



RECEIVED: June 30, 2025

LA25008

Notice of Appeal

(Pursuant to Section 28 of the *Planning Act*)

TO: The Island Regulatory and Appeals Commission
National Bank Tower, Suite 501, 134 Kent Street
P.O. Box 577, Charlottetown PE C1A 7L1
Telephone: 902-892-3501 Toll free: 1-800-501-6268
Fax: 902-566-4076 Website: www.irac.pe.ca

NOTE:
Appeal process is a public process.

TAKE NOTICE that I/we hereby appeal the decision made by the Minister responsible for the administration of various development regulations of the **Planning Act** or the Municipal Council of _____ (name of City, Town or Community) on the _____ day of _____, _____, wherein the Minister/Community Council made a decision to _____

(attach a copy of the decision).

AND FURTHER TAKE NOTICE that, in accordance with the provisions of Section 28.(5) of the **Planning Act**, the grounds for this appeal are as follows: (use separate page(s) if necessary)

AND FURTHER TAKE NOTICE that, in accordance with the provisions of Section 28.(5) of the **Planning Act**, I/we seek the following relief: (use separate page(s) if necessary)

EACH APPELLANT MUST COMPLETE THE FOLLOWING: (print separate sheets as necessary)

Name(s) of Appellant(s): _____ Signature(s) of Appellant(s): _____
Please Print

Mailing Address: _____ City/Town: _____

Province: _____ Postal Code: _____

Email Address: _____ Telephone: _____

Dated this _____ **day of** _____, _____.
day month year

IMPORTANT

Under Section 28.(6) of the **Planning Act**, the Appellant must, within seven days of filing an appeal with the Commission serve a copy of the notice of appeal on the municipal council or the Minister as the case may be.

Service of the Notice of Appeal is the responsibility of the Appellant

Information on this Form is collected pursuant to the **Planning Act** and will be used by the Commission in processing this appeal.
For additional information, contact the Commission at 902-892-3501 or by email at info@irac.pe.ca.



Land Division
41 Wood Islands Road
PO Box 1500, Montague
Prince Edward Island
Canada C0A 1R0

Housing, Land
and Communities

Logement, Terres
et Communautés



Division de terres
41, chemin Wood Islands
C.P. 1500, Montague
Île-du-Prince-Édouard
Canada C0A 1R0

June 9, 2025

Pasquale Amendola & Kim Martin
94 Richmond Street
Georgetown, PE
C0A-1L0

Dear Applicant:

Subject:	Application for a Residential Single Unit Dwelling.
Property ID #:	271742
Property Location:	1446 Cape Bear Road, Murray Harbour, PE
Our File References:	M-2025-0008

The Minister Housing, Land and Communities has reviewed your application to construct a dwelling for Residential Use on PID#271742, received on January 17, 2025 located on Cape Bear Road.

A. The Application

Development Permit: Subject parcel PID # 271742, being approximately 1.003 acres in area, is located within the community of Murray Harbour, Kings County. The application proposes to construct a single-family dwelling (30 x 30).

B. Decision

The Subject Property is within a geographic area where land use and development are not regulated by a local official plan or zoning by-law. Therefore, the Subject Property falls within the jurisdiction of this Department. Land use and development are regulated by the *Planning Act* Subdivision and Development Regulations and other provincial laws and regulations.

Pursuant to clause 6(c) of the Planning Act and subsections 3(2)(a) and 5(a) of the Planning Act Subdivision and Development Regulations the above noted application is Denied. The reasons for the denial are explained below.

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C. Reasons

The *Planning Act* Subdivision and Development Regulations provide provisions for the development of land with environmentally sensitive features under Section 5(a). This section indicates that no approval shall be given pursuant to these regulations until the following permits or approvals have been obtained as appropriate: (a) where an environmental assessment or an environmental impact statement is performed, as required under the *Environmental Protection Act*, with approval being given pursuant to that Act.

Pursuant to the *Environmental Protection Act*, the application was circulated to the Environmental Land Management Section (ELM) of the Department of Environment, Energy and Climate Action and comments were received from that department on June 5, 2025. These comments indicated that "this application as presented should be denied" as this parcel features Wetlands that impact the area available for development. Based on these comments from ELM, it is apparent that the area of the proposed development on PID#271742 is not suitable for development, due to the presence of wetland. Therefore, your application is denied.

Please refer to the *Planning Act* Subdivision and Development Regulations subsections 3(2)(a) and 5(a).

***Planning Act* Subdivision and Development Regulations**

3(2) No development permit shall be issued where a proposed building, structure, or its alteration, repair, location, or use or change of use would
(a) not conform to these regulations or any other regulations made pursuant to the Act;

5. No approval shall be given pursuant to these regulations until the following permits or approvals have been obtained as appropriate:
(a) where an environmental assessment or an environmental impact statement is required under the Environmental Protection Act, approval has been given pursuant to that Act;

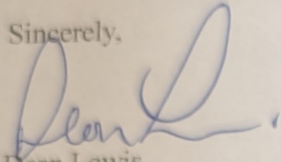
D. Right of Appeal

Notice of this decision will be posted on the PEI Planning Decisions website. We suggest typing "PEI Planning Decisions" into your internet search engine to link to the website.

Please be advised that pursuant to section 28 of the *Planning Act*, this decision may be appealed to the Island Regulatory & Appeals Commission ("IRAC") (PO Box 577, Charlottetown, PE, C1A 7L1: <http://www.irac.pe.ca>). An appeal must be filed within 21 days after the date of this letter or the Commission is under no obligation to hear the appeal. For more information about appeals, please contact IRAC.

If you have any questions in regard to this decision, contact me at dhlewis@gov.pe.ca or (902) 838-0650.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dean L.', with a stylized flourish at the end.

Dean Lewis
Senior Development Officer