Dear [Redacted],

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [MIGA/21/2015]

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

1. Appeal documents(s) filed with the Eastern Newfoundland Regional Appeal Board with respect to a decision by the Town of Holyrood refusing an Application to construct a mineral exploration road near the TCH in the area of Big Triangle Pond and any documentation filed in support of this Appeal.
2. Response(s) of the Town of Holyrood to the Applicant’s/Appellant’s Appeal.
3. Any other documents filed by other party(s) with respect to this matter.

I am pleased to inform you that your request for access to these records has been granted.

In accordance with your request for a copy of the records, please find enclosed the appeal documents filed with the Eastern Newfoundland Regional Appeal Board with respect to a decision by the Town of Holyrood refusing an Application to construct a mineral exploration road near the TCH in the area of Big Triangle Pond. These documents include submissions from the Town of Holyrood, the Appellant, as well as a provincial government technical report. No other party to date has filed documents with the Eastern Newfoundland Regional Appeal Board with respect to this matter.

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 the ATIPP Coordinator at 729-2787.

Sincerely,

COLLEEN JANES  
Deputy Minister for Municipal Affairs

Enclosure
By Courier

April 28, 2015

Eastern Regional Appeal Board
c/o Department of Municipal Affairs
P.O. box 8700
St. John’s, NL A1B 4J6

Attention: Robert Cotter

Dear Mr. Cotter:

Re: 15-006-024-014: Appeal between Eagleridge International Limited and the Town of Holyrood respecting the refusal of a resource road and mineral exploration off Trans-Canada Highway

Please find enclosed the submissions of the Town Council of Holyrood in relation to the above noted matter.

Sincerely,

CURTIS, DAWE

AIMEE N. ROWE

Encls.
<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 30, 2013</td>
<td>Received a letter from Department of Environment advising of a Proposed Undertaking for Big Triangle Pond Mineral Exploration Access Road.</td>
</tr>
<tr>
<td>November 15, 2013</td>
<td>Received application for resource road and mineral exploration from Eagleridge International Ltd.</td>
</tr>
<tr>
<td>November 27, 2013</td>
<td>Email from Al Chislett agreeing to defer application until the Department of Environment and Conservation completes the Environment Preview process.</td>
</tr>
<tr>
<td>February 2014</td>
<td>Received copy of the Environmental Preview Report from Eagleridge International Ltd. (82 page document- see attached email).</td>
</tr>
<tr>
<td>March 24, 2014</td>
<td>Wrote a letter to Director of Environmental Assessment Division.</td>
</tr>
<tr>
<td>March 25, 2014</td>
<td>See attached minutes from the Regular Meeting of Council.</td>
</tr>
<tr>
<td>October 14, 2014</td>
<td>Minister of Environment and Conservation released the Environmental Preview report from further review.</td>
</tr>
<tr>
<td>December 4, 2014</td>
<td>Advertised Discretionary Use in The Shoreline-Briefing will be held on January 13, 2015.</td>
</tr>
<tr>
<td>January 6, 2015</td>
<td>See attached minutes from the Regular Meeting of Council. Briefing now moved to Holy Cross Elementary; 12 people have registered to speak. 14 letters have been received on the application. Stan Clinton has been appointed to chair the briefing.</td>
</tr>
<tr>
<td>January 13, 2015</td>
<td>Briefing was held- chaired by Stan Clinton. 11 individuals presented concerns. Eagleridge representatives presented.</td>
</tr>
<tr>
<td>January 23, 2015</td>
<td>Received briefing report from Stan Clinton with...</td>
</tr>
<tr>
<td>Date</td>
<td>Event</td>
</tr>
<tr>
<td>-----------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>February 17, 2015</td>
<td>See attached minutes from the Regular Meeting of Council. Council turned down the application from Eagleridge Internation Ltd.</td>
</tr>
<tr>
<td>March 2, 2015</td>
<td>Letter of refusal sent to Eagleridge International Ltd.</td>
</tr>
</tbody>
</table>
EASTERN NEWFOUNDLAND REGIONAL APPEAL BOARD

BETWEEN: EAGLERIDGE INTERNATIONAL LIMITED APPELLANT

AND: THE TOWN COUNCIL OF HOLYROOD RESPONDENT

---

SUBMISSIONS OF THE TOWN COUNCIL OF HOLYROOD

---

PAUL R. STOKES, Q.C.
CURTIS, DAWE
Solicitors for the Town Council of Holyrood
139 Water Street, 11th Floor
Fortis Building
St. John’s, NL A1C 5J9

TO: Stewart McKelvey
Solicitors for Eagleridge International Limited
Suite 1000, Cabot Place
100 New Gower Street
St. John’s, NL A1C 6K3
Attn: Colm St. R. Seviour

TO: Eastern Newfoundland Regional Appeal Board
c/o Department of Municipal Affairs
P.O. Box 8700
St. John’s, NL A1B 4J6
Attn: Mr. Robert Cotter
The Response of the Town Council of Holyrood (the “Council”) says as follows:

Material Facts

1. On September 30, 2013, the Town of Holyrood (the “Town”) received a letter from the Government of Newfoundland and Labrador, Department of Environment and Conservation (the “Department”), advising that there was a proposed undertaking for a mineral exploration access road at Big Triangle Pond registered with the Department and inviting the Town to advise of any concerns in relation thereto.

   Reference: Letter to the Town from the Department of Environment and Conservation, dated September 25, 2014 at Tab 1.

2. On November 15, 2013, Albert Chislett (“Chislett”), President of Eagleridge International Limited (“Eagleridge”), submitted an Application for a Development Permit (“Development Application”), to the Town for the Development of an eleven (11) kilometer Class C Resource Road as per the Environmental Assessment Application to the Department (the “Development”).
3. On November 27, 2013, the Town forwarded to Chislett an email advising that the Council wished to defer the Development Application until the Department completed the planned Environment Preview Report ("EPR") and a decision is made by the Minister.

Reference: Email correspondence from the Town, dated November 27, 2013, at Tab 3.

4. On same date, Chislett forwarded to the Town an email advising that he was in agreement that the Development Application may be deferred until the EPR was completed and a decision made by the Minister.

Reference: Email correspondence from Albert Chislett, dated November 27, 2013, at Tab 4.

5. In February, 2014, the Town received a copy of the EPR from Eagleridge.


6. On March 24, 2014, the Mayor of the Town forwarded to the Department a letter advising of the Town's regulatory process in relation to the Development Application.
7. On March 25, 2014, the Development Application was tabled at a Regular Meeting of Council. At this time, Council made the following comments:

a) Council has received a number of emails regarding the Town's position with respect to the Development Application;

b) The Environmental Assessment will be used as a resource use study pursuant to Municipal Plan Policy 3.2.10(iv);

c) The area is zoned a watershed, in which mineral workings are considered a discretionary use; comments will be requested from the Water Resources Division of the Department;

d) The Town will reserve judgment on the Development Application until the Environmental Assessment process has been completed; and

e) The Town will hold a public briefing with respect to the Development Application.


8. On October 14, 2014, the Honourable Dan Crummel, Minister of the Department announced that the Development was released from further review by the Department, upon conditions.


9. On December 4, 2014 a Notice of Discretionary Use was published in the Shoreline Newspaper. The Notice stated that a briefing would be held on
January 13, 2015 and that individuals wishing to register must contact the Town by 12:00 p.m. on December 19, 2014.


10. In December and January, 2015, Council received sixteen (16) written submissions which outlined concerns that interested persons had in relation to the proposed Development. More particularly, concerns were raised with respect to the effect of the proposed Development on:
   a) the Atlantic Salmon population and Sea Run Brown Trout Stocks;
   b) wildlife, generally;
   c) the environment generally;
   d) the Town’s water supply; and
   d) recreational activities in the area.

11. In addition, in January, 2015, Council received a Petition for the rejection of the Development Application, which petition was signed by hundreds of interested persons.

12. On January 6, 2015, the Development Application was tabled at a Regular Meeting of Council. At this time, Council made the following comments:
   a) The briefing was moved to Holy Cross Elementary Gym;
   b) The briefing would be chaired by Stan Clinton;
c) Twelve (12) people were registered for the briefing; and

d) There were fourteen (14) written submissions which would be dealt with at the briefing.

**Reference:** Minutes of Meeting, dated January 6, 2015, at Tab 10.

13. On January 13, 2015 the public briefing was held.

14. On January 23, 2015 the Town received the report from S. N. Clinton (the "Clinton Report").

**Reference:** The Clinton Report, dated January, 2015, at Tab 11.

15. On February 17, 2015, the Development Application was tabled at a Regular Meeting of Council. At this time, all members of Council opposed the issuance of the Development Application.

**Reference:** Minutes of Meeting, dated February 17, 2015, at Tab 12.

16. On March 2, 2015, Mr. Gary Corbett, the Town’s Chief Administrative Officer, forwarded to Eagleridge a letter advising that the Development Application was not approved (the "Decision Letter").

**Reference:** Decision Letter, dated March 2, 2015, at Tab 13.
17. The Applicant has listed four (4) grounds of appeal in his Amended Grounds of Appeal:

1) By purporting to simply "exercise its discretion" to adopt the January 21, 2015 "Briefing Report on Proposed Big Triangle Pond Mineral Exploration Access Road" authored by Stanley N. Clinton (the "Clinton Report") which recommended against approving the Project, without any reasons, the Town failed to independently consider the basis for the Clinton Report and the serious factual, legal and technical errors underlying the Clinton Report, of which serious factual, legal and technical errors of the Town of Holyrood knew or ought to have known, including the following:

(a) In concluding that the Eagleridge Application should be rejected to preserve and protect the water quality and quantity for the Town of Holyrood's future water needs, the author of the Clinton Report was either unaware of or improperly ignored the fact that the Project will not have an impact on the watersheds of those four (4) potential future water supply systems options for the Town which were identified in the August 14, 2014 report of the BAE-Newplan Group Limited entitled "Review of 2005 Holyrood Water Study" namely (1) interconnection with the Avondale regional water supply system, (2) interconnection with the City of St. John's regional water supply system, (3) development of George's Pond as a water supply system, or (4) development of Harbour Main Pond as a water supply system.

(b) The Clinton Report contains the unsubstantiated statement that "the Holyrood and Harbour Main areas are known to have high levels of arsenic in their geology", purportedly leading to the author's conclusion that "there is a potential that the overall ground disturbance along with possible spillages could impact on the water table and the quality and quantity of water which will be available for future use", which assertions are wholly unsubstantiated and contrary to fact, and did not form part of any informed technical or other submissions made at the Public Briefing in relation to the Eagleridge Application or otherwise made to the author (which submissions form part of the Clinton Report).

(c) The author of the Clinton Report was either unaware of or improperly ignored the fact that the proposed Project activities are remote from any public water supply areas designated by the Minister of Environment and Conservation as a protected water supply area under
the Water Resources Act (NL). In fact, the Town’s designated “Mineral Workings” zones, in which there are ongoing quarry operations, are located very near one of the Town’s principal protected water supply areas.

(d) “Mineral Workings”, which includes mineral exploration of the nature contemplated by Eagleridge, is expressly permitted as a discretionary use class within the Town’s Watershed zone, and section 4 of the relevant Use Zone Table appears to oblige the Town to consult with applicable Provincial agencies in respect of application which “have resource potential”. In recommending the rejection of the Eagleridge Application, the author of the Clinton Report improperly overlooked or disregarded the Town’s Development Regulations which expressly authorize and permit resource road construction and mineral exploration activities in the area covered by the Project. In particular, the Clinton Report improperly focused on issues relating to development of a mine (which was not the subject of Eagleridge’s development application and would in any event be the subject of a separate environmental assessment under the Environmental Protection Act) rather than confining its assessments to the Project, which involved specifically-authorized resource road construction and mineral exploration activities only (for which mineral exploration activities Eagleridge possesses full legal authority under mineral exploration licences duly issued by the Department of Natural Resources).

(e) Section 3.2.10 of the relevant Municipal Plan, which is entitled “Watershed”, contains the following Policy Statement:

It is the policy of the plan to allow the continuation and minor expansions of the existing uses in the designated Watershed Area, provided that the future water quality in the area is not adversely affected.

The Clinton Report failed to consider and take into proper account the previous mineral exploration work and activities which had been undertaken by Eagleridge in the area of the Project pursuant to Exploration Approvals duly issued pursuant to the Mineral Act.

(f) The Clinton Report failed to take into account that the recently-adopted Municipal Plan expressly endorses the appropriateness of “mineral exploration within designated protected Watershed areas”, subject to approval of exploration activities.
(g) The Clinton Report exhibited improper bias by expressing surprise and criticism at the decision of the Minister of Environment and Conservation to conditionally release the Project from environmental assessment and by recommending that the Town remove “mineral working” as a discretionary use class in the Town’s watershed zone, thereby indicating a predisposition to recommend against approving the Project.

(h) The Clinton Report failed to comprehend that the general principle of the objective contained in section 2.7 of the Municipal Plan to prevent development within the municipal watershed was legally and properly modified by the Municipal Plan and the Development Regulations which contemplated the authorization of the Project activities.

2) In rejecting the Eagle Ridge Application, the Town improperly overlooked or disregarded the conditional release of the Project by the Minister of Environment and Conservation pursuant to the Environmental Protection Act (the “Environmental Release”), which confirmed the environmental suitability of the Project subject to the conditions of Environmental Release, and thereby improperly substituted its opinion and decision as to the environmental suitability of the Project for that of the Minister of Environment and Conservation, notwithstanding the Clinton Report’s agreement that Eagleridge’s “proposed road construction may be more environmentally friendly than the repeated use of existing or newly cut trails by tracked vehicles over long periods of time”.

3) By purporting to “exercise its discretion” to simply adopt the Clinton Report, the Town improperly abdicated and delegated its decision-making to an unelected official contrary to its obligations under the Municipalities Act, and contrary to the intent and legal requirements of the Municipalities Act.

4) In all of the circumstances, the Town improperly exercised its decision-making authority and/or its discretion in rejecting the Eagleridge Application.
Submissions of Council

Discretionary Decisions:

18. In the Decision Letter, the Town indicated that the proposed Development constituted a Discretionary Use pursuant to the Watershed Land Use Zone Table; as a result the decision to approve or refuse the Development Application was discretionary.


19. In Mount Pearl v. Mount Pearl Local Board of Appeal, a company applied for a permit to operate a bingo hall. A public hearing was held, during which various parties voiced their opposition to the operation of a bingo hall. Council refused to issue the permit on the basis that the operation of a bingo hall would not be in the public interest and that such an operation would cause serious hardship to various community groups who relied on such activities to raise funds. The Appeal Board overturned Council’s refusal on the basis that perceived hardship was not a sufficient ground to refuse the permit. The Council appealed the decision of the Appeal Board. The Court of Appeal allowed the Appeal. In the decision, the Court held:

The powers of courts to interfere with discretionary decisions of municipal authorities has been set forth clearly in the case of the City of Regina v. Cunningham (1994), M.P.L.R. (2d) 14 (Sask. C.A.) which admonitions would needless to say, as stated above, apply equally to review by appeal boards. In that case, Lane, J.A., quoting from various other cases on the subject, stated:
The Courts are loathe to interfere with decisions made in good faith by statutory bodies, the members of which are voted or appointed to office because others have confidence in their experience and integrity. But when such bodies err by acting in excess of their statutory powers, the Courts will control them.

The Courts have in recent years shown an increasing disposition to avoid interference with the legislative functions of municipal councils except in cases where there has been a clear excess or abuse of statutory authority or a disregard of some statutory condition upon which the right to exercise such authority is based.

What is in the public interest is for Council to decide and when there is no evidence of misconduct its action is not open to review by the Court.

In my opinion, a municipal council is a legislative body having a very limited and delegated jurisdiction. Within the limits of its delegated jurisdiction and subject to the terms of the delegation, its power is plenary and absolute and in no way subject to criticism or investigation by the Courts.

The above quotes make it very clear that before a court, or a review board, may overturn the actions of a municipal authority acting in the exercise of its discretionary power, it must be demonstrated that without question the municipal authority has acted in excess of those powers.


20. The legal principles relating to the exercise of discretionary authority are outlined in Practice and Procedure Before Administrative Tribunals, as follows:

a) Discretion must be exercised;
b) Discretion must be exercised by the person who possesses it and not someone else;

c) Discretion must be exercised on the merits of each case;

d) Discretion must be exercised in good faith;

e) Discretion must be exercised for the purpose for which it was given;

f) Discretion cannot be exercised in a discriminatory manner;

g) Decision-makers must consider all relevant considerations;

h) Discretion wielder must comply with conditions and directions of grant; and

i) Natural Justice and Fairness.


21. Council submits that at all material times it acted in accordance with the legal principles outlined above. In particular, Council states that it exercised its discretion in good faith to refuse the Development Application, by taking the following steps:

a) deferring consideration of the Development Application until such time Council was in receipt of the Environmental Preview Report;

b) holding a public briefing and encouraging representatives of Eagleridge and other interested parties to voice their opinions and concerns in relation to the proposed Development;

c) retaining Stanley Clinton, an independent third party, to chair the briefing so that all members of Council could actively listen to the proposal by Eagleridge and the issues raised by interested parties;
d) holding a public briefing; and

e) taking into consideration all representations and documentation provided to Council in relation to the Development Application.

22. Council further submits that Eagleridge has failed to establish that Council either exercised its discretion in bad faith or in excess of its statutory powers.

Response to the Grounds of Appeal

Issue 1:

By purporting to simply "exercise its discretion" to adopt the January 21, 2015 "Briefing Report on Proposed Big Triangle Pond Mineral Exploration Access Road" authored by Stanley N. Clinton (the "Clinton Report") which recommended against approving the Project, without any reasons, the Town failed to independently consider the basis for the Clinton Report and the serious factual, legal and technical errors underlying the Clinton Report, of which serious factual, legal and technical errors of the Town of Holyrood knew or ought to have known.

23. In its submissions to the Eastern Regional Appeal Board (the "Board"), Eagleridge has alleged that Council adopted the Clinton Report without independently considering the basis for the Report or the underlying errors with respect thereto.

24. Eagleridge has outlined the following errors underlying the Clinton Report:

a) the author failed to take into consideration the fact that the Project will not have an impact on the watersheds of four (4) potential future water supply systems for the Town which were identified in a report from the BAE-Newplan Group Limited;
b) the report contains the unsubstantiated statement that the Holyrood and Harbour Main areas are known to have high levels of arsenic leading to a conclusion that ground disturbance could have an impact on the water table and quality and quantity of water;

c) the author was unaware that the proposed Development was remote from any public water supply areas designated as a protected water supply under the Water Resources Act;

d) the author overlooked the Town’s Development Regulations which expressly authorize and permit resource and road construction and mineral exploration activities in the area covered by the Project;

e) the author failed to consider the previous activities in the area which had been undertaken by Eagleridge;

f) the author failed to take into account the recently-adopted Municipal Plan which expressly endorses the appropriateness of mineral exploration in watershed areas;

(g) the author exhibited improper bias toward the decision of the Minister of the Department to release the project from environmental assessment, thereby indicating a predisposition toward recommending against the project; and

(h) the author failed to comprehend s. 2.7 of the Municipal Plan which contemplates authorization of the Project’s activities.

25. Council refers to the Decision Letter, which states:

It was the recommendation of the planning facilitator that the Town of Holyrood refuse the Eagleridge International Ltd. development application to construct an Exploration Access Road in the Big Triangle Pond area of the town’s designated watershed. Council exercised its discretion and accepted the recommendation of the planning facilitator to refuse the application.

26. Council states that though it accepted the recommendation of S.N. Clinton to refuse to the Development Application, it did not at any time expressly accept or adopt the Clinton Report as a whole. Council deemed the Clinton Report to be one of many relevant considerations.

Issues 1(a) and (b): Water Quantity and Quality (Alternate Water Supply and Arsenic Pollution)

27. Council states that it was aware that there are alternate water supply sources. Council states, however, that an equally relevant consideration is the impact of the proposed Development on the existing watershed area. There were many concerns raised, both in writing and at the public briefing, with respect to the effect of the proposed Development on the quantity and quality of water in the watershed area.

28. The importance of the protection of the watershed areas was outlined in The Municipal Plan in effect at the time the Development Application was made:

The Town has a relatively large watershed designated for protection, a large portion being south of the Trans-Canada Highway. There are two watersheds, one which drains into both the North Arm River and one which drains into the Harbour Main Pond. While the present well water supply meets the needs of the Town, Council has been interested in an alternate source of surface water, one that can meet the demands of the entire community. Proposed water sources include the North Arm River and Harbour Main Pond, but no final decision has been made about the future source.
As future regional water supplies are being considered, protection of future water sources become important. Any developments in such areas should be coordinated with concerned departments such as Environment and Lands, Water Resources Division and Municipal and Provincial Affairs, Urban and Rural Planning and Engineering Divisions.

**Reference:** Municipal Plan, prepared March, 1993, at 3.2.10, at Tab 16.

29. The Municipal Plan further states:

**Policy Statements:**

(iii) It is the policy of the Plan to allow the continuation and minor expansions of the existing uses in the designated Watershed area, provided that the future water quality in the area is not adversely affected.

(iv) Uses in the designated Watershed Area will be limited to passive recreational activities such as hiking, fishing, and canoeing, until such time as a resource use study is completed which carefully considers the Watershed Area's resources and uses which are compatible with the municipal water supply priority.

**Reference:** Municipal Plan, prepared March, 1993, at 3.2.10, at Tab 16.

30. Council could not, based on all relevant information provided, conclude that the proposed Development would not have an adverse effect on the quantity or quality, as a result of pollution from arsenic or another pollutant, of the water supply in the designated watershed area.
Issue 1(c): Water Supply Protected by the *Water Resources Act*

31. Council acknowledges the fact that the Development Application does not contravene the provisions of the *Water Resources Act*, as the designated watershed area is not a protected water supply area under that legislation.

32. Council states, however, that the designated watershed area is a relevant consideration from a municipal planning perspective. Council again refers to the provisions of the Municipal Plan outlined in paragraphs 28 and 29 herein.

Issue 1(d): Town’s Development Regulations Authorize and Permit the Proposed Development

33. Section 4 of the Use Zone Table states:

4. Discretionary Uses

The discretionary use classes listed in this table may be permitted at the discretion of the Authority in the Watershed designation provided that their development will not adversely affect the quality and quantity of water available for domestic supply from the Watershed. The Authority shall consult the Department of Environment and Lands for evaluation of the effect of development proposals on the water quality.

*Reference:* Town of Holyrood Use Zone Tables, Watershed, at 48, at *Tab 17.*

34. Council acknowledged that that the proposed Development was a discretionary use, however, Council’s discretion was limited by adverse effect to the quality and quantity of the water in the watershed area.
35. As noted in paragraph 6 herein, on March 24, 2014, the Town forwarded a letter to the Department advising that the proposed Development was in a watershed area and that in accordance with Municipal Plan Policy 3.2.10(iv), the Development could not proceed without a resource use study, which:

...carefully considers the Watershed Area's resources as uses which are compatible with the municipal water supply priority.


36. Council intended to use the information gathered by the Department as part of the environmental assessment process as part of a resource use study.

37. However, upon review neither the Environmental Preview Report nor the conditions, outlined by the Minster, upon which the Development was released from further environmental assessment, addressed the concerns of Council with respect to the quantity and quality of the water in the watershed area.

38. Council states that based on all relevant information provided, it could not conclude that the proposed Development would not have an adverse effect on the quantity or quality of the water supply in the watershed area.
Issue 1(e): Continuation of the Existing Use by Eagleridge

39. Council was aware that Eagleridge had undertaken mineral exploration work activities in the area.

40. Council states however, that the proposed Development of an access road was not a pre-existing use.

41. In addition, pursuant to section 3.2.10 Policy (iii) outlined in paragraph 29 herein, it is incumbent on Council to consider whether future water quality will be adversely affected.

Issue 1(f): Effect of the New Municipal Plan

42. The Town adopted a new Municipal Plan on August 25, 2014. The new Municipal Plan was published in the Newfoundland and Labrador Gazette on February 27, 2015. The Notice of Registration outlined in the Gazette states:

   The Town of Holyrood Municipal Plan and Development Regulations, 2014-2024, comes into effect on the day that this notice is published in The Newfoundland and Labrador Gazette.


43. The decision to refuse the Development Application was made on February 17, 2015, before the adoption of the new Municipal Plan.
44. Nevertheless, Council was aware of the impending Municipal Plan, which more accurately states:

Mineral workings shall be limited to mineral exploration within the designated protected Watershed areas. Any exploration activities must be approved by the Department of Environment and Conservation, Water Resources Management Division, and Department of Natural Resources, as well as Council.

**Reference:** Town of Holyrood Municipal Plan, 2014-2024, s. 3.9.2(5) at 68, at Tab 19.

45. Therefore, the appropriateness of mineral exploration in the watershed area is subject to approval by Council. As noted in paragraph 20 herein, Council is under an obligation to consider all relevant considerations; as a result the decision to refuse the Development Application would not have been affected by this provision of the new Municipal Plan.

**Issue 1(g): Bias of the Clinton Report**

46. Council reiterates that it did not adopt the Clinton Report as a whole, but instead agreed, after independent consideration of all relevant materials provided, to refuse the Development Application.

47. Therefore, any bias held by S. N. Clinton cannot be attributed to and is not reflective of Council.
48. Further, Council has not taken steps to remove “mineral working” as a discretionary use class in the Town’s watershed zone, as recommended by S.N. Clinton.

Issue 1(h): Objective to Prevent or Permit Development in Watershed

49. Council acknowledges that mineral workings may be permitted in the watershed area, however states that mineral workings are outlined in the Use Zone Table (Watershed) as a Discretionary Use. Therefore, pursuant to both the relevant Municipal Plan and the 2014-2024 Municipal Plan, the Development Application is subject to approval by Council.

50. The 2014-2024 Municipal Plan does not permit mineral workings in a designated watershed area as a matter of right.

51. Both the preceding Municipal Plan and the 2014-2024 Municipal Plan contemplated possible adverse effects of urban expansion, industrial operations and resource development in the context of development in designated watershed areas, and expressly permitted such development subject to protection of the resources located therein.
Sufficient Reasons

52. Pursuant to s. 22 of the Development Regulations:

22. Reasons for Refusing Permit

The council shall, when refusing to issue a permit or attaching conditions to a permit, state the reasons for so doing.

Reference: Town of Holyrood Development Regulations, s. 22, at Tab 20.

53. On March 2, 2015 the Town forwarded to Eagleridge a letter indicating that the Development Application was denied by Council.


54. In the letter, the Town noted that this was a Discretionary Use Class, as it was a mineral working in a designated watershed area. The Town further advised that a public briefing was held in relation to the Application, wherein interested parties were given an opportunity to comment on the proposed Development. An independent chair was appointed for the purpose of the briefing. In accordance with the recommendation of the independent chair, the application was refused.

55. In Markwart v. Prince Albert (City), landowners appealed to City Council on the bases of improper disclosure and denial of an adjournment in relation to a
demolition Order. With respect to the reasons provided by Council, the Saskatchewan Court of Appeal held:

There is no requirement in these circumstances there must be provided "archival" reasons such as those associated with court judgments and there is flexibility in the type of written explanations required for the resulting decision.


56. Council submits that the reasons provided to the Applicant were sufficient in the circumstances.

Issue 2:

In rejecting the Eagle Ridge Application, the Town improperly overlooked or disregarded the conditional release of the Project by the Minister of Environment and Conservation pursuant to the Environmental Protection Act (the "Environmental Release"), which confirmed the environmental suitability of the Project subject to the conditions of Environmental Release, and thereby improperly substituted its opinion and decision as to the environmental suitability of the Project for that of the Minister of Environment and Conservation, notwithstanding the Clinton Report’s agreement that Eagleridge’s “proposed road construction may be more environmentally friendly than the repeated use of existing or newly cut trails by tracked vehicles over long periods of time”.

57. The Environmental Preview Report prepared by Eagle for the Department states:

The proposed resource access road surface rights are held by the Department of Crown Lands with no other known landowners within the project area. We are not aware of any zoning restrictions in the area, other than a land restriction imposed by Crown Lands.
58. The Release prepared by the Minister of the Department did not address the fact that the proposed Development was on a designated watershed area in the Town.

59. During the Council Meeting of February 17, 2015, Deputy Mayor Joy noted that Eagleridge did not refer to the presence of the Holyrood watershed in the Environmental Preview Report, nor was there mention of this fact in the Minister’s release of the project.

60. At the same meeting, Mayor Goobie based his decision to refuse the Development Application, in part, on the fact that the Environmental Preview Report fell short in addressing key concerns, i.e. impact on watershed area and the possibility of contamination.

61. Council, therefore, states that contrary to Eagleridge’s assertion, it did not substitute its opinion and decision as to the environmental suitability of the Project for that of the Minister.
62. Council specifically states that the Minister did not address whether the proposed Development was suitable to the designated watershed area, which consideration was material to Council.

**Issue 3:**

By purporting to "exercise its discretion" to simply adopt the Clinton Report, the Town improperly abdicated and delegated its decision-making to an unelected official contrary to its obligations under the *Municipalities Act*, and contrary to the intent and legal requirements of the *Municipalities Act*.

63. As outlined in paragraph 26 herein Council states that though it accepted the recommendation of S. N. Clinton to refuse to the Development Application, it did not at any time expressly accept or adopt the Clinton Report as a whole. Council deemed the Clinton Report to be one of many relevant considerations when accepting the recommendation to refuse the Development Application outlined therein.

64. Council acknowledges that it is under a duty to exercise its discretionary powers without delegating same. As noted in *Practice and Procedure Before Administrative Tribunals*:

> When a decision-maker exercises discretion he or she must do what he or she judges to be correct according to law, not what his or her employer, supervisor, peer or friends judge. It is the judgement of the discretion holder which must be exercised.

**Reference:** Robert Macaulay & James Sprague, *Practice and Procedure Before Administrative Tribunals*, loose-leaf (consulted on April
65. Council states that, at all material times, it was cognizant of its duty to independently exercise its discretionary authority and acted accordingly.

66. A review of the Minutes of Meeting of Council, dated February 17, 2015, highlights the comprehensive approach taken by Council with respect to its decision to refuse the Development Application. As evident, from the Minutes, each Councillor expressed their independent evaluation of the merits of the Application.

67. In particular, it is clear that the Councillors took into consideration emails, letters, calls, petitions and presentations as well as information provided by Eagleridge. Deputy Mayor Joy concluded that there were three main areas of concern with respect to the proposed Development, including:
   a) protection of the Holyrood watershed as a water supply;
   b) protection of the habitat of Atlantic Salmon and Sea Run Brown Trout Stocks; and
   c) protection of the accessible wilderness recreation areas.
68. The Councillors unanimously voted to refuse the Development Application. Notably, the substance of the Clinton Report was not mentioned by any Councillor during the vote.

Additional Considerations

69. Furthermore, Council refers to regulation 10(1) of the Development Regulations, which states [emphasis mine]:

10. Discretionary Powers of Authority

(1) In considering an application for a permit or for approval in principle to carry out development, the Authority shall take into account the policies expressed in the Municipal Plan and any further scheme, plan or regulations pursuant thereto, and shall assess the general appearance of the development of the area, the amenity of the surroundings, availability of utilities, public safety and convenience, and any other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Regulations, the Authority may, in its discretion, and as a result of its consideration of the matters set out in this Regulation, conditionally approve or refuse the application.

Reference: Town of Holyrood Development Regulations, s. 32, at Tab 23.

70. Council submits that in the event that the Development fully conformed to the Development Regulations, pursuant to Regulation 10, Council maintained the authority to deny the Application.
71. In *Paradise (Town) v. Newfoundland and Labrador (Eastern Regional Appeal Board)*, the Newfoundland and Labrador Supreme Court held that:

The Regulation goes on to further state, a point not focused on by the Appeal Board, that *notwithstanding the conformity of the application with the requirements of these Regulations, Council may, in its discretion, and as a result of its consideration of the matter set out in this Regulation, ... refuse the application*. I take this to mean even if the proposal of PowerLane conformed in every respect with the requirements of the Regulations, Council still has the discretion, under its discretionary powers and in respect of discretionary uses, to refuse an application. It is for the Town to decide, through the body of its elected officials, in what manner to exercise its discretion in the present instance.

**Reference:** *Paradise (Town) v. Newfoundland and Labrador (Eastern Regional Appeal Board)*, 2010 NLTD 116, at 32, at Tab 24.

72. Council received sixteen (16) written submissions from interested individuals expressing concern in relation to the proposed Development. In addition, Council received a petition to refuse the Development Application signed by an excess of eight hundred and fifty (850) interested persons.

73. Council states that as elected officials, it is incumbent upon them to give serious consideration to the concerns raised, in particular, by residents of the Town.

74. Further, as evidenced herein, Council took into consideration all relevant information presented to it.
As a result, Council states that in accordance with *Mount Pearl v. Mount Pearl Local Board of Appeal*, noted above, this Board should be loath to interfere with its good faith decision.

Relief Requested

Council states that its decision to deny the Development Application was reasonable and therefore, asks the Board to confirm its decision.

In the event that the Board determines that the decision of Council was either procedurally or substantively unfair, Council submits that pursuant to s. 42(11) of the *Urban and Rural Planning Act, 2000*, the Board cannot make another decision that overrules the decision of Council, as pursuant to s. 10 of the Development Regulations, it was a discretionary decision:

(11) Notwithstanding subsection (10), where a council, regional authority or authorized administrator may, in its discretion, make a decision, a board shall not make another decision that overrules the discretionary decision.


DATED at the City of St. John’s, in the Province of Newfoundland and Labrador, on this day of April, 2015.
TO: Stewart McKelvey
Solicitors for Eagleridge International Limited
Suite 1100, Cabot Place
100 New Gower Street
St. John’s, NL A1C 6K3
Attn: Colm St. R. Seviour

TO: Eastern Newfoundland Regional Appeal Board
c/o Department of Municipal Affairs
P.O. Box 8700
St. John’s, NL A1B 4J6
Attn: Mr. Robert Cotter
TAB 1
September 25, 2013

Town of Holyrood
PO Box 100
Holyrood NL A0A 2R0

RE: Proposed Undertaking for Big Triangle Pond Mineral Exploration Access Road

The above undertaking has been registered with this Department in accordance with the Environmental Protection Act, SNL 2002, cE-14.2 and Environmental Assessment Regulations 2003.

You are invited to review the enclosed document which describes the undertaking. If you have comments and/or concerns, please feel free to submit them in writing to my Minister on or before 10/23/2013, so that the Minister can meet the decision deadline of 10/31/2013.

Please indicate in any written submission if you DO NOT wish to have your comments made available to the proponent for informational purposes. 'A Guide to the Process' is enclosed for your information.

If you have any questions concerning the process or your involvement, please contact Paul Rideout at (709)729-0834, toll free at 1-800-563-6181 or email at paulrideout@gov.nl.ca.

Sincerely,

Bas Cleary
Director
Environmental Assessment Division
NAME OF UNDERTAKING:

Resource Road Construction for the purpose of conducting mineral exploration activities under the provisions of the Mineral Act and the Mineral Regulations (described below).

PROPONEHT:

(i) Name of Corporate Body:

Eagleridge International Limited

(ii) Address:

P.O.Box 14063, Station Manuels
Conception Bay South, NL A1W 3J1

Tel No. 709-834-0620, 709-834-9218
Fax No. 709-834-0720

(iii) Chief Executive Officer:

Albert Chislett

(iv) Principal Contact:

Albert Chislett
Chief Executive Officer
P.O.Box 14063, Station Manuels
Conception Bay South, NL A1W 3J1

THE UNDERTAKING:

(i) Name of Undertaking:

Resource Road Construction for the purpose of conducting mineral exploration activities under the provisions of the Mineral Act and the Mineral Regulations (described below).
(ii) Purpose / Rationale/ Need for Undertaking:

The purpose of the intended Resource Road is to allow access to the lands and mineral rights covered by map staked mineral licenses 20215M, 20141M, 17545M, 20905M, 21339M and 21340M issued by the Minister of Natural Resources to the Proponent for the purpose of conducting mineral exploration thereon and therein as permitted under the Mineral Act and the Mineral Regulations. It is contemplated that the mineral exploration activities will include non-intrusive ground geophysics and the taking of soil samples. There is a possibility that drilling and limited trenching will be undertaken at a future date. All mineral exploration activities will be located in reasonable proximity to the intended Resource Road. It is understood that the contemplated mineral exploration activities will be subject to the notice obligation and to the requirement to obtain exploration approvals under the Mineral Act (section 5) and the Mineral Regulations (section 41), and to the associated obligations thereunder.

The Resource Road will also eliminate the need to access the lands and mineral interests covered by the mineral licenses from Salmonier Line (Route 90) through wetlands and sensitive areas.

DESCRIPTION OF UNDERTAKING:

(i) Geographic Location:

As indicated on the attached map, this proposal is located on the Avalon Peninsula within the general vicinity of Big Triangle, Southern Peak and Conns Ponds, and is within Holyrood town limits. As well, to the North of this road proposal is Highway 1 (Trans Canada Highway) and to the West is Highway 90 (Salmonier Line). To the south is the Salmonier Nature Park and to the South East is the Avalon Wilderness Reserve.

(ii) Physical Features

The General Area within the mineral claim and where the resource road is proposed consists of forested land comprising low volume stands, ponds and streams

(iii) Construction

This proposed road is approximately 11 Kilometers in length (including 2 small spur roads) and will be constructed to the Department of Natural Resources class “C-2” road, specifically, where the Right-of-Way clearing will be 20 meters in width and the surface
of the road will be 6.0 meters wide. Any Wood harvested from the Right-of-Way will be utilized in accordance with the Department of Natural Resources guidelines.

The road will be constructed with an excavator using established road building techniques that minimizes potential environmental concerns and will be located a minimum 20 meters away from waterbodies. To ensure natural drainage of the area, proper culverts will be installed where necessary.

Upon completion of exploration activities, this resource road can be left intact (including bridges / culverts) for other resource purposes or the proponent will remove all culverts / bridges and will remove access for the first 500 meters from the Trans Canada Highway, allowing the road to naturally decommission. Future discussions with appropriate government departments will conclude this decision.

The road will not be constructed within a half kilometer from the Salmonier Nature Park and a minimum of approximately 4 kilometers away from the Avalon Wilderness Reserve area. A potential source of pollution would be leaks or spills from construction equipment and bulk fuel storage tanks. The fuel tanks will be certified double walled. Emergency response spill kits will be in place to eliminate any potential environmental impacts. Another potential source of pollution would be siltation from road construction. Siltation and surface run-off will be controlled by constructing proper take-off ditches at any water crossings and the diligent use of silt control fabrics in drainage ditches.

There are no known resource conflicts such as trails, etc., that we are aware of.

(iv) Operations

The Road Layout and Construction phases will be contracted to a qualified contractor who has experience in Forest Access Road construction with the Department of Natural Resources.

(v) Occupations

As indicated, the road layout and construction will be contracted out, where it is anticipated the following occupations will be utilized;

1 Forestry Field Technician, NOC 2223
1 Mechanical Harvester Operator, NOC 8241
1 Mechanical Forwarder Operator, NOC 8241
3 Truck Drivers, NOC 7521
2 Excavator Operators, NOC 7521
1 On site Foreman / Supervisor, NOC 8211

(vi) Project Related Documents:
Attached are 2 maps;

- A map of the proposed resource road location
- Mineral license information showing the outer limits of the exploration area and Mineral Licenses, with proposed road superimposed

APPROVAL OF THE UNDERTAKING:

There are two known water crossings located on this road, where appropriate provincial and federal approvals from the Department of Environment (Water Resources) and Fisheries and Oceans will be obtained prior to installation.

A Commercial Cutting Permit from Natural Resources will be obtained to harvest any trees within the Road Right-of-Way. If any activity is to occur within the Forest Fire Season, an Operating Permit from Natural Resources will be obtained.

To gain access to the Trans Canada Highway, and allow construction of road within 400 meters of a protected highway, approval from Service NL will be obtained.

All permits related to mineral exploration activities will be obtained from the Dept. of Natural Resources, Mineral Lands Division.

SCHEDULE:

It is anticipated this Road Construction will commence late 2013 and continue in 2014.

FUNDING:

This proposal will be funded by the proponent.

Albert Chislett
Chief Executive Officer
Eagleridge International Limited
License Information

Holder: Eagleridge International Limited
Location: Triangle Pond, Avalon Peninsula
Map Sheets: 01N06
Projection: UTM Zone 22 (NAD27)
TAB 2
1. This application is for: (check appropriate box)
- [ ] Outline Planning Permission
- [ ] Temporary Permission
- [ ] The change of use or type of occupancy of
  land or building(s)
- [ ] Level land in preparation for excavation of
  basement
- [ ] The demolition or relocation of a building
- [ ] Soil deposit ______ number of loads
- [ ] The erection or display of an advertisement
- [ ] The subdivision of land for a development
- [ ] Permission to occupy a building
- [ ] The making of an access onto public road
- [ ] Soil removal ______ number of loads
- [ ] Other (specify) MINERAL EXPLORATION

2. Name of Owner: Excelgold International Limited
   Telephone #: (709) 834-0620
   Mailing Address: P.O. Box 1403, CBS, NL
   Postal Code: A1B 3Y1
   Email: excelgold@icmex.com
   This application is made with my knowledge and approval.
   Signature: [Signature]
   Date: Nov 15, 2013

3. Name of Applicant (when not owner): [Name]
   Telephone #: [Telephone #]
   Mailing Address: [Mailing Address]
   Postal Code: [Postal Code]
   Email: [Email]

4. Location of Site: [Location]

5. Describe generally the proposed development: [Description]

6. Describe the Site:
   - [ ] Wooded area south of [Description]
   - [ ] Farmland
   - [ ] Street, Lake, River, Stream, Airport
   - [ ] Other (specify) MINERAL EXPLORATION
   Uses of Neighboring Land: [Use]
   Distance from existing building(s): [Distance]
   Distance from existing road: [Distance]
   Site has frontage to:
   - [ ] Paved/grade/unmade public road
   - [ ] a road reservation
   - [ ] no public access
   State name(s) of road(s) adjacent to site and length of frontage in meters:
   Name: [Name]
   Frontage: [Frontage]
   If site has no direct frontage onto a public road, state how access will be made to:
   [Description]
   [Reason of application in support, if necessary]

7. Describe proposed arrangements for supply of water, disposal of sewage, and storm drainage:
   [Description]
Re: Eagleridge International Limited – Resource Road Development

5. Describe generally the proposed development:

Eagleridge International Limited plans to construct an 11 kilometre Class C Resource Road as per the Environmental Assessment Application to the Department of Environment and Conservation on September 6, 2013 and to carry out mineral exploration on licences 20215M, 20141M, 17545M, 20905M, 21339M, 21522M, 21341M, and 21340M. The mineral exploration activities expected to be carried out on these licences are prospecting, line cutting, soil sampling, ground geophysics, drilling and trenching in accordance with the rules and regulations of the Mineral Act, Department of Natural Resources, Government of Newfoundland and Labrador.
TAB 3
Hi Gary,

As per your email if November 27, 2013, we agree with the deferral of our application regarding the Big Triangle Pond Access Road until the Environment and Conservation completes the planned Environment Preview Report (EPR) and a decision is made by the minister.

If you require further information regarding the foregoing, please do not hesitate to contact me by email or phone 834-0620.

I trust the above is satisfactory.

Regards

Al

Albert Chislett
President
Eagleridge International Limited

-----Original Message-----
From: Christa Turnbull [mailto:christa.turnbull@holyrood.ca]
Sent: Wednesday, November 27, 2013 1:31 PM
To: ac4924@nl.rogers.com
Subject: Big Triangle Pond Mineral Access Road

Hi Al:

Council has decided that a public briefing on Big Triangle Pond Mineral Access Road will not be scheduled until the Department of Environment and Conservation completes a planned Environment Preview Report (EPR) and a decision is made by the Minister.

At their next scheduled Council meeting on Wednesday, Dec 18, 2013 your development application will be tabled and they plan to defer until the EPR is completed.

As per the Towns Development Regulations, in order for Council to have the authority to defer an application, the developer must agree with the deferral. We request that you indicate to us in writing your agreement to defer or not. If you do not agree with the defer, than Council will debate your application on Dec 18 and make their decision.

We look forward to continuing to work with you throughout the development process.

Thanks
Hi Gary,

As per your email if November 27, 2013, we agree with the deferral of our application regarding the Big Triangle Pond Access Road until the Environment and Conservation completes the planned Environment Preview Report (EPR) and a decision is made by the minister.

If you require further information regarding the foregoing, please do not hesitate to contact me by email or phone 834-0620.

I trust the above is satisfactory.

Regards

Al

Albert Chislett
President
Eagleridge International Limited

-----Original Message-----
From: Christa Turnbull [mailto:christa.turnbull@holyrood.ca]
Sent: Wednesday, November 27, 2013 1:31 PM
To: ac4924@nl.rogers.com
Subject: Big Triangle Pond Mineral Access Road

Hi Al:

Council has decided that a public briefing on Big Triangle Pond Mineral Access Road will not be scheduled until the Department of Environment and Conservation completes a planned Environment Preview Report (EPR) and a decision is made by the Minister.

At their next scheduled Council meeting on Wednesday, Dec 18, 2013 your development application will be tabled and they plan to defer until the EPR is completed.

As per the Towns Development Regulations, in order for Council to have the authority to defer an application, the developer must agree with the deferral. We request that you indicate to us in writing your agreement to defer or not. If you do not agree with the defer, than Council will debate your application on Dec 18 and make their decision.

We look forward to continuing to work with you throughout the development process.

Thanks
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
March 24, 2014

Mr. Bas Cleary
Director
Environmental Assessment Division
Department of Environment and Conservation
P. O. Box 8700
St. John's, NL
A1B 4J6

Dear Mr. Cleary:

Big Triangle Pond Mineral Exploration Access Road
Registration No. 1725

I write to you on behalf of the Town of Holyrood in response to a proposal from Eagleridge International Limited to construct an 11 kilometer Class C Resource on Crown land south of the Trans-Canada Highway and east of the Salmonier Line. The greater portion of the proposed road is located within the municipal boundary of the Town of Holyrood.

The Holyrood Municipal Plan has the greater portion of this area designated as "Watershed". Municipal Plan Policy 3.2.10(iv) states:

"Uses in the designated Watershed Area will be limited to passive recreational activities such as hiking, fishing, and canoeing, until such time as a resource use study is completed which carefully considers the Watershed Area's resources and uses which are compatible with the municipal water supply priority."

The Town of Holyrood is proposing to use information gathered by your Department through the Environmental Assessment process as part of a resource use study to aid in Council's decision.

Secondly, we are to understand that the Watershed area is not protected under the Water Resources Act, but is considered as a potential future water supply. We also understand that the watershed is protected as part of the St. John's Urban Region Regional Plan (1976) under the Urban and Rural Planning Act.

The Town of Holyrood Development Regulations also has the greater portion of this area zoned as Watershed. Mineral Workings are listed as a discretionary use in that zone. Condition 4 for Discretionary Uses states:

"The discretionary use classes listed in this table may be permitted at the discretion of the Authority on lands in the Watershed designation provided that their development will not adversely affect the quality and quantity of water available for domestic supply from..."
the Watershed. The Authority shall consult the Department of Environment and Lands for evaluation of the effect of development proposals on the water quality."

We will request comments from the Water Resources Division prior to making a final decision.

General Regulation 90 requires that if the development is contrary to the general intent and purpose of the Municipal Plan, the Council shall give notice of the application and consider any objections prior to making a decision.

The Town of Holyrood shall reserve judgment on this proposal until the Environmental Assessment process has been completed and the Minister makes a decision. The Town will then advertise the proposal and request comments prior to making a determination as required under the Holyrood Municipal Plan and Development Regulations.

I trust this clarifies the position of the Town of Holyrood. Should you have any questions or concerns, we are available for further discussion.

Sincerely,

Gary Goobie
Mayor
Regular Meeting Minutes #4
March 25, 2014

Members Present:
Mayor Gary Goobie
Deputy Mayor Jim Joy
Councillor Sadie King
Councillor Roger Myette
Councillor George Penney
Councillor Rosena Norman
Councillor Kimberly Ghaney

Staff Present
Gary Corbett, CAO
Christa Turnbull, Admin Assistant

1. ADOPTION OF AGENDA
15-04-140
Norman/King
Adoption of meeting agenda of March 25, 2014

2. ADOPTION OF MINUTES
Adoption of minutes of meeting of February 26, 2014 as presented.
One correction- Recreation coordinatior position is cost shared by Targeted Wage Subsity.

3. BUSINESS ARISING
Joy- Did the Age Friendly meeting take place yet? Councillor King- Meeting will be on Thursday at 3:00 pm. Will provide feedback to Public Safety committee.

4. DELEGATION, PROCLAMATION, PRESENTATION

5. CORRESPONDANCE
N/A

6. RECOMMENDATION OF PLANNING & LAND USE COMMITTEE
6.1
15-04-141
Penney/King
Location: 7 Marina Drive
Proposal: Residential
Zoning: RMD
BE IT RESOLVED that the Town of Holyrood approve the above residential application subject to the Town of Holyrood Development Regulations.
Motion Carried

6.2
15-04-142
Penney/Norman
BE IT RESOLVED that the development permits listed below be

---

Town of Holyrood
P. O. Box 100 Holyrood, NL, Canada A0A 2R0. Tel: 709.229.7252 Fax: 709.229.7269
Holyrood.ca
approved as presented.

2 Occupancy Permit's
1 Pre-Site Permit

Motion Carried

6.3 Eagleridge International Ltd.
Council has received a number of emails and the question has been asked in the media what is the town's position on the application by Eagleridge International Ltd.

For the interest of all parties, The application by Eagleridge International Ltd. to construct an 11 kilometer Resource Road is inside the Town of Holyrood municipal boundary and in the watershed designation.

Municipal Plan Policy 3.2.10(iv) states that a resource use study is required before Council can make any decision for this type of development. The Town will use the information gathered through the Environmental Assessment process as a resource use study.

As the area in question is zoned Watershed, and Mineral Workings are listed as a discretionary use, comments will be requested from the Water Resources Division, the Department of Environment & Conservation and the general public.

The Town will reserve judgment on this proposal until the Environmental Assessment process has been completed. The Town will advertise the application requesting comments as required under the Holyrood Municipal Plan and Development Regulations and also host a public briefing.

Dates will be determined when the application by Eagleridge International Ltd. is tabled.

7. RECOMMENDATION OF RECREATION AND COMMUNITY EVENTS COMMITTEE
• Crystal Carnival
Thank you to all committee members and volunteers for our events during the crystal carnival and especially our recreation director. Crystal Dip- almost $11,000 raised, 41 dippers, and hundreds of spectators.

We have raised over $18,000 over the past 2 years, thanks to all participants and sponsors.

Our final event is on Friday at 7 pm for Chilly's 1st Birthday. Ray Lake, facepainting, etc. will be held at the Community Centre.
• Regional Recreation Master Plan
  Tract presented on March 6. Detailed report has been reviewed. Waiting on feedback from various communities. Public presentation in the next few weeks. Provides great opportunity for collaboration between all towns.

• Easter Camp
  Registration on April 1. April 21-25 camp dates.

• Forever young
  On Friday, March 28 at 11:30 am, the forever young group will launch their cook book. Proceeds to go back into Forever Young program.

• Squidfest
  Line up announcement will be made this Friday. Hoping to make this our most successful Squid Festival yet.

• Summer Students
  Interviews for summer students happening soon.

8. RECOMMENDATION OF ENVIRONMENT AND CONSERVATION COMMITTEE

• Committee meeting on Thursday at 12:00 pm.
• Regional Waste Management Meeting and Regional Fire Services meeting will be held on Thursday, March 27 at 7:00 pm. There will be representation from all communities including, Avondale, Georgetown, Marysville, Colliers, Conception Harbour, and Harbour Main.

9. RECOMMENDATION OF CORPORATE SERVICES

• Donations
  15-04-143
  BE IT RESOLVED that the Town of Holyrood approve the following donation requests:
  Norman/Myette
  i. Matthew Penney- $1,500.00
  ii. NL Winter Games- $100.00
  iii. PMA Convention- $100.00

  Motion Carried

• ACCOUNTS PAYABLE CHEQUE REGISTER
  15-04-144
  King/Norman
  BE IT RESOLVED that accounts as tabled in the amount of $185,595.09 (cheque numbers 029564-029694) be approved for payment from the General Account.

  Motion Carried
• CAPITAL ACCOUNT
  15-04-145
  King/Norman
  BE IT RESOLVED that capital accounts in the amount of $160,978.49
  (cheque number 69-72) be approved for payment.
  Motion Carried

• BANKBOOK BALANCE- $26,952.62

10. RECOMMENDATION OF HOLYROOD MARINA PARK CORPORATION COMMITTEE
  • HMPC is working with the town’s Economic Development Officer to
    seek out opportunities for federal and provincial marina upgrade
    funding.

11. NEW BUSINESS

Deputy Mayor Joy
Great job to Public Works staff for great job on snowclearing this past winter.
It was a long, hard winter. I noticed that there is some great work happening
in this building- great enhancements.
CAO- Waiting to replace lower roof in the chamber area, furniture is ordered,
ready to paint in some more areas.

Councillor Penney
Attend MNL regional meeting. Great event, one of the best yet. Many topics
discussed. All letters for Capital Works will be out by mid April. Lots of round
table discussion on regional cooperation- water, fire, etc.

Councillor Ghaney
Thanks for the support I have gotten over the last few weeks.

Councillor Myette
Congraulations on successful carnival. Team and volunteers did an awesome
job. I think it’s great that we made the donation to Mattie Penney. He has
been a member of Fire Department for many years.

12. DATE OF NEXT MEETING
April 15, 2014 AT 5:30 pm.

13. ADJOURNMENT
15-04-146
Norman/King
BE IT RESOLVED that this meeting now adjourn.
Prepared March 25, 2014 /ct
TAB 8
Environment and Conservation
October 14, 2014

Environmental Assessment Bulletin

The Honourable Dan Crummell, Minister of Environment and Conservation, has announced the following events relative to Part 10 Environmental Assessment of the Environmental Protection Act.

UNDERTAKING REGISTERED:

Belleoram Crushed Rock Export Quarry
Proponent: Continental Stone Limited (Reg. 1767)

Continental Stone Limited proposes to develop a granite aggregate export quarry on a site approximately 79 hectares in area, one kilometre north of Belleoram in Belle Bay. The primary physical features will include a quarry, a marine wharf and a new access road. Rock will be quarried and crushed on site, loaded onto ships via a conveyor belt and shipped to market. It is estimated that two million tonnes of aggregate will be shipped in the first year of operation. The proposed quarry was released from Environmental Assessment in 2007, however construction did not begin during the time frame permitted by the Environmental Assessment Regulations and the project has been re-registered, as required.

The undertaking was registered on October 14, 2014; the deadline for public comments is November 18, 2014; and the minister’s decision is due by November 28, 2014.

UNDERTAKING RELEASED:

Big Triangle Pond Mineral Exploration Access Road
Proponent: Eagleridge International Limited (Reg. 1725)

The project is released subject to the following conditions:

- Eagleridge International Ltd. shall be responsible for the decommissioning of all access roads associated with this proposal and, prior to the commencement of construction activities, shall provide a guarantee or other security satisfactory to the Minister of Environment and Conservation, in the form required by the Minister of Environment and Conservation, in an amount equivalent to the cost of decommissioning the roads;
- Eagleridge International Ltd. is required to conduct a survey in the area of the proposed road and planned mineral exploration activities for Erioderma species, as well as other lichens of conservation concern and submit this survey to the Wildlife Division, prior to the commencement of construction activities. The Wildlife Division should be consulted in order to obtain a list of potential experts experienced in identifying these species as well as to discuss appropriate survey protocols.
- Eagleridge International Ltd. is required to submit to the NL Department of Environment and Conservation a project-specific Environmental Protection Plan (EPP), prepared in consultation with the NL Department of Environment and Conservation. The EPP should focus on a road decommissioning and
rehabilitation plan and on mitigation measures to be considered to reduce impacts, through the life of the project, on aquatic ecosystems and aquatic species, on wildlife (including raptors, other birds and small mammals), on woodland caribou and on lichen species of conservation concern. The EPP must consider impacts from road construction, operation and decommissioning as well as impacts from foreseeable mineral exploration activities, including, but not limited to line cutting, trenching, drilling and bulk sampling. The EPP must be developed by Eagleridge International Ltd. and approved by the Minister of Environment and Conservation prior to the commencement of construction activities.

- Eagleridge International Ltd. shall prepare Environmental Effects Monitoring Plans (EEMs), in consultation with the applicable Government divisions, and submit them to the Minister of Environment and Conservation, and receive the Minister’s approval for the EEMs, prior to the start of construction. The EEMs will cover the following valued ecosystem components (VECs) and will be developed to monitor effects as a result of the project and to ensure that any changes to existing baseline as a result of project effects are documented and mitigated against:
  - Woodland caribou;
  - Aquatic ecosystems (including headwaters of Salmonier River) and aquatic species;
  - Lichen species (Erioderma pedicellatum, Erioderma mollissimum, and other lichen species of conservation concern).

- The manager of Salmonier Nature Park must be contacted prior to any blasting activities and prior to any other construction or exploration activities taking place within five kilometres of Salmonier Nature Park.
- Public access to the road must be restricted through the use of a locked gate, either with the approval of the Minister of Transportation and Works if the gate is installed inside the TCH right-of-way or with the approval of the Minister of Environment and Conservation if installed outside the right-of-way.

For further information on the environmental assessment process, please contact the Director of Environmental Assessment at (709) 729-4211 or toll-free: 1-800-563-6181 or by mail to:

Director, Environmental Assessment Division
Department of Environment and Conservation
West Block, Confederation Building
P.O. Box 8700, St. John’s, NL A1B 4J6

Environmental assessment information is on the department Web site at:
http://www.gov.nl.ca/env

-30-

Media contact:
Deborah Thomas
Director of Communications
Department of Environment and Conservation
709-729-2575; 728-8092
DeborahThomas@gov.nl.ca
TAB 9
The Town of Holyrood has received an application to construct a Resource Access Road at Big Triangle Pond for mineral exploration. Mineral exploration is considered mineral workings which is a discretionary use in Watershed Zone in the Town of Holyrood Development Regulations.

This application has been released from further review by the Department of Environment and Conservation under the Environmental Assessment Act.

This notice is advertised in accordance with Regulation 32 and 90 of the Town of Holyrood Development Regulations.

A briefing will be held on January 13, 2015 at 7:00 pm in the Keough Suite, Holyrood Municipal Building. In order to register for this briefing, contact the Town at 709.229.7252 ext. 202 or by email Christa.Turnbull@Holyrood.ca by 12:00 pm on December 19, 2014. If there are no registrants, the briefing will be cancelled.

Any person who wishes to comment on the proposed development without attending the briefing is asked to contact the Town of Holyrood in writing by 12:00 pm on December 19, 2014.

Please submit all correspondence to:
Town of Holyrood
PO Box 100
Holyrood NL A0A 2R0
Telephone: 709.229.7252 ext. 202
Facsimile: 709.229.7269
Email: Christa.Turnbull@Holyrood.ca
TAB 10
MINUTES

Present: Deputy Mayor Joy
Councillor Kimberly Ghaney
Councillor Rosena Norman
Councillor Roger Myette
Councillor George Penney
Councillor Sadie King

Absent: Mayor Gary Goobie

Staff Present: Gary Corbett, CAO
Christa Turnbull, Admin. Assistant
Marie Searle, Manager of Payroll & Finance

1. ADOPTION OF AGENDA
15-01-001
Norman/Myette
Adoption of meeting agenda of January 6, 2015
Motion Carried

2. ADOPTION OF MINUTES
Minutes of meeting December 16, 2014 adopted as presented.

3. BUSINESS ARISING
N/A

4. CORRESPONDANCE
N/A

5. RECOMMENDATION OF PLANNING & LAND USE COMMITTEE

5.1
15-01-002
Penney/Norman
Location: 259 Conception Bay Highway
Proposal: Residential
Zoning: RMD
BE IT RESOLVED that the Town of Holyrood approve the above residential application subject to the Town of Holyrood Development Regulations.
Motion Carried

5.2
Big Triangle Pond Access Road Briefing
- Will be held on January 13 at 7:00 pm.
• Big Triangle Pond Access Road briefing is moved to Holy Cross Elementary Gym.
• Chaired by Stan Clinton.
• There are 12 individuals presenting with a maximum time limit of 5 minutes for each presenter.
• We have received 14 written submissions which will be dealt with as part of the process. Each of these submissions will be addressed when the motion gets put on the table to deal with the application. No timeline has yet been established.

6. RECOMMENDATION OF INFRASTRUCTURE & PUBLIC WORK

Gas Tax
Deputy Mayor Joy and the CAO met to discuss the Terms of Reference for Gas Tax. The Infrastructure & Public Works committee will discuss projects for consideration and make a recommendation to council at the next meeting. Deadline for us to have the application in is January 30, 2015.

Snowclearing
Town snowclearing winter regulations are now in effect. See Snow Clearing Regulations attached.

Leak detection
Prior to Christmas, 3 sizable water leaks were detected on the town’s infrastructure and repairs were made to each. A fourth possible leak is being investigated.

7. RECOMMENDATION OF ECONOMIC DEVELOPMENT

Ad will be going in this weekend on the Request for Proposals seeking the services of a qualified consultant to conduct a feasibility assessment for the proposed Holyrood Ocean Business Park. Deadline for proposals is January 23, 2015.

8. RECOMMENDATION OF OCEANS HOLYROOD INITIATIVE

Sea Technology (World Wide Information Leader in Marine Business, Science and Engineering)

Oceans ‘14- MTS/IEEE, St. John’s Conference Review & Newfoundland & Labrador-World’s Cold-Ocean Laboratory. Both articles were done by Aileen Torres-Bennett. In this article, three industry experts were interviewed including the CAO.

Published in Arlington, VA. Distributed in more than 110 countries. Headquarters in Arlington, VA; Cold Spring, NY; Hermosa Beach, CA; Sutton, Surrey, England.

9. RECOMMENDATION OF RECREATION & COMMUNITY EVENTS

Profile
Profile of Steering Committee Member, Steve Martin in the Fall 2014 issue of “On the Road to Wellness”.
Crystal Carnival 15
Currently planning Crystal Carnival 15. Will take place from Feb 6-March 22. There will be a further update on events and programs in the upcoming community guide.

10. RECOMMENDATION OF CORPORATE SERVICES
a. Account Information
   01-15-003
   Norman/Myette
   BE IT RESOLVED that accounts as tabled in the amount of $128,844.49 (cheque #31132-31227) be approved for payment from the General Account.
   Motion Carried

b. Bankbook Balance- $44,254.77

11. NEW BUSINESS

Councillor King
I would like to wish everyone a happy new year. Did we do any more work on our boardwalk?

When are we going to discuss Memorial Benches?

CAO- Most all material for boardwalk is purchased, will continue to work on this. Benches are all part of the beautification plan and we will work on this. Recommendation on various items including strategic locations.

Councillor Penney
Would like to wish everyone a Happy New Year. Always trying to catch up at meetings, Holyrood is taking off in all aspects. I still can't phantom what is going to happen behind the rubber plant. Great to sit down and talk about. I'm sure it will all take off. A lot of people doing a lot of work on it. I'm disappointment in the amount of garbage in our depot, and the dumping that is taking place in various areas of our community.

Councillor Ghaney
Nice to see the cross lit up. We need to have another discussion on fireworks regulations. Happy New Year everyone. I'm looking forward to collaborating with other towns in regards to recreation.

Councillor Myette
Wish everyone a Happy New Year. Thanks to public works staff to ensure the water leaks were fixed. Great to see the cross lights back on due to town staff pushing for this. Need to have further discussion on taxi regulations- many different taxis at the Legion on New Year's Eve. Ice Rink- Resident asking why isn't the ice rink put up yet?

Councillor Norman
Happy New Year to everyone.
Deputy Mayor Joy
This past year has been a positive one and I believe this year will be a positive one as well. I think we can look forward to great development opportunities over the next few years. Lots of good planning, and funding provided for upgrading of infrastructure - ex. Roads, water, sewer. It's all about service to our residents. We have plans for the year coming. Service to our residents while building growth. I look forward to working with everyone to make this town a great place to live. Wish everyone a happy and healthy new year.

Committees is where the work really happens and bringing recommendations to council. We need to have further discussion on regular reporting of ongoing work by various committees as to keep all of council informed. Discussion on how committees are working or not working.

MAA report was sent out. We pay almost $50,000 to MAA each year. Equals out to about $50/home.

If you see items of safety, send them to the town so we can discuss as a safety item.

Please that the EPP is complete and we have a draft plan.

CAO- Myself and Mayor will be meeting with Minister Brazil tomorrow and will provide an update at the next meeting.

12. DATE OF NEXT MEETING
January 27, 2015

13. ADJOURNEMENT
01-16-004
Myette/Ghaney
BE IT RESOLVED that this meeting do now adjourn.
Motion Carried

Mayor

Clerk

Date

Prepared January 6, 2015 /ct
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
TAB 12
Regular Meeting #3
February 17, 2015

MINUTES

Present: Mayor Gary Goobie
Deputy Mayor Joy
Councillor Rosena Norman
Councillor Roger Myette
Councillor Sadie King

Staff Present: Gary Corbett, CAO
Christa Turnbull, Executive Assistant
Marie Searle, Manager of Payroll & Finance
Steve Martin, Director of Recreation
Marjorie Gibbons, Economic Development

Prior to official start of Regular Meeting of Council, Michael Tubrett presented a petition to Mayor and Council on behalf of residents of Holyrood.

1. ADOPTION OF AGENDA
15-03-010
Joy/Myette
Adoption of meeting agenda of February 17, 2015
In favor- 7
Mayor Gary Goobie
Deputy Mayor Joy
Councillor King
Councillor Myette
Councillor Penney
Councillor Ghaney
Councillor Norman
Opposed- 0
Abstained- 0
Motion Carried

2. ADOPTION OF MINUTES
Adoption of minutes of meeting January 27, 2015 as presented.

3. BUSINESS ARISING
N/A

4. CORRESPONDANCE
4.1 NEAJC December 17, 2014 Minutes- Tabled
4.2 Petition on behalf of residents of Holyrood, presented by Michael Tubrett- Tabled
4.3 Correspondence from Calvin Marshall - Tabled
4.4 Report from Briefing Chair, Stan Clinton- Tabled

5. RECOMMENDATION OF PLANNING & LAND USE COMMITTEE
5.1 15-03-011
Penney/Ghaney
Location: 70 Duffs Road
Proposal: Residential
Zoning: Rural (RMD in 2014-2024 Holyrood Municipal Plan)

BE IT RESOLVED that the Town of Holyrood approve the above residential application subject to the Town of Holyrood Development Regulations. Before any permit can be issued, the 2014-2024 Holyrood Municipal Plan must be registered and gazetted.

In favor- 7
Mayor Gary Goobie
Deputy Mayor Joy
Councillor King
Councillor Myette
Councillor Penney
Councillor Ghaney
Councillor Norman

Opposed- 0
Abstained- 0

Motion Carried

5.2 15-03-012
Penney/Joy
Location: Big Triangle Pond
Proposal: Mineral Exploration Access Road
Zoning: Watershed

BE IT RESOLVED that the Town of Holyrood approve the construction of a Mineral Exploration Access Road -South of the Trans-Canada Highway, and East of the Salmonier Line, commencing in the area of Big Triangle Pond- Trans Canada Highway.

Councillor Penney
This application has been ongoing for a long period of time, Council and staff have taken it through the process. Thanks to everyone for emails, letters, calls, presentation, etc. and thanks to Eagle Ridge for proving information that was requested by the town. I am not confident the issues raised can be clearly address and I will not be supporting this application

Deputy Mayor Joy
Eagleridge application - Good evening everyone. Pleased to see a large attendance here this evening.

This application has received a lot of scrutiny/commentary from residents and other interested people. Comments received were in the form of: petitions with approx. 875 names, written submissions, presentations at the briefing session, editorials in the telegram and
shoreline papers, open line programs, emails to council, etc. All comments received were very concerned of the risks / impacts that the development of this road and mineral exploration work could have and noted this proposal is problematic in three main areas as follows:

1. Protection of the Holyrood watershed as a water supply
2. Protection of the habitat of Atlantic salmon and sea run brown trout stocks
3. Protection of the accessible wilderness- recreation areas

In addition council was encouraged to actively pursue the full and real protection of the watershed and to remove the "discretionary" options of mineral workings from the watershed zoning.

I also share the concerns expressed by everyone with the application by Eagleridge.

I would like to note that I am pleased with the opportunities given for public input and I would like to thank everyone for their valuable participation/ contribution.

The three specified areas of protection are all so important but the possible risks to the Holyrood Watershed as a future water supply is very bothersome and you could say alarming.

The larger portion of the 11 km. road and the 22 sq. km. exploration area is in the duly zoned and designated water shed. The only permitted uses in this zone are conservation and passive outdoor uses. Access roads would be considered development under the definition of the Holyrood Municipal Plan and is not permitted. This road would be counter to the objectives of protecting the watershed from development.

I would like to note that although the committee which was put in place to draft the Environmental Preview Report Guidelines Clearly stated in sect. 4.1 that the proponent was to " Provide information regarding zoning of the land which the project is to be located and any restrictions imposed by that zoning " there is no reference to the presence of the Holyrood Watershed in the Environmental Preview Report ( ref. page 7 ) or noted as one of the conditions in the Ministers Release of the project. As well on March 24, of last year a letter from the town was sent to the Dept. of Environment and
conservation clearly noting the watershed within our towns
Municipal Plan.

A clean, safe, reliable source of drinking water is one of the most precious resources a community can have. Any detrimental threats to the water quality and security has to taken seriously. We have to be careful to take measures to protect this valuable water supply for the long term.

I don’t believe the activity proposed here (that of road construction, drilling and trenching) should be permitted at all in a future water supply area. As well I know the company makes the point that it is only proposing to explore, but if the expectation of development is not there then why expend one’s resources on exploration.

I believe there are risks associated to the habitat of Atlantic and sea run brown trout stocks and as well to the preservation of this accessible wilderness area for recreation users.

I will not be supporting this application. Thank You

Councillor King
Thanks for coming here this evening and for all the interest in this road. Any develop will lead to the detriment of this water supply. There is always the chance of harming the water supply. Building this road will lead to destruction of environment. I will not be supporting this application.

Councillor Ghaney
I do support economic growth but not at the cost of the environment, and beautiful surroundings. I’m not convinced there would be no negative impacts.

Councillor Myette
I thought in the beginning it would be a great opportunity for Holyrood economically. As I started reading more and talking to residents I realize negative impacts, and high concentration of chemicals in the watershed area. I would like to pursue this area as a provincially recognized watershed area. The north arm salmon project has done a great job with the salmon population and I would like to see this thrive. Negative impacts outweigh the positive impacts.

Councillor Norman
I am rejecting this application.
Mayor Goobie
Over the past few months, along with council have been listening to the public and gather info to make a sound decision on this application. Without question this application is the most significant information council has ever had to debate. The biggest question was what is in the best interest of the community and surrounding area. When we started consultation process, councillors agreed to step back and remain impartial and let the process unfold as not to be judged as influential. We wanted to ensure everyone was heard fairly without contaminating the process. Throughout the process, up until a few days ago, we were so impartial no discussion took place on who was voting what way. Thank council for the manner in which you conducted yourself. After the public briefing, reading emails, phone calls, presentation, etc. its clear people feel compassionately about this application. I based on 4 factors- The EPR feel short in addressing key concerns i.e.- impact on watershed area and the possibility of contamination; 2. what impact could this have on salmon stocks? 3. The north arm river is design as alternate water supply. Any contamination of ponds that feed could have long lasting ratifications. 4. Destruction caused by the development of access road to Avalon reserve, contradict our values of environment stewardship. There are way too many questions and concerns outstanding and I will be voting against the motion. Thanks to everyone who participate in this process.

Councillor Penney
Thanks to Mayor and fellow council and staff on the work done on this application. I would like to thank the citizens of Holyrood and surrounding towns for their input in this decision.

In Favor-0
Opposed-7
  Mayor Goobie
  Deputy Mayor Joy
  Councillor King
  Councillor Ghaney
  Councillor Myette
  Councillor Penney
  Councillor Norman

Motion Defeated

---BREAK FOR 10 MINUTES---

Councillor Ghaney left the meeting at 6:25 pm.
The Holyrood Municipal Plan and Development Regulations 2014-2024 has been officially registered by the Minister of Municipal and Intergovernmental Affairs.

A Notice of Registration ad will appear in the Newfoundland Gazette on Saturday, February 28, 2015.

The Town of Holyrood Municipal Plan and Development Regulations 2014-2024 comes into effect on the day that the notice is published in the Newfoundland Gazette.

5.4 Rubber Plant
Permit has been issued for the demolition of the Rubber Plant and we are working with the developer on a timeline to complete demolition and removal.

6. RECOMMENDATION OF INFRASTRUCTURE & PUBLIC WORK
6.1 Snow Clearing
A lot of positive comments being made about our snowclearing after the storm last Thursday. The investment in new equipment and personnel has a positive reflection on the service we provide to residents.

Thank you to public works staff for the tremendous effort they are doing with snowclearing.

Thank you to the residents for their compliance to the snow clearing regulations.

6.2 Sewage Treatment Plant Review
15-03-013
Joy/Norman
BE IT RESOLVED that the Town of Holyrood approve a Sewage Treatment Plant review of the existing oxidation ditches capacity to accept schedule A or schedule B effluent, in the amount of $6,977.00 excluding HST.

In favor- 6
Mayor Gary Goobie
Deputy Mayor Joy
Councillor King
Councillor Myette
Councillor Penney
Councillor Norman

Opposed- 0
Abstained- 0  
Motion Carried  

6.3 Update on Infrastructure & Public Works  
- All water and chlorine usage in existing pump houses has been compiled into a data base  
- Currently compiling existing houses and sewage flows to determine the demands and capacity of our sewage systems;  
- Currently compiling of new and missing signage as it related to traffic control data base;  
- Currently compiling information on existing fire hydrants and their condition;  
- Developing an asphalt maintenance program;  
- Occupational Health and Safety Program;  
- Operational Controls;  
- Ongoing Public Awareness Education Program- Sewer and Water;  
- Town Depot- Outside work improvements;  
- Town Depot -Proposed & ongoing inside improvements.

7. RECOMMENDATION OF ECONOMIC DEVELOPMENT  
RE- OCEAN'S HOLYROOD INITIATIVE  
7.1 Ocean Business Park Feasibility Assessment  
15-03-014  
Norman/King  
BE IT RESOLVED that Town of Holyrood approve the Ocean Business Park Feasibility assessment to Independent Consultants Group Ltd. in the amount of $99,489.00. Cost shared 45% Business, Tourism, Culture & Rural Development, 45% ACOA, 10% Town of Holyrood  
In favor- 6  
Mayor Gary Goobie  
Deputy Mayor Joy  
Councillor King  
Councillor Myette  
Councillor Penney  
Councillor Norman  
Opposed- 0  
Abstained- 0
Motion Carried

7.2 **Video/Telephone Conference**
On February 4, 2015, the Town of Holyrood engaged in a video/telephone conference between Newfoundland and Ireland. There were 11 Newfoundland and Labrador representatives including our CAO and 12 representatives from the Laurentic Conference Focus Group in North Western Ireland. A summary of the focus group discussions and collaborative opportunities is included in Councillors meeting material.

On February 16, 2015 the CAO and the Executive Assistant participated in a Skype conference with Elizabeth Muldowney from Donegal County Council. Elizabeth is currently working in Killibegs on an initiative which takes in 3 key segments of Fishery, Tourism and Energy. The town is interested in getting a good understanding of their rural development strategies and enterprise model.

On February 18, 2015, the CAO will participate in a further video/telephone conference with the North Western Ireland representatives. Final preparations will be made for the Laurentic Conference.

7.3 **Public Library**
The Library is now under renovations which includes new flooring, significant changes and improvements in the children’s room, painting in the main area/scrubbing & waxing of floor in the main area, installation of new entrance including hardware.

Benefits: - Allow a much more welcoming room to encourage reading among the children and adults of the community.
- Ensures safety of patrons to the library.
- Supports the library committees’ goals and objectives.

There will be a grand reopening of the Library February 24 at 7:00 pm.

8. **RECOMMENDATION OF RECREATION & COMMUNITY EVENTS**

8.1 **Crystal Carnival Events**
Our Holyrood Recreation Committee is pleased to see the Crystal Carnival off to a very successful start! We have some excellent events coming up this week including:

*Friday, February 20*
- The MGA Carnival Dance
- Teen Skating Party at the Holyrood Chill Zone
  **Saturday, February 21**
- Loopapalooza: Trip to The Loop in St. Johns
  **Saturday, February 28**
- The Chilly Dash
  - We are extremely pleased to see the new Chilly Dash to be one of the most popular events of this year’s carnival. Holyrood will play host to running groups from all over the Avalon for this 5km race. I’d like to take this opportunity to thank our work-term student Ryan Lawlor for everything he has accomplished with this event and I’m sure it will be a great success.

8.2 **Community Garden**

In November of 2014, our Department of Recreation and Community Events presented a new state of the art Community Garden to council. I’m pleased to see they have taken the next step in the development stages of the garden.

On Wednesday, February 18 at 7:00pm Holyrood’s Recreation Department, The Food Security Network, and consultant Bob Halfyard will be showcasing the new garden concept to the public at the Star of the Sea. I’d like to invite all those interested in the community garden or those who would like to become involved with the garden to attend this meeting.

The meeting will discuss the benefits of community gardens, an explanation of the garden concept, and the plan for moving forward. There will be some light refreshments served at the end of the presentation.

9. **RECOMMENDATION OF PUBLIC SAFETY**

9.1 **Fire Department Calls to Service**

There have been 21 calls in 2015 for Fire and Emergency Service from the Holyrood Volunteer Fire Department.

9.2 **Fire Protection**

15-03-015
Joy/Norman

BE IT RESOLVED that effective Saturday, February 28, 2015, the Town of Holyrood will no longer be providing Fire and Emergency Services to residents of the Deer Park/Vineland Road Local Service District.

All attempts to secure a cost recovery agreement with the local service district have failed. All appropriate provincial authorities have
already been notified of this change in fire services, and various insurance providers have been notified.

All residents in the LSD area have been sent a letter indicating the process and the situation the town finds itself in.

The town will continue to provide services to the residents and cabin owners located from the Salmonier Line-TCH intersection through to The Wilds. In the near future, the town will initiate a process with these owners similar to the process conducted with the Local Service District.

**Deputy Mayor Joy**-
We have been providing this service for many years. Our volunteer Fire Department have been doing a super job, we find ourselves in a situation where we are trying to service our own with limited volunteers. Leaves the town vulnerable. The only answer to fire protection is a regional approach. The town has made much effort for a regional arrangement. Our Fire Department has had recruitment drives and we are making a great effort towards working with the towns from Holyrood to Colliers for the long term. I don’t understand why someone would turn it down.

**Mayor Goobie**
By charging a fee, we can re-invest in improving the service in there. There is a need to regionalize fire services in some areas. We could be more efficient and effective by working together.

**In Favor**- 6
- Mayor Gary Goobie
- Deputy Mayor Joy
- Councillor King
- Councillor Myette
- Councillor Penney
- Councillor Norman

**Opposed**-0
**Abstained**-0
Motion Carried

**9.3 Meeting with Minister Judy Manning**
On February 6, 2015, town representatives met with Minister Judy Manning and her officials to discuss fire service issues and concerns.

**9.4 Emergency Preparedness Plan**
The EPP is in the final stages and the consultant will be presenting the plan to council at an upcoming meeting.
10 RECOMMENDATION OF CORPORATE SERVICES

10.1 Account Information
15-03-016
Norman/Myette
BE IT RESOLVED that accounts as tabled in the amount of $242,790.08 (cheque #31281-31409) be approved for payment from the General Account.

In Favor- 6
Mayor Gary Goobie
Deputy Mayor Joy
Councillor King
Councillor Myette
Councillor Penney
Councillor Norman

Opposed-0
Abstained-0
Motion Carried

10.2 Bankbook Balance- $-139,575.53

11. NEW BUSINESS

Deputy Mayor Joy
Pass along thanks to Public Works staff for the great job on snowclearing. Conditions are not good, and our staff is going back and forth.

Will have a Public Safety meeting on Thursday and I will bring information forward at the next regular meeting

Councillor King
Nothing to report

Councillor Myette
Thank Public works staff for great work. Congratulate Steve, town staff, and fire department for great work on Crystal Carnival. Excited for demo of rubber plant

Councillor Penney
Compliment staff and council and all involved in Eagle Ridge application and sticking to the subject at hand and remaining profession.

We had our AGM for the Holyrood Marina Park Corporation, 2 new members on HMPC Board- Hubert (Treasurer) and Spence.

Waste management meeting on Thursday.
Congratulate Gary Corbett on his 6 years with the town.

Councillor Norman
Nothing to report

Mayor Goobie
Congratulate Gary Corbett on his 6 years with the town as CAO - a job well done Gary. He is committed, dedicated, and has a passion for moving the town forward. He is always challenging us as Council to make things better and more efficient. He has high work ethics and standards for doing things. And we wish you many more.

12. DATE OF NEXT MEETING
March 10, 2015 at 5:30 pm

13. ADJOURNEMENT
15-03-017
Norman/Myette

BE IT RESOLVED that this meeting do now adjourn.

In Favor - 6
Mayor Gary Goobie
Deputy Mayor Joy
Councillor King
Councillor Myette
Councillor Penney
Councillor Norman

Opposed - 0
Abstained - 0

Motion Carried

Mayor

Clerk

Date

Prepared February 17, 2015 /ct
TAB 13
March 2, 2015

Eagleridge International Ltd.
PO Box 14068
Conception Bay South, NL
A1W 1J1

Dear Mr. Chislett:

Your application to construct an Access Road in the area of Big Triangle Pond was received on November 15, 2013.

The Town of Holyrood reserved judgment on this proposal until the provincial Environmental Assessment process was completed and the Minister of Environment and Conservation made a decision.

The application was tabled at the Regular Meeting of Council on February 17, 2015. It was the unanimous decision of Council that your application be refused.

The location of the Access Road, for the most part, would be located in the Town’s Watershed. The Town considers an Access Road associated with mineral exploration, as Mineral Workings, which is listed as a discretionary use in the Watershed Land Use Zone Table of the Holyrood Development Regulations.

In conformity with Condition 33 of the Town’s General Development Regulations, the Town advertised the application on December 4, 2014 in The Shoreline newspaper, and chose to hold Public Briefing to allow residents to provide input into the application. A public briefing was held on January 13, 2015 at 7:00 pm at Holy Cross Elementary. Council retained an independent planner to facilitate to hear comments from registrants who were for and opposed to the development.

It was the recommendation of the planning facilitator that the Town of Holyrood refuse the Eagleridge International Ltd. development application to construct an Exploration Access Road in the Big Triangle Pond area of the town’s designated watershed. Council exercised its discretion and accepted the recommendation of the planning facilitator to refuse the application.

**Right to Appeal:**
In accordance with s. 23 of the Development Regulations, Council advises that you, or other persons with an interest in the proposed Application for a Development Permit, have the right to appeal Council’s decision to the Eastern Newfoundland Regional Appeal Board, which was established under the *Regional Appeal Boards*.
Establishment Order under the Urban and Rural Planning Act (O.C. 96-174). Your appeal must be forwarded to:

Secretary
Regional Appeal Boards
c/o Municipal and Intergovernmental Affairs
Government of Newfoundland Labrador
P.O. Box 8700
St. John's, NL Canada
A1B 4J6

Pursuant to s. 42(5) of the Urban and Rural Planning Act (S.N.L. 2000, c. U-8), an appeal shall be in writing and shall include:

(a) a summary of the decision appealed from;
(b) the grounds for the appeal; and
(c) the required fee, which is ($113.00 HST included)

We have attached a copy of the Appeal Summary Form for your convenience.

Please be advised that an appeal must be filed within 14 days of your receipt of this decision.

Sincerely,

[Signature]
Gary Corbett
CAO
TAB 14
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
TAB 15
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atipoffice@gov.nl.ca.
TAB 16
3.2.10 **Watershed**

The Town has a relatively large watershed designated for protection, a large portion being south of the Trans Canada Highway. There are two watersheds, one which drains into both the North Arm River and one which drains into the Harbour Main Pond. While the present well water supply meets the needs of the Town, Council has been interested in an alternate source of surface water, one that can meet the demands of the entire community. Proposed water sources include the North Arm River and Harbour Main Pond, but no final decision has been made about the future source.

As future regional water supplies are being considered, protection of future water sources become important. Any development in such area should be coordinated with concerned departments such as Environment and Lands, Water Resources Division and Municipal and Provincial Affairs, Urban and Rural Planning and Engineering Divisions.

Within the Watershed area south of the Trans Canada Highway, the Hawke Hill Ecological Reserve has been established for the purpose of protecting the best representative area of alpine barrens east of the Long Range Mountains and a representative portion of the Alpine Health Ecoregion for scientific study and educational purposes.

**A. Objective:** Protect existing and potential water supplies.

**Policy Statements:**

(i) The North Arm River drainage area is designated as a Future Water Supply Watershed in the Regional Plan. It is also the intent of this Municipal Plan to protect it and the Harbour Main Pond from existing and future uses that could adversely affect the quality of water in this designated area. (See Maps 1A and 1B).

(ii) The area between Harbour Main Pond and North Arm River drainage area within the Holyrood Municipal Planning Area (see Maps 1A and 1B) falls into another drainage area intended for future water supply to the neighbouring Town of Harbour Main-Chapel Cove-Lakeview. In order to protect the quality of water, Policy Statements 3.2.10 A(ii), and 3.2.10 A(iii) shall also apply to this drainage area.

(iii) It is the policy of the Plan to allow the continuation and minor expansions of the existing uses in the designated Watershed Area, provided that the future water quality in the area is not adversely affected.

(iv) Uses in the designated Watershed Area will be limited to passive recreational activities such as hiking, fishing, and canoeing, until such time as a resource use study is completed which carefully considers the Watershed Area's resources and uses which are compatible with the municipal water supply priority.
(v) The North Arm River (and its tributary streams) is a Scheduled Salmon River under the Newfoundland Fishery Regulations established by the Federal Government. Since the larger part of this river and most of its tributary streams are within this designated Watershed Area, it is the policy of the Plan to refer all applications for development on lands that are adjacent to the river and streams in this designated area to Fisheries and Oceans, Government of Canada, for review, assessment, and authorization.

(vi) The proposed future Lower Churchill Hydroelectric Transmission Line Corridor crosses the designated Watershed area. The current proposal of Newfoundland and Labrador Hydro is for a 65 m corridor which will in part coincide with the existing transmission line corridor south of the Trans Canada Highway. Council will ensure that any potential adverse effects on the water supply are to be mitigated.

B. Objective: To protect the Hawke Hill Ecological Reserve.

Policy Statement:

(i) The Hawke Hill Ecological Reserve is an established Ecological Reserve subject to the Hawke Hill Ecological Reserve Regulations, 1992. Scientific research at the site will be encouraged, and educational use of the Reserve will be permitted where it does not conflict with the general objectives of preservation and scientific research. (see section 3.2.8 C)
TAB 17
USE ZONE TABLE

<table>
<thead>
<tr>
<th>ZONE TITLE</th>
<th>WATERSHED</th>
<th>(HOLYROOD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERMITTED USE CLASSES -</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(see Regulation 85)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conservation and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>recreational open space</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DISCRETIONARY USE CLASSES -</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(see Regulations 22 and 86)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture, forestry,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>mineral workings (no</td>
<td></td>
<td></td>
</tr>
<tr>
<td>building)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

CONDITIONS

1. All applications for development within 15 metres in width on each side of the North Arm River and its tributary streams shall be subject to the review and authorization by Fisheries and Oceans Canada and Environment and Lands, Water Resources.

2. The precise limits of the buffer on each side of the North Arm River and its tributary streams shall be identified and determined by Fisheries and Oceans and Environment and Lands, Water Resources.

3. Recreational Open Space

   This use shall be limited to passive recreation (hiking, fishing, canoeing). The only development permitted will be for structure required for environmental conservation and municipal water supply.

3. Mineral Workings

   The conditions set out in the Mineral Working zone table which apply to Mineral Working uses shall apply to Mineral Workings uses in this zone.

4. Discretionary Uses

   The discretionary use classes listed in this table may be permitted at the discretion of the Authority on lands in the Watershed designation provided that their development will not adversely affect the quality and quantity of water available for domestic supply from the Watershed. The Authority shall consult the Department of Environment and Lands for evaluation of the effect of development proposals on the water quality.

   Where lands within this zone have resource potential as shown on the Zoning Maps, the Authority shall consult with the following agencies where a development affects the named resources:
5. **Soil Removal and Deposit and Site Grading**

(a) No development permit for removal or deposit of soil, or the excavation and removal of excavated material or grading is required if it is part of an approved development project or affects less than 125 cubic metres of soil, sand, gravel, rock or other substance down to and including bedrock. All other cut or fill work, excavation and removal and deposit of material or grading requires a development permit under these Regulations.

(b) Removal or deposit of soil, or the excavation and removal of excavated material or grading which requires a development permit provided the work is based on a grading plan, will result in an improved site for use classes permitted in the Zone where it is located, and meets the following conditions:

(i) land intended for the activity or grading has a slope of less than 25%;

(ii) resulting slopes are stable and without hazards;

(iii) when the work is completed, the area affected shall be covered with topsoil and other necessary material for vigorous plant growth and planted with appropriate vegetation;

(iv) drainage must be provided to the satisfaction of the Authority, and will be designed so as not to impair existing surface drainage nor to create erosion either on the site or on adjacent sites.

(c) A development permit for the activities described in (b) above shall not be issued unless a cash deposit of $500.00 has been made to the Authority. The deposit shall be returned when the work has been completed in accordance with the development permit and to the satisfaction of the Authority.

6. **Buffer (around waterways)**

The area 15 metres in width on each side of rivers, ponds and tributary streams shall be left in a natural state. Its precise limits shall be identified and determined by Fisheries and Oceans and Environment and Lands, Water Resources Division.

7. **Hawke Hill Ecological Reserve**

Within the Reserve there shall be no removal of plants or other materials from the site except under specific permit by the Parks Division of the Department of Tourism and Culture, and there will be no development. The Reserve is subject to the Hawke Hill Ecological Reserve Regulations, 1992 under the Wilderness and Ecological Reserves Act.
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atipoffice@gov.nl.ca.
TAB 19
4. **Hawke Hill Ecological Reserve**

Within the Future Water Supply area south of the Trans Canada Highway, the Hawke Hill Ecological Reserve has been established for the purpose of protecting the best representative area of alpine barrens east of the Long Range Mountains and a representative portion of the Alpine Health Ecoregion for scientific study and educational purposes. Scientific research at the site will be encouraged, and educational use of the Reserve will be permitted where it does not conflict with the general objectives of preservation and scientific research.

5. **Mineral Workings**

Mineral workings shall be limited to mineral exploration within the designated protected Watershed areas. Any exploration activities must be approved by the Department of Environment and Conservation, Water Resources Management Division, and Department of Natural Resources, as well as Council.

6. **Forest Harvesting and Agriculture**

Selective forest harvesting and agriculture use may be permitted within Watershed areas, subject to approval of the Department of Environment and Conservation, Water Resources Management Division. Maintaining water quality is the overriding priority.
TAB 20
more than once, except in the case of a permit for an advertisement, which may be renewed in accordance with Part III of these Regulations.

(5) The approval of any application and plans or drawings or the issue of a permit shall not prevent the Council from thereafter requiring the correction of errors, or from ordering the cessation, removal of, or remedial work on any development being carried out in the event that the same is in violation of this or any other regulations or statute.

(6) The Council may revoke a permit for failure by the holder of it to comply with these Regulations or any condition attached to the permit or where the permit was issued in error or was issued on the basis of incorrect information.

(7) No person shall erase, alter or modify any drawing or specifications upon which a permit to develop has been issued by the Council.

(8) There shall be kept available on the premises where any work, matter or thing in being done for which a permit has been issued, a copy of the permit and any plans, drawings or specifications on which the issue of the permit was based during the whole progress of the work, or the doing of the matter or thing until completion.

22. Reasons for Refusing Permit

The Council shall, when refusing to issue a permit or attaching conditions to a permit, state the reasons for so doing.
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
9. Permit Not to be Issued in Certain Cases

Neither a permit nor approval in principle shall be issued for development within the Planning Area when, in the opinion of the Authority, it is premature by reason of the site lacking adequate road access, power, drainage, sanitary facilities, or domestic water supply, or being beyond the natural development of the area at the time of application unless the applicant contracts to pay the full cost of construction of the services deemed necessary by the Authority and such cost shall attach to and upon the property in respect of which it is imposed.

10. Discretionary Powers of Authority

(1) In considering an application for a permit or for approval in principle to carry out development, the Authority shall take into account the policies expressed in the Municipal Plan and any further scheme, plan or regulations pursuant thereto, and shall assess the general appearance of the development of the area, the amenity of the surroundings, availability of utilities, public safety and convenience, and any other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Regulations, the Authority may, in its discretion, and as a result of its consideration of the matters set out in this Regulation, conditionally approve or refuse the application.

(2) An authority may, in its discretion, determine the uses that may or may not be developed in a use zone and those uses shall be listed in the authority's regulations as discretionary, permitted or prohibited uses for that area.

11. Variances

(1) Where an approval or permit cannot be given by the Authority because a proposed development does not comply with development standards set out in development regulations, the Authority may, in its discretion, vary the applicable development
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
TAB 25
Appear

42. (1) A person or an association of persons aggrieved of a decision that, under the regulations, may be appealed, may appeal that decision to the appropriate board where the decision is with respect to

(a) an application to undertake a development;

(b) a revocation of an approval or a permit to undertake a development;

(c) the issuance of a stop work order; and

(d) a decision permitted under this or another Act to be appealed to the board.

(2) A decision of a council, regional authority or authorized administrator to adopt, approve or proceed with a plan, scheme, development regulations and amendments and revisions of them is final and not subject to an appeal.

(3) An appeal board shall not make a decision that does not comply with a plan, scheme and development regulations that apply to the matter being appealed.

(4) An appeal made under this section shall be filed with the appropriate board not more than 14 days after the person who made the original application appealed from has received the decision being appealed.

(5) An appeal shall be made in writing and shall include

(a) a summary of the decision appealed from;

(b) the grounds for the appeal; and

(c) the required fee.

(6) A board may meet as often as it considers necessary to conduct its work in an expeditious manner.

(7) A person or group of persons affected by the subject of an appeal or their representatives may appear before a board and make representations concerning the matter under appeal.

(8) A board may inform itself of the subject matter of the appeal in the manner it considers necessary to reach a decision.

(9) A board shall consider and determine appeals in accordance with this Act and a plan, scheme and regulations that have been registered under section 24 and having regard to the circumstances and merits of the case.

(10) In determining an appeal, a board may confirm, reverse or vary the decision appealed from and may impose those conditions that the board considers appropriate in the circumstances and may direct the council, regional authority or authorized administrator to carry out its decision or make the necessary order to have its decision implemented.

(11) Notwithstanding subsection (10), where a council, regional authority or authorized administrator may, in its discretion, make a decision, a board shall not make another decision that overrules the discretionary decision.

(12) The decision of a majority of the members of a board present at the hearing of an appeal shall be the decision of the board.
(13) A board shall, in writing notify the appellant and the appropriate council, regional authority or authorized administrator of the decision of the board.
Dear Sir/Madam:

Re: Eagleridge International Limited (Appellant) v. Town of Holyrood (Respondent)

This is further to our correspondence in this appeal on behalf of Eagleridge International Limited dated March 2, 2015.

Since the date of our previous correspondence, the Town of Holyrood has rendered its formal decision dated March 2, 2015 in this matter. We transmit to complete Eagleridge International Limited’s appeal record in this matter the following documents:

1. March 2, 2015 Decision of the Town of Holyrood rejecting the resource road/mineral exploration development application of Eagleridge International Limited; and

2. Eagleridge International Limited’s Amended Grounds of Appeal.

We note that the required appeal fee of $113 was previously transmitted in our March 2, 2015 correspondence.

We trust that you will find the foregoing to be in order, and remain

Yours very truly,

Stewart McKelvey

Colm St. R Seviour*
Partner
CSS/seg
Enclosures (2)

*Colm Seviour Professional Law Corporation

259428 v2
In THE MATTER of the November 15, 2014 resource road and mineral exploration development application by Eagleridge International Limited ("Eagleridge") to the Town of Holyrood;

AND IN THE MATTER of the Town of Holyrood’s refusal of the said development application on February 17, 2015, and the Town of Holyrood’s formal decision rejecting the said development application dated March 2, 2015.

AMENDED GROUNDS OF APPEAL

TAKE NOTICE THAT Eagleridge International Limited ("Eagleridge") hereby appeals the March 2, 2015 decision of the Town of Holyrood (the "Town") to reject Eagleridge’s application for a development permit (the "Eagleridge Application") to build a resource road and to carry out mineral exploration on mineral licences 20215M, 20141M, 17545M, 20905M, 21339M, 21522M, 21341M, and 21340M – now known as mineral licences 23007M and 17545M (the "Project"), on the following grounds:

1. By purporting to simply "exercise its discretion" to adopt the January 21, 2015 "Briefing Report on Proposed Big Triangle Pond Mineral Exploration Access Road" authored by Stanley N. Clinton (the "Clinton Report") which recommended against approving the Project, without any reasons, the Town failed to independently consider the basis for the Clinton Report and the serious factual, legal and technical errors underlying the Clinton Report, of which serious factual, legal and technical errors the Town of Holyrood knew or ought to have known, including the following:

(a) In concluding that the Eagleridge Application should be rejected to preserve and protect the water quality and quantity for the Town of Holyrood’s future water needs, the author of the Clinton Report was either unaware of or improperly ignored the fact that the Project will not have an impact on the watersheds of those four (4) potential future water supply systems options for the Town which
were identified in the August 14, 2014 report of the BAE-Newplan Group Limited entitled "Review of 2005 Holyrood Water Study" namely (1) interconnection with the Avondale regional water supply system, (2) interconnection with the City of St. John's regional water supply system, (3) development of George's Pond as a water supply system, or (4) development of Harbour Main Pond as a water supply system.

(b) The Clinton Report contains the unsubstantiated statement that "the Holyrood and Harbour Main areas are known to have high levels of arsenic in their geology", purportedly leading to the author's conclusion that "there is a potential that the overall ground disturbance along with possible spillages could impact on the water table and the quality and quantity of water which will be available for future use", which assertions are wholly unsubstantiated and contrary to fact, and did not form part of any informed technical or other submissions made at the Public Briefing in relation to the Eagleridge Application or otherwise made to the author (which submissions form part of the Clinton Report).

(c) The author of the Clinton Report was either unaware of or improperly ignored the fact that the proposed Project activities are remote from any public water supply areas designated by the Minister of Environment and Conservation as a protected water supply area under the *Water Resources Act* (NL). In fact, the Town's designated "Mineral Workings" zones, in which there are ongoing quarry operations, are located very near one of the Town's principal protected water supply areas.

(d) "Mineral Workings", which includes mineral exploration of the nature contemplated by Eagleridge, is expressly permitted as a discretionary use class within the Town's Watershed zone, and section 4 of the relevant Use Zone Table appears to oblige the Town to consult with applicable Provincial agencies in respect of applications which "have resource potential". In recommending the rejection of the Eagleridge Application, the author of the Clinton Report improperly overlooked or disregarded the Town's Development Regulations which expressly authorize and permit resource road construction and mineral exploration activities in the area covered by the Project. In particular, The Clinton Report improperly focused on issues relating to development of a mine (which
was not the subject of Eagleridge's development application and would in any event the subject of a separate environmental assessment under the *Environmental Protection Act*) rather than confining its assessment to the Project, which involved specifically-authorized resource road construction and mineral exploration activities only (for which mineral exploration activities Eagleridge possesses full legal authority under mineral exploration licences duly issued by the Department of Natural Resources).

(e) Section 3.2.10 of the relevant Municipal Plan, which is entitled "Watershed", contains the following Policy Statement:

> It is the policy of the plan to allow the continuation and minor expansions of the existing uses in the designated Watershed Area, provided that the future water quality in the area is not adversely affected.

The Clinton Report failed to consider and take into proper account the previous mineral exploration work and activities which had been undertaken by Eagleridge in the area of the Project pursuant to Exploration Approvals duly issued pursuant to the *Mineral Act*.

(f) The Clinton Report failed to take into account that the recently-adopted Municipal Plan expressly endorses the appropriateness of "mineral exploration within designated protected Watershed areas", subject to approval of exploration activities.

(g) The Clinton Report exhibited improper bias by expressing surprise and criticism at the decision of the Minister of Environment and Conservation to conditionally release the Project from environmental assessment and by recommending that the Town remove "mineral working" as a discretionary use class in the Town's watershed zone, thereby indicating a predisposition to recommend against approving the Project.

(h) The Clinton Report failed to comprehend that the general principle of the objective contained in section 2.7 of the Municipal Plan to prevent development within the municipal watershed was legally and properly modified by the Municipal Plan and the Development Regulations which contemplated the authorization of the Project activities.
2. In rejecting the Eagleridge Application, the Town improperly overlooked or disregarded the conditional release of the Project by the Minister of Environment and Conservation pursuant to the *Environmental Protection Act* (the "Environmental Release"), which confirmed the environmental suitability of the Project subject to the conditions of the Environmental Release, and thereby improperly substituted its opinion and decision as to the environmental suitability of the Project for that of the Minister of Environment and Conservation, notwithstanding the Clinton Report's agreement that Eagleridge's "proposed road construction may be more environmentally friendly than the repeated use of existing or newly cut trails by tracked vehicles over long periods of time".

3. By purporting to "exercise its discretion" to simply adopt the Clinton Report, the Town improperly abdicated and delegated its decision-making to an unelected official contrary to its obligations under the *Municipalities Act*, and contrary to the intent and legal requirements of the *Municipalities Act*;

4. In all of the circumstances, the Town improperly exercised its decision-making authority and/or its discretion in rejecting the Eagleridge Application.

**DATED AT** the City of St. John's, in the Province of Newfoundland and Labrador, this 12th day of March, 2015.

Colm St. R. Seviour  
STEWART MCKELVEY  
Suite 1100  
Cabot Place  
100 New Gower Street  
St. John's, NL A1C 6K3  
**Solicitor for Eagleridge International Limited**
March 2, 2015

Eagleridge International Ltd.
PO Box 14068
Conception Bay South, NL
A1W 1J1

Dear Mr. Chislett:

Your application to construct an Access Road in the area of Big Triangle Pond was received on November 15, 2013.

The Town of Holyrood reserved judgment on this proposal until the provincial Environmental Assessment process was completed and the Minister of Environment and Conservation made a decision.

The application was tabled at the Regular Meeting of Council on February 17, 2015. It was the unanimous decision of Council that your application be refused.

The location of the Access Road, for the most part, would be located in the Town’s Watershed. The Town considers an Access Road associated with mineral exploration, as Mineral Workings, which is listed as a discretionary use in the Watershed Land Use Zone Table of the Holyrood Development Regulations.

In conformity with Condition 33 of the Town’s General Development Regulations, the Town advertised the application on December 4, 2014 in The Shoreline newspaper, and chose to hold Public Briefing to allow residents to provide input into the application. A public briefing was held on January 13, 2015 at 7:00 pm at Holy Cross Elementary. Council retained an independent planner to facilitate to hear comments from registrants who were for and opposed to the development.

It was the recommendation of the planning facilitator that the Town of Holyrood refuse the Eagleridge International Ltd. development application to construct an Exploration Access Road in the Big Triangle Pond area of the town’s designated watershed. Council exercised its discretion and accepted the recommendation of the planning facilitator to refuse the application.

Right to Appeal:
In accordance with s. 23 of the Development Regulations, Council advises that you, or other persons with an interest in the proposed Application for a Development Permit, have the right to appeal Council’s decision to the Eastern Newfoundland Regional Appeal Board, which was established under the Regional Appeal Boards
Establishment Order under the Urban and Rural Planning Act (O.C. 96-174). Your appeal must be forwarded to:

Secretary
Regional Appeal Boards
c/o Municipal and Intergovernmental Affairs
Government of Newfoundland Labrador
P.O. Box 8700
St. John’s, NL Canada
A1B 4J6

Pursuant to s. 42(5) of the Urban and Rural Planning Act (S.N.L. 2000, c. U-8), an appeal shall be in writing and shall include:

(a) a summary of the decision appealed from;
(b) the grounds for the appeal; and
(c) the required fee, which is ($113.00 HST included)

We have attached a copy of the Appeal Summary Form for your convenience.

Please be advised that an appeal must be filed within 14 days of your receipt of this decision.

Sincerely,

Gary Corbett
CAO
Dear Sir/Madam:

Re: Eagleridge International Limited (Appellant) v. Town of Holyrood (Respondent)

On Tuesday, February 17, 2015, the Town of Holyrood rejected the application for a development approval (for a resource road and mineral exploration) by Eagleridge International Limited ("Eagleridge"), the Appellant herein. A copy of the rejected application is enclosed.

As of this date, Eagleridge has not yet received the written decision of the Town of Holyrood which we expect will document the basis for the rejection of its development application.

At this time, Eagleridge delivers the Appeal Summary Form to record its appeal against and from the Town of Holyrood's rejection of its development application on Tuesday, February 17, 2015.

The completed Appeal Summary Form is transmitted herewith, together with Eagleridge's statement outlining its preliminary grounds of appeal, and the appeal fee of $113.00.

In submitting this correspondence and Appeal Summary Form, we note that Eagleridge has not yet received the formal decision of the Town of Holyrood which is being appealed against. Eagleridge anticipates that such decision is based on the January, 2015 Briefing Report on Proposed Triangle Pond Mineral Exploration Access Road authored by S.N. Clinton. A copy of this Briefing Report is transmitted.

Eagleridge reserves the right to supplement or amplify its preliminary grounds of appeal upon receipt and review of the Town of Holyrood's decision to reject its development application.
Yours very truly,

Stewart McKelvey

Colm St. R Seviour*
Partner

CSS/seg

Enclosures (3)

*Colm Seviour Professional Law Corporation
Application for Development Permit

1. This application is for: (check appropriate box)
   - [ ] Outline Planning Permission
   - [ ] The change of use or type of occupancy of land or building(s)
   - [ ] The demolition or relocation of a building
   - [ ] The erection or display of an advertisement
   - [ ] Permission to occupy a building
   - [ ] Soil removal ______ number of loads

2. Name of Owner
   - [ ] Telephone # (709) 631-0620
   - [ ] Mailing Address
   - [ ] Postal Code
   - [ ] Email:
   - [ ] Signature
   - [ ] Date

3. Name of Applicant (when not owner)
   - [ ] Telephone #
   - [ ] Mailing Address
   - [ ] Postal Code
   - [ ] Email:

4. Location of Site
   - [ ] The subdivision of land for a development
   - [ ] The making of an access onto public road
   - [ ] Soil deposit ______ number of loads
   - [ ] Other (specify) MINE EXCAVATION

5. Describe generally the proposed development

6. Describe the Site
   - [ ] Present Use
   - [ ] Uses of Neighboring Land
   - [ ] Distance from existing building(s) ______ feet
   - [ ] Distance from existing road ______ feet

    Site has frontage to:
   - [ ] Paved/grave/unmade public road; [ ] a road reservation; or [ ] no public access.
   - [ ] State name(s) of road(s) adjacent to site and length of frontage in meters:

7. Describe proposed arrangements for supply of water, disposal of sewage, and storm drainage:

   Town of Holyrood
   P.O. Box 100 Holyrood NL Canada A0A 2R0 Tel: 709/729/725 Fax: 709/729/7268

   Holyrood NL
8. Name of Contractor

9. Estimated value of development

Estimated date of commencement

Estimated date of completion

I, hereby apply for permission to carry out the development herein described. I declare that all information given by me in connection with this application is true and correct to the best of my belief and that the development described in this application if permitted will be carried out in accordance with all applicable laws and regulations of the Province and the Municipality.

Date: Nov 13, 2013 Signature

Conditions:
- Work must not commence until all permits have been issued and conditions adhered.
- The land or building must not be used or occupied without an occupancy permit.
- Any permit issued does not authorize use of crown land or other land without a lease or grant from the crown or permission from the owner.
- This application must be accompanied by a stamped survey.

What do you plan to do?

How will the work be completed?

Appropriate timeline for commencing and completion?

Name of Contractor:

Location of where the fill will be coming from:

Signature of Contractor:

Date:

Have pre-site pictures been provided? Yes / No Photographed by:
Town of Holyrood
Application for a Development Permit

Re: Eagleridge International Limited – Resource Road Development

5. Describe generally the proposed development:

Eagleridge International Limited plans to construct an 11 kilometre Class C Resource Road as per the Environmental Assessment Application to the Department of Environment and Conservation on September 6, 2013 and to carry out mineral exploration on licences 20215M, 20141M, 17545M, 20905M, 21339M, 21522M, 21341M, and 21340M. The mineral exploration activities expected to be carried out on these licences are prospecting, line cutting, soil sampling, ground geophysics, drilling and trenching in accordance with the rules and regulations of the Mineral Act, Department of Natural Resources, Government of Newfoundland and Labrador.
Regional Appeal Boards  
c/o Municipal Affairs, Government of Newfoundland Labrador

APPEAL SUMMARY FORM

- Your appeal and fee must be filed with the Regional Appeal Board (Attention: Robert Cotter) at the address below within the 14 day appeal period.
- The following information is required. With this form, you must submit:
  - a copy or summary of the decision being appealed (See Briefing Report enclosed)
  - statement outlining the grounds for your appeal
  - appeal fee $100.00 plus HST (total $113.00)

In providing the documentation, please check the items indicating that they are submitted with this appeal form.

All information submitted will become part of a public appeal process.

1. (Please check one of the following) Did you,
   - ☑ submit a development or building application to the Authority.  
   - ☐ receive an Order;

Or, are you
   - ☐ an interested third party.

2. I am appealing a decision made under (please check one)
   - ☑ Town of Holyrood Municipal Plan and Development Regulations.
   - ☐ Interim Development Regulations      ☐ Protected Area Plan
   - ☐ Local Area Plan          ☐ Highway Sign Regulations
   - ☐ Protected Road Zoning Regulations   ☐ S. 194 or 404 of the Municipalities Act
   - ☐ S. 240 of the City of Mount Pearl / Corner Brook Acts

3. What decision are you appealing? (please check one)
   - ☑ Approval          ☑ Refusal
   - ☐ Order

4. What is the street address of the subject property/development? Resource Road off Trans Canada Highway to access mineral exploration to be carried out on Licences 20215M, 20141M, 1754M, 20905M, 21339M, 21522M, 21341M and 21340M.

5. When did the Authority make its decision? 

6. When did you receive notification of this decision?

7. Please include any documentation from the authority related to the appeal.

Name: Eagleridge International Limited
Telephone: 709-570-8847
Fax: 709-722-4565
E-Mail: cseviour@stewartmckelvey.com

Mailing Address: Attention: Colm Seviour
Stewart McKelvey, 100 New Gower Street, Suite 1100
PO Box 5038, St. John's, NL
Postal Code: A1C 5V3

I certify that the information provided above is true to the best of my knowledge and belief.

Name: Eagleridge International Limited  
(Please Print)

Signature:  

2/3/2015  
Day Month Year
Regional Appeal Boards

c/o Municipal Affairs, Government of Newfoundland Labrador

This information is being collected for the purposes of determining and administering an appeal in accordance with Sections 13, 14 and 15 of the Urban and Rural Planning Act, 2000 and the Development Regulations (NLR 3/01).

This information will be managed in compliance with the Access to Information and Protection of Privacy Act.
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atipoffice@gov.nl.ca.
PRELIMINARY OUTLINE OF GROUNDS OF APPEAL

Eagleridge International Limited ("Eagleridge") appeals the February 17, 2015 decision of the Town of Holyrood (the "Town") to reject Eagleridge’s application for a development permit (the "Eagleridge Application") to build a resource road and to carry out mineral exploration on mineral licences 20215M, 20141M, 17545M, 20905M, 21339M, 21522M, 21341M, and 21340M – now known as mineral licences 23007M and 17545M (the "Project") on the following grounds:

1. In rejecting the Eagleridge Application, the Town improperly overlooked or disregarded the Town's Municipal Plan and Development Regulations which expressly authorize and permit resource road construction and mineral exploration activities in the area covered by the Project;

2. In rejecting the Eagleridge Application, the Town improperly overlooked or disregarded the release of the Project by the Minister of Environment and Conservation pursuant to the Environmental Protection Act (the "Environmental Release"), which confirmed the environmental suitability of the Project subject to the conditions of the Environmental Release, and thereby improperly substituted its opinion and decision as to the environmental suitability of the Project for that of the Minister of Environment and Conservation;

3. In rejecting the Eagleridge Application, the Town improperly relied upon the January 21, 2015 Briefing Report on Proposed Big Triangle Pond Mineral Exploration Access Road authored by Stanley N. Clinton (the "Clinton Report") which recommended against the Project, which Clinton Report was flawed and an improper basis for the Town to ground its decision for a number of reasons, including:
   (a) The Clinton Report was critical of the Environmental Release;
   (b) The Clinton Report improperly focused on the potential for a mine rather than confining its assessment to the Project, which involved specifically-authorized resource road construction and mineral exploration activities only;
   (c) The Clinton Report contained the unsubstantiated statement that "the Holyrood and Harbour Main are known to have high levels of arsenic in their geology", purportedly leading to the conclusion that "there is a potential that the overall ground disturbance along with possible spillages could impact on the water table and the quality and quantity of water which will be available for future use", which assertions were wholly unsubstantiated;
   (d) The Clinton Report failed to recognize that the likely future sources of the Town's water supply will not be from the Town's watershed area, but will rather be from the City of St. John's infrastructure expansion, or otherwise; and/or
   (e) The Clinton Report failed to comprehend that the general principle of the objective contained in section 2.7 of the Municipal Plan to prevent development within the municipal watershed was legally and properly modified by the Municipal Plan which contemplated the authorization of the Project activities.

4. In all of the circumstances, the Town improperly exercised its decision-making authority and/or its discretion in rejecting the Eagleridge Application.
5. Such further or additional grounds as Eagleridge may advise following receipt and review of the Town's formal decision rejecting the Eagleridge Application.
**INTRODUCTION**

On November 15, 2013, the Town of Holyrood received an application from Eagleridge International Limited for mineral exploration as well as developing an 11 kilometer Class C resource access road. The proposed site is referred to Big Triangle Pond in the Town of Holyrood. The Town published a discretionary use notice in the Shoreline Newspaper on December 4, 2014. A public briefing session was held on January 13, 2015 chaired by an independent consultant. The consultant submitted a briefing report to Council on January 23, 2015. Council considered and refused the subject application at the February 17, 2015 Regular Meeting of Council. The Town notified the applicant in letter dated March 2, 2015. The letter indicated that Council accepted the recommendations outlined in the briefing report submitted by Mr. Clinton and stated the applicant’s right and process to appeal Council’s decision.

In accordance with section 42 of the *Urban and Rural Planning Act, 2000* (the “Act”), Colm St. R Seviour, on behalf of Eagleridge International Limited (“Eagleridge”), filed an appeal with the Eastern Newfoundland Regional Appeal Board against Council’s decision to refuse Eagleridge’s application for mineral exploration and an access road. Eagleridge initiated the appeals process on March 2, 2015. As required under section 42(5) of the Act, the appellant included: a summary of the decision being appealed; grounds for the appeal; and the appeal filing fee.

**ANALYSIS**

In accordance with the Town of Holyrood Municipal Plan and Development Regulations, 2001, the subject property is designated and zoned Watershed. Guiding policy pertaining to the Watershed designation and zone are outlined in the Town’s Municipal Plan under section 3.2.10. One of the objectives listed in section 3.2.10 is to “Protect existing and potential water supplies.” This objective is reiterated in Condition 4, Discretionary Uses, of the Watershed Use Zone Table in Schedule “C” of the Town’s Development Regulations. As per section 6 of the Town’s Development Regulations, all development located within the Town’s planning area boundary must comply with the Town’s Development Regulations.

Eagleridge applied to the Town for mineral exploration and a resource access road. The Town classified the proposed uses as mineral working, which is listed as a discretionary use in the Watershed Use Zone Table in Schedule “C” of the Town’s Development Regulations. Applications for a discretionary use are subject to public notification in accordance with section 32 of the Town’s Development Regulations. As per section 32, the Town published a notice of the discretionary use in the December 4, 2014 edition of the Shoreline Newspaper. Additionally, the Town scheduled a public briefing session chaired by an independent consultant on January 13, 2015 which is not required under the Town’s Development Regulation.
Technical Information and Planning Advice

Regulations. The Chair provided a report to Council on January 23, 2015 recommending the application be refused; drilling and trenching not be permitted in the subject area; and mineral working be removed from the discretionary use list in the Watershed zone.

Council resolved unanimously at the February 17, 2015 Regular Meeting of Council to accept the consultant’s recommendation to refuse the application. As per section 22 of the Town’s Development Regulations, Council must state its reasons for refusing a permit. The Town notified the appellant in writing in the form of a letter dated March 2, 2015. The letter indicated that Council accepted the recommendation from the planning consultant to refuse the application but did not state why. The Board must determine whether the contents of the March 2, 2015 refusal letter satisfies section 22 of the Town’s Development Regulations.

CONCLUSION

The role of the Eastern Newfoundland Regional Appeal Board is to determine if the Town of Holyrood acted in accordance with its Municipal Plan and Development Regulations when it refused Eagleridge’s application for mineral exploration and a resource road in the Big Triangle Pond area of the Town of Holyrood on February 17, 2015.

The decision to refuse a discretionary use is a discretionary decision of Council, as indicated by the use of the word “may” in section 90 of the Town’s Development Regulations. The Board has limited authority when dealing with a matter of Council discretion and derives its authority from the Urban and Rural Planning Act, 2000, section 42. The Board does not have the ability to insert its discretion in place of that of the Council, but rather considers whether Council used its discretion appropriately.

Prepared by:

Lindsay Church, MCIP  
Technical Advisor to the  
Eastern Newfoundland Regional Appeal Board

May 28, 2015
APPENDIX

APPLICABLE LEGISLATION / POLICIES / REGULATIONS

Town of Holyrood Municipal Plan, 2001

3.2.10 Watershed

A. Objective: Protect existing and potential water supplies.

Policy Statements:

(i) The North Arm River drainage area is designated as a Future Water Supply Watershed in the Regional Plan. It is also the intent of this Municipal Plan to protect it and the Harbour Main Pond from existing and future uses that could adversely affect the quality of water in this designated area. (See Maps 1A and 1B).

(ii) The area between Harbour Main Pond and North Arm River drainage area within the Holyrood Municipal Planning Area (see Maps 1A and 1B) falls into another drainage area intended for future water supply to the neighbouring Town of Harbour Main-Chapel Cove-Lakeview. In order to protect the quality of water, Policy Statements 3.2.10 A(ii), and 3.2.10 A(iii) shall also apply to this drainage area.

(iii) It is the policy of the Plan to allow the continuation and minor expansions of the existing uses in the designated Watershed Area, provided that the future water quality in the area is not adversely affected.

(iv) Uses in the designated Watershed Area will be limited to passive recreational activities such as hiking, fishing, and canoeing, until such time as a resource use study is completed which carefully considers the Watershed Area's resources and uses which are compatible with the municipal water supply priority.

(v) The North Arm River (and its tributary streams) is a Scheduled Salmon River under the Newfoundland Fishery Regulations established by the Federal Government. Since the larger part of this river and most of its tributary streams are within this designated Watershed Area, it is the policy of the Plan to refer all applications for development on lands that are adjacent to the river and streams in this designated area to Fisheries and Oceans, Government of Canada, for review, assessment, and authorization.

(vi) The proposed future Lower Churchill Hydroelectric Transmission Line Corridor crosses the designated Watershed area. The current proposal of Newfoundland and Labrador Hydro is for a 65 m corridor which will in part coincide with the existing transmission line corridor south of the Trans Canada Highway. Council will ensure that any potential adverse effects on the water supply are to be mitigated.

Town of Holyrood Development Regulations, 2001

22. Reasons for Refusing Permit

The Authority shall, when refusing to issue a permit or attaching conditions to a permit, state the reasons for so doing.

23. Notice of Right to Appeal (Refer to Minister’s Development Regulations, Section 5, January 2, 2001)

Where the Authority makes a decision that may be appealed under section 42 of the Act, the Authority shall, in writing, at the time of making that decision, notify the person to whom the decision applies of the
(a) person's right to appeal the decision to the board;  
(b) time by which an appeal is to be made;  
(c) right of other interested persons to appeal the decision; and  
(d) manner of making an appeal and the address for the filing of the appeal.

32. Notice of Application  
The Authority may, and when a variance is necessary under Regulation 11 and the Authority wishes to consider whether to authorize such a variance, when a change in nonconforming use is to be considered under Regulation 49, or when the development proposed is listed as a discretionary use in Schedule C of the Regulations shall, at the expense of the applicant, give notice of an application for a permit or for approval in principle, by public advertisement in a newspaper circulating in the area or by any other means deemed necessary, and under Regulation 12 and the Authority shall give written notice of the proposed variance from development standards to all persons whose land is in the immediate vicinity of the land that is the subject of the variance, and allow a minimum period of 7 days for response.

90. Discretionary Uses  
Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Table in Schedule C may be permitted in that Use Zone if the Authority is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if the Authority has given notice of the application in accordance with Regulation 32 and has considered any objections or representations which may have been received on the matter.

Schedule “C” - Watershed Use Zone Table

<table>
<thead>
<tr>
<th>ZONE TITLE</th>
<th>WATERSHED</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERMITTED USE CLASSES - (see Regulation 85)</td>
<td></td>
</tr>
<tr>
<td>Conservation and recreational open space</td>
<td></td>
</tr>
<tr>
<td>DISCRETIONARY USE CLASSES - (see Regulations 22 and 86)</td>
<td></td>
</tr>
<tr>
<td>Agriculture, forestry, mineral workings (no building).</td>
<td></td>
</tr>
</tbody>
</table>

3. Mineral Workings  
The conditions set out in the Mineral Working zone table which apply to Mineral Working uses shall apply to Mineral Workings uses in this zone.

4. Discretionary Uses  
The discretionary use classes listed in this table may be permitted at the discretion of the Authority on lands in the Watershed designation provided that their development will not adversely affect the quality and quantity of water available for domestic supply from the Watershed. The Authority shall consult the Department of Environment and Lands for evaluation of the effect of development proposals on the water quality.