Dear [Redacted]:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our File #: MA/31/2016]

On April 14, 2016, the Department of Municipal Affairs received your request for access to the following records/information:

"All requests below pertain to the Municipal Plan of the Town of Conception Bay South enacted on or about May 2001 or otherwise the plan that was enacted in the year 2001 (hereinafter referred to as the "Plan"). Copy of a resolution and application to the relevant Minister by the Town Council of the Town of Conception Bay South (hereinafter referred to as the "Town") to propose a municipal plan or the Plan, and, if applicable, in accordance with Section 10 of the Urban and Rural Planning Act (hereinafter referred to as the "Act"). Documentation pertaining to "Public Consultation" or documentation pertaining to a "public consultation opportunity" by the Town in relation to the Plan, and if applicable, in accordance with Section 14 of the Act, including any written correspondence from members of the community or public. Copy of an submission of the Plan by the Town to the Department (as contemplated under the Act) for approval. Copy of approval of the Plan by the Town Council of the Town in accordance with Section 16 of the Act. Copy of the two newspaper advertisements evidencing the approval of the Plan in accordance with Section 17 of the Act. Confirmation and documentation pertaining to the date, time, and place for the public hearing pertaining to the Plan to consider objections and representations made in accordance with Section 18 of the Act. Confirmation and documentation pertaining to the appointment of a commissioner by the Town to consider the Plan in accordance with Section 19 of the Act. Any documentation confirming the approval of the Plan in accordance with the Act's requirements."

I am pleased to inform you that a decision has been made by the Deputy Minister of the Department to provide access to the requested information that is in the custody and control of the department. Below is an itemized breakdown of your request and the Department's response for each. Please be advised that the Department has no records responsive to items #1 and #5 and a portion of item #2.

1. Copy of a resolution and application to the relevant Minister by the Town Council of the Town of Conception Bay South (hereinafter referred to as the "Town") to propose a municipal plan or the Plan, and, if applicable, in accordance with Section 10 of the Urban and Rural Planning Act (hereinafter referred to as the "Act").
Please be advised the Department does not have any records related to this portion of your request. You may wish to contact the Town of Conception Bay South for these records.

2. **Documentation pertaining to "Public Consultation" or documentation pertaining to a "public consultation opportunity" by the Town in relation to the Plan, and if applicable, in accordance with Section 14 of the Act, including any written correspondence from members of the community or public.**

Please refer to Appendix A for “documentation pertaining to ‘Public Consultation’ or documentation pertaining to a ‘public consultation opportunity’ by the Town in relation to the Plan.”

Please be advised the Department does not have any records related to the portion of your request regarding written correspondence from members of the community or public. You may wish to contact the Town of Conception Bay South for these records.

3. **Copy of an submission of the Plan by the Town to the Department (as contemplated under the Act) for approval.**

Please refer to Appendix B for records/information related to item #3.

4. **Copy of approval of the Plan by the Town Council of the Town in accordance with Section 16 of the Act.**

Please refer to pages 95-96 of Appendix B.

5. **Copy of the two newspaper advertisements evidencing the approval of the Plan in accordance with Section 17 of the Act.**

Please be advised the Department does not have any records related to this portion of your request. You may wish to contact the Town of Conception Bay South for these records.

6. **Confirmation and documentation pertaining to the date, time, and place for the public hearing pertaining to the Plan to consider objections and representations made in accordance with Section 18 of the Act.**

Please refer to page 8 and 96 of Appendix B and page 1 of Appendix C for records/information related to item #6.

7. **Confirmation and documentation pertaining to the appointment of a commissioner by the Town to consider the Plan in accordance with Section 19 of the Act.**

Please refer to page 3 of Appendix B for records/information related to item #7.

8. **Any documentation confirming the approval of the Plan in accordance with the Act's requirements.**

Please refer to pages 1-2 of Appendix D for records/information related to item #8.
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 Access to Information and Protection of Privacy Act, 2015 (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,

Scott Winters
Manager of Accountability / ATIPP Coordinator
15 November, 2000

Mr. Stan Clinton, MCIP
Director, Urban and Rural Planning Division,
Department of Municipal and Provincial Affairs
P.O. Box 8700,
St. John’s, NF

Dear Mr. Clinton

Please find enclosed the Conception Bay South Municipal Plan and Development Regulations for your review and comment. Council has undertaken consultations with government agencies and the public in preparing the Plan and Regulations. We received several responses from government agencies and I believe their concerns/interests have been taken into consideration in the Plan and Regulations.

There is still one outstanding issue which Council is considering based on input we received at the Open House held on 8 November which involves a proposed expansion of the commercial designation in the Long Pond area. However, we do not anticipate that the resolution of this issue will significantly affect the overall intent or direction of the Plan. Once this issue is resolved, Council is prepared to adopt the Plan and proceed to a Public Hearing.

We would appreciate your review and comment at your earliest convenience considering that Council would appreciate being able to adopt the Plan before the changes to the Planning Act come into effect in the new year.

I would be pleased to meet with you to discuss any comments you might have on the Plan or Regulations. In the meantime, if you have any questions please feel free to contact me or Mr. Joseph Gregory, Town Manager, Conception Bay South.

Sincerely,

Mary Bishop, MCIP
Senior Associate

cc. Town of Conception Bay South
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
To: Town Clerk
Re: Town Plan

Please be advised that I wish to make a representation to parties responsible concerning the Town Plan.

There are a number of issues concerning the plan that affect many people for a considerable period of time.

Section 40(1) Gerald Ledrew
Appendix B
April 3, 2001

Honorable Oliver Langdon, Minister
Department of Municipal and Provincial Affairs
P.O. Box 8700
St. John's, Newfoundland
A1B 4J6

Honorable and Dear Sir:

We are pleased to advise that the Council for the Town of Conception Bay South, at its regular meeting of April 3, 2001, approved its Municipal Plan and Development Regulations 2001-2011, as required under Section 23 of the Urban and Rural Planning Act. We now respectfully request that these documents be registered as required under Section 24 of the Act.

As a result of the required Public Hearing and in consideration of the Commissioner's report, no changes have been made to the Municipal Plan or Development Regulation documents. A few minor editing changes however have been made to the accompanying plan and zoning maps.

Enclosed for your consideration please find the following:

♦ Approval resolutions for the Municipal Plan and Development Regulations.
♦ A copy of the Commissioner's Report.
♦ Copies of representations received prior to the Public Hearing.
♦ Two signed and sealed copies of the Municipal Plan Future Land Use and Land Use Zoning maps which have had the following minor changes incorporated:
  - A correction in the labeling of one street.
  - A change in the common boundary, with Holyrood, to reflect the boundary description of the Town of Holyrood.
♦ An electronic disk containing the electronic files of the Municipal Plan and the Development Regulations.
♦ An affidavit executed by the Town Clerk concerning the Public Hearing.
We trust that this documentation fulfills the statutory requirements outlined in the Urban and Rural Planning Act and look forward to the registration of the Municipal Plan and Development Regulations at the earliest convenience.

Respectfully yours,

TOWN OF CONCEPTION BAY SOUTH

Ron Smith
Mayor

Encl.
March 7, 2001

Honorable Oliver Langdon, Minister
Department of Municipal and Provincial Affairs
P.O.Box 8700
St. John's, Newfoundland
A1B 4J6

Honorable and Dear Sir:

Enclosed for your consideration, as required under Section 16(2) of the Urban and Rural Planning Act, please find two duly executed copies of the Town of Conception Bay South Municipal Plan and Development Regulations 2001-2011 adopted by resolution of Council, at its regular meeting held March 6, 2001.

Resolution #2001-109

Pursuant to Section 16(1) of the Urban and Rural Planning Act, be it so resolved that the Town adopt the Town of Conception Bay South Municipal Plan and Development Regulations 2001-2011 and that arrangements be made for the publication of the required notice of a public hearing to be held at 7:30 p.m., Wednesday, March 28, 2001 at the Conception Bay South Youth Center, Conception Bay Highway, Long Pond, to consider any representations which may be received.

As noted, a public hearing, to consider representation in regard to the Town’s Municipal Plan, has been scheduled for 7:30 p.m., March 28, 2001 and the required public notice of adoption will appear in the March 10th and March 17th editions of the Evening Telegram and March 12th and March 19th editions of The Shoreline News.

We are pleased to advise that Mr. James E.G. Vavasour, B.A., LL.B. has been appointed as Commissioner for the purpose of this hearing, as required under Section 19(1) of the Urban and Rural Planning Act.
I trust that you will find the enclosed to be satisfactory and respectfully look forward to your support and favourable consideration in the conclusion of this process.

Respectfully yours,

TOWN OF CONCEPTION BAY SOUTH

Ron Smith
Mayor

Encl.
4 March 2001

Ms. Elaine Mitchell, MCIP
Planning Operations Manager
Urban and Rural Planning Division,
Department of Municipal and Provincial Affairs
P.O. Box 8700,
St. John's, NF

Dear Ms. Mitchell

Please find enclosed, the electronic map files of the Town of Conception Bay South Municipal Plan and Development Regulations. Please note the following:

1. As per our telephone conversation of Friday, March 2, no change has been made to the documents which were subsequently emailed to you Friday, March 2;  
2. The Planning Area boundary has been changed. Please note that at the time the Plan Review was undertaken, we advised the Department of a discrepancy in the Gazetted boundary description and map. We were advised at that time that the map version of the boundary rather than the description, should be used.  
3. The OSR and C-2 zones mentioned in your letter of March 2 have been removed from the Zoning map.  
4. The mineral working area shown around the talc mine is intentionally larger than that identified on the Future Land Use Map. The Future Land Use Map indicates the fee simple mining lease area, and the zoning reflects the larger size of the actual deposit.
5. Open Space labels have been added to the stream buffer area mentioned in your letter.
6. The additional (new) requirement for closed polygons around water bodies has been met.

I most strongly object to this last requirement as it has not been mentioned in any previous correspondence or requirements. Again, I must also reiterate my objections to the Department's use of the Planning Act to force municipalities to prepare electronic products which are required solely for use in the Department's internal information system.

These files should now satisfy all requirements. Council is anxious to adopt the Plan and Regulations at its upcoming meeting to be held March 6 and move to the Public Hearing stage as soon thereafter as possible.

Sincerely,

Mary Bishop, MCIP
Senior Associate

cc. Town of Conception Bay South
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
Appendix C
AFFIDAVIT - OBJECTIONS

NEWFOUNDLAND

CANADA

TO WIT

I, Keith Arns, hereby make Oath and say that:

1. The Town Council of Conception Bay South give notice of the adoption of the Town of Conception Bay South Municipal Plan and Development Regulations by advertisement inserted on the 11th day and the 18th day of March, 2001 in the Shoreline News and 10th day and 17th day of March 2001 in the Evening Telegram newspapers.

2. The Town Council of Conception Bay South set the 28th day of March, 2001 at 7:30 p.m., at the Conception Bay South Youth Center, Long Pond, for the holding of a public hearing to consider objections and representations to the Town of Conception Bay South Municipal Plan and Development Regulations.

3. The attached objections or representations with respect to the Town of Conception Bay South Municipal Plan and Development Regulations were submitted to the public hearing.

4. The Town Council of Conception Bay South held the scheduled public hearing.

5. The Commissioner submitted that attached written report on the public hearing to the Town Council of Conception Bay South.

6. The Town Council of Conception Bay South approved the Conception Bay South Municipal Plan and Development Regulations as adopted on 3rd day of March, 2001 (as amended) as outlined below:
   - A correction in the labeling of one street.
   - A change in the common boundary, with Holyrood, to reflect the boundary description of the Town of Holyrood.

7. The attached Municipal Plan and Development Regulations is a correct copy of the Municipal Plan and Development Regulations approved by the Town Council of Conception Bay South.

SWORN to at ________

This 3rd day of April, A.D. 2001

Before me

Notary Public, Justice of the Peace,
Commissioner of Oaths

MARION PENNELL

A Commissioner for Oaths
in and for the Province of Newfoundland
My commission expires on Dec. 31, 2004

Town Clerk
# Municipal Plan Record

## Title of Plan, Amendment No., Date, etc.

### Contents:

- Municipal Plan 2001-2011
- Development Regulations

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<td>Application for Definition of Planning Area; and</td>
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### Outline of Plan (Title, Date)

### Letter of Referral

## Municipal Plan/Review/Amendment/Development Scheme

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## Development Regulations

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May 1, 2001

Mayor Ron Smith
Town of Conception Bay South
P.O. Box 280
Manuels, NF
A1W 1M8

Dear Mayor and Councillors:

Town of Conception Bay South Municipal Plan 2001-2011
and Development Regulations

I am pleased to inform you that the Town of Conception Bay South Municipal Plan 2001-2011 and Development Regulations, as approved by Council on the 3rd day of April, 2001, have now been registered.

Council must publish a notice in the Newfoundland Gazette within 10 days of this letter. The Municipal Plan and Development Regulations come into force on the date that this notice appears in the Gazette. The notice must also be published in a local newspaper. I have enclosed a template for the notice of registration to assist Council in the preparation of this notice.

The Newfoundland Gazette is published every Friday. Notices must be submitted a week in advance. Council can submit the notice by email (queensprinter@mail.gov.nf.ca), by fax (729-1900) or by mail (Queen’s Printer, P.O. Box 8700, St. John’s, NF, A1B 4J6).

As agreed during my telephone conversation today with Town Manager Keith Arns, the town will submit a digital file that duplicates the legal signed and sealed maps in the near future.

Council’s registered copy of the Municipal Plan and Development Regulations are enclosed. As they are legal documents, they should be reserved in a safe place.

Yours truly,

S. N. Clinton, Director
URBAN AND RURAL PLANNING

cc Mary Bishop