

St. John's Urban Region Agriculture Appeal Board

Annual Performance Report 2020-21



Chairperson's Message

The Honourable Derrick Bragg
Department of Fisheries, Forestry and Agriculture
Petten Building
30 Strawberry Marsh Road
P.O. Box 8700
St. John's, NL A1B 4J6

Dear Minister Bragg:

In accordance with the provisions of the **Transparency and Accountability Act** for category 3 public bodies, we are pleased to submit the Annual Performance Report for the St. John's Urban Region Agriculture Appeal Board for the period of April 1, 2020, to March 31, 2021.

The Appeal Board has a mandate to hear appeals of the decisions of the St. John's Land Development Advisory Authority. Through the appeals process, the Appeal Board ensures that plans for development within the St. John's Urban Region Agriculture Development Area conform to the provisions of the **St. John's Urban Region Agriculture Development Area Regulations** under the **Lands Act**. The commitments of the Provincial Government related to the Department of Fisheries, Forestry and Agriculture have been considered in the preparation of this report. More specifically, the work undertaken will support Government in increasing Newfoundland and Labrador's food self-sufficiency.

The Chairperson's term has expired as of the writing of this report and the Public Service Commission has been engaged to fill the vacancy. On behalf of the entire Appeal Board, we accept accountability for the preparation of this report and the achievement of its objective. The signature below is indicative of the Appeal Board's accountability for the results reported for fiscal 2020-21.

Respectfully submitted,



Eugene Legge
Appeal Board Member
St. John's Urban Region Agriculture Appeal Board

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Overview

Agriculture Development Areas (ADAs) are areas identified as having important Agricultural significance based on site and soil suitability. The St. John's Urban Region ADA encompasses approximately 12,152 hectares (30,028 acres). To see a map of the ADA, see Appendix A.

Section 7 of the **St. John's Urban Region Agriculture Development Area Regulations** (the Regulations) under the **Lands Act** (the Act) provides for the appointment of an Appeal Board to review appeals of decisions of the St. John's Land Development Advisory Authority (the Authority). The St. John's Urban Region Agriculture Appeal Board (the Appeal Board), is appointed by the Minister of Fisheries, Forestry and Agriculture (the Minister).

During the 2020-21 reporting period, the Appeal Board received operational support from FFA. Employees of FFA performed many day-to-day administrative functions with budgetary support for operations provided through the Department as well.

The members of the Appeal Board as of March 31, 2021, were as follows:

Name	Region	Appointment Term Expiry
Eugene Legge	Avalon	8/12/2022
Ed O'Reilly	Avalon	8/12/2022
Ed Woodrow	Avalon	8/12/2022

A Land Management Specialist and Land Management Officer of the FFA's Land Management Division provided support to the Authority and acted as the Appeal Board secretariat during the 2020-21 fiscal year by accepting appeals and maintaining records of decisions. All expenses regarding the administration of the Appeal Board are funded through FFA.

This report is available in alternate formats. For further information, please contact John Del Rizzo, Land Management Specialist.

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Mandate:

The Appeal Board has a mandate to:

- (a) Hear appeals of the decisions of the Advisory Authority concerning applications to carry out development on land in the ADA;
- (b) Recommend that the Minister of FFA uphold, reverse or vary a decision of the Advisory Authority; and

- (c) Maintain records of minutes, including the attendance and proceedings of the St. John's Urban Region Agriculture Appeal Board at all appeal hearings.

The Appeal Board has not identified lines of business, as this would be repetitive of its mandate as described above.

Through assessment of appeals of applications for opportunities to carry out development on land in the St. John's Urban Region ADA, the Appeal Board contributes to the vision of the Department of Fisheries, Forestry and Agriculture's vision of sustainable renewable resources that are responsibly developed for the social, cultural, ecological, and economic well-being of the province.

Highlights and Partnerships

The Appeal Board is committed to hearing appeals of the decisions of the Authority, maintaining records of minutes at all meetings and due to the nature of this work, there are no particular highlights.

The Appeal Board does not have partnerships as it is an independent Board that evaluates the decisions made by the Authority from an impartial viewpoint.



Report on Performance

The Appeal Board reviews appeals of decisions made by the Authority. All appeals are given due consideration in accordance with the Regulations. The Appeal Board makes recommendations to the Minister of FFA. The appellants are notified by the Minister of the final decision in consideration of the recommendations of the Appeal Board.

The activities of the Appeal Board support Government's commitment to the agricultural mandate of the Department. The Appeal Board contributes to the mandate and objectives of FFA by helping protect agriculture and agricultural land in the St. John's ADA. This is done through the review of appeals of decisions by the Authority to ensure the long-term sustainable development of agricultural land resources for the benefit of all residents.

The Appeal Board intends to report on the same objective and indicators for each year of the 2020-23 planning period. For more details, please refer to the plan on the Department's website located at:

<https://www.gov.nl.ca/ffa/files/SJURAABActivityPlan2020-23.pdf>.

Objective 2020-21

By March 31, 2021, the Board will have reviewed all appeals of decisions by the Authority and made recommendations regarding the appeal to the Minister.

Indicators

1. Reviewed all appeals as per the Regulations

Three applications from the 2019-20 fiscal year were carried forward and one new application was received in the 2020-21 fiscal year. Due to the COVID-19 pandemic, the Appeal Board was unable to attend in person meetings during the 2020-21 fiscal year, therefore, four applications will be carried over for review in 2021-22. In accordance to the operating procedures for the Appeal Board, pursuant to the St. John's Urban Region Agriculture Development Area Regulations the applicants shall be notified of a time and place of the appeal hearing and have the right to appear and/or give evidence. Public health restrictions on gathering sizes contributed to the limitations of conducting in person meetings. As well, the Appeal Board members indicated they had limited access to the technology required to review and assess applications virtually.

2. Made recommendations to the Minister

As stated above, the Board was unable to meet due to the COVID-19 pandemic and therefore, did not make any recommendations to the Minister in 2020-21. As a result of this unexpected delay, applications carried forward to 2021-22 will be prioritized.

3. Recorded minutes of proceedings

As stated above, the Board was unable to meet due to COVID-19 pandemic and therefore there are no minutes of proceedings for 2020-21.

Opportunities and Challenges

Due to the ongoing COVID-19 pandemic, the Appeal Board was unable to meet regarding the outstanding appeals for the 2020-21 fiscal year.

The St. John's region continues to experience a vast amount of growth in population and industrial services. This increasing non-agricultural developmental pressure often puts strain on agriculturally zoned areas in several communities.

Similarly, the agriculture industry has witnessed substantial growth, which is a great opportunity, in large part due to the Province's commitment to increase food self-sufficiency and new entrants looking to be a part of the agriculture industry.

Financial Information

The Appeal Board does not have a stand-alone budget and as a result, audited statements are not required. Remuneration expenses associated with committee members are funded through FFA. The total expense for the 2020-21 fiscal year was not applicable as the board was unable to meet.

Appendix A

