.
 - 2.2. Approval for alteration of fish habitat from the federal Department of Fisheries and Oceans.
 - 2.3. Approval for alteration of the navigable channel, if necessary, from the Navigation Protection Program of Transport Canada.
 - 2.4. Confirmation of any further decisions by the provincial Department of Environment and Climate Change with respect to Environmental Assessment.
 - 2.5. Written confirmation from the foregoing agencies should approval under their programs be unnecessary.
3. The Town will review final detail design and construction drawings upon submission and the applicant will be required to comply with all requests and make any modifications to the plans/drawings which are requested by the Town.

Occupancy and Business Permits

An occupancy permit will be required prior to the occupancy and use of the infill and pier for commercial activities.

4. The following information will be required prior to issuance of an occupancy permit by the Town:
 - 4.1. All inspections required by the Town must be completed and approved by the Town. A list of required inspections will be included with the construction permit.
 - 4.2. Receipt of approval, and compliance with, conditions and requirements specified by other regulatory authorities.
 - 4.3. A permit will be required from Service NL for any electrical work installed on the property. A copy of the electrical permit from Service NL and Final Electrical Inspection Certificate is required to be submitted to the Town prior to the issuance of an occupancy permit.
 - 4.4. All certificates, approvals, documentation and any other requirements requested or identified by the Town resulting from review of detailed construction drawings or throughout the development and construction process must be submitted to the Town prior to a request for an occupancy permit.
5. The property will be assessed by the Municipal Assessment Agency and property, water, sewer and business tax will be applied to the property from the date of the occupancy permit.

6. A business permit is required from the Town prior to commercial operations at the infill and pier. Business tax will be assessed and payable from the date that the business permit is issued.
7. Notwithstanding Clauses 5 and 6 above, municipal taxes may be applied in accordance with an agreement made between the Town and the property owner and / or business owner in accordance with the provision for such agreements in the *Municipalities Act, 1999*.
8. If an occupancy permit is not obtained, the tax assessment and billing will be effective from the date on which the construction permit was issued.

General Conditions

9. The builder/developer is solely responsible for compliance with all applicable provisions of the National Building and Fire Codes of Canada 2015.
10. The construction site must be maintained free of all refuse and debris resulting from the construction. Any waste materials must be removed and disposed of at an approved waste disposal site.
11. Any parking area shall be constructed and finished with a hard surface and meet all standards outlined in Section 9 of the Town's Development Regulations.
12. The number of parking stalls provided on the entire property must meet the cumulative requirements as prescribed by Section 9 of the Town's Development Regulations.
13. Permits will be required for any signs that are placed/erected on this property.
14. Should ditching be required now or in the future, as a result of the development of this property in whole or in part, it is the responsibility of the builder/developer/owner. Furthermore, should any easements be required to the benefit of the Town, such easements are to be supplied to the Town at no cost to the Town.
15. The applicant is responsible for the costs associated with all modifications, installations, etc. with respect to all Town services as a result of any work carried out by the applicant under a construction permit. This shall include but is not limited to water and sewer services, culverts, fire hydrants, road shoulders, etc.
16. This development approval is valid for one year from date of issue and may be renewed twice for a maximum duration of three years.

Please note that you have the right to appeal this decision. The appeal and a fee of \$200 plus HST (\$230.00 total) must be submitted to the **Secretary of the Eastern Newfoundland Regional Appeal Board at the Department of Municipal and Provincial Affairs, 4th floor, Confederation Building (West Block), P.O. Box 8700, St. John's, NL, A1B 4J6** within 14 days of the day that you receive this decision. If the appeal and fee is not submitted within this time limit, your right to appeal is considered to be forfeited. You should note that any interested person also has the right to appeal the decision regarding your application within the 14-day appeal

period. Notice of this development decision will be posted to the Town's website within two weeks that this letter is issued.

Please indicate your agreement with the foregoing conditions by signing and returning a copy of this letter to this office within 30 days. Failure to return this letter within the specified time will result in cancellation of the application.

Should you require additional information, please contact the Town's Planning and Development Department at 834-6500 ext. 401.

Sincerely,



Corrie Davis, MCIP
Director, Planning & Development

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