Dear [Redacted]:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our File #: MIGA/25/2015]

On June 25, 2015, the Department of Municipal and Intergovernmental Affairs received your request for access to the following records:

"Following is an item from the Town of Portugal Cove-St. Philip's Council meetings of May 19, 2015:

May 19/2015
13. St. John's Regional Plan Amendment
The Planning Department is in receipt of correspondence from the Minister of Municipal Affairs allowing the Town to proceed with the required public consultation (as per Section 14 of the Urban and Rural Planning Act) for St. John's Urban Region Regional Plan Amendment, Municipal Plan Amendment No. 1, 2015 & Development Regulations Amendment No. 1, 2015 (Windsor Heights).

Staff advised that the notice for public consultation will be published in the Telegram on Saturday May 16th, 2015 and will request comments from local municipalities.

Request: copy of correspondence from the Minister; correspondence to the Minister from the Town of PCSP generating this response; any other pertinent documents/records/correspondence regarding/related to this issue."

I am pleased to inform you that a decision has been made to provide access to the requested information. In accordance with your request for a copy of the records, the copies of the requested letters have been enclosed as follows:

- Attachment 1 – A letter dated November 28, 2014 from the Town to the Minister requesting approval to proceed to public consultation on amendments to the municipal plan and development regulations as well as the St. John’s Urban Region Regional Plan;
- Attachment 2 – The Minister’s response letter dated May 7, 2015
We are also including other pertinent documents as requested:

- Attachment 3 - A letter dated December 10, 2014 from the Department acknowledging receipt of the Town’s request;
- Attachment 4 – A briefing note provided to the Minister explaining the amendment process;
- Attachment 5 – April 9, 2015 correspondence from the Town’s consultant including updated amendments;
- Attachment 6 – St. John’s Urban Region Regional Plan (SJURRP), 1976 Amendment 1, 2015;
- Attachment 7 – Map indicating proposed amendment area; and
- Attachment 8 – Internal correspondence indicating referral of the SJURRP amendment to the Interdepartmental Land Use Committee. Please note that the attachment referenced in the correspondence is the SJURRP amendment also included in this package.

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 (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 contact me by telephone at 729-2787 or by email at tarakelly@gov.nl.ca.

Sincerely,

[Signature]

Tara Kelly  
Director / ATIPP Coordinator
28 November 2014

The Honorable Keith Hutchings
Minister
Department of Municipal and Intergovernmental Affairs
PO Box 8700
St. John’s, NL
A1B 4J6

Dear Minister:

The Town of Portugal Cove-St. Philip’s is considering proposed Municipal Plan Amendment No. 26, 2014 and Development Regulations Amendment No. 56, 2014 to the Town’s current Municipal Plan and Development Regulations 2014-2024. The purpose of the proposed amendments is to re-designate and re-zone land from Agriculture to residential use.

The proposed Municipal Plan and Development Regulations Amendments have been reviewed for conformity with the St. John’s Urban Region Regional Plan. It has been determined that the location of the subject site under amendment consideration is located within the ‘Rural’ designated area of the St. John’s Urban Region Regional Plan. To move forward with the amendment proposal, a change to the current Regional Plan designation is required in order to bring the proposed Municipal Plan Amendment No. 26, 2014 and Development Regulations Amendment No. 56, 2014 into conformity with the Regional Plan.

The purpose of this letter is to request your consideration for approval to amend the St. John’s Urban Region Regional Plan Map to enable the Town to proceed to the public consultation stage which includes referral to all municipalities subject to the St. John’s Urban Region Regional Plan, as required.

Should you have any questions or concerns with this request, please do not hesitate to contact me at 895-8000.

Thank you in advance for your consideration of this matter.

Yours truly,

Moses G. Tucker, Mayor
Town of Portugal Cove-St. Philip’s

Enclosure: Proposed Municipal Plan Amendment No. 26, 2014
Proposed Development Regulations Amendment No. 56, 2014
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
Mayor Moses Tucker and Council  
Town of Portugal Cove-St. Philip’s  
1119 Thorburn Road  
Portugal Cove-St. Philip’s, NL  
A1M 1T6

Dear Mayor Tucker and Council:

Re: St. John’s Urban Region Regional Plan

I have reviewed your November 28, 2014 correspondence along with your Consultant’s April 9, 2015 correspondence to my staff regarding your Council’s request to amend the St. John’s Urban Region Regional Plan (SJURRP).

I am prepared to consider amending the SJURRP to re-designate lands east of Windsor Heights from “Rural” to “Urban Development” to accommodate residential development as noted in your correspondence.

Your Council may now proceed with public consultation as required by Section 14 of the Urban and Rural Planning Act, 2000 (the Act) related to the proposed amendment to the SJURRP. Consultation for the proposed SJURRP amendment should be concurrent and referenced with that required for the Town’s proposed amendment to its Municipal Plan and Development Regulations.

As provided by the Act, I will require that you consult with the public, and the other 14 municipalities that are subject to the St. John’s Urban Region Regional Plan in relation to these proposed amendments. My Department will also undertake internal consultations with government departments and agencies with respect to your Council’s proposal.

Upon completion of that consultation process, please provide me with a summary of the consultation, along with any written representations received by the Town. Officials of my department will provide your Council with any comments and requirements determined through the internal government consultation.

Sincerely,

KEITH HUTCHINGS, MHA  
District of Ferryland  
Minister of Municipal and Intergovernmental Affairs
December 10, 2014

Mayor Moses Tucker
Town of Portugal Cove – St. Philip’s
1119 Thorburn Road
Portugal Cove – St. Philip’s, NL
A1M 1T6

Dear Mayor Tucker;

We are in receipt of your letter addressed to our Minister dated November 28, 2014, wherein you request Amendments to the St. John’s Urban Region Regional Plan to re-designate land for residential use.

Please be advised that we are reviewing your request and will be in contact with you in the near future.

Yours truly,

Corrie Davis, MCIP
Manager, Land Use Planning

P.O. Box 8700, St. John’s, NL, Canada A1B 4J6 t (709) 729-3090 f (709) 729-0477
Title: Proposed Amendment to the St. John’s Urban Region Regional Plan

Decision/Direction Required:

- Whether to proceed with public consultation for a proposed amendment to the St. John’s Urban Region Regional Plan (SJURRP) requested by the Town of Portugal Cove-St. Philip’s (PCSP).
- It is recommended that the Department support the requested amendment.

Background and Current Status:

- The SJURRP is a statement of provincial policy approved by Cabinet in 1976. The Minister of Municipal and Intergovernmental Affairs is the Authority for the SJURRP. All plans prepared by municipalities within the St. John’s Urban Region must conform to the SJURRP.
- Whereas the Minister is the Authority for the SJURRP, there are several decisions required in order to finalize an amendment to the SJURRP. At any one of these decisions points, the Minister can halt the process if he feels the proposal is contrary to provincial or public interest:

1. Current decision point: On consideration of the Council’s request, the Minister must choose whether or not to initiate public and stakeholder consultation.

2. On consideration of comments made during public and stakeholder consultation, whether or not to “Adopt” the amendment. If the Minister chooses to adopt the amendment, he must also appoint a commissioner, usually nominated by the municipality, to conduct a Public Hearing.

3. On consideration of a Commissioner’s Report as a result of the Public Hearing, the Minister must choose to either “Approve” (with or without modification to the adopted amendment) or reject the amendment.

4. If approved, the Minister must agree to “Register” the amendment.

- The requested amendment from Portugal Cove-St. Philip’s is at decision point #1 noted above.
- PCSP requested an amendment to the SJURRP to re-designate land east of Windsor Heights to accommodate residential development. The Town has not submitted a subdivision plan for the subject property.
- The proposed site is currently designated “Rural” by the SJURRP, which does not accommodate the proposed residential development.
- The Town requested the SJURRP be amended to re-designate the areas currently labelled “Rural” to “Urban Development” (Map attached).
- Any amendment to the SJURRP must follow the process outlined by the Urban and Rural Planning Act, 2000.
- The Minister must determine whether or not to proceed with an amendment to the SJURRP.
- The Minister is not bound to continue the process if issues are raised through the public and stakeholder consultation process demonstrate that the proposal is contrary to a provincial interest or otherwise not in the public interest.
Formal decision points will follow in the process, including whether or not the Minister will “Adopt” the amendment, appoint a Commissioner to hold a public hearing, and whether or not to “Approve” (with or without modification) the amendment on consideration of a Commissioner’s report. At any point the Minister has the authority to stop the process.

Amendments to the SJURRP are subject to public and stakeholder consultation. Agreement to proceed through initial public consultation does not bind the Minister to approve the amendment should a provincial interest or public opinion warrant further consideration.

Analysis:

The Department recommends that the Minister allow initial public and stakeholder consultation for an amendment to the St. John’s Urban Region Regional Plan as requested by Town of Portugal Cove-St. Philip’s to re-designate the subject property from “Rural” to “Urban Development”.

The department further recommends that the Town undertake consultation with the public and other Municipalities subject to the SJURRP and that the Department consult with other Departments and Agencies of the Government via the Interdepartmental Land Use Committee.

Draft Correspondence to the Town (COR/2015/00910) is attached, for consideration of the Minister, if he accepts the Department’s recommendation.

Alternatives:

The Minister has the authority to support the Town’s request to initiate an amendment to the St. John’s Urban Region Regional Plan.

- At this time, we are not aware of any provincial interests, policies, or law to dissuade the Minister from initiating the consultation process in consideration of the proposed Regional Plan amendment.
- If provincial interests or concerns arise during the consultation process with departments/agencies or the public, additional decision points are provided in the process for consideration and Ministerial discretion.

The Minister has the authority to reject the proposed Regional Plan amendment.

- The Town would be unable to proceed with amendments to the PCSP Municipal Plan and Development Regulations due to the conflict with the Regional Plan.
- The property owner would be unable to undertake residential development on the property.

Prepared / Approved by: K. Blanchard, C. Davis / [Signature]
Ministerial Approval: [Signature]

March 3, 2015
Revised March 24, 2015 / April 27, 2015
Appendix

St. John’s Urban Region Regional Plan Amendment 1, 2015

I, Keith Hutchings, Minister of Municipal & Intergovernmental Affairs, under authority of Section 18 of the Urban and Rural Planning Act 2000, adopt the St. John’s Urban Region Regional Plan Amendment No. 1, 2015.

Signed at St. John’s, Newfoundland and Labrador
the ______ day of ________ 2015

I certify that the attached St. John’s Urban Region Regional Plan Amendment No. 1, 2015 has been prepared in accordance with the requirements of the Urban and Rural Planning Act 2000.

Signed at St. John’s, Newfoundland and Labrador
this ______ day of ________ 2015
Corrie:

**RE: PCSP Plan Amd 26 & DRA 56, 2014**

The above noted amendment is attached for your review. As you requested, the Amendments have been re-numbered to **PCSP Plan Amd 1 & DRA 1, 2015**. The FLU Map and LUZ Map amendment boundary has been adjusted to coincide with Recommendation No. 4 of the ADA Ag Review (attached).

I can confirm that the Town is not seeking to amend additional ADA lands. Only land as identified in Recommendation No. 4 is proposed to be amended.

If this is acceptable, I can provide you with hard copies.

Reginald Garland, MCIP
Planning Consultant
Plan-Tech Environment Ltd.
8 Massey Crescent
Mount Pearl, NL
A1N 2H2
Tel/Fax: (709) 364-3212
Cell: (709) 682-5680
e-mail: rgarland@plantechnvironment.com
www.plantechnvironment.com

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**PLAN-TECH**

**ENVIRONMENT**
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
ST. JOHN'S URBAN REGION REGIONAL PLAN, 1976
AMENDMENT 1, 2015

Windsor Heights

Portugal Cove-St. Philip's

June 2015
URBAN AND RURAL PLANNING ACT, 2000
RESOLUTION TO APPROVE

ST. JOHN'S URBAN REGION REGIONAL PLAN, 1976
AMENDMENT No. 1, 2015

Under the authority of section 16, 17 and 18 of the Urban and Rural Planning Act 2000, the Minister of Municipal and Intergovernmental Affairs

a) adopted Amendment No 1, 2015 to the St. John's Urban Region Regional Plan, 1976 on the ___th day of ____________, 2015;

b) gave notice of the adoption of the Amendment No 1, 2015 to the St. John's Urban Region Regional Plan, 1976 by advertisement inserted on the ___th day and the ___th day of ____________, 2015 in The Telegram newspaper; and

c) set the ___th day of ____________, 2015 at XX:XXPM at the Town Hall, Portugal Cove-St. Philip's, for the holding of a public hearing to consider objections and submissions.

Now under the authority of Section 23 of the Urban and Rural Planning Act 2000, the Minister of Municipal and Intergovernmental Affairs hereby approves Amendment No 1, 2015 to the St. John's Urban Region Regional Plan, 1976; as adopted on ____________, 2015.

__________________________
Minister of Municipal and Intergovernmental Affairs

Signed and sealed before me at St. John’s Newfoundland and Labrador
this _____ day of ________________________, 2015.

__________________________
Witness

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that Amendment No. 1, 2015 to the St. John's Urban Region Regional Plan, 1976 was prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000.
URBAN AND RURAL PLANNING ACT, 2000

ST. JOHN’S URBAN REGION REGIONAL PLAN, 1976 AMENDMENT No. 3, 2014

Under the authority of Section 16 of the Urban and Rural Planning Act, 2000, the
Minister of Municipal and Intergovernmental Affairs hereby adopts Amendment No 1, 2015 to
the St. John’s Urban Region Regional Plan, 1976.

Minister of Municipal and Intergovernmental Affairs

Signed and sealed before me at St. John’s Newfoundland and Labrador
this _____ day of ________________, 2014.

Witness

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that Amendment No 1, 2015 to the St. John’s Urban Region Regional Plan, 1976 was
prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000.
Amendment No 1, 2015 to the
St. John’s Urban Region Regional Plan, 1976

BACKGROUND

The Portugal Cove-St. Philip’s Town Council is proposing amendments to its Municipal Plan and Development Regulations. The Urban and Rural Planning Act, 2000 (the Act) sets out the process for amending a Municipal Plan and Development Regulations.

The amendment is intended to accommodate new residential development at east of existing residential development at Windsor Heights. Prior to 2013, the land was protected for agricultural uses by the province. St. John’s Urban Region Agriculture Development Area Order, 2013 removed the subject area from provincial agricultural protection.

The Portugal Cove-St. Philip’s Municipal Plan and Development Regulations (2014) were drafted prior to the removal of those lands from the provincial protection for agricultural use. Therefore, the land is designated and zoned for agricultural uses within the Portugal Cove-St. Philip’s Municipal Plan.

The Town Council proposes to amend the Portugal Cove-St. Philip’s Municipal Plan by changing the designation of the area on the Generalized Future Land Use Map 1 from “Agriculture” to “Residential”. Additionally, the Town Council proposes to amend the Portugal Cove-St. Philip’s Development Regulations by changing the zoning of the area on the Development Regulations Map 1 from “Agriculture” to “Residential – Low Density”.

The St. John’s Urban Region Regional Plan, 1976 (SJURRP) sets out a framework for growth and development within the St. John’s Urban Region. Municipal Plans prepared by municipalities in the St. John’s Urban Region must be consistent with the SJURRP. In accordance with the SJURRP, the subject lands are located in the “Rural” designation. Residential development not associated with rural uses such as agriculture are only provided by the “Urban Development” designation of the Regional Plan. In order to accommodate the proposed Municipal Plan and Development regulations amendments, the Town Council of the Town of Portugal Cove-St. Philip’s requested that the SJURRP be simultaneously amended to reflect the Town’s proposal.

To accommodate the Town’s proposed amendments the SJURRP designation for the subject lands east of Windsor Heights will be changed to “Urban Development”. The attached SJURRP map amendment illustrates the area to be amended.

PUBLIC CONSULTATION

During the preparation of this amendment Council will undertake a public consultation process, seeking comments or representations from the public on the proposed amendments to the Town’s Municipal Plan, its Development Regulations and the SJURRP. As part of the process, the Town will provide an opportunity for the other municipalities in the Northeast Avalon subject to the SJURRP to provide input into the proposed amendments. The public will be notified of the
proposed amendments and given an opportunity to make comments through postings on the Town’s website and publications in the Telegram.

AMENDMENT No. 1, 2015
The St. John's Urban Region Regional Plan, 1976 is amended by re-designating an area east of the Windsor Heights subdivision in Portugal Cove-St. Philip's from “Rural” to “Urban Development” as shown on the attached map.

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION
I certify that this Amendment No 1, 2015 to the St. John’s Urban Region Regional Plan, 1976 has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000.
22 May 2015

Mr. Darren Moore, Chair
Interdepartmental Land Use Committee
c/o Department of Municipal and Intergovernmental Affairs
Howley Building, Higgins Line
P.O. Box 8700
St. John’s, NL A1B 4J6

Dear Mr. Moore:

Re: SJURRP Amendment 1, 2015 requested by the Town of Portugal Cove-St. Philip’s

The Town of Portugal Cove-St. Philip’s (PCSP) requested an amendment to the St. John’s Urban Region Regional Plan (SJURRP) to re-designate land east of Windsor Heights to accommodate residential development. The site is currently designated “Rural” by the SJURRP, where residential development is prohibited. The Town requested the SJURRP be amended to re-designate the subject lands in the Windsor Heights area from “Rural” to “Urban Development.”

The Urban and Rural Planning Act, 2000, requires that, prior to amending the SJURRP, there be consultation with departments and agencies of the government. Therefore, please refer the attached proposed amendment including ARC GIS shape files for the mapping to the Interdepartmental Land Use Committee for review, comment and recommendation.

Upon completion of the ILUC review, the Department of Municipal and Intergovernmental Affairs will provide any comments and recommendations generated through the ILUC referral process to the Town and its consultant for consideration.

Sincerely,

Corrie Davis, MCIP
Manager, Land Use Planning

Attachments