



# THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I

PUBLISHED BY AUTHORITY

Vol. 77

ST. JOHN'S, FRIDAY, OCTOBER 11, 2002

No. 41

## MUNICIPALITIES ACT

### ORDER RESPECTING A FEASIBILITY REPORT

I, Oliver Langdon, Minister of Municipal and Provincial Affairs, pursuant to the provisions of the *Municipalities Act*, make the following Order:

#### ORDER

1. A Feasibility Report shall be prepared to consider the proposed inclusion of the Ridgemont Mines site within the Town of King's Point.
2. Derrick Watton is hereby appointed to prepare the said Feasibility Report.
3. The Feasibility Report shall be prepared in accordance with the provisions of the *Municipalities Act* and shall consider the benefits to the community and the impact on the viability of the mine and shall be completed and submitted to me on or before the 6<sup>th</sup> day of December, 2002.

Dated at St. John's, this 1<sup>st</sup> day of October, 2002.

OLIVER LANGDON  
Minister of Municipal & Provincial Affairs

Oct 11

## URBAN AND RURAL PLANNING ACT

### NOTICE OF REGISTRATION TOWN OF PLACENTIA MUNICIPAL PLAN AMENDMENT NO. 11, 2001 AND DEVELOPMENT REGULATIONS AMENDMENT NO.15, 2001

Take notice that the Town of Placentia Municipal Plan Amendment No. 11, 2001 and Development Regulations Amendment No. 15, 2001 adopted on the 21<sup>st</sup> day of May 2002 (as amended) and approved on the 30<sup>th</sup> day of July 2002, has been registered by the Minister of Municipal and Provincial Affairs.

In general terms, the purpose of Municipal Plan Amendment No 11, 2001 is to further implement the Town of Placentia's goals for heritage conservation and townscape improvements.

In general terms, the purpose of the Municipal Development Regulations Amendment No. 15, 2001 is to run concurrent with the Municipal Plan Amendment No. 11, 2001.

The Town of Placentia Municipal Plan Amendment No 11, 2001 and Development Regulations Amendment No 15, 2002 come into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*. Anyone who wishes to inspect a copy of the Town of Placentia Municipal Plan Amendment No. 11, 2001 and Development Regulations Amendment No. 15, 2001 may do

so at the Town office, Placentia during normal working hours.

TOWN OF PLACENTIA  
Town Clerk

Oct 11

NOTICE OF REGISTRATION  
CITY OF MOUNT PEARL  
MUNICIPAL PLAN AMENDMENT NO. 49, 2002  
AND DEVELOPMENT REGULATIONS  
AMENDMENTS NO. 121, 2002

TAKE NOTICE that the City of Mount Pearl Municipal Plan Amendment Number 49, 2002 and Development Regulations Amendment Number 121, 2002, adopted by Council on the 20<sup>th</sup> day of August, 2002, and approved on the 17<sup>th</sup> day of September, 2002, has been registered by the Minister of Municipal and Provincial Affairs.

In general terms, the purpose of Municipal Plan Amendment Number 49, 2002 is to re-designate property at 1 Churchill Avenue from Institutional to Residential. This designation change will permit the subdivision of the property into two lots, separating First United Church from the Church Manse and thus allowing the Manse to be sold as a private residence.

In general terms, the purpose of Development Regulations Amendment Number 121, 2002 is to re-zone lands as described from Public and Community Services (PB) to Residential Medium Density (RMD) to coincide with the re-designation of Plan Amendment 49, 2002.

The Mount Pearl Municipal Plan Amendment Number 49, 2002 and Development Regulations Amendment Number 121, 2002 come into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*. Anyone who wishes to inspect a copy of the Mount Pearl Municipal Plan Amendment Number 49, 2002 and Development Regulations Number 121, 2002 may do so at the Mount Pearl City Hall, 3 Centennial Street during normal working hours.

CITY OF MOUNT PEARL  
Per: Gerard Lewis, City Clerk

Oct 11

NOTICE OF REGISTRATION  
TOWN OF PORTUGAL COVE/ST. PHILIPS  
DEVELOPMENT REGULATIONS  
AMENDMENT NO. 7, 2002

Take notice that the Town of Portugal Cove/St. Philips Development Regulations Amendment No. 7, 2002 adopted and approved on the 25<sup>th</sup> day of June, 2002, has been registered by the Minister of Municipal and Provincial Affairs.

In general terms, the purpose of the Development Regulations Amendment No. 7, 2002, is to re-designate land located off Dogberry Hill Road from Development Scheme Area 12 to Rural Residential. The purpose of the amendment is to allow for a new seven (7) lot residential subdivision.

The Town of Portugal Cove/St. Philips Development Regulations Amendment No. 7, 2002, comes into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*. Anyone who wishes to inspect a copy of the Town of Portugal Cove/St. Philips Development Regulations Amendment No. 7, 2002, may do so at the Town Office, Portugal Cove/St. Philips during normal working hours.

TOWN OF PORTUGAL COVE/ST. PHILIPS  
Town Clerk

Oct 11

NOTICE OF REGISTRATION  
TOWN OF CARBONEAR  
MUNICIPAL PLAN AMENDMENT NO. 1, 2002  
AND DEVELOPMENT REGULATIONS  
AMENDMENT NO. 2, 2002

Take notice that the Town of Carbonear Municipal Plan Amendment No. 1, 2002 and Development Regulations Amendment No. 2, 2002, adopted on the 9<sup>th</sup> day of July, 2002, (as amended) and approved on the 9<sup>th</sup> day of September, 2002, has been registered by the Minister of Municipal and Provincial Affairs.

In general terms, the purpose of Municipal Plan Amendment No. 1, 2002 is to extend the residential rural designation along Valley Road, across from Carbonear Collegiate School, to accommodate additional residential development.

In general terms, the purpose of Development Regulations Amendment No. 2, 2002 is to carry out Municipal Plan Amendment No. 1, 2002.

The Carbonear Municipal Plan Amendment No. 1, 2002 and Development Regulations Amendment No. 2, 2002 come into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*. Anyone who wishes to inspect a copy of the Carbonear Municipal Plan Amendment No. 1, 2002 and Development Regulations Amendment No. 2, 2002 may do so at the Town Office, Carbonear during normal working hours.

TOWN OF CARBONEAR  
Town Clerk

Oct 11

NOTICE OF REGISTRATION  
TOWN OF CONCEPTION BAY SOUTH  
DEVELOPMENT REGULATIONS  
AMENDMENT NO. 2, 2002

Take notice that the Town of Conception Bay South Development Regulations Amendment No. 2, 2002, adopted and approved on the 17<sup>th</sup> day of September 2002 has been registered by the Minister of Municipal and Provincial Affairs.

In general terms, the purpose of the Development Regulations Amendment No. 2, 2002 is to - Add conditions dealing with the location, size, height and number of accessory building on residential lots; increase the requirement for the diameter of a turning circle at the end of a cul de sac street; add a sideyard requirement on the flanking street of corner lots to the residential and commercial land use zones set out in Schedule C of the Development Regulations

The Town of Conception Bay Development Regulations Amendment No. 2, 2002 comes into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*. Anyone, who wishes to inspect a copy of the Town of Conception Bay Development Regulations No. 2, 2002 may do so at the Town Office in Manuels during normal work hours.

TOWN OF CONCEPTION BAY SOUTH  
Planning Department

Oct 11

NOTICE OF REGISTRATION  
TOWN OF TORBAY  
DEVELOPMENT REGULATIONS  
AMENDMENTS NOS. 4 AND 5, 2002

Take notice that the Town of Torbay Development Regulations Amendments Nos. 4 and 5, 2002 adopted and approved on the 5<sup>th</sup> day of September, 2002, has been

registered by the Minister of Municipal and Provincial Affairs.

In general terms, the purpose of the Development Regulations Amendment No. 4, 2002, is to add condition "f" and condition "g" to the Residential Infill (RI) Land Use Zone Table giving Council the authority to set the frontage or the rearyard depth for an infill serviced lot. These conditions may only be implemented where Council is satisfied that sufficient land is unavailable to meet the minimum frontage of 18.2 metres or the rearyard depth of 14 metres for this land use zone.

The purpose of Development Regulations Amendment No. 5, is to add further conditions for minimum and maximum (setback, sideyard, rearyard, etc) depths to the Residential Large Lot (RLL) Land Use Zone.

The Town of Torbay Development Regulations Amendments Nos. 4 and 5, 2002, comes into effect on the day that this notice is published in *The Newfoundland Gazette*. Anyone who wishes to inspect a copy of the Town of Torbay Development Regulations Amendments Nos. 4 and 5, 2002, may do so at the Town Office, Torbay, during normal working hours.

TOWN OF TORBAY  
Town Clerk

Oct 11

NOTICE OF REGISTRATION  
ST. JOHN'S URBAN REGION REGIONAL PLAN  
AMENDMENT NUMBER 1, 2002 AND  
ST. JOHN'S MUNICIPAL PLAN  
AMENDMENT NUMBER 143, 2002 AND  
ST. JOHN'S DEVELOPMENT REGULATIONS  
AMENDMENT NUMBER 254, 2002

Take notice that the St. John's Urban Region Regional Plan Amendment Number 1, 2002, the St. John's Municipal Plan Amendment Number 143, 2002 and the St. John's Development Regulations Amendment Number 254, 2002 have been registered by the Minister of Municipal and Provincial Affairs.

In general terms, the purpose of St. John's Urban Region Regional Plan Amendment Number 1, 2002 is to redesignate the area within the Kilbride Service limits from "Rural" to "Urban Expansion"

In general terms the purpose of St. John's Municipal Plan Amendment Number 143, 2002 is to amend the land use designation of properties in the Bay Bulls Road area of Kilbride from the "Rural District" to the "Residential

Low Density District” to reflect the fact that municipal water and sewer services have been extended to this area.

In general terms the purpose of St. John’s Development Regulations Amendment Number 254, 2002 is to amend the land use zoning designations of properties in the Bay Bulls Road area of Kilbride from the “Rural Residential Infill (RRI) Zone” and the “Rural (R) Zone” to the “Residential Low Density (R1) Zone” to reflect the fact that municipal water and sewer services have been extended to this area.

The St. John’s Urban Region Regional Plan Amendment Number 1, 2002, the St. John’s Municipal Plan Amendment Number 143, 2002 and the St. John’s Development Regulations Amendment Number 254, 2002 come into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*. Anyone who wishes to inspect a copy of the St. John’s Urban Region Regional Plan Amendment Number 1, 2002, the St. John’s Municipal Plan Amendment Number 143, 2002 and St. John’s Development Regulations Amendment Number 254, 2002 may do so at the City of St. John’s Department of Engineering and Planning Department, 3<sup>rd</sup> Floor, City Hall during regular business hours (Monday through Friday, 9:00 a.m. to 4:30 p.m.)

CITY OF ST. JOHN’S  
Engineering & Planning Department  
Per: Cliff Johnston

Oct 11

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**TRUSTEE ACT  
ESTATE NOTICE**

**IN THE MATTER OF the Estate and Effects of Stephen Dicks, Late, of the Town of Burin, in the Province of Newfoundland and Labrador, Canada, Retired Railway Employee, Deceased**

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of Stephen Dicks, late of the Town of Burin, in the Province of Newfoundland and Labrador, Retired Railway Employee, deceased, are hereby requested to send particulars of the same in writing, duly attested, to the undersigned Solicitors for the Executors of the Estate on or before the 7<sup>th</sup> day of November, 2002 after which date the said Executors will proceed to distribute the said Estate having regard only to the claims of which they shall then have had notice.

DATED AT the Town of Marystown, in the Province of Newfoundland and Labrador, this 3<sup>rd</sup> day of October, 2002.

PICCO & WHITE LAW OFFICE  
Solicitors for the Executors  
Per: Terry D. White

ADDRESS FOR SERVICE:  
P. O. Box 1176  
195-197 McGettigan Boulevard  
Marystown, NF  
A0E 2M0

Oct 11

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**LANDS ACT**

**NOTICE OF INTENT**

*Lands Act*, Chapter 36, S.N. 1991

Notice is hereby given that Byron Noble of Springdale, Newfoundland and Labrador intends to apply to the Department of Government Services and Lands, two months from the publication of this notice, to acquire title, pursuant to Section 7(2) of the said Act, all that piece or parcel of Crown Land situated within fifteen metres of the waters of Davies Brook, in the electoral district of Windsor-Springdale, Newfoundland and Labrador, for the purpose of Parking Lot and being more particularly described as follows:

*Bounded on the North by Davies Brook  
for a distance of 12 m;  
Bounded on the East by Crown Land  
for a distance of 0 m;  
Bounded on the South by Highway 390  
for a distance of 12 m;  
Bounded on the West by Davies Brook  
for a distance of 4 m;  
and containing an area of  
approximately 740 square metres.*

Any person wishing to object to the application must file the objection, in writing, within one month from the date of publication of this notice, with reasons for it, to the Minister of Government Services and Lands, c/o Central Regional Lands Office, P. O. Box 2222, Gander, NF., A1V 2N9.

For further information regarding the proposed application, please contact Byron Noble, (709) 673-4600.

Requests for information on the processing of Crown Land applications under Section 7(2) of the Lands

Act, may be sent to the Central Regional Office at the above address. Telephone (709) 729-3699.

Oct 11

**NOTICE OF INTENT**

*Lands Act, Chapter 36, S.N. 1991*

Notice is hereby given that Harold Young of Mount Pearl, Newfoundland and Labrador intends to apply to the Department of Government Services and Lands, two months from the publication of this notice, to acquire title, pursuant to Section 7(2) of the said Act, all that piece or parcel of Crown Land situated within fifteen metres of the waters of Paddy's Pond, in the electoral district of Topsail, Newfoundland and Labrador, for the purpose of constructing a Hanger and Slipway for float equipped aircraft and being more particularly described as follows:

*Bounded on the North by Paddys Pond  
for a distance of 15 m;  
Bounded on the East by Paddys Pond  
for a distance of 15m;  
Bounded on the South by Paddys Pond  
for a distance of 15 m;  
Bounded on the West by Paddys Pond  
for a distance of 15 m;  
and containing an area of  
approximately 1800 square metres.*

Any person wishing to object to the application must file the objection, in writing, within one month from the date of publication of this notice, with reasons for it, to the Minister of Government Services and Lands, c/o Eastern Regional Lands Office, P. O. Box 8700, 5 Mews Place, St. John's, NF A1B 4J6.

For further information regarding the proposed application, please contact Harold Young, (709) 685-6741.

Requests for information on the processing of Crown Land applications under Section 7(2) of the Lands Act, may be sent to the Central Regional Office at the above address. Telephone (709) 729-3699.

Oct 11

**NOTICE OF INTENT**

*Lands Act, Chapter 36, S.N. 1991*

Notice is hereby given that South Coast Aquaculture of St. John's, Newfoundland and Labrador intends to apply to the Department of Government Services and Lands, two months from the publication of this notice, to acquire title, pursuant to Section 7(2) of the said Act, all that piece or parcel of Crown Land situated within fifteen metres

of the waters of Bay East, in the electoral district of Bellevue, Newfoundland and Labrador, for the purpose of Constructing a Wharf (approximately 50 feet by 20 feet) and being more particularly described as follows:

*Bounded on the North by Bay East  
for a distance of 50 m;  
Bounded on the East by Crown Land  
for a distance of 50m;  
Bounded on the South by Crown Land  
for a distance of 50 m;  
Bounded on the West by Crown Land  
for a distance of 50 m;  
and containing an area of  
approximately 2500 square metres.*

Any person wishing to object to the application must file the objection, in writing, within one month from the date of publication of this notice, with reasons for it, to the Minister of Government Services and Lands, c/o Eastern Regional Lands Office, P. O. Box 8700, 5 Mews Place, St. John's, NF A1B 4J6.

For further information regarding the proposed application, please contact Jim Moores, (709)364-2722.

Requests for information on the processing of Crown Land applications under Section 7(2) of the Lands Act, may be sent to the Central Regional Office at the above address. Telephone (709) 729-3699.

Oct 11

**CHANGE OF NAME ACT**

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C-8 RSN 1990  
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**NOTICE OF APPLICATION  
FOR CHANGE OF NAME**

NOTICE is hereby given that an application will be made to the Minister of Government Services and Lands for a change of name, pursuant to the provisions of the *Change of Name Act*, by me:-

KRISTA LEE TUCKER

of 1103 Cavendish Crescent, Labrador City, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

DYLAN RANDY MICHAEL SIMMS

to

DYLAN RANDY MICHAEL SIMMS-TUCKER

DATED this 16<sup>th</sup> day of September, 2002.

KRISTA LEE TUCKER  
(Signature of Applicant)

Oct 11

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**NOTICE OF APPLICATION  
FOR CHANGE OF NAME**

NOTICE is hereby given that an application will be made to the Minister of Government Services and Lands for a change of name, pursuant to the provisions of the *Change of Name Act*, by me:-

SERENA FEWER

of 4 Haig Road, Grand Falls-Windsor, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

SAMANTHA MARIE BOUZANE

to

SAMANTHA MARIE FEWER

DATED this 23<sup>rd</sup> day of September, 2002.

SERENA FEWER  
(Signature of Applicant)

Oct 11

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**NOTICE OF APPLICATION  
FOR CHANGE OF NAME**

NOTICE is hereby given that an application will be made to the Minister of Government Services and Lands for a change of name, pursuant to the provisions of the *Change of Name Act*, by me:-

ERIN ANN BENNETT MALONEY

of 12 Malta Street, St. John's, A1C 4S1, in the Province of Newfoundland and Labrador, as follows:

To change my name from

ERIN ANN BENNETT MALONEY

to

ERIN ANN BENNETT

DATED this 3<sup>rd</sup> day of October, 2002.

ERIN ANN BENNETT MALONEY  
(Signature of Applicant)

Oct 11

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**NOTICE OF APPLICATION  
FOR CHANGE OF NAME**

NOTICE is hereby given that an application will be made to the Minister of Government Services and Lands for a change of name, pursuant to the provisions of the *Change of Name Act*, by me:-

DEANNE MARGARET WALSH

of 5 Lewington Place, Gander, A1V 2M9, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

JACOB THOMAS WHALEN

to

JACOB THOMAS WALSH

DATED this 30<sup>th</sup> day of September, 2002.

DEANNE WALSH  
(Signature of Applicant)

Oct 11

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**NOTICE OF APPLICATION  
FOR CHANGE OF NAME**

NOTICE is hereby given that an application will be made to the Minister of Government Services and Lands for a change of name, pursuant to the provisions of the *Change of Name Act*, by me:-

BRADLEY PAUL SNOW

of 38 Gilbert Street, St. John's, A1C 1X5, in the Province of Newfoundland and Labrador, as follows:

To change my name from

BRADLEY PAUL SNOW

to

BRADLEY PAUL VOSS

DATED this 18<sup>th</sup> day of September, 2002.

BRADLEY PAUL SNOW  
(Signature of Applicant)

Oct 11

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# THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART II

SUBORDINATE LEGISLATION  
FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT

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Vol. 77

ST. JOHN'S, FRIDAY, OCTOBER 11, 2002

No. 41

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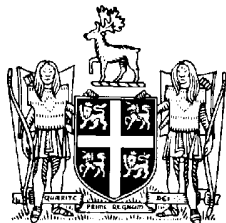
## NEWFOUNDLAND AND LABRADOR REGULATIONS

**NLR 63/02**

**NLR 64/02**

**NLR 65/02**

**NLR 66/02**



**NEWFOUNDLAND AND LABRADOR  
REGULATION 63/02**

*Voisey's Bay Nickel Company Limited Primary  
Production Order*  
under the  
*Mineral Act*  
(O.C. 2002 - 326)

*(Filed October 7, 2002)*

Under the authority of section 31.1 of the *Mineral Act*, the Lieutenant-Governor in Council makes the following Order.

Dated at St. John's, October 7, 2002.

Deborah E. Fry  
Clerk of the Executive Council

**ORDER**

*Analysis*

- |                   |                                       |
|-------------------|---------------------------------------|
| 1. Short title    | 4. Primary production in the province |
| 2. Interpretation | 5. Order continues in force           |
| 3. Best interest  |                                       |

Short title                    **1.** This Order may be cited as the *Voisey's Bay Nickel Company Limited Primary Production Order*.

Interpretation              **2.** (1) In this order

(a) "Act" means the *Mineral Act*;



(b) "lease" means the valid and subsisting lease number 184 dated September 30, 2002 issued to the lessee under the Act for an area situated near Voisey's Bay; and

(c) "lessee" means Voisey's Bay Nickel Company Limited.

(2) In interpreting this Order, the terms "mineral", "mineral ore" and "primary production" shall have the meanings given to them in the Act.

Best interest

**3.** The Lieutenant-Governor in Council is of the opinion that, as a matter of public convenience and general policy, it is in the best interest of the province to grant this order.

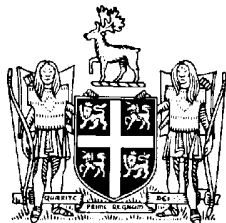
Primary production  
in the province

**4.** The lessee shall complete primary production in the province of all minerals or mineral ores extracted or removed under the lease.

Order continues in  
force

**5.** This Order shall continue in force until the time that it is varied, rescinded or repealed by an order of the Lieutenant-Governor in Council.

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**NEWFOUNDLAND AND LABRADOR  
REGULATION 64/02**

*Voisey's Bay Nickel Company Limited Copper  
Concentrate Exemption Order*  
under the  
*Mineral Act*  
(O.C. 2002 - 328)

*(Filed October 7, 2002)*

Under the authority of section 31.1 of the *Mineral Act*, the Lieutenant-Governor in Council makes the following Order.

Dated at St. John's, October 7, 2002.

Deborah E. Fry  
Clerk of the Executive Council

**ORDER**

*Analysis*

- |                   |                             |
|-------------------|-----------------------------|
| 1. Short title    | 3. Exemption                |
| 2. Interpretation | 4. Order continues in force |

Short title                    **1.** This Order may be cited as the *Voisey's Bay Nickel Company Limited Copper Concentrate Exemption Order*.

Interpretation              **2.** (1) In this order

(a) "Act" means the *Mineral Act*;

(b) "development agreement" means the Development Agreement made as of September 30, 2002 among Her Majesty the Queen in Right of Newfoundland and Labrador, the lessee and Inco Limited;

(c) "lease" means the valid and subsisting lease number 184 dated September 30, 2002 issued to the lessee under the Act for an area situated near Voisey's Bay; and

(d) "lessee" means Voisey's Bay Nickel Company Limited.

(2) In interpreting this Order, the terms "copper concentrate" "project" and "proponent" have the meanings given to them in the development agreement.

Exemption

**3.** Subject to section 4, the lessee shall be exempt from the provisions of the Voisey's Bay Nickel Company Limited Primary Production Order with respect to all copper concentrate for the life of the project.

Order continues in  
force

**4.** This Order shall continue in force until the time that it is rescinded or repealed

(a) as contemplated in section 4.14.3 of the development agreement; or

(b) under subsection 31.1(3) of the Act.

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**NEWFOUNDLAND AND LABRADOR  
REGULATION 65/02**

*Voisey's Bay Nickel Company Limited Matte  
Plant Exemption Order*  
under the  
*Mineral Act*  
(O.C. 2002 - 329)

*(Filed October 7, 2002)*

Under the authority of section 31.1 of the *Mineral Act*, the Lieutenant-Governor in Council makes the following Order.

Dated at St. John's, October 7, 2002.

Deborah E. Fry  
Clerk of the Executive Council

**ORDER**

*Analysis*

- |                   |                             |
|-------------------|-----------------------------|
| 1. Short title    | 4. Suspension of exemption  |
| 2. Interpretation | 5. Termination of exemption |
| 3. Exemption      |                             |

Short title                    **1.** This Order may be cited as the *Voisey's Bay Nickel Company Limited Matte Plant Exemption Order*.

Interpretation            **2.** (1) In this order

(a) "Act" means the *Mineral Act*;

(b) "development agreement" means the Development Agreement made as of September 30, 2002 among Her Majesty the Queen in Right of Newfoundland and Labrador, the lessee and Inco Limited;

(c) "lessee" means Voisey's Bay Nickel Company Limited; and

(d) "production order" means the Voisey's Bay Nickel Company Limited Primary Production Order.

(2) In interpreting this Order, the terms "construction completion date", "government", "matte", "matte plant", "mine", "nickel concentrate" and "proponent" have the meanings given to them in the development agreement.

Exemption

**3.** (1) Subject to sections 4 and 5, if the proponent has constructed the matte plant, the lessee shall be exempt from the provisions of the production order with respect to shipments of nickel concentrate commencing on the construction completion date.

(2) The exemption under subsection (1) shall continue as long as the matte plant is operating and treating matte in sufficient quantities so that the tonnage of contained nickel in the matte processed by the matte plant is not less than the tonnage of contained nickel in the nickel concentrate shipped out of the province as permitted by this order, both on an annual basis and in total, over the life of the mine.

(3) The lessee shall provide to the government an annual accounting of the tonnages referred to in subsection (2) in respect of each year on or before the last day of February of the following year utilizing the assaying procedures set out in Schedule 4.13.2 of the development agreement.

Suspension of exemption

**4.** The exemption under subsection 3(1) shall be suspended while the matte plant is not operating, except during reasonable and necessary periods of routine maintenance and vacation shutdown of the matte plant in accordance with reasonable and prudent industry practices.

Termination of exemption

**5.** The exemption under subsection 3(1) shall terminate on the earlier of the date that

(a) the matte plant has, in the sole opinion of the government acting reasonably, ceased commercial operations; and

(b) the exemption is rescinded under subsection 31.1(3) of the Act.

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**NEWFOUNDLAND AND LABRADOR  
REGULATION 66/02**

*Voisey's Bay Nickel Company Limited Nickel  
Concentrate Exemption Order*  
under the  
*Mineral Act*  
(O.C. 2002 - 327)

*(Filed October 7, 2002)*

Under the authority of section 31.1 of the *Mineral Act*, the Lieutenant-Governor in Council makes the following Order.

Dated at St. John's, October 7, 2002.

Deborah E. Fry  
Clerk of the Executive Council

**ORDER**

*Analysis*

- |                             |                                   |
|-----------------------------|-----------------------------------|
| 1. Short title              | 5. Suspension of shipping rights  |
| 2. Interpretation           | 6. Determination of diligence     |
| 3. Exemption                | 7. Construction of hydromet plant |
| 4. Termination of exemption |                                   |

Short title                    **1.** This Order may be cited as the *Voisey's Bay Nickel Company Limited Nickel Concentrate Exemption Order*.

Interpretation              **2.** (1) In this order

- (a) "Act" means the *Mineral Act*;
- (b) "development agreement" means the Development Agreement made as of September 30, 2002 among Her Majesty the Queen in Right of Newfoundland and Labrador, the lessee and Inco Limited;
- (c) "lease" means the valid and subsisting lease number 184 dated September 30, 2002, issued to the lessee under the Act for an area situated near Voisey's Bay;
- (d) "lessee" means Voisey's Bay Nickel Company Limited; and
- (e) "production order" means the Voisey's Bay Nickel Company Limited Primary Production Order.

(2) In interpreting this Order, the terms "commercial production date", "construction completion date", "decision", "demonstration plant", "demonstration plant completion date", "government", "hydro-met plant", "implementation plan", "nickel concentrate", "processing plant" and "proponent" have the meanings given to them in the development agreement.

Exemption

3. Subject to sections 4 and 5, the lessee shall be exempt from the provisions of the production order with respect to the quantity of nickel concentrate containing up to a maximum total of 355,000 tonnes of contained nickel commencing the later of

- (a) the date of the first shipment of nickel concentrate to the demonstration plant; and
- (b) the demonstration plant completion date.

Termination of exemption

4. The exemption contained in section 3 shall terminate on the earliest of the

- (a) date on which the shipments of nickel concentrate by the lessee have reached a total of 355,000 tonnes of contained nickel;
- (b) construction completion date; and



- (c) date on which it is rescinded under section 31.1(3) of the Act.

Suspension of  
shipping rights

5. The lessee may ship quantities of nickel concentrate out of the province up to the maximum total of 355,000 tonnes of contained nickel referred to in section 3 but where the proponent

- (a) has not delivered the decision to the government by November 15, 2008;
- (b) has not delivered to the government an implementation plan as required by section 4.7.4 or 4.7.5 of the development agreement; or
- (c) the proponent is not proceeding diligently to complete the engineering and construction of the processing plant as required by section 4.7.4 or 4.7.5 of the development agreement

the right of the lessee to ship nickel concentrate out of the province under section 3 shall be suspended, subject to sections 5.3 and 6.5.2 of the development agreement.

Determination of  
diligence

6. Whether the proponent is proceeding diligently to complete the engineering and construction of the processing plant as required by section 4.7.4 or 4.7.5 of the development agreement shall be determined in accordance with section 4.7.6 of the development agreement.

Construction of  
hydromet plant

7. (1) If the proponent has constructed a hydromet plant, in addition to the exemption in section 3, the lessee shall be exempt from the provisions of the production order with respect to the shipments of nickel concentrate containing up to a maximum total of 85,000 tonnes of contained nickel, commencing on the construction completion date.

(2) The exemption referred to in subsection (1) shall terminate on the earliest of the

- (a) commercial production date;
- (b) date on which the shipments of nickel concentrate by the lessee reach the total of 85,000 tonnes of contained nickel; and

(c) date on which it is rescinded under subsection 31.1(3) of the Act.

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